At a General Assembly of the State of North Carolina, begun and held in the city of Raleigh, on Monday, the eighteenth day of November, in the year of our Lord one thousand eight hundred and thirty-three, and fifty-eighth 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 of the House of Commons appeared, exhibited their credentials, were qualified according to law, and took their seats, viz.

Anson county, Pleasant W. Kittrell, Alex. W. Braxton.  
Ashe, Jonathan Horton.  
Beaufort, William L. Kennedy, Sam. Smallwood.  
Bertie, David Outlaw, Thomas J. Pugh.  
Bladen, Robert Lyon, William Jones.  
Brunswick, Samuel A. Laspeyres, Benj. S. Leonard.  
Buncombe, James Weaver.  
Burke, Alney Burgin, David Corpening.  
Cabarrus, Danl. M. Barringer, William McLean.  
Camden, Thomas Tillett, Caleb Barco.  
Carteret, Samuel Leffers, Elijah Whitehurst.  
Caswell, John E. Brown, Stephen Dodson.  
Chatham, Rich'd C. Cotten, John S. Guthrie.  
Chowan, Baker F. Welch.  
Columbus, Caleb Stephens, Marmaduke Powell.  
Craven, John B. Dawson, Frederick P. Latham.  
Cumberland, David M'Neil, Dillon Jordan.  
Currituck, John B. Jones, James M. Sanders.  
Davie, William Wiseman, Henry Ledford.  
Duplin, Alexander O. Grady.  
Edgecombe, John W. Potts, Turner Bynum.  
Franklin, William H. Battle, Joseph J. Macklin.  
Gates, Lemuel Riddick, John Willey.  
Granville, Wm. R. Hargrove, James Wyche.  
Greene, James Harper, Robert L. Allen.  
Guilford, David Thomas.  
Harnett, William M. West.  
Haywood, Ninian Edmonston, John L. Smith.  
Hertford, Isaac Carter.  
Hyde, Daniel Murray, John B. Jasper.  
Iredell, James A. King, William Potts.  
Johnston, John M'Leod, Josiah Houlder.  
Jones, Nathan Fosque, John H. Hammond.  
Lenoir, Blount Coleman, Pinckney Hardie.  
Macon, James W. Guinn, Thomas Tatham.  
Martin, John Cloman, Edwin S. Smithwick.  
Mecklenburg, Wm. J. Alexander, Andrew Grier.  
Montgomery, Francis Locke, Edmund F. Lilly.  
Nash, George Boddie, Ford Taylor.  
New Hanover, Louis H. Marsteller, Stephen Register.  
Northampton, Allen Pierce, Samuel Calvert.  
Onslow, Daniel Thompson, Thomas Ennett.  
Orange, Joseph Allison, John Stockard.  
Pasquotank, William T. Reel, Nathan M. Rayper.  
Perguineus, Benjamin Mullen, Thos. Wilson.  
Person, Robert Jones.  
Pitt, John L. Foreman, Roderick Cherry.  
Richmond, James Williams, Duncan Malloy.  
Robeson, Alex. Watson, Giles S. McLean.  
Rockingham, Benjamin Settle, Philip Irion.  
Rowan, John Clement.  
Rutherford, Osmon B. Irvine, Alanson W. Moore.  
Sampson, Archibald Monk, Dickson Sloan.  
Stokes, Leonard Ziglar, John F. Pointdexter.  
Surry, Danl W. Courts, Harrison M. Waugh.  
Tyrell, Charles M'Cleese, George H. Alexander.  
Wake, Nathaniel G. Rand, Wesley Jones.  
Warren, John Bragg, Thomas J. Judkins.  
Washington, Samuel Hardison.  
Wayne, Colton A. Blackman, Patrick S. Cromwell.  
Wilkes, Benjamin F. Martin, Wm. Horton.  
Grier, Hillsborough, William A. Graham.  
Halifax, William L. Long.  
Edenton, Newbern, Charles Shepard.  
Wilmington, John D. Jones.  
Pazeteville, James Seawell.

A quorum, consisting of a majority of the whole number of members, being present, Mr. Courts moved that William J. Alexander, one of the representatives of the county of Mecklenburg, be appointed speaker; and Mr. Settle moved that James Wyche be added to the nomination. The House thereupon proceeded to ballot under the superintendence of Messrs. Courts and Settle, who, upon counting out the votes, reported that Wm. J. Alexander...
had received a majority of the whole number, and was duly elected. The House concurred in the report, and Mr. Alexander was conducted to the chair by Mr. Courts; from which he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Guthrie, Charles Manly was appointed clerk, and Edmund B. Freeman, clerk assistant.

On motion of Mr. Guthrie, Richard Roberts was appointed door keeper; and John Cooper, Henry Nunnery, Joshua E. Lumsden and Thomas H. Massey were nominated for the appointment of assistant door keeper. A balloting was then had under the superintendence of Messrs. Rand and Jordan, who, upon counting the votes, reported that John Cooper had received a majority of the whole number, and was duly elected. The report was concurred in.

A message was received from the Senate, informing of the organization of that body, and of the appointment of William D. Mosely, speaker; Samuel F. Patterson, clerk; and William J. Cowan, clerk assistant; Thomas B. Wheeler and Green Hill, door keepers; and of their readiness to proceed on public business.

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

TUESDAY, NOVEMBER 19, 1833.

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

On motion of Mr. Marsteller, ordered that a message be sent to the Senate, proposing to ballot immediately for three engrossing clerks, and informing that William Hall, John W. Covington, Thomas L. West, Alfred Lancaster, Thomas J. Word, Thomas F. Jones, Henry S. Clark, Daniel Coleman, Charles Mock and Whitmel Hardy are nominated for the appointment.

Thomas M'Gehee, one of the members elect from the county of Person, appeared, was qualified according to law, and took his seat.

On motion of Mr. Long, ordered that a message be sent to the Senate, proposing that a joint select committee be appointed to wait upon his Excellency the Governor, and inform him of the organization of the Legislature, and of their readiness to receive any communication he may see fit to make. Said committee, on the part of the Commons, consists of Messrs. Barringer and Long. A message from the Senate, concurring in this proposition, and informing that Messrs. Skinner, of Perquimons, and Hinton form said committee on behalf of the Senate.

On motion of Mr. J. D. Jones, ordered that a committee of five persons be appointed to prepare and report rules for conducting the business of the House during the present session; and that, in the mean time, the rules of the last session be observed. Messrs. John D. Jones, Wyche, Bragg, Seawell and Barringer were appointed to compose said committee.

A message from the Senate, agreeing to ballot immediately for three engrossing clerks; informing that the name of Thomas Matthews is added to the nomination, and that Messrs. Clayton and Skinner form their balloting committee. Ordered that said committee, on the part of this House, consist of Messrs. Marsteller and Guthrie.

A message from the Senate, proposing that a joint select committee, con-
sitting of five persons on the part of each House, be appointed to prepare joint rules of order for the government of the two Houses. The proposition was agreed to, and Messrs. John D. Jones, Wyche, Bragg, Seawell, and Barringer appointed to compose said committee on behalf of the Commons.

Mr. Barringer, from the committee appointed to wait upon his Excellency the Governor, reported that that duty had been discharged, and that Governor Swain would, at 12 o'clock this day, make a communication in writing to the General Assembly.

Mr. Marsteller, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman and John W. Covington had each received a majority of the whole number of votes, and were duly elected; and that no other person had received such majority. The report was concurred in, and, on motion of Mr. Marsteller, a message was sent to the Senate, proposing that another balloting be had immediately for one engrossing clerk. The proposition was agreed to, and the House informed that the name of Henry S. Clark was withdrawn from the nomination, and Messrs. Kerr and Caldwell appointed superintendents. Ordered that the Senate be informed that Whitnel J. Hardy is withdrawn from the nomination, and Messrs. John B. Jones and King appointed to conduct the balloting on the part of the Commons.

Mr. J. B. Jones, from the committee appointed to conduct this balloting, 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 be had immediately for an engrossing clerk. The proposition was agreed to. The names of Messrs. Mock, West, Lancaster and Jones were withdrawn from the nomination, and Messrs. Kittrell and Smithwick appointed a balloting committee. A message from the Senate, informing that Messrs. Kendall and Sherard form said committee on their part.

Mr. Guthrie moved that the House now proceed to the appointment of the standing committees; which was not agreed to.

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

To the General Assembly of the State of North Carolina:

Gentlemen:—The most striking characteristic of our republican system of government, is the periodical assemblage of the representatives of the people, clothed with the power, and charged with the interests of their constituents. Experience has shown that the best security for the preservation of our rights is to be found in a deliberative body, selected by the people from among themselves, and returning at short intervals to the bosom of the community to participate in the blessings derived from wise, or the evils flowing from indiscreet legislation. It is apparent that no form of government can be devised, which will afford a guaranty that the common welfare will be promoted, and the public liberty preserved in the hands of incompetent or faithless agents, and that in proportion to the importance of the trust assumed, should be the zeal, fidelity and diligence, with which we enter upon the discharge of our duties.

I trust that I entertain a proper sense of the high responsibility which rests upon the Executive Department, and cherish the disposition to co-operate with you in a hearty endeavour to accomplish every object which may
be necessary to secure the ends for which our Government was established. It is to be recollected, however, that the Constitution for wise purposes, has confided to you the whole power of legislation. The Executive can neither control nor check your proceedings, and even the privilege of advising you upon the subject of your deliberations, seems to be derived rather from custom, sanctioned by its apparent propriety, than from any express constitutional provision. I approach the discussion, nevertheless, of the important subjects which demand your attention with a frankness, inspired by the conviction, that the high privilege with which you are invested, will but render you the more anxious for its proper exercise, and the more disposed to listen with attention to suggestions emanating from a co-ordinate branch of the Government.

A recurrence to our past legislation will show us, that although our predecessors have transmitted to us unimpaired the great charter of our rights, and were anxiously disposed to advance the improvement of the State, by providing facilities for trade, increasing our agricultural productions, diffusing the advantages of education, and adapting our laws to the improved condition of society, little has been done for the furtherance of either of these wise purposes, in comparison with what it is in our power to effect, and with that which the excited hopes and expectations of the community demand.

It is certainly not claiming too much for North Carolina, when we assert that no State in the Union has, from the earliest period of her history, exhibited a more ardent devotion to liberty, or ready obedience to the laws. I regret that the conviction is forced upon me, that her early love of freedom, and immense sacrifices for its attainment and preservation, have not met with the comparative consideration and reward to which they were so justly entitled! This result has been owing in some degree to natural causes, but quite as much to the greater pertinacity, with which the claims of other members of the confederacy have been pressed upon the attention of the General Government. I shall not, at present, pursue this discussion, though I may take occasion to call your attention to the subject in the progress of the session. The settlement of our revolutionary claims, of our claims for expenditures during the late war with Great Britain, the policy pursued by our sister States with respect to the Cherokee Indians, the tendency of which has been to drive them from their borders, and fasten them upon our soil, will require a more minute examination than is consistent with the character of this paper. But if we have received comparatively few advantages of the nature to which I have alluded, I fear it is no less true, that the State Government has been too inattentive to all that concerns the character and interest of the commonwealth.

The apathy which has pervaded the legislation of half a century, is most strikingly exhibited by the fact, that the mere expenses of the General Assembly have ordinarily exceeded the aggregate expenditures of all the other departments of the Government, united to the appropriations which have been made, for the purposes of Internal Improvement. That government cannot be wisely administered, where those who direct the expenditure of the public treasure, receive more for this service than the amount of their disbursements. Let me not be regarded as insisting that the Legislature is sustained at an expense disproportioned to its importance, but as suggesting
a doubt whether its legitimate functions have been performed. I advert to
the circumstance principally to enable me to urge upon you more forcibly,
the propriety of entering upon a system of legislation required by the wants
of your constituents, commensurate with their resources, and worthy the con-
fidence which they repose in your ability to administer their public affairs.

The excitement which seems to pervade every section of the State, upon
the subject of Internal Improvements, has no doubt attracted your attention
and engaged your reflection. The opinion seems to be general, that the
adoption of a more liberal system is essential to the future prosperity of the
State; and that this cannot be effected by individual exertion, unaided by
contributions from the Public Treasury. The Report of the Board for In-
ternal Improvements, will be transmitted to you in a few days, and will af-
ford all the information which that body have been able to obtain, with re-
spect to our several road and navigation companies. It affords me pleasure
to state, that these details will be calculated to correct much misapprehen-
sion, and remove some prejudices with respect to the attempts heretofore
made to improve our internal condition. The situation of some of the cor-
porations is much more prosperous, than many intelligent individuals had
supposed. That there were instances of mismanagement, and that a portion
of the public funds has been expended without producing any substantial
good, cannot be controverted. But the actual public loss, will be found to
be much less than is generally conjectured. When it is recollected, that
at the commencement of our operations in 1818 and 1819, we were entirely
inexperienced, and found it impossible to obtain the aid of a skilful engi-
neer to direct our efforts, that several works were commenced simultaneou-
ly, and that the improvement instead of beginning at the mouths, was com-
mented at the sources of the rivers, the aggregate loss sustained is the sub-
ject neither of great suprise nor serious discouragement. The information
we have acquired, if it does not compensate us for the expenditure incurred
in obtaining it, will not prove without value. The introduction of the Rail
Road system, is the commencement of a new era in the annals of physical
improvement. The cost of any given work can be ascertained with so much
correctness, before its construction is attempted, that prudent men will be
able to compare its probable value with the proposed expenditure, and ar-
rive at a satisfactory conclusion, with respect to the propriety of engaging in
the enterprize.

In addition to the information which will be afforded by the report al-
luded to, with respect to the condition of the public works, the opinion of
the Board will, in obedience to the Act of Assembly creating the corpora-
tion, be presented upon the most important subjects connected with the In-
ternal Improvement of the State. Whether the condition of our country
is susceptible of the improvements recommended?—whether a fund shall
be created proportioned to the magnitude and importance of the enterprize
to be accomplished?—whether the public treasure shall be exclusively em-
ployed, or adequate aid extended to incorporated companies? are enqui-
ries which have received the anxious consideration of the Board, and will
be submitted for your determination. My own opinion is, that the great
channels of inter-communication, in which the whole community is inter-
ested, and which, for that reason, will not probably attract, and are least
likely to be effected by individual enterprize—demand the exclusive at-
tution and patronage of the government. With respect to improvements of a local character, I think the safest and perhaps the wisest course for the Legislature to pursue will be, to incorporate companies in every section of the State where they may be necessary; and to subscribe for a uniform portion of stock in each—on the condition that no part of the public subscription shall be demanded until the private stockholders shall have paid, or secured the payment of their subscriptions. Individuals will rarely be found anxious to engage in a chimerical scheme; and no more satisfactory evidence of the practicability and usefulness of any work, need be required than the fact, that those who recommend it to public patronage, are willing to test the correctness of their opinions by trusting their own capital to the same hazard. We know too, that individuals ordinarily expend their own resources with more prudence and forecast, than those who have the management of an exclusively public fund. If it shall be considered advisable, that the public shall ultimately own any particular work of this character, it may be made a condition in the charter, that the State may at any time resume the franchise, upon the payment of a stipulated sum to the stockholders.

The Report of the President and Directors of the Literary Fund which will be submitted to your consideration at an early day, will shew the result, so far as it has been tried, of the only attempt we have yet made to establish “schools for the convenient instruction of youth, with such salaries, to the masters, paid by the public, as may enable them to instruct at low prices.” The aggregate amount of the fund is at present too small, to justify our entering upon any general system of education. Indeed, were this fund much larger, it may well be doubted whether the period has yet arrived, when it can be judiciously expended, for the promotion of the wise and benevolent purposes contemplated by the founders of our government. The sparseness of our population presents great, perhaps, insuperable difficulties. When, as the result of a wise and liberal system of legislation, the inlets upon our coast shall receive the improvement of which they are susceptible; when our great natural highways, the rivers connected with them, shall assume that condition, in which Providence designs they shall be placed by our hands; when these channels of communication shall be intersected by Rail Roads and Canals; and as the natural consequence of this state of things, agriculture shall receive her appropriate reward, we will have laid the foundation of a school system, as extensive as our limits, and as enduring as our prosperity. A few individuals will not have been selected and cherished as the peculiar objects of public patronage; but the general character of the country will be elevated, and thousands now too poor to afford the blessings of education to their children, will find this, though the most important, but one of many advantages incident to an improved condition of life. Extended commercial facilities will stimulate to agricultural exertion;—increased production afford the means of education; and the diffusion of knowledge operate as the most certain preventive of crime. A more liberal scheme would be better suited to the condition of older and richer communities, and I trust the day is not very distant when it will be so to ours.

From the phraseology of the act establishing the Literary Fund, doubts are entertained whether the intention of the Legislature was to transfer to
that corporation, the proceeds of the vacant and unappropriated swamp lands, or the lands themselves. Acting upon the latter impression, the directors have prepared a plan, by which it is proposed to drain and bring into market, a particular tract of country, and thus test by experiment, the propriety of entering upon a general system of improvement. This plan will accompany the report before alluded to, and the importance of the subject, will ensure for it a favorable consideration.

This region of marshes is represented by the engineers who have explored it, as spreading over a surface of two millions and a half of acres, three fifths of which is the exclusive property of the State. Some of the most intelligent, enterprising and well governed members of the Confederacy, have their little republics confined by narrower limits. It constitutes a twentieth of our own soil in extent, and perhaps an eighth in fertility. It is not only without productive value in its present condition, but is probably more than all other causes, the source of disease, rendering life uncomfortable and insecure; and thus blighting the prosperity of the fairest portion of the State. I believe that no doubts exist among those acquainted with the subject, of the practicability of reclaiming these pestilential wastes, and rendering them abodes of plenty and comparative healthfulness. The effect of all our previous legislation, has been to lock them up from individual appropriation, without making any effort to improve them.

In compliance with the provisions of the act passed at the last session of the General Assembly, to establish the Bank of North Carolina, books of subscription were opened at the several places, and at the periods designated by the third section of the charter. The result is known to you, and is strong evidence, that individual subscriptions of stock cannot be obtained to any banking institution in this State, the direction of which cannot be controlled by the stockholders. Thus this subject, which occupied so much time at the last session, returns upon you with renewed and increased claims to your attention. The regulation of the currency of the country, is at all times a delicate and difficult subject of legislation, but is at present peculiarly so. The dividends which have been declared during the present year, of the capital stock of the State Bank and Bank of Newbern, amount to nearly one third of the entire banking capital of the State. The objections which exist to the charter of the Bank of North Carolina, have had the effect, it is understood, to induce a portion of the stockholders to seek investments for their money in other sections of the Union. A great diminution of the circulating medium, has of course taken place. In addition to this, it is now regarded as at least probable, that the Bank of the United States will not be rechartered. It will require the exercise of all your wisdom and prudence, to preserve the community from the evils which these combined causes threaten to produce.

Whether the original establishment of banking institutions in this State, was the result of wise legislation, is matter rather of curious speculation, than useful enquiry. The currency of the country is now, and must continue to be a paper currency; and the only alternative presented, is the choice between bills emitted by our own citizens within our own limits, and subject to our laws; or by the citizens of other States, entirely exempt from our influence and control. As banks are indispensable, all will prefer a domestic to a foreign institution. The important question to be deter-
mined is, what shall be the character of the corporation? Shall a bank be created, founded upon public funds, and governed by public officers, with a capital sufficiently large to supply a circulating medium commensurate with the wants of the community? or shall several banks be chartered, in which the State may subscribe such portion of the stock as she chooses, the government and direction being confined to the individual stockholders?

I shall submit my views upon this subject with great deference to the opinions of those more conversant with it. I have had no experience in the management of monied corporations, and except upon an occasion, when some investigation of the constitutionality and expediency of a Bank of the State, became a public duty, such enquiries have rarely attracted my attention. At that time, I entertained doubts with regard to both, and my subsequent reflections have had no tendency to remove them. I doubt the constitutional right to establish such an institution, because it seems to me that its issues, though termed bank notes, are substantially bills of credit. I forbear entering into the discussion of this proposition, and will state very briefly some of the objections which suggest themselves to the expediency of the measure. Of the power of the General Government to establish a Bank of this character, perhaps no scruples need be entertained. The ability of the nation to maintain such an institution, is vastly greater than ours; yet the experiment has never been tried, and at the present period receives encouragement from no class of politicians. If successfully managed, as it might be for a time, I think there is too much danger, that it would ultimately connect itself with the politics of the country, and have a tendency to corrupt the people and their representatives. Finally, if contrary to all experience, individuals should be found, who having no interest of their own to sharpen vigilance, should yet bring to the management of such a corporation the requisite attention, skill and integrity, it may then be prudent to inquire whether a general state of indebtedness on the part of the governed to the government can be free from the dangers here, that have attended it elsewhere? If it be a blessing incident to a public debt, that the creditor has a direct pecuniary interest in the maintenance of the government, does not the converse of the proposition follow that when the government is the creditor, the debtor has a direct pecuniary interest inducing the destruction of the government? Why are the public lands sold for cash rather than on a credit? The experience acquired at our Public Treasury upon this subject is entitled to consideration. The head of that department, has not always found it an easy matter, to reduce into possession the few debts which have at various times been due to the State from her citizens. Success has more rarely attended his efforts in such cases, and when successful, it has been after longer intervals than ordinarily characterize the transactions of individuals. Would it be otherwise if the debts really due to the State were nominally due to a Bank?

The great error, I apprehend, which prevails on this subject, is, that we are disposed to establish a Bank, rather as an expedient to relieve us from taxation, than with a view to the great object to be attained by such an institution, a sound circulating medium. In the management of public as of private affairs, we are sometimes tempted to neglect that system of policy which finds its appropriate reward in patient industry, and hope to secure prosperity by some scheme of speculation, which is the most alluring when
the least understood. We forget that the Public Treasury must at last be replenished from the pockets of the community; and that the indirect, is frequently the most unequal and oppressive species of contribution. Bank stock is certainly a legitimate subject of revenue; but the stockholder should pay for the privileges conferred upon him, just so much as he receives over a fair rate per cent. on his investment, in the ordinary course of dealing, and no more. A greater exaction has a tendency either to impede the operations of the Bank, or give rise to the opposite evil, excessive issues. In the former case, a scarcity of circulating medium is produced; in the latter, the community for the use of a depreciated currency pay an indirect tax, greatly larger in amount than the actual revenue flowing into the Treasury. It is impossible to ascertain with precision the amount of losses sustained, since the establishment of the existing Banks, by the depreciation of their notes. I think, however, that an attentive examination will satisfy every one, that it must exceed the entire revenue, which has been derived from all these institutions.

I venture therefore, to recommend the establishment of Banks at such places as the business of the country may require, the aggregate amount of capital not to exceed three millions of dollars, and the direction to be confined to the individual stockholders. The dividends never to exceed such rate per cent. as may be regarded a fair equivalent for the use and hazard of the investment. The average amount of public monies on deposit, to be considered as capital stock, and the Public Treasurer to be entitled to dividends accordingly.

Among the various subjects which will come before you, the revision of the whole body of our public statute laws may be mentioned as deeply interesting to the community. The earliest statute in force in this State, was enacted in the year 1235, in the reign of Henry the third. Our revised code as it is termed, commences with the provincial laws passed by the General Assembly which sat at Little River in 1715, omitting the entire legislation of the mother country with regard to this State, during a period of four hundred and ninety years, and embracing more than a hundred entire statutes or parts of statutes. Of these, many relate to the criminal law of the country, several create capital felonies or punish capitally, offences that were previously subject to a milder penalty; and yet, it is believed that complete copies of these enactments are not to be found in half a dozen libraries in the State. A part of those in force, and many not in force, were published in Newbern, thirty years since, but the work did not equal public expectation and is now out of print. The lives, the liberty and property of our citizens are thus subject to the enactments of a government, widely dissimilar from ours, which few have read, or had it in their power to read. The legislation of nearly five centuries is a sealed book to the great body of the community, and in some degree, even to the profession whose interest and duty render the study of the law the business of life. It is but a short time since, the question whether a statute regulating the trial of an individual for a capital felony was in force in this State, became the subject of solemn argument before the Supreme Court, and called forth directly opposite opinions from the Judges. The truth is, that not only the source but the very existence of our statute law, is, as remarked by an elegant writer, with regard to the common law, "as undiscoverable as the sources of the Nile." In
such a state of things, the expounder of the law alone is safe. The Executive and legislative departments of the government cease to be co-ordinate with the Judiciary, since the latter has not only the right to construe the whole body of legislation, but the privilege of declaring the existence within this State of any portion of the immense mass of British statutes, enacted anterior to the period at which we begin to legislate for ourselves. — I intend no disrespect to the Judiciary—the difficulty does not arise from a disposition on their parts to encroach upon the other departments of the government; but from an omission of the Legislature to perform its own functions. The task of revising and expense of publishing this Code, would be of little moment in comparison with its importance. The Laws and Journals of a single session are much more voluminous than such a work would be if properly executed.

A judicious legal reform should, however, extend to all the subsequent enactments, by which we are governed. Competent judges entertain the opinion that the bulk of our statute book might be lessened at least one third by a repeal of statutes which are in effect obsolete, and others, the object of which has been attained by subsequent enactments. The whole of the legislation from 1715 to 1777, with the exception of the statutes of limitation, the registry acts, and a few others, might with propriety be expunged from our Code, as surplusage. Many subsequent acts, and some of them connected with the criminal law, should share a similar fate. It is a capital felony, for instance, to counterfeit the notes of the Bank of North America, which have no circulation within this State. Various laws encumber the pages of the revisal, providing for the punishment of counterfeiting our revolutionary bills of credit, the necessity of which ceased years since with the existence of the bills themselves. An antiquary would at present be much more disposed to trace out their similitude than a counterfeiter.

Is it not strange, that our Revisal should exhibit to the citizen, various enactments to punish offences which cannot be committed, and conceal from his view innumerable penalties attached to actions, which he does not know to be wrong? It is submitted to your wisdom to determine whether a legal system so perplexed, intricate and uncertain, is suited to the genius of our institutions, and the character of our citizens.

The Public Treasurer in his last annual Report, called the attention of the Legislature to the fact, that for several years past the disbursements at the Treasury had exceeded the revenue, and suggested that a revision of the laws regulating the assessment of lands, would probably have the effect of supplying the deficiency. By the law as it now stands, the tax paid upon real estate depends quit as much upon the integrity of the citizen as the value of his property, the greatest burthen is of course imposed upon the most meritorious portion of the community, and the State is deprived of one third of the revenue which should accrue from this source. It seems to me that the whole series of legislation upon the subject of revenue, requires revision and amendment. There is perhaps no tax which can be devised less equal in its operation, than a poll tax, and none more so than an income tax. By our system more than a third of our entire revenue is derived from the former, while no supplies are drawn from the latter source. Real estate contributes to the support of the government, an amount nearly equal to the poll tax,
while a comparatively small sum is levied upon every other species of property, and none upon monied capital.

If we examine another branch of the system, the inequality is still more glaring. Three fourths of the taxes paid by the people of this State, are imposed by the County Courts, and so far as my information extends, the burthen is sustained exclusively by the polls and by real estate. Why should this radical difference exist between the system of State and county taxation? Under the former the capitation levy is the same in amount with that paid by the three hundred dollars value in land, under the latter a different rule exists in practice in almost every county. The result is that nothing like system or uniformity can be said to prevail in the arrangement of our fiscal concerns.

It is a fundamental principle of the Government "that the people ought not to be taxed without the consent of themselves or their representatives in General Assembly freely given." A proper regard for this article of the Declaration of Rights may prompt the enquiry, whether the virtual surrender by the Legislature, to the Justices of the County Courts of three fourths of the power to lay taxes, is in exact accordance with the spirit of the provision. I call your attention to this subject, with less hesitation, because we can entertain no hope of success in any attempt to improve the condition of the country, without a substantial change of the policy hitherto pursued. The burthen of taxation should be equalized, its range must be enlarged, and the aggregate amount increased, if we expect to sustain the character and credit of the State, in the promotion of any liberal enterprize.

I beg leave to recommend to your consideration the accompanying correspondence of James Wyche, Esquire, Superintendent of Public Works, with this Department, relative to the duties and compensation of that officer. It will be perceived that further legislation is necessary to secure the services of any individual competent to the correct discharge of that important trust.

In compliance with the resolution passed at the last session of the General Assembly, I have purchased, and transmitted to the Executive Department of each State and Territory in the Union, a copy of MacRae’s Map of this State. I cannot permit myself to allude to this subject, without venturing to suggest, that if a copy were procured at the public expense, and forwarded to each of the Clerks of our Superior Courts, to be placed in their respective court houses, it might have a tendency to diffuse more generally among our citizens correct knowledge of the geography of our State, and discharge in some degree the obligation which the community is under to the enterprising publisher.

I transmit in file marked A, the Ordinance and Report of the Convention of South Carolina; Resolutions of the Legislatures of Maine, Massachusetts, New Jersey, Delaware, New York, Mississippi, Indiana and Illinois, approving the Proclamation of the President of the United States, and reproving the proceedings of the people of South Carolina; from Connecticut and Maryland, approving the Proclamation and the Tariff, and disapproving the doctrine of Nullification; from Alabama, disapproving the Tariff and reproving Nullification; from New Hampshire, approving the Proclamation and commending the exercise of the Veto; and from Virginia, recommending to the people of South Carolina to rescind their Ordinance, and to Congress to modify the Tariff Laws. The file marked B, contains Resolu-
tions of the Legislature of South Carolina, recommending the call of a Convention to determine questions of disputed power between the States and the General Government; and Resolutions from Massachusetts, Delaware, Ohio and Mississippi, dissenting from the proposition. In the file C, will be found Resolutions of the Legislatures of New Hampshire, Delaware and Illinois, recommending the passage of a law by Congress for the more perfect and uniform organization of the Militia; from Massachusetts and Pennsylvania, requesting the Governors of the several States to recommend to their respective Legislatures, the adoption of such measures as may be necessary to ensure a speedy and entire abolition of Lotteries; and from New Hampshire, Resolutions proposing an exchange of Law Reports. These papers will doubtless receive the respectful consideration to which they are entitled, by the importance of the principles discussed, and the high sources from which they emanate.

My Private Secretary will lay my Letter Book before you, together with such resignations of militia officers and justices of the peace as have been received since the adjournment of the last General Assembly.

The death of Chief Justice Henderson, the last of the three illustrious men, who constituted the first Supreme Court, held under the present system, has caused a vacancy in the high office, which he filled for so many years with such distinguished ability, integrity and usefulness. The election of a successor, is among the many important duties which demand the attention of the Legislature at the present session.

In this annual message, I have deemed it proper to direct your attention to the most important subjects of legislation. Various matters of less general interest, but which are nevertheless worthy of your consideration, will be communicated in due time.

In the remarks which I have deemed it my duty to submit to you, I have endeavored to unite that frankness which is of the essence of our free institutions with the respect due to the immediate representatives of the people. If I have failed in either, I trust it will be attributed to no want of disposition to discharge with fidelity the obligations imposed upon me by the station I occupy. My opinions have been expressed with an earnestness inspired by a conviction of their correctness, unaccompanied, however, by any vanity that can be pained by the detection of their fallacy. I have no other ambition than to unite with you in the adoption of such measures as shall be best calculated to develop and improve our physical and intellectual resources; to promote the prosperity and advance the character of the State.

I have the honor to be, gentlemen, with high considerations, your obedient servant,

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, North Carolina, Wednesday, November 18th, 1833.

The foregoing communication was read, and, on motion of Mr. Barringer, ordered that it be transmitted to the Senate, with a proposition that it be printed, three copies for each member of the General Assembly.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.
Mr. John D. Jones, from the committee appointed to prepare rules of order for the government of this House during the present session, reported the following, which were read and adopted, viz.

TOUCHING THE DUTY OF THE SPEAKER.

1. 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.

2. 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.

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

4. 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 a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, 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.

5. 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, except in case of sickness.

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

7. 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 lost.

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

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

16. No member shall speak more than twice on the same question, without leave of the House.
17. Whilst the Speaker is putting any question, or addressing the House, no person shall speak or walk out, or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.

18. 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.

19. 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.

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

22. 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.

23. 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.

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

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

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

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

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

34. 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.

35. 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.

36. 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 vote.

37. 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.

38. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion two thirds of the House shall be required.

COMMITTEES.

39. 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.

40. A select standing committee, consisting of nine members, shall be appointed at the commencement of the session by the speaker, and be denominated "the committee on the Judiciary."

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

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

48. 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?" It no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

49. 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.

50. 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.

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

52. 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.

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

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

Charles Phelps, one of the members from the county of Washington, appeared, produced his certificate of election, was qualified and took his seat.

The speaker laid before the House the annual communication of the Public Treasurer. On motion of Mr. Pierse, ordered that the reading be dispensed with, and that the document be transmitted to the Senate, with a proposition that it be printed, one copy for each member of the General Assembly.

Mr. Smithwick, from the committee appointed to conduct the balloting for an engrossing clerk, made a report, which was laid upon the table, and, on motion of Mr. Guthrie, ordered that a message be sent to the Senate, proposing that another balloting be had immediately. A message from the Senate, concurring in this proposition, informing that the name of Thomas Matthews is withdrawn from the nomination, and that Messrs. Moore and Morrison compose their balloting committee. Ordered that Messrs. Waugh and Laspeyre conduct said balloting on the part of the Commons.

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. Willey, Smithwick, J. W. Potts, M'Leod, Marsteller, Judkins, M'Nell, Wesley Jones, Thomas, Clement, Roberts, Tatham and Courts.


Mr. Laspeyre, from the committee appointed to conduct the balloting for an engrossing clerk, reported that William Hall had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

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

The resignations of E. D. Austin, as colonel commandant of the 64th regiment of North Carolina militia; of Joseph Wafford, of Bertie county; of David Fowler, of Burke; and of John Rasbury, justices of the peace, were presented, read and accepted.

The following resignations received from the Senate, were read and accepted: Richard T. Brownrigg, as brigadier general of the 18th brigade; Zebedee Rush, as colonel commandant of the 55th regiment; Robert G. Murdock, as lieutenant colonel of the 55th regiment; Josiah Maulsbys, as major of the 85th regiment of the militia; and of Miles W. Abernathy, of Lincoln, Isaac Waters, of Lenoir, John Jackson, of Lenoir, and of Robert W. Harris, of Rutherford, justices of the peace of their respective counties.

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

Thursday, November 21, 1833.

Joseph Henry, one of the members elect from the county of Buncombe, appeared, produced the certificate of his election, was qualified according to law, and took his seat.

The speaker, in obedience to the rules of order, appointed the following committees:


The committee on Private Bills, consisting of Messrs. M' Cleese, Sanderson, Daniel, Thompson, Kennedy, Judkins, Wesley Jones, Allison, Cotten, Montgomery, J. Williams, Martin and Corpening.

The committee on Finance, consisting of Messrs. Wyche, Calvert, Leonard, Smallwood, Lilly, Brandon, Edmonston and Mullen.

Mr. Wyche, from the committee, raised on the joint rules of order of the two Houses, reported that it is inexpedient to make any alteration therein. The report was concurred in.

Allen Peeples, one of the members elect from the county of Guilford, appeared, produced his certificate, was qualified according to law, and took his seat.

On motion of Mr. Marsteller, ordered that a message be sent to the Senate, proposing to raise a joint select committee to be denominated the committee on Military Affairs. Said committee, on the part of the Commons, consists of Messrs. Marsteller, Ledford, Ziglar, Burgin and Welch.

On motion of Mr. Pierse, ordered that the Rules of Order, together with
the Rules of the Senate, the Joint Rules of the two Houses, the Constitution of the State and of the United States, be printed, one copy for each member of the House.

On motion of Mr. John D. Jones,

Resolved, That so much of the message of his Excellency the Governor as relates to the improvement of the State, be referred to the committee on Internal Improvement; that so much thereof as relates to the Literary Fund, be referred to the committee on Education; that so much thereof as relates to land assessment, be referred to the committee on Finance; and so much as relates to McRae’s Map of the State, to a select committee.

On motion of Mr. Fisher,

Resolved, That a message be sent to the Senate, proposing to appoint a joint select committee, to consist of seven members on the part of each House, whose duty it shall be to take under consideration the condition of the currency of the State, and to inquire into the expediency of establishing a bank; and if, in their opinion, it be expedient to establish a bank, then to inquire whether the same should be a Bank of the State, to be owned exclusively by the State, or a bank, to be owned exclusively by individuals, or by individuals and the State conjointly; and that they have leave to report by bill or otherwise.

On motion of Mr. McLeod,

Resolved, That so much of the Governor’s message as relates to revolutionary claims and expenditures during the late war, be referred to a select committee.

On motion of Mr. Pierse,

Resolved, That so much thereof as relates to the revision of our public statute laws, be referred to the committee on the Judiciary.

On motion of Mr. Gwill,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee on so much of the Governor’s message as relates to the Cherokee Indians.

On motion of Mr. Monk,

Resolved, That a message be sent to the Senate, proposing that so much of said message as relates to communications from several of the States of this Union, be referred to a joint select committee.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee on Military Affairs, and informing that said committee, on the part of the Senate, consists of Messrs. Moye of Greene, Norman, Jones, Hinton and Kerr.

A message from the Senate, informing that Messrs. Jones, Morrison, Kendall, Simmons, Kerr; Moye of Pitt, Skinner of Perquimans, and Stone form the joint select committee of Finance on the part of the Senate; and that Messrs. Hall, Skinner of Chowan, Mebane, Mendenhall and Stedman compose, on their part, the committee on the Joint Rules of Order.

A message from the Senate, proposing that a joint select committee, consisting of one member from each congressional district on the part of each House, be raised, whose duty it shall be to take into consideration so much of the Governor’s message as relates to Banks and the circulating medium. The message was read, and, on motion of Mr. Courts, laid on the table.—Subsequently the said message was, on the motion of Mr. Fisher, called up and considered; when it was resolved that this House do not concur there-in.

Mr. Marsteller presented a bill to repeal part of an act, passed at the last session of the General Assembly, entitled an act directing the manner in which constables shall hereafter be elected in the counties of Davidson, Buncombe, Chatham, Currituck, Wilkes, Duplin; New Hanover, Surry, Wayne, Hyde and Onslow. The said bill was read the first, second and third times, passed, and ordered to be engrossed.

The resignations of Daniel Coleman, as lieutenant colonel of the 85th regiment of militia; of John Holloway and Joel Lunsford, of Wilkes county; of William Crump, of Chatham; of D. Lindsey, sen. of Currituck; of Mar-
tin Shuford, of Rutherford; of John B. Thompson, of Onslow; of John B. Archboll, of Beaufort; of Luke R. Simmons, of Columbus; of John Cook, of Macon; and of Frederick Walser, of Davidson county, justice of the peace, were presented, read and accepted.

The resignations of Marmaduke Powell, as colonel commandant of the 85th regiment of militia; of Burgess B. White, of Onslow county; of Isaac Headen, of Chatham; and of Wyatt Nance, of Anson county, justices of the peace, received from the Senate, were read and accepted.

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

Friday, November 22, 1833.

Joseph Gillespie, one of the members elect from the county of Duplin, and John R. J. Daniel, one of the members from the county of Halifax, appeared, produced their credentials, were qualified according to law, and took their seats.

Mr. Edmonston presented a bill for the better administration of justice in the county of Haywood; which was read the first time and passed.

Mr. J.W. Potts presented the petition of Eliza Viverett, of Edgecombe county, praying to be divorced from her husband; which was read, and, on motion of Mr. Potts, referred to the committee on Propositions and Grievances.

A message from the Senate, informing that Messrs. Skinner, of Chowan, Moore and Stone compose, on the part of the Senate, the joint select committee on the Library, and Messrs. Elliott and Skinner, of Pasquotank, their committee on enrolled bills.

Messrs. M'Leod, Wyche, Coleman, Wm. M'Lean and Roberts were appointed to compose the select committee heretofore ordered to be raised on that part of the Governor's message relating to the Revolutionary claims and expenditure of the State during the late war.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to repeal an act, passed at the last session of the General Assembly, chapter 1st, entitled an act to establish the Bank of North Carolina; a bill to incorporate Sandy Ridge Academy, in the county of Chowan; and a resolution for the committee of Finance; and asking the concurrence of this House. The last named bill and resolution were read the first time and passed. The bill to repeal the act to establish the Bank of North Carolina, was, on motion of Mr. Long, laid on the table, when Mr. Seawell gave notice that he should, on to-morrow, move a suspension in this case of the 54th rule of order, which requires the law intended to be repealed to be read at each separate reading of said bill.

Mr. Thompson presented a bill to authorise the County Court of Onslow to transcribe certain records; which was read the first time and passed.

Mr. Seawell presented the petition of sundry citizens of the town of Fayetteville, praying the emancipation of Joseph Hostler, a man of color. Said petition was read, and, on motion of Mr. Seawell, referred to the committee of Propositions and Grievances.

On motion of Mr. Smithwick,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the present laws made for the benefit of insolvent debtors, as to abolish imprisonment for debt, except in cases of fraudulent concealment; and that they report by bill or otherwise.
On motion of Mr. Monk, ordered that a message be sent to the Senate, proposing that the two Houses, on to-morrow, proceed to the election of a Public Printer; and informing that Messrs. Lawrence & Lemay, Gales & Son and Charles R. Ramsay are nominated for the appointment.

Messrs. King, Battle and Jordan were appointed to compose, on the part of the Commons, the joint select committee on the Library.

Mr. Kittrell presented a bill to extend and continue in force certain acts of the General Assembly for regulating the times of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson. The said bill was read the first time and passed.

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

To the General Assembly of North Carolina:

GENTLEMEN:—I transmit herewith the annual report, required by law to be submitted to the Legislature, of the proceedings of the president and directors of the Literary Fund.

I have the honor to be, &c. &c. &c.

D. L. SWAIN.

On motion, ordered that the same be sent to the Senate, with a proposition that they be printed.

On motion of Mr. Irvine,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, to consist of seven members on the part of each House, whose duty it shall be to take under consideration the propriety of amending the Constitution of the State, and to inquire what mode is most expedient to adopt for the accomplishment of the same; and that they report by bill or otherwise.

Messrs. Guthrie, Waugh, Pugh and Brown were appointed to compose the joint select committee on enrolled bills.

A message from the Senate, agreeing to the proposition to raise a joint select committee of seven, on the part of each House, upon the subject of the currency of the State and the establishment of Banks, and informing that Messrs. Martin, of Rockingham, Montgomery, Hoke, Hall, Skinner, of Chowan, Beard and Edwards compose said committee on their part. Said committee, on the part of the Commons, consists of Messrs. Fisher, Seawell, Shepherd, M'Gehee, Outlaw, Wyche and Roberts.

A message from the Senate, agreeing to the proposition of this House that so much of the Governor's message as relates to the Cherokee Indians, be referred to a joint select committee, and informing that Messrs. Brittain, of Macon, Phillips, Clayton, Dodson and Sherard compose said committee. Said committee, on behalf of the Commons, consists of Messrs. Guinn, J.L. Smith, Outlaw, Dodson and J. W. Potts.

A message from the Senate, agreeing to refer to a joint select committee so much of said message as relates to the communications from the Legislatures of sundry States, and informing that Messrs. Harrison, Foy, Moye, of Pitt, Nash and Vanhook compose their committee. Said committee, on the part of the Commons, consists of Messrs. Monk, Courts, Fisher, Long and Bragg.

On motion of Mr. Fisher,

Resolved, That the clerks of the two Houses be instructed, and they are hereby directed to collect the Journals and Acts of Assembly, and such State papers as belong to the State, and cause the same to be deposited in one of the rooms in the upper story of the Government House, there to remain for the use of the members and officers of the two Houses.

Said resolution was read and adopted, and ordered to be engrossed.
On motion of Mr. Weaver,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five persons from each House, whose duty it shall be to inquire into the expediency of selling the Cherokee lands belonging to the State; and that they report by bill or otherwise.

On motion of Mr. Smithwick,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of placing fines imposed by courts of justice in this State, upon the same footing with other judgment debts.

The engrossed bill to incorporate Sandy Ridge Academy, in the county of Chowan, was read the second and third times and passed, and ordered to be enrolled.

Mr. Irvine presented a bill to give longer time for paying in entry money for lands entered in the county of Rutherford; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Register presented a bill concerning the retailers of spirituous liquors in the county of New Hanover; which was read the first time, and, on motion of Mr. Marsteller, rejected.

The resignations of Milton Campbell, as lieutenant colonel of the 2d regiment of Iredell militia; of B. Brittain, a colonel of the 19th brigade of the cavalry, and of William Jackson, of Chowan county, and of Isaac Sawyer and John Jordan, of Hyde county, justices of the peace, were presented, read and accepted.

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

Saturday, November 23, 1833.

On motion of Mr. J. D. Jones, ordered that a message be sent to the Senate, proposing that the two Houses, on Thursday next, proceed to the election of a Judge of the Supreme Court, to fill the vacancy occasioned by the death of Chief Justice Henderson, and informing that William Gaston, of Newbern, is nominated for the appointment.

Mr. Seawell, on motion, obtained leave to withdraw from the files of this House certain cancelled notes of Edward Rigsbee, which had been given for the purchase of a tract of land belonging to the State.

Messrs. M’Neill, Smithwick, Henry, Grier and Marsteller compose the select committee on that part of the Governor’s message relating to M’Rae’s map of the State.

On motion of Mr. Monk,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of digesting and amending the present patrol laws; and that they report by bill or otherwise.

On motion of Mr. R. Jones,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law prohibiting the trading with slaves, as to prohibit any person or persons from buying from, trafficking with, or receiving from any slave or slaves any article of personal property whatever, except it be in the same manner and under the same restrictions as are already provided by law for such prohibited articles as are expressly enumerated; and that they report by bill or otherwise.

A message from the Senate, proposing that a joint select committee be raised, consisting of five members from each House, to examine whether the public printing for the State cannot be done upon terms more advantageous; and to report by bill or otherwise. The proposition was agreed to, and Messrs. Wesley Jones, Harper, Watson, Pugh and Guthrie appointed to compose said committee on the part of the Commons.

The engrossed resolution for the committee of Finance, was read the second and third times, passed, and ordered to be enrolled.
The bill for the better administration of justice in the county of Haywood, was read the second time and passed.

Mr. Kittrell presented a bill to incorporate Morven Academy, in the county of Anson; which was read the first and second times and passed.

A message from the Senate, informing that they have passed the following engrossed bills, viz. A bill to repeal, in part, an act passed at the last session of the General Assembly, chapter 152, entitled an act to regulate the Courts of Pleas and Quarter Sessions of the counties of Washington and Hyde; a bill to abolish the office of County Trustee, in the counties of Nash, Columbus and Pasquotank; and a bill to amend an act, passed in the year 1829, entitled an act for the protection of the bridge erected across Scuppernong river, at Columbia, in Tyrrell county; and asking the concurrence of this House. The said bills were read the first time and passed; and the said bill to abolish the office of County Trustee in the counties of Nash, Columbus and Pasquotank, was, on motion of Mr. Outlaw, referred to the committee on Private Bills.

Mr. Jordan presented the petition of sundry citizens of the town of Fayetteville, praying the emancipation of a slave named Thomas, the property of one Daniel Sutherland; which was read, and, on motion of Mr. Jordan, referred to the committee of Propositions and Grievances.

The resignation of J. Howard, as a justice of the peace of the county of Macon, was presented, read and accepted.

Mr. John D. Jones presented a bill to incorporate the Wilmington and Raleigh Rail Road Company; which was read the first time and passed, and, on motion of Mr. Shepard, ordered to be printed, and referred to the committee on Internal Improvement.

On motion of Mr. Sloan, Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law respecting bastardy, that one justice of the peace may hereafter perform the duty now required by law of two; and that they report by bill or otherwise.

Mr. M'Cleod and Mr. Houlder obtained leave of absence from the service of this House for Monday next.

Mr. Guthrie presented the following resolution:
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the act establishing the present Supreme Court of this State, and of creating one or more judicial circuits; and that they report by bill or otherwise.

The foregoing resolution was read and rejected.

Mr. Moore presented the petition of John Goodbread, of Rutherford county, praying that his daughter Nancy be legitimated; and Mr. Smithwick presented the petition of sundry citizens of Martin county, praying the emancipation of a slave named Ned Hyman. These petitions were referred to the committee on Propositions and Grievances.

Mr. Tatham presented a bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 53, entitled an act to authorise the removal of buildings on the public land in the town of Franklin; and Mr. M'Cleese, a bill to prevent justices of the peace from issuing a capias ad satisfaciendum on the judgment of a justice of the peace, until the return, no property, is made. These bills were read the first time and passed; and the last named bill, on the motion of Mr. Bragg, was referred to the committee on the Judiciary.

The bill to authorise the County Court of Onslow to transcribe certain
records, was read the second time and passed, and, on Mr. Wyche's motion, referred to the committee on the Judiciary.

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

MONDAY, NOVEMBER 25, 1833.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the petition of Ann Eliza Viverett, reported a bill to divorce Ann Eliza Viverett from her husband Micajah; which was read the first time. Mr. Wyche moved that said bill be rejected. The question thereon was decided in the negative, and the bill passed its first reading.

Mr. Courts, from the same committee, to which was referred the petition of Joseph Hostler, a slave, reported a bill to emancipate Joe, a slave. The said bill was read the first time and passed.

Mr. Outlaw presented a resolution in favor of Alfred M. Slade; which was read the first time and passed, and, on Mr. Outlaw's motion, referred to the committee of Finance.

Jonathan H. Haughton, the member elect from the town of Edenton, and Charles W. Nixon, one of the members elect from the county of Chowan, appeared, exhibited their credentials, were qualified, and took their seats.

A message from the Senate, concurring in the proposition of this House to raise a joint select committee, of five from each House, to inquire into the expediency of selling the Cherokee lands belonging to the State, and informing that Messrs. Kendall, Hussey, Klutts, Howell and Smaw form said committee on their part. Messrs. Weaver, Tatham, Grady, Dodson and John B. Jones form said committee on the part of the Commons.

A message from the Senate, proposing that the two Houses proceed to ballot immediately for a solicitor of the sixth judicial circuit, and informing that William J. Alexander, the present incumbent, is nominated for the appointment. The proposition was agreed to, and Messrs. Hargrove and Marsteller appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Hoke and Murchison form said committee on behalf of the Senate.

The bill for the better administration of justice in the county of Haywood, was read the third time, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to prevent obstructions in First Broad river, in the county of Rutherford; a bill authorising the register of Buncombe county to appoint a deputy; and a resolution in favor of Archibald Campbell, of Cumberland county, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

On motion of Mr. Graham, ordered that a message be sent to the Senate, proposing that the two Houses, on Thursday next, proceed to the election of a Governor of the State for the ensuing year, and nominating David L. Swain for that office.

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

To the General Assembly of North Carolina:

Gentlemen: I transmit to you a communication which I have just received from Gen. Thomas G. Polk, chairman of a large and respectable meeting of the members of the Legislature of this State, held at the Government House in this city on the 4th day of January last, together with a copy of the journal of the proceedings, and the address prepared by a committee of that body to the freemen of North Carolina. I also transmit, in further compliance
with the request of the meeting, a file of certificates which have been forwarded to me by the sheriffs of the respective counties to which they relate, shewing the number of votes which were given in each for and against a change of the Constitution at the annual election in August last.

My opinions upon the interesting question to which these papers refer, have been so frequently expressed, and are so generally known, that further explanation would seem to be unnecessary. Were it otherwise, the able exposition of my views in the accompanying address of the committee above mentioned, which received my sanction at the polls, and in the correctness of which my confidence continues undiminished, relieves me from all difficulty. I beg leave to commend the subject to the patriotism, the prudence, and the justice of the General Assembly, and cherish the hope that it will receive that favorable consideration, to which it is entitled by the important principle involved, and the respect due to the opinions and feelings of so large a portion of the citizens of the State.

You will recollect that, as with you resides the power to control this subject, so upon you rests the responsibility attached to its exercise. I earnestly hope that a spirit of conciliation and compromise may direct your councils, and lead you to a result which will unite the interests and feelings of every section of the State, and thus ensure the harmony and prosperity of the whole.

I have the honor to be, &c. &c. &c,

DAVID L. SWAIN.

Executive Department, 25th Nov. 1833.

On motion of Mr. Courts, ordered that the foregoing communication, with the accompanying documents, be transmitted to the Senate and referred to the joint select committee on the subject of Convention.

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

On motion of Mr. Battle,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the act of 1826, chapter 19, entitled an act making compensation to coroners in certain cases, as to make all the fees to which a coroner may be entitled in the cases mentioned in the said act a charge against the estate of the deceased, if a free person, or against the owner, if a slave.

On motion of Mr. R. H. Alexander,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of defining the respective duties of sheriffs and inspectors in holding elections for members of Congress, members of the General Assembly, clerks and sheriffs, and that the said committee have leave to report by bill or otherwise.

Mr. Marsteller presented a bill to incorporate the trustees of New Hanover Academy, in the county of New Hanover; which was read the first time and passed.

Received from the Senate the resignations of Carter Barnard, as colonel of the Pasquotank militia, and of J. Campbell, as a justice of the peace for the county of Iredell; which were read and accepted.

The resignation of John G. Hart, as lieutenant colonel of the 37th regiment of militia, was presented, read and accepted.

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

The bill to extend and continue in force certain acts of the General Assembly for regulating the times of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; also the bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 53, entitled an act to authorise the removal of buildings on the public land in the town of Franklin; also the engrossed bill to amend an act, passed in the year 1837, entitled an act for the protection of the bridge erected across Scuppernong river, at Columbia, in Tyrrell county; and the engrossed bill to repeal in part an act, passed at the last
session of the General Assembly, chapter 132, entitled an act to regulate the Courts of Pleas and Quarter Sessions of the counties of Washington and Hyde, were severally read the second time and passed.

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

**Tuesday, November 26, 1853.**

Mr. Seawell presented the certificate of the clerk of the County Court of Cumberland in favor of Izabella Campbell, allowing her the sum of forty dollars as a pension for the ensuing year. The said certificate was read and ordered to be countersigned by the Speaker.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution directing said committee to inquire into the expediency of placing fines imposed by Courts of Law in this State upon the same footing with other judgment debts, reported that it is inexpedient to alter the law in the manner proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Barringer, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of so amending the law respecting bastardy, that one justice of the peace may hereafter perform the duty required by law of two, reported that it is inexpedient to make the amendment suggested in said resolution, and prayed that the committee be discharged from the further consideration thereof. The report was concurred with.

Mr. Barringer, from the same committee, to which was referred the resolution directing them to inquire into the expediency of amending the existing laws made for the benefit of insolvent debtors, so as to abolish imprisonment for debt, except in cases of fraudulent concealment, reported that, in the opinion of the committee, there is no necessity for further legislation upon this subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

On motion of Mr. Waugh, ordered that a message be sent to the Senate, informing that the name of Henry Seawell is added to the nomination for Judge of the Supreme Court.

Mr. Shepard presented the petition of the auctioneers of the town of Newbern, praying the passage of a law reducing the tax on sales by auction; which was referred, on Mr. Shepard’s motion, to the committee of Finance.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to make compensation to the jurors of the Superior Courts of Haywood county; and a bill to incorporate the Farmers’ Library Association, in the county of Chatham, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, agreeing to raise a joint select committee to take into consideration the propriety of amending the Constitution of the State, by striking out, in the latter clause of the proposition, the words “and to inquire what mode it is most expedient to adopt for the accomplishment of the same,” and to insert the words “and if necessary to report some plan for the accomplishment of the same;” and asking the concurrence of this House in the amendment proposed, and informing that Messrs. Beard, Mendenhall, Martin of Rockingham, Edwards, Skinner of Chowan, Jones and Mann form their committee. The amendment to the proposition of this
House was concurred in, and Messrs. Irvine, Barringer, Pounds, Fisher, Outlaw, Long and Shepard were appointed to compose said committee on behalf of the Commons.

Mr. Smithwick presented a bill to incorporate Skewarkey Lodge, No. 90, in the town of Williamston; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Guinn presented a bill, founded on a petition of sundry citizens, to alter the time of holding two of the Court of Pleas and Quarter Sessions of the county of Macon; Mr. Irvine presented a bill to authorize Laxton Lynch to erect two gates in Rutherford county; and Mr. Allison a bill to reduce the salaries of the Supreme Court Judges. These bills were read the first time and passed.

The bill to extend and continue in force certain acts of the General Assembly for regulating the times of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal in part, an act, passed at the last session of the General Assembly, chapter 132, entitled an act to regulate the Courts of Pleas and Quarter Sessions of the counties of Washington and Hyde, was read the third time, passed, and ordered to be enrolled.

The resignations of George Barnhardt, as colonel, and David White, as lieutenant colonel of the 62d regiment of North Carolina militia, and of Alfred Moore, a justice of the peace of the county of Martin, were presented, read and accepted.

The bill to incorporate the trustees of New Hanover Academy, in the county of New Hanover, was read the second time and passed.

Mr. Shepard presented a petition from sundry merchants and inhabitants of the town of Newbern, praying the establishment of a bank in said town; which was, on Mr. Shepard’s motion, referred to the joint select committee on the Currency and Banks.

A message from the Senate, agreeing to the proposition of this House to ballot on Thursday next for a Governor of the State.

The bill to divorce Ann Eliza Viverett, was read the second time. Mr. Wyche moved that said bill lie on the table. The question thereon was decided in the negative. Mr. Outlaw moved that it be indefinitely postponed; which was also negative. The bill was accordingly put on its passage, and the question, Shall the said bill pass the second reading? was decided in the affirmative—yeas 69, nays 59. The yeas and nays demanded by Mr. Wilson.


Mr. J. W. Potts moved that the bill be now read a third time. The ques-
tion thereon was decided in the affirmative, and the said bill was read the third time, passed and ordered to be engrossed.

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

WEDNESDAY, NOVEMBER 27, 1833.

Mr. Wyche, from the committee of Finance, to which was referred the resolution in favor of A. M. Slade, reported the same without amendment, and recommended its passage. The said resolution was read the second time and passed.

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

Resolved, That this House tender to the Internal Improvement Convention, now in session in this city, the use of this Hall, in the afternoon of each day during their session, and that the speaker be requested forthwith to communicate this resolution to the president of that body.

The speaker laid before the House a report from the commissioners appointed by the act of the last session of the General Assembly, for the purpose of rebuilding the capitol. The said report was read, and, on motion of Mr. Fisher, ordered that it be transmitted to the Senate, with a proposition that a joint select committee be raised on the subject of the public buildings, and that the said report be referred to such committee.

Mr. John B. Jones presented a resolution in favor of Isaac Baxter, sheriff of Currituck county; which was read the first time and passed, and, on Mr. Jones' motion, referred to the committee of Claims.

On motion of Mr. Guinn,

Resolved, That the joint select committee raised to inquire into the expediency of selling the Cherokee lands, be instructed to inquire into the expediency of reducing the regular prices fixed upon the different qualities of the said land that has been surveyed; and that they be further instructed to inquire into the expediency of subjecting the unsurveyed lands to entry; and that they report by bill or otherwise.

Mr. King presented the petition of Mary Sloan, widow of the late Capt. John Sloan, of Iredell county, praying that she be allowed a pension on account of the revolutionary services of her said husband. The said petition was, on Mr. King's motion, referred to the committee of Claims.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill to authorise the County Court of Onslow to transcribe certain records, reported that the object sought to be attained by the said bill, has been already provided for by law, and recommended that said bill be rejected. The bill was thereupon read the third time and rejected.

Mr. Barringer, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of amending the act of 1826, making compensation to coroners in certain cases, reported a bill concerning coroners' fees; which was read the first time and passed.

Mr. Guthrie, from the joint select committee to which was referred the resolution directing them to inquire whether the public printing cannot be done on terms more advantageous to the State, reported that, in the opinion of the committee, the price already paid for the work is sufficiently low, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Moore presented a bill to provide for the better administration of justice in the county of Rutherford; Mr. Calvert, a bill to incorporate the Northampton Independent Volunteers; Mr. Corpening, a bill to authorise William A. Erwin to establish a ferry across the Catawba river, in Burke county; Mr. J. L. Smith, a bill to re-appoint trustees for Green Hill Academy, in Haywood county; Mr. Clement, a bill directing the manner in which
constables shall be appointed in this State; and Mr. Jordan, a bill to amend an act, passed in the year 1782, entitled an act for giving an equity jurisdiction to the Superior Courts. These bills were severally read the first time and passed, and the last named bill was, on motion of Mr. Jordan, referred to the committee on the Judiciary.

Mr. Blackman obtained leave of absence from the service of the House after this day, for the remainder of the week.

A message from the Senate, informing that they had passed the following engrossed bill, viz. A bill concerning the beach and marshy lands lying in the county of Currituck, and asking the concurrence of this House. The said bill was read the first time and passed, and, on Mr. Outlaw’s motion, referred to the committee on Private Bills.

A message from the Senate, informing that Messrs. Montgomery, Sheard, Lindsey, Vann and Wilder compose, on the part of the Senate, the joint select committee on the subject of the public printing.

A message from the Senate, agreeing to the proposition of this House, that the message of his Excellency the Governor, dated the 25th inst. be referred to the joint select committee on the subject of Convention and changing the Constitution of the State.

Mr. Foscuie presented the following resolution, which was read and rejected:
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to provide that all persons now exempt from working on the public roads, be also exempt from serving as overseers on the same.

Mr. Tillet presented a bill requiring the register and clerks of Camden county to keep their offices at the Court House; which was read the first time and passed.

The resolution in favor of Archibald Campbell, of Cumberland county; the bill to prevent obstructions in First Broad river, in the county of Rutherford; the bill making compensation to the jurors of the Superior Courts of Haywood county; the bill authorising the register of Buncombe county to appoint a deputy; the bill to alter the times of holding two of the Courts of Pleas and Quarter Sessions of the county of Macon; and the bill to incorporate the Farmers’ Library Association, in the county of Chatham, were severally read the second time and passed.

The bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 33d, entitled an act to authorise the removal of the buildings on the public land in the town of Franklin; and the bill to incorporate the trustees of New Hanover Academy, in the county of New Hanover, were severally read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1829, entitled an act for the protection of the bridge erected across Scuppernong river, at Columbia, in Tyrrell county, was read the third time, passed, and ordered to be enrolled.

The bill to reduce the salaries of the Supreme Court Judges, was, on motion of Mr. Guthrie, laid on the table.

The bill to authorise Laxton Lynch to erect two gates in Rutherford county, was, on motion of Mr. Irvine, referred to the committee on Propositions and Grievances.

The bill to emancipate Joe, a slave, was read the second time and passed.
On motion of Mr. Seawell,  
Resolved, That the committee on Internal Improvement be instructed to inquire into the practicability of draining either in part or the whole of the swamp lands within the State, and if deemed practicable, the probable cost and expediency of effecting the same; also to ascertain as far as may be within its control, any information in relation to the probable value of said lands, when reclaimed; and that they report to this House by bill or otherwise.

The resignations of Thomas G. Whitaker, as colonel of the 35th regiment of militia, and of William H. Kerr, as brigadier general of the 7th brigade of the militia of this State, were presented, read and accepted.

The bill to emancipate Joe, a slave, was read the third time and passed, and ordered to be engrossed—yeas 72, nays 51. The yeas and nays demanded by Mr. John B. Jones.


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

Thursday, November 28, 1833.

A message from the Senate, informing that Messrs. Sherard and Stone attend this House to conduct, on the part of the Senate, the balloting for a Governor of the State for the ensuing year. Ordered that Messrs. Graham and Wilson superintend said balloting on behalf of the Commons.

On motion of Mr. J. D. Jones,  
Resolved, That the committee on the Currency be instructed to inquire into the expediency of rechartering the Bank of Cape Fear.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill to prevent justices of the peace from issuing a capias ad satisfaciendum on the judgment of a justice of the peace, until the return, no property is made, reported unfavorably thereon. Mr. Outlaw moved that the bill lie on the table and be printed. The question thereon was decided in the negative. Mr. Poindexter moved that it be indefinitely postponed. This question was decided in the affirmative—yeas 82, nays 42. The yeas and nays called for by Mr. Wiseman.


A message from the Senate, agreeing to the proposition of this House of the 23rd instant, to ballot this day for a Judge of the Supreme Court, and informing that Messrs. Matthews and Hogan form their balloting committee. Ordered that Messrs. J. D. Jones and Waugh superintend said balloting on behalf of the Commons.

The speaker laid before the House a communication from his Excellency Governor Swain, as President of the Internal Improvement Convention, accepting, on behalf of that body, the tender made them of the use of this Hall.

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

On motion of Mr. Graham, ordered that a message be sent to the Senate, proposing that a joint select committee, of two persons on the part of each House, be appointed, to wait upon his Excellency the Governor select, inform him of his election, and learn at what time it will be most agreeable for him to take the oaths of office.

Mr. Battle presented the petitions of sundry citizens of the county of Franklin, praying the incorporation of a company, for the purpose of constructing a Rail Road from the Roanoke river through said county. The said petition was, on Mr. Battle's motion, referred to the committee on Internal Improvements.

Mr. Daniel, from the committee of Claims, to which was referred the resolution in favor of Isaac Baxter, sheriff of Currituck county, reported the same with an amendment. The amendment was concurred in, and the resolution, as amended, was read the second time and passed.

Mr. Daniel, from the same committee, to which was referred the petition of Mary Sloan, of Iredell county, reported a resolution in favor of Mary Sloan, widow of Capt. John Sloan; which was read the first time and passed.

Mr. Guthrie presented a resolution in favor of George R. Griffith, which was read the first time and passed, and referred, on Mr. Guthrie's motion, to the committee of Claims.

Mr. John D. Jones, from the balloting committee for a Judge of the Supreme Court of this State, reported that William Gaston, of Newbern, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. M'Cleese, from the committee on Private Bills, to which was referred the engrossed bill to abolish the office of county trustee in the counties of Nash, Columbus and Pasquotank, reported the same without amendment. The said bill was read the second time, amended on the several motions of Messrs. J. B. Jones, Laspeyre and M'Cleese, by adding the counties of Currituck, Brunswick and Tyrrell after Pasquotank, and passed.

Mr. M'Cleese, from the same committee, to which was referred the bill concerning the beach and marshy lands lying in the county of Currituck, reported the same without amendment. The said bill was thereupon read the second time and passed.

On motion of Mr. Fisher,

Resolved, That the committee on Public Buildings be instructed to inquire into the pre-
sent state of the contract heretofore made with the sculptor, Ball Hughes, for repairing the statue of Washington; also into the condition of the statue, and what disposition had best be made of it; and that they have leave to report by bill or otherwise.

On motion of Mr. Wyche.

Resolved. That the committee on the Judiciary inquire into the expediency of providing by law for the appointment of registers, when vacancies shall occur in that office between terms of the Courts of Pleas and Quarter Sessions; and that they report by bill or otherwise.

Mr. M’Neill presented the certificate of the County Court of Cumberland in favor of Ann Morrison, allowing her a pension of forty dollars for the ensuing year; which was read and ordered to be countersigned by the speaker of this House.

Mr. Guthrie presented the petition of sundry citizens of the county of Chatham, praying that Daniel Murray, of said county, be restored to the privileges of a citizen, forfeited on a conviction for grand larceny. The petition was, on Mr. Guthrie’s motion, referred to the committee on Propositions and Grievances.

The bill to re-appoint trustees for Green Hill Academy, in the county of Haywood; and the bill to alter the times of holding two of the Courts of Pleas and Quarter Sessions of the county of Macon, were read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to make compensation to the jurors of the Superior Courts of Haywood county; and the engrossed bill to incorporate the Farmers’ Library Association, in the county of Chatham, were severally read the third time, passed, and ordered to be enrolled.

Mr. Fisher presented a memorial from Henry Reagan and Asa Delozier, citizens of Tennessee, conveying to the Legislature the information of their having discovered an extensive and valuable silver mine on the State lands near the Tennessee line, and praying compensation for making known their discovery. The petition was read, and, on Mr. Fisher's motion, it was ordered that it be sent to the Senate, with a proposition that it be referred to a joint select committee of five persons on the part of each House.

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

Friday, November 29, 1833.

Sipha Smith, one of the members elect from the county of Hertford, appeared, produced his credentials, was qualified, and took his seat.

Mr. Waugh presented a bill to establish Franklin Academy, in the county of Surry, and incorporate the trustees thereof; which was read the first time and passed.

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

Saturday, November 30, 1833.

A message from the Senate, agreeing to the proposition of this House, to raise a joint select committee, consisting of two members on the part of each House, to wait upon his Excellency the Governor elect, and to inform him of his election, and learn at what time it will be agreeable to him to take the oaths of office; and informing that Messrs. Sherard and Stone compose said committee on their part. Ordered that Messrs. Graham and Wilson form this committee on behalf of the Commons.

A message from the Senate, agreeing to the proposition of this House that the report of the commissioners for rebuilding the Capitol be referred
to a joint select committee to be raised on the subject of the Public Buildings; and informing that Messrs. Jones, Moore, Spaight, Hogan and Hinton compose this committee on their part. Ordered that Messrs. Fisher, Rand, M’Leod, Marsteller and Daniel form this committee on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to incorporate Morven Academy, in the county of Anson, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Received from the Senate the certificate of the County Court of Cumberland in favor of Izabella Campbell, a State pensioner, countersigned by the speaker of the Senate.

On motion of Mr. Wyche, 
Resolved, That the committee on the Judiciary inquire how much of the salary of the late Chief Justice Henderson is due for the present year, and that they report by bill or otherwise.

Mr. Calvert obtained leave of absence from the service of the House from and after this day until Thursday next.

A message from the Senate, proposing that the two Houses ballot immediately for a public printer. The proposition was agreed to, and Messrs. Pugh and Wesley Jones appointed a committee to conduct said balloting.

A message from the Senate, informing that Messrs. H. Skinner and Hall compose this committee on their part.

A message from the Senate, informing that they had passed the engrossed resolution to order the Secretary to grant a patent to William Ferrand, of the county of Onslow, and asking the concurrence of this House. The said resolution was read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate Silvester Academy, in the county of Moore, and to appoint the trustees thereof, and asking the concurrence of this House.—The said bill was read the first time and passed.

Mr. Bragg presented a bill to incorporate the Greensville and Roanoke Rail Road Company; which was read the first time, passed, and, on motion of Mr. Long, ordered to be printed and referred to the committee on Internal Improvement.

Mr. Weaver presented a bill for the better regulation of the militia of Buncombe county; which was read the first time and passed.

Received from David L. Swain, as President of the Internal Improvement Convention now in session in this city, by Mr. Edward Winslow, the Secretary of said Convention, the following communication:

To the General Assembly of North Carolina:

Gentlemen:—In compliance with the accompanying resolution of the Internal Improvement Convention now in session, I have the honor to state, that, should it meet the approbation of the General Assembly, the Convention will, at one o’clock, P. M. wait upon your honorable body, and respectfully submit for your consideration the result of their deliberations.

I am, gentlemen, &c. &c. &c.

D. L. SWAIN, Prest.

Nov. 30, 1833.

On the reading of this communication, it was, on Mr. Long’s motion, ordered that a message be sent to the Senate, proposing that a joint select committee, of two persons from each House, be appointed to wait upon the
President of the Convention, and inform him of the readiness of the two Houses to receive that body in the Commons Hall, at one o'clock this day, and to receive any communication which the Convention may see proper to submit. A message from the Senate, acquiescing in this proposition, and informing that Messrs. Hinton and Jones form their branch of the committee. Ordered that Messrs. Long and M'Leod compose this committee on behalf of the Commons.

Mr. J. Horton presented a bill to prevent obstructing the passage of fish up New river, in the county of Ashe; Mr. Brandon, a bill to amend an act, passed in the year 1826, chapter 125, entitled an act to regulate the time of appointing overseers of roads in the county of Anson; Mr. Gillespie, a bill to prevent obstructions to the run of Rock Fish creek, in Duplin county; Mr. Whitehurst, a bill concerning the building of a court house in Carteret county; Mr. King, a bill to incorporate the Iredell Union Troopers; Mr. Piers, a bill allowing constables one dollar for executing State warrants; and Mr. Piers, a resolution in favor of Richard H. Weaver.—These bills and resolution were read severally the first time and passed.

Mr. Pugh, from the committee to conduct the balloting for public printer, 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. Battle, ordered that a message be sent to the Senate, proposing that another balloting be had immediately. A message from the Senate, agreeing to this proposition, and informing that Messrs. Moyle of Pitt and Gavin form their balloting committee. Ordered that Messrs. Battle and Guthrie superintend the balloting on the part of this House.

On motion of Mr. Seawell,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of dividing the State into seven judicial circuits, whereby the evil attending the present arrangement of the judicial districts shall be remedied, more especially the great inconvenience existing in the mountain or sixth judicial district.

On motion of Mr. Outlaw,
Resolved, That the committee on Finance be instructed to inquire whether the present tax on pedlars is sufficient, and if so, what amendments in the present laws are necessary to secure its collection.

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

Mr. Grier presented the certificate of the clerk of the County Court of Mecklenburg in favor of Martha Thompson, a State pensioner, allowing her the sum of fifty dollars for the ensuing year; which was read and ordered to be countersigned by the speaker of this House.

Mr. Waugh presented a bill to provide for the collection of debts when there is no visible property; which was read the first time and passed, and, on Mr. Waugh's motion, referred to the committee on the Judiciary.

Mr. Long presented a bill to ascertain the amount of exports raised in the State for one year, and for other purposes; which was read the first time and passed, and, on motion of Mr. Long's motion, referred to the committee on Internal Improvement.

Mr. Peeples presented a bill in relation to the independent or volunteer companies formed out of the 57th and 58th regiments of militia in Guilford county; which was read the first time and passed, and, on motion of Mr. Marsteller, referred to the committee on Military Affairs.
Mr. Williams presented a bill to alter the names of John, Lucy and Jesse M'Henry, illegitimate children of Dickinson Mask, of Richmond county, and to legitimate them; which was read the first time and passed, and, on motion of Mr. Jordan, referred to the committee on Private Bills.

Mr. J. D. Jones presented a bill to incorporate the Ladies' Working Society of St. James' Church, in the town of Wilmington; Mr. Guthrie, a bill concerning the poor of the county of Chatham; and Mr. Martin, a bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter due to be paid to the State for vacant lands. These bills were severally read the first time and passed.

Mr. Marsteller presented a bill to repeal and amend part of an act, passed at the last session of the General Assembly, entitled an act to amend the militia laws; which was read the first time and passed, and, on motion of Mr. Marsteller, referred to the committee on Military Affairs.

A message from the Senate, informing that they had passed the engrossed bill to legitimate Thomas Pettis Gardner, and asking the concurrence of this House. The said bill was read the first time and passed, and, on motion of Mr. Wyche, referred to the committee on Private Bills.

The bill to provide for the better administration of justice in the county of Rutherford, was, on motion of Mr. Roberts, referred to the committee on the Judiciary.

The bill authorising the register of Buncombe county to appoint a deputy, was, on motion of Mr. Wyche, referred to the committee on the Judiciary.

The bill directing the manner in which constables shall be elected in this State, was referred to a select committee, consisting of Messrs. Clement, Saunderson, Brower, Cansler and Daniel, and ordered to be printed.

The bill to incorporate the Northampton Independent Volunteers; the bill requiring the register and clerks of Camden county to keep their offices at the Court House; the bill to authorise William A. Erwin to establish a ferry across the Catawba river, in Burke county; the bill to establish Franklin Academy, in the county of Surry, and incorporate the trustees thereof; and the resolution in favor of Mary Sloan, widow of Capt. John Sloan, were severally read the second time and passed.

The bill to abolish the office of county trustee in the counties of Nash, Columbus, Pasquotank, Currituck, Brunswick and Tyrrell, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

The resolution in favor of Alfred M. Slade, was read the third time, passed, and ordered to be engrossed.

The engrossed bill concerning the beach and marshy lands lying in the county of Currituck; also the engrossed bill to prevent obstructions in First Broad river, in the county of Rutherford; also the engrossed resolution in favor of Archibald Campbell, of Cumberland county; and the engrossed resolution in favor of Isaac Baxter, sheriff of Currituck county, were severally read the third time, passed, and ordered to be enrolled.

The resignation of William White, as a justice of the peace of the county of Currituck, was presented, read and accepted.

The resignations of Thomas W. Norman, as brigadier general of the 5th division and 16th brigade of the militia, and of David Dellinger, as a justice of the peace of the county of Lincoln, received from the Senate, were read and accepted.
In pursuance of arrangements already noticed, the Senate, in compliance with the invitation of the Commons, assembled in their Hall, when the two branches of the Legislature received in a body the Internal Improvement Convention assembled in this city, when his Excellency David L. Swain, as president of that body, submitted, on their behalf, a memorial to the Legislature. The memorial was read by the Hon. Robert Strange, and, upon the withdrawal from the Hall of the Convention and the Senate, it was, on motion of Mr. Seawell, ordered that the memorial be transmitted to the Senate, and that it be printed, ten copies for each member of the General Assembly.

The speaker laid before the House the annual report of the Adjutant General of the militia; which, on motion of Mr. Marsteller, was ordered to be sent to the Senate, with a proposition that it be referred to the committee on Military Affairs and be printed.

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

Monday, December 2, 1833.

On motion of Mr. Seawell, ordered that a message be sent to the Senate, proposing that the memorial submitted to the Legislature on Saturday last, by the Convention on Internal Improvements, be referred to a joint select committee of five persons on the part of each House.

On motion of Mr. M'Gehee, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a major general of the third division of militia, and informing that Memucan Hunt and Hudson M. Cave are in nomination for the appointment.

On motion of Mr. Cansler,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of vesting the power in the County Courts to authorize the erection of gates across the public roads in their respective counties; and that they report by bill or otherwise.

On motion of Mr. Wilson, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a brigadier general of the 18th brigade and first division, and informing that Samuel T. Sawyer is nominated for the appointment.

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

Mr. Guinn presented a resolution directing a copy to be made of the map of the Cherokee lands; which was read the first time and passed, and, on motion of Mr. Guinn, referred to the committee on the Cherokee lands.

Mr. Wyche presented a petition from sundry citizens of the State of North Carolina, natives of France, praying that by law they may be allowed to hold and transmit real estate. The said petition was, on motion of Mr. Wyche, ordered to be referred to a select committee, consisting of Messrs. Wyche, Battle, W. Horton, Raper and Graham.

A message from the Senate, informing that they had passed the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 53d, entitled an act to authorise the removal of buildings on the public lands in the town of Franklin, with an amendment, and asking the concurrence of this House. The amendment was concurred in.

A message from the Senate, informing that they had passed the engrossed
bill to authorise Jeremiah Ingram, of the county of Anson, to erect a gate across the road leading from Wadesborough to Stanback's Ferry, on Pedee river, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, agreeing to the proposition of this House to refer the petition of Henry Reagan and Asa Delozier, on the subject of a silver mine on the lands of the State, to a joint select committee, and informing that Messrs. Mebane, Kerr, Elliott, Burns and Stedman form the committee on behalf of the Senate. Ordered that Messrs. Fisher, Henry, Thomas, G. H. Alexander and Sloan form said committee on behalf of the Commons.

The resolution in favor of Mary Sloan, widow of Capt. John Sloan, was, on motion of Mr. King, referred to the committee of Claims.

Received from his Excellency the Governor, by his Private Secretary, a communication relating to the suits which had been instituted by Latimer and others, against individuals in Haywood and Macon counties, in the Circuit Court of the United States for the district of North Carolina; which was read, and, on motion of Mr. Wyche, ordered to be sent to the Senate, with a proposal to refer it to the joint select committee on the Cherokee lands.

Mr. Guthrie presented a bill to alter and amend the Judiciary system of the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Wyche, ordered that it lie on the table and be printed.

Mr. Cherry presented a bill to prohibit the justices of the Court of Pleas and Quarter Sessions of the county of Pitt from allowing extra service money to the county officers; Mr. Murray, a bill directing the Judges of the Superior Courts of Hyde county not to take up State cases before the Thursday of court week; and Mr. Tillett, a bill authorising the erection of a fire proof house in Camden county. These bills were read the first time and passed.

On motion of Mr. Ziglar,

Resolved, That the committee on Military Affairs inquire into the expediency of providing by law, that all major and brigadier generals shall review their regiments at their usual places of mustering.

The bill to prevent obstructing the passage of fish up New river, in the county of Ashe; and the resolution in favor of Richard H. Weaver, were read the second time and passed.

The bill to incorporate the Ladies' Working Society of St. James' Church, in the town of Wilmington; the bill to amend an act, passed in the year 1826, chapter 123, entitled an act to regulate the time of appointing overseers of roads in the county of Anson; the bill concerning the poor of the county of Chatham; the bill concerning the building of a Court House in Carteret county; the bill to incorporate the Iredell Union Troopers; and the bill for the better regulation of the militia of Buncombe county, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to establish Franklin Academy, in the county of Surry, and incorporate the trustees thereof; the bill to authorise William A. Erwin to establish a ferry across Catawba river, in Burke county; the bill requiring the register and clerks of Camden county to keep their offices at the Court House; and the bill to incorporate the Northampton Independent Volunteers, were severally read the third time, passed, and ordered to be engrossed.
Mr. Fisher presented a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; which was read the first time and passed, and, on motion of Mr. Wyche, referred to the committee on the Judiciary.

The engrossed bill to incorporate Sylvester Academy, in the county of Moore, and to appoint the trustees thereof, was read the second and third times, passed, and ordered to be enrolled.

On motion of Mr. Poindexter, the bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, was referred to the committee of Finance.

The bill to prevent obstructions to the run of Rockfish creek, in Duplin county, was read the second time, amended on the motion of Mr. Battle, and passed.

On motion of Mr. Graham, ordered that the bill to repeal an act, passed at the last session of the General Assembly, chapter 1st, entitled an act to establish the Bank of North Carolina, be referred to the committee on the Currency and Banks.

The resignation of Micajah Forkner, a justice of the peace of the county of Surry, was presented, read and accepted.

The resignations of H. E. Lewis, of Tyrrell, and M. Petteway, of Onslow county, justices of the peace, received from the Senate, were read and accepted.


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

Tuesday, December 3, 1833.

Mr. Martin presented the petition of sundry citizens of Wilkes county, praying the incorporation of a volunteer company of Riflemen in said county; which was referred, on Mr. Martin's motion, to the committee on Military Affairs.

Mr. Barringer, from the committee on the Judiciary, to which the subject had been referred, reported a bill concerning the appointment of registers in certain cases; which was read the first time and passed.

Mr. Barringer, from the same committee, to which was referred the engrossed bill authorising the register of Buncombe county to appoint a deputy, reported that, by law, all ministerial officers of the courts have the right to act by deputy, and that legislation on the subject is unnecessary. The said bill was thereupon read the third time and rejected.
Mr. Sloan presented the petition of sundry citizens of Sampson county, praying the passing of a law compelling the owners of tame deer to keep them confined in parks or enclosures. The said petition was read, and, on Mr. Sloan's motion, referred to the committee on Agriculture.

Mr. Graham, from the joint select committee heretofore appointed upon that subject, reported that his Excellency David L. Swain, the Governor elect, would, on Friday next, wait on the two branches of the General Assembly for the purpose of taking the oaths prescribed by law for his qualification.

Mr. Edmonston presented a bill reducing the fees of the Secretary of State; and Mr. M'Neil, a bill fixing a uniform mode of assessment of the real estate, with the improvements thereon. These bills were read the first time and passed, and the last named bill was, on motion of Mr. Clement, referred to the committee of Finance.

Mr. Jordan presented a bill to subject the legacies, distributive shares, devices and undivided interest in real estates of absconding or removed debtors to attachment; and Mr. Battle, a bill concerning official and other public bonds. These bills were read the first time, and, on motion, referred to the committee on the Judiciary.

On motion of Mr. Jordan, ordered that a message be sent to the Senate, informing that the name of John D. Pipkin, of Gates county, is added to the nomination for brigadier general of the 18th brigade and first division.

Mr. Phelps presented a bill concerning the poor of Washington county; Mr. Lyon, a bill to prevent the falling of timber in or obstructing the run of Ellis's creek, in Bladen county; and Mr. Houlder, a bill to amend the law of distribution of personal estate. These bills were read the first time and passed, and the last named bill, on Mr. Houlder's motion, referred to the committee on the Judiciary.

A message from the Senate, agreeing to the proposition of this House, that the annual report of the Adjutant General be printed, and that it be referred to the joint select committee on Military Affairs.

A message from the Senate, agreeing to the proposition of this House, that the memorial of the Convention on the subject of Internal Improvements be printed, ten copies for each member of the Legislature, and that it be referred to a joint select committee of five on the part of each House, and informing that Messrs. Hinton, Edwards, Skinner of Pasquotank, Sheppard and Foyst form their branch of said committee. Ordered that Messrs. Shepard, Seawell, M'Gehee, Burgin and R. H. Alexander compose this committee on behalf of the Commons.

A message from the Senate, agreeing to the amendment proposed by this House to the engrossed bill to abolish the office of county trustee in the counties of Nash, Columbus and Pasquotank. Ordered that said bill be enrolled.

Received from the Senate the pension certificate of Martha Thompson, of Mecklenburg county, countersigned by the speaker of that body.

Received from the Senate the certificates of the County Court of Craven in favor of Thomas Ewell and Christopher Bexley, State pensioners, allowing them the sum of fifty dollars each. The same were read and ordered to be countersigned by the speaker of this House and returned to the Senate.
Received from the Senate the certificate of the County Court of Craven in favor of John Rhem, allowing him a pension of one hundred dollars for the ensuing year, countersigned by the speaker of that body. The same was ordered to be countersigned by the speaker of this House, and returned to the Senate.

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

Mr. M'Cleese presented the petition of many citizens of the county of Tyrrell, praying that a law be passed regulating fishing on the Frying Pan Shoals, in said county; which was, on motion of Mr. M'Cleese, referred to the committee on Propositions and Grievances.

The bill authorising the erection of a fire proof house in Camden county, was read the second and third times, passed, and ordered to be engrossed.

The bill to prevent obstructing the passage of fish up New river, in the county of Ashe; the bill to prevent obstructions to the run of Rockfish creek, in Duplin county; the resolution in favor of Richard H. Weaver, were severally read the third time and passed, and ordered to be engrossed.

Mr. Weaver presented a bill to establish a toll bridge the bridge lately erected by James M. Alexander across French Broad river, in Buncombe county; Mr. Henry, a bill to establish a toll bridge across French Broad river, in Buncombe county. These bills were read the first time and passed, and referred to the committee on Private Bills.

The bill directing the Judges of the Superior Court of Hyde county not to take up State cases before the Thursday of court week, was, on motion of Mr. Murray, referred to the committee on Private Bills.

Mr. Smithwick, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of Martin county, reported a bill to emancipate Ned Hyman, a slave; which was read the first time and passed.

Mr. Guinn presented a bill directing the scrolls of the twelfth Congressional district to be hereafter compared in the town of Asheville; and Mr. Marsteller, a bill to amend an act, passed in the year 1824, chapter 45th, entitled an act to amend an act, passed in the year 1819, entitled an act to annex Smith's Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle's Island to the county of New Hanover. These bills were read the first time and passed.

Mr. Lyon presented a resolution in favor of Owen Carroll, of Bladen county; which was read the first time and passed, and, on motion of Mr. M'Leod, referred to the committee of Claims.

Mr. Irion presented the petition of Mary Orran, praying the passing of a law to secure to her such property as she may hereafter acquire; which was, on motion of Mr. Poindexter, referred to the committee on Propositions and Grievances.

The bill to prohibit the justices of the Court of Pleas and Quarter Sessions of the county of Pitt from allowing extra service money to the county officers, was read the second time and passed. The said bill was, on motion of Mr. Cherry, again read the third time; when the same was, on motion of Mr. Foreman, indefinitely postponed.
Mr. Tatham presented a bill authorising Thomas Love and Dilliar Love, of Macon county, to erect a bridge across Tennessee river, at the most convenient place at or near where the State road crosses the same. This bill was read the first time and passed, and, on Mr. Guinn's motion, referred to the committee on the Cherokee Lands.

The bill to authorize Jeremiah Ingram, of the county of Anson, to erect a gate across the road leading from Wadesborough to Stanback's ferry, on Pee dee river, was, on motion of Mr. Marsteller, laid on the table.

Mr. Kennedy presented a resolution in favor of Stephen Owens, late sheriff of the county of Beaufort; which was read the first time and passed, and, on Mr. Kennedy's motion, referred to the committee on Claims.

Mr. King presented the petition of sundry citizens of the county of Iredell, praying that Jacob Wicke, of said county, be restored to credit. The said petition was, on Mr. King's motion, referred to the committee on Propositions and Grievances.

The resignation of Benjamin W. Davis, as a justice of the peace of the county of Halifax, was presented, read and accepted.

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

WEDNESDAY, DECEMBER 4, 1833.

Mr. Stockard presented a memorial on the subject of Internal Improvements from sundry citizens of the county of Orange; which was, on motion of Mr. Stockard, referred to the committee on Internal Improvements.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of Chatham county in favor of Daniel Murray, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Courts, from the same committee, to which was referred the petition from Cumberland in favor of Thomas, a slave, the property of Daniel Sutherland, reported unfavorably thereon. The said report was, on motion of Mr. Jordan, laid on the table.

Mr. Marsteller, from the committee on Military Affairs, to which was referred the petition from citizens of Wilkes county, concerning the incorporation of a Volunteer Company of Riflemen, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Marsteller, from the same committee, to which was referred the bill to repeal and amend an act, passed in the year 1832, chapter 5th, entitled an act to amend the militia laws, reported the same with an amendment. The amendment was not agreed to, and, on motion of Mr. Edmonston, the said bill was indifferently postponed.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill concerning official and other public bonds, reported favorably thereon. The said bill was read the second time, amended on Mr. Battle's motion, and passed.

Mr. Barringer, from the same committee, to which was referred the bill to amend an act, passed in the year 1782, entitled an act for giving an equity jurisdiction to the Superior Courts, reported the same with an amendment. The proposed amendment was read and concurred in, and the bill read the second time and passed.
Mr. Barringer, from the same committee, to which was referred a resolution upon the subject, reported a bill vesting the power to authorise the erection of gates across public roads in the several County Courts; which was read the first time and passed.

Mr. Jordan presented a bill to emancipate Thomas, a slave; and Mr. Cherry, a bill to alter the name of William Lawrence Cherry, of the county of Pitt, and to legitimate him. These bills were read the first time and passed.

A message from the Senate, agreeing to the proposition of this House, that the communication from his Excellency the Governor on the subject of the Cherokee lands, be referred to the joint select committee on Cherokee Lands.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river; a bill to restore to credit John Andrews, of Tredell county; and a resolution in favor of Elizabeth Forbis, widow of Arthur Forbis, deceased, of Guilford county. These bills and resolution were read the first time and passed.

A message from the Senate, proposing that the two Houses ballot immediately for a major general of the third division of the militia, and informing that the name of Richard C. Cotten is added to the nomination. The proposition was concurred in, and Messrs. Allison and M’Gehee appointed to conduct the balloting on the part of the Commons. A message from the Senate, informing that Messrs. Edwards and Stedman form said committee on their part.

Mr. Weaver, from the committee on the Cherokee Lands, to which was referred a resolution directing a copy to be made of the map of the Cherokee lands, reported the same without amendment. The said resolution was read the second time and passed.

The bill to emancipate Ned Hyman, a slave, was read the second and third times, passed, and ordered to be engrossed.

The bill to prevent the falling of timber in, or obstructing the run of Ellis’s creek, in Bladen county, was read the second time, amended on motion of Mr. Taylor, and passed.

Mr. Battle presented a bill to establish a Literary and Manual Labor Institution in the county of Wake; and Mr. Hargrove, a bill to incorporate the Greensborough Academy and Manual Labor School. These bills were read the first time and passed.

Mr. M’Gehee, from the committee appointed to conduct the balloting for a major general of the third division of the militia, reported that Richard C. Cotten, of Chatham, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, proposing that the two Houses ballot immediately for brigadier general of the 18th brigade of the militia. The proposition was agreed to, and Messrs. Wilson and Grady appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Walton and Mebane form their branch of said committee.

On motion of Mr. Waugh,

Received, That the committee of Claims be instructed to inquire into the expediency of allowing to the heirs or legal representatives of William Gilliam, a soldier of the Revolution, the balance of pay to which the said Gilliam was entitled at the time of his discharge from service.
On motion of Mr. Allison, ordered that a message be sent to the Senate, proposing that a ballot be had immediately for a brigadier general of the 16th brigade, and nominating Thomas W. Graves for the appointment.

A message from the Senate, proposing that a ballot be had immediately for a brigadier general of the 15th brigade, and informing that Richard H. Bonner and Hezekiah G. Spruill are in nomination for the appointment. This proposition was agreed to, and Messrs. Kennedy and Murray appointed a committee to conduct the ballotting. A message from the Senate, informing that Messrs. Pugh and Mann are appointed a committee to conduct said ballotting on the part of the Senate.

On motion of Mr. Guthrie, the House agreed to reconsider the vote of yesterday, postponing indefinitely the bill to prohibit the justices of the Court of Pleas and Quarter Sessions of Pitt county from allowing extra service money to the county officers; when, on motion of Mr. Cherry, the said bill was referred to the committee on Private Bills.

The engrossed bill to restore to credit Isaac Weston, of Duplin county, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing to ballot immediately for a brigadier general of the 16th brigade, and informing that Messrs. Kerr and Harrison form their ballotting committee. Ordered that Messrs. Allison and Hargrove superintend said ballotting on the part of this House.

Mr. Wilson, from the committee appointed to conduct the ballotting for a brigadier general of the 18th brigade, reported that John D. Pipkin, of Gates, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Coleman presented a bill to alter the name of Kinston, in Lenoir county; which was read the first, second and third times, passed, and ordered to be engrossed.

The bill concerning the poor of Washington county, was read the second and third times, passed, and ordered to be engrossed.

The bill directing the ballots of the votes of the twelfth congressional district to be hereafter compared in the town of Asheville, was read the second time and passed.

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

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THURSDAY, DECEMBER 5, 1833.

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

On motion of Mr. Laspeyre, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for a brigadier general of the seventh brigade.

Mr. Tatham presented the memorial of some of the citizens of Macon county in relation to the silver mines on the public lands of the State; which was read, and, on motion of Mr. Tatham, referred to the committee raised on that subject.

Mr. Guinn presented a bill better to promote the administration of justice in the county of Macon; which was read the first time and passed.

Mr. Fisher, from the committee on the subject of the silver mines, reported a bill granting to Asa Delozier and Henry Reagan, under certain conditions, two tracts of land; which was read the first time and passed.
On motion of Mr. M'Leod,

Resolved, That the committee on the Cherokee lands be directed to inquire into the propriety of passing a law, by which the State in all future grants of land, shall reserve to herself a certain portion or interest in all mines of gold and silver.

Mr. Allison, from the committee appointed to conduct the balloting for a brigadier general of the 16th brigade, reported that Thomas W. Graves had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Received from his Excellency the Governor, by his Private Secretary, a communication transmitting the annual report of the Board for Internal Improvements for the present year; which, on motion of Mr. Edmonston, was ordered to be sent to the Senate, with a proposition that it be printed.

Mr. Wyche, from the committee on Finance, to which was referred the resolution directing them to inquire whether the tax on pedlars be sufficient, reported that, in their opinion, the law upon this subject requires no amendment. The report was, on motion of Mr. Outlaw, laid on the table.

Mr. Wyche, from the same committee, made a detailed report upon the funds and state of the Treasury; which was, on motion of Mr. Wyche, ordered to be sent to the Senate and be printed.

Mr. Daniel, from the committee on Claims, to which was referred the resolution in favor of Mary Sloan, widow of Capt. John Sloan, reported the same without amendment. The said resolution was thereupon read the third time, passed, and ordered to be engrossed.

Mr. Daniel, from the same committee, to which was referred the resolution in favor of Owen Carroll, of Bladen county, reported favorably thereon. The said resolution was read the second time and passed.

The bill to alter the name of William Lawrence Cherry, and to legitimate him, was read the second time and rejected.

A message from the Senate, agreeing to ballot on to-morrow for brigadier general of the 7th brigade, informing that Warren J. Huie, James Cook, Samuel Lemley and Hiram Phelps are in nomination for the appointment.

The bill to emancipate Thomas, a slave, was read the second time and rejected.

Mr. Taylor presented a bill altering the compensation of the justices holding the County Courts of Nash; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend and correct an error in an act, passed at the last session, entitled an act to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit; and asking the concurrence of this House. The said bill was read the first time and passed.

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

The engrossed bill to restore to credit John Andrews, of Iredell county, was, on motion of Mr. King, referred to the committee on the Judiciary.

The bill to establish a Literary and Manual Labor Institution in the county of Wake, was, on motion of Mr. Kittrell, referred to the committee on Education.

And then the House adjourned until to-morrow morning, 10 o'clock.
Friday, December 6, 1833.

Mr. Kennedy, from the committee appointed to conduct the balloting for a brigadier general of the 15th brigade, reported that Hezekiah G. Spruill, of Tyrrell, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Ordered that Messrs. Clements and Ledford superintend the balloting for a brigadier general of the seventh brigade, heretofore agreed upon by the two Houses to be had this day.

Mr. John D. Jones presented a resolution authorising the Public Treasurer to pay for certain printing; which was read the first time and passed.

Mr. Phelps presented a bill to divorce William Barber from his wife Mary Barber; which was read the first time and passed, and, on motion of Mr. Phelps, referred to the committee on Propositions and Grievances.

Mr. Barringer, from the committee on the Judiciary, to which the subject had been referred, reported a resolution in favor of the legal representatives of the late Chief-Justice Henderson; which was read the first time and passed.

Mr. Barringer, from the same committee, to which was referred a resolution on the subject, reported a bill declaratory of the law in relation to the rights and duties of sheriffs and inspectors in holding elections; which was read the first time and passed.

Mr. Barringer, from the same committee, to which was referred the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, reported the same with an amendment. The amendment was concurred in, and the bill read the second time and passed.

Mr. Barringer, from the same committee, to which was referred the bill to provide for the collection of debts when there is no visible property, reported unfavorably thereon. The said bill was thereupon, on motion of Mr. J. B. Jones, postponed indefinitely.

Mr. Barringer, from the same committee, to which was referred the bill to provide for the better administration of justice in the county of Rutherford, reported unfavorably thereon. The report was not concurred in, and the bill was read the second time, amended, and passed.

On motion of Mr. Graham,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law of larceny, as to remove the penalty of perpetual infamy from a conviction of petit larceny, or if that shall be found inexpedient, to attach the same penalty to a conviction of grand larceny.

Mr. Guthrie asked and obtained leave to withdraw from the files of this House the petition of certain citizens of Chatham, in favor of Daniel Murray.

On motion of Mr. Peeples, the vote of yesterday, rejecting the bill to emancipate Thomas, a slave, was agreed to be reconsidered.

A message from the Senate, announcing the death of David Latham to the House of Commons, Senator from the county of Martin, and proposing that a committee, of two on the part of each House, be appointed to superintend and make the necessary arrangements for the funeral of the deceased, and further proposing, that the members of the General Assembly wear crape on the left arm for the space of thirty days. The propositions of the Senate were concurred in, and Messrs. Cloman and Smithwick appointed a committee on behalf of the Commons.

A message from the Senate, proposing that, in consequence of the death
of David Latham, a committee, of two on the part of each House, be appointed to wait on his Excellency the Governor, and inform him of the event, and that the two Houses, in consequence thereof, will not be prepared to transact any business on this day, but will be ready to receive him at such other time as he may see fit to appoint. This proposition was concurred in, and Messrs. Graham and Wilson appointed a committee for this purpose on behalf of the Commons.

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

Saturday, December 7, 1833.

Mr. Graham, from the committee raised on the subject, reported that his Excellency Governor Swain would, on Monday next, at one o'clock, attend the General Assembly and take the oaths of office.

On motion of Mr. Wyche, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for Public Treasurer, and nominating William S. Mhoon, the present incumbent, for that appointment.

Mr. Seawell presented a bill to incorporate the Fayetteville Transportation Company; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed resolutions, viz. A resolution in favor of James Moore, of Duplin county; and a resolution in favor of the securities of John Sloan, and asking the concurrence of this House. The said resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill authorising the erection of a fire proof house in Camden county, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that Messrs. Beard and Skinner of Perquimons, form their balloting committee for a brigadier general of the seventh brigade.

Mr. Guthrie presented a bill relating to the power of sheriffs in appointing deputies; which was read the first time and passed, and, on motion of Mr. Settle, referred to the committee on the Judiciary.

The resignations of Bryan Randolph, as lieutenant colonel of the 16th regiment of militia, and of George Boyd, as a justice of the peace of the county of Beaufort, were presented, read and accepted.

The bill to prevent the falling of timber in or obstructing the run of Ellis's creek, in Bladen county, and Tar river, in Nash county, was, on motion of Mr. Taylor, referred to the committee on Private Bills.

The bill to incorporate the Greensborough Academy and Manual Labor School, was, on motion of Mr. Hargrove, referred to the committee on Education.

The engrossed bill to amend and correct an error in an act, passed at the last session, entitled an act to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit, was read the second time and passed.

A message from the Senate, agreeing to ballot immediately for a Public Treasurer, and informing that Messrs. Morrison and Simmons form their balloting committee. Ordered that Messrs. Irion and Hardison form said committee on behalf of the Commons.
On motion of Mr. Wyche, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Comptroller of Public Accounts, and informing that James Grant, the present incumbent, is in nomination for the appointment.

Mr. Clement, from the committee appointed to conduct the balloting for a brigadier general of the seventh brigade, reported that no one in nomination 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. Marsteller, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for this officer.

A message from the Senate, agreeing to ballot immediately for a Comptroller, and informing that Messrs. Mebane and Caldwell form their balloting committee. Ordered that Messrs. Marsteller and Cansler form this committee on behalf of the Commons.

Mr. Barringer presented a bill to incorporate the trustees of the Episcopal School of North Carolina; which was read the first time and passed, and, on motion of Mr. Barringer, referred to the committee on Education.

A message from the Senate, agreeing to ballot again immediately for a brigadier general of the seventh brigade, and informing that Messrs. Beard and Skinner of Perquimons form their balloting committee. Ordered that Messrs. Wiseman and Grier form said committee on behalf of the Commons.

Mr. M'Neill presented a bill to provide for the final settlement of executors and administrators; which was read the first time and passed, and, on motion of Mr. J. B. Jones, referred to the committee on the Judiciary, and, on motion of Mr. Wilson, ordered to be printed.

The bill altering the compensation of the justices holding the County Courts of Nash, was read, and, on motion of Mr. Boddie, postponed indefinitely.

Mr. Irion, from the committee appointed to conduct the balloting for Public Treasurer, reported that William S. Mhoon had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Marsteller, from the balloting committee for a Comptroller of Public Accounts, reported that James Grant had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Wiseman, from the balloting committee for a brigadier general of seventh brigade, 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. King, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer, and informing that the name of Mr. Huie is withdrawn from the nomination. A message from the Senate, concurring in this proposition, and informing that Messrs. Beard and Skinner of Perquimons form their balloting committee, and that the name of Hiram Phelps is withdrawn from the nomination. Ordered that Messrs. Waugh and W. Potts form the balloting committee on behalf of the Commons.

On motion of Mr. Hawkins, Resolved, That the committee of Finance be instructed to inquire into the expediency of
allowing compensation to persons who may work on the public roads, after a given number of days in a year, and that they inquire into the mode in which payment shall be made.

Mr. Tatham presented a resolution relating to members of the Legislature who may die at the seat of Government; which was read the first time and passed.

The bill better to promote the administration of justice in the county of Macon, was read the second and third times, passed, and ordered to be engrossed.

Mr. Kennedy presented a bill to amend an act, passed in the year 1832, entitled an act to appoint an additional place of public sale in the county of Beaufort; which was read the first time and passed.

Mr. Marsteller presented a petition from sundry citizens of the counties of New Hanover, Brunswick, Bladen and Columbus, together with a bill to carry into effect the prayer of said petition, entitled a bill to incorporate the Waccamaw and Cape Fear Canal Company. The said bill was read the first time and passed, and, on motion of Mr. Marsteller, referred to the committee on Internal Improvements.

Mr. Wyche called up the bill to alter and amend the Judiciary system of the State of North Carolina. Mr. Guthrie moved that it be referred to a committee of the Whole House, and be made the order of the day for Thursday next. This motion was not agreed to. Mr. Guthrie then moved that it be made the order of the day for Tuesday next; which was negatived. Mr. Guthrie moved that the bill lie on the table. This question was also decided in the negative; when, on motion of Mr. J. B. Jones, the said bill was postponed indefinitely—yeas 102, nays 23. The yeas and nays demanded by Mr. Ziglar.


A message from the Senate, informing that Messrs. Sherard and Stone compose the joint select committee on the part of the Senate to wait on his Excellency the Governor, and inform him of the death of David Latham, the Senator from Martin, and informing also that Messrs. Melane and Mann are appointed on their part to make arrangements for the burial of the deceased.

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

MONDAY, DECEMBER 9, 1833.

Taliaferro Witcher, one of the members elect from the county of Ashe, appeared, exhibited his credentials, was qualified, and took his seat.

Mr. John D. Jones presented a memorial from sundry merchants and citizens of the town of Wilmington, praying the incorporation of a compa-
ny for banking purposes in said town; and also praying the rechartering of the Bank of Cape Fear. The said memorial was read, and, on motion of J. D. Jones, ordered to be transmitted to the Senate, with a proposition that it be referred to the joint select committee on the Currency.

Mr. Shepard, from the committee, to which was referred the memorial of many merchants and inhabitants of the town of Newbern in relation to the establishment of a bank, reported a bill to establish the Merchants' Bank in the town of Newbern, and the Merchants' and Planters' Bank in the town of Edenton; which was read the first time and passed.

Mr. Wyche presented the memorial of sundry citizens of Granville county, praying the location of a bank, or some branch thereof, in the town of Oxford; which was read, and, on motion of Mr. Wyche, referred to the joint select committee on Banks and the Currency.

Mr. Fisher, from the committee on Banks and the Currency, reported a bill to establish the Bank of North Carolina; which was read the first time and passed, and, on motion of Mr. Fisher, ordered that the same, together with the bill to establish the Merchants' Bank in the town of Newbern, and the Merchants' and Planters' Bank in the town of Edenton, be printed.

On motion, leave of absence was granted to Giles S. M'Lean from this day until Monday next.

Ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a brigadier general of the 19th brigade, and informing that Benjamin S. Brittain, Enoch Cunningham and Thomas G. Patton are nominated for the appointment.

Mr. Waugh, from the balloting committee for brigadier general of the seventh brigade, reported that James Cook, of Rowan, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, agreeing to ballot immediately for a brigadier general of the 19th brigade, informing that the name of Wesley M'Elroy is added to the nomination, and that Messrs. Elliott and Phillips form their balloting committee. Ordered that Messrs. Weaver and J. Horton form this committee on behalf of the Commons.

A message from the Senate, agreeing to the proposition of this House, that the report of the Board of Internal Improvements, and the report of the committee of Finance on the public funds, be printed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Carteret and Craven; and a bill to legitimate and alter the name of Mary Ann Martha Wallace, of Halifax county, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. R. H. Alexander presented a bill directing the title of the lot upon which the public jail is erected in the town of Salisbury, to be made to the chairman of the County Court of Rowan county; and Mr. Brandon, a bill to amend an act concerning the town of Wadesborough, passed in the year 1825, chapter 73, and for other purposes. These bills were read the first time and passed.

The bill to authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river, was read the second time, amended on Mr. Houlder's motion, and passed.
The engrossed bill to amend and correct an error in an act, passed at the last session, entitled an act to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit, was read the third time, passed, and ordered to be enrolled.

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

Mr. Kennedy presented a bill to regulate the fisheries on the waters of Tranter's creek, in the county of Beaufort; which was read the first time and passed, and, on Mr. Marsteller's motion, referred to the committee on Private Bills.

The bill to reduce the salaries of the Supreme Court Judges, was, on motion of Mr. Allison, made the order of the day for to-morrow.

On motion of Mr. John D. Jones, 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; when David L. Swain, attended by the joint select committee heretofore appointed, waited upon the General Assembly, both branches being assembled in the Commons Hall, and took and subscribed the several oaths prescribed by law for the qualification of the Governor of this State—the oaths being administered by Charles L. Hinton, Esq. a justice of the peace for the county of Wake.

Mr. Kennedy presented a memorial from sundry citizens of the town of Washington, praying the grant of a charter of a bank to be located in said town. The said memorial was read, and, on Mr. Kennedy's motion, referred to the committee on Banks and the Currency.

Mr. Weaver, from the balloting committee for a brigadier general of the 19th brigade, reported that Benjamin S. Brittain had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill granting to Asa Delozier and Henry Reagan, under certain conditions, two tracts of land, was, on motion of Mr. Barringer, ordered to lie on the table and be printed.

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

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

Tuesday, December 10, 1833.

Mr. Edmonston, from the committee on Finance, to which was referred the bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter to be paid to the State for vacant land, reported the same with an amendment. The amendment was read and concurred in, and the bill passed the second reading.

Mr. M'Gehee presented a bill to establish a Bank in the State of North Carolina, to be styled the Bank of the State of North Carolina; which was read the first time and passed, and, on motion of Mr. M'Gehee, ordered to be printed.

On motion of Mr. Fisher,

Resolved, That the committee on Finance be instructed to inquire into the expediency of revising the present revenue laws of the State, and likewise whether it would not be good policy annually to publish with the Acts of Assembly, or as an appendix thereto, the general revi-
nue laws of the State, so that they may always be conveniently accessible to the magistrates appointed in each county to take in the tax lists.

Mr. Daniel, from the committee on Claims, to which was referred the resolution in favor of Stephen Owens, late sheriff of the county of Beaufort, reported the same with an amendment. The amendment was concurred in, and the resolution, as amended, read the second time and passed.

Mr. Battle presented a bill to amend 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 February, 1830; which was read the first time and passed, and, on motion of Mr. Long, ordered to be printed, and referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Richmond Manufacturing Company, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Guinn presented a resolution for the Comptroller; which was read the first time and passed, and, on motion of Mr. Guinn, referred to the committee on the Library.

The bill to incorporate the Fayetteville Transportation Company, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

Mr. Barringer, from the committee on the Judiciary, to which the subject was referred, reported a bill creating seven judicial circuits in this State; which was read the first time and passed, and ordered, on motion of Mr. King, to be printed.

Mr. Barringer, from the same committee, to which was referred the bill relating to the power of sheriffs in appointing deputies, reported unfavorably thereon. The said bill was read the second time and rejected.

Mr. Barringer, from the same committee, to which was referred the bill to subject the legacies, distributive shares, devises and undivided interest in real estates of absconding or removed debtors to attachment, reported unfavorably thereon. The said bill was read the second time and rejected.

On motion of Mr. Murray,

Whereas there are many large grants of land owned by individuals in some of the counties of this State, the butts and bounds of which are not well marked and defined, in consequence of which, conflicting interest often arises and law suits take place, all of which might be avoided if the holder of these large grants were compelled to designate and define their lines: Therefore

Resolved, That the committee on Education be instructed to inquire into the expediency of compelling by law all the holders of large grants of wild land to run the same out, and distinctly to mark and designate the corners and outlines of the same.

The engrossed bill to alter the time for holding the Superior Courts of Law and Equity for the counties of Carteret and Craven, was read, and, motion of Mr. Whitehurst, laid on the table.

The bill to reduce the salaries of the Supreme Court Judges, was, on motion of Mr. Haughton, postponed indefinitely—yeas 79, nays 51. The yeas and nays demanded by Mr. Stockard.

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Allen, Barco, Barringer, Battle, Blackman, Boddie, Brandon, Brown, Burgin, Calvert, Cansler, Coleman, Corpening, Courts, Cromwell, Daniel, Dawson, Dodson, Foreman, Gillespie, Grady,


Mr. Weaver, from the committee raised on the Cherokee lands, to which a communication of his Excellency the Governor had been referred, reported a resolution relating to the State suits in the Supreme Court of the United States; which was read the first time and passed.

Mr. Weaver, from the same committee, to which was referred a bill authorising Thomas Love and Dilliard Love, of Macon county, to erect a bridge across Tennessee river, at the most convenient place at or near where the State road crosses the same, reported the said bill with an amendment. The amendment was concurred in, and the bill read the second time as amended, and passed.

Mr. W. M'Lean presented a bill to incorporate Rocky River Academy, in Cabarrus county; which was read the first time and passed.

The bill to provide for the better administration of justice in the counties of Rutherford, Buncombe, Lincoln, Iredell and Pasquotank; the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; the resolution in favor of Owen Carroll, of Bladen county; the resolution directing a copy to be made of the map of the Cherokee lands; the bill concerning official and other public bonds; the bill directing the scrolls of the votes of the twelfth Congressional district to be hereafter compared in the town of Asheville; and the bill to amend an act, passed in 1782, entitled an act for giving an equity jurisdiction to the Superior Courts so far as relates to the liability of sheriffs as bail, were severally read the third time, passed, and ordered to be engrossed.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution directing them to inquire into the expediency of prohibiting the trading with slaves in all cases whatsoever, except under the restrictions now imposed by law, reported that it is inexpedient to legislate in the manner proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

The bill to amend an act, passed in the year 1832, entitled an act to appoint an additional place of public sale in the county of Beaufort, was read the second and third times, passed, and ordered to be engrossed.

The bill to emancipate Thomas, a slave, was read the second time and rejected—yeas 62, nays 66. The yeas and nays demanded by Mr. Wiseman.


The bill reducing the fees of the Secretary of State; the resolution relating to members of the Legislature who die at the seat of government; the bill vesting the power to authorise the erection of gates across public roads in the several County Courts; and the resolution in favor of Elizabeth Forbis, widow of Arthur Forbis, deceased, of Guilford county, were severally read the second time, amended, and passed.

The bill to amend an act concerning the town of Wadesborough, passed in the year 1825, chapter 75, and for other purposes; the bill declaratory of the law in relation to the rights and duties of sheriffs and inspectors in holding elections; the bill concerning coroners’ fees; the bill concerning the appointment of registers in certain cases; the bill to amend an act, passed in the year 1824, chapter 43, entitled an act to amend an act, passed in the year 1819, entitled an act to annex Smith’s Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle’s Island to the county of New Hanover; also the resolution in favor of the securities of John Sloan; the resolution in favor of James Moore, of Duplin county; the resolution in favor of the legal representative of the late Chief Justice Henderson, and the resolution authorising the Public Treasurer to pay for certain printing, were severally read the second time and passed.

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

WEDNESDAY, DECEMBER 11, 1833.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the bill to authorise Laxon Lynch to erect two gates in Rutherford county, reported unfavorably thereon. The said bill was read the second time and rejected.

Mr. Courts, from the same committee, to which was referred the petition of John Goodbread, of Rutherford county, reported a bill to alter the name of Nancy Brazier, and to legitimate her. The said bill was read the first time and passed.

Mr. Laspeyre presented a bill to elect a magistrate of police for the town Smithville, and for other purposes; which was read the first time and passed.

The resignation of Willie M. Nelson, as colonel of the 18th regiment of North Carolina militia, was presented, read and accepted.

Mr. R. H. Alexander, from the committee on Education, to which was referred the bill to incorporate the Greensborough Academy and Manual Labour School, reported the same with sundry amendments. The said bill
was further amended on motion of Mr. Daniel, read the second time and passed—yeas 95, nays 34. The yeas and nays called for by Mr. Wiseman.


Mr. R. H. Alexander, from the committee on Education, to which was referred the bill to establish a Literary and Manual Labor School in the county of Wake, reported the same with sundry amendments. The amendments were concurred in. The bill was further amended on the motions of Mr. Daniel and Mr. M'Neill, and read the second time and passed—yeas 91, nays 36. The yeas and nays demanded by Mr. Edmonston.


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

Thursday, December 12, 1833.

Mr. Hargrove presented a bill to authorize Admiral Dunstan, a free man of color, of Mecklenburg county, Virginia, to reside in this State; which was read the first time and passed, and, on motion of Mr. Hargrove, referred, together with an accompanying petition upon the subject, to the committee on Propositions and Grievances.

Mr. Cansler presented the petition of Christy Eaker and others, heirs of Christy Eaker, deceased, praying that sundry slaves, the property of their ancestor, may be emancipated; and Mr. Thompson, the petition of Peter Ambrose, of Onslow county, praying to be divorced from his wife Thirza. These petitions were referred to the committee on Propositions and Grievances.

Mr. Marsteller, from the committee on Military Affairs, to which the subject was referred, reported a bill requiring major generals of militia to review their regiments at their usual places of mustering. The said bill was read the first time and passed.
Mr. Marsteller, from the same committee, reported favorably on a bill in relation to the Independent or Volunteers Companies, formed out of the 57th and 58th regiments of militia in Guilford county. The said bill was read the second time and passed.

Mr. Marsteller, from the same committee, in obedience to instructions, reported a bill to enforce the collection of militia fines; which was read the first time and passed.

Mr. Marsteller, from the same committee, to which was referred the resolution directing them to inquire into the expediency of digesting and amending the patrol laws, reported unfavorably thereon, and prayed to be discharged from further consideration of the subject. The report was concurred in.

Mr. Clements, from the select committee to which was referred the bill directing the manner in which constables shall be appointed in this State, reported the same with sundry amendments. The amendments were concurred in, and, on motion of Mr. Marsteller, the said bill was ordered to be recommitted to the same committee.

On motion of Mr. Haughton, Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to master and apprentice, so as further to secure the service of the apprentice to the end of his term, by making it indictable to harbor, aid or abet an absconding apprentice; and report by bill or otherwise.

Mr. M'Gehee presented a bill to establish Arcadia Academy, and to incorporate the trustees thereof; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to erect a new county, by the name of Yancey; a bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians; a bill to amend the pilot laws; a bill to authorise the present commissioners of the town of Statesville, in Iredell county, to execute deeds for certain lots in said town; a bill to legitimate and alter the names of Nancy H. Relfe and Pamela Relfe, of Pasquotank county; a bill to authorise the commissioned officers of the 87th regiment of Davidson county militia to move or change the place of mustering said regiment; a bill to improve the State road from the bank of the Tuckasegee river, by the way of Franklin, to the Georgia line; and a bill appointing commissioners in the county of Haywood to superintend the road from the Buncombe line to the Macon line, in said county, and asking the concurrence of this House. The said bills were read the first time and passed.

The bill to erect a new county, by the name of Yancey, was, on motion of Mr. Burgin, made the order of the day for to-morrow.

The engrossed bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, was, on motion of Mr. Outlaw, referred to a select committee, consisting of Messrs. Outlaw, Murray, Henry, Tatham and Irion, and ordered to be printed.

A message from the Senate, agreeing that the memorial of sundry citizens of the town of Wilmington, upon the subject of banks, be referred, as proposed, to the joint select committee on that subject.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Ladies' Working Society of St. James' Church, in the town of Wilmington, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.
Mr. Leffers presented a bill for the better administration of justice in Carteret county; which was read the first time and passed.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill to amend the law of distribution of personal estate, made an unfavorable report thereon. The said bill was thereupon, on motion of Mr. Settle, postponed indefinitely.

Mr. Graham presented the memorial of sundry citizens of the town of Hillsborough, praying the rechartering of the Bank of Cape Fear; which was read and referred to the joint select committee on the Currency.

Mr. Battle presented a resolution in favor of Cynthia Parsley; which was read the first time and passed, and, on motion of Mr. Battle, referred to the committee on Claims.

On motion of Mr. Seawell,

Resolved, That the committee on Internal Improvements be instructed to inquire whether it be expedient for the State to aid with its funds any incorporation created for the purposes of effecting any project of internal improvement within the State, and if expedient to afford such aid, what project or projects merit in the first instance the patronage of the Legislature.

Mr. Wyche, from the committee on the Currency, reported a bill to recharter the Bank of Cape Fear; which was read, and, on motion of Mr. Wyche, ordered to be printed, and, on motion of Mr. Graham, made the order of the day for Monday next.

Mr. R. Jones presented a bill more effectually to prohibit the trading with slaves; which was read the first time and passed.

Mr. M'Cleese, from the committee on Private Bills, to which was referred the engrossed bill to legitimate Thomas Pettis Gardener, reported unfavorably thereon. The said bill was read the second time and rejected.

Mr. M'Cleese, from the same committee, to which was referred the bill to alter the names of John M'Henry, Lucy M'Henry and Jesse M'Henry, illegitimate children of Dickerson Mask, of Richmond county, and to legitimate them, reported unfavorably thereon. The said bill was thereupon, on motion of Mr. Settle, postponed indefinitely.

Mr. M'Cleese, from the same committee, reported favorably on the bill directing the Judges of the Superior Court of Hyde county not to take up State cases before the Thursday of Court week. The said bill was read the second time, amended, and passed.

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

To the General Assembly of the State of North Carolina,

GENTLEMEN:—I transmit, in the accompanying file marked A. the report of R. M. Sanders, Esquire, who represented the State at the annual meeting of the stockholders of the State Bank of North Carolina, in December last, and the joint report of William H. Haywood, Jr. and Spier Whitaker, Esquires, the commissioners who represented the State at the annual meeting of the stockholders of the Bank of Newbern. From Joseph A. Hill, Esq'r. the commissioner who attended the annual meeting of the stockholders of the Bank of Cape Fear, no report has yet been received.

In accordance with the suggestions of the Attorney General, contained in the report above mentioned, a suit has been instituted in Wake Superior Court of Equity, which is now pending, and will be ready for a hearing at the approaching term of the Supreme Court. The points of controversy are so fully stated by the Attorney General in his report on the subject, and in the report submitted to the General Assembly at the commencement of the session by the Public Treasurer, that it is only considered necessary to call your attention to them.

No bill has yet been filed to correct the errors in the accounts and settlements between the State and the Banks of Newbern and Cape Fear. I understand, however, that the resolution of the last General Assembly has not escaped the attention of the Attorney General, and that he will, in due time, adopt such measures as he may consider best calculated to promote the public interest.
An annual meeting of the stockholders of the State Bank was held in this city on Monday the 2nd inst. and adjourned over until the second Monday in February next. Gavin Hogg attended as commissioner on the part of the State, from whom I learn that the propriety of making a second dividend of the capital stock of that institution will be considered at the adjourned meeting referred to.

In the file B. will be found a letter from E. Littell, Esquire, of Philadelphia, suggesting a plan for a substitute for the notes of the Bank of the United States, and eventually, as a substitute for all Bank notes; which is communicated to the General Assembly in compliance with the request of that gentleman.

I have the honor to be, &c. &c. &c. D. L. SWAIN.

Executive Office, 11th Dec, 1833.

The foregoing communication was read, and, on motion of Mr. Outlaw, ordered to be sent to the Senate, with a proposition to print the message and accompanying documents, and to refer the same to the joint select committee on Banks and the Currency.

On motion of Mr. Guthrie, the bill to establish the Bank of North Carolina, was made the order of the day for Monday next.

The bill granting to Asa Delozier and Henry Reagan, under certain conditions, two tracts of land, was, on motion of Mr. Fisher, taken up and considered, when, on motion of Mr. Graham, it was recommitted to the same committee, with instructions to inquire whether the alleged discovery of a silver mine on the lands of this State will not be revealed upon the guarantee by the State to the said Reagan and Delozier of a tenth part of all the silver which shall be found on any of the vacant lands of this State, upon which the said Reagan and Delozier shall shew it to exist, provided that the same shall not exceed five thousand dollars per annum.

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

FRIDAY, DECEMBER 15, 1833.

On motion, leave of absence from the service of this House for this day and to-morrow, was granted to Mr. Cromwell.

The resignation of James W. Northup, as lieutenant colonel of the first regiment of Anson county militia, was presented, read and accepted.

Mr. Seawell presented a bill to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company; which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be referred to the committee on Internal Improvements, and be printed.

Mr. Poindexter presented a bill to amend the militia laws of this State, and to promote military discipline; which was read the first time and passed, and, on Mr. Poindexter's motion, referred to the committee on Military Affairs.

Mr. Allison, from the committee on Agriculture, to which was referred the petition of sundry citizens of the county of Sampson, relating to the running at large of tame deer, reported that it is inexpedient to legislate upon the subject, and prayed that the committee be discharged from the further consideration thereof. The report was concurred in.

Mr. Wiseman presented a bill exempting certain articles therein named from execution; which was read the first time and passed.

Mr. Haughton presented a bill authorising and empowering the commissioners of the town of Edenton to lease, for a term of years, the commons and other vacant lots in said town; which was read the first time and passed.

Mr. Wilson presented a bill supplemental to an act directing how persons
injured by erection of public mills, shall in future proceed to recover damages, passed in the year 1809; which was read the first time and passed, and, on motion of Mr. Daniel, referred to the committee on the Judiciary.

The resolution authorising and directing the Public Treasurer to pay for certain printing, was read the third time, passed, and ordered to be engrossed.

Mr. Graham, from the committee on the Judiciary, to which was referred the resolution directing them to inquire into the expediency of altering the law of larceny, reported a bill to amend the law in relation to the crime of larceny; which was read the first time and passed.

The resignations of William E. Anderson, as colonel commandant of the 47th regiment, of Jeremiah Holt, as colonel commandant, of Nicholas Albright, as lieutenant colonel, and of George Graham, as major of the 49th regiment of the militia of this State, and of E. N. Davis, as a justice of the peace for the county of Franklin, were presented, read and accepted.

Mr. Guthrie presented a bill concerning the western regiment of the militia of Chatham county; and Mr. J. D. Jones a bill to incorporate the Mutual Relief Association of the town of Wilmington; which were read the first time and passed.

On motion of Mr. McNeill,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of rendering Black river, in the counties of Bladen, Cumberland and Sampson, navigable for the purpose of rafting to the junction of Mingo with Black river; and that they report by bill or otherwise.

The bill creating seven judicial circuits in the State, was, on motion of Mr. Edmonston, referred to a select committee, consisting of Messrs. Edmonston, Cansler, Barringer, Wm. Potts and Weaver.

The engrossed bill to legitimate and alter the name of Martha Ann Wallace, of Halifax county, was read the second and third times, passed, and ordered to be enrolled.

The bill directing the title of the lot upon which the public jail is erected in the town of Salisbury, to be made to the chairman of the County Court of Rowan county, was read the second and third times, passed, and ordered to be engrossed.

The bill to elect a magistrate for the town of Smithville, was read the second and third times, passed, and ordered to be engrossed.

The bill to incorporate Rocky River Academy, in Cabarrus county, was read the second time and passed.

The House now proceeded to the order of the day, and took up the bill to erect a new county by the name of Yancy. Mr. Mixon moved to amend the bill by adding the following section: "And be it further enacted, that a county, to be called Roanoke, shall be erected out of the counties of Tyrrell, Hyde and Currituck, beginning at the mouth of Alligator river, and running south with said river to Mill Tail Landing, about 25 miles thence a south east course to the sea board, north along said sea board, to Kill Devil Hills, and west to the first station." This amendment was rejected—yeas 49, nays 79. The yeas and nays called for by Mr. Guthrie.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Barco, Boddie, Bynum, Calvert, Carter, Cherry, Cloman, Daniel, Dawson, Ennett, Hammond, Hardison, Haughton, Houlder, Jasper, J. B. Jones, Wm.
JOURNAL OF THE HOUSE OF COMMONS.


Mr. J. W. Potts moved that the bill be referred to a select committee, with instructions to report a bill for the more convenient administration of justice in the district of the country embraced in the bill, without extending to said territory the right of representation in the General Assembly. This motion was rejected. Whereupon the said bill was read the second time and passed—yeas 67, nays 63. The yeas and nays demanded by Mr. Wilson.


Mr. Smithwick presented a resolution in favor of Samuel S. Shepherd, sheriff of Martin county; which was read the first time and passed, and, on motion of Mr. Smithwick, referred to the committee on Claims.

The bill to authorise the present commissioners of the town of Statesville, in Iredell county, to execute deeds to certain lots in said town; and the engrossed resolution in favor of James Moore, of Duplin county, were read the second and third times, passed and ordered to be enrolled.

The bill to establish Arcadia Academy, and to incorporate the trustees thereof; and the bill to alter the name of Nancy Brazier, and to legitimate her, were severally read the second time and passed.
The bill to establish as a toll bridge the bridge lately erected by James M. Alexander across French Broad river, in Buncombe county, was read, and, on motion of Mr. Kittrell, postponed indefinitely. The bill to establish a toll bridge across French Broad river, in Buncombe county, was, on motion of Mr. Edmonston, postponed indefinitely. The House then adjourned until to-morrow morning, 10 o'clock.

Saturday, December 14, 1833.

Mr. Wyche, from the committee on Finance, to which was referred the memorial of sundry auctioneers of the town of Newbern, praying a reduction of the tax on sales by auction, reported that it is not, in the opinion of the committee, advisable to reduce said tax, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Wyche, from the same committee, to which was referred the resolution directing them to inquire into the expediency of allowing compensation to certain persons who may work on the public roads, reported that it is not expedient so to change the law, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Barringer, from the committee on the Judiciary, to which was referred so much of the message of his Excellency the Governor as relates to the revision of the statute laws, reported a bill for revising and digesting the public statute laws of this State; which was read the first time and passed, and, on motion of Mr. Wilson, ordered to be printed.

On motion of Mr. R. H. Alexander,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to authorise and require the several clerks of Courts of Pleas and Quarter Sessions in this State to take the probate of all deeds of bargain and sale or other conveyances of real estate and deeds of gift and bills of sale in vacation, that such probate shall have the effect and be under the same rules, regulations and restrictions as are now provided by law for the probate of said instruments.

Mr. Daniel presented a bill providing for turning or altering roads in certain cases; and Mr. Latham, a bill to prevent the hauling of seines or obstructing the passage of fish on certain days in Upper Broad Creek, in Craven county. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolutions directing a copy to be made of the map of the Cherokee lands, with an amendment, and asking the concurrence of this House. The amendment was read and agreed to.

A message from the Senate, concurring in the amendment proposed by this House to the engrossed bill to authorize Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river. Ordered that said bill be enrolled.

A message from the Senate, agreeing that the message of his Excellency the Governor of the 12th inst. with the documents accompanying, be printed and referred to the joint select committee on Banks and the Currency.

Mr. Guthrie presented the following resolutions, viz.

Resolved, That our Senators be instructed, and our Representatives be requested to use their best exertions to procure a recharter of the Bank of the United States.

Resolved further, That his Excellency the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

These resolutions were read, and, on motion of Mr. Outlaw, laid on the table.

A message from the Senate, informing that they had passed the following
engrossed bills, viz. A bill to amend an act, passed in the year 1821, enti
tied an act to amend the several inspection laws of this State, so far as it
respects turpentine in the town of Wilmington; a bill to appoint commissi
ioners to lay off a town at a place called Trap Hill, in the county of Wilkes;
a bill to repeal an act, passed at the last session of the General Assembly, en
tided an act to create one additional wreck district in the county of Hyde,
and for other purposes; a bill to establish a town at the Court House in the
county of Caswell, by the name of Vanceville, and to incorporate the same;
a bill to incorporate the Chowan Volunteer Company; and a bill to repeal an
act, passed at the last session of the General Assembly, entitled an act con
cerning the hands working on roads in the county of Burke; and asking
the concurrence of this House. These bills were read the first time and
passed, except the last named bill, which, on motion of Mr. Burgin, was re
jected.

The resignations of William Hanner, as colonel commandant of the 58th
regiment, of William Brittain, as colonel commandant of the 57th regiment, and
of E. K. Armstrong, as lieutenant colonel of the first regiment of mi
litia of Surry county, were presented, read and accepted.

On motion of Mr. Sattle, James W. Guinn was added to the select com
mittee raised on the bill directing the sale of Cherokee lands.

Mr. Graham, from the select committee to which was referred the peti
tion of certain natives of France and others, praying that they may by law
be permitted to hold and transmit real estate, made a report thereon, and
prayed that the committee be discharged from the further consideration of
the subject. The report was concurred in, and the committee discharged.

Mr. Fisher, from the select committee to which was referred the bill
granting to Asa Delozier and Henry Reagan, under certain conditions, two
tracts of land, reported the same with sundry amendments, which were read
and agreed to. Mr. Guinn moved farther to amend the bill by adding the
following sections:

"And be it further enacted, that as soon as Asa Delozier and Henry Rea
gan, or their assigns, shall have realised the sum of twenty-five thousand
dollars for their part, after having paid to the State the one tenth part of
the nett proceeds of said silver mine, it shall revert to the State again in as
fall and amply a manner as if it never had been granted to the said Delozier
and Reagan; and that said grant, when issuing, shall have this condition.

"And be it further enacted, that if any citizen of the State shall make
any other discovery, than the one already discovered, of any other vein of
silver ore, or any other mineral ore, he shall be allowed to locate fifty acres
in a square on said vein or branch so discovered by him, and one hundred
acres for wood or water, under the restrictions and conditions that are appli
icable to the grant made to said Delozier and Reagan, only he shall be allow
ed to realize no more from his discovery than twenty thousand dollars.

"Be it further enacted, that the State shall have the right, at any time,
to pay to the said Delozier and Reagan, or any other discoverers, the sum
allowed them for their discoveries, and resume the possession of the mine
at any time."

This proposed amendment was rejected.

Mr. Guthrie moved to amend the bill by striking out the whole thereof
after the enacting clause, and insert the following: "That his Excellency
the Governor be, and he is hereby authorised, to make such contract with Asa Delozier and Henry Reagan, who profess to have discovered on the lands of the State a silver mine, by granting, as a boon for such discovery, such compensation in land or money, and upon such terms as, in his opinion, may comport with the interest and honor of the State.” This amendment was also rejected. The said bill was further amended on the several motions of Messrs. Graham, Outlaw and Wilson, and passed. Mr. Fisher moved that the bill be now read a third time. This was agreed to, two thirds of the House concurring, and the said bill was read the third time, passed and ordered to be engrossed.

Mr. M’Neill moved that the House do now take up the bill to erect a new county, by the name of Yancy. Mr. Wilson moved that the House adjourn until Monday morning, 10 o’clock. The House refused to adjourn, when, on motion of Mr. Long, the said bill was made the order of the day for Tuesday next.

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

MONDAY, DECEMBER 16, 1833.

Mr. Seawell, from the committee on Internal Improvements, to which was referred the bill to incorporate the Greensville and Ramocke Rail Road Company, reported the same with sundry amendments. The amendments were concurred in, and the said bill read the second time as amended, and passed.

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

Mr. Fisher, from the joint select committee on Banks and the Currency, made a report, which was, on motion of Mr. Wyche, laid on the table and ordered to be printed.

Mr. Seawell, from the committee on Internal Improvements, to which was referred the bill to incorporate the Wilmington and Raleigh Rail Road Company, reported the same with sundry amendments. The amendments were read and concurred in, and the said bill read the second time and passed.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the petition of Peter Ambrose, of Onslow county, praying to be divorced from his wife, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. Mr. Courts, from the same committee, reported unfavorably on the petition of Mary Orran, of Rockingham county, praying to have secured to her such property as she may hereafter acquire. These reports were concurred in.

Mr. Courts, from the same committee, to which was referred the bill divorcing William Barber from his wife Mary Barber, reported unfavorably thereto. The said bill was thereupon read, and, on motion of Mr. Cromwell, indefinitely postponed.

Mr. Courts, from the same committee, to which was referred the petition from sundry citizens of the county of Tyrrell, reported a bill to carry into effect the prayer thereof, entitled a bill regulating lay-days on Frying Pan, in Tyrrell county; which was read the first time and passed.

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

Resolved, That Thursday evening next be set apart for the purpose of recommending justices of the peace and field officers.

Mr. Irvine, from the joint select committee to which were referred cer-
tain resolutions relating to amending the Constitution of the State, made a report thereon, accompanied by a bill, entitled a bill to provide for the ratification by the people of specific amendments to the Constitution of the State. The said bill was read the first time and passed, and, on motion of Mr. Barringer, ordered that the said report and bill be printed, and, on Mr. Outlaw's motion, made the order of the day for Tuesday the 24th inst.

The bill to recharter the Bank of Cape Fear, passed its first reading, and, on motion of Mr. J. D. Jones, was made the order of the day for to-morrow.

The bill to establish the Bank of North Carolina, was, on motion of Mr. Wyche, made the order of the day for Wednesday next.

The bill to establish a Bank in the State of North Carolina, was, on motion of Mr. McGehee, made the order of the day for Thursday next.

The bill to establish the Merchants' Bank in the town of Newbern, and the Merchants' and Planters' Bank in the town of Edenton, was, on Mr. Shepard's motion, made the order of the day for to-morrow.

Mr. Wyche, from the committee on Finance, reported a bill prescribing certain duties to clerks and sheriffs in relation to the tax on sales at auction; which was read the first time and passed.

The bill authorising Thomas Love and Dilliard Love, of Macon county, to erect a bridge across Tennessee river, at the most convenient place, at or near where the State road crosses the same; and the bill to incorporate the Greensborough Academy and Manual Labour School, were severally read the third time, passed, and ordered to be engrossed.

Mr. J. D. Jones presented a petition from sundry citizens of the town of Wilmington, together with a bill to carry their prayer into effect, entitled a bill to incorporate the inhabitants of the town of Wilmington. The said petition and bill were, on motion of Mr. J. D. Jones, referred to a select committee. Said committee consists of Messrs. J. D. Jones, Shepard, Marsteller, Graham and Barringer.

The bill to establish a Literary and Manual Labor School in the county of Wake, was, on motion of Mr. Roberts, recommitted to the committee on Education.

Mr. Marsteller presented a bill appointing commissioners to run the division line between the counties of New Hanover and Bladen; which was read the first time and passed.

The bill to amend an act concerning the town of Wadesborough, passed in the year 1825. chapter 75, and for other purposes; the bill declaratory of the law in relation to the rights and duties of sheriffs and inspectors in holding elections; the bill in relation to the Independent or Volunteer Companies, formed out of the 57th and 58th regiments of militia in Guilford county; the bill vesting the power to authorise the erection of gates across public roads in the several County Courts; the bill concerning the appointment of registers in certain cases; the bill concerning coroners' fees; the bill to repeal the second section of an act, passed at the last session of the General Assembly, making additional compensation to the Secretary of State, for certain services therein named; the bill to alter the name of Nancy Brazier, and to legitimate her; the bill to establish Arcadia Academy, and to incorporate the trustees thereof; the resolution relating to members of the Legislature who die at the seat of government; the resolution in favor of Elizabeth Forbes, widow of Arthur Forbes, deceased, of Guilford county;
the resolution in favor of Stephen Owens, late sheriff of the county of Beaufort; and the resolution in favor of the legal representative of the late Chief Justice Henderson, were severally read the third time, passed, and ordered to be engrossed.

The bill directing the Judges of the Superior Court of Hyde county not to take up State cases before the Thursday of court week; and the Bill to incorporate Rocky River Academy, in Cabarrus county, were read the third time and passed, and ordered to be engrossed.

The engrossed resolution in favor of the securities of John Sloan, was read the third time, passed, and ordered to be enrolled.

On motion of Mr. Weaver,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to compel persons who may wish to evade the payment, on trial before a justice of the peace, of any note of hand or other negotiable paper under seal, to answer on oath as to the execution of the same; and that they report by bill or otherwise.

Mr. Roberts presented a bill to establish the Merchants’ and Miners’ Bank, in the town of Lincolnton, North Carolina; which was read the first time and passed, and, on motion of Mr. Irvine, ordered to be printed.

Mr. McCleese presented a bill to regulate the peddling and retailing ofspirituous liquors; Mr. Register, a bill to prevent the falling of timber in, or otherwise obstructing the run of Moore’s creek, in the county of New Hanover; and Mr. Jordan, a resolution in favor of the representatives of David Latham. These bills and resolution were read the first time and passed.

The resignation of Stapleton Powell, as a justice of the peace of the county of Martin, was presented, read and accepted.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1782, entitled an act for giving an equity jurisdiction to the Superior Courts, so far as relates to the liability of sheriffs as bail, 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 to amend an act, 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; a bill to prevent shooting wild fowl in the night time in Currituck county; a bill to restore Daniel Murray of Chatham county, to the rights of a free man; and a bill to restore J. Madison Baird, of Buncombe county, to the rights of a free citizen, and asking the concurrence of this House. The said bills were read the first time and passed.

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

TUESDAY, DECEMBER 17, 1833.

Mr. Wyche gave notice that he should, on to-morrow, move the following as one of the Rules of Order for the transaction of business in this House: “All bills of a public nature, when ready for a second reading, shall be first read for information, and afterwards paragraph by paragraph, and held open for amendment; but, on motion, if two thirds of the House concur, any bill may be put on its passage after being once read.”

Mr. Courts presented a bill to amend the 19th section of an act, passed in 1783, entitled an act for opening the land office for the redemption of
specie and other certificates, and discharging the arrears due to the army; Mr. Gandy, a bill to prevent the falling of timber in, or otherwise obstructing the navigation of the North East Branch of Cape Fear between Outlaw’s and Kornegay’s bridge, in the county of Duplin; and Mr. Hardee, a bill to repeal so much of an act, passed in the year 1831, entitled an act to prevent obstructions to the passage of fish up Neuse and Trent rivers, as relates to the county of Lenoir. These bills were read the first time and passed.

Mr. Coleman presented the petition of Gatsay Stephenson, wife of Silas Stephenson, of Lenoir county, praying to have secured to her such property as she may hereafter acquire; which, on Mr. Coleman’s motion, was referred to the committee on Propositions and Grievances.

On motion of Mr. Battle,

Resolved, That the committee on Finance be instructed to inquire into the propriety of exempting from taxation all slaves, now subject to taxation, who are permanently disabled from service, and that they report by bill or otherwise.

Mr. Grier presented a resolution in favor of the administratrix of Jesse Clarke; which was read the first time and passed, and, on Mr. Grier’s motion, referred to the committee on Claims.

The engrossed bill to incorporate the Richmond Manufacturing Company; and the engrossed bill to legitimate and alter the names of Nancy H. Relfe and Parmelia Relfe, of Pasquotank county; were read the second time and passed.

Mr. Long presented a bill to incorporate the Halifax Rail Road Bridge Company; which was read the first time and passed.

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

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to executions issued by a justice of the peace, that the time for which the said execution shall remain good, may be extended from three to six months; and that they report by bill or otherwise.

The bill authorising and empowering the commissioners of the town of Edenton to lease, for a term of years, the commons and other vacant lots in said town, was read the second and third times, passed, and ordered to be engrossed.

Mr. Marsteller, from the select committee, to which was referred that part of the Governor’s message relating to the subject, reported a resolution concerning Mr. Taylor’s map; which was read the first time and passed.

The speaker laid before the House a communication from the Public Treasurer, transmitting statements of the affairs of the Bank of Newbern and of the State Bank of North Carolina, received by him since the date of his annual report. On motion of Mr. Outlaw, ordered that the same lie on the table, and be printed.

The House now proceeded to the orders of the day, and took up the bill to erect a new county, by the name of Yancy; when the said bill was read the third time, passed, and ordered to be enrolled—yeas 66, nays 65.—

The yeas and nays demanded by Mr. Cherry.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Brandon, Brower, Brown, Burgin, Caassler, Clement, Corpening, Cotten, Courts, Dodson, Edmonston, Fisher, Gillespie, Grady, Graham, Grier, Guthrie, Guinn, Hawkins, Henry, J. Horton, W. Horton, Irion, Irvine, R. Jones, J. D. Jones, Jordan, King, Kittrell, Laspeyre, Led-


The bill to recharter the Bank of Cape Fear, was read the second time. Mr. Daniel moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 33, nays 93. The yeas and nays demanded by Mr. Murray.


Mr. M'Leod moved to amend the bill by adding the following proviso: "Provided, that nothing in this extended charter shall be so construed as to authorise the said bank to issue more than two dollars for one of its capital stock actually paid in." This was rejected. Mr. Gutherie moved to amend the bill by making the notes of said bank redeemable at the principal bank, or any of its branches or agencies. The question thereon was decided in the negative. Mr. Smithwick moved to amend the bill by adding the following section: "Be it further enacted, that the individual property of the stockholders of said bank, or any of its branches, shall be held liable and bound for the redemption of all debts and issues of said bank, or its respective branches, to the amount subscribed by them respectively." The question thereon was decided in the negative. Mr. J. W. Potts offer-
ed the following as an amendment, which was also rejected: "And be it further enacted, that the bank shall pay interest, at the rate of four per cent. per annum, on all monies deposited in said bank." Whereupon the said bill was amended, and passed its second reading.

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

**Wednesday, December 18, 1833.**

Mr. Wyche, in pursuance of notice heretofore given, now moved that the rule yesterday proposed be adopted as one of the rules of order for the transaction of business of this House. The said rule was amended and adopted.

Mr. Edmonston presented the petition of Mary B. Cabe, of Haywood county, praying to be divorced from her husband; which was, on motion of Mr. Edmonston, referred to the committee on Propositions and Grievances.

Mr. Weaver presented the petition of sundry citizens of Buncombe county, praying that John Harwood, of said county, who had been convicted of petit larceny, be restored to the privileges of a free citizen. Said petition was, on motion of Mr. Weaver, referred to the committee on Propositions and Grievances.

Mr. Hardison presented a bill, founded on a petition from sundry citizens of the county of Washington, entitled a bill for the relief of Sarah Ann Keeth, wife of William Keeth. Said bill was read the first time and passed, and, on motion of Mr. Hardison, referred to the committee on Propositions and Grievances.

Mr. R. H. Alexander, from the committee on Education, to which was referred the bill to incorporate the trustees of the Episcopal School of North Carolina, reported the same with sundry amendments. The amendments were agreed to. The bill was further amended on motion of Mr. M'Neill, and passed its second reading—yeas 85, nays 38. The yeas and nays demanded by Mr. Cherry.


Mr. R. H. Alexander, from the committee on Education, to which was referred the bill to establish a Literary and Manual Labor School in the
county of Wake, reported the same with sundry amendments. Mr. Settle
moved that the said bill be indefinitely postponed. The question thereon
was decided in the negative—yeas 32, nays 90. The yeas and nays de-
manded by Mr. Settle.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allen,
Allison, Boddie, Brown, Cherry, Cromwell, Dawson, Enneut, Foreman, Fos-
cue, Grady, Hammond, Harper, Hawkins, J. Horton, Houlder, Jasper,
Juddkins, Lirfford, Leffers, Long, Pierce, J. W. Potts, Settle, Smithwick,
Stockard, Taylor, Thompson, Wadsworth, West, Wiseman—yeas 32.

Those who voted in the negative, were Messrs. R. H. Alexander, Barco,
Barrainger, Battle, Blackman, Brandon, Brower, Burgin, Bynum, Calvert,
Cansler, Carter, Clement, Coleman, Corpening, Cotten, Courts, Daniel,
Dawson, Edmonston, Fisher, Gillespie, Graham, Grier, Guthrie, Guinn,
Hardee, Hardison, Hargrove, Haughton, Henry, W. Horton, Irion, Irvine,
J. B. Jones, Wm. Jones, R. Jones, Wesley Jones. Jordan, King, Latham,
Leonard, Lilly, Locke, Lyon, Macklin, Malloy, Marsteller, Martin, Mixon,
Moore, Monk, Montgomery, Mullen, Murray, M' Cleese, M'Gehee, W.
M'Lean, G. S. M'Lean, M'Neil, Outlaw, Peeples, Phelps, Pointexter, W.
Potts, Pugh, Rand, Raper, Register, Relle, Riddick, Roberts, Saunderson,
Sawell, Shepard, Sloan, Smallwood, J. L. Smith, S. Smith, Stephens,
Tatham Thomas, Tillett, Waugh, Welch, Whitehurst, Willey, William-
son, Wilson, Ziglar—nays 90.

The said bill was read the third time, amended and passed, and ordered
to be engrossed.

Mr. Outlaw, from the select committee to which was referred the en-
grassed bill directing the sale of the lands remaining unsold, acquired by
treaty from the Cherokee Indians, reported the same with an amendment,
which was concurred in, and the bill read the second time, amended, and
passed.

On motion of Mr. Fisher, the bill to establish the Merchants' Bank in
the town of Newbern, and the Merchants' and Planters' Bank in the town
of Edenton, was laid on the table until to-morrow.

Mr. Fisher offered the following resolutions, which were read and adopted:

Resolved. That the bill for rechartering the Cape Fear Bank, be recommitted to a select
committee, with instructions to alter and modify the same in the following particulars, viz.

1st. To provide that individual stockholders in said bank shall, for the privileges granted to
them, pay to the State on each share of $100, a tax bearing a due proportion to what the farmers
of this State now pay, or hereafter may pay, on each hundred dollars worth of their real estate.

2nd. To provide, either that the capital of said corporation be fixed at what it is now reported
to be in the returns of the bank, or if, in case it be thought proper to enlarge it to what it ori-
ginally was, then to provide for the opening of books in that event, under such regulations as
may be necessary to insure an equal chance to all the good people of North Carolina.

3rd. To embody in the bill all the powers and privileges intended for said bank to enjoy,
and all the liabilities and restrictions to which it may be made subject, in order that the good
people of this State may plainly see and know what they are.

On motion of Mr. Outlaw, the bill to establish the Bank of North Caro-
lina, was made the order of the day for to-morrow.

Mr. J. W. Potts introduced a petition from Martha Lawrence, pray-
ing to be divorced from her husband Arthur Lawrence; which was, on
Mr. Potts' motion, referred to the committee on Propositions and Grie-
vances.

Mr. Long presented a memorial from sundry citizens of the town of
Halifax, upon the subject of Internal Improvement and the diffusion of
education among the people. The said petition was, on motion of Mr. Long, referred to the committee on Internal Improvement.

Mr. Weaver, from the committee on the Cherokee lands, to which was referred the resolution directing them to inquire into the expediency of reducing the regular prices fixed on the Cherokee lands which have been surveyed, and also to subject the unsurveyed lands to entry, reported that it is not expedient at this time to pass any law upon the subject, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Weaver, from the same committee, to which was referred the resolution directing them to inquire into the expediency of passing a law, reserving to the State a portion of all gold and silver mines, reported that it is not expedient to legislate in the manner proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

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

THURSDAY, DECEMBER 19, 1833.

Mr. J. W. Potts, from the committee on Propositions and Grievances, to which was referred the petition of Martha Lawrence, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Clements, from the select committee to which was recommitted the bill directing the manner in which constables shall be appointed in this State, reported the same without amendment. Mr. Phelps moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 49, nays 70. The yeas and nays demanded by Mr. Allison.


The said bill w-s thereupon read the second time and passed—yeas 74, nays 53. The yeas and nays called for by Mr. Wilson.

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Allison, Barco, Brandon, Brower, Burgin, Cansler, Carter, Clement, Corpening, Cotten, Cromwell, Daniel, Fisher, Gillespie, Grady,
man, Witcher, Ziglar—yeas 74.

ley, Wilson, Wyche—nays 53.

On motion of Mr. Wilson,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to emancipation, as to make it lawful for executors to send away, according to the will of the deceased, any negroes that may be liberated by said will, pro-
vided that it shall not interfere with the lawful and just claims of persons against the estate of said deceased.

A message from the Senate, informing that they had rejected the en-
grossed bill to provide for the better administration of justice in the coun-
ties of Rutherford, Buncombe, Lincoln, Iredell and Pasquotank.

A message from the Senate, agreeing to the proposition of this House that Thursday evening instant be set apart for the purpose of recommend-
ing justices of the peace and field officers.

A message from the Senate, agreeing to the amendment proposed by this House to the engrossed resolution in favor of Elizabeth Forbus, widow of Arthur Forbus, dec'd. of Guilford county. Ordered that said resolution be enrolled.

The bill to incorporate the Wilmington and Raleigh Rail Road Company, was, on motion of Mr. Marsteller, referred to Messrs. J. D. Jones, Mars-
teller and Laspeyre.

Mr. Jordan, from the select committee to which was referred the bill to recharter the Bank of Cape Fear, reported the same with sundry amend-
ments. The said bill, together with the report and amendments, were laid on the table on motion of Mr. Fisher, and ordered to be printed.

On motion of Mr. J. Horton,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law in relation to laying off roads within the several counties of this State, as that only five jurors shall in future be required to perform that service instead of twelve, as is now required by law.

The resignation of Thomas Foy, as a justice of the peace for the county of Onslow, was presented, read and accepted.

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

Friday, December 20, 1833.

A message from the Senate, informing that they had rejected the en-
grossed bill vesting the power to authorize the erection of gates across pub-
ic roads in the several County Courts.

A message from the Senate, informing that they had passed the engrossed
bill granting to Asa Delozier and Henry Reagan, under certain conditions, two tracts of land, with sundry amendments, and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, informing that they had passed the engrossed bills, viz. A bill to incorporate the Roanoke and Yadkin Rail Road Company; a bill making appropriations for carrying on and completing the Capitol in the city of Raleigh; a bill to authorise Samuel Latham, of the county of Pitt, to erect a gate across the public road near his plantation; and a bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire, and asking the concurrence of this House. These bills were severally read the first time and passed.

The resignation of John R. Buie, a justice of the peace of the county of Richmond, received from the Senate, was read and accepted.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to amend the first section of an act, passed in the year 1805, chapter 19, entitled an act to amend the third section of an act, passed in the year 1801, concerning wrecks; a bill supplemental to an act, passed in the year 1832, entitled an act to regulate the Courts of Pleas and Quarter Sessions of Duplin county; a bill to establish an Academy on the lands of Dennis O'Bryan, in the county of Warren, and for other purposes; a bill to prevent felling of timber in, or otherwise obstructing the runs of the South West Branches of New river, in Onslow county; a bill to further regulate the Finance of the county of Onslow; and a resolution in favor of Mark Hill, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to give longer time for paying entry money for lands entered in the county of Rutherford.

The resignation of Thomas Burgess, of Halifax, as a trustee of the University of North Carolina, of Thomas Dews; as major of the 10th brigade and 5th division of cavalry, and of Abraham Peeples, as a justice of the peace of the county of Guilford, were presented, read and accepted.

On motion of Mr. Martin, ordered that a message be sent to the Senate, proposing that the two Houses, on to-morrow, proceed to the election of a major general of the ninth division of the militia, and nominating Samuel F. Patterson and Philip Irion for the appointment.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill supplemental to an act directing how persons injured by erection of public mills shall in future proceed to recover damages, passed in the year 1809, reported the same with amendment. The amendment was concurred in, and the bill read the second time as amended and passed.

Mr. Seawell, from the committee on Internal Improvement, to which was referred the bill to incorporate the Waccamaw and Cape Fear Canal Company, reported favorably thereon. The said bill and report were, on motion of Mr. Marsteller, laid on the table.

Mr. Edmonston, from the select committee, to which was referred the bill creating seven judicial circuits in the State, reported the same with amendment. On motion of Mr. Long, the proposed amendment was ordered to be printed and made the order of the day for Monday next.
A message from the Senate, agreeing to the proposition of this House to ballot on to-morrow for a major general of the ninth division.

A message from the Senate, proposing that the two Houses, on to-morrow, ballot for councillors of State. Said message was, on motion of Mr. Outlaw, laid on the table.

The House now proceeded to the order of the day, and took up the bill to establish the Bank of North Carolina. Mr. Graham moved that the said bill be postponed indefinitely. Discussion arising on this motion, the House, at a late hour, adjourned until to-morrow morning, 10 o'clock.

Saturday, December 21, 1835.

Mr. Wyche moved that the engrossed bill to incorporate the Roanoke Rail Road Company be referred to a select committee. The motion was agreed to, and Messrs. Wyche, Graham and Irion were appointed said committee.

On motion of Mr. Guinn, the engrossed bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, was referred to a select committee, consisting of Messrs. Guinn, Haughton, Roberts, West and Latham.

Mr. Smallwood presented the petition of sundry inhabitants of Beaufort county, asking for an appropriation for the construction of a road across the Dismal Swamp. Said petition was, on motion of Mr. Smallwood, referred to the committee on Internal Improvement.

Mr. Shepard presented a bill to incorporate the trustees of Griffin's Free School; and Mr. Martin, a bill concerning the Wilkes county Volunteer Artillery Company. These bills were read the first time and passed.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the bill for the relief of Sarah Ann Keeth, wife of William Keeth, reported favorably thereon. The said bill was thereupon read the second time and passed.

Mr. Cromwell presented a bill to authorise Silas Cox, of Wayne county, to erect a bridge across Neuse river; and Mr. Stockard, a bill regulating the extra allowances of the County Court officers for the county of Orange. These bills were read the first time and passed.

The resignation of Needham Norris, a justice of the peace of the county of Wake, was presented, read, and accepted.

A message from the Senate, informing that Messrs. Martin of Rockingham and Howell form their balloting committee for a major general of the ninth division. Ordered that Messrs. Martin and Montgomery form this committee on behalf of the Commons.

A message from the Senate, informing that they had postponed indefinitely the following engrossed bills, viz. A bill to repeal the second section of an act, passed at the last session of the General Assembly, making additional compensation to the Secretary of State, for certain services therein named; a bill concerning the appointment of registers in certain cases; and a bill concerning coroners' fees.

A message from the Senate, informing that they had passed the engrossed resolution relating to members of the Legislature who die at the seat of Government, with amendments, and asking the concurrence of this House. The amendments were read and agreed to.
A message from the Senate, informing that they had passed the engrossed bill authorising Thomas Love and Dilliard Love, of Macon county, to erect a bridge across Tennessee river, at the most convenient place, at or near where the State road crosses the same, with an amendment, and asking the concurrence of this House. The amendment was read and agreed to.

Received from his Excellency the Governor the following communication:

To the General Assembly of the State of North Carolina.

GENTLEMEN,—In compliance with an act of Assembly relating to the University of North Carolina, I herewith transmit a copy of the Annual Report of the Treasurer of that Institution, submitted to the Board of Trustees on the 10th instant. The accounts of the Treasurer have been examined, and found to be correct, and to be sustained by regular and proper vouchers.

There are at present two vacancies in the Board of Trustees; which can only be filled by the Legislature.

I have the honor to be, with high consideration, your ob't serv't.

D. L. SWAIN.

Executive Office, 19th Dec. 1833.

The foregoing communication was read, and, on motion of Mr. Wyche, ordered that the same, with the document accompanying, be transmitted to the Senate, and that the message and report be printed.

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

To the General Assembly of the State of North Carolina:

GENTLEMEN,—The accompanying letter from Henry Shaw, Esquire, of Lanesborough, Massachusetts, on the subject of sheep husbandry, has been received at this Department since the date of my last message, and is now laid before you in compliance with the request of the writer.

The accompanying file, marked A, contains the resignations of various individuals as justices of the peace, and the resignations of Wright Bonny, of Duplin, and William S. Wilson, of Currituck, as lieutenant colonels of militia.

I have the honor to be, &c. &c. &c.

D. L. SWAIN.

Executive Department, 18th Dec. 1833.

This communication was read, and, on motion of Mr. Wyche, it was ordered that Mr. Shaw's communication on sheep husbandry be referred to the committee on Agriculture, and the file of resignations transmitted to the Senate.

Mr. Haughton presented a bill to provide for the removal of a shoal or shoals across the channel in Edenton Bay; which was read the first time and passed, and, on motion of Mr. Haughton, referred to a select committee, consisting of Messrs. Haughton, Kennedy and Outlaw.

The bill to incorporate the Greensville and Roanoke Rail Road Company; and the bill directing the manner in which constables shall be appointed in this State, were severally read the third time and passed, and ordered to be engrossed.

The resolution relating to the State suits in the Supreme Court of the United States, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to improve the State road from the bank of Tuckaseeege river, by the way of Franklin, to the Georgia line, was read the second time, amended, and passed.

The engrossed bill making appropriations for carrying on and completing the Capitol in the city of Raleigh; and the engrossed bill appointing commissioners in the county of Haywood, to superintend the road from the Bun-
A message from the Senate, informing that they had passed the engrossed bill to incorporate the Greensborough Academy and Manual Labour School, and the engrossed bill directing the Judges of the Superior Court of Hyde county not to take up State cases before the Thursday of court week, with sundry amendments, and asking the concurrence of this House. The said amendments were severally read and agreed to.

The resignations of Abner Jervis, of Buncombe county, and of James Watt, of Rockingham, justices of the peace, were read and accepted.

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

The House now proceeded to the orders of the day, and took up the unfinished business of yesterday, being the bill to establish the Bank of North Carolina. The question on the indefinite postponement of the bill still pending, the House adjourned until Monday morning, 10 o'clock.

Monday, December 25, 1833.

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

Resolved, That the committee on Finance be instructed to inquire into the expediency of so amending the laws in relation to poll taxes on slaves, as to make it in proportion to their value; and that they report by bill or otherwise.

Mr. Martin also presented the following resolution, which was rejected by the House:

Resolved, That the committee on Finance be instructed to inquire into the expediency of taxing pleasure carriages in this State; and that they report by bill or otherwise.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, viz.: A bill to amend an act, passed in the year 1814, entitled an act to revive the second section of an act, passed in the year 1801, entitled an act to revive an act, passed in the year 1775, for the regulation of the city of Raleigh, and to amend the same, and for other purposes; a bill to prevent injury to the navigation of Cape Fear river, and for other purposes; a bill to alter the name of William Lawrence Cherry, of the county of Pitt, and to legitimate him; a bill to give further time for paying in entry money; resolution in favor of Howell Albritton, sheriff of Pitt county; and a resolution in favor of Willis Williams. These bills and resolutions were read the first time and passed.

A message from the Senate, agreeing in the recommendation of justices of the peace for the county of Brunswick, with an amendment, viz. to strike out the name of William B. Robison. The amendment was read and concurred in.

Mr. Settle introduced a bill defining and limiting the power of courts in inflicting punishments for contempts. The said bill was read the first time and passed, and, on Mr. Piers's motion, referred to the Judiciary committee.

On motion of Mr. Poindexter,

Whereas doubts are entertained, whether by the 2d section of an act, passed in the year 1829, entitled an act to prevent fraud in deeds of trust and mortgages, deputy clerks of the County Courts are competent to take the probate of said instruments in the recess of said court; be it therefore,
Resolved, That the committee on the Judiciary be instructed to inquire into the subject, and to report by bill or otherwise.

Mr. Daniel introduced a bill to incorporate the Roanoke and Raleigh Rail Road Company; which was read the first time and passed.

Mr. Weaver presented a bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to erect a new county by the name of Yancy; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Jordan presented a bill to prevent the murdering and destroying of bastard children; which was read the first time and passed, and, on Mr. Jordan’s motion, referred to the committee on the Judiciary.

Mr. Locke presented the following resolution:

Resolved by the Senate and House of Commons of this State, That the Governor of the State be recommended to release and discharge from his present imprisonment the Hon. Robert Potter, who is now confined in the jail of Orange county, and that he exercise such other acts of executive clemency as he may deem proper and meet.

Mr. Outlaw moved that the petition of certain citizens of the county of Orange, accompanying this resolution, be read. The question thereon was decided in the negative. Mr. King moved that the said resolution be postponed indefinitely. The question thereon was decided in the affirmative—yeas 94, nays 31. The yeas and nays demanded by Mr. R. H. Alexander.


Mr. Stockard presented a resolution in favor of Thomas D. Watts; which was read the first time and passed, and, on motion of Mr. Graham, referred to the committee on Propositions and Grievances.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution directing them to inquire into the expediency of changing the law regulating the relations of master and apprentice, reported that, in the opinion of the committee, there is no necessity for legislation on the subject of the resolution, and prayed to be discharged from the further consideration thereof. The report was concurred in.

The resignations of Robert Jones, sen. of Person county, as a justice of the peace, and of Andrew H. Walker, as colonel commandant of the 38th regiment of North Carolina militia, were read and accepted.
The House now proceeded to the orders of the day, and again resumed the consideration of the bill to establish the Bank of North Carolina, the question being on the motion of Mr. Graham to postpone the bill indefinitely. This question was decided in the affirmative—yeas 73, nays 54. The yeas and nays called for by Mr. Battle.


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

TUESDAY, DECEMBER 24, 1833.

On motion of Mr. Kittrell, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for cavalry officers attached to the 14th brigade, and nominating Thomas Waddill for colonel, Abram Durin, lieutenant colonel, and Nathan M. Hemby as major.

Mr. Waugh presented a memorial from sundry citizens of the county of Surry, praying a recharter of the Bank of Cape Fear; which was, on motion of Mr. Waugh, laid on the table.

Mr. Harper presented a bill to incorporate Hookerton Library, in the county of Greene; Mr. Burgin presented a bill to enforce the penalty incurred by entry takers failing to make annual returns of entries made in their respective offices, as required by law; and Mr. R. H. Alexander, a bill to incorporate the Washington Gold Mining Company, in the county of Mecklenburg. These bills were read the first time and passed.

Mr. Daniel, from the committee on Claims, to which was referred the resolution in favor of George R. Griffith, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in, and the said resolution rejected.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution directing them to inquire into the expediency of providing by law for the probate of all deeds and conveyances before the clerks of the County Courts in vacation, reported that it is inexpedient to legislate in the way proposed, and asked to be discharged from the further consideration of the subject. The said report was, on motion of Mr. R. H. Alexander, laid on the table.
Mr. Barringer, from the same committee, to which was referred the engrossed bill to restore to credit John Andrews, of Iredell county, reported that, in the opinion of the committee, there is no necessity for passing the bill in question, and prayed to be discharged from the further consideration of the subject. The report and bill were, on Mr. King's motion, laid on the table.

A message from the Senate, informing that they had passed the engrossed bill to establish a Literary and Manual Labor Institution in the county of Wake, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, informing that they had passed the following engrossed bill and resolution, viz. A bill to incorporate the Meltonsville Cavalry, in the county of Anson; and a resolution relating to the State claims upon the General Government, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to provide for running and establishing the dividing line between the counties of Wayne and Duplin, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, agreeing to the proposition of this House to print the annual report of the treasurer of the University, together with the communication of his Excellency the Governor, transmitting the same.

A message from the Senate, proposing that the two Houses ballot immediately for a brigadier general of the 9th brigade and 9th division, and informing that Harrison M. Waugh and William Horton are nominated for the appointment. The proposition was agreed to, and Messrs. Martin and Monk appointed a committee to conduct the ballotig. A message from the Senate, informing that Messrs. Dobson and Phillips form this committee on behalf of the Senate.

A message from the Senate, agreeing to ballot immediately for cavalry officers of the 14th brigade, and informing that Messrs. Mann and Morris form their balloting committee. Ordered that Messrs. Kittrell and Brandon superintend the balloting on behalf of this House.

On motion, Mr. Hargrove obtained leave of absence from the service of the House for this day, and Mr. Jordan for to-morrow.

The bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, was read the third time. Mr. McLeod moved that the said bill be indefinitely postponed. On this question Mr. Monk demanded the yeas and nays, and the vote was, yeas 58, nays 58.


Those who voted in the negative, were Messrs. R. H. Alexander, G. H. Alexander, Allison, Brandon, Brown, Burgin, Cansler, Corpening, Cotten.

The House being thus equally divided, the speaker voted in the negative, and so the said question was determined in the negative. The said bill was thereupon, on motion of Mr. Fisher, recommitted to the committee on Finance.

The bill supplemental to an act directing how persons injured by erection of public mills shall in future proceed to recover damages, passed in the year 1809, was, on motion of Mr. Taylor, recommitted to the committee on the Judiciary.

The resignation of Samuel F. Patterson, as brigadier general of the 9th brigade of militia, was presented, read and accepted.

The engrossed bill to improve the State road from the bank of the Tuckasegee river, by the way of Franklin, to the Georgia line, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

The House now proceeded to the orders of the day, and took up the bill to establish the Merchants' Bank in the town of Newbern, and the Merchants' and Planters' Bank in the town of Edenton; when the said bill was read the second time. Mr. Smallwood moved to amend the bill by adding sundry sections, going to establish the Merchants' and Farmers' Bank of Washington. Mr. Ziglar moved that the said bill and amendment be indefinitely postponed, and called for the yeas and nays. The question thereon was decided in the negative—yeas 39, nays 81.


The question then recurring on the proposed amendment, the same was rejected. Mr. Kittrell moved to amend the bill by striking out the whole thereof after the 9th section, being that part of the bill establishing the Merchants' and Planters' Bank at Edenton. This motion was also rejected.
Mr. Outlaw moved that the House do now adjourn until Thursday morning, 10 o'clock. This question was decided in the negative—yeas 58, nays 62. The yeas and nays called for by Mr. Thomas.


Mr. Foreman moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was decided in the negative. Mr. West moved that the House adjourn until to-morrow evening, 3 o'clock. This question was decided in the negative. Mr. Haughton named 4 o'clock, P. M. which was also negatived. Whereupon, on motion of Mr. Outlaw, the House adjourned until Thursday morning, 10 o'clock.

Thursday, December 26, 1833.

Mr. Smallwood presented a bill to establish the Merchants' and Farmers' Bank in the town of Washington; which was read the first time and passed.

Mr. Kittrell, from the committee appointed to conduct the balloting for cavalry officers attached to the 14th brigade, reported that Thomas Waddell was duly elected colonel, Abram Durin lieutenant colonel, and Nathan M. Hemby major. The report was concurred in.

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

Mr. Guthrie asked leave to have his vote recorded on the question decided on Tuesday last, to postpone indefinitely the bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, he being absent on the business of the House at the time the said vote was taken. Leave was granted as prayed for; and Mr. Guthrie's name being called, he answered in the negative.

The resignation of Benjamin Rogers, as a justice of the peace of the county of Wake, was presented, read and accepted.

Mr. Barringer, from the select committee to which was referred the bill to incorporate the city of Wilmington, and to extend the limits thereof, together with sundry memorials on the subject, reported unfavorably thereon. The bill was thereupon read, and, on motion of Mr. Barringer, rejected.
Mr. Latham presented a bill to regulate the proceedings in the Court of Pleas and Quarter Sessions of Craven County; which was read the first time and passed.

The House now proceeded to the orders of the day, and took up the bill to establish the Merchants' Bank in the town of Newbern, and the Merchants' and Planters' Bank in the town of Edenton. Mr. Shepard moved to amend the bill by adding the following section: "And be it further enacted, that the president or cashier of said banks shall annually pay into the Treasury of the State twenty-five cents on each share of capital stock which may have been subscribed for and paid in, and the first payment of said tax shall be made twelve months after the said banks shall have commenced operations." Mr. Guthrie moved to amend the amendment by striking out 25 cents and inserting 50 cents. Mr. M'Leod called for a division of the question, and the question being first on striking out 25 cents, it was decided in the affirmative—yeas 69, nays 54. The yeas and nays demanded by Mr. Allison.


The second branch of the question, viz. on filling the blank with fifty cents, was decided in the affirmative—yeas 71, nays 55. The yeas and nays called for by Mr. Allison.


Those who voted in the negative, were Messrs. R. H. Alexander, Barringer, Battle, Brandon, Burgin, Calvert, Cherry, Coleman, Corpening, Courts, Dodson, Edmonston, Ennett, Foreman, Gillespie, Graham, Grier, Guinn, Hardee, Haughton, Irvine, Wm. Jones, J. D. Jones, Jordan, King,

Mr. Stockard moved the following amendment: “And be it further enacted, that on failure of said bank, each stockholder, copartner or body politic, having a share or shares therein at the time of such failure, or who shall have been interested therein at any time within six months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his, her or their share or shares.” This amendment was rejected. The said bill was amended in sundry particulars on the several motions of Messrs. Shepard, Fisher, Haughton and Outlaw, read the second time and passed—yeas 69, nays 52. The yeas and nays called for by Mr. Stockard.


On motion, leave of absence from the service of the House for this day and to-morrow was granted to Mr. Brown.

A message from the Senate, transmitting a communication from his Excellency the Governor on the better organization of the militia, and proposing to refer the same to a joint select committee of three members on the part of each House. The proposition was agreed to, and Messrs. Marsteller, Cotten and M’Cleese appointed said committee on behalf of this House.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill supplementary to an act, passed in the year 1832, entitled an act to enact, with sundry alterations and additions, an act, entitled an act to incorporate the Portsmouth and Roanoke Rail Road Company, passed by the Legislature of Virginia on the 8th day of May, 1832; a bill to prevent the felling of timber in, or otherwise obstructing the run of the Lower creek, in the county of Burke; and a bill to incorporate the Halifax and Weldon Rail Road Company, and asking the concurrence of this House. The said bills were read the first time and passed.

The House then adjourned until to-morrow morning, 10 o’clock.
Mr. Barringer, from the committee on the Judiciary, to which was referred the bill defining and limiting the power of courts in inflicting punishments for contempts, reported unfavorably thereon. The said bill was thereupon, on motion of Mr. J. B. Jones, indefinitely postponed.

Mr. Barringer, from the same committee, to which was referred the bill to provide for the final settlement of executors and administrators, made an unfavorable report thereon; which was concurred in, and the said bill, on motion of Mr. Boddie, postponed indefinitely.

Mr. Barringer, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of so altering the law in relation to laying off roads, as that five, instead of twelve jurors shall be competent for this purpose, reported that it is inexpedient to alter the law in the manner proposed, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Wiseman presented a bill to amend an act, passed at the last session of the General Assembly, entitled an act to regulate the Courts of Pleas and Quarter Sessions of Davidson county; Mr. Ennett, a bill to prevent the throwing of ballast or otherwise obstructing the channel between Bogue Inlet and the town of Swansborough, in Onslow county; Mr. Phelps, a bill authorising the County Court of Washington county to appoint a patrol for the town of Plymouth; and Mr. Boddie, a bill to render sheriffs liable for the acts of their deputies. These bills were severally read the first time and passed, and the last named bill, on Mr. Boddie's motion, referred to the committee on the Judiciary.

Mr. Kittrell presented a bill for the relief of Chaney Moreman; which was read the first time and passed, and, on motion of Mr. Kittrell, referred to a select committee. Said committee consists of Messrs. Kittrell, Fisher and Poindexter.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill supplemental to an act directing how persons injured by erection of public mills shall in future proceed to recover damages, passed in the year 1809, reported the same with an amendment; which was concurred in. The bill was further amended on motion of Mr. Taylor, read the third time and passed, and ordered to be engrossed.

Mr. Fisher gave notice that he should, on to-morrow, move an amendment in the 49th Rule of Order, by striking out the latter clause of said Rule in the following words: "But no bill shall be amended upon its third reading without commitment."

Mr. Poindexter, from the committee on the Judiciary, to which was referred a resolution upon the subject, reported a bill to amend an act, passed in the year 1829, entitled an act to prevent fraud in deeds of trust and mortgages; which was read the first time and passed.

The speaker informed the House that the bill which finally passed this House on yesterday, entitled a bill to incorporate the Wilmington and Raleigh Rail Road Company, was not perfected according to one of the Joint Rules of Order of the two Houses, there being in said bill sundry blanks. Whereupon, on motion of Mr. Marsteller, the vote of yesterday ordering the said bill to be engrossed, was reconsidered, the blanks accordingly filled, and the bill again passed its third reading and ordered to be engrossed.
The resignations of John B. Turner, of Johnston county, and of Samuel Latham, of Beaufort, justices of the peace, were presented, read and accepted.

Mr. Roberts, from the select committee to which was recommitted the engrossed bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, reported the same with an amendment. The amendment was concurred in, and the bill read the third time and passed—yeas 84, nays 40. The yeas and nays demanded by Mr. Saunderson.


Ordered that the concurrence of the Senate be asked in the amendments made to said bill.

Mr. Calvert, from the committee on Finance, reported a bill to prescribe the mode of assessing lands and listing other property for taxation; which was read the first time and passed, and, on motion of Mr. Calvert, ordered to be printed.

Mr. Wyche, from the committee on Finance, to which was referred the bill fixing a uniform mode of assessment of the real estate with the improvements thereon, reported that the objects contemplated by said bill having been already answered by a bill prepared by the committee on Finance and presented to the House, it is unnecessary further to consider the bill in question, and prayed to be discharged from the further consideration thereof. The said report and bill were, on Mr. Wyche's motion, laid on the table.

Mr. Seawell, from the committee on Internal Improvement, to which was referred the bill to amend an act, entitled an act to re-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, made a report, which, together with the said bill, was, on motion of Mr. Battle, laid on the table.

Mr. Daniel, from the committee on Claims, to which was referred the resolution in favor of Samuel S. Shepard, sheriff of Martin county, reported
favorably thereon. The said resolution was thereupon read the second
time, amended, and passed.

Mr. Daniel, from the same committee, reported unfavorably on the reso-
lution in favor of Cynthia Parsley; which report was concurred in, and the
said resolution rejected.

Mr. Courts, from the committee on Propositions and Grievances, to which
was referred the resolution in favor of Thomas D. Watts, reported favora-
bly thereon. The resolution was read the second time and rejected—yeas
13, nays 108. The yeas and nays demanded by Mr. McCleese.

Those who voted in the affirmative, were Messrs. Allison, Clement,
Courts, Daniel, Graham, Guthrie, Guinn, Jordan, Judkins, Long, Roberts,

Those who voted in the negative, were Messrs. R. H. Alexander, G. H.
Alexander, Allen, Barco, Barringer, Battle, Blackman, Boddie, Brandon,
Brower, Burgin, Bynum, Cansler, Carter, Cherry, Cloman, Corpening,
Cotten, Cronwell, Dawson, Dodson, Edmonston, Eunett, Fisher, Foreman,
Foscue, Gillespie, Grady, Grier, Hammond, Hardee, Hargrove, Harper,
Haughton, Hawkins, Henry, J. Horton, W. Horton, Houlder, Irion, Irvine,
Jasper, J. B. Jones, Wm. Jones, R. Jones, Wesley Jones, J. D. Jones,
Kennedy, King, Kittrell, Latham, Ledford, Leffers, Lilly, Locke, Lyon,
Macklin, Malloy, Marsteller, Martin, Mixon, Moore, Monk, Montgomery,
Mullen, Murray, McCleese, W. M'Lean, G. S. M'Lean, M'Leod, M'Neill,
Outlaw, Peebles, Phelps, Poindexter, J. W. Potts, W. Potts, Powell, Rand,
Raper, Register, Relfe, Riddick, Sauderson, Sloan, Smallwood, J. L. Smith,
S. Smith, Smithwick, Stephens, Tatham, Taylor, Thomas, Thompson,
Tillett, Wadsworth, Watson, Waugh, Weaver, Welch, West, Willey,

The House proceeded to the orders of the day, and, on motion of Mr.
Fisher, resolved itself into a committee of the whole, Mr. Poindexter in the
chair, on the bill to recharter the Bank of Cape Fear; and, after some time
spent therein, the speaker resumed the chair and the chairman reported the
said bill to the House with sundry amendments, which were read and concur-
red in. Mr. M'Leod moved to strike out the word ‘two,’ in the last line of
the twelfth section, and to insert ‘five.’ This was negatived. Mr. Outlaw
moved to strike out the 11th section, and to insert the following: “That
four times the amount of the tax which is now, or which hereafter may be
imposed by the State upon one hundred dollars worth of real estate, shall,
annually before the 1st day of October, be paid into the Treasury on each
share of stock, by the president or cashier of said bank, and the said bank
shall not be liable to any further tax.” Mr. Edmonston called for a di-
vision of the question, and the question being first on striking out the eleventh
section, was decided in the negative—yeas 49, nays 72. The yeas and
nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were Messrs. Allen, Allison, Barco,
Boddie, Bynum, Cloman, Daniel, Dawson, Fisher, Foscue, Grady, Ham-
mond, Harper, J. Horton, Houlder, J. B. Jones, Judkins, Kittrell, Led-
ford, Macklin, Mullen, Murray, McCleese, G. S. M'Lean, M'Leod Out-
law, Peebles, Phelps, Pierse, J. W. Potts, W. Potts, Pugh, Riddick, Saun-
derson, Settle, S. Smith, Smithwick, Stephens, Stockard, Taylor, Thomas,
Tillett, Weaver, Welch, Willey, Wilson, Wiseman, Wyche, Ziglar—yeas 49.

The said bill was thereupon read the third time as amended, passed, and ordered to be engrossed.

On motion, Mr. Locke obtained leave to withdraw from the files of this House the petition accompanying the resolution in favor of Robert Potter.

A message from the Senate, concurring in the amendments proposed by this House to the engrossed bill to improve the State road from the bank of Tuckasegee river, by the way of Franklin, to the Georgia line. Ordered that said bill be enrolled.

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

Saturday, December 28, 1833.

Mr. Kennedy presented a bill to appoint commissioners for the town of Bath; and Mr. Whitehurst, a bill to incorporate the North Carolina Central Rail Road Company. These bills were read the first time and passed, and the last named bill, on motion of Mr. Whitehurst, referred to a select committee, consisting of Messrs. Whitehurst, Shepard, Coleman, M'Leod and Wesley Jones.

Mr. Dodson presented a bill to prevent the felling of timber in the run of Hogan's creek, in Caswell county; which was read the first time and passed.

On motion of Mr. J. D. Jones, Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what alterations ought to be made in the act, passed in 1818, entitled an act laying duties on sales at auction of merchandize, so far as keeping accounts and making returns by the auctioneers; and that they report by bill or otherwise.

Mr. Watson presented a bill to incorporate Pine Grove Academy, in the upper part of Robeson county; and Mr. Kennedy, a bill, founded on a memorial of sundry citizens of the town of Washington, entitled a bill to repeal part of the act of incorporation of the town of Washington. These bills were read the first time and passed.

Mr. Kittrell, from the select committee to which was referred the bill for the relief of Chaney Moreman, reported the same with an amendment. The amendment was read and concurred in, and the said bill read the second and third times, passed, and ordered to be engrossed.

In pursuance of notice heretofore given, the House proceeded to consider the amendment proposed to the 49th Rule of Order; when the latter clause of said Rule was suspended as proposed by Mr. Fisher.

Mr. M'Cleese, from the committee on Private Bills, to which was referred the bill to regulate the fisheries on the waters of Tranter's creek, in the county of Beaufort, reported the same without amendment. The said bill was thereupon read the second time and passed.
Mr. M'Cleese, from the same committee, to which was referred the bill to prevent the felling of timber in, or obstructing the run of Ellis's creek, in Bladen county, reported the same with an amendment. The amendment was concurred in, and the said bill read the third time, passed, and ordered to be engrossed.

The resignations of Willis Johnston, as colonel commandant of the 14th regiment of militia in Halifax county, and of Benjamin Rice, as a justice of the peace of the county of Nash, were presented, read and accepted.

The bill to establish the Merchants' Bank in the town of Newbern, and the Albemare Bank in the town of Edenton, was read the third time, amended and passed, and ordered to be engrossed.

Mr. Guthrie presented a bill for the better regulation of the town of Pittsborough; which was read the first time and passed.

The engrossed bill to give further time for paying in entry money, was read the second time and passed.

The engrossed bill supplementary to an act, passed in the year 1832, entitled an act to enact, with sundry alterations and additions, an act, entitled an act to incorporate the Portsmouth and Roanoke Rail Road Company, passed by the Legislature of Virginia on the 8th day of May, A. D. 1832, was read the second time. Mr. Calvert moved to amend the bill by adding the following section: "That the Petersburg Rail Road Company be authorised to construct a Rail Road (under the same rules and regulations as are laid down in the act to which this is a supplement) from the point at which their present line of Rail Road may be intersected by the Portsmouth and Roanoke Rail Road, or from some point in the neighborhood of the same, to the basin at Weldon, and to subscribe such additional amount to the stock of the Weldon Bridge Company, not exceeding $80,000 dollars, as may be requisite for increasing the width of the bridge sufficiently for the accommodation of said Rail Road." This amendment was rejected, and the question, shall the said bill pass its second reading? was decided in the affirmative. Mr. M'Gehee moved that the bill be now read a third time; which was not agreed to.

Mr. Guinn presented a bill regulating the times of holding one of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon; which was read the first time and passed.

Mr. Seawell, from the committee on Internal Improvements, to which was referred the bill to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company, reported the same with sundry amendments. These were concurred in, and the question, shall the said bill pass its second reading as amended? was decided in the affirmative.

The engrossed bill making appropriations for carrying on and completing the Capitol in the city of Raleigh, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to authorise Jeremiah Ingram, of the county of Anson, to erect a gate across the road leading from Wadesborough to Stanback's ferry, on Pedee river, was read the second time and passed.

The bill to incorporate Hookerton Library, in the county of Greene, was read the second and third times, passed, and ordered to be engrossed.

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

On motion of Mr. Hargrove,

Resolved, That the committee on the Judiciary be instructed to inquire into the expedi-
Mr. Marsteller presented a bill to incorporate the Wilmington Volunteers; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to authorise Joseph S. Jones to inspect certain records, and to make extracts therefrom; and a bill to alter the times of holding the County Courts of Chowan county, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that Messrs. Arrington, Moye of Pitt, and Dobson form the committee on the part of the Senate on the communication of his Excellency the Governor on the subject of the militia.

A message from the Senate, informing that they had passed the engrossed bill directing the manner in which constables shall be appointed in this State, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

Mr. Kennedy presented a bill to extend the powers of the commissioners for the town of Washington; which was read the first time and passed.

The resignations of Benjamin H. Brown, as lieutenant colonel of the 75th regiment, and of George Barns, as major of the 75th regiment of militia, of James S. Relfe, of Pasquotank, of William H. Harah, of Rowan, of George B. Morrow, of Orange, of Daniel Jones, of Duplin, and of William Rencher, of Chatham county, justices of the peace, were presented, read and accepted.

The bill for the better administration of justice in Carteret county, was read the second and third times, passed, and ordered to be engrossed.

Mr. J.W. Potts, who voted in the majority yesterday to postpone indefinitely the bill defining and limiting the power of Courts in inflicting punishments for contempts, moved that the House do now reconsider that vote. The House agreed to reconsider, when, on motion of Mr. J. B. Jones, the said bill was again postponed indefinitely—yeas 59, nays 52. The yeas and nays demanded by Mr. J. B. Jones.


The House then adjourned until Monday morning, 10 o'clock.
Monday, December 30, 1833.

Mr. Moore presented a bill for the improvement of the road from Ruth-erfordton to Asheville, Buncombe county, known by the name of the Hickory Nut Gap Road; which was read the first time and passed.

On motion of Mr. Whitehurst, the engrossed bill to amend the pilot laws, was referred to a select committee of seven members, consisting of Messrs. Whitehurst, Marsteller, Lasperye, Shepard, Kennedy, Murray & Haughton.

On motion of Mr. Outlaw, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for a major of cavalry attached to the 18th brigade, and informing that Alexander W. Mebane is nominated for the appointment. A message from the Senate, agreeing to this proposition, and informing that Messrs. Mann and Caldwell form their balloting committee. Ordered that Messrs. Pugh and Calvert superintend said balloting on behalf of this House.

Mr. Wyche, from the committee on Finance, to which was referred the bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, reported the same without amendment. The said bill was amended on motion of Mr. Poindexter, read the third time, passed, and ordered to be engrossed—yeas 66, nays 61. The yeas and nays demanded by Mr. Relfe.


The resignation of John F. Burnett, as lieutenant colonel of the 45th regi-ment of militia, was presented, read and accepted.

Mr. Pugh, from the balloting committee for a major of cavalry attached to the 18th brigade, reported that Alexander W. Mebane had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Wyche, from the select committee to which was referred the bill to incorporate the Roanoke and Yadkin Rail Road Company, reported the same with sundry amendments. Mr. Whitehurst moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 61, nays 65. The yeas and nays called for by Mr. Bragg.


The amendments proposed to said bill were concurred in, and the bill read the second time and passed—yeas 63, nays 61. The yeas and nays called for by Mr. Roberts.


Mr. Guthrie gave notice that he should, on Thursday next, call up for consideration certain resolutions heretofore submitted by him to this House, relating to the rechartering of the Bank of the United States.

The bill to establish the Merchants' and Farmers' Bank in the town of Washington, was read the second time and rejected—yeas 56, nays 67. The yeas and nays called for by Mr. Register.


The bill to establish the Merchants' and Miners' Bank in the town of Lincolnton, North Carolina, was, on motion of Mr. Roberts, made the order of the day for to-morrow.

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

TUESDAY, DECEMBER 31, 1853.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the bill to authorise Admiral Dunstan, a free man of color, of Mecklenburg county, Virginia, to reside in this State, reported unfavorably thereon. The said bill was thereupon, on motion of Mr. Boddie, postponed indefinitely.

Mr. Weaver presented a bill supplemental to the act erecting the county of Yancey, and the act passed at this session of the General Assembly, supplemental to the same; and Mr. Jordan, a resolution in favor of Martha Spears; which were read the first time and passed.

Mr. Marsteller, from the committee on Military Affairs, to which was referred the bill to amend the militia laws of this State, and to promote military discipline, reported unfavorably thereon. The said bill was, on motion of Mr. Marsteller, indefinitely postponed.

Mr. Marsteller, from the same committee, reported a bill requiring colonel commandants to drill their officers twice a year; and a resolution directing the Adjutant General to collect the public arms; which were read the first time and passed.

The engrossed bill to give further time for paying in entry money, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to establish a Bank in the State of North Carolina; a bill authorising the survey of the towns of Lexington and Charlotte; a bill to incorporate Pleasant Hill Academy, in the county of Stokes; and a bill concerning fisheries on the Scuppernong river, in the counties of Tyrrell and Washington, and asking the concurrence of this House. The said bills were read the first time and passed.

On motion of Mr. Marsteller, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for Councillors of State, and informing that Joseph H. Skinner, Owen Holmes, Clement Marshall, Henry Skinner, Meshack Franklin, J. O'K. Williams, Nathan B. Whitfield, George W. Jeffreys and Wm. H. Hardia are nominated for the appointments.

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Friday next, for three Trustees of
the University, and nominating Wm. H. Battle, James W. Bryan and Hugh M’Queen for the appointments.

Mr. Malloy presented a bill, supplemental to an act, passed in the year 1832, entitled an act to remark and renew the dividing line between Richmond and Robeson counties; which was read the first time and passed, and, on motion of Mr. Malloy, referred to the committee on Propositions and Grievances.

The engrossed bill to establish a Bank in the State of North Carolina, was, on motion of Mr. Barringer, made the order of the day for to-morrow.

The resignations of E. Alexander, as colonel commandant of the 69th regiment of militia, and of Eli Stuart, a justice of the peace of the county of Mecklenburg, were presented, read and accepted.

Mr. M’Neill presented a bill authorising Alexander M’Allister, of the county of Cumberland, to erect two gates on his own lands; which was read the first time and passed.

The names of Isham Matthews, John Carson, Josiah O. Watson and Alfred Jones were added to the nominations already made for Councillors of State.

The bill regulating lay days on Frying Pan, in Tyrrell county; and the bill to prevent the hauling of seines, or obstructing the passage of fish, on certain days, in Upper Broad Creek, in Craven county, were read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1824, chapter 43, entitled an act to amend act, passed in the year 1819, entitled an act to annex Smith’s Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle’s Island to the county of New Hanover; the bill for the relief of Sarah Ann Keeth, wife of William Keeth; and the bill to incorporate the trustees of the Episcopal School of North Carolina, were severally read the third time, passed, and ordered to be engrossed.

The engrossed resolution in favor of Howell Albritton, sheriff of Pitt county, was read the second time and rejected.

The bill more effectually to prohibit the trading with slaves; and the bill to repeal an act, passed at the last General Assembly, entitled an act to create one additional wreck district in the county of Hyde, and for other purposes, were each read the second time and passed.

The engrossed bill to amend the first section of act, passed in the year 1805, chapter 19, entitled an act to amend the third section of an act, passed in the year 1801, concerning wrecks, was read the second time and passed.

The House now proceeded to the orders of the day, and, on motion of Mr. Kittrell, resolved itself into a committee of the whole, Mr. Long in the chair, on the bill creating seven judicial circuits in the State; and, after some time spent therein, the speaker resumed the chair, and the chairman reported the said bill to the House without amendment. The bill was thereupon read the second time, and, on motion of Mr. Willey, indefinitely postponed — yeas 74, nays 32. The yeas and nays demanded by Mr. Willey.


The engrossed bill supplementary to an act, passed in the year 1832, entitled an act to enact, with sundry alterations and additions, an act entitled an act to incorporate the Portsmouth and Roanoke Rail Road Company, passed by the Legislature of Virginia on the 8th of May, 1832, was read the third time, passed, and ordered to be enrolled.

The engrossed resolution in favor of Mark Hill, and the engrossed resolution in favor of Willis Williams, were read the second and third times, passed, and ordered to be enrolled.

The bill exempting certain articles therein named from execution, was read the second time, amended and passed—yeas 75, nays 52. The yeas and nays called for by Mr. Wiseman.


The bill to incorporate the Roanoke and Raleigh Rail Road Company, was read the second time. Mr. Shepard moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 39, nays 87. The yeas and nays demanded by Mr. Shepard.

Those who voted in the affirmative, were Messrs. Allen, Blackman, Burgin, Cansler, Corpening, Cromwell, Dawson, Edmonston, Ennett, Foreman, Foscue, Gillespie, Grady, Hammond, Hardee, Harper, Haughton,


Mr. Kittrell offered the following amendment: “That should the Legislature think proper at any time, they may resume the privilege of said Rail Road, by paying to the stockholders of said company the amount of the capital stock, with 13 per cent. after deducting costs and charges in constructing said road.” This was rejected, and the question, Shall the said bill pass its second reading? was decided in the affirmative.

On motion of Mr. Haughton, ordered that the Senate be informed that the name of Josiah Collins, jun’r. of Washington county, is added to the nomination for a Trustee of the University.

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

WEDNESDAY, JANUARY 1, 1834.

Mr. Mixon presented a bill regulating appeals; which was read the first time and passed, and, on motion of Mr. Mixon, referred to the committee on the Judiciary.

Mr. Wiseman presented a bill to amend an act, passed in the year 1830, respecting the passage of fish up the Yadkin river; and Mr. M’Gehee, a bill to authorise John Barnett, late sheriff of Person, to collect arrears of taxes. These bills were read the first time and passed.

Mr. Kennedy presented a bill to amend an act, passed in the year 1825, making appropriations for clearing out the shoals below Washington; and Mr. Lilly, a resolution in favor of William M’Leod; which were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution instructing them to inquire into the expediency of requiring the Judges of the Courts of Equity to take cognizance of all equitable demands, without regard to the amount in controversy, reported that it would be inexpedient to alter the law as proposed, and prayed to be discharged from the further consideration of the subject. Mr. Barringer, from the same committee, reported unfavorably on the resolution directed to them concerning the emancipation of slaves, and asked to be discharged from the further consideration thereof. These reports were concurred in.

The engrossed bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Carteret and Craven, was read the second and third times, passed, and ordered to be enrolled.
The bill to prevent the felling of timber in the run of Hogan's Creek, in Caswell county; and the bill concerning the western regiment of the militia of Chatham county, 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 bill to incorporate the Greenville and Roanoke Rail Road Company, with sundry amendments, and asking the concurrence of this House. The said amendments were read and agreed to.

A message from the Senate, concurring in the amendments proposed by this House to the engrossed bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to incorporate the Lumber River and Cape Fear River Rail Road Company; a bill to authorise certain persons therein named to raise by lottery six thousand dollars, for cutting a canal in Washington county; a resolution in favor of Abraham Brower; and a resolution in favor of David Rogers, and asking the concurrence of this House. The said bills and resolutions were read the first time and passed.

A message from the Senate, agreeing to ballot on Friday next for three Trustees of the University, and informing that the name of William Dickson, of Burke county, is added to the nominations heretofore made for Councillors of State.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to prevent free persons of color from selling spirituous liquors; a bill to authorise the construction of a Rail Road from the Cape Fear river at Campbellton, to some point in the town of Fayetteville; a bill to incorporate the Smith's River Toll Bridge Company, in the county of Rockingham; a bill to divorce Mary Read from her husband Elias Read; and a bill to amend an act, passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in 1806, entitled an act to revise the militia laws of this State, and asking the concurrence of this House. These bills were read severally the first time and passed.

The resignations of Nathan Armfield, of Guilford county, and of Joshua D. Boyd, of Mecklenburg county, justices of the peace, received from the Senate, were read and accepted.

On motion of Mr. J. L. Smith,

Resolved, That a select committee be appointed, composed of one member from each of the counties composing the sixth judicial district, whose duty it shall be to arrange the said district so as to give to Haywood county one week at each term; and that they report by bill or otherwise.

Said committee consists of Messrs. Edmonston, Guinn, Henry, J. Horton, Martin, Courts, Wm. Potts, Barringer, Grier, Roberts, Moore and Burgin.

The bill to establish the Merchants' and Miners' Bank in the town of Lincolnton, North Carolina, was read the second time. Mr. Stephens moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 38, nays 89. The yeas and nays demanded by Mr. Stephens.

Those who voted in the affirmative, were Messrs. Allen, Allison, Barco, Boddie, Bragg, Bynum, Cotten, Cromwell, Daniel, Foscoe, Harper, Hawkins, J. Horton, Wesley Jones, Judkins, Lyon, Macklin, Monk, Mont-


The bill was amended, and the question, Shall the said bill pass its second reading? was decided in the affirmative—yeas 77, nays 41. The yeas and nays demanded by Mr. Kennedy.


The House, on motion of Mr. Fisher, agreed to reconsider their vote of yesterday, rejecting the engrossed resolution in favor of Howell Albritton. The said resolution was, on Mr. Cherry's motion, laid on the table.

The bill to incorporate the Cape Fear, Yadkin and PeeDee Rail Road Company, was read the third time. Mr. Roberts moved to strike out the 11th section of the bill, which was in the following words, viz. "Be it further enacted, that no other Rail Road, leading to a market out of the State, which shall come in competition with the one hereby granted, or any of its lateral roads, shall, within thirty years after the passing of this act, be authorised to be made; provided always, it shall and may be lawful for the State to authorise the constructing of any Rail Road, connecting the road hereby granted with any Rail Road that may be constructed leading from the Roanoke or to any other market in the State." This question was decided in the affirmative. The bill was further amended on the several motions of Messrs. Whitehurst, Graham and Jordan, and passed the third reading, and was ordered to be engrossed.
The engrossed bill to establish a Bank in the State of North Carolina, was read the second time. Mr. Seawell moved to amend the 9th section by striking out all after the word 'assign,' in the 6th line, and to insert the following: "Which capital, so assigned to the branches, shall not be lessened nor diminished but by the direction of the General Assembly; that the directory of the principal bank shall annually appoint five directors for each of the branches, who shall be directors for one year, and until others shall be appointed and qualified to take their places as directors; that the directory at each branch shall appoint the cashier and other officers for executing the transactions of the office or branch for which they shall be appointed; and that the directory of the branches or offices of discount and deposite shall have exclusive control and management of the funds of their respective offices: Provided always, that the several branches, agents and principal bank shall exchange quarterly with each other statements of the condition and transactions of their respective offices, shewing the amount of debts owing to and by each office, the amount of notes in circulation, specie in hand, and the amount of deposite: And provided further, that the directories and agents aforesaid, shall in like manner, annually, on the day of make a similar report to the General Assembly, signed by the president and cashier of the respective branches and agencies: and the president, cashier, or agent (as the case may be) shall make affidavits before a justice of the peace to the correctness of the statement by him or them so signed." This proposition was rejected. The bill was amended in sundry particulars on the several motions of Messrs. M'Gehee, Barringer, Wyche, Haughton, Fisher and Battle, and the question, Shall the said bill pass its second reading? was determined in the affirmative.

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

Thursday, January 2, 1834.

Mr. Guinn, from the joint select committee on the subject of the Cherokee Indians, reported a memorial, to be presented to the Congress of the United States; which was, on motion of Mr. Marsteller, laid on the table and ordered to be printed.

Mr. Wilson presented a bill to prevent the felling of timber in, or otherwise obstructing the run of Perquimons river, in Perquimons county; and Mr. M'Neill, a bill authorising certain persons hereafter named to raise by way of lottery ten thousand dollars, to open a canal in Cumberland county. These bills were read the first time and passed, and the last named bill, on motion of Mr. Boddie, referred to the committee on Internal Improvements.

On motion of Mr. Roberts, ordered that a message be sent to the Senate, proposing to ballot immediately for major of cavalry attached to the 10th brigade, and nominating for that appointment Thomas N. Henderson.

On motion of Mr. Courts, ordered that a message be sent to the Senate, informing that the name of John R. J. Daniel is added to the nomination for a trustee of the University.

The engrossed bill to restore to credit John Andrews, of Iredell county; the bill to restore Daniel Murray, of Chatham county, to the rights of a free man; and the bill to alter the name of William Lawrence Cherry, of the county of Pitt, and to legitimate him, were severally read the second and third times, passed, and ordered to be enrolled.
The resignation of John Graham, as a justice of the peace of the county of Richmond, was presented, read and accepted.

A message from the Senate, agreeing to ballot, as proposed, for a major of cavalry, and informing that Messrs. M'Cormick and Arrington form their balloting committee. Ordered that Messrs. Moore and Roberts form said committee on behalf of this House.

Mr. Wadsworth presented a resolution in favor of Kenneth Ray; which was read and adopted, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to regulate the inspection of staves and heading in the port of Wilmington, and prevent shipping the refuse; and a bill to alter the name of Priscilla Williams, wife of Egbert Williams, of Edgecomb county, and asking the concurrence of this House. The said bills were read the first time and passed.

The bill to incorporate the Roanoke and Raleigh Rail Road Company, was read the third time, amended and passed, and ordered to be engrossed.

Mr. Barringer, from the select committee raised upon the subject, reported a bill to regulate the times of holding the Superior Courts in the 6th judicial circuit; which was read the first time and passed.

Mr. Martin offered the following resolution:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, of one member from each county in the sixth judicial circuit, to inquire into the mode of regulating the times of holding the Superior Courts in said circuit, so as to afford additional courts to certain counties therein.

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

On motion of Mr. Seawell,

Resolved, That a select committee of three be appointed, to whom shall be assigned the duty of inquiring into the extent and beneficial effects of the improvements made by the Cape Fear Navigation Company upon the river between Fayetteville and Wilmington; and that the committee inquire whether any improvements have been made upon said river, benefiting the navigation thereof in low tide, or in times of dry weather; and that they report by bill or otherwise.

Said committee consists of Messrs. Seawell, Marsteller and Poindexter.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill to prevent the murdering and destroying of bastard children, reported that the existing law already embraces the objects proposed to be attained by the bill. The said bill was thereupon, on motion of Mr. Settle, postponed indefinitely.

Mr. Burgin presented a bill concerning the public road from the Old Fort, in Burke county, to Asheville, in Buncombe county; Mr. Guthrie, a bill to incorporate the Haywood Troopers, in the county of Chatham; and Mr. Graham, a bill to empower the commissioners of the town of Hillsborough to appoint a town constable. These bills were severally read the first time and passed.

The bill to prescribe the mode of assessing lands and listing other property for taxation, was, on Mr. Calvert's motion, made the order of the day for to-morrow.

The engrossed bill to incorporate the Smith River Toll Bridge Company, in the county of Rockingham; and the bill to incorporate the Halifax Rail Road Bridge Company, were severally read the second time and passed.

The engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company, was read the third time. Mr. Jordan moved to amend the bill by striking out, in the 1st section, the words "upon the Yadkin river a-
bove the place commonly called the Narrows," and insert "in the county of Orange." This amendment was rejected—yeas 54, nays 90. The yeas and nays demanded by Mr. Peeples.


The bill was further amended on the several motions of Messrs. Calvert, King and Wyche, and the question, Shall the said bill pass the third reading? was decided in the affirmative—yeas 78, nays 50. The yeas and nays demanded by Mr. Shepard.


Ordered that the concurrence of the Senate be asked in the amendments made to said bill.

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

The engrossed bill to authorise Samuel Latham, of the county of Pitt, to
erect a gate across the public road near his plantation, was read the second time and rejected.

The engrossed resolution in favor of Howell Albritton, sheriff of Pitt county, was read the third time and passed, and ordered to be enrolled.

The engrossed bill to establish an Academy on the lands of Dennis O'Bryan, in the county of Warren, and for other purposes; and the engrossed bill authorising the commissioned officers of the 87th regiment of Davidson county militia to move or change the place of mustering said regiment, were read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to establish a town at the Court House in the county of Caswell, by the name of Yancyville, and to incorporate the same; and the engrossed bill to incorporate the Chowan Volunteer Company, were severally read the second time and passed.

The bill regulating the extra allowances of the County Court officers for the county of Orange, was read the second time. Mr. Graham moved that the said bill be postponed indefinitely. The question thereon was decided in the negative, and the bill passed the second reading. On motion, the bill was again read the third time, and the question, Shall the said bill pass its third reading? was decided in the affirmative—yeas 66, nays 51. The yeas and nays called for by Mr. Waugh.


Ordered that said bill be engrossed.

The bill to prevent the felling of timber in, or otherwise obstructing the navigation of the North East Branch of Cape Fear, between Outlaw's and Kornegay's bridge, in the county of Duplin; the bill concerning the Wilkes County Volunteer Artillery Company; and the bill to authorise Silas Cox, of Wayne county, to erect a bridge across Neuse River, were each read the second time and passed.

The engrossed bill to prevent shooting wild fowls in the night time in Currituck county, was read the second and third times, amended, and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The House then adjourned until to-morrow morning, 10 o'clock.
FRIDAY, JANUARY 3, 1834.

Mr. Wilson offered the following resolution, which was read, and, on motion of Mr. Cherry, laid on the table:

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on Saturday the 11th instant, and that the clerks of the two Houses make up the estimates to that day inclusive.

Mr. Haughton presented a bill authorising the County Court of Chowan to appoint commissioners to examine the books in the register's office in said county; which was read the first time and passed.

Messrs. Allen and Hardee were appointed a committee to conduct the balloting on behalf of the Commons for three Trustees of the University of North Carolina.

The name of John Carson was, on motion of Mr. Burgin, withdrawn from the nomination for a Councillor of State.

A message from the Senate, informing that Messrs. Mendenhall and Mebane attend this House as superintendents of the balloting for Trustees of the University.

Mr. Daniel, from the committee on Claims, to which was referred the resolution in favor of the administratrix of Jesse Clark, reported the same with an amendment. The amendment was concurred in, and the bill read the second time as amended, and passed.

Mr. Daniel, from the same committee, to which was referred the resolution in favor of the heirs of Wm. Gilliam, reported unfavorably thereon. The resolution was thereupon rejected.

The bill to incorporate the Whitesville, Waccamaw and Cape Fear Canal and Rail Road Company, was read the second time, amended, and passed.

The engrossed bill to establish a Bank in the State of North Carolina, was read the third time. Mr. Fisher moved to amend the bill by adding the following proviso: "Provided further, that the holders of a majority of the shares, in general meeting of the stockholders, may at any time change the mode of choosing directors by and with the sanction of the Legislature."

The question thereon was decided in the negative—yeas 55, nays 70. The yeas and nays demanded by Mr. Fisher.


Mr. Outlaw moved to amend the bill by adding the following: "And be it further enacted, that the said bank, or the branches thereof, shall not be permitted to issue any notes except such as are payable at the place of issue." This amendment was rejected—yeas 60, nays 66. The yeas and nays demanded by Mr. M'Gehee.

Those who voted in the affirmative, were Messrs. Allison, Brower, By-


Mr. Guthrie moved to amend the bill by adding the following section:

"And be it further enacted, that the notes of said Bank shall be redeemable and payable in specie at the principal Bank, or any of its branches or agencies, on demand." This was rejected. The bill was amended on the several motions of Messrs. M'Gehee, Potts, Barringer and Fisher, and the question, Shall the said bill pass its third reading as amended? was decided in the affirmative—yeas 95, nays 30. The yeas and nays demanded by Mr. Powell.


Ordered that the concurrence of the Senate be asked in the amendment made to said bill.

Mr. Roberts, from the committee appointed to conduct the balloting for a major of cavalry of the 10th brigade, 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. Roberts, ordered that a 
message be sent to the Senate, proposing another balloting immediately for 
this officer.

Mr. Hardee, from the committee appointed to conduct the balloting for 
three Trustees of the University, reported that Hugh M'Queen, John R. J. 
Daniel and William H. Battle 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 that the two Houses ballot imme-
diately for a lieutenant colonel of cavalry of the 19th brigade, and nominat-
ing James W. Guinn for the appointment. The proposition was agreed to, 
and Messrs. Weaver and W. M'Lean appointed a committee to conduct the 
balloting.

On motion of Mr. Barringer, 
Resolved unanimously, That a message be sent to the Senate, proposing to reconsider the 
vote on the acceptance of the resignation of Eli Stuart as a justice of the peace for the county of Mecklenburg; and requesting that body to transmit the same to the House of Commons, where it was introduced through mistake.

The bill to amend an act, passed at the last session of the General As-
sembly, entitled an act to regulate the Courts of Pleas and Quarter Ses-
sions of Davidson county, was read the second and third times, passed, and 
ordered to be engrossed.

The bill to establish the Merchants' and Miners' Bank in the town of 
Lincolnton, North Carolina, was read the third time, passed, and ordered 
to be engrossed.

The vote of yesterday, rejecting the engrossed bill to authorise Samuel 
Latham, of the county of Pitt, to erect a gate across the public road near 
his plantation, was, on motion of Mr. Kennedy, reconsidered; when the said 
bill was read the third time, passed, and ordered to be enrolled.

Mr. Whitehurst, from the select committee to which was referred the en-
grossed bill to amend the pilot laws, reported the same with sundry amend-
ments, when, on motion of Mr. J. B. Jones, the said report and bill were 
laid on the table.

The resignation of Hugh Stewart as a justice of the peace of the county 
of Mecklenburg; was presented, read and accepted.

Mr. Bragg presented a bill to amend 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; which was read the first time and passed.

The resignations of P. M. Mask, as a justice of the peace of the county 
of Montgomery, and of Hardy Morgan, as colonel commandant of the 60th 
regiment of militia, were presented, read and accepted.

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

Mr. Wyche presented a bill to abolish the office of county trustee in 
Granville county; Mr. Wadsworth, a bill providing for the appointment of 
overseers and hands to clear out Crane's Creek, in the counties of Moore 
and Cumberland; and Mr. Hargrove, a bill concerning the Granville Dra-
goons. These bills were read the first time and passed.

The engrossed bill to authorise Jeremiah Ingram, of the county of Anson, 
to erect a gate across the road leading from Wadesborough to Stanback's 
ferry, on Pedee river, was read the third time and passed, and ordered to 
be enrolled—yeas 86, nays 25. The yeas and nays demanded by Mr. Pugh.

Those who voted in the negative, were Messrs. Allison, Barco, Battle, Boddie, Bragg, Carter, Cloman, Dawson, Dodson, Grady, Hammond, Hargis, Haughton, Jasper, Marsteller, Mixon, Moore, Mullen, M’Cleese, Piere, Pugh, Register, Saunderson, Smallwood, Tillet—nays 25.

The bill to regulate the proceedings of the Court of Pleas and Quarter Sessions of Craven county; the bill regulating the times of holding one of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon; the bill to incorporate Pine Grove Academy, in the upper part of Robeson county; the bill to prevent the felling of timber in, or otherwise obstructing the run of Moore’s Creek in the county of New Hanover; the bill to appoint commissioners for the town of Bath; and the bill authorising the County Court of Washington county to appoint a patrol for the town of Plymouth, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Settle presented a bill to alter and amend an act, passed in the year 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government; which was read the first time and passed.

The engrossed bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire, was read the second time and passed.

The engrossed bill to alter the name of Priscilla Williams, wife of Egbert H. Williams, of the county of Edgecomb, was read the second and third times, passed, and ordered to be enrolled.

The bill for the better regulation of the town of Pittsborough; and the bill to prevent the throwing of ballast, or otherwise obstructing the channel between Bogue Inlet and the town of Swansborough, in Onslow, were severally read the second and third times, amended, and passed, and ordered to be engrossed.

The bill to incorporate the Wilmington Volunteers; the bill to extend the powers of the commissioners for the town of Washington; and the bill to repeal a part of the act of incorporation of the town of Washington; were severally read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1830, respecting the passage of fish up the Yadkin river, was read, and, on motion of Mr. Courts, indefinitely postponed.

The engrossed bill to appoint commissioners to lay off a town at a place called Trap Hill, in the county of Wilkes; the engrossed bill to restore J. Madison Baird, of Buncombe county, to the rights of a free citizen; the
engrossed bill to amend an act, entitled an act to authorise the building of a toll bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose; and the engrossed bill supplemental to an act, passed in the year 1832, entitled an act to regulate the Courts of Pleas and Quarter Sessions of Duplin county, were severally read the second and third times, passed, and ordered to be enrolled.

Mr. Edmonston moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was decided in the affirmative—yeas 54, nays 52. The yeas and nays demanded by Mr. Settle.


Those who voted in the negative, were Messrs. Allen, Allison, Barco, Boddie, Brower, Brown, Bynum, Cansler, Carter, Cherry, Clement, Clo-

Saturday, January 4, 1834.

Mr. Wyche gave notice that he should, on to-morrow, move a suspension of the 30th Rule of Order for the residue of the session.

A message from the Senate, proposing to raise a joint select committee to inquire what arrangements may be necessary to provide for the accommodation of the Governor during the present year. The proposition was agreed to, and Messrs. Rand, Daniel, M'Gehee, Carter and Boddie were appointed to compose said committee on behalf of this House.

A message from the Senate, informing that they had passed the engrossed bill to incorporate Hookerton Library, in the county of Greene, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to prevent the falling of timber in, or obstructing the run of Ellis's creek, in Bladen county, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, viz. a bill to authorise the clerks of the courts of record of this State, and those holding the office of clerk and master in equity, to act as notaries public; a bill to repeal in part an act laying duties on sales at auction of merchandise, passed in the year 1818; a bill to incor-porate the trustees of New Garden Boarding School, in the county of Guilford; and a bill to incorporate the Madison Toll Bridge Company, in the county of Rockingham, and asking the concurrence of this House.—

The said bills were read the first time and passed.
A message from the Senate, agreeing to ballot immediately for a major of cavalry of the 10th brigade, and informing that Messrs. Harrison and Simmons form their balloting committee. Ordered that Messrs. Latham and Ennett superintend said balloting on behalf of the Commons.

A message from the Senate, informing that Messrs. Brittain of Macon and Sitton attend this House as superintendents of the balloting for lieutenant colonel of cavalry of the 19th brigade. Ordered that Messrs. Cotton and Weaver superintend this balloting on behalf of the Commons.

Mr. Guinn presented a resolution in favor of Toliver Witcher; and Mr. Fisher, a bill authorising a geological examination of the public lands in Macon county. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to recharter the Bank of Cape Fear, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Bragg presented the following resolutions, which were read, and, on his motion, laid on the table:

Whereas a bill was passed by the last Congress of the United States providing for a recharter of the United States Bank, and was prevented from becoming a law by the constitutional exercise of the Executive veto: and whereas, notwithstanding said veto, the people of North Carolina, with great unanimity supported General Jackson’s re-election to the Presidency, thus evincing renewed confidence in his administration of the government, and the main principles upon which he had conducted it:

Be it resolved, That, although candor compels this Legislature to admit that they cannot approve all the measures of Andrew Jackson’s administration, yet very many of them do cordially approve, as being founded on the true principles of the Constitution, and calculated to restrict the government to its legitimate sphere of action.

Resolved, That among these this Legislature refer with peculiar satisfaction to the President’s vetoes of the Maysville Road Bill, the bill to recharter the United States Bank, and the bill providing for the distribution of the proceeds of the public lands among the several States.

Resolved, That his Excellency the Governor be requested to transmit to the President of the United States, and each of our Senators and Representatives in Congress, a copy of these resolutions.

Mr. Battle, from the committee on the Judiciary, to which was referred the bill to render sheriffs’ liable for the acts of their deputies, reported unfavorably thereon. The bill was read, and, on motion of Mr. Guinn, laid on the table.

The bill to incorporate the Washington Gold Mining Company, in the county of Mecklenburg, was read the second and third times, passed, and ordered to be engrossed.

Mr. Outlaw presented the following resolutions, which were read, and, on his motion, laid on the table:

Whereas the act passed at the last session of the Congress of the United States, commonly known as the Force Bill, is deemed by this General Assembly inconsistent with the sovereignty of the States, and, therefore, dangerous to the liberties of the people: Be it therefore

Resolved by this General Assembly, That our Senators in Congress be instructed, and our Representatives requested to use all the means in their power to procure a repeal of the said act.

Be it further resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress of the United States.

The bill to incorporate the Halifax Rail Road Bridge Company, was read the third time, passed, and ordered to be engrossed.

Mr. Smithwick presented a resolution in favor of Wm. Thompson; which was read the first time and passed.

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

Gentlemen,—I transmit, in file marked A, such resignations of militia officers and justices of the peace as have been received at this department since the date of my last message.

The paper marked B, is a communication from Charles Spiers, colonel of the 10th regiment of the militia of this State, which is, in compliance with his request, submitted for your consideration.

I am, gentlemen, &c. &c. &c. D. L. SWAIN.

Executive Department, January 4th, 1834.

This communication was read, and, on motion of Mr. Smithwick, ordered to be sent to the Senate.

The bill to regulate the times of holding the Superior Courts in the 6th judicial circuit, was read the second time, passed, and, on motion of Mr. Irvine, referred to a select committee, consisting of Messrs. Roberts, Barringer, Grier, Moore, Henry, Edmonston, Guinn, Burgin, Witcher, Martin, Wm. Potts, Courts, Clement, Poindexter and Ledford.

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

The bill requiring colonel commandants to drill their officers twice a year, was read the second time, amended, and passed.

A message from the Senate, transmitting, in compliance with the request of this House, the resignation of Eli Stewart, a justice of the peace of the county of Mecklenburg; when, on motion of Grier, the said resignation was withdrawn from the files of this House.

On motion of Mr. J. B. Jones, the bill to amend the pilot laws was taken up and read. Mr. M'Cleese moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 52, nays 57. The yeas and nays demanded by Mr. Tillett.


The amendments proposed by the committee to which the bill had been referred, were concurred in; when, on motion of Mr. Outlaw, the said bill was indefinitely postponed—yeas 71, nays 40. The yeas and nays called for by Mr. Haughton.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allen, Allison, Barco, Battle, Boddie, Brandon, Brower, Bynum, Cherry, Cloman, Cotten, Daniel, Dodson, Foreman, Foscue, Gillespie, Grady, Hammond,
Engrossed.

Mr. Ennett, from the committee appointed to conduct the balloting for a major of cavalry attached to the 10th brigade, reported that Thomas N. Herndon had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Weaver, from the committee appointed to conduct the balloting for a lieutenant colonel of cavalry attached to the 19th brigade, reported that James W. Guinn had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The resolution directing the Adjutant General to collect the public arms; and the resolution in favor of Abram Brower, were severally read the second time, amended, and passed.

The engrossed resolution relating to the State claims upon the General Government, was read the second time and passed.

The resolution in favor of the representatives of David Latham, was read the second and third times, amended and passed, and ordered to be engrossed.

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

Monday, January 6, 1834.

The House, in pursuance of notice, resolved to dispense with the 30th Rule of Order for the residue of the session.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution in relation to an act, passed in the year 1818, entitled an act laying duties on sales at auction of merchandize, reported that the object proposed in the resolution is embraced in a bill communicated by the Senate to this House, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Seawell, from the committee on Internal Improvements, to which was referred the bill authorising certain persons hereafter named to raise by way of lottery ten thousand dollars, to open a canal in Cumberland county, reported the same without amendment. The said bill was thereupon read the second time and passed.

Mr. Seawell, from the same committee, to which was referred the bill to ascertain the amount of exports raised in the State for one year, and for other purposes, reported the same with an amendment. The said report and bill were, on motion of Mr. Wyche, laid on the table.
A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to appoint commissioners for the town of Kenansville, in the county of Duplin; and a bill to alter the name of Tick Creek Academy, in the county of Chatham, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Seawell, from the committee on Internal Improvement, to which were referred sundry documents and schemes relating to the internal improvement of the State, made a report thereon, accompanied by a bill to amend an act, passed in the year 1831, entitled an act to amend an act to create a fund for Internal Improvement, and to establish a board for the management thereof, passed in the year 1819. The said bill was read the first time and passed, and, on motion of Mr. Barringer, the said report was ordered to be printed.

Mr. Grier presented a bill for the better regulation of the Fire Company in the town of Charlotte; Mr. Grier, a bill to incorporate the Providence Union Artillery Company, in the county of Mecklenburg; and Mr. Seawell, a bill to establish the ancient boundaries of the town of Fayetteville. These bills were read the first time and passed.

Mr. Fisher presented a bill to attach the company of cavalry, in the county of Rowan, called the Rowan Troopers, to the Mecklenburg and Cabarrus regiment of cavalry; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Outlaw moved that the House do now proceed to the consideration of the bill to provide for the ratification by the people of specific amendments to the Constitution of the State of North Carolina. The question thereon was decided in the negative—yeas 46, nays 79. The yeas and nays demanded by Mr. Outlaw.


The resolution concerning M'Rae's map; the resolution in favor of Taliaferro Witcher; the resolution in favor of David Rogers; the resolution in favor of Wm. Thompson; the resolution in favor of Wm. M'Leod; and the resolution in favor of Martha Spears, were severally read the second time and passed.

The resolution in favor of the administratrix of Jesse Clark, was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Haywood Troopers, in the county of Chatham, was read the second and third times, amended, and passed, and ordered to be engrossed.

The bill to prescribe the mode of assessing lands and listing other property for taxation, was read, and, on motion of Mr. Reife, indefinitely postponed.
Mr. Whitehurst, from the select committee to which was referred the bill to incorporate the North Carolina Central Rail Road Company, reported the same with sundry amendments. The said bill and amendments were, on Mr. Whitehurst's motion, laid on the table.

Mr. Marsteller, from the select committee to which was referred the resolution concerning the improvements made by the Cape Fear Navigation Company upon the Cape Fear river below Fayetteville, reported a resolution instructing the Board of Internal Improvements to remove certain sand-bars in Cape Fear river; which was read the first time and passed.

The resignation of Alexander M'Neill, as major of the 33d regiment of militia, received from the Senate, was read and accepted.

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 it respects turpentine in the town of Wilmington, was read the second time and passed. The said bill was, on motion, again read the third time, amended on Mr. Register's motion, and passed—yeas 70, nays 45. The yeas and nays called for by Mr. Laspeyre.


Mr. Jordan presented a bill concerning market fees in the town of Fayetteville; which was read the first time and passed.

The bill concerning the public road from the Old Fort, in Burke county, to Asheville, in Buncombe county, was read the second and third times, amended on Mr. Weaver's motion, passed, and ordered to be engrossed.

The bill to empower the commissioners of the town of Hillsborough to appoint a town constable, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Halifax and Weldon Rail Road Company, was read the second time and passed.

Mr. Calvert presented a bill to incorporate the Northampton Female Seminary; which was read the first time and passed.

The bill to authorise Silas Cox, of Wayne county, to erect a bridge across Neuse river, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to amend the first section of an act, passed in the
year 1805, chapter 19, entitled an act to amend the third section of an act, passed in the year 1801, concerning wrecks, was read, and, on motion of Mr. Whitehurst, indefinitely postponed.

The bill supplemental to the act erecting the county of Yancy, and the act supplemental to the same; and the bill requiring major generals of militia to review the regiments at their usual places of mustering, were read the second time and passed.

The bill to enforce the collection of militia fines, was read the second time and rejected.

The bill to amend the law in relation to the crime of larceny, was read the second time, amended on motion of Mr. Boddie, and passed.

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

**Tuesday, January 7, 1834.**

Mr. Wyche, from the committee of Finance, to which was referred the resolution directing them to inquire into the expediency of exempting from taxation such slaves as are disabled permanently, reported that it is not expedient so to legislate, and asked to be discharged from the further consideration of the subject.

Mr. Wyche, from the same committee, to which had been referred a resolution upon the subject, reported a resolution directing the Public Treasurer to publish the Revenue Laws with the Acts of Assembly; which was read the first time and passed.

Mr. Wyche, from the same committee, reported a resolution concerning treasury notes burnt by the committee of Finance; which was read and adopted, and ordered to be engrossed.

Mr. Wyche further reported that the committee of Finance, having acted on all the business and matters referred to them, prayed to be discharged from future references for the residue of the session. The report was concurred in, and the committee discharged accordingly.

Mr. Wyche presented a resolution relating to the duties of the Comptroller; which was read and adopted, and ordered to be engrossed.

Mr. Courts, from the committee on Propositions and Grievances, reported unfavorably on the petition of Christy Eaker and others, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Fisher,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of three members on the part of each House, to inquire into the present mode of contracting for fuel and stationary for the use of the two Houses, and whether the same cannot be changed for the better; and that they have leave to report by resolution or otherwise.

The bill to render sheriffs liable for the acts of their deputies, was read the second time, amended on Mr. Guinn's motion, and passed.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the engrossed bill to prevent shooting wild fowls in the night time in Currituck county. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bill and resolution, viz. a bill to prevent the carrying of slaves out of this State, and to prevent injuries being done to live stock upon rail roads; and a resolution in favor of John Johnson, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.
A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding the Courts of Pleas and Quarter Sessions in Duplin county, and asking the concurrence of this House. The said bill was read the first time and passed.

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

The resignation of Isaac Brown, as a justice of the peace for the county of Jones, received from the Senate, was read and accepted.

Mr. Long submitted the following resolution, which was read and adopted:

Resolved, That a committee of five be appointed for the purpose of ascertaining whether the Attorney General of this State, Romulus M. Saunders, did not violate the 35th section of the Constitution, in accepting an appointment under the General Government, and did not thereby vacate his said office; and that they report by bill or otherwise.

Said committee consists of Messrs. Long, Haughton, Graham, Barringer and Shepard.

A message from the Senate, agreeing that the joint select committee on Finance be discharged from the further consideration of any subject for the remainder of the session.

A message from the Senate, informing that Messrs. Britain, of Macon, Dobson, Meares, Morrison and Pugh form on their part the joint select committee to inquire into the arrangements necessary to be made for the accommodation of the Governor during the present year.

A message from the Senate, concurring in the amendment proposed by this House to the engrossed bill to establish a Bank in the State of North Carolina. Ordered that said bill be enrollied.

A message from the Senate, concurring in the amendment proposed by the House to 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. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill regulating lay days on Frying Pan, in Tyrrell county, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

On motion, leave of absence from the service of this House, from and after this day, for the residue of the session, was granted to Mr. John D. Jones.

The bill for revising and digesting the public statute laws of this State, was read the third time. Mr. Stockard moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 19, nays 83. The yeas and nays demanded by Mr. Taylor.


Those who voted in the negative, were Messrs. G. H. Alexander, Allen, Barringer, Battle, Boddie, Bynum, Calvert, Cansler, Carter, Clement, Coleman, Corpening, Courts, Cromwell, Daniel, Dodson, Edmonston, Ennett, Fisher, Gillespie, Grady, Graham, Grier, Guinn, Hammond, Hardee,

The said bill thereupon passed its third reading, and was ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to establish the Merchants' Bank, in the town of Newbern, and the Albemarle Bank, in the town of Edenton, with sundry amendments, and asking the concurrence of this House. The said amendments were read and agreed to.

Mr. Wilson offered the following resolution, which was read and rejected:

Resolved, That this House will not, after this day, receive any more bills of a private or public nature, during the sitting of the present Legislature.

Mr. Register offered the following resolution, which was read and rejected:

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what alteration is necessary to be made in the law respecting the entry of vacant swamp lands in this State; and that they report by bill or otherwise.

The bill exempting certain articles therein named from execution; the bill more effectually to prohibit the trading with slaves; the bill to regulate the fisheries on the waters of Tranter's creek, in the county of Beaufort; the bill concerning the Wilkes county Volunteer Artillery Company; the bill to prevent the felling of timber in, or otherwise obstructing the navigation of the North East Branch of Cape Fear river, between Outlaw's and Kornegay's bridge, in the county of Duplin; the bill supplemental to the act erecting the county of Yancy, and the act supplemental to the same; the bill to incorporate the Whitesville, Waccamaw and Cape Fear Canal and Rail Road Company; the resolution directing the Adjutant General to collect the public arms; and the resolution concerning M'Rae's map, were severally read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Halifax and Weldon Rail Road Company; the engrossed bill to repeal an act, passed at the last General Assembly, entitled an act to create one additional wreck district in the county of Hyde, and for other purposes; the engrossed bill appointing commissioners in the county of Haywood to superintend the road from the Buncombe line to the Macon line in said county; the engrossed bill to incorporate the Chowan Volunteer Company; the engrossed bill to incorporate the Richmond Manufacturing Company; the engrossed bill to legitimate and alter the names of Nancy H. Relfe and Parmelia Relfe, of Pasquotank county; and the engrossed resolution relating to the State claims upon the General Government, were severally read the third time, passed, and ordered to be enrolled.

The bill to amend the law in relation to the crime of larceny; the bill authorising certain persons hereafter named to raise by way of lottery ten thousand dollars to open a canal in Cumberland county; the resolution in favor of Samuel S. Shepard, sheriff of Martin county; the resolution in favor of Win. Thompson; the resolution in favor of Martha Spears; the resolution in favor of Toliver Witcher; and the resolution in favor of Wil-
The engrossed bill to incorporate the Smith's River Toll Bridge Company, in the county of Rockingham; the engrossed bill to establish a town at the Court House in the county of Caswell, by the name of Yanceyville, and to incorporate the same; and the engrossed resolution in favor of David Rogers; were severally read the third time, passed, and ordered to be enrolled.

A message from the Senate, agreeing to raise a joint select committee on the subject of fuel and stationary, and informing that Messrs. Walton, Cooper and Simmous form their branch of said committee. Ordered that Messrs. Fisher, Wyche and Houlder form this committee on behalf of the Commons.

The bill requiring major generals of militia to review the regiments at their usual places of mustering, was read, and, on motion of Mr. Settle, postponed indefinitely.

The bill authorising the County Court of Chowan to appoint commissioners to examine the books in the register's office in said county, was read, and, on Mr. Battle's motion, indefinitely postponed.

Mr. Barringer, from the committee on the Judiciary, to which was referred the bill regulating appeals, reported unfavorably thereon; when the said bill was read, and, on motion of Mr. Marsteller, indefinitely postponed.

Mr. W. Horton presented a petition from sundry citizens of the county Wilkes, asking for an appropriation for the improvement of one of the public highways in said county; which was, on motion of Mr. Horton, referred to the committee on Internal Improvement.

The bill authorising Alexander M'Alister, of the county of Cumberland, to erect two gates on his own lands; the bill to provide for running and establishing the dividing line between the counties of Wayne and Duplin; the bill to divorce Mary Read from her husband Elias Read; the bill to incorporate the Mutual Relief Association of the town of Wilmington; the bill to amend an act, passed in the year 1814, entitled an act to revive the second section of an act, passed in the year 1801, entitled an act to revive an act, passed in the year 1775, for the regulation of the city of Raleigh, and to amend the same, and for other purposes; and the bill providing for the appointment of overseers and hands to clear out Crane's Creek, in the counties of Moore and Cumberland, were severally read the second time and passed.

The engrossed bill to incorporate Pleasant Hill Academy, in the county of Stokes, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they concur in the amendments to the engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company, marked A, W, B, F, G, H, K, L, M, N, R, S, T, V, and A; but disagree to the amendments marked C, D, E and P; that they agree to the amendment marked A A, and also the amendment marked Q, with certain amendments. Whereupon this House determined to adhere to their said amendments C, D, E, and receded from their amendment P. The House also disagreed to the amendment proposed by the Senate to their amendment A A, and adhere to the same, but concur in the Senate's amendment to their amendment, marked Q.
The bill to authorise John Barnett, late sheriff of Person, to collect arraignments of taxes; the bill to prevent the felling of timber in, or otherwise obstructing the run of Perquimons river, in the county of Perquimons; the bill concerning the Granville Dragoons; the bill to repeal so much of an act, passed in the year 1831, entitled an act to prevent obstructions to the passage of fish up Neuse and Trent rivers, as relates to the county of Lenoir; the bill to abolish the office of county trustee in Granville county; the bill to establish the ancient boundaries of the town of Fayetteville; and the bill to incorporate the trustees of Griffin's Free School, were severally read the second and third times, passed, and ordered to be engrossed.

The bill requiring colonel commandants to drill their officers twice a year, was read the third time, passed and ordered to be engrossed.

The engrossed resolution in favor of Abram Brower, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

The resolution authorising and directing the Governor to transmit to the Congress of the United States a certain memorial relating to the Cherokee Indians, was read and adopted, and ordered to be engrossed.

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

**Wednesday, January 8, 1834.**

On motion, leave of absence from the service of this House, from and after Friday next, was granted to Mr. Wiseman.

On motion, Mr. Marsteller obtained leave to withdraw from the files of the House the documents relating to the contested election of the member representing the town of Salisbury at the last session of the Legislature.

On motion, Mr. King obtained leave to withdraw from the files of the House the papers relating to the petition of John Sloan.

On motion of Mr. Laspeyre, ordered that a message be sent to the Senate, requesting a return to this House of a recommendation transmitted to them of a justice of the peace for the county of Brunswick.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the petition of Mary B. Cabe, made a report thereon which was, on motion of Mr. Edmonston, laid on the table; when Mr. Edmonston presented a bill to divorce Mary B. Cabe from her husband Joseph Cabe; which was read the first time and passed.

A message from the Senate, informing that they had rejected the engrossed bill to extend the powers of the commissioners of the town of Washington.

A message from the Senate, informing that they had passed the engrossed resolution for the President and Directors of the Literary Fund, and asking the concurrence of this House. The said resolution was 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 1824, chapter 43d, entitled an act to amend an act, passed in the year 1819, entitled an act to annex Smith's Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle's Island to the county of New Hanover, with sundry amendments; and asking the concurrence of this House. The said amendments were read and concurred in.
Mr. Fisher, from the joint select committee on the subject, reported certain resolutions regulating the mode of procuring stationary and fuel; which were read and adopted, and ordered to be engrossed.

Mr. Haughton, from the select committee to which was referred the bill to provide for the removal of a shoal or shoals across the channel in Eden-on bay, reported the same without amendment. The said bill was then read and rejected.

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

The bill to ascertain the amount of exports raised in the State for one year, and for other purposes, was read the second time and rejected.

The bill for the improvement of the road from Rutherfordton to Asheville, Buncombe county, known by the name of the Hickory Nut Gap Road; the bill to incorporate the Providence Union Artillery Company, in the county of Mecklenburg; the bill for the better regulation of the fire company in the town of Charlotte; and the bill to incorporate the Northampton Female Seminary; were severally read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to authorise certain persons therein named to raise by lottery six thousand dollars, for cutting a canal in Washington county, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to further regulate the finance of the county of Onslow, was read the second and third times, passed, and ordered to be enrolled.

The bill to regulate the peddling and retailing of spirituous liquors, was read, and, on motion of Mr. Willey, indefinitely postponed.

The bill prescribing certain duties to clerks and sheriffs, in relation to the tax on sales at auction, was read the second and third time, passed, and ordered to be engrossed.

The bill providing for turning or altering roads in certain cases; the bill to amend the 19th section of an act, passed in 1785, entitled an act for opening the land office for the redemption of specie and other certificates and discharging the arrears due to the army; the bill to prevent injury to the navigation of the Cape Fear river, and for other purposes; the bill to enforce the penalty incurred by entry takers failing to make annual returns of entries made in their respective offices as required by law; the bill to alter and amend an act, passed in the year 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government for the year 1829; the bill to amend an act, passed in the year 1829, entitled an act to prevent fraud in deeds of trust and mortgages; The bill to amend an act, passed at the last session, entitled an act to repeal an act, passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in 1806, entitled an act to revise the militia laws of this State, were severally read the second time and passed.

The engrossed bill to prevent free persons of color selling spirituous liquors in a quantity less than five gallons, was read the second time, and, on motion of Mr. Martin, postponed indefinitely.

The bill to amend an act, passed in the year 1825, making appropriations for clearing out the shoals below Washington, was read the second time, and, on motion of Mr. Wiseman, indefinitely postponed.
The bill authorising a geological examination of the public lands in Macon county, was read the second time, amended on Mr. Guinn's motion and passed.

The bill to authorise the clerks of the courts of record of this State, and those holding the office of clerk and master in equity to act as notaries public, was read the second time and passed.

Mr. Wesley Jones presented a resolution tendering the use of the Government House to the Methodist Episcopal Church; which was read and adopted, and ordered to be engrossed.

The bill to amend an act, entitled an act to re-enact, with sundry alterations and additions, an act, entitled an act to incorporate the Petersburg Railroad Company, passed by the Legislature of Virginia on the 10th day February, 1830; and the bill to repeal in part an act laying duties on sales at auction of merchandise, passed in the year 1818, were read the second time and passed.

The bill to amend an act, passed in the year 1831, entitled an act to amend an act to create a fund for internal improvement, and to establish a board for the management thereof, passed in 1819, was read the second time. Mr. Allison moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 56, nays 61. The yeas and nays demanded by Mr. Smallwood.


The bill was thereupon put on its passage, and the question, shall the said bill pass its second reading? was decided in the negative—yeas 57, nays 60. The yeas and nays demanded by Mr. M'Cleese.


Mr. Henry presented certain resolutions relating to the sale of the Cherokee lands; which were read the first time and passed.

The engrossed bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, receding from their disagreement to the amendments marked C, D, E, proposed by the House of Commons to the engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company, but insisting upon their amendment to the amendment marked A A, and proposing that a committee of three members on the part of each House be appointed to confer on the disagreeing votes of the two Houses, and informing that Messrs. Collins, Mendenhall and Martin form their branch of said committee. The proposition for a conference was agreed to, and Messrs. Bragg, Wyche and M'Leod appointed to compose said committee on behalf of the Commons.

The bill to prevent the carrying of slaves out of this State, and to prevent injuries being done to live stock upon rail roads, was read the second time and passed.

The engrossed resolution in favor of John Johnson, was read the second and third time, passed, and ordered to be enrolled.

The resolution directing the Public Treasurer to publish the Revenue Laws with the Acts of Assembly, was read the second and third times, passed, and ordered to be engrossed.

The bill to render sheriffs liable for the acts of their deputies, was read the third time, amended and passed, and ordered to be engrossed.

The resolution instructing the Board of Internal Improvements to remove certain obstructions in Cape Fear river, was read the second time and rejected.

Mr. Wilson moved that the House do now take up for consideration a resolution heretofore submitted by him, proposing an adjournment of the two Houses, sine die, on Saturday next. The question, will the House now consider the resolution? was decided in the affirmative—yeas 77, nays 24. The yeas and nays demanded by Mr. M'Cleese.


The resolution was thereupon read and adopted—yeas 99, nays 10. The yeas and nays demanded by Mr. Mixon.


Those who voted in the negative, were Messrs. Graham, Hardison, J. Horton, Irvine, Moore, Roberts, Seawell, Settle, Whitehurst, Wyche—nays 10.

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

Thursday, January 9, 1834.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Haywood Troopers, in the county of Chatham, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. Marsteller, from the joint select committee on Military Affairs, to which was referred the annual report of the Adjutant General, reported that the subject requires no legislative action, and prayed to be discharged from the further consideration thereof, and from all future references for the residue of the session. The report was concurred in.

Mr. Courts, from the committee on Propositions and Grievances, to which was referred the petition of Gatsey Stephens, wife of Silas Stephens, of Lenoir county, made an unfavorable report thereon, and prayed to be discharged from the further consideration of the subject; and further prayed to be discharged from their committee duties during the present session. The report was concurred in, and the committee discharged.

The engrossed bill to provide for running and establishing the dividing line between the counties of Wayne and Duplin, was read the third time. Mr. Gillespie moved to amend the bill by adding the following sections:

"That if the commissioners aforesaid, or any of them, shall refuse or neglect to run, mark and establish the said line, according to the provisions of this act, within six months after the ratification thereof, the Court of Pleas and Quarter Sessions held for each county, at their first terms thereafter, shall appoint two commissioners, one surveyor, and the necessary chair carriers and markers, on the part of each county, who shall forthwith run, mark and establish
the dividing line between said counties, viz. beginning at a pine stump near John Elliott's, the corner of Duplin, Wayne and Sampson, and run a direct line to another corner near Allen Whitfield's, thence to the Lenoir county line, so as to include Lewis Herring and sons, in the county of Duplin; which line, when so established, shall be the dividing line of said counties.

"Be it further enacted, that the said commissioners, chain carriers and markers shall be allowed such compensation for their services as shall be deemed proper by their respective County Courts: provided that nothing herein contained shall be so construed as to prevent the sheriff of either county from collecting the taxes which are now due."

This amendment was rejected, and the question, Shall the said bill pass its third reading and be enrolled? was decided in the affirmative.

A message from the Senate, proposing to ballot immediately for councilors of State. The proposition was agreed to, and Messrs. Sauderson and Ennett appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Montgomery and Morris attend this House as a committee on their part to conduct said balloting.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill regulating the extra allowances of the County Court officers of the county of Orange.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill concerning the new road from Lincolnton to Rutherfordton; a bill to incorporate the Franklin Gold Mining Company; a bill to authorize the Public Treasurer to sell certain lands in the vicinity of Raleigh; a bill to establish Clemmons's Academy, in the county of Davidson, and appoint the trustees thereof; and a resolution in favor of Wm. Horton and others, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

The engrossed bill to divorce Mary Read from her husband Elias Read, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the bill concerning the western regiment of the militia of Chatham county, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The resignation of James C. Faucett, as lieutenant colonel of the 14th regiment of militia of Halifax county, was presented, read and accepted.

Mr. Grier presented a bill for the better regulation of the County Courts of Mecklenburg county; which was read the first time and passed.

Mr. Henry presented a bill to alter the time of holding two of the County Courts for Buncombe county; which was read the first time and passed.

Mr. Barringer, from the select committee to which was recommitted the bill to regulate the times of holding the Superior Courts in the sixth judicial circuit, reported the same with an amendment; which was read and concurred in, and the bill, as amended, read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Mutual Relief Association of the town of Wilmington, was read the third time, passed, and ordered to be engrossed.

A message from the Senate, returning the recommendation of a justice of the peace of the county of Brunswick; when the same was read and rejected.

On motion, leave of absence from the service of the House, from and after to-morrow, was granted to Mr. Grier.

Mr. Bragg, from the committee of conference on the disagreeing votes of
the two Houses on the bill to incorporate the Roanoke and Yadkin Rail Road Company, reported that the committee propose that the House of Commons do recede from their amendment marked A A. The House agreed so to recede, and thereupon it was ordered that said bill be enrolled.

The resolutions relating to the sale of the Cherokee lands; and the bill to incorporate Rocky River Gold Mining Company, were read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution for the president and directors of the Literary Fund; and the engrossed bill to incorporate the Madison Toll Bridge Company, in the county of Rockingham, were severally read the second and third times, passed, and ordered to be enrolled.

Mr. Rand presented a resolution in favor of Richard Roberts; which was read the first time and passed.

The engrossed bill to repeal in part an act laying duties on sales at auction of merchandize, passed in the year 1818, was read the third time, amended, and passed. Ordered that the concurrence of the Senate be asked in the amendment.

The bill to amend the 19th section of an act, passed in 1783, entitled an act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army; and the bill providing for turning or altering roads in certain cases, were severally read the third time and passed, and ordered to be engrossed.

The engrossed bill to prevent injury to the navigation of Cape Fear river, and for other purposes, was read the third time, passed, and ordered to be enrolled.

On motion, leave of absence, after to-morrow, was granted to Mr. Bragg, and, after Saturday next, to Mr. Pierse, for the residue of the session.

On motion of Mr. Irvine, the bill to provide for the ratification by the people of specific amendments to the Constitution of the State of North Carolina, was taken up and read the second time; when, on motion of Mr. Outlaw, the said bill was indefinitely postponed—yeas 60, nays 56. The yeas and nays demanded by Mr. Corpening.


Mr. Fisher introduced a resolution relating to Washington's Statue; and Mr. Watson, a resolution in favor of Archibald Gilchrist, of Robeson county; which were read the first time and passed.

Mr. Jordan presented certain resolutions relating to the Cape Fear Navigation Company; which were read the first time and passed.

Mr. Fisher, from the joint select committee to which was referred the subject of the contract with the sculptor, Ball Hughes, for repairing the Statue of Washington, reported that no legislative action at this time is required upon the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

The bill to prevent the conveying of slaves out of this State, and to prevent injuries being done to live stock upon rail roads; the bill to authorise the clerks of the courts of record of this State, and those holding the office of clerk and master in equity, to act as notaries public; and the bill to amend an act, passed at the last session, entitled an act to repeal an act, passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in 1806, entitled an act to revise the militia laws of this State, were severally read the third time, passed, and ordered to be enrolled.

The bill to amend an act, passed in the year 1829, entitled an act to prevent fraud in deeds of trust and mortgages; the bill to enforce the penalty incurred by entry-takers failing to make annual returns of entries made in their respective offices as required by law; and the bill authorising a geological examination of the public lands in Macon county, were severally read the third time, passed and ordered to be engrossed.

The bill to alter and amend an act, passed in the year 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government for the year 1820, was read the third time, and, on motion of Mr. Wyche, postponed indefinitely—yeas 72, nays 46. The yeas and nays demanded by Mr. Wm. M'Lean.


Mr. Ennett, from the committee appointed to conduct the balloting for counsellors of State, reported that Isham Matthews, Alfred Jones, Henry Skinner, Meshack Franklin, George W. Jeffreys and Clement Marshall, 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.

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

The engrossed bill to appoint commissioners for the town of Kenansville,
in the county of Duplin, was read the second and third times, amended
and passed. Ordered that the concurrence of the Senate be asked in the
amendment.

The engrossed bill to regulate the inspection of staves and heading in
the port of Wilmington, and prevent shipping the refuse, was read the se-
cond time, and, on motion of Mr. Lyon, postponed indefinitely.

Mr. King presented a resolution in favor of the heirs of Daniel M'Kay,
late of Iredell county; which was read the first, second and third times,
passed, and ordered to be engrossed.

Mr. G. S. M'Lean presented a resolution in favor of Archibald S. Brown;
which was read the first time, and, on motion, rejected.

The resignations of Henry Skinner, of Perquimans; and of Alexander
Moore, of Robeson county, justices of the peace, were presented, read
and accepted.

The engrossed bill to amend an act, passed in the year 1814, entitled
an act to revive the second section of an act, passed in the year 1801, en-
titled an act to revive an act, passed in the year 1775, for the regulation
of the city of Raleigh, and to amend the same, and for other purposes, was
read the third time, passed, and ordered to be enrolled.

The bill to amend an act, entitled an act to re-enact, with sundry alter-
ations and additions, an act, entitled an act to incorporate the Pe-
tersburg Rail Road Company, passed by the Legislature of Virginia
on the 10th day of February, 1830; and the bill providing for the
appointment of overseers and hands to clear out Crane's creek, in the
 counties of Moore and Cumberland, were read the third time, passed, and
ordered to be engrossed.

The bill appointing commissioners to run the dividing line between the
 counties of New Hanover and Bladen; the bill concerning market fees in
the town of Fayetteville; the bill to divorce Mary B. Cabe from her hus-
band Joseph Cabe; and the bill to alter the time of holding two of the Coun-
ty Courts for Buncombe county, were severally read the second and third
times, passed, and ordered to be engrossed.

The engrossed bill to authorise the construction of a rail road from the
Cape Fear river at Campbellton to some point in the town of Fayetteville,
was read the second and third times, amended and passed. Ordered that
the concurrence of the Senate be asked in said amendment.

The bill for the better regulation of the County Courts of Mecklenburg
county, was read the second time, amended and passed.

The following engrossed bills, viz. The bill to incorporate the Lumber
river and Cape Fear Rail Road Company; the bill concerning fisheries on
the Scuppernong river, in the counties of Tyrrell and Washington; the
bill to alter the time of holding the County Courts of Chowan county; the
bill to incorporate the Meltonsville Cavalry, in the county of Anson; the
bill to prevent the felling of timber in, or otherwise obstructing the runs of
the South West Branches of New river, in Onslow county; the bill to au-
thorise Joseph S. Jones to inspect certain records and to make extracts
therefrom; the bill to prevent the felling of timber in, or obstructing the
run of the Lower creek, in the county of Burke; the bill authorising the
survey of the towns of Lexington and Charlotte; the bill to incorporate
the Trustees of New Garden Boarding School, in the county of Guilford;
the bill to alter the name of Tick creek Academy, in the county of Chatham; the bill to alter the time of holding the Courts of Pleas and Quarter Sessions in Duplin county; the bill to incorporate the Franklin Gold Mining company; the bill concerning the new road from Lincolnton to Ruth-erfordton; the bill to establish Clemmonsville Academy, in the county of Davidson, and appoint the trustees thereof; the bill to authorize the Public Treasurer to sell certain lands in the vicinity of Raleigh; and the engrossed resolution in favor of William Horton and others; were severally read the second and third times, passed, and ordered to be enrolled.

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

FRIDAY, JANUARY 10, 1834.

On motion, Mr. Guthrie obtained leave to withdraw from the files of the House the documents accompanying the resolution in favor of George R. Griffith.

Leave was also granted to Mr. Ennett to withdraw the papers accompanying the petition of Peter Ambrose; and to Mr. Waugh, to withdraw from the files the papers accompanying the resolution in favor of the heirs of William Gilliam.

On motion of Mr. Edmonston, ordered that a message be sent to the Senate, proposing another ballotting immediately for one counsellor of State, and informing that the names of J. O. Watson, Wm. H. Hardin and J. O. K. Williams are withdrawn from the nomination.

The resolution in favor of Richard Roberts; the resolution relating to Washington's Statue; and the resolutions relating to the Cape Fear Navigation Company, were each read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, agreeing to ballot immediately for a counsellor of State, informing that the name of William Dickson is withdrawn from the nomination, and that Messrs. Simmons and Moye, of Pitt, form their balloting committee. Ordered that Messrs. Williams and Hawkins form this committee on behalf of the Commons.

A message from the Senate, concurring in the amendment made by the House of Commons to the engrossed resolution in favor of Abram Brower. Ordered that said resolution be enrolled.

The bill authorising Alexander M'Alister, of the county of Cumberland, to erect two gates on his own lands; and the resolution in favor of Archibald Gilchrist, of Robeson county, were severally read the second and third time, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Cape Fear, Yadkin and Pee Dee Rail Road Company; and the engrossed bill to regulate the proceedings in the Court of Pleas and Quarter Sessions of Craven county, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed resolution in favor of the engrossing clerks, and asking the concurrence of this House. The said resolution was 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 supplemental to the act to es-
establish a Bank in the State of North Carolina; a bill to incorporate the North Carolina Centre and Seaport Rail Road Company; a bill to direct in what manner the tax on attorneys' licenses shall hereafter be paid and appropriated; a resolution in favor of the Governor; resolution relating to the superintendent of public works; resolution in favor of the doorkeepers; and resolution relating to the organization of the militia of the United States, and asking the concurrence of this House. These bills and resolutions were severally read the first time and passed; and the last named resolution ordered to be enrolled.

On motion of Mr. Coleman, the bill to incorporate the North Carolina Centre and Seaport Rail Road Company, was read the second and third times, and amended on motion of Mr. Whitehurst, and passed. Ordered that the concurrence of the Senate be asked in the said amendments.

A message from the Senate, informing that they had passed the engrossed resolution in favor of William MacLeod, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Williams, from the balloting committee for a counsellor of State, reported that Owen Holmes had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill for the better regulation of the County Courts of Mecklenburg, Lincoln, Rutherford and Haywood counties, was read the third time, amended and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners to mark and lay off the road from Allen Burton's old place to Ashe Court House, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Seawell presented certain resolutions authorising lotteries in aid of the Fayetteville, Yadkin and Pedee Rail Road; which was read and adopted, and ordered to be engrossed.

Mr. Weaver presented a bill to repeal an act, passed in the year 1832, entitled an act to establish an extra term of the Court of Pleas and Quarter Sessions for the county of Buncombe; which was read the first, second and third times, passed, and ordered to be engrossed.

The engrossed bill supplemental to the act to establish a Bank in the State of North Carolina, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to direct in what manner the taxes on attorneys' licenses shall hereafter be paid and appropriated, was read the second time and rejected.

Mr. Watson presented a resolution relating to the Government House; which was read, and, on motion of Mr. Fisher, laid on the table.

The engrossed resolution in favor of the doorkeepers, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in the amendment.

A message from the Senate, concurring in the report of the committee of conference, raised upon the disagreeing votes of the two Houses on the bill to incorporate the Roanoke and Yadkin Rail Road Company.

The engrossed bill to appoint commissioners to mark and lay off the road from Allen Burton's old place to Ashe Court House; the engrossed
resolution in favor of the Governor; the engrossed resolution in favor of the engrossing clerks; the engrossed resolutions relating to the superintendent of public works, were severally read the second and third times, passed, and ordered to be enrolled.

On motion, leave of absence for the residue of the session, from and after to-morrow, was granted to Mr. Kittrell.

Mr. Guthrie moved that the House do now proceed to consider the resolutions heretofore submitted by him in relation to a recharter of the Bank of the United States. The question thereon was decided in the negative—yeas 4, nays 85. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were Messrs. Guthrie, Murray, Seawell and Settle.


Mr. King moved to take up the resolutions heretofore submitted by Mr. Bragg, approving in part of General Jackson's administration. This motion was negatived—yeas 2, nays 95. The yeas and nays demanded by Mr. King.

Those who voted in the affirmative, were Messrs. Guthrie and Waugh.


Mr. Jordan moved that the House proceed to the consideration of the resolutions, submitted by Mr. Outlaw, in relation to an act of Congress commonly called the "Force Act." This motion was also negatived—yeas 4, nays 95. The yeas and nays demanded by Mr. Jordan.

Those who voted in the affirmative, were Messrs. Guthrie, Leonard, Murray and Seawell.

Irvine, indefinitely postponed to bill the postponed and amendments to the appointment.

Smallwood and House. On committee amendments were of Ashe, the House, Thatham, Taylor, Thomas, Thompson, Tillett, Wadsworth, Watson, Waugh, Welch, Willey, Williams, Wilson, Witcher, Ziglar—nays 95.

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

The resolution relating to the Government House was read, and, on motion of Mr. J. W. Potts, indefinitely postponed—yeas 96, nays 10. The yeas and nays demanded by Mr. Haughton.


Those who voted in the negative, were Messrs. Guthrie, Malloy, Montgomery, G. S. McLean, Settle, Stephens, Wadsworth, Watson, West, Williams—nays 10.

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

Saturday, January 11, 1854.

Mr. Phelps, on motion, obtained leave to withdraw from the files of this House the papers accompanying the petition of William Barber.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructing the passage of fish up New river, in the county of Ashe, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, proposing to ballot immediately for a superintendent of public works, and informing that James Wyche is nominated for the appointment. The proposition was agreed to, and Messrs. Corpening and Smallwood appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Stone and Wilder form said committee on their part.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to establish the Merchants' and Miners' Bank in the town of Lincolnton, North Carolina.

A message from the Senate, concurring in the amendments to the engrossed bill to incorporate the Centre and Seaport Rail Road Company.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Roanoke and Raleigh Rail Road Company, with amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill concerning the entry of vacant lands, and asking the concurrence of this House. The said bill was read the first time, and, on motion of Mr. Irvine, indefinitely postponed.
Mr. Smallwood, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

On motion, leave of absence from the service of the House, from and after to-day, was granted to Messrs. Wyche, G. H. Alexander, Henry, Weaver and Long.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Whitesville, Waccamaw and Cape Fear Canal and Rail Road Company, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

On motion, leave of absence from the service of the House, from and after to-morrow, was granted to Mr. Corpening.

Messrs. King and Marsteller were appointed additional members of the committee on Enrolled Bills.

Mr. Graham, from the committee to which was referred the resolut submitted by Mr. Long in relation to the vacating of the office of the Attorney General, made a report thereon, and the question, Will the House concur in this report? was decided in the affirmative—yeas 65, nay 5.

The yeas and nays demanded by Mr. Allison.


Mr. Guthrie was, at his own request; excused from voting.

Mr. Long presented the following resolution:

Resolved, That the appointment of commissioner to settle the French claims, under the Convention between France and the United States, is incompatible with the office of Attorney General of this State, and violates the spirit of the Constitution; and that the Attorney General holding any such appointment under the General Government, ought to resign his State appointment.

Mr. Roberts moved that this resolution lie on the table until the first day of December next. The question thereon was decided in the affirmative—yeas 68, nays 53. The yeas and nays demanded by Mr. Long.


Mr. Waugh moved that the said report of the committee be spread at large upon the journal of the House. The question thereon was decided in the affirmative—yeas 76, nays 37. The yeas and nays demanded by Mr. Waugh.


The report is in the following words, viz.:—

The select committee to which was referred the resolution of inquiry, as to the violation by the Attorney General of the 35th section of the Constitution, and of the vacation thereby of J. W. Sce., have considered the same, and respectfully report: That through their Chairman they notified the Attorney General of the investigation which they were instructed to make, tham, that their willingness to receive from him any communication on the subject; that that gen- eral, W. A. Readly appeared before the committee, and frankly and fully admitted that, during the year, he had received from the President of the United States an appointment as a Member of a Board of Commissioners, whose sessions are held in the city of Washington, to thertain the claims of American citizens for spoliation committed on their commerce on this high seas by French subjects; and that he had attended the sessions of the said board, and partially discharged his duties as a member thereof. He further submitted to the commit- tee his reasons for the opinion, that, in accepting the said appointment, he neither violat- ed the Constitution nor vacated his office of Attorney General of this State.

The clause of the Constitution to which their inquiry has been directed by the resolution of the House, is in these words, to wit: "No person in the State shall hold more than one lucrative office at any one time; provided that no appointment in the militia or the office of justice of the peace shall be considered as a lucrative office." Your committee, from such attention as they have been able to bestow upon the subject in the limited time allowed for their decision, believe that this provision has not been infringed by the acceptance of the appointment before mentioned. The Constitution was designed to establish a government in all its departments for this State, but to do nothing more; and if the section in question be construed with reference to its subject matter, it appears to your committee to be merely a prohibition against holding two or more lucrative offices at one time under the government then created.

They are fortified in this opinion by the salvo from this prohibition in the latter part of the clause aforesaid, of two offices, (justice of the peace and militia officer,) which the Constitu- tion in other of its provisions, established in this State; but which it does not recognize to exist elsewhere. Literally interpreted, it would operate on a foreign resident here or casually passing through as effectually as upon a citizen; for he would be a person, and would be in the State. The whole context of the Constitution sanctions this view of the section referred to. In all the disqualifications which it provides for, membership in either branch of the Legis- lature and for civil office, it enumerates no office out of this State, except those in the army and navy of the United States. It is also to be recollected, that at the time when the Constitution was ratified, there existed not only no Federal Government, but no written league of con- federation; and it is difficult to presume that this clause was designed to affect the acceptance by State officers of appointments under a National Constitution, which had no being then, and which was not conceived until many years afterwards.

The Legislature which convened in 1790, immediately after the accession of this State to the Federal Union, evidently so understood the Constitution, and to avoid the inconvenience and injury which might result from a conflict of duties by reason of offices being held under both governments by the same individual at one time, they enacted a law declaring, among other things, that no citizen of this State shall hold at one and the same time any office of trust, profit or emolument under the authority of the United States, and any office or authori- ty, either civil, military, judiciary or otherwise, under the authority of this State. This act certainly forbids the duplication of offices State and Federal as far as the Legislature is com- petent to prohibit it; and but that the Attorney General is a constitutional officer, and com- missioned to hold his office during good behaviour would vacate his office in this instance.
It is cited here, however, as an exponent of the opinion of the body by whom it was passed, that the State Constitution had not provided for the mischiefs which might arise by confounding in the same person offices under two distinct governments. If it had already so provided, the passage of that statute would have been altogether unnecessary. The statute itself cannot operate on the office of Attorney General, because, being independent of the Legislature in the tenure of his office, he cannot be displaced by incurring disqualifications established by it. Your committee therefore believe that the 35th section of the Constitution has not been violated by the Attorney General, and that the office is not vacant.

They feel constrained, however, to remark, that they entirely concur with the Legislature of 1790 in the belief that expediency and propriety obviously dictate that the offices of the Federal Government should be kept separate and distinct from those of the State Government; and that they perceive no good reason why the Attorney General ought not to be confined to the service of the State exclusively as well as the prosecuting officers of interior grade.

This defect, however, in the fundamental law cannot be supplied by construction. As the Constitution now stands, the acceptance of any additional employment by the Attorney General of this State depends only on his sense of propriety and duty—the State having the power to apply the corrective of impeachment provided in the Constitution, whenever by abuse or negligence of his office, he shall be adjudged to have been guilty of misbehaviour.

Your committee pray to be discharged from the further consideration of the subject.

Respectfully submitted.

WILLIAM A. GRAHAM, Chairman.

On motion, Mr. G. S. M'Lean obtained leave to withdraw from the files of the House the papers accompanying the petition of Archibald S. Brown.

A message from the Senate, informing that they had passed the engrossed resolution relating to the Cherokee lands; and the bill to enforce the penalty incurred by entry takers failing to make annual returns of entries made in their respective offices as required by law, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they concur in the amendment made by the House of Commons to the engrossed bill to authorise the construction of a Rail Road from the Cape Fear river, at Campbellton, to some point in the town of Fayetteville, with an amendment. The amendment to the amendment was read and concurred in. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed resolution regulating the mode of procuring stationary and fuel, 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 concur in the several amendments made by the House of Commons to the following engrossed bills, viz. A bill to authorise certain persons therein named to raise by lottery six thousand dollars, for cutting a canal in Washington county; a bill to appoint commissioners for the town of Kenansville, in the county of Duplin; and a bill to repeal in part an act laying duties on sales at auction of merchandise, passed in the year 1818. Ordered that said bills be enrolled.

A message from the Senate, informing that they disagree to the amendment made by this House to the engrossed resolution in favor of the doorkeepers. Whereupon the House agreed to recede from their said amendment.

A message from the Senate, informing that they had passed the engrossed bill to provide for ascertaining the sense of the people of North Carolina relative to a Convention for amending the Constitution of the State, and asking the concurrence of this House. The said bill was read the first time and passed. Mr. Calvert moved that the bill be again read. The
question thereon was decided in the affirmative. Mr. S. Smith moved that said bill be indefinitely postponed. This question was determined in the affirmative—yeas 64, nays 59. The yeas and nays demanded by Mr. Sauderson.


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

A message from the Senate, informing that they had postponed indefinitely the following engrossed bills, viz. The bill to incorporate the Mutual Relief Association in the town of Wilmington; the bill authorising certain persons hereafter named to raise by way of lottery ten thousand dollars to open a canal in Cumberland county; the bill concerning the liabilities of sheriffs for claims put into the hands of themselves or their deputies for collection; the bill prescribing certain duties to clerks and sheriffs in relation to sales at auction; the bill for the improvement of the road from Rutherfordton to Ashville, Buncombe county, known by the name of the Hickory Nut Gap Road; and the resolution concerning M'RAE's map.

On motion, Mr. Smallwood obtained leave to withdraw from the files of the House the petition of the citizens of Pungo river.

On motion, leave of absence from the service of the House, from and after to-morrow, was granted to Messrs. Lilly, Montgomery, Waugh, Locke, Courts, Ledford, Cansler, and, after Monday next, Messrs. Tillett and Wilson.

Mr. M'CLEESE was added to the committee on Enrolled Bills, in place of Mr. Marsteller, excused.

A message from the Senate, disagreeing to the proposition of this House to adjourn on this day, and proposing that the two Houses adjourn sine die on Monday next. The proposition was concurred in—yeas 92, nays 9.—

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


Those who voted in the negative, were Messrs. G. H. Alexander, Edmonston, Foscoe, Hammond, M'CLEESE, Outlaw, Smallwood, Tillett, Whitehurst—nays 9.

The House then adjourned until Monday morning, 6 o'clock.
A message from the Senate, informing that they had indefinitely postponed the engrossed bill exempting certain articles therein named from execution; the engrossed bill to establish the ancient boundaries of Fayetteville; the bill for turning and altering roads in certain cases; the bill to divorce Mary B. Cabe from her husband Joseph Cabe; the engrossed bill to amend an act, passed in the year 1827, entitled an act to prevent fraud in deeds of trust; the engrossed bill authorising a geological examination of the public lands in Macon county; the bill providing for the appointment of overseers and hands to clear out Crane’s Creek, in the counties of Moore and Cumberland; the bill appointing commissioners to run the dividing line between the counties of New Hanover and Bladen; the bill to authorise John Barnett, late sheriff of Person, to collect arrearages of taxes; the bill requiring colonel commandants to drill their officers twice a year; the bill to regulate the fisheries on the waters of Tranter’s Creek, in the county of Beaufort; the bill concerning the Granville Dragoons; the bill authorising Alexander M’Alister, of the county of Cumberland, to erect two gates on his own land; and the engrossed resolution relating to Washington’s statue.

On motion of Mr. R. H. Alexander, Resolved, That the thanks of this House be tendered to Louis H. Marsteller, of the county of New Hanover, for the efficient aid which he has given to the assistant clerk of this House during the present session of the Legislature.

A message from the Senate, informing that they had passed the engrossed bill concerning market fees in the town of Fayetteville, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to amend 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; and the engrossed resolution relating to the Cape Fear Navigation Company, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

The resignation of Roderick Cherry, as a justice of the peace for the county of Pitt, was presented, read and accepted.

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

Whereas several of the members who obtained leave of absence on Saturday have been prevailed on to remain until the adjournment, lest there might not be a quorum:

Resolved, That the clerk issue to them certificates for the additional time they have remained here.

A message from the Senate, informing that they had passed the engrossed bill to repeal so much of an act, passed in the year 1831, entitled an act to prevent obstructions to the passage of fish up Neuse and Trent rivers, as relates to the county of Lenoir, with amendments, and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, informing that they had reconsidered and passed the engrossed bill providing for the appointment of overseers and hands to clear out Crane’s Creek, in the counties of Moore and Cumberland, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that Messrs. Arrington and Mann have been added to the committee on Enrolled Bills.
On motion, 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. Edmonston 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.

Chas. Manly,

Clerk House Commons.