At a General Assembly of the State of North Carolina, begun and held in the
city of Raleigh, on Monday the 17th day of November, in the year of
our Lord one thousand eight hundred and thirty-four, and fifty-ninth year
of the Independence of the United States of America, being the day ap-
pointed by law for the meeting of the General Assembly; 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. Kitrell.
Ashe, Jonathan Horton, Taliafaro Wither.
Beaufort, Henry S. Clarke, Samuel Smallwood.
Bertie, David Outlaw.
Bladen, Robert Lyon.
Brunswick, Rob't M. McCracken, Abram Baker.
Buncombe, Joseph Henry, James Weaver.
Burke, James H. Perkins, Samuel Fleming.
Cabarrus, Dan'l M. Barringer, Jacob Williams.
Cameron, Thomas Tillet, James N. McPherson.
Carteret, James Manney, Elijah S. Bell.
Caswell, John E. Brown, Littleton A. Gwyn.
Chatham, Rich'd C. Cotien, William Foushee.
Columbus, Marmaduke Powell, Thomas Frink.
Craven, Abner Hartly, Frederick P. Latham.
Curtis, Joshua Harrison, Wallace Bray.
Davidson, George Smith, Charles Brumnell.
Duplin, James K. Hill, Owen R. Kenan.
Edgecomb, John W. Potts, Turner Byunam.
Franklin, William H. Battle, Joseph J. Maclin.
Gates, Lemuel Riddick, John Willey.
Granville, Sandy Harris, Robert Potter.
Greene, James Harper, James Williams.
Guilford, William Adams, Jesse H. Lindsay.
Haldifax, William L. Long.
Haywood, John L. Smith, Joseph H. Walker.
Herfford, Isaac Carter, Sipa Smith.
Hyde, Benjamin Watson, John L. Swindell.
Iredell, Solomon Loundmelk, James A. King.
Johnston, James Tomlinson, Josiah Houlder.
Jones, Nathan Foscoe.
Lea, George Whitfield, Windell Davis.
Lincoln, Michael Hoke, Henry Canler.
McDowell, James Guinn, Thomas Tatham.
Martin, Raleigh Roebuck.
Mecklenburg, W. J. Alexander, J. M. Hutchison.
Montgomery, Francis Locke, Edmund F. Lilley.
Moore, Wm. Wadsworth, Angus M'Donald.
Nash, George Bodi, Ford Taylor.
New Hanover, L. H. Harsteler, Step. Register.
Northampton, A. B. Smith, Wm. E. Crump.
Onslow, Nathaniel L. Mitchell.
Orange, Joseph Allison, John Stockard.
Pasquotank, John C. Blatchford.
Perquimans, Benjamin Mullien, Josiah Perry.
Person, Robert Jones, James N. Williamson.
Richmond, James Williams, Isaac Dockery.
Robeson, Benj. Lee, Giles S. M'Lean.
Rockingham, Philip Lyon, Blake W. Braswell.
Rowan, Burton Craige, John Clement.
Rutherford, David Hamrick, Jno. H. Bedford.
Sampson, Archibald Monk, Dickson Sloan.
Tyrrell, Chas. M'Cleese, Geo. H. Alexander.
Wake, Wm. H. Haywood, jr. Wesley Jones.
Warren, John Bragg, Thomas J. Judkins.
Wayne, Calvin Coor, William B. Foster.
Wilkes, William Horton, Benj. F. Martin.
Yancey, Tilmor Blaock, William Dayton.
Town of Hillsborough, William A. Graham.
Halifax, Thomas Ousby.
Newbern, Matthias E. Manly.
Wilmington, Edward B. Dudley.
Fayetteville, James Seawell.

A quorum consisting of a majority of the whole number of members being
present, Mr. Poindextor moved that William J. Alexander, one of the re-
presentatives of the county of Mecklenburg, be appointed Speaker; and Mr.
Allison moved that the name of William H. Haywood, one of the repre-
sentatives of the county of Wake, be added to the nomination. Mr. Haywood
thereupon, in proper person, desired that his name should be withdrawn,
which was accordingly done by Mr. Allison. The House then proceeded to
ballot under the superintendence of Messrs. Poindexter and Allison; who
upon counting out the votes, reported that William J. Alexander had receiv-
ed a majority of the whole number, and was duly elected. The House con-
curred in the report, and Mr. Alexander was conducted to the Chair by Mr.
On motion of Mr. Barringer, Charles Manly was appointed Clerk, and Edmund B. Freeman Assistant Clerk.

Mr. Potts moved that Richard Roberts be appointed Door Keeper, and John Cooper Assistant Door Keeper; and Mr. Graham moved that Isaac Truitt, be added to the nomination, for principal Door Keeper.

Mr. Oultlaw thereupon moved an adjournment, when the House adjourned until to-morrow morning 10 o’clock.

Tuesday, November 18, 1834.

Thomas C. Matthews, one of the members elect from the county of Pasquotank, appeared, produced his credentials, and was qualified according to law.

The House now proceeded to the appointment of door-keepers, when a balloting took place for principal door-keeper, under the superintendence of Messrs. Loudermilk and Clement.

A message was received from the Senate, by the assistant clerk, Mr. Cowan, informing, that that body has been duly organized by the appointment of William D. Moseley as speaker, Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant, Thomas B. Wheeler, principal, and Green Hill, assistant doorkeeper, and that they are now ready to proceed to the despatch of public business.

Mr. Clement, from the committee appointed to conduct the balloting for a principal doorkeeper, reported that Isaac Truitt had received a majority of the whole number of votes, and was duly elected; the report was concurred in. On motion, John Cooper was appointed assistant doorkeeper.

On motion of Mr. Waugh, a message was sent to the Senate by the assistant clerk, Mr. Freeman, informing them of the due organization of this House, and of our readiness to co-operate with that body in the despatch of public business.

On motion of Mr. King, ordered, that a message be sent to the Senate, proposing to raise a joint select committee of two members on the part of each House, who shall wait upon his Excellency the Governor, inform him of the organization of the two branches of the Legislature, and of their readiness to receive any communication he may see fit to make.

On motion of Mr. Guinn, ordered, that a message be sent to the Senate, proposing to ballot immediately for three engrossing clerks, and informing that the names of William W. Hall, Thomas G. Stone, Thomas L. West, Daniel Coleman, Joseph D. Ward, Isaac Golding, Mortimer Bright and Jeremiah Blackstock, are in nomination for the appointment.

Mr. Waugh moved that a committee of five persons be appointed to prepare and report Rules of Order, for the government of the House the present session, and that in the interim, the Rules of Order of the last session be regarded as in force; the proposition was concurred in.

A message from the Senate, agreeing to ballot immediately for three engrossing clerks, and informing that Messrs. M’Cormick and Little, are appointed to conduct the balloting on behalf of the Senate. Ordered that Messrs. L. A. Gwyn and Horton superintend said balloting on the part of this House.

The Speaker appointed Messrs. Waugh, Haywood, Bragg, Seawell, and Barringer, to form the select committee on the Rules of Order.
Mr. Lyon announced to the House the death of Amos Richardson, one of the members elected from the county of Bladen, and moved that a writ of election issue to the sheriff of said county, commanding him to hold an election for a member to supply the vacancy, on Monday the 1st day of December next. This proposition was agreed to.

A message from the Senate, concurring in the proposition of this House to appoint a joint select committee to wait on his Excellency the Governor, and informing that Messrs. Shipp and Sherard, form their branch of said committee; ordered, that Messrs. Outlaw and Potts, compose this committee on the part of this House.

A message from the Senate, proposing that a joint select committee of five members on the part of each House, be appointed to prepare joint Rules of Order for the government of the two Houses during the present session, and informing that Messrs. Beard, Sawyer, Wyche, Edwards and Little, compose the committee on the part of the Senate. The message was concurred in, and Messrs. Waugh, Haywood, Bragg, Seawell and Barringer, were appointed said committee on behalf of the Commons.

Mr. Outlaw, from the committee appointed to wait upon his Excellency the Governor, reported that the committee had discharged their duty, and that the Governor would this day make a communication to the General Assembly in writing.

Mr. Gwyn, from the committee appointed to conduct the ballotings for three engrossing clerks, reported that Daniel Coleman, William W. Hall and Thomas G. Stone, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Received from his Excellency Governor Swain, by his private Secretary, Mr. William R. Hill, a message in writing, which, upon being read, was on motion of Mr. Bragg, ordered to be transmitted to the Senate, with a proposition that it be printed, one copy for each member of the Legislature.

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

Gentlemen: The gratification which it always affords me to witness the assemblage of the immediate representatives of the people, is greatly heightened upon the present occasion, by the peculiar circumstances under which you have convened. Although we have neither, as an independent State, nor as one of the constituent parts of a great nation, attained the highest degree of prosperity and happiness within our reach, we have reason to believe that we have made important improvements in the science of Government, and have done much to perpetuate and diffuse the lights of civil and religious freedom at home and abroad. Such considerations must excite in every patriotic bosom, not merely emotions of pleasure, but the most heart-felt gratitude to the Great Author of these distinguished blessings. Deeply sensible as we may be, however, of the superior advantages which we enjoy, in comparison with any other people, either ancient or modern, we should recollect that nations, as individuals, must continually press forward in the contest for human excellence, if they would preserve their relative superiority.

No truth in political science is more clearly established, than that the public liberty can only be preserved by the distribution, among various departments, of the powers of Government. The great excellence of our Constitution consists in this distribution, and however much we may regret to witness a conflict for authority between these departments, there is no difficulty in determining that while the checks and balances are preserved, though public harmony may be disturbed for a time, the public liberty is safe. It is only when too much power is grasped by either, that the whole system of Government is endangered.

That your attention should be mainly directed to objects of State legislation, cannot be doubted. This does not preclude, nevertheless, a proper degree of vigilance with respect to the proceedings of the General Government, since upon the purity of its administration may depend not only public prosperity, but individual security and freedom. Pursuing the course indicated by these suggestions, I will proceed at once to the most important subjects which are in my opinion proper for your consideration. Of these, the proposition to amend the Constitution of this State, first introduced into the General Assembly, in 1787, and which has continued to command the public attention for nearly half a century, is regarded as most
prominent. Upon a subject of such universal interest, and involving so many important considerations, you have a right to expect an unreserved communication of the opinions of the Executive Department. The circumstances which, in my estimation, rendered such a course improper at the commencement of the last session, do not now exist, and I avail myself of the first fair opportunity, which has been afforded to me, to present my views of this perplexing, but interesting question.

The Constitution itself is silent on the subject of amendment, and this circumstance has given rise to great diversity of opinion as to the mode in which it may be effected. It has been contended, on the one hand, that if the legislature is not alone clothed with this highest attribute of sovereignty, it has the exclusive right to direct the time when, the agents by whom, and the manner in which it shall be exercised; and that the acts of a Convention assembled without legislative sanction, would be unauthorized and void. On the other hand, it is insisted that no change of the fundamental law can be legitimate, unless it proceed from the people in their primary assemblies; and that all action upon the subject by the Legislature is an usurpation of power. I apprehend that neither position is true to the extent which is sometimes contended. That all political power is vested in and derived from the people only, is a leading principle in our Bill of Rights; and it would seem to be a necessary deduction from it, that they have, in the absence of all stipulation upon the subject, the right to determine in what manner it shall be exercised. Without entering into any formal reasoning upon the subject, however, or even looking abroad for authority, it is believed that the argument may be safely rested upon the precedents which have come down to us, clothed with the sanction of the framers of the Constitution, and of the two successive Conventions to which it has been submitted for amendment. It will not be contended that the Constitution cannot be amended, or entirely abrogated, and a new system adopted, by the same power, exercised in the same manner, which gave existence to the former. The inceptive measures towards the adoption of the present Constitution, proceeded neither from the Legislature nor from the people in their primary assemblies; nor was it framed by delegates chosen for that purpose only.

On the 9th of August, 1776, the Council of Safety, which consisted of two members from each of the judicial districts in the State, appointed by the Provincial Congress which assembled at Halifax in April preceding, adopted the following resolution:

"The representatives of the United States of America, in Congress assembled, at Philadel-
phia, the 4th day of July, 1776, having determined that the thirteen United Colonies are free and independent States, and in consequence thereof having published a Declaration of Inde-
pendence:

"Resolved, That it be recommended to the good people of this now independent State to pay the greatest attention to the election, to be held on the 15th of October next, of delegates to represent them in Congress, and to have particularly in view the important consideration, that it will be the business of the delegates then chosen, not only to make laws for the good gov-
ernment of, but also to form a Constitution for this State; that this last, as it is the corner-
stone of all law, so it ought to be fixed and permanent; and that according as it is ill or well ordered, it must tend in the first degree to promote the happiness or misery of the State."

The delegates elected to the Provincial Congress, in pursuance of this recommendation, convened in Halifax in the month of December following, and in addition to the discharge of the ordinary legislative, judicial and executive duties, adopted the present system of fundament-
al law. The Constitution thus formed, has twice undergone amendment. In 1788, the Convention which assembled to consider the Federal Constitution, in compliance with "a recom-
modation of the General Assembly to that Convention," to consider the propriety of ex-
tending to the town of Fayetteville the right of representation in the General Assembly, pass-
ed an ordinance for that purpose. The convention which, in the month of November of the following year, adopted the Federal Constitution, acting under a similar recommendation from the General Assembly, passed the ordinance to establish the place for the future seat of gov-
ernment. Neither the Constitution itself, nor either of these amendments was at any time sub-
mitted to the people for ratification; and it is remarkable that the resolution of 1787 did not re-
commend to the people to elect members to a Convention with power to consider the propriety of allowing a town member to Fayetteville, but confined the discretion immediately to the Con-
vention called to consider the Federal Constitution. Without pursuing this discussion further, the conclusion may be fairly drawn, that a legislative recommendation to the people to select a Convention, clothed with authority to exercise the highest duties of legislation, is in strict accordance with first principles, and in precise conformity to all the precedents afforded by our history. It is not considered necessary to inquire into the validity of other modes which have been suggested as proper to effect this object; because the one proposed is entirely ade-
quate to the end in view, is the only one that comes within the legitimate range of legislative authority, and has twice received the unanimous sanction of the founders of the Government. Nor is any discussion of the principle so frequently controverted, that a Convention may be invested with limited powers, believed to be called for. If the precedents before us are authori-
ties, the affirmative is conclusively established; for neither the Convention of 1788, nor that of '89, had any other power in connexion with the State Constitution, than to allow Fayette
ville a town member, and to establish the seat of government. The objection, indeed, seems to be altogether of recent origin, and not to have been even suggested in the frequent discussions which the subject underwent at that period.

Satisfied myself that you have the authority to direct that a Convention shall be convened, to consider the Constitution; to prescribe the specific powers with which it shall be invested, and that any act it may perform, which shall transcend these limitations of power, will be void, I beg leave to state briefly some of the reasons which induce me to recommend that a Convention with limited powers shall be called.

A particular examination of the various changes which have been proposed to our fundamental law would not comport with the character of this communication. The great object to be attained is a radical change in the basis of representation. It is obvious that the statesmen of 1787 contemplated no other innovation upon the Constitution than to substitute either population or taxation, or both combined, as a basis instead of the arbitrary principle of county representation, without regard either to numbers, or wealth, or even territorial extent. It is believed that no material innovation is generally desired at the present day, on any other department of the government, than the legislative, unless the proposed change in the mode of supplying vacancies in the executive department shall be so considered.

This system of representation had its origin no doubt in the universal disposition which existed among the colonists, at the organization of their political society, to assimilate our institutions as nearly as practicable to those of the mother country. And although it has been entirely abolished or greatly modified by all the old States, with the exception of Maryland and North Carolina, and has not been adopted by any one of the new States, it is believed to have prevailed universally in the colonial forms of Government. It is not surprising that a principle of such high antiquity in the parent State, and which had received the general sanction of the colonies, should have found favor with the Congress which framed our Constitution.

But that it should have been acquiesced in for nearly half a century after it had been rejected by most of the other States, and had failed to command the concurrence of the united wisdom of all of them in the Convention that framed the Federal Constitution, exhibits striking evidence of the patience and patriotic forbearance of that portion of our citizens who regarded themselves as aggrieved by its inequality.

From an early period in our history, however, this basis of representation has been the source of constant disquietude. An act of Assembly passed, in 1746, when there were but fourteen counties in the province, recites that the inhabitants of several of the northern counties claim the privilege of being represented in the Assembly by five members, "while those of the more Southern and Western counties, who are more numerous and contribute much more to the general tax of the province, are represented only by two members; from which inequality great mischiefs and disorders have arisen, and the best schemes for the good and welfare of the province have been utterly defeated." The proposition to change the system in 1787 and the following year, was introduced and sustained by some of the most distinguished statesmen of that era, who were also conspicuous members of the Congress which framed the Constitution itself. It was adopted in both instances by one branch of the Legislature, and would most probably have succeeded in the other, but for the nearly unanimous opposition of the members from the counties which now constitute the State of Tennessee. It was then, as at present, the source of contention between the populous and sparsely settled counties, and hence the change was universally desired by the maritime portion of the State. The cession of our western territory to the General government, obviated, to some extent, the inequality previously complained of, and restored temporary harmony to our public councils. It is unnecessary to illustrate the practical operation of this system by particular examples. It is certain that it subjects the majority to the rule of the minority, and confines on those who pay comparatively but a small proportion of the public expense, the power to control the entire resources of the country. If the wisdom, patriotism, and spirit of compromise requisite to the permanent and satisfactory adjustment of this controversy, shall be found united in the present General Assembly, you will achieve a triumph of inestimable importance, and entitle yourselves to the lasting gratitude of posterity.

It is perfectly certain, that until this source of contention shall be withdrawn, the benevolent spirit which distrusted our colonial assemblies, will continue to thwart all efforts towards wise and liberal legislation, and defeat the best schemes for the good and welfare of the State.

As next in importance to this fundamental question, the relations which exist between this State and the General Government, will claim your consideration. This subject, it will be recollected, was referred to in the last annual message, and the disposition intimated to discuss it at a future period. The opinion then expressed, that the growth of this State in power and wealth, retarded as it has been by certain natural disadvantages, has also been greatly impeded by the effects resulting from various acts of federal legislation, remains unchanged. A simple statement of facts will render it apparent, that we sustained great losses in the partial adjustment of the debts incurred by the confederacy and the States in the revolutionary war;—that the fiscal system rendered necessary by the assumption of the debts of the States, on the part of the Federal Government, was deeply prejudicial to our interests;—and that now,
When the national debt is extinguished, we have a clear right to such indemnity as may be afforded, by an equitable distribution by Congress of the fund created, but no longer needed for that purpose.

It is not proposed to examine the details connected with our claims for expenditures during the war of the revolution. A mere reference to the rule by which the adjustment was made, is all that is necessary to a correct view of the subject. By the articles of confederation, it was stipulated that all expenses incident to the common defence and general welfare should be paid out of a common treasury, to be supplied "by the several States in proportion to the value of all lands within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon should be estimated," in the manner that might thereafter be directed. The act of Congress of 1790 changed this rule, and provided that the expenses incurred by the confederation in the common defence and general welfare, should be paid by the States, in proportion to the federal population, which should be ascertained to belong to each by an enumeration, which was then directed to be taken. In the House of Representatives of the Congress which adopted this apportionment, this State and South Carolina, under the rule of representation established by the Constitution, had five members each, or one thirtieth of the whole number of which that body was composed. By this substituted rule of apportionment, however, North Carolina became chargeable with one-twentieth, and South Carolina with one-seventeenth of the public debt. North Carolina was made a debtor State to the amount of about half a million of dollars, while South Carolina received from the Treasury of the United States more than twice that sum. It is apparent that if the original principle recognized by the articles of confederation had been adhered to, that the result would have been widely different, and that the one which was observed, operated most unequally in regard to our interests. Some attention to the details of the settlement, has produced upon me the impression that we were scarcely more unfortunate in the selection of the rule, than in its application to the various questions touching our expenditures determined by the commissioners.

It is proper to remark that comparison has been instituted between this State and South Carolina, not because the disproportion was greater than in one or two other instances that might have been referred to, but principally for the reason that her proximity to us, and similarity of situation, rendered this the most apt illustration.

The same act of Congress which prescribed the proportion in which the debt created during the revolution should be paid by the several States, laid the foundation of the revenue system which has prevailed until the present period. It provided likewise for the assumption by the General Government of debts which had been contracted by the individual States, to the amount of twenty millions and a half of dollars; and for the gradual redemption of the whole debt, foreign and domestic, the proceeds of the public lands, which had been ceded by the several States and an impost of seven and a half per cent. ad valorem, were constituted a sinking fund. It is evident that at the period of this enactment, the public domain was looked to as the principal source from which this fund was to be derived, and that it was not intended to have recourse to any species of taxation longer than might be necessary to render the proceeds of the former available.

No prejudice is entertained against a revenue arising from imports on foreign merchandise. On the contrary, it is regarded as the most convenient mode of taxation yet devised. If experience has shown that it may readily be applied to favor the industry of one section of the Union at the expense of another, and that it affords an opportunity to the federal legislature to require from our citizens larger contributions than are necessary to an economical administration of the government, it is an argument against the abuse, and not the legitimate exercise of a necessary power. A tariff of the duties on imported goods was at an early period recognized by various acts of the Legislature of this State as a favorite mode of taxation. It is well known that one of the strongest arguments pressed upon the General Assembly of 1783, by our delegation in Congress, to induce the cession of our western territory to the confederation, was that it was necessary to the introduction of this system; and that on no other condition would some of the eastern States, and particularly Rhode Island, submit to a five per cent. impost. There is no fact connected with our history under the confederation, more clearly established than the early and continued anxiety of the State of North Carolina to provide an adequate revenue for the government by a tax upon importations. The impression which then prevailed, however, of the relative proportions of revenue which would be required by the General and State Governments, as shewn by the early legislation of each, is fraught with important instruction. In 1783, an impost of five per cent. ad valorem, to provide means for the redemption of a debt of more than fifty millions, limited in the term of its continuance to twenty-five years, was proposed by North Carolina, and failed to obtain the concurrence of the confederacy. At the same session, an impost of two per cent. and every species of direct tax which now prevails, was levied for the State Government. The act of Congress of 1790, before referred to, sets apart for the payment of the civil and contingent list of the United States, the sum of six hundred thousand
It is very clear that upon the part of this State no doubt was entertained that a comparatively small share of the taxes paid by her citizens, would be required by the Federal Government. Instead, however, of this expectation being realized, we now find that the revenue accruing to the Treasury of the United States from this State is, upon the lowest principle of computation, greater by twenty fold than the amount required to sustain the State Government; and that the expenses of the civil and contingent list, during the last year, exceeded the entire amount of State debts, the assumption of which in 1790 created universal alarm.

The predictions of able and patriotic statesmen in our Convention which rejected the Federal Constitution, that a system of heavy taxation and lavish expenditure would grow up under it, although derided at the time as chimerical by others, neither less wise nor patriotic than themselves, have been realized to an extent which the most fearful and far-sighted did not apprehend. Whether these evils are not rather to be regarded as obviously resulting from the abuse of delegated power, than as effects which might reasonably have been anticipated from the instrument itself, it is not now proper to inquire. But he who does not perceive the constant tendency of the Federal Government to extend its powers, augment its resources, and multiply its expenditures, must be very inattentive to our past and present history.

Injurious as was the arrangement of the revolutionary claims to the interests of this State, and oppressive as the fiscal system of the General Government has been to all the southern States, we derive consolation from the reflection that we have out grown, in some degree, the effects of the first, and enjoy the prospect of relief from the last. We have arrived, too, at a period in our affairs, which authorizes the expectation, that though an indemnity cannot be afforded, some reparation may be obtained for the injuries we have suffered. The perplexing questions connected with the tariff system have been adjusted for the present, and, it is hoped, will be finally settled on the expiration of the act of 1832. The national debt is extinguished, and the national domain is relieved from the pledge under which it was held for the benefit of the General Government. The important question for the first time arises for consideration, what disposition shall be made of it? Louisiana and Florida were acquired by purchase, and, of course, under the Constitution of the United States, are the common property of the Union. All other portions of the public domain were ceded to the confederacy, or have, as in the instances of this State and Georgia, been conveyed to the United States since the adoption of the Constitution, "as a means as well of hastening the extinguishment of the debts as of establishing the harmony of the United States." All the deeds of cession contain a condition substantially the same with that to be found in the deed executed upon the part of this State, viz. that the lands ceded, "shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use and purpose whatever."

The "debt" to be extinguished was the debt created in the common defence anterior to the date of the instrument, and the fund, after the extinguishment of this debt, was to be applied to "the use and benefit of the United States, according to their respective and usual proportion in the general charge and expenditure." This would seem to be the obvious and fair construction of the deed; and it results, as a necessary consequence, that North Carolina, having beenburthened, at the period when her citizens were least able to sustain it, with one-twentieth of the whole amount of the public debt, is entitled to receive a like proportion of the fund which remains undisposed of.

Whatever conclusion you may come to on this subject, it seems to me that the proposition either to give these lands to the States within which they are situated, or to reduce the price at which they have hitherto been disposed of, is wholly inadmissible. Next to the operation of the revenue system, no other measure of the General Government has so seriously affected the interests of the old States as the low prices at which emigrants have been enabled to obtain the most fertile lands in the valley of the Mississippi. No one can have failed to perceive the diminution in the value of real property in this State already occasioned by it, or doubt a moment the ruinous consequences which must result from a further reduction of the price of public lands. These lands were obtained by the blood and treasure of the old States, and while we should be disposed to continue the same liberal policy to the younger members of the Confederacy, which has characterized all the proceedings of the General Government, it ought not to be expected of us to go further. At all events, the southern States, having during nearly half a century exhausted their resources in the payment of bounties to the ingenuity of the cabinet, must not be ruined, that adequate rewards may be provided for the enterprise of the western States.

The existing tariff of duties, which, happily for the country, has been satisfactorily arranged for the present at least, must produce a revenue entirely adequate to an economical administration of the Government, and additional resources will but tend to prodigality and corruption. There seems to be no good reason, therefore, why, the object having been accomplished for which the sinking fund was created, the national domain shall not be divided in the stipu-
lated proportion among all the members of the Confederacy. To the State Governments it
will afford the most important aid in the prosecution of schemes of internal improvements, and
the diffusion of the means of education. All experience proves that, if the power could be
rightfully exercised, the General Government is not competent to the accomplishment of these
great purposes, and the heavy amount paid by this State indirecly into the Treasury of the
U. States, under the operation of the present revenue system, if this fund be denied us, places
the accumulation of the requisite means beyond our reach, within any reasonable period of
time.

My opinions with respect to the necessity of a speedy and efficient prosecution by the State
of a general system of internal improvements, were communicated at length in the report sub-
mitted to the General Assembly at the last session, by the Board for Internal Improvements.—
It is not proposed to discuss, at present, any one of the various topics which were then fully
considered. The experience of another year affords conclusive proof that individual associa-
tions never will, and never can accomplish any plan commensurate with our necessities and
resources. If the money alone, which has been expended by our legislative councils in the
creation of corporations, that have existed only on paper, and are a most convenient incum-
brance on the statute book, had been applied to the construction of some one work, at a proper
point, we should have had before us an experiment, which would, at least, have afforded use-
ful instruction. The continually increasing current of emigration, which is depriving us of
many of our most intelligent and enterprising citizens, and a large portion of our wealth, par-
ticularly in the section of the State hitherto regarded as the most populous and opulent, imparts
to this subject a painful interest. If the evil admitted of no remedy, allusion to it would be
both weak and idle. It is not, however, so considered. In the extent of her territory, the va-
riety of her productions, the fertility of her soil, and salubrity of her climate, North Carolina
will compare advantageously with the most prosperous members of the Confederacy. The
obstructions to the navigation of our rivers, by the falls created by the ledge of granite which
traverses the State from north-east to south-west, and the impossibility of entering either of
the ports connected with these rivers, with ships of the largest class, are certainly great natural
disadvantages. It is believed, however, that these difficulties may be obviated to an extent
which will ensure us all the commercial facilities essential to a highly prosperous condition.
We have a wider extent of sea coast than any State in the Union, and the best inlet and har-
bor south of the Chesapeake. We have the power to connect this harbor with nearly all the
navigable waters of the State, and thus bring the blessings of commerce not only to the doors
of our own citizens, but afford a national highway to our sister States, of great importance in
time of peace, and of inestimable value in war. Under such circumstances, to permit public
prosperity either to decline or remain stationary, is as foreign from our duty as it is injuries to
our interests and repugnant to our feelings. The period cannot be distant, when other ob-
jects than the disbursement of sums smaller than the aggregate of legislative expenses shall
be considered as falling within the legitimate range of your duties. The immediate representa-
tives of the people, the highest and most responsible functionaries recognized by the theory
of our Government, are selected and convened for the attainment of objects essential to the
public weal, which cannot be effected by individual effort. I am satisfied myself that the
course of legislation hitherto pursued, is to be ascribed to local divisions more than to any
other cause, and the hope is fondly cherished that you will not separate without the adoption
of such measures as shall make us a united people, as well in feeling as in interest.

The revenue system of this State is radically defective, and requires both revision and
amendment. For some years past, the disbursements from the Public Treasury have ex-
ceeded the ordinary receipts, and we have been gradually consuming the principal of a pro-
ductive fund which had been accumulated by the economy of preceding years. The invest-
ments which have been made in the stock of the Bank of the State of North Carolina, leaves
it no longer in our power to pursue this exhausting process, and we are compelled to provide
other means to defray the expenses of the Government. This, it is believed, may be effected
without any increase of the present rate of taxation, if provision is made to secure a fair valu-
ation of real estate, and to ascertain the number of individuals legally liable to poll tax. The
Government of the country should never hold out temptations to its citizens to do wrong.—
Such, however, is the manifest tendency of the most important principles of our fiscal system.
In practice, whatever may have been the theoretical speculations of the law-giver, every owner
of real estate assesses the value of his own freehold, and it follows as a necessary consequence,
that the individual, who is honest under all circumstances, contributes his fair proportion to
the maintenance of the Government; while he who is less conscientious, receives a direct re-
ward for his iniquity.

The same objection applies with still greater force to the regulations under which the poll tax
is levied. All slaves over twelve and under fifty years of age, are subject to a capitation tax.
If every slave owner in the community were entirely disposed to do so, it is no very easy task
to ascertain accurately the proportion of his slaves who are between twelve and fifty years of
age. Records are rarely kept of the ages of those born upon our estates, and we have still
greater difficulty in ascertaining the ages of such as have been acquired by purchase or in-
JOURNAL OF THE HOUSE OF COMMONS.

The death of James Grant, Esquire, late Comptroller of Public Accounts, has deprived the State of the services of a faithful and vigilant officer. This event occurred at too late a period to admit of my assembling the Executive Council with a view to a temporary appointment, and the office is, therefore, vacant. The duties of the Comptroller have devolved upon the Treasury Department at the busiest season of the year, and it is desirable that this vacancy should be supplied at as early a day as practicable.

Perhaps a fairer occasion may never be presented for suggesting that the practice which has
prevailed of late years, of selecting Councilors from remote sections of the State, is a virtual infraction of the Constitution. For a long period subsequent to the establishment of our Government, the members of the Council were chosen from the immediate vicinity of the Governor. He was thus enabled, almost without expense to the public, and without any delay, to consult his constitutional advisers on all subjects of importance. Even applications for pardon, in capital cases, were invariably submitted to this body, which was, in fact as well as in name, a branch of the Executive Department. The inconvenience of this innovation may, at no distant day, operate most injuriously. If the late Comptroller had died a few weeks earlier, it would have been impossible to have supplied his place in time for the settlements which the Sheriffs are required to complete by the first of October in each year. So nearly has this portion of Executive power been annihilated by modern practice, that those who are presumed to exercise it have not been convened at any period during my administration.

I have received within the last few days the proceedings of a meeting of the citizens of Wilmington, called to consider "the outrage recently committed on American citizens at Nassau, New Providence, by certain officers of that Island. The resolutions adopted on the occasion, are laid before you at the request of the meeting. They will doubtless receive the consideration due to the importance of the subject, and the respectable source from which they emanate. Besides the adoption of such measures as you may deem advisable with respect to this affair, I regret to state that some legislation seems to be necessary to protect the rights of our citizens to their slaves from domestic aggression. The combinations which exist in some of the eastern cities, to prevent, by the expense incident to protracted litigation, the recapture of fugitive slaves, have rendered it the interest of the owner, in many instances, to abandon his title to such property. An individual of this city, in a contest of this character, where the proof adduced was more clearly made out than would, perhaps, be possible in one out of a hundred cases, found it necessary to expend, in the progress of a suit finally decided by the Supreme Court of New York, a much larger sum than the value of the slaves. The evil might find its appropriate remedy in the levy of a tax on slave owners to defray the expenses of similar litigation in future. The knowledge that such a fund existed, would doubtless obviate the necessity of frequent expenditures.

It affords me pleasure to state, that the Attorney General, who has been charged with the duty of pressing our claims for expenditures during the late war with Great Britain upon the consideration of the War Department, entertains confident hopes of a speedy and equitable settlement. His correspondence upon this subject will be transmitted to you in the progress of the session.

The act passed at the last session of the General Assembly, directing the Governor to appoint three commissioners, whose duty it should be to revise and digest the public statute laws of this State, has been complied with. The trust was, at an early period after the adjournment of the Legislature, confided to William H. Battle, Gavin Hogg and James Friedell, Esqrs., who entered upon the immediate discharge of their duties. The severe indisposition of one of these gentlemen has greatly impeded the progress of the work, though it is believed it may be completed within the period limited by law. A report upon this subject is understood to be in preparation, and will probably be transmitted to you in a few days.

My Letter Book, together with the various resignations which have been transmitted to this Department since the adjournment of the last Legislature, will be laid before you by my Private Secretary.

The various important topics with respect to which I have considered it my duty to express my opinion, have extended this message to an inconvenient length. I have found it necessary, nevertheless, to reserve some matters of less general interest, which will be submitted for your consideration in the progress of the session. In conclusion, I have only to assure you of my hearty co-operation in every measure which may be calculated to preserve the liberty and promote the prosperity and happiness of our constituents.

David L. Swain.

Executive Department, N. C. Nov. 17, 1834.

Wednesday, November 19, 1834.

Thomas J. Pugh, one of the members elected from the county of Bertie, and Daniel S. Sanders, one of the members from the county of Onslow, appeared and were qualified according to law.

The Speaker presented to the House a letter addressed to him by Jonathan H. Haughton, the member elected from the town of Edenton, resigning his seat in this House. Whereupon, on motion of Mr. Outlaw, ordered that a writ of election issue to the sheriff of Chowan county, commanding him to hold an election for a member to supply said vacancy, on Thursday the 27th instant.
On motion of Mr. Potts, ordered, that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow, for a Comptroller of public accounts, and informing that the names of Edmund B. Freeman, James K. Dodge, Louis H. Manstielier, Nathan A. Steeman and Robert Perry, are in nomination for the appointment.

The Speaker laid before the House the annual report of the Public Treasurer; which, on motion of Mr. Maclin, was ordered to be transmitted to the Senate with a proposition, that the report together with the documents accompanying it, be printed, one copy for each member of the General Assembly.

The names of William P. Williams and Benjamin S. King, were added to the nominations for a Comptroller of public accounts, and the Senate informed thereof.

On motion of Mr. Craige,
Resolved, That so much of the message of his Excellency the Governor, as relates to the subject of a Convention, be referred to a select committee.

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that a joint select committee of three persons on the part of each House be appointed to procure a bell, or agree upon some other signal to give notice of the meetings of the Legislature.

On motion of Mr. Waugh, ordered, that a message be sent to the Senate, proposing to raise a joint select committee on Military Affairs.

A message from the Senate, agreeing to the proposition of this House to ballot on to-morrow, for a Comptroller of public accounts. The names of Ichabod Wetmore and John B. Muse, were added to the nominations for this office.

The House now proceeded under the Rules of Order, to the appointment of the following standing committees, viz:


Mr. Waugh, from the committee appointed to prepare Rules of Order for the government of the House, reported the following; which were read and adopted:

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. "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 seat; and afterwards, those in the negative. If the Speaker still doubt, or a count by required, the Speaker shall name two members, one from each side to tell the members in the affirmative; and 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 subpœnas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorder 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 a 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 shall 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 where 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.
21. 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 it 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 postpose indefinitely; to postpose 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 once been made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration 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 first being 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 re-consideration 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 authorized 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. 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.
38. Six standing committees shall be appointed at the commencement of the session, viz. 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.
39. 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.
40. 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.
41. 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.
42. 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 notating 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.
43. 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 the longest time shall be first put.
41. 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.

45. 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.

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

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

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

49. 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.

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

51. 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.

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

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

Mr. Bragg, from the joint select committee appointed to prepare Joint Rules of Order, reported the permanent Joint Rules, heretofore adopted by the General Assembly with some verbal amendments; which report was read and concurred in.

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

THURSDAY, NOVEMBER 20, 1834.

The Speaker laid before the House sundry documents, relating to the illegibility of James Seawell, James Manney and Robert Potter, to their respective seats in this House. The reading of these papers was dispensed with; and, on motion of Mr. Outlaw, they were referred to the committee on Privileges and Elections.

Mr. Richard H. Alexander, introduced the petition of sundry citizens of the county of Rowan, praying the emancipation of a slave, named Daniel, the property of William S. Macay; which was, on his motion, referred to the committee on Propositions and Grievances.

Mr. M’Cleese and Mr. Wm. Horton, were appointed a committee to conduct the balloting for a Comptroller of Public Accounts.

On motion of Mr. Dudley, ordered that so much of the message of his Excellency the Governor, as relates to the outrage committed on the persons and property of American citizens, by certain inhabitants of Nassau, be referred to a select committee; said committee consists of Messrs. Dudley, M’Cracken, Mitchell, Long and Manly.

A message from the Senate, informing that Messrs. Cowper of Gates, and M’Cormick, attend this House as superintendents of the balloting for a Comptroller.

On motion of Mr. Waugh,

Resolved, That so much of the Governor’s message as relates to internal improvement, be referred to the committee on Internal Improvement; and that so much thereof as relates to the revenue system of this State, be referred to the committee on Finance.

The Speaker appointed the following gentlemen to compose the committee on the Judiciary, viz. Messrs. Barringer, Bragg, Graham, Poindexter; Haywood, Battle, R. H. Alexander, Outlaw and Manly.
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Mr. Bragg moved that a message be sent to the Senate, proposing that the two Houses proceed to ballot immediately for a Senator in Congress, to serve six years from and after the 4th day of March next. Mr. Outlaw moved that this motion be laid on the table. The question on Mr. Outlaw's motion was decided in the negative—yeas 50, nays 76. The yeas and nays, demanded by Mr. Bragg,


Mr. Craige now moved that the House adjourn; the question thereon was decided in the negative—yeas 48, nays 79. The yeas and nays demanded by Mr. Gwyn,
The question now recurring on Mr. Bragg's motion to go immediately into the ballotting, the same was decided in the affirmative—yeas 73, nays 54. The yeas and nays demanded by Mr. Haywood.


Bedford Brown, of Caswell, was thereupon nominated for this appointment. Mr. Long now moved that the House adjourn until to-morrow morning, 10 o'clock. This question was decided in the negative—yeas 43, nays 85. The yeas and nays demanded by M. Bragg.


The debate having arisen on the merits of the gentleman in nomination, Mr. Haywood here rose to a question of order, whether such debate could be allowed, the House having received and acted upon messages from the Senate since the nomination was made. The Chair decided that the debate was out of order; whereupon, Mr. Craige appealed from this decision to the House, and demanded the yeas and nays. The question being, "is the decision of the Chair, the decision of the House?" It was decided in the affirmative.—yeas 86, nays 39.

Those who voted in the negative, were Messrs. Adams, Abbritton, Bell, Blatchford, Blalock, Brummell, Clement, Clarke, Craig, Crump, Dockery, Dudley, Fleming, Graham, Henderson, Henry, King, Lilley, Lindsay, Locke, Loudermilk, Manly; Manney, Martin, Matthews, Mitchell, M'Pherson, Ourby, Outlaw, Perkins, Poindexter, Potter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Watson, Williams of Richmond.

A message from the Senate, agreeing to the proposition of this House to ballot immediately for a Senator in Congress, and informing that Messrs. Sawyer and Edwards, form their ballot committee. Ordered that the Senate be informed that Messrs. Bragg and R. H. Alexander, are appointed superintendents of the ballot on behalf of the Commons, and that the name of Thomas Settle, is added to the nomination for Senator.

A message from the Senate, proposing that the two Houses ballot on Monday next, for a Governor of the State for the ensuing year, and informing that David L. Swain, is nominated for the appointment; the proposition was agreed to.

On motion of Mr. Kittrell, ordered that a message be sent to the Senate, proposing that another ballot be had immediately for a Comptroller.

A message from the Senate, agreeing to this proposition, informing that the name of Robert Perry is withdrawn from the nomination, and that Messrs. Hawkins and Moye of Greene, attend the Commons to conduct the ballot; ordered that Messrs. Register and Ziglar, superintend said ballot on the part of this House.

Mr. Bragg, from the committee appointed to conduct the ballot for a Senator in Congress, reported that Bedford Brown had received a majority of the whole number of votes, and was duly elected; the question to concur with this report, was decided in the affirmative.

The House then adjourned until to-morrow morning, 11 o'clock.

FRIDAY, NOVEMBER 21, 1834.

John R. J. Daniel, one of the members elected from the county of Halifax, and John L. Foreman, one of the members elected from the county of Pitt, appeared, and were qualified according to law.

The Speaker appointed Messrs. Haywood, M'Neill, Dudley, Lilly, Smallwood, Henry, Boddie and Mullen, to constitute on the part of the Commons the joint select committee of Finance; Messrs. Harrison, G. H. Alexander, Harper, Bell, Ousby, Judkins, W. Jones, Allison, Cotten, Rush, Williams of Richmond, and Dockery, the select committee on Private Bills; Messrs. King, Battle and Jordan, the joint select committee on the Library; and Messrs. Graham, Hutchison, Hoke, and Perkins, the joint select committee on Enrolled Bills; Messrs. Craig, D. M. Earringer, Haywood, Outlaw and Clark, are appointed to constitute the select committee on so much of the message of his Excellency the Governor, as relates to the subject of a Convention.

Mr. Register, from the committee appointed to conduct the ballot for a Comptroller, reported that no one had a majority of the whole number of votes, and that there was no election; the report was concurred in.

On motion, leave of absence from the service of the House from and after this day, until Tuesday next, was granted to James M. Williamson.

On motion of Mr. Henry, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for a State Printer, and informing that Messrs. Gales & Son, and Lawrence & Lemay, are in nomination for the appointment.
A message from the Senate, proposing that another balloting be had immediately for a Comptroller, and informing that Messrs. Holmes and Cooper of Gates, form their balloting committee; the proposition was agreed to, and Messrs. Cansler and Mitchell, appointed to conduct the balloting on behalf of the Commons.

On motion of Mr. R. H. Alexander,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to deeds of trust, so as to afford a greater publicity to their execution and registration, and whether it be not expedient to designate when the trust shall be executed, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Barringer,
Resolved, That so much of the Governor's message as relates to the claims of this State on the General Government, be referred to the committee on Finance.

On motion of Mr. J. W. Guinn,
Resolved, That a message be sent to the Senate, proposing to raise a joint select committee consisting of three members from each House, upon the subject of the Cherokee lands.

Mr. Cansler, from the committee appointed to conduct the balloting for a Comptroller, 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. Graham, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer.

A message from the Senate concurring in this proposition, informing that the name of John B. Muse, is withdrawn from the nomination, and that Messrs. Caldwell, and Moye of Pitt, form their balloting committee; ordered that Messrs. Kenan and Fouchee, superintend this balloting on our part.

Mr. Mitchell presented the petition of Peter Ambrose, of Onslow county, praying to be divorced from his wife; said petition on Mr. Mitchell's motion, was referred to the committee on Propositions and Grievances.

On motion of Mr. Henderson,
Resolved, That so much of the Executive message, as relates to the interest of North Carolina in the public lands, be referred to a select committee.

Mr. Haywood submitted the following resolution, which was read and adopted:

Whereas vacancies frequently occur in this House and the Senate of this State, by the death or resignation of Delegates after their election, and before the annual meeting of the General Assembly; and whereas no provision is made by law for supplying such vacancies until after the meeting of the Assembly, and thereby a portion of the people of the State are for a considerable period unrepresented: Therefore
Resolved, That the committee on the Judiciary enquire whether there is any thing in the Constitution of the State, which prohibits the passage of a law by the General Assembly, which shall empower the Executive authorities of the State, to issue writs of election to supply the vacancies that occur between the time of election by the people and the meeting of the Assembly.
Resolved further, That said committee shall report a bill to this House, providing against this evil if they shall ascertain that it may be done consistently with our State Constitution.

Mr. Kenan, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate, proposing another balloting immediately for this officer; the proposition was agreed to, and Messrs Cotten and M'Neill, appointed a committee to conduct the balloting on behalf of the Commons.

A message from the Senate, informing that Messrs. M'Queen and Arrington, form said committee on their part.

On motion of Mr. Monk,
Resolved, That the committee on Education be instructed to inquire into and ascertain the
amount of the Literary Fund from all sources, exclusive of the lands appropriated to that
object.

Resolved further, That said committee be instructed to enquire into the expediency of im-
proving or disposing of a part or the whole of the Marsh and Swamp lands, lying in the east-
ern section of this State, appropriated to the use of common schools.

Resolved further, That said committee be instructed to enquire into the expediency of sub-
mitting some plan to ascertain the amount of latent claims to lands in this State, appropriated
to the use of common schools.

Mr. Rush presented the petition of Robert Walker, of the county of Rand-
dolph, praying to have liberated his negro slave, named James; which was
referred on Mr. Rush’s motion, to the committee of Propositions and Grie-
vances.

The resignations of Thomas Clancy, of Orange county, of Benjamin
Ziglar, of Stokes county, of Thomas Bryan, of Wilkes, and of S. Goodwin,
of Richmond counties, justices of the peace; and the resignation of Wm.
C. Mears, as colonel commandant, of the regiment of cavalry, attached to
the 11th brigade and 4th division of the militia of the State, were presented,
read and accepted.

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

Saturday, November 22, 1834.

Mr. Haywood was at his own request excused from serving on the com-
mittee raised on the subject of a Convention, and Mr. Graham, substituted
in his place.

Mr. M’Neill, from the committee appointed to conduct the balloting for a
Comptroller, reported that no one had received a majority of the whole
number of votes, and that there was no election; the report was concur-
red in.

Mr. Haywood presented the petition of John Williams, of Wake county,
praying that a military warrant may issue to him for his revolutionary ser-
vices; which was on Mr. Haywood’s motion, referred to the committee on
Claims.

Mr. J. W. Guinn presented the petition of Elizabeth Starnes, wife of John
Starnes, of Macon county, praying to be divorced; which was on Mr.
Guinn’s motion, referred to the committee on Propositions and Grievances.

Messrs. Henderson, Potts, A. B. Smith, Poindexter and Powell, were ap-
pointed a select committee on so much of the Governor’s message as relates
to the interest of this State, in the public lands.

On motion of Mr. Outlaw, ordered that certain documents relating to the
ineligibility of the Senator from Carteret, to his seat in that body, be trans-
mited to the Senate, the same having been erroneously addressed to the
Speaker of this House.

A message from the Senate, agreeing to ballot on this day for State Prin-
ter, and informing that Messrs. Montgomery and Kendall, form their ballot-
ing committee; ordered that Messrs. Henry and W. Jones, superintend said
balloting on the part of this House.

On motion of Mr. M’Cleese, ordered that a message be sent to the Senate,
proposing another balloting immediately for a Comptroller, and informing
that the name of Edmund B. Freeman, is withdrawn from the nomination.
A message from the Senate, agreeing to this proposition and informing that
Messrs. Mann and Brittain, form their balloting committee; ordered that
Messrs. Bedford and Sloan, superintend said balloting on the part of this
House.
On motion, leave of absence from the service of the House on Monday next, was granted to Mr. Tomlinson.

On motion of Mr. Dudley, ordered that a message be sent to the Senate, proposing to raise a joint select committee to take under consideration the late outrage by the authorities of one of the British West India Islands, upon the persons and property of certain American citizens; and the select committee heretofore raised on that subject, in this House, be regarded as one branch of said joint committee.

Mr. Henry, from the committee appointed to conduct the balloting for a State 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.

On motion of Mr. Haywood,

Resolved, That the committee on the Judiciary be instructed to inquire whether there is any defect in the existing law, providing for the election of sheriffs by the people, and to report a bill for curing such defects if they are found to exist.

Mr. Haywood submitted the following resolution, which was read and adopted:

Whereas by the act of Assembly passed in 1832, providing for the election of clerks by the free people of the State, there is no provision for a second election of said officers, after the expiration of the term of office of such as are now elected under said act; and whereas, also, no provision is made for electing said officers when vacancies occur by death, and no mode of resigning said officers is pointed out by law: Therefore

Resolved, That the committee on the Judiciary be instructed to prepare and report a bill to this House, for the amendment of said act in these respects and others, which may seem to said committee necessary and proper.

Mr. Martin presented the petition of sundry citizens of the county of Wilkes, praying that a law may be passed prohibiting obstructions to the passage of fish in Roaring river; which was on motion of Mr. Martin, referred to the committee on Propositions and Grievances.

Mr. Outlaw presented the following resolutions, which were read and adopted:

Whereas it is believed that the tax now imposed by law on pedlars, is insufficient to answer the designs of the Legislature in imposing it; and whereas it is also believed that the State is frequently defrauded of the said tax: Therefore

Resolved, That the committee on Finance be instructed to inquire into the expediency of increasing the said tax.

Resolved, That the said committee further inquire if any additional enactments are necessary more effectually to secure the collection of said tax, and that they have leave to report by bill or otherwise.

Mr. Bedford, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate, proposing another balloting immediately for Public Printer; the proposition was agreed to, and Messrs. Craig and Bragg, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Sherard and Edmonston, form said committee on their part.

A message from the Senate, transmitting a document purporting to relate to a contested election of one of the members of this House, from the county of Carteret, and which it is presumed was directed to the Senate through mistake.

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that the two Houses on Monday next, again ballot for Comptroller of Public Accounts.
Mr. R. H. Alexander presented a bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land; and Mr. Harris a bill to abolish the office of county trustee, in Granville, and for other purposes. These bills were severally read the first time and passed.

A message from the Senate, disagreeing to the proposition of this House to ballot on Monday next, for Comptroller, and proposing that the two Houses proceed to said balloting immediately; the proposition of the Senate was concurred in, and Messrs. Kittrell and Martin, appointed a balloting committee. A message from the Senate, informing that Messrs. Martin and Kerr, formed committee on their part.

Mr. Craigie, from the committee appointed to conduct the balloting for a Public Printer, reported that Philo White, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. Hawkins presented the petition of sundry citizens of Randolph county, praying the emancipation of a slave, named Edith, the property of Abraham Hammer; which was on motion of Mr. Hawkins, referred to the committee on Propositions and Grievances.

Mr. Kittrell, from the committee appointed to conduct the balloting for a Comptroller, 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. Craigie, the following Rule of Order reported on the 19th inst. by the committee appointed to prepare Rules, viz: In all cases of nominations to this House, they shall be briefly made unaccompanied with any comment by the member making the same, or any others, unless on leave first obtained of the House," was stricken out. Mr. Haywood in pursuance of notice herefore given, now moved a reconsideration of that vote; the House agreed to reconsider. And the question recurring on the motion of Mr. Craigie to strike out said Rule, was decided in the negative—yeas 31, nays 85. The yeas and nays demanded by Mr. Outlaw.


So that the said rule, as reported by the committee, was adopted as one of the Rules of Order of this House.

The resignations of Samuel Mitchell, as colonel; William Malone, as lieutenant colonel of cavalry, attached to the 16th brigade of the militia; of Francis M'Gehee, as major of the militia of Haywood county; and of Calvin Coor, as lieutenant colonel of the Wayne county militia; and of John Logan of Burke county, of Thomas J. Pugh and J. S. Smallwood, of Bertie county; of Joseph Hoover of Randolph, of J. Cartwright of Camden; of James Bullock, of John White and Anderson H. Walker, of Granville; of Anthony H. Rhodes, Durant H. Rhodes and David W. Simmon's, of Onslow county, justices of the peace were presented, read
and accepted. The resignation of James A. Dunn, as major of cavalry, attached to the 11th brigade, was also presented, read and accepted.

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

MONDAY, NOVEMBER 24, 1834.

Mr. King, from the joint select committee raised on that subject, reported that the Presbyterian church bell had been tendered for the use of the Assembly the present session, and recommended that the tender be accepted. The report was concurred in.

Mr. Frink presented a bill to restore to credit William Sibbett, of Columbus county; which was read the first time and passed, and on motion of Mr. Frink, referred to the committee on Propositions and Grievances.

The bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land, was read and rejected. On motion of Mr. Battle, the said vote was reconsidered, when the said bill was read the second time and passed.

On motion of Mr. M'Cleese, ordered that a message be sent to the Senate, proposing another balloting immediately for a Comptroller.

The bill to abolish the office of county trustee, in the county of Granville, and for other purposes, was read, and on motion of Mr. R. H. Alexander, referred to the committee on the Judiciary.

On motion of Mr. Hutchinson, ordered that the Senate be informed that the name of William D. Mosely, is added to the nomination for Governor of the State, and that Messrs. King and Whitfield attend the Senate to conduct the balloting heretofore agreed on, to be had this day for this officer.

A message from the Senate, informing that Messrs. Edmonston and Caldwell, form the balloting committee on their part.

Mr. Jordan presented certain papers, relating to the contested election of the member representing the town of Fayetteville; which were referred on Mr. Jordan's motion, to the committee on Privileges and Elections.

Mr. Monk presented a bill supplemental to an act, passed in the year 1802, respecting patrols; Mr. Haywood a bill to incorporate Wake Forest Lodge, number 97, in Wake county; Mr. Byrum a bill making compensation to the jurors of the county of Chowan; Mr. Guinn a bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county; and Mr. Williams of Richmond, a bill to authorize Henry Haley of Richmond county, to erect a gate across a public road. These bills were severally read the first time and passed.

A message from the Senate, agreeing to the proposition of this House to ballot immediately for a Comptroller, and informing that Messrs. Holmes and Kendall, form their balloting committee. Ordered that Messrs. M'Cleese and Jonathan Horton, conduct said balloting on behalf of the Commons.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee to take into consideration the late outrage by the authorities of one of the British West India Islands, upon the persons and property of certain American citizens, and informing that Messrs. Beard, Holmes, Moore, Sawyer and Spaight, compose said committee on their part.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee on the subject of Cherokee lands, and informing that Messrs. Wellborn, Edmonston and Brittain, form their branch of
said committee. Ordered, that Messrs. Guinn, Henry and Hawkins, compose this committee on the part of the Commons.

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

On motion of Mr. Poindexter, ordered that a message be sent to the Senate, proposing another balloting immediately for Governor. A message from the Senate, agreeing to this proposition, and informing that Messrs. Edwards and Beard attend this House as their balloting committee. Ordered, that Messrs. Poindexter and Marsteller, superintend said balloting on behalf of this House.

On motion of Mr. Waugh,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a public law, investing the county courts with power to authorize the erection of gates across the public highways, and that they report by bill or otherwise.

The bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land, was read the third time and passed, and ordered to be engrossed.

Mr. M'CLEESE, from the balloting committee for a Comptroller, reported that there was no election. The report was concurred in, and on motion of Mr. Harris, a message sent to the Senate, proposing that another balloting be had immediately. A message from the Senate, agreeing to this proposition, and informing that Messrs. Whitaker and Baker compose their branch of the committee. Ordered, that Messrs. Gwyn and J. L. Smith, superintend this balloting on behalf of the Commons.

Mr. Outlaw, was at his own request, excused from serving on the select committee raised on the subject of Convention, and Mr. Potts substituted in his place.

Mr. Marsteller, from the committee appointed to conduct the balloting for Governor, 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. Henderson, ordered that a message be sent to the Senate, proposing another balloting immediately for Governor. A message from the Senate agreeing to this proposition, and informing that Messrs. Moye of Greene, and Shipp, form their balloting committee, and proposing that the balloting committee wait upon the sick members of the Legislature to receive their ballots. Ordered, that a message be sent to the Senate, informing that the House of Commons do not concur in this proposition of the Senate. Ordered, that Messrs. Harris and Henderson, conduct said balloting on the part of this House.

The resignations of George Hoover, as brigadier general of the 6th brigade and 4th division of the militia; of James C. Wren, as colonel; Peter Julin, as lieutenant colonel; and Garret Lane, as major of the 56th regiment of North Carolina militia, were presented, read and accepted.

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

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for Comptroller, and informing that the names of James R. Dodge and William P. Williams,
are withdrawn from the nomination. A message from the Senate, concurring in this proposition, and informing that the name of Benjamin S. King, is withdrawn from the nomination, and that Messrs. Cowper of Gates, and Ennett, compose their balloting committee. Ordered, that Messrs. King and Baker, superintend said balloting on behalf of this House.

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

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

Tuesday, November 25, 1834.

Mr. King, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that Nathan A. Stedman of Chat-ham county, had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Mr. Cotten presented a resolution in favor of George R. Griffith, administrator of Elisha Browne; which was read the first time and passed, and on motion of Mr. Cotten, referred to the committee on Claims.

Mr. Manly presented the petition of Sally Flowers, wife of Christopher Flowers, of Craven county, praying to be divorced; said petition, was on Mr. Manly's motion, referred to the committee on Propositions and Grievances.

Mr. Weaver presented the petition of sundry citizens of Buncombe county, praying that Joseph Wilson may be restored to his rights forfeited on a conviction for petit larceny; said petition was on motion of Mr. Weaver, referred to the committee on Propositions and Grievances.

The resignation of Walker Anderson, as a justice of the peace, of the county of Orange, was presented, read and accepted.

The bill to authorize Henry Haley, of Richmond county, to erect a gate across a public road, was read the second time and rejected.

The bill to incorporate Wake Forest Lodge No. 97, in Wake county; and the bill making compensation to the jurors of the county of Chowan, were severally read the second and third times, passed and ordered to be engrossed.

The bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county; and the bill supplemental to an act, passed in the year 1802, respecting patrols, were severally read the second time and passed.

Mr. Jordan presented the certificate of the county court of Cumberland, in favor of Martha Spears, a State pensioner, allowing her the sum of fifty dollars for the ensuing year; which was on Mr. Jordan's motion, ordered to be countersigned by the Speaker of this House, and transmitted to the Senate.

On motion of Mr. Bragg,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee consisting of three members of each House, whose duty it shall be to ascertain from the proper authorities, whether the Presbyterian Church and Session House can be procured for the use of this Legislature, and if so that said committee be instructed to make such arrangements at said Church and Session House, as may be necessary for the comfortable accommodation of this body.

On motion of Mr. Graham,
Resolved, That the committee on the Judiciary be instructed to inquire whether it be not expedient to provide by law, for the temporary appointment of registers when vacancies in that office shall occur, during the recess of the county courts.

Alexander W. Brandon, one of the members elect from the county of Anson, appeared, and was qualified according to law.

Mr. Blalock presented the petition of sundry citizens of Yancy county, praying that John Masters, heretofore convicted of petit larceny, may be restored to his forfeited rights; said petition was on motion of Mr. Blalock, referred to the committee on Propositions and Grievances.

Mr. Register a bill to authorize James Mott, to establish a ferry on Black river, in the county of New Hanover; and Mr. M'Cleese a bill to repeal in part an act passed in the year 1824, concerning retailers of spirituous liquors, in the counties of Hyde and Tyrrell. These bills were read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. J. L. Smith,
Resolved, That the joint select committee raised on the subject of Cherokee lands, be instructed to inquire into the expediency of granting to John Bokannan, a lease to work for gold on a certain piece or parcel of land, being part of the Cherokee lands, now owned by the State, lying in the county of Haywood, and that they report by bill or otherwise.

Mr. Seawell presented the annual report of the President and Directors of the Cape Fear, Yadkin and Peelee Rail Road Company; which was read, and on motion of Mr. Seawell, referred to the committee on Internal Improvement.

On motion of Mr. Harris,
Resolved, That the committee on the Judiciary be instructed to inquire into the practicability of so amending the insolvent laws of this State, as to compel the plaintiff or officer when a ca. sa. has been served, to return the same on or before the first day of the term, at which the defendant is bound to appear.

Mr. Hawkins presented a resolution in favor of the heirs at law of Joseph Hale, deceased; which was read the first time and passed, and on motion of Mr. Hawkins, referred to the committee on Claims.

Mr. Willey presented a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; which was read the first time and passed, and on Mr. Willey's motion, referred to the committee on Private Bills.

Mr. Outlaw, on behalf of the committee on Privileges and Elections, asked and obtained leave to send for persons and papers, to be used in evidence in the cases of contested elections, now pending before said committee.

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

Wednesday, November 26, 1834.

James W. Howard, one of the members elect from the county of Jones, appeared this day, and was qualified according to law.

On motion of Mr. Manly, ordered that a message be sent to the Senate, proposing to raise a joint select committee of two members on the part of each House to wait upon his Excellency David L. Swain, inform him of his re-election as Governor of the State, and to learn at what time it will be agreeable to him to take the oaths of office.

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

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

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GENTLEMEN: In compliance with a resolution adopted by the General Assembly at their last session, authorizing the Governor, for the time being, to have suitable Grave Stones placed at the graves of all members of the Legislature, who have been or may be hereafter interred in the city of Raleigh. This appropriate tribute of respect has been rendered to the memory of the late Absalom Tatorn, of Hillsborough; John B. W. Smith, of Jones; Leonard Martin, of Hertford; and John J. Bonner, of Hyde. The vouchers for the small expenditure incurred in the discharge of this duty, are herewith transmitted.

As the burying ground of this city contains but little vacant space, it is perhaps worthy of consideration, whether one of the public lots should not be selected and set apart as the future place of interment for those who may die in the public service; and whether the resolution should not be so amended, as to include the Heads of Departments, as well as members of the General Assembly.

EXECUTIVE DEPARTMENT, N. C. Nov. 20, 1824.

The foregoing communication was read, and on Mr. Haywood's motion, it was ordered that it be transmitted to the Senate, with a proposition that the same be referred to the committee on Finance.

Mr. Barringer, from the committee on the Judiciary to whom was referred a resolution upon the subject, reported a bill, vesting the power to authorize the erection of gates across public roads, in the several county courts; the said bill was read the first time and passed.

Mr. Daniel, from the committee on Claims to whom was referred a resolution in favor of George R. Griffith, administrator of Elisha Browne, reported favorably thereon, when the said resolution was read the second time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred a petition upon the subject, reported a bill to emancipate Daniel, a slave; which was read the first time and passed.

Mr. Guinn, from the same committee reported also a bill to divorce Elizabeth M. Starnes, from her husband John Starnes, of Macon county; which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House, upon the subject of a removal of the sittings of the Assembly to the Presbyterian Church and Session House, with an amendment, and asking the concurrence of this House therein; the amendment was read and concurred in, and Messrs. Bragg, W. Jones and Marsteller, appointed a committee on the part of the Commons to carry said resolution into effect.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza Ambrose; which was read the first time and passed.

Mr. Seawell presented the petition of James H. Hooper, ex'r. of Thomas C. Hooper, praying the emancipation of a slave, named Matilda, also the petition of John Murchison, senr. and others, praying the emancipation of a slave named Thomas; these petitions were on motion of Mr. Seawell, referred to the committee on Propositions and Grievances.

Mr. Guinn presented the petition of John Bates, of Macon county; and Mr. Henry the petition of Thomas E. Justice, of Buncombe county, praying to be restored to credit. These petitions were severally read and referred to the committee on Propositions and Grievances.

Mr. Seawell presented the certificate of the county court of Cumberland, in favor of Isabella Campbell, a State prisoner, allowing her the sum of forty dollars for the ensuing year; which was on motion of Mr. Seawell, countersigned by the Speaker of this House, and ordered to be sent to the Senate.

Mr. Hutchison presented the certificate of the county court of Mecklen-
burg, in favor of Martha Thompson, allowing her the sum of fifty dollars, which was on Mr. Hutchison's motion, countersigned by the Speaker of this House and transmitted to the Senate.

Mr. Hutchison presented the petition of Matthew Miller of Mecklenburg county, praying that he be allowed a pension for his revolutionary services, which was on Mr. Hutchison's motion, referred to the Committee on Claims.

Mr. Weaver presented a resolution, authorizing a grant to be issued to William Wilson; which was read the first time and passed, and on motion of Mr. Weaver, referred to the Committee on Claims.

On motion of Mr. Manly,

Resolved, That the committee on the Judiciary be instructed to inquire whether it be expedient and practicable to provide by a general law, for the punishment of all breaches of trust, and particularly for the punishment of officers of corporations, who embezzle, purloin, or act fraudulently with the funds belonging to the same.

On motion of Mr. Welch,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, relative to the assessment of damages for injuries done to the owners of land, by the erection of mills, as to enable the persons injured to recover at once full damages for the injury sustained in all cases, instead of annual damages as at present, and that they report by bill or otherwise.

Mr. Manly presented a bill relating to the inspection of fire wood, in the town of Newbern; Mr. Monk a bill to amend the first section of an act passed in 1831, chapter 52, entitled an act to abolish the offices of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson; Mr. Swindell a bill to alter the name of Albert Spring, of the county of Hyde; and Mr. Saunders a bill for the better administration of justice to the poor of Onslow county. These bills were severally read the first time and passed.

Mr. Blalock presented a bill to provide for the holding of a superior court in the county of Yancy; which was read the first time and passed, and, on motion of Mr. Blalock, referred to the committee on the Judiciary.

Mr. Hawkins presented a resolution in favor of William Kenly, of Davidson county; which was read the first time and passed, and, on motion of Mr. Graham, referred to the committee on Claims.

The bill supplemental to an act passed in the year 1802, respecting patrols; and the bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin, Macon county, were each read the third time and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed resolution, authorizing the burning of certain treasury notes, and asking the concurrence of this House. The said resolution was read the first time and passed. On motion of Mr. Haywood, two thirds of the House concurring in the said resolution, was read the second and third times and passed. The House on motion of Mr. Potter, agreed to re-consider their vote on the third reading of the resolution, when Mr. Potter moved that said resolution be laid on the table. The question on this motion, was decided in the negative, and the resolution again read the third time and passed, and was ordered to be enrolled.

The following resignations received from the Senate, were read and accepted, viz. That of John Murdock, as colonel; David Ramsey, as lieutenant colonel; and David M. Stevenson, as major of the first regiment of Ir-}

{...}
The resignations of Nathaniel L. Mitchell, as major of the Onslow militia; of Thomas Brown, as colonel of the Ashe regiment; of Wilson G. Lamb, as lieutenant colonel of the second regiment of militia; of William Long, as lieutenant colonel of the seventy-sixth, and of Elijah Walker, as lieutenant colonel of 77th regiments of the militia of the State; and the resignations of George F. Thomas, Joseph Young, jr. and Armstead F. Brackin, of Rockingham, of Thomas Wright, sen. of Surry, of Dan. Alexander, of Mecklenburg, of Henderson Forsythe, of Iredell, and of Christian Bringle, of Rowan, justices of the peace of their respective counties, were presented, read and accepted.

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

Thursday, November 27, 1834.

A message from the Senate, informing that Messrs. Montgomery of Orange, Moye of Greene, and M'Williams, form the committee on the part of the Senate, to inquire into the practicability of removing the present sittings of the Legislature to the Presbyterian Church.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee of two members on the part of each House, to wait upon his Excellency the Governor elect, and learn when he will be ready to take the oaths of office, and informing that Messrs. Sherard and Shipp, form said committee on their part; ordered that Messrs. Manly and Hoke, form said committee on behalf of the Commons.

A message from the Senate, proposing that a joint select committee be raised whose duty it shall be to examine the manner in which the monies appropriated for rebuilding the Capitol have been expended, and the reasons which led to the dismissal of William S. Drummond, superintendent of public buildings, and that they report to the Legislature; and further, that they report the probable amount of money that will be required to finish and furnish the Capitol, and when it will be ready for the reception of the Legislature; the proposition was concurred in, and Messrs. Daniel, Cansier, Hutchison, Cotten and Harper appointed said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to repeal an act, entitled an act to raise a fund to establish free schools, in the county of Johnston, and for the government thereof, passed in the year 1831; and a bill to authorize Thomas H. Blount, of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike, to the present settlement on Swan quarter, and to receive toll for passing the same; and asking the concurrence of this House. The said bills were read the first time and passed, and, on motion of Mr. Houlder, the bill to repeal an act, entitled an act to raise a fund to establish free schools, in the county of Johnston, and for the government thereof, passed in the year 1831, was read the second and third times, passed, and ordered to be engrossed.

Mr. Daniel presented a bill for turning or altering roads in certain cases; which was read the first time and passed.

The bill to divorce Elizabeth Starnes, from her husband John Starnes, of Macon county, was read, and on motion of Mr. Battle, recommitted to the committee on Propositions and Grievances.

Received from the Senate the certificate of the county court of Cumber-
land, in favor of Martha Spears, a State pensioner, countersigned by the Speaker of that body.

The resignations of Elijah Morgan and Johnston Ledbetter, of Rutherford, of John Bethune, of Robeson, and of James Marsh, of Anson county, justices of the peace of their respective counties, received from the Senate, were read and accepted.

On motion of Mr. Graham,
Resolved, That William W. Hull, one of the Engrossing Clerks of this General Assembly, be excused from the service of the Legislature for ten days from this time, he furnishing a competent substitute in his stead.

On motion of Mr. Sloan,
Resolved, That the committee on Finance be instructed to inquire into the expediency of so revising and amending the revenue laws, as to afford a more efficient and uniform mode of listing taxable property, and that they report by bill or otherwise.

Mr. Bell presented a bill to alter the name of Julia Ann Thompson, of Carteret county; which was read the first time and passed.

A message from the Senate, proposing that the two Houses ballot on to-morrow for a brigadier general, of the 6th brigade and 4th division of the militia, and informing that Joseph Allison is in nomination for the appointment; the proposition was agreed to.

Mr. Craig, from the committee on Privileges and Elections to whom were referred certain papers, relating to the ineligibility of James Manney, one of the members from Carteret county, to his seat in this House, made a report in favor of the sitting member. Mr. Outlaw moved that said report lie on the table; the question was decided in the negative. After debate, Mr. Haywood again moved that the report lie on the table; which was not agreed to. Mr. King moved that the report be recommitted to the committee on Privileges and Elections; which motion also failed, when the question, will the House concur in the report of the committee, was decided in the affirmative—yeas 70, nays 49. The yeas and nays demanded by Mr. Outlaw,


Mr. Blatchford presented a bill to alter the name of, and legitimate Luray Alexander; which was read the first time and passed.

Mr. Allison, from the committee on Private Bills to whom was referred the bill to alter the name of Isaac Blanchard, of the county of Gates, reported favorably thereon, when the said bill was read the second time and passed.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred a petition on the subject, reported a bill to emancipate Jim, a slave. The said bill was read the first time and passed.

The bill to divorce Peter Ambrose, of Onslow county, from his wife Thurza, was read the second time and passed.
Mr. Manly, from the joint select committee raised on that subject, reported that his Excellency David L. Swain, would on Wednesday the 10th day of December ensuing, wait on the Legislature for the purpose of taking the oaths of office.

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

Friday, November 28, 1834.

Messrs. Stockard and Rush were appointed a committee to conduct the balloting on behalf of the Commons, for a brigadier general of the 6th brigade and 4th division. A message from the Senate, informing that Messrs. M'Cormick and Cowper of Gates, form said committee on behalf of the Senate.

Mr. Poindexter, presented a bill to provide for the relief of sureties in certain cases; which was read the first time and passed, and referred on motion of Mr. Outlaw, to the committee on the Judiciary.

Mr. Dudley presented the following resolution:

Resolved, That the committee on Finance take into consideration and confer with the Bank of Cape Fear, on the expedition of repealing so much of the charter as prohibits the stockholders residing out of the State, the right of representation by proxy at the meeting of said stockholders, retaining the prohibition only as regards stockholders residing without the limits of the United States.

On Mr. Haywood's motion, the resolution was amended by adding, that the committee enquire into the expedition of amending the charter of said bank at the same time, so as to forbid the issuing of notes by the said bank, for a less sum than five dollars. The said resolution as thus amended, was read and adopted.

The certificate of the county court of Cumberland, in favor of Izabella Campbell; and the certificate of the county court of Mecklenburg, in favor of Martha Thompson, State pensioners, were received from the Senate, countersigned by the Speaker thereof.

A message from the Senate, agreeing to the proposition of this House, that the communication of his Excellency the Governor of the 26th inst., be referred to the committee on Finance.

A message from the Senate, transmitting a communication from the proper authorities of the Presbyterian Church, declining to permit their buildings to be occupied by the General Assembly during the present session.

Mr. Stockard, from the balloting committee for a brigadier general, of the 6th brigade and 4th division, reported that Joseph Allison, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

A message from the Senate, transmitting certain resolutions requiring information from the commissioners appointed to superintend the building of the Capitol; and asking the concurrence of this House. The said resolutions were read, amended on motion of Mr. Alison, and passed; ordered that the concurrence of the Senate be asked in said amendment.

The Speaker laid before the House the annual report of the Adjutant General; which was on motion of Mr. Graham, ordered to be sent to the Senate with a proposition to print, and to refer to the committee on Military Affairs.

Mr. Barringer, from the committee on the Judiciary to whom was referred a resolution directing them to inquire into the expedition of amending the insolvent laws, reported that the objects contemplated by the resolution
are already sufficiently provided for by law, and prayed to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Haywood presented a memorial from Wm. S. Drummond, late superintendent of the rebuilding of the Capitol; which was read, and on motion of Mr. Haywood, referred to the committee on Public Buildings.

Mr. Haywood presented a bill, founded on a petition and sundry certificates, entitled a bill to emancipate Waller; said bill was read the first time and passed, and referred on motion of Mr. Haywood, to the committee on Propositions and Grievances.

Mr. Graham, from the committee on the Judiciary to whom was referred a resolution upon the subject, reported a bill to amend the several acts here-tofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected. Said bill was read the first time and passed.

Mr. Blatchford presented a bill to repeal in part an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates; which was read the first time and passed.

Mr. Potts introduced the following resolutions:

Resolved, That the Legislature of a State, acting as the representatives of the people of the State, have a right to instruct their Senators in Congress, and a just vindication of the character of our political institutions, requires that such instructions should be given whenever a Senator misrepresents the will of the State, upon great questions of national policy, or in times of public emergency.

Resolved, That the Honorable Willie P. Mangum, one of the Senators from this State, in the Congress of the United States be, and he is hereby instructed to vote for expunging from the records of the Senate of the United States, the resolution declaring that the President in his late executive proceedings, in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Resolved, That his Excellency the Governor of this State, be requested to transmit forthwith to the Honorable Willie P. Mangum, and to the Honorable Bedford Brown, one copy each of the foregoing resolutions.

These resolutions were read, and on motion of Mr. Potts, ordered to be printed, and made the order of the day for Thursday next.

Mr. Potter presented the following resolution, which was read, and on motion of Mr. Outlaw, laid on the table:

Whereas, in all cases where the right of a member to his seat shall be contested, the law requires that thirty days notice shall be given previous to the sitting of the General Assembly; therefore

Resolved, That the Committee on Privileges and Elections, be instructed to require proof that such notice has been given, before they put any member of this House upon proof of his right to a seat here.

On motion of Mr. Kittrell,

Resolved, That the committee on Internal Improvement be instructed to inquire into the probable cost of continuing the Cape Fear, Yadkin and Pedee Rail Road, the first fifty miles from Fayetteville, pursuing the projected route westwardly; and that they report the same to this House.

On motion of Mr. Dudley,

Resolved, That the Committee on Finance, take into consideration the expediency of authorizing the Public Treasurer to issue stock, bearing an interest not exceeding 5 per cent. per annum, and dispose of the same at the best possible price in or out of the State; provided it can be effected at par, to such amount as may be necessary to pay the balance of the subscription of the State to the Bank of the State, or the expediency of relinquishing the right to take the amount of stocks in the Bank of the State which are unpaid for.

The bill to emancipate Daniel, a slave, was read the second time and passed—yeas 62, nays 60. The yeas and nays called for by Mr. Clarke.

Those who voted in the affirmative, were Messrs. Adams, R. H. Alexander, Allison, Barringer, Bedford, Blalock, Bragg, Bruswell, Brummell, Cansler, Clement, Cotten, Craige, Daniel, Davenport, Dayton, Dockery, Fleming, Foushee, Frink, Graham, Guinn, Hamrick,
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Mr. Matthews presented a bill amendatory of an act passed in the year 1829, entitled an act to authorize the forming a fire engine company in the town of Elizabeth City; which was read the first time and passed.

On motion of Mr. R. H. Alexander, the bill to emancipate Daniel, was again read, and the question, shall the said bill pass the third reading? it was determined in the affirmative—yeas 59, nays 56. The yeas and nays demanded by Mr. Bynum.


Ordered that said bill be engrossed.

The following resignations received from the Senate, were read and accepted, viz. Of Josiah Daniel, of Pitt; of William Donnelly, of Moore; of J. W. Williams, of Green; of Hugh Walker, of Caswell; and of Stafford Gibson and Silas A. Drake, of Richmond, justices of the peace of their respective counties.

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

SATURDAY, NOVEMBER 20, 1834.

On motion of Mr. R. Jones, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for colonel and lieutenant colonel of cavalry attached to the 16th brigade of the militia, and informing that Joseph M. Stanfield is nominated for the first, and Henry R. Beard for the second named appointment.

The bill to divorce Peter Ambrose of Onslow county, from his wife Thirza Ambrose; and the bill to alter the name of Isaac Blanchard of the county of Gates, and to legitimate him, were severally read the third time and passed, and ordered to be engrossed.

The resolution in favor of George R. Griffith, administrator of Elisha Brown, was read the third time and passed, and ordered to be engrossed.

Mr. Hill presented a bill to establish Hannah Moore Academy, in the county of Duplin, and incorporate the Trustees thereof; which was read the first time and passed.

On motion of Mr. J. Horton,

Resolved, That the committee on so much of the Governor's Message as relates to the
subject of amending the Constitution of the State, be instructed to inquire into the expediency and propriety of submitting to the people for their adoption, certain specific amendments instead of calling a Convention.

Mr. J. W. Guinn presented the following resolutions, which were read and adopted:

Whereas, the Legislature at its last session, directed the Governor to issue two grants for land to Asa Delozier and Henry Regan, for the purpose of discovering a silver mine, under certain conditions; be it therefore

Resolved, That the Governor be requested to communicate to this Legislature, whether the grants have been issued, and what development of the mineral resources of the mountainous regions of this State have been made by said Asa Delozier and Henry Regan.

And be it further resolved, That he further communicate to this Legislature all the information that may be in his possession, as to the value and extent of the discovery made by said Delozier and Regan.

On motion of Mr. Wataug,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of altering the law as respects administrators or executors in regard to the payment of debts of deceased insolvent debtors, so as to compel them to allow each and every creditor an equal ratio of payment, proportional to the demands of the creditors and the effects of the debtor; and that they report thereon by bill or otherwise.

Mr. Manly presented a bill to establish the Merchants’ Bank of the town of Newbern; which was read the first time and passed, and on motion of Mr. Hartley, ordered to be printed.

The Speaker laid before the House, the annual report of the President and Directors of the Literary Fund; which was on motion of Mr. Barringer, ordered to be sent to the Senate, with a proposition that it be printed.

Mr. King presented a bill to incorporate the Iredell Manufacturing Company; which was read the first time and passed.

On motion, leave of absence from the service of the House, from this day until next Thursday, was granted to Mr. A. B. Smith, and to Mr. Davis for ten days.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the bill to provide for the holding of a Superior Court in the county of Yancey, reported the same with sundry amendments. The said amendments were read and concurred in, and the bill as amended, read the second time and passed.

A message from the Senate, proposing that two additional copies of the annual Report of the Public Treasurer be printed for each member of the Legislature. The proposition was agreed to.

A message from the Senate, informing that they had passed the engrossed bill, granting to persons therein named, certain lands for the use of the Methodist Episcopal Church at Franklin in Macon county, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate agreeing to ballot immediately for cavalry officers of the 16th brigade, and informing that Messrs. Kerr and Mebane, form their balloting committee. Ordered that Messrs. R. Jones and Braswell, superintend this balloting on behalf of the Commons.

A message from the Senate, informing that they have passed the following engrossed bills, viz. A bill to authorize and empower the court of pleas and quarter sessions, to allow compensation to commissioners who shall attend with a processioner to establish disputed lines; and a bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the “Tennessee River Turnpike Road,” passed
in 1826, chapter 36. These bills were read the first time and passed and the first named bill was, on motion of Mr. Poindexter, referred to the committee on the Judiciary.

Mr. Henderson presented a petition from sundry citizens of the county of Surry, praying that Abner Dunningan of said county, may be restored to the rights of citizenship, lost by a conviction for petit larceny. Said petition was, on motion of Mr. Henderson, referred to the committee on Propositions and Grievances.

The bill to alter the name of Albert Spring, of the county of Hyde; and the bill to amend the first section of an act passed in 1831, chapter 52, entitled an act to abolish the offices of county Trustee and Treasurer of public buildings in the counties of Richmond, Columbus, Sampson and Robeson, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to repeal an act passed in the year 1832, entitled an act concerning the inspection of fire-wood in the town of Newbern, was read the second time.

Mr. Hardley moved to amend said bill, by striking out all after the enacting clause, and inserting "that from and after the passage of this act, no person shall receive or demand any fee or emolument for inspecting wood in the town of Newbern; and hereafter, there shall be no inspector of wood appointed in and for said town, and all laws and clauses of laws coming within the meaning and purview of this act be, and the same are hereby repealed." This amendment was rejected. Mr. Hartley moved that said bill be postponed indefinitely; this question was decided in the negative, and the bill passed its second reading.

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

Mr. Walker presented a bill concerning the appointment of commissioners of a public road in Haywood county.

Mr. Taylor, a bill regulating the county courts of Nash, and Mr. Daniel, a bill to emancipate Doctor. These bills were read the first time and passed, and the last named bill was, on motion of Mr. Marsteller, referred to the committee on Propositions and Grievances.

The bill to alter the name of Julia Ann Thompson of Carteret county; the bill for the better administration of justice to the poor of Onslow county; and the bill to alter the name of and legitimate Luraney Alexander, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to authorize Thomas H. Blount of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan Quarter, and to receive toll for passing the same, was read the second time, and on motion of Mr. Dockery, postponed indefinitely.

The bill to emancipate Jim, was read the second time and rejected—yeas 48, nays 69. The yeas and nays demanded by Mr. Battle,


Those who voted in the negative, were Messrs. Albritton, Baker, Barringer, Battle, Bell,
Mr. J. W. Guinn presented the petition of Thomas Welch, praying to be allowed to erect a mill on the public lands, in Macon county; which was referred on Mr. Guinn's motion, to the committee on Cherokee Lands.

A message from the Senate, agreeing to the amendment proposed by the House of Commons, to the engrossed resolution requiring information from the commissioners appointed to superintend the building of the Capitol.

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

Mr. R. Jones, from the committee appointed to conduct the balloting for cavalry officers, attached to the 16th brigade, reported that Joseph M. Stanfield was duly elected colonel, and Henry R. Beard lieutenant colonel; the report was concurred in.

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

MONDAY, DECEMBER 1, 1834.

On motion of Mr. Henderson, the committee on Privileges and Elections obtained leave to sit during the sitting hours of this House.

Mr. Watson who voted in the majority on Saturday last, on the question of indefinite postponement of the engrossed bill to authorize Thomas H. Blount, of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan quarter, and to receive toll for passing the same; moved that the House do now reconsider that vote. The House agreed to reconsider, when the said bill was read the second and third times, passed, and ordered to be enrolled.

Mr. Bedford presented a resolution in favor of John Cherry; which was read the first time and passed, and on motion Mr. Graham, referred to the committee on Claims.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal in part an act passed in 1831, to prevent obstructions to the passage of fish up the Pee Dee and Yadkin rivers; and a bill to secure to Theresa Brownrigg, such property as she may hereafter acquire; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary to whom was referred a resolution directing them to inquire into the expediency of vesting in the Executive authorities of the State, the power to issue writs of election to supply the vacancies of members of this Assembly in certain cases, reported that in the opinion of said committee the Legislature has no power under the Constitution to change the law as contemplated, and prayed to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Barringer, from the same committee to whom was referred a resolution instructing them to inquire into the expediency of amending the law, relative to the assessment of damages for injuries done to the owners of
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By the erection of mills, reported that it is not expedient to legislate in the manner proposed, and prayed to be discharged from the further consideration thereof; the report was concurred in.

Mr. Barringer, from the same committee to whom was referred the bill to provide for the relief of sureties in certain cases, reported unfavorably thereon. The said bill was thereupon on motion of Mr. Poindexter, laid on the table.

Mr. Graham, from the same committee to whom a resolution on the subject was referred, reported a bill to provide for the temporary appointment of registrars in certain cases. The said bill was read the first time and passed.

Mr. Barringer, from the same committee to whom was referred a bill to abolish the office of county trustee, in the county of Granville, and for other purposes, reported the same with amendments. The amendments were read and concurred in, and the said bill read the second time amended and passed.

Mr. J. W. Guinn, from the committee on Propositions and Grievances to whom the subject was referred, reported a bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; which was read the first time and passed.

Mr. Guinn, from the same committee reported unfavorably on the petition from sundry citizens of Randolph, praying the emancipation of a negro woman, named Edith, the property of Abram Hammer; the report was concurred in.

Mr. J. L. Smith presented a bill to restore to credit Israel Robertson, of Haywood county; which was read the first time and passed, and, on motion of Mr. Smith, referred to the committee on Propositions and Grievances.

On motion of Mr. Bedford,

Resolved, That the committee on Military Affairs be instructed to inquire into the propriety of an immediate distribution among the militia officers of this State, of the remaining copies of infantry and artillery tactics in the Executive Office, and that they report by bill or otherwise.

Received from the Senate, the certificates of the county court of Cumberland, in favor of Ann Morrison, a State pensioner, allowing her the sum of forty dollars; also the certificates of the county court of Craven, in favor of John Rhem, Thomas Ewell and Christopher Bexly, pensioners of the State, allowing the said Rhem one hundred dollars, the said Ewell and Bexly, the sum of fifty dollars each. These certificates were read and ordered to be countersigned by the Speaker of the Commons, and returned to the Senate.

A message from the Senate, announcing to the House of Commons the death of Ephraim Mann, esquire, Senator from the county of Tyrrell, and proposing that a joint select committee of three members on the part of each House, be appointed to make arrangements for the funeral of the deceased, and further proposing that as a testimony of respect to the memory of the deceased, each member of the Legislature wear the usual badge of mourning on the left arm for the remainder of the session. The propositions were concurred in, and Messrs. McLeod, G. H. Alexander and Davenport, were appointed said committee on behalf of the Commons. A message from the Senate, informing that Messrs. Sawyer, Wilson and Mebane, compose said committee on behalf of the Senate.

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

WEDNESDAY, DECEMBER 3, 1834.

Frederick Norcom the member elect from the town of Edenton, appeared, and was qualified according to law.
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The Speaker laid before the House a communication from Edwin S. Smithwick, resigning his seat as a member of this House, from the county of Martin; the said resignation was read and accepted.

Mr. Poindexter presented a bill to establish Germanton Academy, in the county of Stokes, and to incorporate the trustees thereof; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Battle presented a bill to authorize the commissioners of the town of Lounsburg, to sell a part of the town commons; which was read the first time and passed.

Mr. J. W. Guinn, from the committee on Propositions and Grievances reported a bill to restore to credit Joseph Wilson, of Buncombe county; which was read the first time and passed.

Mr. Guinn, from the same committee to whom was re-committed the bill to divorce Elizabeth M. Starnes, of Macon county, reported the same without amendment, when the said bill was read the second time and passed.

Received from his Excellency Governor Swain, the following communication:

To the General Assembly of the State of North Carolina.

Gentlemen: The accompanying file of papers consists of original letters addressed to the Adjutant General by Maj. Churchill, of the Army of the United States, and copies of the replies of the former in relation to a claim against the State, for services rendered at Smithville, in preserving public arms which had been deposited at that post.

The letter addressed to me by the Adjutant General on the subject, a copy of which is likewise communicated, will sufficiently explain the course which I deemed my duty to pursue, and the motives by which I was influenced. Under all the circumstances of the case, I have determined to submit to the Legislature the propriety of appropriating the sum requisite to a fair settlement of this claim.

It was rejected at this department not because it was considered unjust, but for the simple reason that I did not regard myself as having any authority to pay it. DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, Dec. 3, 1834.

The foregoing communication was read, and on motion Mr. Marsteller, ordered that the same be transmitted to the Senate with a proposition that it be referred to the committee on Military Affairs.

The Speaker laid before the House a report from the commissioners appointed to superintend the rebuilding the State Capitol; which was read, and on motion of Mr. Bragg, ordered to sent to the Senate with a proposition that it be referred to the joint select committee raised on the subject of the Public Buildings.

Mr. Haywood presented the petition of Eldridge Smith, of the city of Raleigh, praying to be restored to credit; which was on motion of Mr. Haywood, referred to the committee on Propositions and Grievances.

Mr. Haywood introduced a bill declaring and explaining the law on the subject of gifts and settlements; which was read the first time and passed, and on motion of Mr. Haywood, was ordered to be printed, and referred to the committee on the Judiciary.

Mr. Barringer presented a bill concerning coroner's fees; which was read the first time and passed.

On motion of Mr. Waugh,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of giving to a majority of the justices of the county courts, power to appoint a special court whenever they may think the interest of the county require it, and that they report by bill or otherwise.

On motion of Mr. Dudley,

Resolved, That the committee on Internal Improvements take into consideration the expe-
diency of authorizing and directing the Public Treasurer to subscribe and pay for, on the part of the State, two-fifths of the stock of any chartered Rail Road Company in the State, where three-fifths of said stock shall first have been subscribed by responsible individuals; also authorizing and directing the Public Treasurer to borrow the necessary amount of money to pay said subscription, provided it can be had at or under —— per cent. per annum, interest, and for the payment of said loan, pledge the faith of the State, and that said committee report by bill or otherwise.

Mr. Ziglar presented the petition of Susan Overby, of Stokes county, wife of William Overby, praying to have a law passed to secure her in such property as she may hereafter acquire; which was on motion of Mr. Ziglar, referred to the committee on Propositions and Grievances.

Mr. Haywood presented a bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed at the last session of the General Assembly; which was read the first time and passed, and, on motion of Mr. Haywood, referred to the committee on Finance.

Mr. Clement presented the memorial of sundry inhabitants of the counties of Cumberland, Robeson, Richmond, Moore, Anson, Montgomery and Rowan, praying an appropriation in aid of the Cape Fear, Pedee and Yadkin Rail Road. The memorial was read, and on motion of Mr. Clement, referred to the committee on Internal Improvement.

The bill regulating the county courts of Nash, was read the second time and rejected.

The engrossed bill to amend an act, entitled an act to establish and regulate a Turnpike Road, in the county of Haywood, to be called the Tennessee River Turnpike Road, passed 1826—36, was read the second and third times amended and passed; ordered that the concurrence of the Senate be asked in the amendment.

The bill to abolish the office of county trustee, in the county of Granville, and for other purposes; and the bill to provide for the holding of a superior court, in the county of Yancy, were read the third time, passed, and ordered to be engrossed.

The bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; the bill concerning the appointment of commissioners of a public road, in Haywood county; the bill to establish Hannah Moore Academy, in the county of Duplin, and incorporate the trustees thereof; the bill to incorporate the Iredell Manufacturing Company; the bill amendatory of an act passed in the year 1829, entitled an act to authorize the forming a fire engine company, in the town of Elizabeth City; and the bill to repeal in part an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Graham presented a petition from sundry justices of the peace, of Orange county, praying the passing of a law authorizing fifteen justices of said county, to do and perform all such acts as are now required of a majority of the whole number. The said petition was on motion of Mr. Graham, referred to the committee on the Judiciary.

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

The engrossed bill to repeal in part an act passed in the year 1831, to prevent the obstructions to the passage of fish up the Pedee and Yadkin
rivers, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing that the report of the president and directors of the Literary Fund be printed.

The engrossed bill to secure to Theresa Brownrigg, such property as she may hereafter acquire, was read the second time and passed. The said bill was again read the third time, and the question shall the said bill pass the third reading? was decided in the affirmative—yeas 93, nays 28. The yeas and nays demanded by Mr. Outlaw,


Ordered that said bill be enrolled.

The bill to provide for the temporary appointment of registers in certain cases; the bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected; also the bill for turning or altering roads in certain cases; and the bill vesting the power to authorize the erection of gates across public roads, in the several county courts, were each read the second time and passed.

On motion of Mr. Outlaw, ordered that a writ of election be issued to the sheriff of Martin county commanding him to hold an election in said county, on Thursday the 11th inst. for a member of the House of Commons, to supply the vacancy occasioned by the resignation of Edwin S. Smithwick.

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

THURSDAY, DECEMBER 4, 1834.

Mr. Tillett presented a resolution in favor of Caleb Barco; and Mr. Foreman a bill to alter the name of Pheneuta Parker, and to legitimize her, and Josiah Wilson Pollard, of the county of Pitt; which were read the first time and passed.

Mr. Waugh presented a resolution in favor of Elizabeth Forbes; which was read the first time and passed.

Mr. Craige on behalf of the joint select committee raised on that subject, reported a bill concerning a Convention to amend the Constitution of the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Craige, ordered to be printed, and made the order of the day for Thursday next.

Mr. Fleming presented a bill to incorporate the Burke County Gold Mining Company; which was read the first time and passed.

Mr. Clark presented a memorial from a regimental court martial of the county of Beaufort, proposing certain alterations in the militia laws of the
Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to restore to credit John Bates, of Macon county; which was read the first time and passed.

Mr. Daniel, from the committee on Claims to whom was referred a resolution in favor of the heirs at law, of Joseph Hale, deceased, reported unfavorably thereon; when the said resolution was read the second time and rejected.

Mr. Daniel from the same committee, reported favorably on the resolution authorizing a grant to be issued to William Wilson; when the said resolution was read the second time and passed.

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

To the General Assembly of the State of North Carolina.

Gentlemen: I have the honor to transmit herewith a communication from James Iredell and William H. Battle, Esquires, two of the commissioners appointed to revise the Public Statute Laws of this State.

I concur in all the opinions expressed by these gentlemen, and entertain sanguine expectations, that the duties confided to them will be discharged in a manner highly creditable to them, and eminently useful to the public.

The appointment of a clerk as suggested would, I am satisfied not only facilitate and expedite the labours of the commissioners, but greatly promote the convenience of the legislative body, to which the work will be submitted for revision and confirmation. An appropriation of three hundred dollars would afford adequate compensation for the labours of a competent clerk.

David L. Swain.

Executive Department, 4th Dec. 1834.

On motion of Mr. Barringer, ordered that the foregoing be transmitted to the Senate with a proposition to print the message and report, and to refer them with the accompanying documents to a joint select committee of three members on the part of each House.

Received also from his Excellency the Governor, a reply to the resolution of this House of the 29th ult. in relation to the grant of land to Asa Delozier and Henry Reagan. Whereupon, on motion of M. J. W. Guinn, it was ordered that the said communication be referred to the joint select committee upon the subject of Cherokee Lands, and that said committee be instructed to inquire whether said Delozier and Reagan, have made any discovery that will prove valuable to the State, and if no such discovery has been made by them, that the committee inquire into the expediency of passing a general law upon the subject, and that they report by bill or otherwise.

Mr. Daniel, from the committee on Claims, reported favorably on the resolution in favor of William Kenly, of Davidson county; when the said resolution was read the second time and passed.

Mr. Long presented a bill to alter the names of James Morris and Nancy Morris, and to legitimate them; Mr. Register a bill to alter the name of Eli L. Lewis, of the county of New Hanover, and to legitimate him; and Mr. Baker a bill to alter the name of Moses Holmes, and to legitimate him. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill for the better regulation of the courts of pleas and quarter sessions of the county of Yancey; a bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood; and a bill to alter the time of opening and closing the polls of the elections in the
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The said bills were read the first time and passed.

A message from the Senate transmitting to this House the report of the committee on Finance, on the state of the Public Treasury together with a letter from Wm. S. Mhoon, Esq. Public Treasurer, declining a re-election to that office; and proposing that the two Houses proceed to ballot on Monday next, for Public Treasurer for the ensuing year, and informing that Samuel F. Patterson and Samuel Spruill, are in nomination for the appointment; the proposition was agreed to.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to emancipate Daniel. The said bill was read the first time, and, on motion of Mr. Battle, rejected—yeas 97, nays 27. The yeas and nays demanded by Mr. Tomlinson,


Those who voted in the negative, were Messrs. Allison, Craige, Crump, Daniel, Dayton, Graham, Guinn, Hawkins, Henry, Hoke, Hutchinson, King, Lilly, Lindsay, Locke, Loudermilk, Manly, Pondexter, Potter, Rush, G. Smith, J. L. Smith, Wadsworth, Waugh, Weaver, Jacob Williams, Witcher.

The Speaker laid before the House the report of the commissioners for rebuilding the State Capital, made in answer to certain resolutions here-\nfore adopted by the Assembly, calling on said commissioners for information as to the progress of the work. The said report was read, and, on motion of Mr. Graham, ordered to be sent to the Senate with a proposition that it be referred to the joint select committee on this subject, and that the report without the exhibits be printed.

The resignation of William G. Anderson, as major of the third regiment of militia, of Buncomb county, was read and accepted.

The House now proceeded to the orders of the day, and took up for con-\nsideration the political resolutions here\nforesubmitted by Mr. Potts. Mr. Barringer moved that the resolutions lie upon the table; the question there-\non, was decided in the negative—yeas 59, nays 70. The yeas and nays demanded by Mr. Barringer,


Discussion having arisen on the subject, Mr. R. H. Alexander moved
that the House adjourn till to-morrow morning 10 o'clock; the question thereon, was decided in the negative—yeas 55, nays 64. The yeas and nays demanded by Mr. R. H. Alexander,


Mr. Craig moved that said resolutions be postponed indefinitely, and having further continued the debate, Mr. Matthews moved that the House adjourn until to-morrow morning 10 o'clock; this question was decided in the negative—yeas 56, nays 61. The yeas and nays called for by Mr. Clark,


Before Mr. Craig had concluded his remarks, on motion of Mr. Long, the House adjourned until to-morrow morning, 10 o'clock.

Friday, December 5, 1834.

Mr. Smallwood presented the petition of sundry citizens of the county of Beaufort, praying the emancipation of a slave, named George, the property of one Edny Brown; which was on motion of Mr. Smallwood, referred to the committee on Propositions and Grievances.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred a petition on the subject, reported a bill to restore to credit John Masters, of Yancey county; which was read the first time and passed.

A message from the Senate, agreeing to refer the Governor's communication of the 3d inst., with the accompanying documents to the committee on Military Affairs.

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to amend an act, entitled an act to establish and regulate a Turnpike Company, in the county of Haywood; ordered that said bill be enrolled.

A message from the Senate, proposing that the report of the commissioners for rebuilding the State Capitol, be referred to a joint select committee to be styled the committee on Public Buildings; the proposition was concurred
Mr. Coor presented a bill to amend an act passed in the year 1831, for the better regulation of the town of Waynesborough; which was read the first time and passed.

The bill to restore to credit John Bates, of Macon county; the bill to alter the name of Eli L. Lewis, of the county of New Hanover, and to legitimate him; also the bill to alter the names of James Morris and Nancy Morris, and to legitimate them; the bill directing the manner in which lands shall be sold for taxes, in the county of Washington; the bill to authorize the commissioners of Louisburg, to sell a part of the town commons, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Haywood, from the committee on Finance to whom was referred the bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed at the last session of the General Assembly, reported the same with amendments. The amendments were read and concurred in, and, on motion of Mr. Barringer, the said bill was ordered to lie on the table.

Mr. Haywood presented a paper relating to the amancipation of Waller Freeman; which was on his motion, referred to the committee on Propositions and Grievances.

Mr. Outlaw, from the committee on Privileges and Elections to whom was referred certain papers relating to the ineligibility of Robert Potter, made a report thereon, and prayed to be discharged from the further consideration of the subject; the report was concurred in, and the committee discharged.

The resignations of James H. Hooper, as colonel commandant of the 33d
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regiment of militia, and of J. G. Dickson, as a justice of the peace, of the county of Duplin, were presented, read and accepted.

The House now proceeded to the order of the day, and took up the unfinished business of yesterday, being the resolutions heretofore submitted by Mr Potts; and after some time spent in their consideration and discussion, Mr. raige moved that the House adjourn until to-morrow 10 o'clock.—The question thereon, was decided in the negative—yeas 52, nays 75. The yeas and nays demanded by Mr. Haywood.


Mr. Dockery moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon, was decided in the negative—yeas 59, nays 70. The yeas and nays demanded by Mr. Waugh.


Mr. Whitfield moved that the House adjourn until to-morrow one o'clock P. M. The question thereon, was decided in the negative—yeas 13, nays 110. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative, were Messrs. Baker, Craig, Dockery, Dudley, Graham, Henderson, Henry, Lilly, M'Clleese, M'Lean, M'Pherson, Norcom, Whitfield.


Mr. Norcom moved that the House adjourn until to-morrow morning 10 o'clock. The question thereon, was decided in the negative—yeas 59, nays 68. The yeas and nays demanded by Mr. Norcom,


Mr. Haywood moved that the House adjourn until 6 o'clock P. M.; and Mr. Outlaw moved to amend the motion, by fixing the time at 10 o'clock to-morrow. The question being put on the longest time, was decided in the affirmative—yeas 62, nays 62. The yeas and nays demanded by Mr. Haywood,


The House being thus equally divided, the Speaker voted in the affirmative; and so the House adjourned until to-morrow morning, 10 o'clock.

Saturday, December 6, 1834.

Mr. Guinn, from the committee on Propositions and Grievances reported a bill to divorce Sally Flowers from her husband Christopher Flowers; which was read the first time and passed.

Mr. Hill presented a bill supplemental to an act, passed in the year 1829, chapter 55, entitled an act to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and Mr. Smallwood, a bill to incorporate Washington Academy in the town of Washington, Beaufort county, and appoint trustees thereof. These bill were read the first time and passed.

Mr. Clarke presented a bill to divorce William Harvey of Beaufort county; which was read the first time and passed, and, on motion of Mr. Clarke, referred to the committee on Propositions and Grievances.

A message from the Senate informing that they had rejected the engrossed bill to repeal an act, passed in the year 1832, entitled an act con-
concerning the inspection of firewood, in the town of Newbern; and the engrossed bill to legitimate and alter the name of Albert Spring, of the county of Hyde.

A message from the Senate, agreeing to the proposition of this House that the report of the Commissioners on the State Capitol, be referred to the joint select committee on that subject, and that the report be printed, and proposing that the exhibits accompanying the same, also be printed. The Senate's proposition was agreed to.

A message from the Senate, agreeing to the proposition of this House, that the message of his Excellency the Governor, and the report of the commissioners appointed to revise the statute laws of this State, together with the accompanying documents, be referred to a joint select committee of three on the part of each House, and that the message and report be printed, and informing that Messrs. Branch, Holmes and Sawyer, compose their branch of said committee; said committee on behalf of this House consists of Messrs. Barringer, Poindexter and Clarke.

A message from the Senate, informing that they have passed the following engrossed bills and resolutions, viz. A bill to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates and Hyde; a bill to give exclusive jurisdiction to the superior courts for the counties of Anson and Montgomery, in all cases where the intervention of a jury may be necessary; a bill to protect seine places on Roanoke river; and a resolution in favor of James Monk, and asking the concurrence of this House, the said bills and resolution were read the first time and passed.

The bill to alter the name of Phenetta Parker and to legitimate her, and Josiah Wilson Pollard, of the county of Pitt, was read the second and third times, passed and ordered to engrossed.

The bill to incorporate the Burke county gold mining company; and the bill to divorce Elizabeth M. Starnes, of Macon county, were each read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorize the appointment of two surveyors, in the counties of Montgomery and Haywood, was read the second and third times, amended on motion of Mr. Witcher and passed. Ordered, that the concurrence of the Senate be asked in said amendment.

The bill to establish the merchants bank of the town of Newbern, was on motion of Mr. Manly, made the order of the day for Wednesday next.

The resignations of R. D. Gillis, as lieutenant colonel of the first division of Cumberland county militia; of John F. M'Corkle, as lieutenant colonel of the 63rd regiment of North militia; of Elijah Jacobs of Person county, and Jonathan Wood of Johnston county, justices of the peace, were presented, read and accepted.

The resignations of James Harper, as colonel commandant of cavalry, attached to the 2nd brigade; of Joseph D. Ward, as major of cavalry attached to the third brigade; of Eli Harris, a justice of the peace of the county of Montgomery, received from the Senate, were read and accepted.

Mr. Foushee presented a bill to reduce the salaries of the Supreme Court Judges; Mr. Clarke moved that said bill be rejected. The question thereon, was decided in the negative—yeas 55, nays 63. The yeas and nays demanded by Mr. Taylor;
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Whereupon the said bill was read the first time and passed.

Received from his Excellency Governor Swain, the following communication:

To the General Assembly of the State of North Carolina.

Gentlemen: By an act passed at the last session of the General Assembly, directing the sale of lands acquired by treaty, from the Cherokee Indians, the Governor was authorized in his discretion, to direct the sale of the surveyed lands belonging to the State, at such time and place as he might think proper. A resolution adopted at the same session authorized the Governor with the advice of the Counsel on the part of the State, to enter into a written agreement with certain individuals or their agent, claiming title to these lands, under grants to Cathcart, and Stedman, and Holderman, and Esselman, binding these persons in case they should recover all or any part of them, to accept in payment such bonds as might be received by the agent of the State, at the sale contemplated by the act referred to. This subject was regarded as one of much importance, and it was plain that any course which could be pursued was not free from difficulty. That these lands had been diminishing in value for years, owing to trespasses committed by squatters and others, was perfectly certain, and this furnished a strong inducement to dispose of them immediately. It was obvious however, that the Legislature did not intend that a sale should take place, unless the Governor was satisfied that the title of the State was valid, or that all difficulties incident to the transfer of a disputed title, should be obviated by a satisfactory arrangement with the claimants. The Counsel with whom I was directed to confer, entertained a decided opinion that any agreement which could be entered into with the agent, charged with the management of the suits in the Federal Court, would have no other effect than to create additional embarrassments. A large proportion, perhaps half the whole number of the plaintiffs are infants and feme covertis, and no agreement of the agent in question would bind them. The claimants of full age, in case the suits should be decided in their favor, would be entitled to the money and bonds received of the purchasers, while the minors and married women might elect to take the land; in such a state of things, it would be utterly out of the power of the State to satisfy the demands of both classes of claimants. It seemed very clear however, that to direct a sale without any reference to the resolution, would contravene the legislative will, and I did not hesitate therefore, to decline exercising the power which had been confided to me. At present I incline to the opinion, that it is advisable to dispose of these lands during the next year, and risk the consequences, but I shall not feel myself authorized to do so, unless such a course is sanctioned by a repeal of the resolution.

It has been found impracticable to have a map of the Cherokee Lands executed upon parchment, as required by another resolution adopted at the last session of the General Assembly. The principal surveyor, the late Mathew Baird, Esq., under whose direction the surveys of 1827 were made, constructed three original maps upon paper, one of which was deposited in the office of the Clerk of Macon county court; another in the Executive, and a third in the Secretary's office. Both of the latter have been put upon canvas, and there is no need for more than one to answer any purposes, designed to be effected here. I beg leave therefore, respectfully to suggest the propriety of repealing the resolution requiring a map, to be constructed upon parchment, and directing the transmission to the office of the clerk of Macon county court, of the map now in the Executive office.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, Dec. 6, 1834.
The foregoing communication was read, and on motion Mr. Guinn, referred to the committee on Cherokee Lands, and ordered to be printed.

Mr. Norcom moved that the vote of yesterday on the passage of the bill its third reading, entitled a bill to alter the place of selling lands for taxes, in Washington county, be reconsidered. The question to reconsider, was decided in the negative.

On motion of Mr. Manney, ordered that a message be sent to the Senate, informing that the name of William B. Lockhart, of Northampton, is added to the nomination for Public Treasurer.

The House now proceeded to the order of the day, and continued the discussion on the resolutions of Mr. Potts; and at a late hour on motion of Mr. Outlaw, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 8, 1834.

Mr. Manney and Mr. Waugh were appointed a committee to conduct on behalf of the Commons the balloting for a Public Treasurer, heretofore agreed on to be had this day.

Mr. Dudley presented a memorial signed by John Waddell, of the town of Wilmington, in relation to the treatment of himself and fellow passengers by the authorities of Nassau, on one of the British West India Islands. The memorial was read, and on motion Mr. Dudley, referred to the committee raised on that subject. A message from the Senate, informing that Messrs. Caldwell and Mebane, compose their part of the balloting committee for Public Treasurer.

Mr. Dudley, from the committee on Finance to whom the subject was referred, reported a bill to amend the charter of the Bank of Cape Fear; which was read the first time and passed.

On motion of Mr. Clarke,

Resolved, That the committee on Finance be instructed to inquire into the expediency of increasing the tax now levied by law, on Circus Companies, and report by bill or otherwise.

A message from the Senate, proposing to ballot immediately for major of cavalry in the 3d brigade and 6th division of North Carolina militia, and informing that Owen R. Kenan, of Duplin county, is nominated for the appointment; the proposition was concurred in, and Messrs. Hill and Monk, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Montgomery of Hertford, and Edmonston, form said committee on their part.

A message from the Senate, informing that Messrs. Wellborn, Hawkins, M'Queen, Wilder and Whitaker, form on the part of the Senate, the joint select committee on Public Buildings.

A message from the Senate, informing that they had rejected the engrossed bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him.

Mr. Haywood presented the petition of Allen Jones, of the city of Raleigh, praying the payment of an account for work done for the use of the State. The said petition and account were referred on motion of Mr. Haywood, to the committee on Claims.

Mr. Waugh, from the committee appointed to conduct the balloting for a Public Treasurer, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.
the elections in the county of Pasquotank, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in the amendment.

The resignation of Joseph D. Ward, as major of the regiment of Warren county militia, was presented, read and accepted.

The following resignations received from the Senate, were read and accepted, viz. Of Elisha Burke, as colonel, Wilson Reed, as lieutenant colonel, and John Layden, as major of the Hertford regiment of militia; of M. Young, as colonel of cavalry, attached to the 8th brigade and 4th division; of Samuel Watson, as colonel commandant of the 2d regiment of Robeson militia; of John T. Chambers, as lieutenant colonel of the Haywood militia; and of Bedreadden Caraway, as a justice of the peace for the county of Sampson.

On motion, a message was 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, according to previous arrangements; when David L. Swain, attended by the joint select committee heretofore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took and subscribed the oaths prescribed by law, for the qualification of the Governor of the State; the oaths being administered by the Hon. Henry Seawell, one of the judges of the Superior Courts of Law and Equity.

The House then proceeded to the orders of the day, and again resumed the discussion on Mr. Pott's resolutions; at a late hour Mr. Dockery moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative—yeas 54, nays 75. The yeas and nays called for by Mr. Lyon.


Mr. Baker moved that the House adjourn till to-morrow morning 10 o'clock; this question was also decided in the negative—yeas 51, nays 78.

The yeas and nays demanded by Mr. Lyon.


On motion of Mr. Crange, the House now adjourned until to-morrow morning 10 o'clock—yeas 64, nays 58. The yeas and nays demanded by Mr. R. Jones,


THURSDAY, DECEMBER 11. 1834.

On motion of Mr. Weaver, leave was obtained to withdraw from the files of the House, the petition of Joseph Wilson.

On motion of Mr. Sloan,

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

A message from the Senate transmitting the resignation of Daniel Coleman, as an engrossing clerk; the said resignation was read and accepted. On motion of Mr. Battle, ordered, that a message be sent to the Senate proposing to ballot immediately for an engrossing clerk to supply said vacancy, and informing that Joseph J. Ward, James R. Dodge and Thomas L. West, are nominated for the appointment.

A message from the Senate, agreeing to this proposition to ballot, and informing that Messrs. Whitaker and Cooper of Martin, attend this House as superintendents of the ballotting. Ordered, that Messrs. Baker and Smallwood, conduct said ballotting on behalf of this House.

A message from the Senate, proposing to ballot immediately for a major general of the ninth division of militia, and informing that Philip Irion and Harrison M. Waugh, are in nomination for the appointment; the proposition was agreed to, and Messrs. L. A. Gwyn and W. Horton, appointed a committee to conduct the ballotting on behalf of this House. A message from the Senate, informing that Messrs. Dobson and Martin compose said committee on their part.

Mr. Bedford presented the petition of sundry citizens of Rutherford county, relating to the turning of the public road, from Lincolnton to Rutherfordton; which was referred on Mr. Bedford's motion, to the committee on Propositions and Grievances.
consisting of forty shilling bills resting on the faith of the State, was the soundest and best we have ever had; and the said currency having been suppressed by unwise and unconstitutional legislation, it is expedient that the same be revived: Therefore

Resolved, That a select committee be appointed to take into consideration the several matters embraced in the foregoing preamble, whose duty it shall be to ascertain the mode and means by which subscriptions for stock have been paid for in the Bank created by the last session of the General Assembly, entitled an act to establish a Bank in the State of North Carolina, that the committee report a plan for securing to the people of North Carolina, the benefits of a sound and stable currency; and that for the foregoing several purposes, the said committee have power to send for persons and papers.

The said resolution was read and rejected—yeas 33, nays 55. The yeas and nays demanded by Mr. Matthews,


The House now proceeded to the order of the day, and resumed the consideration of the resolutions heretofore submitted by Mr. Potts. The discussion of the subject having been continued till a late hour, the House adjourned till to-morrow morning 10 o'clock.

WEDNESDAY, DECEMBER 10, 1834.

The Speaker laid before the House a communication from the Public Treasurer, transmitting official statements of the affairs of the several Banks of this State; on motion of Mr. Pugh, ordered that the same be sent to the Senate, and that the same be printed.

Received from his Excellency Governor Swain, the following communication:

Gentlemen: In compliance with the act of Assembly, passed in the year 1819, entitled "an act to create a fund for Internal Improvement, and to establish a Board for the management thereof," I transmit to you the Report of the Board of Internal Improvement for the present year.

DAVID L. SWAIN.

EXECUTIVE OFFICE, Dec. 10, 1834:

On motion of Mr. Barringer, ordered that the foregoing be transmitted to the Senate, and that the message and report be printed.

Mr. W. Jones presented a bill to incorporate a company by the name and style of the "Montgomery Gold Mining Company;" and Mr. Hutchison, a bill to incorporate the North Carolina Gold Mining Company. These bills were read the first time and passed.

Mr. Riddick presented a bill to repeal an act passed at the last session, entitled an act to regulate lay days on Frying Pan in Tyrrell county; Mr. Fitzrandolph the petition of Matthew Sikes of Bladen, praying to be restored to credit; Mr. Manly the petition of Sidney W. Jennings, praying to be divorced; and Mr. Norcom the petition of sundry citizens of Edenton, praying the emancipation of a slave named Davy Dickerson. These petitions and bill were referred to the committee on Propositions and Grievances.
Mr. Smallwood, from the committee on Finance, who were instructed to inquire into the expediency of increasing the tax on pedlars, reported that it is inexpedient to change the law as proposed, and prayed that the committee be discharged from the further consideration of the subject; the report was concurred in.

Mr. Monk presented the petition of Bright Johnston of Sampson county, in relation to fishing in Black river in said county; which was referred on motion of Mr. Monk, to the committee on Propositions and Grievances.

A message from the Senate, concurring in the amendment proposed by this House to the engrossed bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill, to incorporate the Martin County Grays, in the county of Martin, 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 have passed the following engrossed bills, viz. A bill to restore to credit Andy Baggerly of Iredell county; a bill to authorise John Sudderth and Patrick Hennesse to erect gates on their own lands, across a public road in the county of Burke; a bill to repeal in part an act passed in the year 1831, in addition to an act passed in the year 1830, in relation to the burning of the records of the county of Hertford; a bill concerning the county courts of Haywood county; and a bill to divorce Susan P. Durham, from her husband Archibald Durham, and asking the concurrence of this House. The said bills were read the first time and passed.

On motion of Mr. Weaver,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to any person or persons who may wish to evade the payment of any note or negotiable paper under seal, by denying the same before any justice of the peace or court of record, he shall answer upon oath as to the execution of the same, and that they report by bill or otherwise.

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

Whereas, the courts have refused to exercise the discretionary power given them by the act of 1837, of granting relief in all proper applications for divorces; and whereas, from such refusal, have grown the many applications to the Legislature for redress in many cases, that in justice require relief; and whereas, the time and expense consumed by the Legislature are at variance with the best interests of the people; wherefore

Resolved, That the committee on the Judiciary be instructed to report a bill providing that in all applications hereafter, (for divorces the cause set forth by the petitioner, in his petition to the Court) shall be regarded by the Court as a matter of fact; and if adjudged by a jury, to be sufficient under proper restrictions, to divorce from the bonds of matrimony, or only from bed and board, the Court shall give judgment accordingly.

The bill for the government of the town of Lawrenceville, in Montgomery county, was read the second time and passed.

The bill to incorporate the Fayetteville Mechanic's Benevolent Society; and the bill to alter the name of Moses Holmes, and to legitimate him, were severally read the second and third times, passed, and ordered to be engrossed.

The engrossed bill for the better regulation of the courts of pleas and quarter sessions of the county of Yancey, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to alter the time of opening and closing the polls of
Mr. Dockery moved that the House adjourn until to-morrow morning, 10 o'clock. This question was also decided in the negative—yeas 57, nays 63. The yeas and nays demanded by Mr. Allison.


On motion of Mr. Clarke, the House now adjourned until to-morrow morning at 10 o'clock—yeas 61, nays 60. The yeas and nays demanded by Mr. Allison.


TUESDAY, DECEMBER 9, 1834.

A message from the Senate, proposing another balloting immediately for
Public Treasurer, and informing that the name of Samuel B. Spruill, is withdrawn from the nomination; the proposition to ballot was agreed to, and Messrs. Howard and Perkins, appointed a committee to conduct it. A message from the Senate, informing that Messrs. Edmonston and and Barco form said committee on their part.

Received from his Excellency Governor Swain, the following communication:

To the General Assembly of the State of North Carolina.

GENTLEMEN: The accompanying communication from Romulus M. Saunders, Esq; was received at this department some days since, and contains the latest information with regard to the prospects of an adjustment of the claims of this State against the General Government for expenditures in the general defence during the late war with Great Britain. The previous correspondence on this subject which it has been my duty to conduct with General Saunders, and which presents a full view of all the measures which it has been deemed advisable to adopt in the prosecution of this claim, has been spread upon the Executive Letter Book, and is subject to your inspection.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 9th Dec. 1834.

The foregoing communication was read, and on motion of Mr. Graham, ordered that it be referred together with the letter of General Saunders, to the committee on Finance.

Mr. Jordan presented the petition of Kedar Bryan, of Cumberland county, praying to be restored to credit; which was on motion of Mr. Jordan, referred to the committee on Propositions and Grievances.

Mr. Waugh presented a resolution in favor of the heirs of William Gilliam; Mr. Lyon a resolution in favor of Owen Carroll, of Bladen county; and Mr. Martin a memorial from Micajah Hicks, praying to have issued to him certain grants of land for his military services. Said resolutions and memorial were referred to the committee on Claims.

Mr. Guinn presented a bill concerning the liabilities of sheriffs for claims put into the hands of themselves or their deputies for collection; which was read the first time and passed, and, on motion of Mr. Poindexter, ordered to be printed.

Mr. Manney presented a bill to construct a Central Rail Road, from the Port of Beaufort, to the Tennessee line; which was read the first time and passed, and, on motion of Mr. Manney, ordered to be printed, and referred to the committee on Internal Improvement.

Mr. Barringer, from the committee on the Judiciary to whom was referred the bill declaring and explaining the law on the subject of gifts and settlements, reported the same without amendment, when on motion of Mr. Barringer, the said bill was laid on the table.

The resignations of John B. Jordan, of Northampton county, and John W. Covington, of Richmond, justices of the peace, were presented, read and accepted.

Mr. Perkins, from the committee appointed to conduct the balloting for a Public Treasurer, reported that Samuel F. Patterson, of Wilkes, had received a majority of the whole number of votes, and that he was duly elected; the report was concurred in.

Mr. Potter presented the following resolution:

Whereas the state of the currency is a subject of paramount importance, and demands the most anxious and attentive consideration of the Legislature: and whereas, the enactment of laws either by this Assembly or by Congress, vesting the control over the currency in private corporations, is altogether at variance with the Constitution and destructive to the welfare and independence of the people: and whereas the old currency of North Carolina,
On motion of Mr. Poindexter, ordered that a message be sent to the Senate proposing another balloting immediately for this officer. A message from the Senate agreeing to the proposition, and informing that Messrs. Wilson and M'Cormick, form their balloting committee. Ordered that Messrs. Crump and Marsteller, superintend said balloting on behalf of the Commons.

Mr. Manly presented a memorial from sundry citizens of the town of Newbern, praying the passage of the bill now before the House to establish the merchants bank of the town of Newbern. The petition was read and laid on the table.

Mr. A. B. Smith presented a bill to incorporate the Nothampton Blues; Mr. Fleming a bill authorizing the county courts of Burke and Yancey counties, and appoint commissioners for laying off roads, &c.; Mr. Perry a bill to repeal in part, an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors, of the counties of Perquimans, Pasquotank and Gates, so far as respects the county of Perquimans; Mr. Tatham a bill to prevent obstructing the passage of fish up Highwassee, Nattaly and Valley rivers, in Macon county; and Mr. Blatchford a bill to incorporate the Baptist Church of the town of Elizabeth City, in the county of Pasquotank. These bills were read the first time and passed.

Mr. Monk, from the committee appointed to conduct the balloting for a major of cavalry attached to the 3rd brigade, reported that Owen R. Ke- nan had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. Weaver presented a bill for the better regulation of the militia of Buncombe county; and Mr. Guinn a bill to repeal part of an act passed at the last session, entitled an act better to promote the administration of justice, in Macon county. These bills were read the first time and passed.

The bill concerning coroner's fees, was read the second time and passed.

The bill amendatory of an act passed in the year 1777, chapter 23, respecting water grist mills, was read the second time, amended on Mr. Dudley's motion, and passed.

Mr. Marsteller, from the balloting committee for Public Treasurer, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

The House again proceeded to the unfinished business of Saturday, being the resolutions heretofore submitted by Mr. Potts. Mr. Outlaw having obtained the floor in the discussion, yielded it to Mr. M'Cleese, who moved that the resolutions lie on the table. The question on this motion, was decided in the negative—yeas 58, nays 72. The yeas and nays deman- ced by Mr. Bragg.


Mr. Baker moved that the House adjourn until to-morrow morning 10 o'clock. The question thereon was decided in the negative—ays 51, nays 72. The yeas and nays demanded by Mr. Baker.


Mr. Fleming moved that the House adjourn till half past 10 to-morrow. This question was also decided in the negative—ays 41, nays 80. The yeas and nays demanded by Mr. Potts.


Mr. Long moved that the House adjourn until to-morrow morning, 11 o'clock. The question was also decided in the negative—ays 32, nays 90. The yeas and nays called for by Mr. Marsteller.


Mr. Craige moved that the House adjourn until 10 o'clock to morrow morning. This question was also decided in the negative—ays 61, nays 65. The yeas and nays demanded by Mr. Waugh.

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker,
Mr. Jordan presented a bill to authorize the forming a fire engine company, in the town of Fayetteville; Mr. J. Horton a bill to quiet the titles to certain lands in this State; and Mr. Lyon a resolution in favor of James M'Lean. These bills and resolution were read the first time and passed.

Mr. Smallwood, from the balloting committee for an engrossing clerk, 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 an engrossing clerk, and informing that the name of Thomas L. West, is withdrawn from the nomination.

A message from the Senate, agreeing to the proposition of this House to refer to a joint select committee, so much of the message of his Excellency the Governor, as relates to the interest of North Carolina, in the public lands; and informing that Messrs. Branch, Speight, Sawyer, Holmes and Mebane, form their branch of said committee. Ordered, that Messrs. Henderson, Marsteller, Graham, Daniel and Harper, compose said committee on behalf of the Commons.

Mr. Gwyn, from the committee appointed to conduct the balloting for a major general of the ninth division of militia, reported that Philip Irion of Rockingham, had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion of Mr. Hutchison, ordered that a message be sent to the Senate, proposing to ballot immediately for colonel, lieutenant colonel, and major of cavalry attached to the 11th brigade and 4th division of militia, and informing that Wm. M. Greer is nominated for the first, James A. Dunn for the second, and Robert B. Houston for the third named appointment. A message from the Senate, agreeing to this proposition and informing that Messrs. M'Leary and Howell, are appointed to superintend the balloting on their part. Ordered, that Messrs. Hutchison and Locke conduct this balloting on our part.

A message from the Senate, agreeing to our proposition to ballot again immediately for an engrossing clerk, and informing that Messrs. Moye of Pitt, and Ennett, attend this House to conduct this balloting on their part. Ordered, that Messrs. Flemming and Sanders conduct this balloting on our part.

A message from the Senate, informing that in consequence of the appointment of Samuel F. Patterson, as Public Treasurer; William J. Cowan had been appointed principal, and Daniel Coleman, assistant clerk of the Senate.

On motion of Mr. Smallwood, ordered, that a message be sent to the Senate proposing that the two Houses meet on Saturday evening next, for the purpose of nominating and appointing field officers and justices of the peace.

The bill to amend an act passed in the year 1831, for the better regulation of the town of Waynesborough, was read the second and third times, passed and ordered to be engrossed.

Received from the Senate the certificate of the county court of Perquimons, in favor of Priscilla Goodwin, the widow of a soldier of the revolution, allowing her the sum of sixty dollars as a pension for the past year; the
said certificate was countersigned by the Speaker of this House, and returned to the Senate.

The bill to restore to credit John Masters of Yancy county, was read; Mr. Dockery moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 30, nays 82. The yeas and nays demanded by Mr. Outlaw.


Whereupon the said bill was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill for the better regulation of Onslow county; a bill requiring the Register of Guilford county, to keep his office at the court house in said county; a bill to alter the name of Martha Ann Williams; a bill to divorce Mary B. Cabe, from her husband Joseph Cabe; a bill to divorce Mary P. Eppes, from her husband Peter Eppes; a bill for the better administration of justice in the county of Onslow, and for other purposes; and a bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter, of Rutherford 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 they had passed the engrossed bill to divorce Isabella A. Potter, from her husband Robert Potter; and asking the concurrence of this House; the said bill was read the first time and passed. On motion of Mr. Harris the said bill was read the second and third times, passed and ordered to be enrolled.

The House now proceeded to the orders of the day, and again resumed the consideration of the resolutions heretofore submitted by Mr. Potts; and the question being on the motion of Mr. Craige to postpone indefinitely, the said resolutions, was decided in the negative—yeas 57, nays 71. The yeas and nays demanded by Mr. Fleming.


The question now recurring on the adoption of the resolutions, Mr. Barringer moved to strike out the first resolution and insert the following:

Resolved, That the sovereignty of the States is in the people thereof; that the Senators in Congress are the representatives of that sovereignty under the Federal Constitution; and that, therefore, the people in their primary assemblies, or by delegates elected for that purpose, have a right to instruct their Senators.

Mr. Potts called for a division of the question, and the question being, will the House strike out the said first resolution? was decided in the negative—yeas 55, nays 71. The yeas and nays demanded by Mr. Potts.


Mr. Outlaw moved to amend, by striking out the first resolution, and inserting the following:

Resolved, That the Legislature of North Carolina have no right, unless delegated for that purpose by the people, to instruct the Senators from this State in the Congress of the United States.

On motion of Mr. Potts, the question was first taken on striking out the said resolution named, and decided in the negative—yeas 53, nays 72. The yeas and nays demanded by Mr. Marsteller.


Mr. Harris moved to amend, by striking out the second resolution, and to insert the following:

Resolved, That the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States be, and he is hereby informed, that his vote upon the resolution, declaring that "the President in his late Executive proceedings, in relation to the public revenue, had assumed upon himself authority and power, not conferred by the Const.
Mr. Potts called for a division of this question also, and the question being first on striking out, was determined in the negative—yeas 59, nays 69. The yeas and nays demanded by Mr. Marsteller.


Mr. Manly moved to strike out from the first resolution, the words "acting as the representatives of the people of the State." The question on this motion was determined in the negative—yeas 57, nays 70. The yeas and nays demanded by Mr. Manly.


The question was now put on the adoption of the resolutions, and on motion of Mr. Long, taken on the adoption of each resolution separately. The first of said resolutions is in the following words, viz.

Resolved, That the Legislature of a State, acting as the representatives of the people of said State, have a right to instruct their Senators in Congress; and a just vindication of the character of our political institutions requires that such instructions should be given whenever a Senator misrepresents the will of the State upon great questions of national policy, or in times of public emergency.

The question on the adoption of said resolution, was decided in the affirmative—yeas 99, nays 28.

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Mr. Long now moved an amendment to said resolutions, which the Speaker decided to be out of order, as the question had been already put on the adoption of the whole resolutions. The voting of the House on each resolution separately, not having changed the question. From this decision, Mr. Long appealed to the House; and the question, "is the decision of the Chair, the decision of the House?" was determined in the affirmative—yeas 84, nays 42. The yeas and nays demanded by Mr. Barringer.


The second resolution is in the following words:

Resolved, That the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States be, and he hereby instructed to vote for expunging from the records of the Senate of the United States, the resolution declaring "that the President, in his late Executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

The question on the adoption of this resolution was decided in the affirmative—yeas 69, nays 57.


The third resolution is in the following words:

Resolved, That his Excellency the Governor of this State, be requested to transmit forthwith to the Hon. Willie P. Mangum, and to the Hon. Bedford Brown, one copy each of the foregoing resolutions.

The question on the adoption of this resolution, was determined in the affirmative—yeas 70, nays 51.

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

Friday, December 12, 1834.

Mr. Fleming, from the committee appointed to conduct the balloting for an engrossing Clerk, reported that Joseph D. Ward had received a majority of the whole number of votes; and that he was duly elected. The report was concurred in.

Mr. Hutchison, from the committee appointed to conduct the balloting for cavalry officers, attached to the 11th brigade and 4th division, reported that William M. Greer was duly elected colonel, and James A. Dunn, lieutenant colonel; and Robert B. Houston, major. The report was concurred in.

On motion of Mr. J. Horton, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a colonel of cavalry, attached to the 9th brigade, and informing that George Phillips, and William W. Peyton, are nominated for the appointment.

The proposition was agreed to, and Messrs. Stephens and Wilder, appointed on behalf of the Senate. Ordered that Messrs. J. Horton and Loudermilk, conduct said balloting on behalf of this House.

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

Mr. Graham was, on his own motion, excused from serving on the committee on enrolled bills; and Mr. Norcom substituted in his place.

On motion of Mr. Marsteller,

Resolved, That the committee on the Judiciary inquire into the expediency of amending the attachment laws, so that when property attached is replevied the securities to the replevy bond, may become liable for the debt and costs, and that they report by bill or otherwise.

Mr. Smallwood presented a bill to restore to credit William Brown, of the county of Beaufort; which was read the first time and passed, and on Mr. Smallwood's motion, referred to the committee on Propositions and Grievances.

The bill amendatory of an act passed in the year 1777, chapter 23, respecting water grist mills, was read the third time, and on motion of Mr. Bray, indefinitely postponed.

Mr. M'Cleese presented a bill to repeal an act, entitled an act respecting the courts of pleas and quarter sessions, in the county of Tyrrell, passed in the year 1325; and Mr. Harrison a bill to alter the name of, and legitimate Zadock Best, of Currituck county. These bills were read the first time and passed.

The bill vesting the power to authorize the erection of gates across public roads, in the several county courts; the bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected; the bill concerning coroner's fees; the bill for turning or altering roads in certain
cases; the bill to provide for the temporary appointment of registers in certain cases; the resolution in favor of William Kenly, of Davidson county; and the resolution authorizing a grant to be issued to William Wilson, were each read the third time, passed, and ordered to be engrossed.

The bill to divorce Sally Flowers, was read the second and third times and passed. On the passage of the bill on its third reading, Mr. Tomlinson called for the yeas and nays, and the vote was yeas 61, nay 54.


Ordered that the said bill be engrossed.

Mr. J. Horton, from the committee appointed to conduct the balloting for a lieutenant colonel of cavalry of the 9th brigade, reported that George Phillips had received a majority of the whole number, and was duly elected; the report was concurred in.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred the petition of James H. Hooper, praying the emancipation of a slave, named Matilda, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject; the report was agreed to.

Mr. Guinn, from the same committee to whom was referred the bill to emancipate Waller, reported unfavorably thereon. The said bill was thereupon read, and on motion of Mr. Marsteller, postponed indefinitely—yeas 62, nays 57. The yeas and nays demanded by Mr. Taylor.


The House now proceeded to the orders of the day, and, on motion of Mr. Manly, resolved itself into a committee of the Whole, Mr. King in the Chair, and took up for consideration the bill to establish the Merchants' Bank of the town of Newbern; and after some time spent therein, the
Speaker resumed the Chair, and the Chairman reported progress, and asked leave to sita gain. Leave was granted.

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

SATURDAY, DECEMBER 13, 1834.

The bill supplemental to act, passed in the year 1829, chap. 55, entitled an act to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus, and Duplin, was read the second and third times, amended, and passed, and ordered to be engrossed.

Mr. Guinn, from the joint select committee on that subject, reported a resolution relating to the sale of Cherokee lands; which was read the first and second times and passed.

The bill to incorporate the Baptist Church of the town of Elizabeth City, in the county of Pasquotank, was, on motion of Mr. Mathews, laid on the table.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred the bill to restore to credit William Sibbett, of Columbus county, reported unfavorably thereon, when the said bill was read, and on motion of Mr. Battle, postponed indefinitely.

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

Mr. Hutchison presented a bill to amend an act, entitled an act to incorporate a company in the county of Mecklenburg, under the name of the "Franklin Gold Mining Company;" which was read the first time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the bill to restore to credit Israel Robertson, of Haywood county, reported favorably thereon; when the said bill was read the second time and rejected—yeas 59, nays 61. The yeas and nays demanded by Mr. Maclin,


The resignation of Samuel F. Patterson, as major general of the 9th division of the militia, received from the Senate, was read and accepted.

On motion of Mr. Bragg, Resolved, That the committee on Finance be instructed to inquire into the propriety of imposing a tax on itinerant Dentists.
On motion of Mr. Outlaw,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of extending the power of the Superior Courts of this State, in granting divorces, and that they report by bill or otherwise.

Mr. Haywood presented a resolution in favor of Lewis Dupree; which was read the first, second and third times, two thirds of the House concurring, passed and ordered to be engrossed.

A message from the Senate, informing that they had rejected the engrossed bill, entitled a bill to alter the name of Eli L. Lewis of New Hanover county, and to legitimize him.

A message from the Senate, agreeing to the proposition of this House to print the late message of the Governor, together with the report of the Board for Internal Improvements, also the bank exhibits, transmitted by the Public Treasurer; and agreeing also to set apart Saturday evening, for the purpose of recommending field officers of militia, and justices of the peace.

Received from his Excellency the Governor, the following communication:

To the General Assembly of the State of North Carolina.

GENTLEMEN: I communicate for your consideration such resignations of militia officers and justices of the peace as have been tendered through this department for your acceptance.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 13th Dec. 1834.

The foregoing communication was read, and ordered to be transmitted to the Senate, together with the papers referred to.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill prohibiting lotteries; a bill to incorporate the Lincolnton light infantry company; a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimize him; the bill for the better regulation of the militia of Buncombe county; the bill to prevent obstructions to the passage of fish up Highwassie, Nattaly and Valley rivers, in Macon county; and a bill to divorce Catharine Parks, from her husband Gabriel Parks, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of John Hyde, of Haywood county, and asking the concurrence of this House; the said resolution was read the first time and passed.

The bill to repeal part of an act passed at the last session, entitled an act better to promote the administration of justice, in Macon county; the bill to incorporate the Northampton Blues; The bill to repeal in part, an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors, of the counties of Perquimons, Pasquotank and Gates, so far as respects the county of Perquimons; and the bill authorizing the county courts of Burke and Yancey counties, to appoint commissioners for laying off roads, &c.; were severally read the second and third times, passed and ordered to be engrossed.

The bill to amend the charter of the bank of Cape Fear, was read; Mr. Dudley moved to strike out the second section of the bill; which is in the following words, viz: "Be it further enacted, that it shall not be lawful for the said corporation to issue or put in circulation any note or notes, for a less sum than five dollars." The question thereon was decided in the af-
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firmative—yeas, 65, nays 50. The yeas and nays demanded by Mr. Williamsmn.


The said bill was thereupon, read the second time as amended, and passed.

The resignations of Solomon Loudermilk, as lieutenant colonel of the second regiment of Iredell militia; of Jeremiah Sanderlin, as lieutenant colonel of the 31st regiment of militia; of David Kendall, as colonel commandant of the 61st regiment; of John E. Husey, as colonel commandant of the 31st regiment; and of Mitchell R. Moore, as major in the volunteer regiment of Guilford militia; were presented, read and accepted.

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

SATURDAY EVENING, 3 o'clock.

The House again re-assembled, and after making and receiving sundry recommendations of justices of the peace, and field officers, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 15, 1834.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to restore to credit Eldridge Smith, of Wake county; which was on motion of Mr. Outlaw, ordered to lie on the table.

On motion of Mr. Graham, Resolved, That Joseph D. Ward, one of the engrossing clerks, have leave of absence from the service of the Legislature, from Wednesday until Saturday next, upon his furnishing a competent substitute.

Mr. King presented certain papers relating to the proceedings of a court martial, in Iredell county; which was referred on Mr. King's motion to the committee on Military Affairs.

Mr. Harris presented the petition of William Jackson, praying to be restored to credit; and Mr. Daniel the petition of sundry citizens praying a modification of the act of Assembly of last session, relating to fishermen on the Frying Pan, in Tyrrell county. The petitions were referred to the committee on Propositions and Grievances.

Mr. Marsteller, from the committee on Military Affairs, reported a resolution in favor of major Sylvester Churchill; and a resolution directing the Adjutant General, to collect the public arms; which were read the first time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to restore to credit Thomas E. Justice, of Buncombe county; said bill was read the first time, and on motion of Mr. Waugh, rejected.

Those who voted for the rejection of the bill, were Messrs. Albritton, A. H. Alexander, G. H.


Mr. Clarke presented a bill for the better regulation of the town of Bath, in Beaufort county; and Mr. Weaver a bill to give further time for paying in entry money. These bills were read the first time and passed.

The bill to quiet the titles to certain lands in this State; and the engrossed resolution in favor of James Monk; were read the second time and passed.

The resolution in favor of James M'Lean, was read the second time and passed, and on motion of Mr. Daniel, referred to the committee on Claims.

The bill for the better government of the town of Lawrenceville, in Montgomery county, was read the third time, passed and ordered to be engrossed.

A message from the Senate, concurring in the amendment made by this House to the engrossed bill to alter the time of opening and closing the polls of the elections, in the county of Pasquotank. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to alter the name of Moses Holmes, and to legitimate him, 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 resolution in favor of Wm. S. Mhoon, Esq., and the engrossed resolution in favor of Mark Hill, and asking the concurrence of this House. The said resolutions were read the first time and passed.

Mr. Waugh announced to the House the death of William Adams, one of the members of this House from the county of Guilford; and, on motion of Mr. Waugh, ordered 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 make the necessary arrangements for the funeral of the deceased, and proposing further that the members of the Legislature wear the usual badge of mourning for thirty days. A message from the Senate, concurring in these propositions of the House, and informing that Messrs. Parker, Dowd, and Moye of Greene, form their branch of said committee. Ordered, that Messrs. Waugh, Lindsay, and Rush, form said committee on behalf of the Commons.

On motion of Mr. Graham,
Resolved, That the Speaker of this House issue a writ to the Sheriff of Guilford county, directing him to hold an election on Friday the 19th inst. for a member of this House, to supply the vacancy occasioned by the death of William Adams.

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

TUESDAY, DECEMBER 16, 1834.

On motion of Mr. Hoke, ordered that a message be sent to the Senate,
proposing that the two Houses ballot immediately for a colonel, and lieutenant colonel of cavalry, attached to the 10th brigade and 3d division, and nominating Joseph Abernathy, as colonel, and Richard Rankin, as lieutenant colonel.

Alfred M. Slade the member elect from the county of Martin, to fill the vacancy occasioned by the resignation of Edwin S. Smithwick, appeared; and was qualified according to law.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred the bill to repeal an act passed at the last session, entitled an act to regulate lay days on Frying Pan, in Tyrrell county, reported favorably thereon, when the said bill was on motion of Mr. Riddick, laid on the table.

Mr. Guinn, from the same committee, reported unfavorably on the bill to emancipate Doctor, a slave, when the said bill was on motion of Mr. Battle, postponed indefinitely—yeas 66, nays 46. The yeas and nays demanded by Mr. G. Smith,


Mr. M'Cleese presented a bill to repeal an act passed in 1829, to reduce the licence to peddlars on the South side of Albemarle Sound; and 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, on motion of Mr. Waugh, referred to the committee on the Judiciary.

Received from his Excellency Governor Swain, the following communication:

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

Gentlemen: The General Assembly, of 1832, authorized the Governor "to take such steps in relation to the contract with Ball Hughes for the restoration of the Statue of Washington as he might deem advisable." In the discharge of this duty, at an early day after the adjournment of the Legislature, (23d January, 1833,) I opened a correspondence with Mr. Hughes in relation to this subject, which closed upon his part on the 3d of April last.

I now transmit for your consideration copies of all the letters which have been addressed to him this department, all the original letters which have been received from him, together with copies of communications which have been interchanged by the Department with the Hon. Wm. Gaston, Robert Donaldson, Esq. and Louis D. Henry, Esq. in the attempt to discharge the duty confided to me by the Legislature.

The controversy with Mr. Hughes cannot be well understood, without an examination of the original contract and the various letters which are laid before you. I consider it only necessary to refer to these papers as affording conclusive evidence that Mr Hughes possesses the requisite skill to enable him to fulfill his engagements, but that he is, unfortunately for the interests of the State and his own reputation, entirely beyond the influence of either legal or moral coercion. DAVID L. SWAIN.

Executive Department, Dec. 16, 1834.

On motion of Mr. Graham, ordered that the foregoing message and documents be transmitted to the Senate, with a proposition that they be referred to a joint select committee of three on the part of each House.
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so 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.

Mr. Guinn presented the following resolution,

Whereas there are no fees prescribed for conveying paupers from one county to another, by order of the wardens of the poor: Therefore

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, the compensation for performing the orders of the wardens of the poor, and that they report by bill or otherwise.

The bill concerning the liabilities of sheriffs for claims put into the hands of themselves or their deputies for collection, was on motion of Mr. Haywood, referred to the committee on the Judiciary.

Mr. Sloan presented a bill to incorporate Spring Vale Academy, in the county of Sampson, and to appoint the trustees thereof; Mr. Hutchison a bill to incorporate Mallard Creek Classical School, in the county of Mecklenburg; and Mr. A. B. Smith a bill authorizing the Northampton Blues to draw on the Adjutant General for a stand of arms. These bills were read the first time and passed.

Mr. Craig presented the following resolution,

Whereas, by an act of the General Assembly, passed in the year 1790. Chapter 6, "No person in 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 authority either civil, military, judiciary, or otherwise, under the authority of this State: the Senators of this State to the United States, and the Representatives of this State to the United States, shall be considered as coming within the meaning and purview of this law, and shall be excluded from all State offices, except the office of a justice of the peace and offices in the militia; and any person accepting any such appointment under the authority of the United States, and holding any office or appointment under the authority of this State, the said State appointment is hereby declared to be vacant:’’ and whereas Romulus M. Saunders, now acting as the Attorney General of this State, has accepted and now holds from the General Government the appointment of Commissioner under the late treaty with France, in violation of the above act, contrary to the genius and spirit of our republican institutions, and in contempt of the dignity and sovereignty of this State: therefore,

Resolved, by this General Assembly, that the office of Attorney General is vacant; and that on Monday, or some day thereafter, this body proceed to the election of some person to perform the duties of said office.

The foregoing resolution was read, and on motion of Mr. Craig, ordered to be printed, and made the order of the day for Monday next.

The resolution relating to the sale of Cherokee Lands, was read the second time and passed, and referred on motion of Mr. Henry, to a select committee; said committee consists of Messrs. Henry, Guinn, Battle, outlaw and J. L. Smith.

Mr. Norcom presented a bill to incorporate the Albemarle Rail Road Company; which was read the first time and passed, and on motion of Mr. Norcom, ordered to be printed.

Mr. Bray presented a bill to repeal an act, entitled an act concerning the entry of land in this State, passed in the year 1826; which was read the first time and passed, and on motion of Mr. Bray, referred to a select committee consisting of Messrs. Bray, Harrison, Marsteller, Carter, and Monk.

The bill prohibiting lotteries, and the bill to give further time for paying in entry money, were each read the second times, amended and passed.
The bill to incorporate the Tuckaleesha Smokey Mountain Turnpike Company; the resolution in favor of Major Sylvester Churchill; the resolution directing the Adjutant General to collect the public arms; the resolution in favor of Elizabeth Forbes; and the resolution in favor of Caleb Barco, were each read the second time and passed.

The bill to amend the charter of the Cape Fear Bank; and the bill to quiet the titles to certain lands in this State, were each read the third time, passed, and ordered to be engrossed.

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

The engrossed resolution in favor of John Hyde, of Haywood county, 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 divorce Mary B. Cabe, from her husband Joseph Cabe; also the engrossed bill to divorce Mary P. Eppes, from her husband Peter Eppes; and the engrossed bill to divorce Susan P. Durham, from her husband Archibald Durham, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of Wm. S. Mhoon, Esquire; and the engrossed resolution in favor of Mark Hill, were each read the second and third times, passed and ordered to be enrolled.

Mr. King presented a bill to divorce Ellena M. Cobb; which was read the first time and passed. On motion of Mr. King, the said bill was again read the second time. Mr. Tomlinson moved that said bill be postponed indefinitely, and called for the yeas and nays; this question was decided in the negative—yeas 23, nays 97.

Those who voted in the affirmative, were Messrs. Boddie, Braswell, Bynum, Davis, Foscoe, Gwyn, Haywood, Hill, Houlder, R. Jones, Kenan, Lee, M'CLEESE, Outlaw, Powell, Pugh, Riddick, A. B. Smith, Stockard, Tomlinson, Weaver, Welsh, Ziglar.


The said bill thereupon passed the second reading, and on motion of Mr. King, was read also the third time, passed, and ordered to be engrossed.

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

WEDNESDAY, DECEMBER 17, 1834.

Mr Guinn, from the joint select committee raised on the subject, reported a resolution relating to a Map of the Cherokee lands; which was read and adopted, and ordered to be engrossed.

The Speaker laid before the House, a letter addressed to him by Romulous M. Saunders, asking permission to be heard at the bar of the House, upon the subject of the resolution yesterday submitted by Mr. Craig. The communication was read, and on motion of Mr. Haywood, leave granted as prayed for.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the engrossed bill to authorize and empower the court of pleas and quarter sessions, to allow compensation to commissioners, who shall attend with a processioneer to
establish disputed lines, reported the same with an amendment. When the said
bill was read the second time and passed.

Mr. Barringer, from the same committee, who were instructed to inquire into
the propriety of amending the attachment laws, reported against the expediency of
the measure, and asked to be discharged from the further consideration of the
subject. The report was concurred in.

Mr. Barringer, from the same committee, who were instructed to inquire into
the expediency of providing by law, for the payment of debts of deceased insol-
vent debtors among their creditors, pro rata, reported that it is not expedient to
change the law as contemplated; and asked to be discharged from the further
consideration of the subject. The report was concurred in.

Mr. Barringer, from the same committee, to whom was referred a memorial
from sundry justices of the peace, of Orange county, reported that the objects con-
templated by the memorialists, are fully provided for in a bill now before this
House, amendatory of the law in relation to the election of sheriffs; and asked to
be discharged from the further consideration thereof. The report was concur-
red in.

Mr. Brandon was, at his own request, excused from serving on the joint select
committee on public buildings, and Mr. Clement substituted in his place.

On motion of Mr. Jordan, ordered that a message be sent to the Senate, propos-
ing that a ballotting be had immediately for colonel, lieutenant colonel, and ma-
jor of cavalry, attached to the 18th brigade; and nominating J. B. G. Roulhac
for the first, A. W. Mebane, and James Southall for the second, and John R. Gil-
liam for the third named appointment.

A message from the Senate, agreeing to this proposition; and informing that
Messrs. M'Millan and Moye of Green, are appointed their committee to conduct
the ballotting. Ordered that Messrs. Jordan and Henderson, conduct this ballotting
on behalf of the Commons.

The resignation of H. M. Cave, as a justice of the peace of the county of Or-
ange, was presented, read, and accepted.

Mr. Battle, from the committee on the Judiciary, who were instructed to in-
quire into the expediency of authorizing the several county courts to appoint spe-
cial justices, reported a bill concerning the courts of pleas and quarter sessions, in
the several counties of this State; which was read the first time and passed.

Mr. Clarke presented sundry papers relating to the petition of William Har-
vey for a divorce; which were referred, on motion of Mr. Clarke, to the comit-
tee on Propositions and Grievances.

Mr. Weaver presented a bill, granting further time to perfect titles to lands
within this State: Mr. Henry, a bill to repeal the second section of an act passed
in the year 1832, making additional compensation to the Secretary of State, for
certain services therein named; Mr. Clarke, a bill to establish the town of Leach-
ville in Beaufort county, and to appoint commissioners thereof; Mr. Smallwood,
a bill compelling the county courts of Beaufort, to appoint two surveyors for said
county; Mr. Harris, a bill concerning the exercise of suffrage by free persons of
color; and Mr. Hill, a bill to authorize the commissioners of Kenansville in Du-
plin county, to sell part of the town commons. These bills were read the first
time and passed.

The bill to incorporate the North Carolina Gold Mining Company; and the
bill to incorporate a company by the name and style of the "Montgomery Gold
Mining Company," were each read the second time and passed.

The bill to reduce the salaries of the Supreme Court Judges, was read,
and on motion of Mr. Kittrell, postponed indefinitely—yeas 65, nays 58. The
yeas and nays demanded by Mr. Kittrell,

Those who voted in the affirmative were, Messrs. Albright, R. H. Alexander, G. H. Alex-
ander, Barringer, Battle, Bell, Boddie, Bray, Brunimell, Consler, Clement, Clarke, Craig,


The House now proceeded to the orders of the day; and on motion of Mr. Mauly, again went into committee of the whole, (Mr. King in the Chair,) on the bill to establish the Merchants' Bank of Newbern; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House, with sundry amendments. The amendments were read and concurred in; and the question, shall the said bill pass as amended the second reading? was decided in the negative—yeas 51, nays 59. The yeas and nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were Messrs. Allbritton, R. H. Alexander, Barringer, Bell, Brummiell, Carter, Clement, Clarke, Coor, Craig, Dudley, Foreman, Foscue, Frink, Graham, Guinn, Gwyn, Hartly, Henderson, Henry, Hoke, Howard, Jordan, Kenan, King, Kittrell, Latham, Lilly, Lindsay, Lock, Londermilk; Manly, Marsteller, Martin, Matthews, M'Lean, M'Neil, Norcom, Ousby, Outlaw, Pindexter, Register, Rush, Sanders, Seawell, Sloan, Smallwood, Tatham, Watson, Waugh, Jacob Williams.


Mr. Outlaw, from the committee on Privileges and Elections, to whom were referred sundry papers relating to the contested election of James Seawell, the sitting member from the town of Fayetteville, made a detailed report thereon; which was read, and on motion of Mr. R. H. Alexander, laid on the table.

Mr. Henderson from the committee of ballotings for cavalry officers of the 18th brigade, reported that Joseph B. G. Roulhac, was duly elected colonel; A. W. Mebane, lieutenant colonel; and John R. Gilliam, major. The report was concurred in.

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

THURSDAY, DECEMBER 18, 1834.

A message from the Senate, agreeing to the proposition of this House to refer to a joint select committee, the message of his Excellency the Governor, with the accompanying documents, relating to the restoration of the statue of Washington, and informing that Messrs. Little, Lockhart and Kerr, form their Branch of the committee. Ordered, that Messrs. Lindsay, Latham and Brummiell, form said committee on behalf of the Commons.

Mr. Barringer, from the committee on the Judiciary, to whom was referred an inquiry, into the expediency of amending the laws, relating to insolvent debtors, reported that the law requires no amendment in the mode contemplated, and prayed to be discharged from the further consideration of the subject. The report was concurred in.
Mr. J. L. Smith presented a bill to regulate the courts of pleas and quarter sessions of Haywood county; Mr. Walker a bill to authorize the courts of pleas and quarter sessions of Haywood county, to appoint places of public sale; Mr. Smallwood a bill concerning the corporation of the town of Washington, in Beaufort county; and Mr. Blalock a bill to empower the county court of Yancy county, to lay a tax to encourage the destruction of wolves in said county. These bills were read the first time and passed.

The bill to give further time for paying in entry money; the resolution directing the Adjutant General to collect the public arms; the resolution in favor of Major Sylvester Churchill; the resolution in favor of Caleb Barco; and the resolution in favor of Elizabeth Forbes, were each read the third time and passed, and ordered to be engrossed.

The bill to alter the name of, and legitimate Zadock Best, of Currituck county; and the bill compelling the county courts of Beaufort, to appoint two surveyors for said county, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Daniel, from the committee on Claims to whom was referred the resolution in favor of Owen Carroll, of Bladen county, reported favorably thereon, when the said resolution was read the second time and passed.

Mr. Daniel, from the same committee, reported favorably on the resolution in favor of John Cherry; which was read the second time and passed.

Mr. Barringer, from the committee on the Judiciary who were by resolution directed to inquire into the expediency of amending the law, so as to require persons who deny the execution of any note or negotiable paper, under seal to answer upon oath as to the execution of the same, reported that it is inexpedient to change the law as proposed; the report was concurred in.

Mr. King presented a petition from certain citizens of Iredell county, praying a law to be passed to prevent obstructions to the passage of fish in Fifth Creek, in said county; which was on motion of Mr. King, referred to the committee on Propositions and Grievances.

Mr. Haywood, from the committee on Finance to whom were referred sundry resolutions relating to the public revenue, reported a bill to provide for a fair valuation of lands in this State, and prescribing the mode in which the said lands, and other taxable property shall be given in by the owners thereof, for taxation; which was read the first time and passed, and on motion of Mr. Manly, ordered to be printed.

Mr. Monk, who voted in the majority on the rejection of the bill to establish the Merchant's Bank, of the town of Newbern, moved that the House do now reconsider that vote. The House agreed to reconsider, when the said bill was read the second time, amended on the motion of Mr. Sanders, and passed—yeas 62, nays 52. The yeas and nays demanded by Mr. M'Cleese.


Mr. Norcom presented a bill founded on a petition to regulate the public ferry at Edenton; which was read the first time and passed, and on motion of Mr. Norcom, referred to the committee on Private Bills.

The bill to authorize the forming a fire engine company, in the town of Fayetteville; and the bill to repeal an act passed in 1826, to reduce the licence to pedlars on the South side of Albemarle Sound, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to repeal a part of the third section of an act passed in the year 1831, in addition to an act passed in the year 1830, in relation to the burning of the records of the county of Hertford; the bill concerning the county courts of Haywood county; and the engrossed bill to authorize John Sudderth and Patrick Hennessey, to erect gates on their own lands across a public road in the county of Burke, were each read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to provide for running and establishing a part of the dividing line between the counties of Burke and Rutherford; a bill to alter the name of Jacky Ann Moring, and to legitimate her; a resolution in favor of Joseph Shepard; and a resolution in favor of Jesse Hulsey, 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 the amendment made by this House to the engrossed resolution in favor of John Hyde, of Haywood county. Ordered that said bill be enrolled.

Received from his Excellency Governor Swain, a communication relating to the apprehension and recapture of John Sugg, a fugitive from justice; which was on motion of Mr. Barringer, referred to the committee on Claims.

The bill to construct a Central Rail Road from the port of Beaufort, to the Tennessee line, was on motion of Mr. Manney, made the order of the day for Wednesday next.

The engrossed bill to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates and Hyde, was on motion of Mr. Battle, laid on the table.

Mr. Loudermilk presented a bill to prevent the felling of timber in or otherwise obstructing the run of Lower Little river, in the county of Iredell, which was read the first time and passed.

The engrossed bill to protect seine places on Roanoke river; and the engrossed bill to incorporate the Martin County Grays, in Martin county, were each read the second time and passed.

The engrossed bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter, of Rutherford county, was read, and on motion of Mr. Battle, indefinitely postponed.

On motion of Mr. Craigie, the bill concerning a Convention to amend the Constitution of the State of North Carolina, was made the order of the day for Monday next.

The engrossed bill for the better regulation of the militia of Onslow county; the engrossed bill to give exclusive jurisdiction to the superior courts for
the counties of Anson and Montgomery, in all cases where the intervention of a jury shall or may be necessary; the engrossed bill requiring the register of Guilford county to keep his office at the court house in said county; and the engrossed bill for the better administration of justice in the county of Onslow; and for other purposes, were each read the second and third times, passed, and ordered to be enrolled.

The resignation of Philip Irion, as colonel of the 91st regiment, and of John Houston, as lieutenant colonel of the militia of Jones county, received from the Senate, were read and accepted.

The bill to restore to credit Andy Bagerly, of Iredell county, was read, and on motion of Mr. Battle, postponed indefinitely—yeas 72, nays 24. —

The yeas and nays demanded by Mr. Tomlinson,


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

**Friday, December 19, 1834.**

Mr. Guinn, from the committee on Propositions and Grievances, to whom were referred the petitions of Kedar Bryant, of Cumberland, and of Abner Dunnighan, of Surry county, praying to be restored to credit, reported unfavorably thereon, and asked to be discharged from the further consideration of the same. The report was concurred in.

Mr. King presented the petition of Mary Sloan, widow of capt. John Sloan, a soldier of the revolution, praying to be placed on the pension roll of the State. Said petition, was on motion of Mr. King, referred to the committee on Claims.

The resignation of Turner Bynum, as a justice of the peace, of the county of Edgecomb, was presented, read and accepted.

Mr. Monk presented a bill to appoint commissioners for the town of Clinton, and for other purposes; which was read the first time and passed.

Mr. Jordan presented the following resolution:

Resolved, That the president and directors of the Cape Fear Navigation Company be, and they are hereby directed to report the amount of capital stock of said company, subscribed and paid for; and what disposition has been made of the same. Whether any part remains unexpended and what amount. Whether they have any available funds, and to what amount, and in what said funds consist. Whether any locks, dams, or sluices, have been erected on the Cape Fear river between Fayetteville and Wilmington, if any, how many, and at what points on said river, and the costs of the same. Whether any improvement has been effected in the navigation of the Cape Fear river, and if any, to what extent. Whether they have any Boats or Engines in operation on the Cape Fear river for deepening the channels of the same, and removal of obstructions, and if so—under whose superintendence and direction at this present time. Whether any tolls have been collected, and to what amount, and when they commenced collecting the same. Whether any of the tolls so collected, have been expended on the Cape Fear river in improving the same, and to what amount. And whether any of the tolls so collected have been appropriated to the payment of dividends and to what amount.

Said resolution was read, and on motion of Mr. Marsteller, referred to
select committee of four; said committee consists of Messrs. Marsteller, Jordan, Haywood and Lyon.

Mr. Marsteller, who voted for the resolution in favor of major Sylvester Churchill, on yesterday, moved that the House do now re-consider that vote; the House agreed so to re-consider, when the said resolution was again put on its passage, on the third reading and rejected.

Mr. Seawell presented a bill, supplemental to the act to incorporate the Cape Fear, Yadkin and Pedee railroad company; and Mr. Fleming a bill for the better regulation of the superior courts of Burke county; these bills were read the first time and passed.

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

The bill to divorce William Harvey, of Beaufort county; and the bill to amend an act, entitled an act to incorporate a company, in the county of Mecklenburg, under the name of the Franklin Gold Mining Company, were each read the second and third times, passed and ordered to be engrossed.

The Speaker laid before the House a petition of John Brown, agent and attorney in fact, of the devisees of Wm. Cathcart, praying to have a grant issued for 107,520 acres of land, in Buncombe county, or that the purchase money, with interest thereon be refunded; said petition was read, and on motion of Mr. Battle, referred to a select committee. Said committee consists of Messrs. Battle, Haywood, R. H. Alexander, Potts and Whitfield.

The resignation of Neil M'Nair, as a justice of the peace of the county of Richmond, was presented, read and accepted.

The engrossed bill to divorce Catharine Parks, from her husband Gabriel Parks, was read the second time, and on motion of Mr. Outlaw, indefinitely postponed—yeas 62, nays 47. The yeas and nays demanded by Mr. Outlaw,


The bill to provide for the relief of sureties, in certain cases, was read, and on motion of Mr. King, postponed indefinitely—yeas 79, nays 39. The yeas and nays demanded by Mr. Marsteller.


The bill to provide for the relief of sureties, in certain cases, was read, and on motion of Mr. King, postponed indefinitely—yeas 79, nays 39. The yeas and nays demanded by Mr. Marsteller.
Mr. Howard presented a bill to establish and incorporate a town at Trent bridge, in the county of Jones, by the name of Pollocksville; which was read the first time and passed.

Mr. Dudley, from the committee on Finance to whom the subject was referred, reported a bill to provide for the payment of the instalments, on the shares reserved to the State, in the capital stock of the bank chartered by the act passed at the last session of the Legislature, entitled an act to establish the Bank of the State of North Carolina. The said bill was read the first time and passed, and on motion of Mr. Dudley, ordered to be printed, together with the report of the committee on Finance on the subject, and the bank exhibits accompanying the same.

Mr. Slade presented a bill to alter the name of Wm. Pollard, of the county of Martin, and to legitimize him; which was read the first time and passed.

The bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed at the last session of the General Assembly, was read the second and third times, amended and passed, and ordered to be engrossed.

The bill to establish the merchants’ bank of the town of Newbern, was read the third time, passed and ordered to be engrossed. The vote on the third reading of the bill was—yeas 68, nays 51. The yeas and nays demanded by Mr. Lyon.


The House, on motion of Mr. Graham, resolved itself into a committee of the whole, Mr. Marsteller in the Chair, and took up for consideration the bill prohibiting lotteries, and after some time spent therein the Speaker resumed the chair, and the Chairman reported the said bill to the House, with sundry amendments. The amendments were read and concurred in; and the bill read as amended the third time and passed—yeas 92, nays 3. The yeas and nays called for by Mr. Manney.


Those who voted in the negative were Messrs. M’Cleese, Waugh, Seawell.
Mr. Barringer, on motion, obtained leave to withdraw from the files of the House, the testimonials and certificates accompanying the bill to emancipate Waller.

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

**SATURDAY, DECEMBER 20, 1834.**

A message from the Senate, proposing to ballot immediately for cavalry officers of the 2d brigade and 8th division of militia, and informing that William M. Albritton is in nomination for colonel, Josiah Barrott for lieutenant colonel, and William Dixon for major. The proposition was agreed to, and Messrs. Hartley and Foscue appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Moye of Green and Harrison, form said committee on their part.

Mr. Daniel, from the committee on claims, to whom was referred the petition of John Williams, reported a resolution in his favor; which was read the first time and passed.

Mr. Daniel, from the same committee, reported favorably on the resolution in favor of James M'Lean; when the same was read the third time, passed, and ordered to be engrossed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the Petition of Matthew Sikes, praying to be restored to credit, reported unfavorably thereon; and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Bell presented a bill to provide for the more convenient administration of justice in Carteret county; which was read the first time and passed, and on motion of Mr. Daniel, referred to the committee on the Judiciary.

The resolution in favor of John Cherry; and the resolution in favor of Owen Carroll of Bladen county, were read the third time, passed, and ordered to be engrossed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred a petition on the subject, reported a bill to emancipate George Jasper, a slave; which was read the first time and passed.

The engrossed resolution in favor of Joseph Shepherd, was read the second time and passed; the resignation of Isham Malone, a justice of the peace of the county of Person, was presented, read, and accepted.

The engrossed bill to authorize and empower the court of pleas and quarter sessions, to allow compensation to commissioners who shall attend with a processioneer to establish disputed lines, was read, and on motion of Mr. King, laid on the table.

The bill concerning the courts of pleas and quarter sessions, in the several counties of this State, was read the second time and rejected.

Mr. Haywood was, at his own request, excused from serving on the select committee, to whom was referred the petition of John Brown, agent of the heirs of William Cathcart, and Mr. Jordan substituted in his stead. Mr. Haywood was also excused from serving on the select committee, to which was referred the resolution adopted yesterday, in relation to the Cape Fear navigation company, and Mr. Dudley substituted in his place.

Received from his Excellency the Governor, by his private Secretary, William Hill, the following communication:

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

Gentlemen: I communicate herewith, the annual report of the Treasurer of the Board of Trustees of the University of this State, which has been submitted to a committee; the disbursements found to be sustained by regular vouchers, and the accuracy of all the items in the account, regularly ascertained.

The demise of Col. Polk; and Doctor William Martin, and the removal from the State of
the Rev. Mr. Witherspoon, and General Thomas Love, have created four vacancies in the Board of Trustees, which the charter of the corporation requires to be supplied by the General Assembly.

EXECUTIVE DEPARTMENT, 20 Dec. 1834.

On motion of Mr. Marsteller, ordered that the foregoing be transmitted to the Senate, and that the message and report be printed.

On motion of Mr. Barringer, ordered that the documents accompanying the report of the commissioners appointed to revise and digest the statute laws of the State be printed.

Received from his Excellency the Governor, the following communication:

To the General Assembly of the State of North Carolina.

GENTLEMEN: I have received within a few days past the proceedings of a meeting recently held in Wilmington, relative to the improvement of the Cape Fear river. The intelligence upon this subject, is of the most gratifying character, and its authenticity seems to be sustained by the clearest testimony. It is with sincere pleasure, therefore, although not formally requested to do, that I transmit to you so interesting a document. I can but hope that the result of this experiment on the great central river of the State, so confidently pronounced by many to be chimerical, will have a salutary effect upon public opinion.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 20th Dec. 1834.

On motion of Mr. Dudley, ordered that the foregoing message with the paper transmitted, be referred to the committee on Internal Improvement.

Mr. Barringer, from the committee on the Judiciary, to whom 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 against the expediency of the measure, when the said bill was read, and on motion of Mr. Poindexter, indefinitely postponed.

Mr. Marsteller, from the Joint Select committee on Military Affairs, to whom was referred the Adjutant General's report, reported that they find nothing in said report requiring legislative action, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Marsteller, from the same committee, reported a bill altering the number of company musters from two to four per annum; which was read the first time and passed.

Mr. Marsteller, from the same committee, reported a resolution directing the distribution of military tactics in executive office; which was read and adopted, and ordered to be engrossed.

Mr. R. Jones presented a bill to repeal and amend part of the 3d section of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be appointed in this State; Mr. Harrison a bill to amend an act passed in the year 1805, concerning wrecks; and, Mr. Brumell a bill to regulate drill musters, in the second regiment of North Carolina militia, in Davidson county. These bills were read the first time and passed.

On motion of Haywood, the report of the committee on Privileges and Elections in the case of Mr. Seawell, the sitting member from the town of Fayetteville was recommitted to the same committee.

Mr. Weaver, who voted yesterday for the indefinite postponement of the bill to divorce Catharine Parks from her Husband Gabriel Parks, moved that the House do now reconsider that vote. The question was decided in the negative,—yeas 33, nays 63; the yeas and nays called for by Mr. Craige.


Mr. Hartly, from the committee appointed to conduct the balloting for cavalry officers attached to the 2d brigade and 8th division of the militia, reported that Wm. M. Albritton was duly elected colonel, Josiah Barrott, lieutenant colonel, and William Dixon, major. The report was concurred in.

The engrossed resolution in favor of Jesse Hulsey, was read the second time and passed.

The engrossed bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him, was read the second and third times; passed and ordered to be enrolled.

On motion Mr. Waugh, ordered that a message be sent to the Senate proposing to ballot on Monday next for councillors of State.

Mr. Mathews presented the following resolution:

Resolved, That this Legislature adjourn sine die, on Saturday the 27th of December, and that the clerks be directed to make out the estimates to that time.

Mr. Haywood moved that said resolution lie upon the table; the question thereon was decided in the negative—yeas 41, nays 55. The yeas and nays demanded by Mr. M'Cleese.


The subject was further discussed, when, on motion of Mr. Outlaw, the said resolution was laid on the table.

Mr. Haywood gave notice that he should on Monday next, move the following amendment to the rules of order. "No private bill shall be introduced into this House after Wednesday, the 24th day of December, except by leave of two thirds of the House first obtained.

O motion of Mr. Matthews

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of so altering the laws of this State as to substitute some other punishment in lieu of whipping white persons: and that said committee inquire into the expediency of estates being a penitentiary in this State: and that they report by bill or otherwise.

The resignation of Solomon Swann, as a justice of the peace of the county of Surry, and of Joel M'Lean as lieutenant colonel of cavalry, in the 8th brigade and 9th division of the militia, were presented read and accepted.

The bill to repeal the 2d section of an act, passed in the year 1832, making additional compensation to the Secretary of State for certain services therein named, was read, when Mr. Poindexter moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 36, nays 69.

The yeas and nays called for by Mr. G. Smith.


Those who voted in the negative were, Messrs. Allison, Baker, Bedford, Bell, Blatchford, Blalock, Braswell, Bynum, Byrum, Cansler, Carter, Coor, Davenport, Davis, Dayton, Dockery, Fort, Foscue, Foushee, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Henry, W. Horton, Houlder,
MONDAY, DECEMBER 15, 1834.

Ralph Gorrell, the member elect from the county of Guilford, to supply the vacancy occasioned by the death of Wm. Adams, appeared; produced the certificate of his election, and was qualified according to law.

Mr. Stockard asked and obtained leave to withdraw from the files of the House, the memorial of the justices of the peace of Orange county.

Mr. Clarke presented a bill, to establish the Merchants' and Farmers' Bank in the town of Washington; and Mr. Manly a bill, concerning a part of Dryborough. These bills were read the first time and passed, and the first named on motion of Mr. Poindexter, ordered to be printed.

Mr. Marsteller, from the committee on military affairs, to whom was referred certain proceedings of a court martial of Iredell county, reported that it is not expedient to legislate on the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Battle, from the select committee, to whom was referred the resolution relating to the sale of Cherokee lands, reported favorably thereon; when the said resolution was read the third time, passed and ordered to be engrossed. Mr. Haywood was excused from voting on the adoption of this resolution, having been heretofore retained as counsel for claimants to said lands.

Mr. Guinn, from the committee on propositions and grievances, to whom was referred the petition of William Jackson, praying to be restored to credit, reported unfavorably thereon; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Guinn, from the same committee, to whom was referred the bill to restore to credit Wm. Brown, of the county of Beaufort, reported favorably thereon; when the said bill was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill altering the boundaries of the 1st and 2d regiments of Burke county militia; a bill to restore George B Grier, of the county of Buncombe, to the privileges of a free citizen; and a bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan 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 they had passed the engrossed bill to incorporate the Fayetteville Mechanics' Benevolent Society, and the engrossed resolution in favor of Caleb Barco, with certain amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Marsteller presented a bill to repeal and amend part of an act, passed in 1833, entitled an act to repeal an act passed in 1818, entitled an act, fixing the sum to be hereafter paid to the State for vacant lands.

Mr. Davis a bill to repeal an act, entitled an act to alter the name of Kinston, in Lenoir county, passed 1833. These bills were read the first time and passed.

Mr. Outlaw, from the committee on privileges and elections, to whom was recommitted the case of James Seawell, made a report accompanied by the following resolution, viz:

Resolved, That James Seawell the sitting member, is entitled to his seat as a member for the town of Fayetteville, in the House of Commons.
Mr. Jordan moved to strike out all after the word resolved in the said resolution, and insert the following:

1st. That the Constitution of this State does require, according to its true construction, that a member of the Legislature representing any town in this State, shall, for six months, possess and continue to possess, not less than one hundred acres of land in the county in which he is chosen, in fee or for the term of his own life.

2d. Resolved, That James Seawell, the sitting member from the town of Fayetteville did not, for six months previous to the election, and does not now possess in fee or for the term of his own life, one hundred acres of land in Cumberland county.

3d. Resolved, That depositions in a contested election, concerning the mode of conducting said election, or concerning the qualification of voters at said election, which are taken on the first day of the session of the Assembly, ought not, on that account only, be rejected.

4th. Resolved, That at the last election, held for a member of the town of Fayetteville, Thomas L. Hybert received a majority of the legal votes; and that James Seawell is not entitled to retain his seat in this present Legislature.

5th. Resolved, That Thomas L. Hybert is duly elected to represent the town of Fayetteville and that he take his seat accordingly.

Mr. Haywood moved to amend the amendment, by striking out the 3rd resolution, and inserting the following:

Resolved, That depositions taken in a contested election, concerning the mode of conducting said election, or concerning the qualification of voters at said election, which are taken at any time during the session of the General Assembly, without special leave of the House, ought to be rejected.

The question on Mr. Haywood's motion, was decided in the affirmative.

Mr. Graham moved to strike out all of the second resolution, after the word "Fayetteville" and insert "possesses a free hold sufficient to entitle him to membership in the House of Commons, he being in possession of a mortgage not foreclosed;" this was agreed to.

Mr. Battle moved to amend the amendment of Mr. Jordan, by striking out the first resolution; this question was decided also in the affirmative.

Mr. Mitchell now moved that the resolution as reported by the committee, together with the amendments, be laid on the table, and demanded the yeas and nays on the question; the question on Mr. Mitchell's motion was decided in the negative—yeas 15, nays 112.

Those who voted in the affirmative were, Messrs. R. H. Alexander, Bragg, Braswell, Dudley, Gwyn, Hutchison, W. Jones, Mitchell, M' Cleese, M'Lean, Pugh, Sanders, Smallwood, Wadsorth, Waugh.


The question now recurring on striking out the resolution as reported by the committee, and inserting the amendment as amended. Mr. Craige, called for a division of the question; and the question "will the House strike out the said resolution" was decided in the negative. The question was then put on the adoption of the resolution, as reported by the committee, and decided in the affirmative—yeas 79, nays 42. The yeas and nays demanded by Mr. Dockery.

Those who voted in the affirmative were, Messrs. Albrighton, R. H. Alexander, Barringer, Battle, Bedford, Bell, Blalock, Boddie, Brandon, Braswell, Bray,

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Blatchford, Bragg, Byrum, Carter, Clement, Coor, Davenport, Davis, Foushee, Frink, Fitzrandolph, Guinn, Hawkins, Harrison, Hounder, R. Jones, Jordan, Lee, Lyon, Marsteller, Mullen, Perry, Powell, Pugh, Register, Roebuck, Sloan, G. Smith, S. Smith, Stockard, Swaner, Slade, Tatham, Taylor, Tillett, Tomlinson, Weaver, Welch, Willey, Jacob Williams.

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

TUESDAY, DECEMBER 23, 1834.

A message from the Senate agreeing to the amendments made by this House to the engrossed bill prohibiting lotteries; ordered that said bill be enrolled.

A message from the Senate informing that they had postponed indefinitely the engrossed bill to divorce William Harvey, of Beaufort county.

Mr. Haywood presented a resolution in favor of Francis H. Reider, which was read the first time and passed, and referred, on Mr. Haywood's motion, to the committee on Claims.

Mr. Haywood presented the petition of Lucy T. Reed; and Mr. Harris the petition of Lucy R. Hendrick, praying to be divorced from their respective Husbands. These petitions were referred to the committee on Propositions and Grievances.

Mr. Marsteller presented a bill to incorporate the Trustees of Rock Fish Academy, in New-Hanover county; and Mr. Craige a bill to grant to the Mecklenburg gold mining company an amended charter. These bills were read the first time and passed.

On motion, leave of absence from the service of the House, from and after this day, until the end of the session, was granted to Nathaniel L. Mitchell.

Mr. Whitfield presented a petition of sundry citizens of Lenoir county, praying a repeal of the act of the last session changing the name of Kinston to that of Caswell; said petition was, on motion of Mr. Whitfield, laid on the table.

Mr. Hamrick presented a bill to incorporate the Howard's Gap turnpike company; Mr. Weaver a bill altering the time of holding the Courts of Pleas and Quarter Sessions, of the counties of Buncombe and Yancey, and for other purposes; and Mr. Walker a bill to authorize the making of a turnpike road in Haywood county; and to incorporate a company for that purpose. These bills were read the first time and passed.

Mr. M'Neill presented a bill to provide for the final settlement of executor's and administrator's; which was read the first time and passed; and, on motion of Mr. Daniel, referred to the committee on the Judiciary.

Mr. Hawkins presented a resolution in favor of the heirs of Joseph Hale, deceased, which was read the first time and passed; and, on motion of Mr. Hawkins, referred to the committee on Claims.

Mr. Dudley presented a bill requiring the sheriff of New-Hanover to give bonds of increased amount; which was read the first time and passed.

On motion of Mr. Waugh,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of so amending the road laws as to compel the county courts to assign in pro...
Mr. Guinn presented the following resolution, which was read and adopted:—

Whereas, a resolution has passed the Commons authorizing the Governor to direct a sale of the Cherokee lands. Be it therefore

Resolved, That the committee on Finance be instructed to inquire into the expediency of letting the occupants of said land purchase it at the State price, without a public sale. Resolved, That they further inquire into the expediency of appointing an agent at the sale of said land, whose duty it shall be to receive the bonds given by the purchasers from the commissioner and retain them in that county for payment, and that they have leave to report by bill or otherwise.

Mr. Monk presented a resolution directing the Secretary of State to purchase certain copies of M'Rae’s maps; which was read the first time and passed.

The resolution in favor of Jesse Hulsey, and the engrossed resolution in favor of Joseph Shepherd, were each read the third time; passed and ordered to be enrolled.

The bill granting further time to perfect titles to lands within this State was read the second time and passed.

The resignation of James A. Henderson of Lincoln, and of Sam’l Brooks of Hyde county, justices of the peace, were presented, read and accepted.

On motion of Mr. Craigie, the House now resolved itself into a committee of the Whole, (Mr. Long-in the chair) and took up for consideration the bill concerning a convention to amend the constitution of the State of North Carolina, and after some time spent therein, the Speaker resumed the chair; and the chairman reported that the committee had made progress in the consideration, and not having time to perfect the said bill, asked leave to sit again. Leave was granted.

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

Wednesday, December 24, 1834.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the petition relating to turning the road from Lincolnton to Rutherfordton, reported that it is not expedient to pass a law upon the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Maclin presented a resolution in favor of John B. Jasper; which was read the first time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the petition of Bright Johnston, together with a bill concerning fishing in Black river, reported unfavorably thereon. The bill was read the first time and passed.

The bill to provide for the payment of the instalments on the shares reserved to the State in the Capital Stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina, was read the second time.

Mr. Potter moved to strike out the first section of the bill. The question thereon was decided in the negative. The question, shall the said bill pass its second reading? was decided in the affirmative—yeas 70, nays 54. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were, Messrs Albritton, R. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Baloock, Brandon, Bray, Bramwell, By-

A message from the Senate, proposing that the two Houses ballot immediately for Councillors of State for the ensuing year, and informing that Peter H. Dilliard, Henry Skinner, Peter Clingman, Daniel Turner, William S. Ash, Allen Rogers Sen'r, Louis D. Henry, George Williamson, Geo. W. Jeffreys, Alfred Jones, Isham Matthews, and Jonathan Harelson, are in nomination for the appointment. The proposition was agreed to, and Messrs. Latham and Brumell appointed a committee to conduct the ballotting. A message from the Senate, informing that Messrs. Edmonston and Moye of Pitt, are appointed superintendants on their part.

A message from the Senate, proposing to ballot immediately for colonel, and lieutenant colonel of cavalry attached to the 10th brigade and 3d division of North Carolina militia, and informing that Joseph Abernathy is in nomination for colonel, and Richard Rankin for lieutenant colonel. The proposition was agreed to, and Messrs. Hamrick and Hoke appointed a committee to conduct the ballotting. A message from the Senate, informing that Messrs. Fairley and Shipp, form their ballotting committee.

A message from the Senate, informing that they had rejected the engrossed bill, to divorce Ellena M. Cobb.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to build a Court House in the county of Pasquotank, and asking the concurrence of this House. The said bill was read the first time and passed. Mr. Hartley presented a bill, to repeal an act to amend an act passed in the year 1819, chapter 103, entitled an act to prevent obstruction to the passage of fish up Neuse river; and also to repeal an act passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's Creek, and Trent river; Mr. Tatham, a bill supplemental to an act passed at the last session, entitled an act to improve the State road from the bank of the Tuckaseegee river by the way of Franklin to the Georgia line; Mr. M'Cleese, a bill to prevent the obstruction to the passage of fish up Frying Pan, in the county of Tyrrell; Mr. Brandon, a bill to authorize the appointment of two surveyors in the county of Anson. These bills were read the first time and passed.

The bill to repeal an act, entitled an act to alter the name of Kinston, in Lenoir county, passed in 1833; and the bill to repeal an act, entitled an act respecting the courts of pleas and quarter sessions of the county of Tyrrell, passed in the year 1825, were each read the second and third times, passed, and ordered to be engrossed.
Mr. Outlaw presented the following resolution, which was read and adopted.

Whereas, Christmas is a day observed by all Christian people; be it therefore

Resolved, That a message be sent to the Senate, proposing that when the two Houses adjourn, they adjourn to meet on Friday next at 10 o'clock.

On motion of Mr. Lyon,

Resolved, That the Committee on the Judiciary be instructed to examine the law relative to the duty of Grand Jurors, and see whether or not it would not be expedient to change the law so as not to make it their duty to return persons for small assaults, where there was no injury done on either side; and that they report by bill or otherwise

The resignations of Wm. M. Albritton, as lieut. colonel of cavalry of the 2d brigade and 5th division; of A. W. Mebane, as major of cavalry in the Bertie regiment; and of Allen Peoples, as major in the Guilford regiment, were read and accepted.

A message from the Senate, agreeing to the proposition of this House, that the two branches of the Legislature adjourn over to Friday next.

Mr. Hoke, from the balloting committee for cavalry officers attached to the 10th brigade and 3d division, reported that Joseph Abernathy, was duly elected colonel, and Richard Rankin, lieutenant colonel. The report was concurred in.

Mr. Brummell, from the balloting committee for councillors of State, reported that Henry S. Skinner of Perquimons, Peter H. Dilliard of Rockingham, George Williamson of Caswell, Daniel Turner of Warren, Allen Rogers, senr. of Wake, Louis D. Henry of Fayetteville, and William S. Ashe of New Hanover county, had each received a majority of the whole number of votes, and that they were duly elected. The report was concurred in.

Mr. Cotten presented a bill to emancipate Benjamin, a slave; which was read the first time and passed.

The House again resolved itself into a committee of the whole, Mr. Long in the Chair, on the bill concerning a Convention to amend the Constitution of the State of North Carolina, and after some time spent therein the Speaker resumed the chair, and the Chairman reported the bill to the House, with sundry amendments; when, on motion of Mr. Craige, it was ordered that the said bill as amended be printed, lie on the table and be made the order of the day for Friday next.

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

Friday, December 26, 1834.

Mr. Latham presented a bill to amend part of the second section of an act, passed in the year 1833, entitled an act to regulate the proceedings in the court of pleas and quarter sessions in Craven county; Mr. Guinn a bill to encourage the discovery of mines in this State; Mr. Clark a bill authorizing the several county courts to appoint one or more surveyors in their discretion for each county; and Mr. Hartly a bill to amend an act, passed in the year 1831, entitled an act to incorporate Beard's Creek Guards, in the county of Craven. These bills were read the first time and passed.

Mr. Rush presented the petition of Jacob Lassiter, of Randolph county, praying to be allowed to erect a gate across a public road, running through his land. Said petition was referred on motion of Mr. Rush, to the committee on Propositions and Grievances.

Mr. Jordan presented a bill to amend an act, passed in the year 1833,
entitled an act concerning market fees, in the town of Fayetteville; and Mr. Lindsay a bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford. These bills were read the first time and passed.

Mr. Deyton presented a bill to attach the militia of the county of Yancy, to the 15th brigade; which was read the first time and passed.

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

The resignations of John Mitchell, as major of the 71st regiment of militia; and of William Carr, jun'r, as a justice of the peace, of the county of Duplin, were presented, read and accepted.

Mr. Daniel, from the committee on Claims to whom was referred the petition of Matthew Miller, reported a resolution in his favor; which was read the first time and passed.

Mr. Daniel, from the same committee, reported favorably on the resolution in favor of the heirs of Joseph Hale, deceased; which was thereupon read the second time and passed.

Mr. Harris presented a bill authorizing the county court of Granville, to make allowances in certain cases; which was read the first time and passed.

Mr. King presented the following resolutions, which were read and adopted:

Resolved, That the committee on Education be instructed to inquire into the expediency of making an appropriation from the Literary Fund, for the purpose of Draining a part of the marsh or swamp lands, now appropriated by law to the Literary Fund.

Resolved further, That said committee be instructed to report a bill, directing the manner in which said lands shall be disposed of when drained, and the purposes to which the proceeds shall be applied.

Mr. Haywood presented a resolution in favor of Willis Scott; which was read the first, second and third times, two thirds of the House concurring, passed, and ordered to be engrossed.

Mr. Henry presented a bill relative to the hands called to work on the State road, leading from the old Fort, in Burke county, to Asheville, in Buncombe county; and Mr. Weaver a bill for the preservation of public buildings, in the county of Buncombe, and for the improvement of the town of Asheville. These bills were read the first time and passed.

The bill to incorporate a company by the name and style of the Montgomery Gold Mining Company; the bill to incorporate the Tuckaleechea Smokey Mountain Turnpike Company; the bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the Bank, chartered by the act of 1833, to establish the Bank of the State of North Carolina; the bill to prevent obstructions to the passage of fish up Frying Pan, in the county of Tyrrell; the bill granting further time to perfect titles to land within this State; and the bill to incorporate the North Carolina Gold Mining Company, were severally read the third time, passed, and ordered to be engrossed.

The bill to repeal the 2nd section of an act, passed in the year 1832, making additional compensation to the Secretary of State, for certain services therein named, was on motion of Mr. Henry, referred to a committee of three members; said committee consists of Messrs. Henry, Poindexter and Guinn.

The engrossed bill to protect seine places on Roanoke river; and the engrossed bill to incorporate the Martin County Grays, in Martin county, were each read the third time, passed, and ordered to be enrolled.
The bill for the better regulation of the town of Bath, in Beaufort county; the bill to incorporate the Albemarle Rail Road Company; and the engrossed bill to incorporate the Lincolnton Light Infantry Company, were each read the second time and passed.

The House now proceeded to the orders of the day, and took up for consideration the bill concerning a Convention to amend the Constitution of the State of North Carolina; when on motion of Mr. Kittrell, it was ordered that said bill be recommitted to a select committee, composed of one member from each Congressional District of the State. The question on this motion, was determined in the affirmative—yeas 74, nays 52. The yeas and nays demanded by Mr. G. H. Alexander,


Said committee consists of Messrs. Kittrell, Barringer, Weaver, Waugh, Cotton, Poindexter, Haywood, Dudley, Pugh, Bragg, Norcom, Whitley, and Smallwood. Ordered that said committee have leave to sit during the business hours of this House.

On motion of Mr. Battle, ordered that a message be sent to the Senate proposing that the two Houses ballot on Monday next, for four trustees of the University of North Carolina. Received from the Senate a message, agreeing to the proposition, whereupon the following persons were nominated for the appointment, viz. John B. Muse, Burton Craig, William H. Harden, Henry S. Clarke, Richard H. Alexander and Pleasant Henderson.

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

The bill to amend an act, passed in the year 1805, concerning wrecks, was read, and on motion of Mr. Manly postponed indefinitely. Ordered that Mr. Willey have leave to withdraw from the files of the House the petition on which said bill was founded.

The bill to repeal and amend part of the 3d section of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be appointed in this State, was read the second time, amended, and passed, and on motion of Mr. Guinn, referred to a select committee, consisting of Messrs. Guinn, Clarke, Smallwood, R. Jones and Gorrell.

The bill altering the time of holding the courts of pleas and quarter sessions in the counties of Buncombe and Yancey, and for other purposes; the bill authorizing the Northampton Blues to draw on the Adjutant General, for a stand of arms; the bill to incorporate Spring Vale Academy, in the county of Sampson, and to appoint trustees thereof; the bill to prevent the tending of timber in or otherwise obstructing the run of Lower Little river, in the county of Iredell; and the bill to incorporate the Mallard Creek Clas-
sical School, in the county of Mecklenburg, were each read the second and third times, passed, and ordered to be engrossed.

Mr. King presented a bill to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the trustees thereof; which was read the first time and passed.

The bill to appoint commissioners for the town of Clinton, and for other purposes; the bill to establish the town of Leachsville, in the Beaufort county, and to appoint commissioners thereof, were each read the second and third times, passed, and ordered to be engrossed.

The resolutions vacating the office of Attorney General, were on motion of Mr. Haywood, made the order of the day for Monday next.

The engrossed bill to alter the name of Jacky Ann Moring, and to legitimate her, was read the second time and passed, and on motion of Mr. Harper, referred to the committee on the Judiciary.

The engrossed bill to provide for running and establishing a part of the dividing line between the counties of Burke and Rutherford, was read the second time and passed, and on motion of Mr. Fleming, ordered to lie on the table.

The engrossed bill to build a Court House in the county of Pasquotank, was read the second time and rejected.

Mr. Matthews moved that the House now proceed to the consideration of the resolution heretofore submitted by him, proposing that the two Houses adjourn sine die, on the 27th instant. The question on taking up the resolution, was decided in the negative—yeas 49, nays 59.


Mr. Sanders presented the following resolution:

Resolved. That the two Houses adjourn sine die on the 3rd day of January next.

Which was read, and on motion of Mr. Graham, laid on the table—yeas 60, nays 45. The yeas and nays demanded by Mr. Sanders.


The resignation of George Phillips, as major of cavalry, attached to the ninth brigade, was presented, read and accepted.

On motion of Mr. Outlaw, ordered that a message be sent to the Senate,
proposing to ballot immediately for major of cavalry, attached to the 18th brigade; the said appointment having been erroneously filled during the present session before the vacancy had occurred, and informing that John R. Gilliam and James Southall, are in nomination for the said appointment.

Mr. Potts presented a resolution directing a new roll to be made of the several justices of the peace of this State; which was read the first time and passed.

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

Saturday, December 27, 1834.

A message from the Senate, agreeing to ballot for a major of cavalry, attached to the 18th brigade, and informing that Messrs. Cooper and Staley, compose their balloting committee. Ordered that Messrs. Crump and Carter, superintend said balloting on behalf of the Commons.

Mr. W. Jones presented a resolution in favor of Mark H. Hill; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal an act, passed at the last General Assembly, entitled an act to create an additional wreck district, in the county of Hyde, and for other purposes; a bill to repeal an act, passed in 1832, entitled an act appointing lay days on Rocky river, joining Anson and Montgomery counties; a bill authorizing John Treadwell, sen'r, of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabethtown, in Bladen county, and to receive toll for crossing the same; a bill to regulate the laying and collecting of town taxes in and for the town of Plymouth; a bill authorizing A. R. T. Hunter, of Macon county, to erect a bridge across the Hivassee river, near the mouth of Valley river; a bill to amend an act establishing the Tennessee River Turnpike Road; a bill to incorporate the Gatesville Turnpike Company; and a bill to prevent nuisances in the river Roanoke, and asking the concurrence of this House. These bills were each read the first time and passed, except the last named bill, entitled a bill to prevent nuisances in the river Roanoke, which was read and rejected.

Received from his Excellency the Governor, the following communication:—

To the General Assembly of the State of North Carolina.

GENTLEMEN: The winter session of the Supreme Court will convene in this city on Monday next. The room used since the destruction of the State House as a court room, is at present occupied by the Comptroller of Public Accounts; and hence it becomes necessary to provide accommodation for the court elsewhere. The only legitimate authority to do so is vested in the General Assembly.

D. L. SWAIN.

Executive Department, 27 Dec. 1834.

The foregoing communication was read, and on motion of Mr. Flemming, ordered that it be transmitted to the Senate, with a proposition to refer it to a joint select committee; and informing that Messrs. Flemming, Marsteller, Graham, Haywood and Houlder, form our branch of said committee.

Mr. Bray presented a bill to repeal an act, passed in the year 1829, entitled an act, directing the manner in which constables shall be appointed in this State, so far as regards the county of Currituck; Mr. J. W. Guinn a bill amendatory of an act, passed at the present session, entitled an act, granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin in Macon county; Mr. Cansler a bill to repeal the 6th section of an act, entitled an act, concerning the wardens of the poor of the county of Lincoln; and Mr. Tatham a bill authorizing the entering of unsurveyed lands, acquired by treaty from the Cherokee Indians. These bills were read the first time and passed.
The bill concerning fishing in Black river, was read and rejected.

Mr. Smallwood, from the select committee, to whom was referred the bill to repeal and amend part of the third section of an act, passed in 1833, entitled an act, directing the manner in which constables shall hereafter be appointed in this State, reported the same with an amendment. The amendment was agreed to, and the said bill read the third time as amended, and passed, and ordered to be engrossed.

The bill concerning the corporation of the town of Washington, in Beaufort county; the bill to empower the county court of Yancey county, to lay a tax to encourage the destruction of Wolves in said county; and the bill to authorize the commissioners of Kennansville, in Duplin county, to sell part of the town commons, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Guinn, from the select committee, to whom was referred the bill to repeal second section of an act, passed in the year 1832, making additional compensation to the Secretary for certain services therein named, reported the same with an amendment; which amendment was agreed to, and the said bill read the third time as amended, and passed, and ordered to be engrossed.

The bill for the better regulation of the superior courts in Burke county, was read the second and third times, amended on motion of Mr. Blalock, passed, and ordered to be engrossed.

Mr. Crump, from the committee appointed to conduct the balloting for a major of cavalry attached to the 18th brigade, reported that John R. Gilliam had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Hoke presented a resolution, in favor of Hon. James Martin; which was read the first time and passed.

Mr. Daniel, from the committee on claims, to whom was referred the resolution in favor of Francis R. Reeder, made a report thereon; when the said resolution was read the second time, amended and passed.

A message from the Senate, informing that they had passed the engrossed bill authorizing the county courts of Burke and Yancey counties, to appoint commissioners for laying off roads, with sundry amendments; and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, agreeing to refer the message of his Excellency the Governor, this day transmitted to the Senate, to a joint select committee; and informing that Messrs. M'Queen, Caldwell, Hawkins, Wyche and Arrington, form said committee on the part of the Senate.

Mr. Kitrell, from the select committee, to whom was referred the bill concerning a convention to amend the constitution of the State of North Carolina, reported an entire substitute for the said bill. The question arising on striking out the said original bill and inserting the substitute. Mr. Outlaw demanded a division of the question, and the question being on striking out, was decided in the affirmative. The question being next taken on inserting the substitute and amendment reported by the committee, was decided in the affirmative—yeas 68, nays 61.

The yeas and nays demanded by Mr. Outlaw.


Those who voted in the negative, were Messrs. Albrighton, G. H. Alexander, Baker, Blatchford, Boddie, Bragg, Brax, Bynum, Byrum, Carter, Clarke, Coor, Crump, Daniel, Davison, Davis, Foreman, Fort, Frink, Fitzrandolph, Harper, Harrison, Hill, Houlde, Howard,
Mr. Outlaw moved to strike out of said bill, that clause in the 15th section, providing for the election of the Governor of the State, by the free white men thereof. The question thereon was decided in the negative—yeas 35 nays 94. The yeas and nays demanded by Mr. Marsteller,


Mr. Matthews moved to strike out so much of said section, as relates to Borough representation. The question thereon was decided in the negative—yeas 60, nays 68. The yeas and nays called for by Mr. Powell,


Mr. Bakers moved the following as an additional section: "and be it further enacted, that the convention shall, if it think proper, change the seat of Government of this State; and the place so fixed upon by the convention, as the seat of Government shall continue so to be, unless altered by any subsequent convention that may be called. The question on the adoption of this amendment was decided in the negative—yeas 19, nays 103. The yeas and nays demanded by Mr. Baker,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Baker, Blatchford, Coor, Davis, Fort, FitzRandolph, Hill, Kenan, Monk, Marsteller, McLeod, M'Neill, M'racken, Register, Sloan, S. Smith, Wadsworth.

Mr. Smallwood offered the following amendment: "be it further enacted, that the election of the judges of the superior and supreme courts of this State, shall be vested in the free white men thereof." The question on the adoption of this amendment was also decided in the negative—yeas 22, nays 103. The yeas and nays demanded by Mr. Smallwood,


Mr. Taylor offered the following amendment: "that no lawyer pleading under a license, shall be a member of either branch of the Legislature." The question on the adoption of this amendment was decided in the negative—yeas 20, nays 110. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative were Messrs. G. H. Alexander, Blatchford, Byrum, Byrum, Carter, Hawkins, Harrison, Hill, Houlder, Mullen, McGeele, Powell, Register, S. Smith, Swanner, Taylor, Tillett, Wadsworth, Welch, Ziglar.


The said bill was further amended on motion of Mr. Houlder, read the second time as amended, and passed—yeas 66, nays 64. The yeas and nays being demanded by Mr. Swanner,


Ordered that said bill be printed as amended

Mr. Long moved that the amendment offered to said bill by Mr. Taylor and
the vote thereon, be expunged from the Journal. This question was decided in the negative.

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

MONDAY, DECEMBER 29, 1834.

On motion of Mr. Martin, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for a major of cavalry attached to the ninth brigade, and nominating Wm. Peyton for the appointment.

Mr. Poindexter, from the committee on the judiciary, to whom was referred a resolution directing them to inquire into the expediency of so altering the laws of this State, as to substitute some other punishment in lieu of whipping white persons; and also into the expediency of establishing a penitentiary in this State, reported that it is not expedient at this time to legislate upon the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Barringer, from the same committee, to whom was referred the bill to provide for the more convenient administration of justice in Carteret county, reported unfavorably thereon; when the said bill was read, and on motion of Mr. Barringer, ordered to lie on the table.

Mr. Barringer, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of providing a general law for the punishment of all breaches of trust, reported against the expediency of the proposition; and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. L. A. Gwyn gave notice that he should on to-morrow move to suspend for the residue of the session, the 39th rule of order.

A message from the Senate, agreeing to ballot immediately as heretofore proposed, for four trustees of the University, and informing that Messrs. Owen Holmes, William A. Graham, Burton Craig and John Muse, are in nomination; and further, that Messrs. Dobson and Little form their balloting committee. Ordered, that the Senate be informed that the name of R. H. Alexander is withdrawn, and that of Pleasant W. Kitrell added to the nomination, and that Messrs. Maclin and Swanner form our balloting committee.

A message from the Senate, agreeing to the proposition of this House, to ballot immediately for major of cavalry of the ninth brigade, and informing that Messrs. Barco and M'Williams form their balloting committee. Ordered, that Messrs. Albritten and Williams of Greene, superintend said balloting on behalf of the commons.

A message from the Senate, proposing to ballot immediately for a lieut. colonel of Cavalry, attached to the 14th brigade of North Carolina militia, and informing that Joseph Whitaker is nominated for the appointment. The proposition was agreed to, and Messrs. Martin and Register appointed a committee to conduct the balloting. A message from the Senate informing that Messrs. Kendall and Baker form said committee on their part.

Mr. Daniel, from the committee on claims, to whom a petition on the subject had been referred, reported a resolution in favor of Mary Sloan; which was read the first and second times and passed.

Mr. Henderson presented the following resolutions:

Resolved, as the opinion of this General Assembly, that any act by which the Congress of the United States shall give the public lands to the States in which they are situated; or any act by which the minimum price at which these lands are now sold shall be reduced, would seriously affect the prosperity of all the old States, and do great injustice to those States by whom they were originally ceded to the confederacy.

Resolved further, as the opinion of this General Assembly, that the Public Debt having been extinguished, and the object for which the cession of the respective portions of the public domain by the States which originally held them, having thus been accomplished; that such distribution of the public lands or the proceeds thereof, ought to be made among the
Resolved, That the Governor be, and he is hereby requested to transmit copies of these resolutions to the Senators and Representatives from this State in the Congress of the U. States.

The said resolutions were read, and on motion of Mr. Henderson, ordered to be printed and made the order of the day for Wednesday next.

Mr. Frink presented a bill, appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; and Mr. Ousby, a bill to amend the charter of the Halifax and Weldon Rail Road Company. These bills were read the first time and passed.

Mr. Allison, from the committee on private bills, to whom was referred a bill to regulate the public ferry at Edenton, reported favorably thereon; when the said bill was read the second time and passed.

Mr. L. A. Gwyn presented the following resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses of this Legislature do adjourn sine die on Monday next, the 5th day of January, 1835; and that the Clerks make up the estimates accordingly.

Mr. Oulaw moved that said resolution lie on the table. The question thereon was decided in the negative—yeas 45, nays 62. The yea and nays demanded by Mr. Gwyn,


The question on the adoption of the said resolutions was decided in the affirmative—yeas 59, nays 52. The yea and nays called for by Mr. Gwyn,


Mr. Maclin, from the ballotting committee for four Trustees of the University, reported that William A. Graham, Henry S. Clarke, and Owen Holmes, were duly elected; and that no other person had received the requisite number of votes. The report was concurred in.

Mr. Harris presented the following resolution:
WHEREAS a report is in circulation highly injurious to the reputation of Robert Potter, a sitting member from Granville county, and derogatory to the dignity of this House, touching his conduct since he took his seat as a member of this House:

Therefore resolved, That a select committee of five be appointed to investigate the matter, and report the facts to this House, and that said committee have power to send for persons and papers, and to examine persons on oath.

The said resolution was read and adopted, and Messrs. Poindexter, Dockery, Allison, Hoke and Dudley, appointed to constitute said committee.

The resignation of John Clendenin, as a justice of the peace of the county of Orange, received from the Senate, was read and accepted.

The House now proceeded to the orders of the day, and took up the resolutions heretofore submitted by Mr. Craige, declaring the office of Attorney General vacant; and after some time spent in their consideration, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 30, 1834.

Mr. Barringer, from the committee on the Judiciary who were instructed to inquire into the expediency of amending the law relative to deeds of trust, so as to afford greater publicity to their execution and registration, reported against the expediency of further legislation on the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for a trustee of the University; the proposition was concurred in, and Messrs. Cotten and Cansler, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Caldwell and Moye of Pitt, form said committee on their part.

On motion, leave of absence from the service of the House from and after to-morrow, for the residue of the session, was granted to Mr. Absalom B. Smith.

Received from his Excellency the Governor, a communication transmitting certain resignations of justices of the peace. These were read and accepted.

Mr. Dudley presented a bill to amend the charter of the Wilmington and Raleigh rail road company; which was read the first time and passed, and, on Mr. Dudley's motion, ordered to be printed.

Mr. Barringer presented a bill prescribing in what manner copies of administration or returns of property of deceased persons in another State, shall be read in evidence; Mr. J. W. Guinn a bill giving the Superior Courts of Law, exclusive original jurisdiction of all applications for divorces; Mr. Harrison a bill to exempt vessels owned in this State, under seventy-five tons burden, entering in at Ocracoke bar from paying pilotage;

Mr. Hutchinson a bill for the better regulation of the town of Charlotte, in the county of Mecklenburg; and Mr. Brown a bill to amend an act, entitled an act to prevent the felling of timber in the run of Hogan's creek, in Caswell county, passed in the year 1833. These bills were read the first time and passed.

The resignation of William Flinn, as major of 65th regiment of North Carolina militia, was presented, read and accepted.

Mr. Cansler, from the committee appointed to conduct the balloting for a trustee of the University, reported that no one had received a majority of the whole number of votes. The report was concurred in.
A message from the Senate, informing that the name of William H. Harden, is withdrawn from the nomination, and proposing that another balloting be had immediately for a trustee of the University. The proposition was agreed to. The names of Burton Craig and Pleasant Henderson, withdrawn from the nomination, and Messrs. Latham and vonk appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Sherard and Barco form said committee, on behalf of the Senate.

On motion, leave of absence from the service of the House from and after this day, for the residue of the session, was granted to Messrs. Windall Davis, Thomas J. Pugh and James K. Hill.

On motion of Mr. Graham,

Resolved, That the committee on the Judiciary be instructed to inquire whether any amendment be necessary in the act of 1833, entitled an act supplemental to an act, directing how persons injured by erection of public mills shall in future proceed to recover damages, passed in 1809, so far as regards the recovery of costs.

Mr. Battle, from the committee on the Judiciary to whom was referred the bill concerning the liabilities of sheriffs, for claims put into the hands of themselves or their deputies for collection, reported unfavorably thereon, when on motion of Mr. Haywood, the said bill was postponed indefinitely. The bill to provide for the more convenient administration of justice in Carteret county, was on motion of Mr. Manney, taken up and considered, and on motion of Mr. Battle, postponed indefinitely.

Mr. M'Cleese presented a resolution in favor of William Thompson, which was read the first time and passed.

On motion of Mr. Daniel, the bill to provide for a fair valuation of lands in this State, and prescrib ing the mode in which the said lands and other taxable property shall be given in by the owners thereof, for taxation, was made the order of the day for Thursday next.

Mr. Kittrell moved that the House proceed to the orders of the day, being the unfinished business of yesterday, viz. The resolutions declaring the office of Attorney General vacant. The question on this motion was decided in the affirmative—yeas 68, nays 60. The yeas and nays demanded by Mr. Tomlinson.


The question on the adoption of the said resolutions, was decided in the affirmative—yeas 68, nays 53. The yeas and nays demanded by M. R. H. Alexander,


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

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

WEDNESDAY, DECEMBER 31, 1834.

Mr. Register, from the balloting committee for a lieutenant colonel of cavalry attached to the 14th brigade, reported that Joseph White had received a majority of the whole number of votes, and was duly elected. The report was agreed to.

On motion of Mr. Smallwood, ordered that a message be sent to the Senate proposing that another balloting be had immediately, for one trustee of the University.

Mr. Williams of Greene, from the balloting committee for a major of cavalry of the ninth brigade, reported that William Peyton had received a majority of the votes, and was duly elected. The report was concurred in.

Mr. Battle, from the select committee to whom was referred the memorial of John Brown, agent and attorney in fact of the devisees of William Cuthcart, reported that it would be inexpedient and impolitic at this time, to pass any law upon the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Haywood presented a bill to incorporate the Bible Society of North Carolina; Mr. Clarke a bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort; Mr. Lindsay a bill authorizing the election of constables, in Greensborough, and in Jamestown and its vicinity, in the county of Guilford; and Mr. Bell a bill to repeal an act passed at the last session of the General Assembly, entitled an act for the better administration of justice, in Carteret county. These bills were read the first time and passed.

A message from the Senate, agreeing to ballot immediately for a trustee of the University, and informing that Messrs. Montgomery of Hertford and Little form their balloting committee. Ordered, that Messrs. Smallwood and Norcom conduct said balloting on behalf of the Commons.

The bill to restore to credit Eldridge Smith, of Wake county; and the bill to alter the name of Wm. Pollard, of the county of Martin, and to legitimize him, were each read the second and third times, passed and ordered to be engrossed.

Mr. Manney presented a bill to prevent inn keepers, retailers or common victuarsers, from selling spirituous liquors to the non-commissioned officers and soldiers of the United States army. The said bill was read, and on motion of Mr. Craigie, rejected.
The bill to amend an act passed in the year 1833, entitled an act concerning market fees in the town of Fayetteville, was read the second time and passed.

The Speaker laid before the House a communication from Romulus M. Saunders, Esquire, resigning the office of Attorney General of this State. The resignation was read and accepted, and on motion of Mr. Haywood, ordered, that the said communication be spread at large upon the journals of the House.

"Raleigh, December 31st, 1834.

Sir: When I accepted from the President, the appointment of Commissioner under the act of Congress for carrying into effect the Convention between France and the United States; I had no thought I was thereby, violating the Constitution or any law of the State. But, as the House of Commons by its vote of yesterday, resolved that the office of Attorney General, which I have had the honor to fill, is vacant, in consequence of my acceptance of the said commission, I feel impelled by a sense of propriety and of self respect, thus promptly to signify my acquiescence in that determination. Thi. I feel at liberty the more readily to do, as neither the preamble or resolutions adopted by the House, or any thing urged in their discussion, ascribe to me any moral offence or any dereliction of duty in the discharge of the business of the office.

Whatever therefore, may be my own views in regard to the matter, I am compelled to recognize this as the legitimate expression of the opinion of a majority of the most numerous branch of the Legislature, and as such, I am unwilling to trouble the Senate with any action upon the subject. To avoid any future difficulty or embarrassment, I hereby tender this as my resignation of the office of Attorney General of this State.

I have the honor to be with due respect, &c. &c.

R. M. SAUNDERS."

To the Hon. W. J. Alexander, Speaker H. C.

The bill to regulate drill musters in the 88th regiment of North Carolina militia in Davidson county; the bill concerning Drysborough; and the bill to establish a town at Trent bridge, in Jones county, by the name of Pollocksville; were each read the second and third times, passed and ordered to be engrossed.

Mr. Barringer, from the committee on the Judiciary to whom the subject of removing paupers from one county to another, had been referred, reported a bill concerning the Wardens of the poor; which was read the first time and passed.

Mr. Smallwood, from the balloting committee for a trustee of the University, reported that Pleasant W. Kittrell, was duly elected. The report was concurred in.

Mr. Barringer, from the committee on the Judiciary to whom were referred certain resolutions, instructing them to inquire into the propriety of extending the power of the Superior Courts of this State, in granting divorces; reported that it would be impolitic and unwise to legislate in the mode suggested, and asked to be discharged from the further consideration of the subject. The report was concurred in.

The bill to establish the merchants' and farmers' bank, in the town of Washington, was read the second time and passed—yeas 58, nays 55.

The yeas and nays demanded by Mr. Hawkins,


Those who voted in the negative, were Messrs. Allison, Barringer, Battle, Bedford, Boddie, Bragg, Braswell, Bray, Byrnn, Cotten, Cramp, Fitzrandolph, Foushee, Gorrell, Ham-
Mr. Bray, from the select committee to whom was referred the bill to repeal an act, entitled an act concerning the entry of land in this State, passed in the year 1826, reported the same without amendment, when the said bill was on motion of Mr. Graham, laid on the table.

The bill concerning a convention to amend the constitution of the State of North Carolina, was read the third time and passed—yeas 66, nays 62. The yeas and nays demanded by Mr. Smallwood,


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

Mr. Hutchinson presented a bill to incorporate the Juvenile Library Society of Providence; which was read the first, second and third times, passed and ordered to be engrossed.

The bill to authorize the appointment of two surveyors, in the counties of Anson and Richmond; the bill to amend part of the second section of an act passed in the year 1833, entitled an act to regulate the proceedings in the court of pleas and quarter sessions, in Craven county; the bill to repeal an act, to amend an act passed in the year 1819, chap. 103, entitled an act to prevent obstructions to the passage of fish up Neuse river; and also to repeal an act passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's creek and Trent river; the bill supplemental to an act passed at the last session, entitled an act to improve the State road from the bank of the Tuckaseegee river, by the way of Franklin, to the Georgia line; the bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort; the bill requiring the sheriff of New Hanover, to give bonds of increased amount; the bill to grant to the Mecklenburg gold mining company, an amended charter; and the bill to incorporate the trustees of Rockfish academy, in New Hanover county; were each read the second and third times and passed, and ordered to be engrossed.

The bill to repeal an act, passed in the year 1833, entitled an act directing the manner in which constables shall be appointed in this State, so far as regards the county of Currituck, was read the second time and rejected.

The resolution in favor of John B. Jasper, was read the second time and rejected.

The engrossed bill to restore George B. Greer, of the county of Bun-
The engrossed bill altering the boundaries of the 1st and 2nd regiments of Burke county militia; and the engrossed bill to alter the name of Jacky Ann Moring, and to legitimate her, were each read the third time, passed and ordered to be enrolled.

On motion of Mr. Slade, the vote rejecting the resolution in favor of John B. Jasper was re-considered, when the said resolution was read the second time and passed.

On motion of Mr. L. A. Gwyn, the House in pursuance of notice here-tofore given, agreed to rescind the 30th rule of order for the residue of the session.

On motion of Mr. Haywood, and in pursuance of notice given, the following was adopted as one of the rules of order for this House, viz "No private bill shall be introduced into this House after Thursday, the 1st day of January 1835, except by leave of two thirds of the House first obtained."

On motion of Mr. Outlaw,

Resolved, That the committee on the Judiciary be instructed to report a bill repealing all laws authorizing divorces for any cause or causes, subsequent to marriage, should they deem it expedient.

The Speaker laid before the House the resignations of Duncan Cameron and William S. Mhoon, Esquires, as commissioners for rebuilding the capitol; which were read and accepted.

The resignation of A. Duren, as lieutenant colonel of cavalry, attached to the 14th brigade, was presented, read and accepted.

The bill supplementary to act, entitled an act to incorporate the Cape Fear, Yadkin and Pedee rail road company, was read the second time and passed.

The engrossed bill to amend an act establishing the Tennessee river turnpike road, 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 amend an act passed in the year 1822, entitled an act for the division of Rowan county, was read the second time and passed.

On motion of Mr. G. Smith, the said bill was again read the third time, and the question, shall the said bill pass the third reading, was determined in the affirmative—yeas 72, nays 41. The yeas and nays demanded by Mr. Manney.


Ordered that said bill be enrolled.

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

Thursday, January 1, 1835.

On motion, leave of absence from the service of this House from and af-
Mr. Poindexter presented a bill to amend the militia laws of this State, and to promote military discipline; which was read, and on motion of Mr. Tomlinson, rejected.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz: A bill for the benefit of Edward Fitzgerald, of the county of Brunswick; a bill to incorporate the Chatham Guards; a bill concerning mills erected in the county of New Hanover; a bill to incorporate the Mountain Island Gold Mining Company; and a resolution in favor of E. W. Hancock, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

A message from the Senate, proposing to ballot immediately for cavalry officers, attached to the 8th brigade, and nominating Allen Peoples, as colonel, William Gilbreath, as lieutenant colonel, and William Denny, as major. The proposition was agreed to, and Messrs. Brummett and Ziglar, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Parker and Flynn, compose said committee on their part.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill giving compensation to sheriffs and coroners for executing writs of capias ad satisfaciendum in certain cases; a bill directing the conveyance of the commons adjoining the town of Franklin, to the chairman of Macon county court; a bill to authorize the Governor to procure a new great seal for the use of this State; a bill to make an appropriation for completing the Capitol in the City of Raleigh; a bill securing to Needham Whitfield, of Lenoir county, and those with whom he may associate the right of navigating the waters of Neuse river, from the town of Newbern upwards so far as they may see proper to go; a bill fixing the punishment for the crime of bigamy; and a bill defining the duty of the county court in appointing patrols, and the duty of patrols, and asking the concurrence of this House; the said bills was read the first time and passed.

On motion of Mr. J. W. Guinn, ordered that a message be sent to the Senate, proposing to ballot on to-morrow for an Attorney General for this State, and informing that the name of J. R. J. Daniel, is in nomination for the appointment.

Mr. Seawell, from the committee on Internal Improvement to whom were referred the resolution instructing them to inquire into the probable cost of continuing the Cape Fear, Pedee and Yadkin Rail Road, from the town of Fayetteville westwardly fifty miles, and the annual report of the Cape Fear, Yadkin and Pedee Rail Road Company, made a report thereon accompanied by a bill to authorize the Governor of this State to subscribe for and on behalf of the same, one thousand shares of the capital stock of the Cape Fear, Yadkin and Pedee Rail Road Company, and to pay for said stock in manner hereinafter directed. The said bill was read the first time and passed, and on motion of Mr. Seawell, it was ordered that the said report and bill be printed.

Mr. Ziglar, from the balloting committee for cavalry officers of the 8th brigade, reported that Allen Peoples, was duly elected colonel, William Gilbreath, lieutenant colonel, and William Denny, major; the report was concurred in.
Mr. Barringer, from the committee on the Judiciary, reported unfavorably on the bill to provide for the final settlement of executors and administrators. On motion of Mr. M'Neill, ordered that said bill lie on the table.

Mr. Barringer, from the same committee to whom a resolution on the subject had been referred, reported a bill concerning divorces; which was read the first time and passed.

Mr. Haywood, from the same committee, reported a bill to amend an act vesting the right of electing the clerks of the county and superior courts in the several counties within this State, in the free white men thereof, passed in the year 1832. The said bill was read the first, second and third times, passed, two thirds of the House concurring. Ordered that said bill be engrossed.

Mr. Daniel, from the committee on Claims, reported favorably on the resolution in favor of David Royster; which was read the second and third times, passed, and ordered to be engrossed.

Mr. Daniel, from the same committee, to whom was referred the memorial of Macajah Hicks, reported a resolution in his favor; which was read the first time and passed.

The bill to regulate the public ferry at Edenton, was on motion of Mr. Outlaw, referred to a select committee, consisting of Messrs. Outlaw, Welch, Byrum and Norcom.

The bill to amend an act, passed in the year 1833, entitled an act concerning market fees in the town of Fayetteville; the bill for the better regulation of the town of Bath, in Beaufort county; the bill to incorporate the Lincolnton Light Infantry Company; the bill to incorporate the Albemare Rail Road Company; the bill to establish the Merchants' and Farmers' Bank in the town of Washington; the resolution in favor of Mary Sloan; the resolution in favor of the heirs of Joseph Hale, deceased; and the resolution in favor of John B. Jasper, were severally read the third time and passed, and ordered to be engrossed.

Mr. Taylor presented a bill to prohibit sheriffs and their deputies from executing the office of constables in civil cases; Mr. Rush a bill authorizing the free men of the town of New Salem, in Randolph county, to elect a constable; and Mr. Coor a bill to amend an act, entitled an act for the better observation and keeping the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, passed in the year 1741, chapter 30. These bills were read the first time and passed.

On motion of Mr. Poindexter, ordered that a message be sent to the Senate, informing that the name of James Iredell, is added to the nomination for the office of Attorney General.

Mr. Dudley, from the select committee to whom was referred the resolution inquiring into the conduct of Robert Potter, reported the facts of the case, when Mr. Harris submitted the following resolution:

Resolved, That Robert Potter a member of this House, from the county of Granville, be and he is hereby expelled from his seat.

The said resolution was on motion of Mr. Haywood, laid on the table till to-morrow.

On motion of Mr. Marsteller, the bill authorizing the Governor to subscribe on the part of the State, for stock in the Cape Fear, Yadkin and Pedee railroad company, was made the order of the day for Saturday next.

The engrossed bill to make an appropriation for completing the capitol, in
the city of Raleigh, was on motion of Mr. Jordan, made the order of the day for Monday next.

The resolution directing the Secretary of State to purchase certain copies of Mr. Rae's map, was read the second time and rejected—yeas 23, nays 76. The yeas and nays demanded by Mr. G. Smith.

Those who voted in the affirmative, were Messrs. Albrighton, Bell, Blatchford, Bray, Dayton, Guinea, Harrison, Henderson, J. Horton, Jordan, Kenan, King, Killrell, Manney, Matthews, Monk, M'Neil, M'Pherson, Norcom, Ousby, Seawell, Tatham, Walker.


The resignation of Richard Hewitt, as a justice of the peace of the county of Tyrrell, received from the Senate, was read and accepted.

Mr. M'Lean presented the following resolution, which was read and adopted:

Whereas the laws of this State, regulating the retail of spirituous liquors, are legalizing a nuisance in society of the most odious and destructive nature, and instead of raising a revenue, as is presumed, are in fact indirectly decreasing the revenue, and the means to raise revenue, by destroying the property, morals and lives of a portion of our citizens, and therefore should not be imposed on our community in their present enlightened and moral condition: therefore,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing all said laws, so as to leave the subject to be regulated entirely by the sound moral sense of the people; and that they report by bill or otherwise.

The bill to amend an act, entitled an act, to prevent the felling of timber in the run of Hogan's creek in Caswell county, passed in the year 1833, was read the second time and rejected.

The bill supplementary to the act, entitled an act to incorporate the Cape Fear Yadkin and Pee Dee rail road company, and the resolution in favor of John Williams; were each read the third time and passed and ordered to be engrossed.

The resolution in favor of the Hon. James Martin, was read, and on motion of Mr. Bedford laid on the table.

The bill to emancipate Benjamin a slave, was read, and on motion of Mr. Battle, indefinitely postponed.

The bill to authorize the courts of pleas and quarter sessions of Haywood county, to appoint places of public sale; the bill authorizing the several county courts, to appoint one or more surveyors in their discretion for each county; the resolution directing a new roll of the several justices of the peace; and the resolution in favor of Matthew Miller, were each read the second time and passed.

On motion of Mr. Stockard,

Resolved, That this House will from and after to-day, hold evening sessions during the present session.

The bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford, was read the second time and passed.

The engrossed bill to incorporate the Gatesville Turnpike Company, was read the second and third times, passed, and ordered to be enrolled.

The bill to amend an act, passed in the year 1831, entitled an act to incorporate Beard's creek guards in the county of Craven, was read, and on motion of Mr. Marsteller, postponed indefinitely.

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

FRIDAY, JANUARY 2, 1835.

A message was received from the Senate, informing that they had passed the
engrossed bill to empower the county courts of Yancy county, to lay a tax to encourage the destruction of wolves in said county with amendments, and asking the concurrence of this House therein. The said amendments were read and concurred in.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected. also, that they had rejected the engrossed bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the bank, chartered by the act of 1833, to establish the bank of the State of North Carolina: also, that they had postponed indefinitely the engrossed bill to regulate the courts of pleas and quarter sessions of Haywood county; and the engrossed bill to divorce Elizabeth M. Starnes of Macon county.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, and asking the concurrence of this House therein, viz: a bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery, six thousand dollars for cutting a canal in Washington county, passed in 1833; a bill concerning a public road leading from Columbia in Tyrrell county to Plymouth; a bill to authorize Thomas J. Pasteur of Craven county, to keep a ferry in said county, and for other purposes; a bill regulating costs in certain cases; a bill amendatory of an act, authorizing the citizens of the town of Haywood to appoint commissioners; a bill for the better regulation of the county and superior courts of the counties of Rutherford and Buncombe; a bill to incorporate the Pioneer mills Gold Mining Company, in the county of Cabarrus; and a resolution in favor of the president and directors of the Leaksville Toll Bridge Company. The said bills and resolution were read the first time and passed.

A message from the Senate, agreeing to ballot this day for Attorney General of the State, and informing that Messrs. Wilson and Holmes form their balloting committee. Ordered, that Messrs. Poindexter and Guinn, superintend said balloting on behalf of this House.

The bill to amend an act, entitled an act to prevent the selling of timber in the run of Hogan's creek in Caswell county, passed in the year 1833; which was rejected yesterday, was, on this day reconsidered, on the motion of Mr. Battle, read the second and third times, passed, and ordered to be engrossed.

Mr. J. W. Guinn, from the balloting committee for an Attorney General, reported that John R. J. Daniel had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion, leave of absence from and after to-morrow for the residue of the session, was granted to William B. Fort.

The House proceeded to the consideration of the resolution yesterday submitted by Mr. Harris for the expulsion of Robert Peter. Mr. Swanner moved that the said resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 50 nays 63. The yeas and nays demanded by Mr Swanner.


The said resolution was thereupon read and adopted—yeas 62, nays 52. The yeas and nays demanded by Mr. ———.


Mr. M'Neill presented the memorial of certain boat owners on the Cape Fear river, praying to be relieved from certain alleged impositions practised by the Cape Fear Navigation Company. The said memorial was, on motion of Mr. M'Neill, referred to the select committee heretofore raised on the rights and privileges of said company.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of repealing all laws authorizing divorces, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Waugh presented a resolution in favor of John Cooper; and Mr. Hoke, a resolution in favor of John Cooper. These resolutions were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary, who were instructed to inquire into the expediency of restricting the power of Grand Juries in matters of assault and battery, reported that it would be impolitic to legislate as proposed. The report was concurred in.

Mr. Barringer, from the joint select committee, on so much of the Governor's message as relates to the report of the Commissioners appointed to re-ise and digest the State laws of the State, reported a resolution authorizing the appointment of a Clerk by said commissioners. The said resolution was read the first time and passed.

Mr. Marsteller, with leave, presented a bill to incorporate a company of light artillery, in the town of Wilmington; which was read the first time and passed.

Mr. Hamrick presented a resolution in favor of Reuben Mastin and wife; which was read the first time and passed, and on motion of Mr. Hamrick, referred to the committee on claims.

The bill to construct a central rail road from the port of Beaufort to the Tennessee line was read, and on motion of Mr. Barringer, laid on the table until the 3d Monday in November next—yeas 101, nays 16. The yeas and nays demanded by Mr. Clement.


Those who voted in the negative, were Messrs. R. H. Alexander, Bell, Clement, Craige, Dockery, Dudley, Graham, Henderson, Hoke, Kittrell, Locke, Manly, Marney, PontDexter, Seawell, Tatham.

The House then adjourned until half past 3 o'clock P. M.
The House met in pursuance of adjournment.

The bill to attach the militia of the county of Yancey, to the 15th brigade; the bill authorizing the county court of Granville to make allowances in certain cases; the bill relative to the hands called to work on the State road leading from the old Fort in Burke county, to Ashville in Buncombe county; the bill for the preservation of the public buildings in the county of Buncombe, and for the improvement of the town of Ashville; the bill to repeal the 6th section of an act, entitled an act concerning the Wardens of the poor of the county of Lincoln, were severally read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to abolish the offices of county Trustee and Treasurer of public buildings in the counties of Gates and Anson, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

Mr Norcom, from the select committee, to whom was referred the bill to regulate the public ferry at Edenton, reported the same with an amendment; when the said bill was read the third time, amended and passed, and ordered to be engrossed.

The bill authorizing the several county courts to appoint one or more surveyors in their discretion for each county, was read the third time, passed, and ordered to be engrossed.

The bill to amend the charter of the Halifax and Weldon Rail Road Company; the bill to incorporate the Howard's Gap Turnpike Company; the bill to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the Trustees thereof; the bill for the better regulation of the town of Charlotte, in the county of Mecklenburg; the bill to authorize the making of a Turnpike road in Haywood county; and to incorporate a company for that purpose; the bill to repeal an act passed at the last session of the General Assembly, entitled an act for the better administration of justice in Carteret county; the bill to incorporate a company of light artillery, in the town of Wilmington; the bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; the bill authorizing the election of constables in Greensborough and in Jamestown and its vicinity, in the county of Guilford; and the bill authorizing the free men of the town of New Salem, in Randolph county, to elect a constable, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to authorize the courts of pleas and quarter sessions of Haywood county, to appoint places of public sale was read, and on motion of Mr. Clarke, indefinitely postponed.

The bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford, was read the third time, passed, and ordered to be engrossed.

The bill securing to Needham Whitfield of Lenoir county, and those with whom he may associate, the right of navigating the waters of Neuse river, from the town of Newbern upwards, so far as they may see proper to go, read the second and third times and passed. On the passage of the bill the third reading, Mr Craig demanded the yeas and nays, and the vote was—yeas 55, nays 49.


Ordered that said bill be enrolled.

The engrossed bill authorizing A. R. T Hunter of Macon county, to erect a bridge across the Highwassee river near the mouth of Valley river; and the engrossed bill amending an act authorizing the citizens of the town of Haywood to appoint commissioners, were each read the second and third times, passed and ordered to be enrolled.

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

**Saturday, January 3, 1835.**

On motion, leave of absence from the service of the House from and after this day, for the residue of the session, was granted to Dan'l S. Sanders.

A message was received from the Senate, agreeing to the amendment proposed by the House of Commons, to the engrossed bill to amend an act establishing the Tennessee River Turnpike Road. Ordered that said bill be enrolled.

Mr. J. W. Guinn, from the committee on Propositions and Grievances to whom was referred a petition from certain citizens of Iredell county, relating to the passage of fish up Fifth creek, reported against the expediency of legislating on the subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Guinn, from the same committee, reported unfavorably on the petition of Susan Overby, for a divorce, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Guinn, from the same committee, reported unfavorably on the petition of Sidney W. Jennings, praying a divorce, and asked to be discharged from the further consideration of the subject; the report was agreed to.

The resolution authorizing the appointment of a clerk by the commissioners to revise the laws, was read the second time and passed.

The engrossed bill to repeal an act, passed in 1832, entitled an act appointing lay days on Rocky river, joining Anson and Montgomery counties; the bill to incorporate the Chatham Guards; the bill to incorporate the Mountain Island Gold Mining Company, in the county of Mecklenburg; and the engrossed bill to regulate the levying and collection of town taxes in and for the town of Plymouth, were severally read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort; and the engrossed bill to authorize the appointment of two surveyors in the counties of Anson and Richmond; and the engrossed resolution in favor of John Cherry, 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 unanimously the engrossed resolutions on the subject of the outrage on American citizens committed at Nassau, and asking the concurrence of the Commons. The said resolutions were read and adopted unanimously by this House, and on motion of Mr. Graham, ordered to be spread at large upon the Journals.

Resolved. That the forcible detention by the authorities of the British Island of New Providence, of the property of American citizens thrown upon that Island by shipwreck, was a breach of the rites of hospitality and an infraction of the laws of nations.
Resolved, That the General Assembly of North Carolina will not recognize any distinction in principle between property in persons (as known to the constitution of the United States) and property in things.

Resolved, That the General Assembly of North Carolina has full confidence in the good faith of the respective members of the Union, in regard to all those rights guaranteed to each by the federal compact, and doubts not that the General Government, as the common agent of the States, will take such measures at the present juncture, as may be wise and expedient.

Resolved, That his Excellency the Governor be requested to transmit a copy of this report and these resolutions to the President of the United States, to the Executive of each of the States, and to the Senators and Representatives of North Carolina in the Congress of the United States.

Ordered that said resolutions together with the report accompanying, be enrolled.

Mr. Slade presented the following resolution:

Whereas the Legislature, at its session in the year 1833, passed a resolution in the following words: “Resolved that the Secretary of State be, and he is hereby directed to issue to the trustees of the University of this State, warrants in each case on the muster roll of the continental line of this State, where warrants have not heretofore issued; and that the said trustees hold the same and the lands to be entered by virtue thereof, in trust for the officers and soldiers who perform the military services for which said warrants shall issue: provided, that if no claim be exhibited by the said officers or soldiers, or their legal representatives, within seven years from the first day of January next, the said trust shall cease and determine.” And whereas the limitation in said resolution has expired, and many honest claimants to said land warrants or lands founded on them yet exist; therefore,

Resolved, That a select committee be raised for the purpose of inquiring into the necessity of legislation on this subject, and report to this House the result of such inquiry.

The resolution was read and adopted, and Messrs. Slade, Haywood, Barringer, Henderson and Outlaw, appointed the select committee.

Mr. Dudley presented a bill to authorize the commissioners of Wilmington, to assess and caused to be collected a tax on slaves, whose owners reside out of town but permit the slaves to reside in town; and Mr. Gorrell a resolution authorizing the Governor to employ engineers to survey a Rail Road route, from Beaufort to the Western limits of the State. The said bill and resolution were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary to whom the subject was referred, reported a bill amendatory of the act of 1833, concerning the injury done by the erection of mills; which was read the first time and passed.

Mr. Barringer, from the same committee, reported unfavorably on the resolution of inquiry into the expediency of repealing all laws regulating the retail of spirituous liquors, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate, informing that they had passed the engrossed resolution providing for the compiling and publishing a list of all the names and grade of officers, of ensigns and superior officers, who served during the Revolutionary War, or were killed in service, and asking the concurrence of this House. The said resolution was read the first time and passed.

The resignation of James Fulton, as a justice of the peace of the county of Guilford, was presented read and accepted.

The bill to incorporate the Bible Society of North Carolina, was read, when Mr. G. H. Alexander moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 45, nays 54.—

The yeas and nays demanded by Mr. G. H. Alexander,

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

The resolution in favor of Hon. James Martin, was on motion of Mr. Hoke, taken up and read. Mr. Bedford moved that said resolution be indefinitely postponed. The question thereon, was decided in the negative—yeas 51, nays 59. The yeas and nays demanded by Mr. Bedford.


The said resolution was thenupon read the second and third times and passed; on the passage of the resolution on the third reading, the vote was yeas 63, nays 43. The yeas and nays demanded by Mr. Bedford.


Ordered that said resolution be engrossed.

On motion, leave of absence from the service of the House from and after this day, for the residue of the session, was granted to Joseph J. Maclin.

The Speaker laid before the House the resignation of John R. J. Daniel, as a member of this body; the same was read and accepted.

The House now proceeded to the order of the day, and took up the resolutions heretofore submitted by Mr. Henderson, relating to the Public Lands. Mr. Bragg moved that said resolutions lie on the table; the question thereon, was decided in the negative—yeas 40, nays 77. The yeas and nays called for by Mr. Graham,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Boddie, Bragg, Braswell, Brown, Byrum, Byrum, Carter, Clarke, Coor, Fitzrandolph,
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Mr. J. W. Guinn moved that they be made the order of the day for Monday next. The question thereon, was decided in the negative—yeas 40, nays 81. The yeas and nays demanded by Mr. G. Smith.


Mr. Marsteller moved that the House adjourn until Monday morning, 10 o'clock. The question thereon, was decided in the negative—yeas 49, nays 66. The yeas and nays demanded by Mr. Craige.


Mr. Slade moved that the House adjourn until Monday morning, 10 o'clock. This question was also decided in the negative—yeas, 54, nays 63. The yeas and nays demanded by Mr. Craige.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Baker, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler,


Mr. Potts moved that the House adjourn until Monday morning, 10 o'clock. This question also was decided in the negative—yeas 47, nays 63. The yeas and nays demanded by Mr. Potts, Those who voted in the affirmative, were Messrs. Baker, Bedford, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Fitzgerald, Foushee, Frink, Guinn, Gwyn, Hamrick, Hartley, Haywood, Hoke, J. Horton, Houlder, Hutchison, W. Horton, Howard, Jordan, Judkins, King, Lyon, Maclin, Marsteller, M'Neill, Perry, Potts, Powell, Register, Roeback, Slade, Sloan, J. L. Smith Stockard, Swindell, Wadsworth, Walker, Jacob Williams, Williamson, Witcher.


Mr. J. W. Guinn moved that the House adjourn until Monday morning, 10 o'clock. This question was also decided in the negative—yeas 52, nays 53. The yeas and nays demanded by Mr. Guinn, Those who voted in the affirmative, were Messrs. Baker, Bedford, Boddie, Bragg, Braswell, Brown, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Dudley, Fitzgerald, Foushee, Frink, Guinn, Gwyn, Hamrick, Hartley, Haywood, Hoke, J. Horton, Houlder, Hutchison, Irion, W. Horton, Jordan, Judkins, Lee, Lyon, Maclin, Marsteller, M'Neill, Perry, Potts, Powell, Riddick, Register, Roeback, Slade, J. L. Smith, Stockard, Swindell, Tatham, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williamson, Witcher.


Mr. Haywood moved to strike out the whole of said resolutions after the word "resolved," and insert the following:

As the opinion of this General Assembly that the public domain of the United States, which was ceded to the National Government by this State and by other States, is a trust fund which belongs to all the States according to the laws of the several acts of session, and it would be a breach of faith by the National Government, if these lands should by any act of Congress be directly or indirectly given to the new States in which those lands are located, without the previous assent of the other States:

Resolved, That the public domain of the United States, which was purchased by the
General Government, is of right the common property of all the States, and any act of Congress by which these lands shall be directly or indirectly given to the new States, in which these lands are located without the previous assent of the other States, would be a violation of the rights of the other States.

Resolved further, That whenever the proceeds of the public land shall not be wanted for the legitimate purposes of the National Government, some provision consistent with the constitution ought to be made for their distribution according to the principles declared in the foregoing resolutions; and if the constitution of the United States, according to its true meaning forbid such provision to be made by Congress, the subject ought to be referred to the States for their determination, that they may decide whether they will consent to give such power or not.

Mr. Barringer called for a division of the question, and before the question on said motion was put, the House, on motion of Mr. Foushee, adjourned until Monday morning, 10 o'clock.


MONDAY, JANUARY 5, 1835.

Received from the Senate, a message informing that they had passed the engrossed resolution in favor of Archibald S. Brown, late sheriff of Robeson county, and asking the concurrence of this House. The said resolution was read the first, second, and third times, passed, and ordered to be enrolled.

The resolution in favor of the President and Directors of the Leakesville toll bridge company was read the second and third times, passed, and ordered to be enrolled.

Mr. M'Neil, from the committee on claims, to whom was referred the resolution in favor of Reuben Mastin and wife, reported favorably thereon. The said resolution was read the second time, amended and passed.

Mr. M'Neill, from the same committee, reported unfavorably on the claim of Allen Jones, and asked to be discharged from the further consideration of the subject. The committee was discharged as prayed for, when Mr. Haywood presented a resolution in favor of the said Allen Jones; which was read the first time and passed.

The resignation of Joseph Edmonson, as a justice of the peace of the county of Edgecombe, was presented, read and accepted.

Mr. M'Neil, from the committee on claims, to whom was referred the resolution in favor of the heirs of William Gilliam, reported favorably thereon; when the said resolution was read the first time and passed.

On motion, leave of absence from the service of this House from and after to-morrow, for the residue of the session, was granted to George Whitfield.

Mr. Marsteller from the select committee, to whom was referred the resolution concerning the powers and immunities of the Cape Fear navigation company, reported a bill to repeal in part, an act, entitled an act amending the several acts of
Assembly, incorporating the Roanoke and Cape Fear navigation companies; and prescribing the mode of enforcing the collection of tolls, passed in the year 1832. The said bill was read the first time and passed.

Mr. Graham from the committee on education, to whom sundry resolutions on the subject had been referred, reported a bill to authorize the President and Directors of the Literary Fund, to sell certain portions of the swamp lands. The said bill was read the first time and passed, and on motion of Mr. Monk, ordered that the bill and report be printed.

Received from the Senate, a message informing that they had passed the engrossed bill concerning a Convention to amend the Constitution of the State, with sundry amendments; and asking the concurrence of this House. Among the amendments proposed by the Senate, is the following:

In the 13th Section, strike out the words, "One hundred, nor more than one hundred and seven; the Borough members included, to be elected one member by each of the borough towns of Wilmington, Fayetteville, Newbern, Edenton, Halifax, Hillsborough, and Salisbury;" and insert in lieu thereof, the words, "Ninety, nor more than one hundred and twenty, exclusive of borough members; which the Convention shall have the discretion to exclude in whole or in part."

Mr. Craig offered the following as an amendment to the Senate's amendment, viz. "That the said Convention shall form and devise a further amendment to the said Constitution, whereby to reduce the number of members in the House of Commons, to not less than one hundred, nor more than one hundred and twenty, the borough members included, to be elected one member by each of the borough towns of Wilmington, Fayetteville, Newbern, Edenton, Halifax, Hillsborough, and Salisbury; the population of which shall not be computed in determining the number of members to which the counties in which said boroughs are respectively situated, shall be entitled in the House of Commons; and the residue to be elected by counties or districts, or both, according to their federal population, viz. according to their respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and the enumeration to be made at convenient and prescribed periods: but each county shall have at least one member of the House of Commons, although it may not contain the requisite ratio of population."

The question on the adoption of Mr. Craig's amendment was decided in the negative—yeas 49, nays 68.


Mr. Haywood moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon, was decided in the negative—yeas 17, nays 103. The yeas and nays demanded by Mr. Tillett,


Mr. Potts moved that the further consideration of the bill and proposed amendments be postponed until to-morrow. This question was decided in the negative—yeas 23, nays 95. The yeas and nays demanded by Mr. Welch.


Mr. Graham moved that the bill with the amendments of the Senate be referred to a select committee; this motion was negatived. Mr. Outlaw moved to amend the Senate's amendment by inserting in lieu thereof: "ninety five nor more than one hundred and five, including a borough member from each of the boroughs now represented under the present constitution." The question on the adoption of this amendment was decided in the negative—yeas 88, nays 82. The yeas and nays demanded by Mr. G. Smith.


The question on the adoption of the said amendment of the Senate was determined in the affirmative—yeas 86, nays 36. The yeas and nays demanded by Mr. R. G. Smith.

Those who voted in the affirmative, were Messrs. Albritton, Allison, Baker, Battle, Bedford, Bell, Blalock, Boddie, Bragg, Brandon, Braswell, Brown, Brumell, Bynum, Byrum,
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The other amendments proposed by the Senate to the said bill, were read and concurred in, and the Senate so informed.

The House now proceeded to the unfinished business of Saturday, being Mr. Henderson's resolutions relating to a distribution of the Public Lands. The question being on the call of Mr. Barringer, for a division of the question raised on Mr. Haywood's motion as heretofore stated, the House refused to strike out—yeas 53, nays 64. The yeas and nays demanded by Mr. Norcom.


Mr. Bragg moved that the resolutions lie on the table. The question thereon, was decided in the negative—yeas 38, nays 70. The yeas and nays demanded by Mr. Loudermilk.


Mr. Bragg moved to add the following after the second resolutions, viz.

Resolved, That this General Assembly highly approve of the message of Andrew Jackson, President of the United States, transmitted to the Senate of the United States, on the 4th December, 1833, containing his reasons for withholding his assent to a bill passed by Congress at its preceding session, usually denominated "Mr. Clay's Land Bill," and it is not their intention that the above resolutions shall be construed as to conflict with the views in said message expressed, or the principles therein inculcated.

The question on the adoption of this resolution, was decided in the negative—yeas 41, nays 68. The yeas and nays demanded by Mr. King.

Those who voted in the affirmative, were Messrs. Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Coor, Dayton, Fitzrandolph, Foushee, Gunn, Gwyn, Hamrick, Haywood.
Mr. Haywood moved to add to the second resolution the following words, "and such distribution ought not to be made so as to give any preference to the new States, like that proposed in the bill commonly called "Mr. Clay's Land Bill," which was vetoed by President Jackson." Mr. Dudley moved to strike out all of said amendment after the words "new States." The question on this motion, was decided in the negative—yeas 51, nays 66. The yeas and nays demanded by Mr. Whitfield,


The question on the adoption of the resolution and amendment as offered by Mr. Haywood, was decided in the negative—yeas 57, nays 59. The yeas and nays demanded by Mr. Waugh,


The question now recurring on the adoption of the original resolutions as submitted by Mr. Henderson, the same was decided in the affirmative—yeas 82, nays 32. The yeas and nays demanded by Mr. Loudemilk.

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

On motion of Mr. Fleming, ordered, that a message be sent to the Senate proposing that the bill, when enrolled, entitled a bill concerning a convention to amend the constitution of the State, be printed, fifty copies for each member of the Legislature.

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

TUESDAY, JANUARY 6, 1835.

Mr. Henry presented a bill to establish the Sulphur spring academy, in the county of Buncombe, and to incorporate the trustees thereof; which was read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill to repeal an act passed at the last General Assembly, entitled an act to create an additional wreck district, in the county of Hyde, and for other purposes; and the engrossed bill authorizing John Treadwell, senr. of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabethtown, in Bladen county, and to receive toll for crossing the same; were severally read the second and third times, passed and ordered to be enrolled.

Mr. Haywood presented the petition of R. M. Saunders, asking compensation for certain professional services by him rendered to the State, together with a resolution for carrying into effect the prayer of the petitioner. The said resolution was read the first time and passed, and on motion of Mr. Craige referred to the committee on Claims.

Mr. W. Horton presented a bill for arming volunteer companies; which was read the first time and passed.

The resolution directing a new roll of the several justices of the peace; the resolution in favor of Francis Reider; the resolution in favor of Matthew Miller; and the resolution in favor of Reuben Mastin and wife, were each read the third time, passed, and ordered to be engrossed.

Mr. Huddler presented the following resolutions:

Whereas it is provided by the act passed at this session of the Legislature for the call of a Convention, that said Convention may exercise its discretion as to continuing or discontinuing borough representation in this State: and whereas this is a subject of great importance and much interest to the good people of the State: therefore,

Resolved, That it be recommended to the people specifically to instruct their delegates to the Convention to vote for or against the continuance of borough system.

Resolved, That the foregoing preamble and resolution be printed and attached to each copy of the bill for calling a Convention, which has been ordered to be printed by this House.

The said resolutions were read, and on motion of Mr. Poindexter, postponed indefinitely.

Mr. Marsteller presented a bill to repeal part of an act passed in 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government for the year 1820; which was read the first time and passed.

The engrossed bill for the benefit of Edward Fitzgerald, of the county
of Brunswick; the engrossed bill concerning mills erected in the county of New Hanover; and the engrossed bill to incorporate the Pioneer mills gold mining company, in the county of Cabarrus; were each read the second and third times, passed and ordered to be enrolled.

On motion, leave of absence from the service of the House from and after to morrow, for the residue of the session, was granted to Dickson Sloan.

The engrossed bill for the better regulation of the county and superior courts of the counties of Rutherford and Buncombe; and the engrossed bill to authorize Thomas J. Pastore, of Craven county, to keep a ferry in said county, and for other purposes; were each read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in the amendments made to said bills.

The bill to authorize the commissioners of Wilmington to assess and cause to be collected, a tax on all slaves whose owners reside out of town, but permit the slaves to reside in town; was read the second and third times, passed and ordered engrossed.

The engrossed bill concerning a public road, leading from Columbia in Tyrrell county, to Plymouth; and the engrossed bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery six thousand dollars for cutting a canal, in Washington county, passed in 1833; were each read the second and third times, passed and ordered to be enrolled.

The engrossed bill to make an appropriation for completing the capitol, in the city of Raleigh; was read the second time and passed—yeas 94, nays 21. The yeas and nays demanded by Mr. M'Lean,


Those who voted in the negative were, Messrs. Allison, Baker, Blalock, Brandon, Byrum, Cansler, Davenport, Devoil, Fitzrandolph, W. Horton, J. Horton, Lilley, Locke, Marsteller, Martin, Monk, M'Neill, Register, Sloan, G. Smith, Wadsorth.

On motion of Mr. Welch, the said bill was again read the third time, passed, and ordered to be enrolled.

On motion of Mr. Norcum, resolved that a message be sent to the Senate proposing to raise a joint select committee of two from each House, whose duty it shall be to confer with the officers of both Houses upon the state of the public business, and ascertain and report on what day the General Assembly can adjourn; and informing that Messrs. Norcum and Boddie form said committee on the part of this House.

Mr. Blalock presented a bill to authorize and empower the county court of Yaney county to alter the dividing line between the two regiments of North Carolina Militia in said county; which was read the first time and passed.

The bill concerning the exercise of suffrage by free persons of color, was read, and on motion of Mr. Battle, postponed indefinitely.
The engrossed bill directing the conveyance of the commons adjoining the town of Franklin, to the Chairman of Macon county court, was read the second and third times, and ordered to be enrolled.

On motion of Mr. Long, ordered that a message be sent to the Senate, proposing to ballot immediately for a major of cavalry attached to the 5th brigade, and informing that William E. Crump, is in nomination for the appointment. A message from the Senate concurring in the proposition, and informing that Messrs. Arrington and Montgomery of Hartford, compose the balloting committee. Ordered that Messrs. Ousby and Byrum form said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House therein, viz. A bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; a bill regulating the times of holding the superior courts in the counties of Rutherford, Lincoln, and Iredell; a bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; a bill providing a reward for the taking up of runaway slaves belonging to citizens of this State, in the States of Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts; a bill giving the county courts of this State, authority to abolish the offices of county trustee or commissioners of public buildings; a bill granting to persons therein named, certain lands for burial ground and place of public worship, for all denomination of Christians in Macon county; a bill to repeal an act of the General Assembly passed in 1833, entitled an act concerning the Wilkes county volunteer artillery company; the bill to prevent hauling seines or dragnets within two miles of certain bays and inlets within this State; a bill for the better regulation of the militia of the county of Macon; a bill to incorporate the Northampton Manufacturing Company; a bill additional to the acts now in force, directing how feme seisin may pass land; a bill concerning the Plymouth Turnpike Company; a bill to incorporate the Mattamuskeet canal and Rose Bay Turnpike Company; a resolution authorizing the Governor to procure and transmit the acts of Assembly in certain cases therein named, and for other purposes; a resolution in favor of the doorkeepers; a resolution to print a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the acts of Assembly.

The engrossed bill providing a reward for the taking up runaway slaves belonging to citizens of this State, in the States of Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts, was read the first time, and on motion of Mr. Clement, rejected.

The engrossed bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; and the engrossed bill, regulating the times of holding the superior courts in the counties of Rutherford, Lincoln, and Iredell, were severally read the first, second, and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Mattamuskeet canal and Rose Bay Turnpike Company, was read the first and second times and passed.

The engrossed bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; and the engrossed bill granting to persons therein named, certain lands for a burying ground and place of public worship for all denominations of Christians, in Macon county, were severally read the first time and passed.

The engrossed bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer or commissioner of public
The question shall the said bill pass the first reading? was decided in the affirmative.

The engrossed bill to prohibit hauling of seins or drag nets within two miles of certain Bars and Inlets within this State; the bill concerning the Plymouth Turnpike Company; the bill to repeal an act of the General Assembly, passed in 1833, entitled an act concerning the Wilkes County Volunteer Artillery Company; the bill to incorporate the Northampton Manufacturing Company; the bill for the better regulation of the militia of the county of Macon; and the resolution in favor of the doorkeepers, were each read the first time and passed.

The engrossed resolution to print a bill, entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the Acts of Assembly; and the engrossed resolution authorizing the Governor to procure and transmit the Acts of Assembly, in certain cases therein named, and for other purposes, were each read the first time and passed.

The engrossed bill additional to the acts now in force, directing how fishes covert may pass lands, was read the first time, and on motion of Mr. Bragg, rejected.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee to confer with the officers of both Houses upon the state of public business and ascertain and report on what day the General Assembly can adjourn, and informing that Messrs. Arrington and Montgomery of Hertford, form said committee on their part.

Received from the Senate a message, transmitting a report from the committee on Finance, relating to the state of the Treasury, and the induction into office of Samuel F. Patterson, as Public Treasurer, and proposing that said report be printed; the Senate's proposition was concurred in.

The engrossed bill to authorize the Governor to procure a new great seal for the use of this State, was read the second time, amended on Mr. Clement's motion, and passed.

The bill to repeal and amend part of an act, passed in 1833, entitled an act to repeal an act, passed in 1818, entitled an act fixing the sum to be hereafter paid to the State for vacant lands, was read, and, on motion of Mr. Outlaw, indefinitely postponed.

The bill amendatory of an act, passed at the present session, entitled an act granting to persons therein named, certain lands for the use of the
The bill altering the number of company musters from two to four per annum, was read the second time, and on motion of Mr. Battle, indefinitely postponed—yeas 68, nays 34. The yeas and nays demanded by Mr. Roebuck,


The bill to exempt vessels owned in this State, under seventy-five tons burthen entering in at Ocracoke bar, from paying pilotage; was read the second and third times, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House from and after to-morrow, for the remainder of the session, was granted to Archibald Monk.

The bill to prohibit sheriffs and their deputies from executing the office of constables, in civil cases; was read the second time and rejected. The said bill was subsequently, on motion of Mr. Dudley, reconsidered and laid on the table.

The bill concerning the wardens of the poor; and the bill prescribing in what manner copies of administration or returns of property, of deceased persons in another State, shall be read in evidence; were read the second time and passed.

The bill giving the superior courts of law, exclusive original jurisdiction of all applications for divorces; was read the second time, and on motion of Mr. King, indefinitely postponed.

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

Wednesday, January 7, 1835.

Mr. J. W. Guinn, from the committee on Propositions and Grievances, reported unfavorably on the petitions of Lucy R. Hendricks and Lucy T. Reid, praying to be divorced from their husbands, and also unfavorably on the petition of Jacob Lassiter of Randolph, praying to be allowed to erect a gate across a public road, and asked that the committee be discharged from the further consideration of said petitions. The report was concurred in.

A message from the Senate, agreeing to the proposition of this House to print fifty copies for each member of the Legislature, of a bill, entitled a bill concerning a convention to amend the constitution of the State.

The resolution authorizing the appointment of a clerk by the commis-
sioners to revise the laws, was read the third time and passed, and ordered to be engrossed.

The resolutions in favor of John Cooper; were read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. a bill to repair, alter and amend the road leading from the ford of the Yadkin river, where Cass formerly lived, to the Ashe county line, on the Blue ridge; a bill supplemental to an act passed at the present session, entitled an act concerning a convention to amend the constitution of the State of North Carolina; and a resolution authorizing the Public Treasurer to borrow money on behalf of the State, for certain purposes therein mentioned, and asking the concurrence of this House. The said bills and resolution, were read the first time and passed.

The resolution in favor of William Thompson, was read the second and third times, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House from and after Friday next, for the remainder of the session, was granted to Abner Hartley and Frederick P. Latham.

Mr. Norcun, from the joint select committee appointed to examine into the state of the unfinished business before the two Houses, made a report thereon. Whereupon, it was resolved, that the two Houses of the General Assembly do adjourn on Saturday the 10th inst., and that the clerks be directed to make up the estimates accordingly.

Mr. Dudley moved that the bill to amend the charter of the Wilmington and Raleigh rail road company, be now taken up and considered; this was agreed to. The said bill was read the second time, amended on motion of Mr. Dudley, when Mr. Smallwood moved that said bill be laid on the table until the third Monday in November next. The question on Mr. Smallwood's motion, was determined in the affirmative—yeas 71, nays 30. The yeas and nays demanded by Mr. Dudley, Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Barringer, Battle, Bedford, Boddie, Bragg, Brandon, Braswell, Bray, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Crump, Davenport, Fitzrandolph, Foreman, Gorrell, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Henderson, J. Horton, Houlder, Irion, R. Jones, Judkins, Latham, Lee, Long, Loudermilk, Lyon, Mullen, M'Cleese, M'Lean, M'Pherson, Outlaw, Perry, Potts, Powell, Riddick, Roebuck, Rush, Smallwood, G. Smith, J. L. Smith, S. Smith, Swanner, Swindell, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Willey, J. Williams, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, Allison, Bell, Blatchford, Blalock, Brunnell, Clement, Craige, Dudley, Fleming, Frink, Graham, Howard, W Jones, Kenan, Kittrell, Lindsay, Manly, Manney, Marsieller, Martin, Monk, M'Neill, Ousby, Poindexter, Register, Seawell, Sloan, Stockard, Tatham.

On motion, leave of absence from the service of the House from and after to-morrow, for the residue of the session, was granted to James Manney.

Mr. Long presented the following resolutions:

Whereas, by the Constitution of the United States, Congress alone is clothed with authority to borrow money on the credit of the government, and whereas, the Post Master General has taken upon himself the exercise of this high power involving the right to tax the people of these United States, without the authority of their Representatives,

Be it therefore resolved by the General Assembly of North Carolina, That the Post Master General in borrowing money without the consent of Congress, has violated the plain meaning of the Constitution, and that therefore, the loans made to him are not binding upon the nation.

Resolved, That the Senators and Representatives from this State in Congress, be requested to continue the investigations already commenced, into the abuses and corruptions of that
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The said resolutions were read, and on motion of Mr. Swanner, laid on the table till the third Monday in November next—yeas 70, nays 45. The yeas and nays demanded by Mr. Craig.

Mr. Outlaw presented a resolution in favor of Lewis Bond, late sheriff of Bertie; which was read the first, second and third times, two thirds of the House concurring, passed and ordered to be engrossed.

Mr. R. H. Alexander presented a bill to enable any two of the judges of the Supreme Court to hold the same; which was read the first time and passed.

Mr. Norcum presented a resolution in favor of the Engrossing clerks, allowing them fifty dollars for the purpose of employing additional clerks, for the balance of the session; Mr. Loudermilk moved to amend by striking out "fifty," and inserting "twenty." The question on Mr. Loudermilk's motion, was decided in the affirmative—yeas 97, nays 5. The yeas and nays demanded by Mr. Loudermilk.

The said resolution as amended, was thereupon read the first, second and third times, passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House for the residue of the session, was granted to Mr. Howard after to-morrow; and to Messrs. Crump and Kittrell after Friday next.

The bill supplemental to an act, passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina, was read the second time. Mr. Houlder moved that the following clause be stricken out, viz: "To provide that the salaries of the judges shall not be diminished during their continuance in office." The question on the adoption of this amendment, was decided in the negative—yeas 42, nays 66. The yeas and nays demanded by Mr. Foushee.
Those who voted in the affirmative, were Messrs. Allison, Bedford, Braswell, Byrum, Carter, Coor, Cotton, Dayton, Fizrandolph, Foushee, Guinn, Gwyn, Hamrick, Hawkins, Harris, Houston, Hutchison, Irion, R. Jones, Jenkins, Lee, Lyon, Mullen, M'Neil, Riddick, Register, Roebeck, Rush, G. Smith, J. L. Smith, S. Smith, Stockard, Tillett, Tomlinson, Wadsworth, Walker, Weaver, Welch, Willey, Jacob Williams, Williams of Richmond, Ziglar.


The said bill was amended in several particulars on the motions of Messrs. Gorrell, Haywood and Outlaw, and the question, shall the said bill pass the second reading? was decided in the affirmative—yeas 75, nays 36.

The yeas and nays demanded by Mr. Allison.


The said bill was thereupon again read on motion, the third time and passed. Ordered that the concurrence of the Senate be asked in the amendments made by this House.

The engrossed bill for the better regulation of the militia of Macon county, was read the second and third times, passed, and ordered to be enrolled.

The bill to prohibit sheriffs and their deputies from executing the office of constables in civil cases, was read the second time and passed. The said bill was again read the third time and rejected—yeas 50, nays 51.—

The yeas and nays demanded by Mr. Hutchison.


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

The House re-assembled pursuant to adjournment.

The bill to amend an act, entitled an act for the better observation and keeping of the Lord's Day, commonly called Sunday, and for the more effectual supression of vice and immoraltiy, passed in the year 1741, chap. 30, was read, and, on motion of Mr. Barringer, indefinitely postponed.

The engrossed bill fixing the punishment for the crime of bigamy, was read the second time and rejected.
The engrossed bill regulating costs in certain cases, was read the second and
third times, amended and passed. Ordered that the concurrence of the Senate
be asked in said amendments.

On motion, leave of absence from the service of the House from and after Fri-
day next, for the residue of the session, was granted to Messrs. Riddick, Willey,
Matthews, and Ousby.

Mr. Barringer presented a bill amending the act of the last session of the Ge-
neral Assembly, entitled an act to regulate the times of holding the superior
courts in the sixth judicial circuit; which was read the first time and passed.

The bill authorizing the entering the unsurveyed lands acquired by treaty from
the Cherokee Indians, was read, and, on motion of Mr. Craige, postponed in-
definitely.

Mr. Haywood presented a resolution in favor of Edward Rigsbee; which
was read the first, second, and third times, passed, and ordered to be engrossed.

The engrossed bill giving compensation to sheriffs and coroners for executing
writs of capias ad satisfaciendum in certain cases; and the bill concerning divor-
ces, were read the second time and passed.

The engrossed resolution providing for the compiling and publishing a list of
all the names and grade of officers, of ensigns and superior officers, who served
during the revolutionary war, or were killed in service, was read, and, on mo-
tion of Mr. Poindexter, indefinitely postponed.

The engrossed bill defining the duty of the county court in appointing patrols,
and the duty of patrols, was read the second time, and, on motion of Mr. Swan-
nor, laid on the table until the third Monday in November next.

The bill amendatory of the act of 1833, concerning the injury done by the
erection of mills, was read the second time and passed.

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

Thursday, January 8, 1835.

On motion, leave of absence from the service of the House, from and after to-
day, was granted to Mr. Lilley, and after to-morrow, to Mr. Welch, for the resi-
due of the session.

The bill prescribing in what manner copies of administration or returns of pro-
erty of deceased persons in another State shall be made in evidence, was read
the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Mattamuskeet canal and Rose-Bay Turn-
pike Company, was read the third time, passed, and ordered to be enrolled.

The resignation of the Hon. Henry Seawell, as a commissioner for re-building
the Capitol, was presented, read, and accepted.

The bill amendatory of the act of 1833, concerning the injury done by the
erection of mills; the bill concerning divorces; and the bill concerning the
Wardens of the Poor, was read the third time and passed, and ordered to be en-
grossed.

The engrossed bill, giving compensation to sheriffs and coroners for executing
writs of capias ad satisfaciendum in certain cases, was read the third time,
passed, and ordered to be enrolled.

The engrossed bill to authorize the Governor to procure a new great seal, for
the use of this State, was read the third time and passed. Ordered that the con-
currence of the Senate be asked in the amendment heretofore made.

Mr. Neill, from the committee on claims, to whom was referred the message
of the Governor, relating to the apprehension of John Sugg, a fugitive from this
State, made a report thereon, accompanied by a resolution in favor of Richard
W. Ashton; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill
to establish the Merchants' Bank of the town of Newbern, with certain amend-
ments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Bath, in Beaufort county, 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 postponed indefinitely, the engrossed bill authorizing the freemen of the town of New Salem, in Randolph county, to elect a constable; and the engrossed bill to incorporate a company by the name and style of the "Montgomery Gold Mining Company."

The resignation of R. M. Saunders, as a commissioner for re-building the Capitol, received from the Senate, was read and accepted.

Mr. Dudley presented a bill appointing commissioners for re-building the State Capitol; which was read the first, second, and third times; two thirds of the House concurring, passed, and ordered to be engrossed.

The bill to enable any two of the Judges of the supreme court to hold the same, was read the second and third times, amended on Mr. Battle's motion and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill supplemental to an act for the relief of debtors for debts which may be contracted after the first day of May next, passed in the year 1822; a bill to authorize a subscription on the part of this State to the capital stock of the Oconalufy Turnpike Company; a bill to authorize Wively Roberts to build a bridge across Deep river; a bill to extend the limits of the city of Raleigh; resolution in favor of the heirs at law, of Jeremiah Bullock, deceased; and a resolution in favor of Charles M'Cleese, agent of Ephraim Mann, deceased; and asking the concurrence of this House. The said bills and resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act passed in the year 1805, concerning wrecks; and the engrossed resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands, and asking the concurrence of this House. The said bill was read the first time, and on motion of Mr. Manly, rejected. The said resolution was, on motion of J. W. Guinn, referred to a select committee, consisting of Messrs. Guinn, Hoke, and Barringer.

On motion, leave of absence from the service of the House for the residue of the session, from and after this day, was granted to Mr. Jordan.

The resolution in favor of the heirs of William Gilliam, was read the second and third times, passed, and ordered to be engrossed:

The engrossed resolution in favor of E. W. Hancock, was read the second and third times, passed, and ordered to be enrolled.

Mr. Graham presented a bill to alter the time of holding the elections for members and for the meeting of the General Assembly in the year 1835; which was read the first time and passed.

The resolution in favor of Allen Jones, was read the second and third times, passed, and ordered to be engrossed. On the passage of the said resolution on its third reading, Mr. Bynum called for the yeas and nays, and the vote was—yeas 62, nays 31.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Bell, Bragg, Brandon, Braswell, Bray, Brumell, Cansler, Carter, Clarke, Cotten, Craig, Crump, Dockery, Dudley, Fleming, Foushee, Frink, Graham, Guinn, Gwyn, Hawkins, Harris, Hartley, Haywood, W. Horton, J. Horton, Hutchison, Irion, R. Jones, W. Jones, Kenan, King, Latham, Lindsay, Locke, Loudermilk, Manly, Mauney, Martin, M'CLean, Norcum, Ousby, Perkins, Perry, Poindexter, Riddick, Rush, Seawell, G. Smith, Swanner, Tatham, Tillett, Waugh, Weaver, Jacob Williams, Williams of Greene, Williamson, Withers, Ziglar.
The engrossed resolution to print a bill, entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the acts of Assembly, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution authorizing the Public Treasurer to borrow money on behalf of the State, for certain purposes therein mentioned, was read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of Micajah Hicks, was read the second and third times, passed, and ordered to be engrossed.

The bill to provide for a fair valuation of lands in this State, and prescribing the mode in which the said lands and other taxable property shall be given in by the owners thereof for taxation, was read, and, on motion of Mr. Willey, laid on the table until 3d Monday in November next.

The engrossed resolution, authorizing the Governor to procure and transmit, the acts of Assembly in certain cases therein named, and for other purposes, was read the second time and rejected.

The engrossed bill to prohibit hauling of seines or dragnets within two miles of certain bars and inlets within the State, was read the second time, amended and passed, and on motion of Mr. Norcom, referred to a select committee, consisting of Messrs. Norcom, and M'Cleese. The said bill was subsequently reported by Mr. Norcom, read the third time as amended, and passed. Ordered that the concurrence of the Senate be asked in said amendments.

The resolution in favor of the doorkeepers was read. Mr. Taylor moved that said resolution be postponed indefinitely. The question thereon was decided in the negative—yeas 3, nays 98. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were Messrs. Bynum, Carter, Taylor.


The said resolution was thereupon read the second and third times, passed, and ordered to be enrolled.

On motion, leave of absence from and after to morrow, was granted to Mr. Dudley.

The engrossed bill concerning the Plymouth Turnpike Company, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendments.

The bill to alter the time of holding the elections for members, and for the meeting of the General Assembly in the year 1835 was read, and on motion of Mr. King, laid on the table till the third Monday in November next—yeas 65, nays 38. The yeas and nays demanded by Mr. Tomlinson,


The bill authorizing the entering of the unsurveyed lands acquired by treaty from the Cherokee Indians; which was indefinitely postponed yesterday, was, on motion of Mr. Barringer, reconsidered and laid on the table.

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

The House met pursuant to adjournment.

On motion, leave of absence from the service of the House from and after to-morrow, was granted to Mr. Hoke.

On motion, Mr. Manney obtained leave to withdraw from the files of the House, certain papers and exhibits, by him produced before the committee on Privileges and Elections, in the case of his contested election.

The bill amending the act of the last session of the General Assembly, entitled an act to regulate the times of holding the superior courts in the sixth Judicial circuit, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to repair, alter, and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line, on the Blue ridge, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, concurring in the several amendments made by the House of Commons, to the engrossed bills, entitled a bill regulating courts in certain cases; a bill for the better regulation of the county and superior courts of the counties of Rutherford and Buncombe; and a bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, and for other purposes.

The engrossed bill to repair, alter, and amend the road leading from Holeman's ford to the Deep Gap, was read the second time, and on motion of Mr. King, indefinitely postponed.

The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to authorize Willey Roberts to build a bridge across Deep river, was read the second and third times, passed, and ordered to be enrolled.

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

On motion, leave of absence from the service of the House from and after to-morrow, for the residue of the session, was granted to Mr. Clement.

The engrossed bill to extend the limits of the City of Raleigh, was read, and, on motion of Mr. Graham, indefinitely postponed.

The bill to authorize and empower the county court of Yancey county, to alter the dividing line between the two regiments of North Carolina militia in said county, was read the second and third times, passed, and ordered to be engrossed.

The question on the third reading of the bill to repair, alter, and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line, on the Blue Ridge was, on motion of Mr. Register, reconsidered; when the said bill was again read the third time and indefinitely postponed.
The engrossed bill to repeal an act of the General Assembly, passed in 1833 entitled an act concerning the Wilkes county volunteer artillery company, was 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 9, 1835.**

The engrossed bill to incorporate the Northampton Manufacturing Company, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorize the forming a fire engine company in the town of Fayetteville; and the engrossed bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford, with amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Gorrell was placed on the committee on enrolled bills, in lieu of Mr. Hoke.

On motion of Mr. Harris, ordered that the report of the select committee, on which was predicated the resolution of expulsion of Robert Potter, be entered at large on the Journals.

The select committee, to which was referred the following preamble and resolution, viz:

Whereas a report is in circulation highly injurious to the reputation of Robert Potter, a sitting member from Granville county, and derogatory to the dignity of this House, touching his conduct since he took his seat as a member of this House. Therefore,

Resolved, That a select committee of five be appointed, to investigate the matter, and report the facts to this House; and that said committee have power to send for persons and papers, and to examine persons on oath. Having, according to order, had the same under consideration, report:

That Robert Potter and S. W. Cotton, on the night of the 25th instant in this city, about the hour of ten, commenced a game of cards called 15 the odd, at which in about two hours, Cotton won from Potter all the money he had about him, amounting to the sum of forty dollars; the money was paid, and the game ceased. Potter then proposed to Cotton, to remain until he could get more money, and they would continue the game: which was assented to. One of the witnesses remarked to Potter, that Cotton was his superior at the game, and advised him not to play again. Potter, however, returned in a few minutes returned with another supply of money, and the game was resumed by him and Cotton: which continued without intermission or incident, until the next morning between the hours of 9 and 10 o’clock, when Potter was again beaten and lost his last stake; making in all, including the $40 lost in the early part of the night, the sum of $230 or $250, which was piled on the table before Cotton. Potter snatched the money, and thrust it into his pocket, remarking at the instant, that no rescue should win his money and chuckle in his sleeve; whereupon Cotton seized hold of Potter across the table on which they had been playing cards, a scuffle ensued, the table upset, and the parties disengaged; Potter retreated to the corner of the room and drew a pistol, and placed himself on the defensive; Cotton was unarmed; one of the witnesses interfered and demonstrated with him, and insisted that no fighting should take place there: Potter stated that he only intended to use the arms in self defence. Potter accused Cotton of having made, previously, a proposition to a man named Partain, to defraud him of money, and assigned that as justification for taking the money. Cotton denied the accusation promptly: demanded the money, which Potter refused to give up; and soon after, left the house with the money, and yet detains it. It is proper to remark that the parties present at the seizure of the money, and the scuffle, and in whose apartments the gaming took place, appear to be gamblers, and as such known to Mr. Potter. And on the evidence of these men, this report is principally made. The testimony of Partain, the person alluded to above as having given Potter information of a proposed plan by Cotton, to cheat him, Potter) although vague and unsatisfactory in the manner of delivery, yet, go to establish the fact, that Cotton did make some such proposition to him, (Partain,) which Cotton, in his testimony, directly contradicts.

The Committee are of opinion, that the foregoing statement exhibits all the facts: which, together with affidavits of the several witnesses examined in the case, are respectfully submitted.

Edward B. Dudley, Chairman.

A message from the Senate, informing that they had postponed indefinitely, the following engrossed bills and resolutions, viz. A bill to exempt vessels owned in his State, under seventy-five tons burthen, entering in at Ocracoke bar, from pay-pilotage; a bill to repeal an act, to amend an act passed in the year 1819,
chapter 103, entitled an act to prevent obstructions to the passage of fish up Neuse river; and also to repeal an act passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's Creek, and Trent river; a bill directing the manner in which lands shall be sold for taxes in the county of Washington; a bill authorizing the election of constables in Greensborough, and in Jamestown and its vicinity in the county of Guilford; a resolution in favor of John P. Jasper; and a resolution in favor of the heirs of Joseph Hale, deceased.

The bill to repeal in part, an act entitled an act, amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls, passed in the year 1832; was read the second time, and on motion of Mr. Graham indefinitely postponed.

On motion of Mr. Graham,

Resolved, That the Secretary of State be directed to issue to Asa DeLozier and Henry Reegan, grants for three hundred acres, and one hundred acres of land according to the provisions of an act of the last session of the General Assembly, entitled an Act granting to Asa DeLozier and Henry Reegan, under certain conditions, two tracts of land upon the surveys and plots made by Joseph Henry, the agent on behalf of the State.

Mr. J. W. Guinn, from the committee on propositions and grievances, reported unfavorably on the petition in behalf of Davy Dickerson, praying to be emancipated; and asked that the committee be discharged from the further consideration of the subject. The report was agreed to.

The Resolution authorizing the Governor to employ Engineers to survey a rail road route from Beaufort to the western limits of the State, was read the second time, and on motion of Mr. Hawkins, laid on the table—yeas 46, nays 22. The yeas and nays demanded by Mr. King.


Those who voted in the negative were, Messrs. Allison, Barringer, Battle, Brummel, Crump, Dayton, Fleming, Gorrell, Graham, Haywood, Henry, W. Horton, King, Lindsay, Martin, Poindexter, Register, Rush, Tatham, Waugh, Welch, Willey.

A message from the Senate, concurring in the amendments marked A and B, proposed by the House of Commons, to the engrossed bill supplemental to an act passed at the present session, entitled an act concerning a convention to amend the constitution of the State of North Carolina, but not concurring in the proposition "to strike out the 5th provision." Ordered, that the Senate be informed that the House of Commons do insist on their said amendment.

A message from the Senate, proposing that a committee of appointment be appointed on the disagreeing votes of the two Houses on said amendment, and informing that Messrs. Sawyer, Wilson, Beard, Edmonston and Wyche, form their branch of said Committee. The proposition of the Senate was agreed to, and Messrs. Graham, Gorrell, Haywood, Battle and Barringer, appointed to compose said committee on behalf of the Commons. The engrossed Resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands, was reported by Mr. Poindexter, from the select committee to which it had been referred with amendments; when the said bill was read the second time, amended and passed.

The bill for arming volunteer companies; and the bill to authorize the president and directors of the Literary fund, to sell certain portions of the swamp lands; were each read the second and third times, passed, and ordered to be engrossed.

The engrossed Resolution in favor of Charles M'Cleave, agent of E. Mann deceased, was read the second and third times, passed, and ordered to be enrolled.
A message from the Senate, concurring in the several amendments heretofore made in this House, to the engrossed bill to authorize the Governor to procure a new great seal for the use of the State: also to the engrossed bill concerning the Plymouth Turnpike Company; and the engrossed bill to prohibit hauling seines or drag nets within two miles of certain Bars and Inlets within this State.

The bill to repeal part of an act passed in 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, was read the second time, and on motion of Mr. Battle postponed indefinitely.

The engrossed bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancey, was on motion of Mr. Hawkins indefinitely postponed.

The engrossed bill supplemental to an act, entitled an act for the relief of debtors for debts which may be contracted after the first day of May 1823; was read the second time and rejected.

The engrossed bill, giving the county courts of this State authority to abolish the offices of county trustee and treasurer or commissioner of public buildings, was read, and on motion of Mr. Loudermilk postponed until the 3d Monday of November next.

The bill to authorize the Governor of this State, to subscribe for and on behalf of the same, 1000 shares of the capital stock of the Cape Fear Yadkin and Pee-dee rail road company, and to pay for said stock in the manner hereinafter directed; was on motion of Mr. Boddie laid on the table.

The engrossed bill to authorize a subscription upon the part of this State, to the capital stock of the Oconaluftee Turnpike Company; was read, and on motion of Mr. Hawkins, laid on the table.

The bill to encourage the discovery of mines in this State, was read, and on motion of Mr. J. W. Gunn, laid on the table.

The House then adjourned till 4 P. M.

The House met pursuant to adjournment.

Received from the Senate a message, informing that they recede from their disagreement to the amendment proposed by the House of Commons to the engrossed bill supplemental to an act, passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina. Ordered that said bill be enrolled.

Mr. Barringer presented a bill concerning the publication of the acts relative to a Convention, and the payment thereof by the Governor; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they have rejected the engrossed bill to amend and explain the several sections of an act, passed in 1833, entitled an act, directing the manner in which constables shall hereafter be appointed in this State; the resolution in favor of Asa Delozier and Henry Reagan, was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed resolution directing the report of the committee of Finance, to be appended to the acts of the General Assembly; and the resolution in favor of Caleb Barco, and asking the concurrence of this House. The said resolutions were read the first, second and third times, passed, and ordered to be enrolled.

Mr. Seawell asked and obtained leave to withdraw from the files of the House, the papers and exhibits appertaining to his contested election.
A message from the Senate, informing that they had passed the engrossed resolution in favor of Micajah Hicks, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

A message from the Senate, informing that they had postponed indefinitely the following engrossed bills and resolution, viz. The bill to establish the Merchants’ and Farmers‘ Bank, in the town of Washington; the bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians; the bill to repeal an act, passed in 1826, to reduce the license of pedlars on the north side of the Albemarle Sound; the bill providing for the temporary appointment of registers in certain cases; the bill concerning coroner’s fees; the bill authorizing the county court of Granville, to make allowances in certain cases; and the resolution in favor of Allen Jones.

Mr. M’Neill, from the committee on Claims to whom was referred the resolution in favor of R. M. Saunders, reported favorably thereon, and the said resolution was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands, was read the third time and passed.—Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

Mr. R. H. Alexander presented a resolution directing the Public Treasurer to pay certain monies to certain agents therein named; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. King, the two engrossed bills yesterday rejected by the House, viz. The bill to repair, alter and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line on the Blue Ridge; and the bill to repair, alter and amend the road leading from Holeman’s ford, to the Deep Gap, were reconsidered, when the said bills were again read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they have rejected the engrossed bill for arming Volunteer Companies.

The House then adjourned until to-morrow morning 6 o’clock.

Saturday, January 10, 1835.

Received from the Senate, a message proposing to rescind the joint resolution adopted by both Houses to print fifty copies of the Convention bill for each member. The message was read, and on motion of Mr. Haywood, laid on the table.

A message from the Senate, proposing that the bill supplemental to the act passed at the present session, entitled an act concerning a Convention to amend the constitution of the State of North Carolina, be printed in connection with said act. The proposition was concurred in.

A message from the Senate, concurring in the amendment proposed by the House of Commons, to the engrossed resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands. Ordered that said resolution be enrolled.

Mr. Lyon presented a resolution, directing the payment of certain money granted to Owen Carroll; which was read the first, second and third times, passed and ordered to be engrossed.
A message from the Senate, informing that they had passed the engrossed resolution in favor of James Wellborn, and asking the concurrence of this House. The said resolution was read the first second and third times, passed and ordered to be enrolled.

On motion of Mr. Barringer, ordered, that a message be sent to the Senate proposing to ballot immediately for a superintendent of public works, and informing that James Wyche is nominated for the appointment. A message from the Senate concurring in this proposition, and informing that Messrs. Caldwell and Mast compose their balloting committee. Ordered, that Messrs. Cotten and Allison form this committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Romulus M. Saunders, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. Allison, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche was duly elected. The report was concurred in.

Received from the Senate a message, informing that they had adopted a resolution directing that the Public Printer be employed to print the bills passed at the present session, relative to a State Convention. The said resolution was read, and on motion of Mr. Barringer laid on the table—yeas 38, nays 33. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Barringer, Battle, Bedford, Bell, Baloock, Bray, Bynum, Coor, Craig, Dayton, Dockery, Gorrell, Graham, Harper, Harris, Harrison, Henderson, Henry, W. Horton, J. Horton, King, Lindsey, Loudermilk, Martin, M'Lean, Perkins, Poindexter, Rush, Smallwood, G. Smith, Swindell, Tillett, Watson, Weaver, Jacob Williams, Williams of Greene.


Mr. Haywood, on behalf of himself and the other signers, submitted the following protest:

The undersigned members of the House of Commons exercising a right secured by the Constitution, do hereby dissent from and protest against certain resolutions relative to the public lands, which passed on the 5th day of January, 1835, and assign the following reasons:

The first resolution affirm that "any act by which Congress shall give the public lands to the States in which they are situated, would seriously affect the prosperity of the old States, and do great injustice to those States by whom they were originally ceded to the confederacy."

2d. "That any act by which the minimum price at which these lands are now sold shall be reduced would seriously affect the prosperity of the old States, and do great injustice to those States by whom they were originally ceded to the confederacy."

These two propositions are blended together in one resolution, so that those who could not vote for both were prevented from supporting either one singly. It is undeniable that the members of the House of Commons are almost if not altogether unanimous in the opinion, that a gratuitous donation of the public lands to the States in which they may be situated, would be unjust to the other States, and would involve a breach of the public faith, whilst it was known that divisions existed among us as to the propriety of expressing the opinion contained in the second proposition before stated. Wherefore we think the majority owed it to the State not to pursue a course which precluded unanimity upon the first question, and it would seem that we are warranted in protesting against its combination with another and distinct proposition. The undersigned do not charge that it was designed to drive them from the support of the whole of the first resolution, by framing it so as to express one opinion upon two distinct propositions; yet they must vindicate their own conduct by stating that after the resolutions were introduced and before they were adopted, remonstrance was vainly made against this combination of distinct questions, and all our attempts to amend were unsuccessful. The effect of it has been to force the undersigned to vote against that which they approved, in order to avoid sanctioning that which they could not approve, and it may be that some of those who compose this majority have voted in favor of that which they did not wish to
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approve, in order to escape the necessity of opposing that in which they most heartily concurred. The latter conjecture will be strengthened by comparing the vote which was taken upon the motion to insert the substitute proposed by one of the undersigned, with the vote upon the final passage of these resolutions. The ground assumed upon this point is further fortified by the facts, that after it was openly stated in the debate by several of those who advocated these resolutions, that they were not intended for an indirect sanction of the bill, commonly called "Mr. Clay's Land Bill;" but that the speakers themselves approved of the vetoing of that bill by the President in consequence of the preference secured by it to the new States; a motion was made to amend the second resolution in conformity with these declarations, and yet, the motion was rejected upon the assumption that they who moved the amendment were influenced by the sinister intention of defeating the resolutions, and that the amendment would not alter the meaning of the resolution as originally written.

We submit further that the view we have presented of an unnecessary connection of these two propositions in one and the same resolution, cannot be eluded upon the pretext that the price of the public lands is necessarily connected with the other question, because the price might be reduced to a nominal sum, as a means of giving these lands to the new States indirectly. For let it be remembered, the amendment proposed by one of the undersigned to the first resolution, declares that such donation, whether direct or indirect, would be a breach of public faith.

The reasons for which the undersigned could not approve of the second proposition contained in the first resolution, are shortly these:

The subject is one of great difficulty, and is well calculated to perplex the honest enquirer under circumstances the most favorable for investigation, and yet, the General Assembly of North Carolina were called upon to act at a late period of the session, without any report from the joint select committee to whom it had been referred by both Houses, whilst no good reason could be given for a speedy determination of it by this body. All agree that it is a matter upon which the Legislature of a State cannot enact laws, but that it can only advise the Federal Government. We might, it is true, impetuously follow the dictates of our pecuniary interests only, and readily conclude upon the course which that interest alone indicates; but every one must perceive that the same rule of action being adopted by the new States will inevitably produce collisions: that if we advise Congress to regulate the price of the public lands to suit the interests and prosperity of the old States only, so may the new States demand that their interests and their advancement shall be exclusively consulted. The right of the latter to give their instructions is as perfect as ours. At last, then, it must devolve upon Congress to legislate upon this subject, with a view to the rights, interests, honor, and prosperity of all the States.

The undersigned do not undertake to determine that the price of our public lands is too high or too low, but in either case the reason assigned in this resolution of advice to Congress is, in our judgment, unworthy of our State, and unsuited to the character she has always deserved, and always maintained for her devoted and patriotic attachment to the Union of the States,—an Union which cannot be preserved, if each member of it act upon the principle that her individual interest and prosperity must be exclusively recognized by the national councils.

The injury to our prosperity, which, it was mainly urged, (in the debate upon these resolutions,) a reduction in the price of our public lands would produce, is, that it would increase emigration from North Carolina to the Western States. Now this may or may not be true; but if true, does it form a just consideration, by which the Congress of the United States are to be influenced in regulating the price of the public lands? And if it were so, who can pretend that it is one of such prominence as to shut out all others from their view? To us it appears almost self evident, that supposing the reason to be good, the conclusion which follows from it must be, that the price of the public lands ought to be increased, nay, that our land offices ought to be closed! Moreover, if it were conceded that the prosperity of the new States injuriously affects the interest of the old ones by withdrawing a portion of their population, we more than doubt the honor or justice of instructing our Representatives in Congress who convene to legislate for all, the western as well as the eastern, northern and southern States, to contract the sphere of their political observation, within bounds narrower than the whole Union; and to look at the interest and prosperity of a part only. We deplore such a course as selfish and unpatriotic, and we protest against it as having a tendency to create dangerous jealousies, and kindle the most invidious feelings among the States. It treats the new States as if they were foreign governments, by regarding their prosperity, and their honor, and their glory, as so many impediments to our own elevation.

We do not, indeed, admit the propriety ordinarily of sacrificing the rights of North Carolina, for promoting the interests of other sections of the country; but we likewise protest against the envious demand of regarding our interests alone, without respect to the rights of others. Not to enlarge more upon this topic, we earnestly ask with what decency can the representatives of North Carolina denounce the selfish motives, upon which alone rests this unfounded claim of a new State to the exclusive enjoyment of the common property of the Union, while:
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the very grounds upon which we require them to resist that claim, are neither less ignoble nor more disinterested? If our representatives must regulate the price of the public lands, so as to retard the settlement of the new States, because it is our interest to do it, will not the new States be exonerated for claiming the exclusive ownership of the lands, because it is their interest to do it?

Further, we protest against the second resolution: Because, after asserting that the public debt is paid, it erroneously concludes that, therefore, a distribution of the public lands ought to be made among all the States: Because, it requires that distribution to be made absolutely and without reference to the situation of our national finances. No matter what may be the exigencies of the nation, no matter what the circumstances of the country, (so far as this resolution is concerned,) the stream of wealth which flows from this source of our national revenue is to be diverted from the National Treasury, and distributed among the States. Even though there shall be a want for money to meet the legitimate expenditures of the Federal Government, it must not be supplied from the proceeds of the public lands—these must go to the States, and the National Treasury must be replenished by additional taxes, or by creating a national debt! Because, some of our purest and ablest statesmen have well doubted the constitutional power of Congress, to become in any form the dispensers of public money or other bounties to the States, and this resolution not only acknowledges the right, but enjoins it upon Congress to exercise the doubtful power. Hence, too, some States which esteem their political principles higher than "filthy lucre," would be constrained to refuse an acceptance of its proportion, whilst those which entertain different opinions would take theirs, and others again might barter their principles to secure a share of the spoils.

The undersigned refer to the substitute, which was offered by one of them as an amendment to this resolution, and they confidently rely upon the judgment of an impartial people, that it affords a double guaranty against the dangers of corruption, from the unnecessary accumulation of national revenue on the one hand, and the fear of usurpation in the exercise of ungranted or doubtful powers by the Federal Government, on the other.

Finally, we protest against these resolutions, being considered as instructions to our Senators, which, in our judgment they would be, if disconnected from the circumstances under which they passed the House of Commons. Because, it was distinctly avowed in debate by some of those who advocated the passage of the resolutions, that they were not "instructions to our Senators," and this was acquiesced in by the silence of nearly all, if not every other member of the majority. Because, a large proportion of the members of the House of Commons, who had during this session, denied the right of the General Assembly to instruct the Senators, yet voted in favor of these resolutions. Because, these resolutions were introduced, and the vote was finally taken, at a late period of the session, and after many members had obtained leave of absence, and many others were not present to vote.

House of Commons, 10th January, 1835.


Ordered, that a message be sent to the Senate, informing that the House of Commons having acted on all the public business before them, are now ready to adjourn without day.

A message from the Senate, informing that they also are ready to adjourn without day.

Mr. Barringer presented the following resolution, which was unanimously adopted.

Resolved, That the thanks of this House be tendered to William J. Alexander, Esquire, the Speaker thereof, for the able, impartial and prompt manner in which he has discharged the duties of the Chair, during the present session.

Whereupon, the Speaker made his acknowledgements to the House in an appropriate address, and adjourned the same sine die.

By order,

Chas. Manly, C. H. C.

WM. J. ALEXANDER, S. H. C.