At a General Assembly of the State of North Carolina, begun and held in the city of Raleigh, on Monday the 16th day of November, in the year of our Lord one thousand eight hundred and thirty-five, and sixtieth year of the Independence of the United States of America, being the day appointed 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:

Cabarrus, Levi Hone. Onslow, Daniel S. Sanders, Daniel Thompson.
Cumberland, James N. M’Pherson, John S. Burgess. Orange, John Stockard.
Carteret, James W. Hunt. Pasquotank, Thomas Bell, John B. Muse.
Columbus, Thomas Frink. Randolph, William B. Lane, Zebulon Rush.
Craven, John M. Bryan, Abner Neale. Richmond, George Thomas, John R. Baie.
Currituck, Joshua Harrison, Alfred Perkins. Rockingham, Philip Irion, Blake A. Braskell.
Davidson, George Smith, Charles Brumnell. Rowan, John Clement, Jesse W. Walon.
Edgecombe, L. Deberry, Joseph S. Pippin. Sampson, Dickson Shan, Isaac W. Lane.
Lenoir, Windall Davis. Surry, Mathias E. Manly.
Macon, James W. Guina, Jacob Siler. New Hanover, Charles Henry, John R. Walker.

A quorum consisting of a majority of the whole number of members being present, Mr. King moved that William A. Graham, the member representing the town of Hillsboro, be appointed Speaker; and on motion of Mr. Slade, William H. Haywood, one of the representatives of the county of Wake, was added to the nomination. The House thereupon proceeded to ballot under the superintendence of Messrs. King and Slade; who upon counting out the ballots, reported that William H. Haywood had received a majority of the whole number, and was duly elected. The House concurred in the report, and Mr. Haywood being conducted to the Chair by Messrs. Slade and King, entered upon the duties thereof in an appropriate address.

On motion of Mr. Poindexter, Charles Manly was re-appointed Principal Clerk, and Edmund B. Freeman Assistant Clerk.
On motion of Mr. King, the House proceeded to the selection of a Door Keeper, when Isaac Truitt, Richard Roberts, William W. Gray, William Walton and Mark Williams, were nominated; a balloting was had under the superintendence of Messrs. Rogers and Dodson; and Mr. Rogers reported, that upon counting out the votes Isaac Truitt had received a majority, and was duly elected. The report was concurred in.

On motion of Mr. Gorrell, the House proceeded to the appointment of an Assistant Door Keeper, and John Cooper, Angus McDonald, William W. Gray, Kinchen Taylor and William Young, were nominated for the appointment; a balloting was had under the superintendence of Messrs. Gorrell and Hutchison; and Mr. Gorrell after counting the ballots reported that John Cooper had received a majority of the whole number, and was duly elected; the report was agreed to.

Mr. Stockard announced to the House the death of James Forrest, one of the members elect from the county of Orange, and moved the following resolution, which was read and adopted;

Resolved. That a writ of election be issued to the Sheriff of Orange county directing him to hold an election for a member of this House, in the place of the late James Forrest deceased, on Monday the 23d day of November.

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

TUESDAY, NOVEMBER 17, 1835.

Owen R. Kenan, one of the members elect from the county of Duplin, exhibited his credentials, and was qualified according to law.

A message was received from the Senate, by their assistant clerk, Mr. Coleman, informing them that the Senate had been duly organized by the appointment of William D. Mosely speaker, William J. Cowan principal clerk, Daniel Coleman clerk assistant, Thomas B. Wheeler principal door keeper, and Green Hill assistant door keeper, and that they are ready to proceed to the despatch of public business.

On motion of Mr. Gwyn of Caswell, ordered, that the Senate be informed of the organization of this House, and of our readiness to co-operate with that body in the despatch of public business.

On motion of Mr. Graham, ordered, 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 observed. Messrs. Graham, Hoke, Hybart, Poindexter and Hutchison, form said committee.

On motion of Mr. Graham, ordered, that a message be sent to the Senate, proposing to raise a joint select committee of five persons on the part of each House to prepare rules of order for the regulation of the intercourse between the two Houses the present session.

On motion of Mr. Manly, ordered, that a message be sent to the Senate, proposing to raise a joint select committee of two, on the part of each House, to wait upon His Excellency the Governor, informing him of the due organization of both branches of the Legislature, and of their readiness to receive any communication he may see proper to make.

A message from the Senate concurring in this proposition, and informing that Messrs. Joyner and Edmonston form said committee on their part; ordered, that Messrs. Manly and M'Rae, form this committee on behalf of the Commons.
On motion of Mr. L. A. Gwyn, ordered, that a message be sent to the Senate, proposing that the two Houses ballot immediately for three engrossed clerks, and informing them that Thomas G. Stone, Joseph D. Ward, John C. Stone, James J. Thomas, Nehemiah Blackstock and William W. Hall, are nominated for the appointment.

A message from the Senate, agreeing to this proposition, and informing that Messrs. Little and Arrington, form the ballotting committee on their part; ordered, that Messrs. L. A. Gwyn and M’Pherson, form this committee on our part.

A message from the Senate concurring in the proposition of this House to raise a joint select committee on joint rules of order, and informing that Messrs. Wyche, Wilson, Waugh, Hill, and Moorehead, form said committee on their part; ordered, that Messrs. Graham, Hoke, Hybart, Poindexter and Hutchison, form said committee on behalf of the commons.

Mr. Manly from the joint select committee appointed to wait upon His Excellency the Governor, reported that the committee had discharged their duty, and that they were authorized to say that the Governor would at 12 o’clock this day, make a communication in writing to both branches of the Legislature.

Mr. L. A. Gwyn from the committee appointed to conduct the ballotting for three engrossing clerks, reported that William W. Hall, Joseph D. Ward 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. Wm. T. Coleman, the following communication, which, upon being read, was on motion of Mr. Manly, ordered to be transmitted to the Senate with the documents accompanying, and with a proposition that the message be printed; one copy for each member of the Legislature.

To the General Assembly of North Carolina:

The duty of addressing the representatives of the people, convened to consult for the common good of their constituents, has on no previous occasion been to me the source of so great anxiety and perplexity as the present. This embarrassment arises no less from the peculiar situation of our affairs, than from the measures in progress to amend the Constitution of the State.

It will be some days before it can be ascertained whether the new Constitution has been adopted or rejected. If it has been adopted, a material change in the basis of representation, constitutes one of its most prominent provisions. This expression of the public will, made in the most imposing form known to our institutions, will probably have a decided influence upon your proceedings. You will not, without hesitation, venture upon any radical change in the system of policy hitherto pursued, if it shall be ascertained that the people have transferred the legislative power of the State to a Department which will be constituted upon principles differing essentially from those which enter into the formation of your body. Whatever may be the conclusion at which you may arrive on this subject, there seems to be no reason which should restrain the Executive Department from the customary expression of opinion upon the most important topics which engage public attention.

To much the larger portion of this State, the past year has been a season of more than ordinary prosperity. The production of articles necessary to the sustenance of human life, has been abundant—and our great agricultural staple has commanded a higher price than has been known for many years. Our citizens, always distinguished for prudence and economy in the management of their domestic affairs, aided by the fortunate circumstances referred to, are at present probably less involved in pecuniary difficulties than at any previous period of our history. Notwithstanding these clear evidences of the comparatively prosperous condition of the community, the tide of emigration continues to flow in a copious and steady current to the new States and Territories of the West, and we are thus constantly losing many of our most wealthy, enterprising and intelligent citizens. It is not surprising that the universal and laudable disposition strikingly characteristic of the American people to acquire a permanent interest in the soil, should prompt removals from an old and densely populated country, to sparsely settled regions where ground may be acquired at low prices. That these causes have in many instances produced emigration from this State, is admitted;
but we deceive ourselves, if we suppose that the evil is to be attributed to them alone. In general salubrity, variety of climate and consequent variety of productions, average fertility of soil, and wide extent of sea coast, North Carolina is scarcely exceeded by any of her sister States. Other causes, therefore, than natural disadvantages, have in a greater or less degree affected the growth and prosperity of the State. A very slight acquaintance with the facts, will suffice to show that a large proportion of the citizens who have removed from our borders within the last ten years, have contributed to augment the population and resources of States more densely peopled than our own. With regard then to the latter class, and to those who are liable to be influenced by similar considerations hereafter, it becomes important to inquire, what causes have produced the evil, in order that you may ascertain whether a remedy can be devised within the legitimate range of your powers.

When we consider that we have but a single collegiate institution in the State, but few respectable academies, and that no adequate provision has been made to diffuse even the elementary principles of education among the poor; that there is not a single work of Internal Improvement in progress, and no fund that deserves the name provided for the future development of our resources; it ceases to be a matter of surprise that even our younger sisters munificently provided for in all these respects by the bounty of the General Government, should outrival us in the generous contest for physical and intellectual improvement. It is but natural that under such circumstances the young, the ardent and the enterprising among our own citizens, should sever the ties that bind them to their native homes, and seek for affluence and distinction under better auspices. It affords me no pleasure to present this picture of our condition. It would indeed be the source of extreme mortification if I regarded it as proceeding exclusively from our own supineness and neglect. That we have done less than we might and ought to have done for the accomplishment of these great purposes, is in my estimation, certain; but that our exertions have been constantly retarded by the system of Federal legislation adopted with regard to us, is not less manifest.

This entire subject was so fully discussed in my last annual message, that I shall content myself with a mere reference to that paper, rather than an extended consideration of it in this. It was then attempted to be shewn, that great injustice had been done to this State in the settlement of our claims for revolutionary services; that the revenue system adopted by the Federal Government had operated oppressively upon us, and that the low prices at which the government lands were disposed of in the new States and Territories, had affected most injuriously the value of our real estate. The injustice sustained in the settlement of our revolutionary claims, embarrased our efforts towards improvement, as the period of all others the most important, the commencement of our political existence; and the tariff and land systems subsequently adopted, far from relieving, tended but to increase our difficulties. Thus stripped of resources, the history of our State legislation during the first half century of our political existence, will exhibit little more to posterity than the annual imposition of taxes amounting to less than a hundred thousand dollars, one half of which constituted the reward of the legislative bodies by which they were levied, while the remainder was applied to sustain the train of officers who superintended the machinery of government. The establishment of schools for the convenient instruction of youth, and the development and improvement of our internal resources by means beyond the reach of individual enterprise, will seem scarcely to have been regarded as proper objects of legislative concern.

Still less cheering and consolatory is the history of our Federal relations. Immediately upon our entrance into the Federal compact, we conveyed to the General Government our entire claim to territory west of this State, out of a portion of which was formed the State of Tennessee, as a common fund for the use and benefit of the United States of America, North Carolina inclusive, to be applied to the payment of the national debt according to their respective and usual proportions in the general charge and expenditure, and to no other purpose whatever. We have, in the shape of internal duties, contributed more than a million of dollars annually to the national Treasury. In return for these immense concessions, we have enjoyed that protection which the American name extends to American citizens throughout the wide extent of this confederacy, and we may almost say that none other than this nominal protection has been afforded to us. During the late war, when our coast was blockaded by the greatest maritime power in the world, a special messenger was despatched by the General Assembly to represent to the General Government the defenceless condition of our maritime frontier: In reply, we were urged to prepare vigorously for the contest, and to rely exclusively upon our own resources. So it was not then convenient to aid us. The legislature immediately resorted to loans, provided munitions of war indispensable to the protection of the coast, and put them in the charge of the militia of the State. The claim for the expense thus incurred, has been for years, and is at present, before the War Department, and has been uniformly resisted, upon the ground that the General Government having omitted to fortify the coast, could not properly be required to pay for munitions of war, suitable only for fortifications. Since the war, a Fort of the second class has been erected contiguous to Cape Fear, and another near Old Top-sail Inlet, but these are the only evidences visible upon the face of the country, of the exertion towards us of the benevolent action of the Government, either for the purpose of improvement or defence.
If it were possible to procure precise data by which to institute a comparison between the
exactions and the disbursements of the Federal Government, from and on account of North
Carolina, there can be no difficulty in pronouncing that a prominent cause of our evils would
be rendered most apparent. If the comparison were extended so as to present a relative view of
the receipts from, and disbursements on account of some of the more favored States, the
contrast would exhibit a claim to redress which could scarcely be overlooked or disregarded.
A more favorable opportunity than the present to urge attention to these claims, cannot arise—
nor is the nation likely, at any future period, to be able to do us justice with such perfect con-
venience. That the revenue of the General Government exceeds its legitimate wants, and
that the power and patronage incident to it, are dangerous to the liberty of the country, are
positions which will—certainly be controverted. In my last annual Message, to which reference
has already been made in connection with this topic, I suggested as the most appropriate and
least objectionable mode of satisfying the demands of North Carolina, and reducing in some
degree, the patronage of the Government, a distribution of the proceeds of the public domain,
upon the principles stipulated by our deed ofcession. It is now submitted as a subject proper
for your consideration, and as requiring, for reasons too obvious to be stated, early and effi-
cient action. This State, it will be recollected, was charged with one tenth of the entire ex-
penses incurred in sustaining the war of the revolution—and is therefore entitled to the same
proportion of all that portion of the public lands ceded to the General Government, anterior
to the acquisition of Louisiana.

A cession to the new States of such portions of the public domain as are situated within
their limits, or a further reduction of the price at which it is at present disposed of, cannot
be otherwise than deeply injurious to all the old States, and fraught with manifest injustice
and the most ruinous consequences to us.

With a Treasury barely sufficient to meet the current expenses of the Government, with-
out resorting to loans, it would be idle to recommend the adoption of any measures con-
ected with the general improvement of either the physical or intellectual resources of the
country. My opinions on these subjects, have been repeatedly communicated to the Gen-
eral Assembly, and are too well known to all classes of the community, to justify repeti-
tion. To attempt to accomplish anything with regard to either, without first having pro-
vided a competent fund for the purpose, would have no other effect than to disappoint the
excited hopes of the public, and postpone further efforts to an indefinite period. A just
proportion of the revenue, accruing from the sales of public lands, would enable us to en-
ter upon a system of measures which could not be otherwise than productive of the most
suspicions results. Without it, judging from past experience, little expectation can be
entertained that an adequate fund for the purpose will be provided by the Government in
time to meet the growing exigencies of the country.

I have, on various occasions, expressed the opinion, that it was not to be expected, in the
nature of things, that any system of Internal Improvements commensurate with our neces-
sities and resources would, at any time, be effected by individual enterprise. The atten-
tion of the capitalist will naturally be directed to the sections of country which will best
reward expenditure, rather than to those which most require improvement. Important
local improvements may, nevertheless, be effected by incorporated companies; and if the
Government neglects its appropriate duty of providing for the wants of the whole commu-
nity, liberal encouragement should, at least, be extended to individuals who propose to
combine their skill and capital in an attempt to improve any portion of the country. In
the accompanying file of papers, will be found a printed pamphlet, containing the proceed-
ings of a meeting of citizens held at Cincinnati, Ohio, on the 10th of August last, on the
subject of a "Rail Road from the banks of the Ohio river, to the tide waters of the Car-
olinas and Georgia." The enterprise proposed by that meeting is of the most gigantic
character, and contemplates a large expenditure of capital,—but promises, if effected, im-
mensely beneficial results to nearly half of the Union. It is at present exciting much inter-
est in South Carolina and Georgia, and confidence in its practicability and utility, seems to
be rapidly increasing. The effect that its accomplishment would have upon this State, de-
pends, in a great degree, upon the course which may be pursued with respect to a gen-
eral system of improvements. If the plan recommended by the Internal Improvement Con-
vention two years since should be adopted the Cincinnati project would prove a magnifi-
cent extension of our system. If we determine to do nothing ourselves, and permit South
Carolina and Georgia to compete alone for the trade of the valley of the Mississippi, the en-
terprise, nevertheless, promises the most important advantages to the section of the State
west of the Alleghany, and is, under all circumstances, entitled to the most favorable con-
sideration. In connection with this subject, I submit a communication from the President
of the Petersburg Rail Road Company,—exhibiting statements of the receipts and dis-
bursesments on that portion of the road within the limits of the State, and making impor-
tant suggestions in relation to its further extension within our borders.

The spirit of fanaticism, which has recently been manifested in connection with one
species of our population, in various sections of the Union, demands, and will receive your serious consideration. It is no longer possible to conceal it, if we would; and it becomes us, in common with the people of every Southern State, to speak a language upon this subject which will not admit of misapprehension, and exhibit a spirit that shall, at least, command attention and respect. The extent of the operations and designs of these misguided people, will be best understood by an examination of the accompanying file of papers, published under the patronage of the Society of Immediate Abolitionists at New York; which has been transmitted to me by a citizen of this State for your use. This subject first attracted the attention of the Legislature in 1830, when the evil was comparatively in infancy; and the publication or circulation within this State of these incendiary newspapers and pamphlets, was made a felony punishable by fine, whipping, and the pillory in the first instance; and death for the second offence. It is apparent to all who have any accurate knowledge of our condition, that the public safety imperiously requires the suppression of these wicked and mischievous publications, injurious alike to the best interest of the master and the slave. This, I apprehend, cannot be effected without the co-operation of the Legislatures of the States from which these missiles proceed. Such an interference with our domestic concerns upon the part of the citizens of a foreign State, either encouraged or permitted by the government, would at once justify a resort to the modes ordinarily adopted for the adjustment of national differences. If we should exercise greater forbearance in the present instance, it is not because the wrongs we suffer are less injurious or mortifying, when inflicted by the hands of brethren. The obvious design and tendency of these proceedings, is to subvert the Constitution and laws of the country; and we have therefore, an indubitable right to ask of our sister States the adoption of such measures as may be necessary and requisite to suppress them totally and promptly. Upon this question there is no diversity of interest, and can be no difference of opinion. The entire South will unite with you in the adoption of any measures which may seem best calculated to insure union of counsels, and prompt and energetic action. Under the perfect conviction, that there is no neutral ground which can be occupied either with safety or honor, and that to delay action is to increase danger; I cannot doubt or hesitate as to the course which it becomes us to pursue. It is therefore respectfully recommended as worthy of your consideration, whether Resolutions should not be adopted, inviting the States united with us by the ties of common interest and danger, to co-operate with us in the adoption of such measures as may be necessary to insure our safety; and calling upon the Legislatures of all the States, to enact such penal laws upon this subject, as may be necessary to perpetuate the blessings contemplated in the formation of the Federal Constitution and the Union.

The Report of the Public Treasurer exhibits the condition of our Finances, and suggests the measures proper for their improvement, with a clearness and force of reasoning, highly creditable to that officer. Most of the measures recommended to your consideration, have heretofore occupied the attention of the General Assembly; but have given rise to no efficient legislation. Whether the course pursued by your predecessors, upon this subject, was the one demanded by the public interest, is scarcely necessary to inquire. If the proposed Constitution shall be rejected, it is certain that you have no alternative other than the diminution of the public expenditures, or the increase of the public revenue. If it shall be adopted, though the necessity for the consideration of this subject may be rendered less absolute, it will remain equally prudent and proper. In the accompanying file of papers, will be found a communication from the Governor of Kentucky, soliciting an exchange of law reports between that State and this: A similar application upon the part of Maryland, was communicated to the last General Assembly. Reports of the decisions of the Supreme Courts of Maryland, Kentucky, Indiana, Illinois, and Missouri, have been received at various periods from the Executive Departments of these States; and have been preserved in the Library belonging to the Executive office. As this Department has no authority over the subject, it becomes your duty to adopt the measures which seem to be demanded by the courtesy of the States referred to. An interchange of the Statute Laws of all the States, has existed, perhaps, from the foundation of the government, and seems indeed to be essential to enlightened legislation. The reported decisions of the Courts of several States, would perhaps be equally important to the Judicial Department of the Government, and would certainly constitute a valuable addition to the public Library.

I have heretofore suggested to the General Assembly, the propriety of revising the laws, regulating the duties of the public Printer; and beg leave to commend the subject to your consideration. The compensation allowed him for any other than extra work, is altogether inadequate; and as a natural consequence, the laws are most inelegantly and inaccurately printed. It is made the duty of no one to prepare indexes and marginal notes, or revise the proof sheets; and numerous, and in many instances, material errors have found their way into even the best editions of the laws. Some more certain and definite princi-
people, by which to determine the amount of compensation to be allowed for extra work, should also be prescribed.

The death of the Honorable Henry Seawell, has created a vacancy upon the Bench of the Superior Courts of Law and Equity, which it will be your duty to supply in the progress of the present session. The Judge died during the week designated by law, as the term of Wake Superior Court; and at so late a period in the circuit, that it was considered inexpedient to convene the Council for the purpose of appointing a successor. His illness occasioned the loss of Johnston and Wake courts; and his death, those of Franklin, Warren, Halifax and Northampton. It would seem to be at least worthy of inquiry, nevertheless, whether the frequency of their occurrence might not be lessened, either by changing the periods at which the courts are required to be held, to a later period of the year, or so far as respects the courts on which difficulties of this character have most frequently arisen, by merely inverting the order, so as to begin in the healthy and terminate in the sickly counties.

The crowded state of the dockets in some of the large Western counties, is such as to amount, in some degree, to a denial of justice; and calls loudly for a remedy. Perhaps the best method of redress; would be the creation of an additional Circuit; and the extension of the term to two weeks, in cases where the accumulation of business requires it.

A Report from the Commissioners appointed to digest and revise the Public Statute Laws of the State, which will necessarily engage a large portion of your time and attention during the present session, is in preparation, and will be submitted at an early day. The vacancy in the commission, occasioned by the illness and consequent resignation of the late Gavin Hoeg, Esq., was, in January last, supplied by the appointment of Frederick Nash, Esq., of Hillsborough, who has been since that period, assiduously engaged in the discharge of its duties.

Duncan Cameron, and Alfred Jones, Esquires, two of the commissioners appointed by an act of the last General Assembly, to superintend the rebuilding of the Capitol, having declined the trust, the appointment was, on the 21st of July last, conferred on the Rev. Doctor McPheters, and Doctor John Beckwith, of this city. The report of the Commissioners, which will be transmitted to you at an early period of the session, will exhibit in detail, the progress which has been made, and the expenditures which have been incurred in the execution of the work.

My term of office, as limited by the Constitution, will expire before the brief period allotted for the discharge of your duties will have passed away. I trust I may be permitted to avail myself of this last opportunity, before I retire from the active and responsible duties of public life, to comparative quiet and seclusion, to express the deep and grateful sense I entertain of the unwavering confidence and kindness so frequently manifested towards me by the people of North Carolina. In every relation of life, in which it may be my destiny to be placed, my most fervent aspirations will arise to Him who controls the destinies of Nations, as of individuals, for the preservation, in their purity, of our free institutions; and the advancement of our citizens in every thing calculated to promote their prosperity and happiness and add lustre to the character of the State.

David L. Swain.

Executive Department, N. C. November 16th, 1835.

Wednesday, November 18, 1835.

Henry S. Clarke, one of the members elect from the county of Patefort, Roderick B. Gary, of Northampton, James W. Howard of Jones, Council Wooten, of Lenoir, and Marmaduke Powell of Columbus, appeared, exhibited their credentials, and were qualified according to law. Mr. Graham from the joint select committee, raised on the subject, reported the following joint rules of order for the regulation of the intercourse between the two Houses, viz:

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for the 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, viz: "As many as are of opinion that, (as the question may be,) say Aye;" and after the affirmative voice is expressed, "As many as are of contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall first rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which also being reported, he shall rise and state the decision of the House.

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

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

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

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

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

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

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

ORDER OF BUSINESS OF THE DAY.

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

OF DECORUM AND DEBATE.

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

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

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

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

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

18. No member shall vote on any question, in the event of which he is im-
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.

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

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

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

When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

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

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

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

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

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.

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

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

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.

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.

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

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.

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.

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 notice, two-thirds of the House shall be required.

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. 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, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question on its passage be taken.

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 longest time shall be first put.

44. The rules of proceeding in the House shall be observed in 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 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 commitment or amendment.

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 any 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.

The report was read and concurred in; and on motion of Mr. Graham, it was ordered that the same be engrossed and sent to the Senate for concurrence. Edward D. Dudley, the member representing the town of Wilmington, exhibited his credentials, and was qualified according to law; the speaker laid before the House the annual report of the public treasurer, which on motion of Mr. Pondexter, was ordered to be sent to the Senate with a proposition that it be printed, one copy for each member.

On motion of Mr. Sanders, ordered that a message be sent to the Senate, proposing to raise a joint select committee of five persons from each House, or so much of the message of His Excellency the Governor, as relates to the fanaticalism of certain individuals in the Northern States on the subject of slavery. Mr. Graham from the select committee appointed for that purpose, reported the following rules of order of conducting business in the House of Commons.

JOINT RULES FOR BOTH HOUSES.*

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill, resolution or order, agreed to in one House, and dissented to in another, if either House shall require a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the clerk assistant of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent, by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper by the engrossing clerk, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee, of two from the Senate, and four from the House of Commons, appointed as a committee for that purpose, whose duty it shall be carefully to compare the enrolment with the engrossed bill, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the two Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is re-

* The Rules of Order, and the Joint Rules, we inadvertently transposed.—Printer.
11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former judicial districts. The Library committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speaker thereof, respectively.

13. In all joint committees, the members first named on the committee on the part of the House, proposing to raise such committee, shall convene the same; and when they shall choose their own Chairman.

14. Either House may make a reference to any joint committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the clerks of each House for the use thereof, and ten copies shall be deposited in the public library.

16. That the foregoing rules shall be permanent joint rules of the Legislature of North Carolina, until altered or amended.

The report was read and concurred in; and on motion of Mr. Graham, ordered that the said rules, in connexion with the rules of the Senate, the joint rules, the constitution of this State and of the United States, be printed, one copy for each member of the Assembly.

In compliance with the 35th rule of order, the following standing committees were appointed, viz:


Privileges and Elections.—Messrs. Hoskins, West, Swindell, Hammond, Brown, Hall, H. Rae, Williamson, Lindsay, W. B. Lane, Hoke, Bedford and Landerdike.


Internal Improvement.—Messrs. Jago, Gei, Swanner, Hunter, Judkins, Dudley, Hybart, Rogers, Gorrell, Chambers, Hope, Jervis and Flemming.


Agriculture.—Messrs. Stallings, Speller, Pipin, Wooten, Hester, Lyon, Thomas, Stockard, Dodson, Guthrie, Dunn, Harrison and W. Horton.

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

THURSDAY, NOVEMBER 19 1835

The speaker announced the appointment of the following committees, viz: the committee on the Judiciary, consisting of Messrs. Graham, Carson, Hoke, Hybart, Hall, Williamson, Clarke, Hutchinson, Jordan; committee on Private Bills, consisting of Messrs. J. W. Guinn, Guthrie, Eaton, J. A. D. O'Nell, King, Fitzrandolph, Rayner, Byrum, Howerton, Bond, Hunt, Swindell.

Mr. Clingman submitted 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 which 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 disposition of the public lands, or the proceeds thereof, ought to be made among the States of the Union, as shall be proportioned to the respective sacrifices and expenditures incurred by them in support of the United States, or at least in proportion to their federal population.

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 United States.

The foregoing resolutions were read, and on motion of Mr. Clingman, ordered to be printed and made the order of the day for Monday next.

On motion of Mr. Slade, leave was granted John Brown, agent of the heirs of Cathcart, to withdraw from the files of this House, the petition presented by him at the last session.

On motion of Mr. Gary.

Resolved, That a message be sent to the Senate, proposing that so much of the message of His Excellency the Governor, as relates to changing the periods at which the courts are required to be held in the third judicial circuit to later periods of the year, or so to provide that the circuit commence in the healthy, and terminate in the sickly counties; be referred to a joint select committee.

Mr. Manly submitted the following resolutions, which were read and adopted.

Resolved, That so much of His Excellency, the Governor’s message as relates to the internal improvement of the State, be referred to the standing committee on that subject.

Resolved. That so much as relates to the revenue and fiscal system of the State, be referred to a select committee.

Resolved. That so much thereof as relates to the exchange of their reports with certain States therein named, be referred to the committee on the judiciary.

Resolved, That so much thereof as relates to the public printing, be referred to the committee on propositions and grievances.

Messrs. Manly, West, Chambers, Poindexter, and Rogers were appointed a select committee under the preceding resolution relating to the revenue and fiscal system of the State.

On motion of Mr. J. W. Guinn,

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

On motion of Mr. Hall,

Resolved. That so much of the Governor’s message as relates to the claims of the State against the General Government, be referred to a select committee.

Said committee consists of Messrs. Hall, Kelly, Wooten, Williamson and Slade.

On motion of Mr. Catron,

Resolved, That so much of the Governor’s message as relates to the establishment of an additional circuit in the State, be referred to the committee on the judiciary; and that they report by bill or otherwise.

On motion of Mr. Manly,

Resolved, That the committee on the judiciary be instructed to inquire whether any further legislation be necessary, more effectually to suppress the vice of gaming in this State, and that they have leave to report by bill or otherwise.

On motion of Mr. Hawkins, ordered that a message be sent to the Senate, proposing to raise a joint select committee on military affairs.

Mr. Guthrie presented the petition of John Harman of Chatham, praying that his illegitimate son, James Alias Marks, may be legitimated; the said petition was on motion of Mr. Guthrie, referred to the committee on propositions and grievances.
Mr. Carson presented the petition of sundry citizens of Rutherford and Buncombe, praying the granting of a charter for the incorporation of a turnpike road company; the said petition was on motion of Mr. Carson laid on the table.

A message from the Senate, agreeing to the propositions of this House to print the message of His Excellency, the Governor, and the report of the public treasurer. The resignations of Robert Gaston of Lincoln county; of Peter Elliot of Camden; of Bryan Tate of Wayne; of George Crowell of Montgomery; of Gideon Byrum of Pitt; of John Mills and William Mills of Columbus county, justices of the peace; and the resignation of David Watson of Chatham, as Major of the 9th regiment of militia; were presented, read and adopted.

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

Friday, November 29, 1835.

Hugh W. Collins, the member representing the town of Edenton, Samuel Smallwood, one of the representatives of the county of Beaufort, and Richard M. G. Moore of Hyde county, presented the certificates of their election, and were qualified according to law.

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

Mr. Walton presented the petition of the commissioned officers of the 6th regiment, upon the subject of an alteration in the militia laws; which on motion of Mr. Walton, was referred to the committee on military affairs.

Mr. Slade presented the petition of John Brown, agent and attorney in fact, of the devisees of William Cathcart, praying that the purchase money of certain vacant lands heretofore paid into the treasury of this State, by their devisor, be refunded to them; said petition was on motion of Mr. Slade, referred to a committee consisting of Messrs. Slade, Graham, Cansler, Howard and Jeffreys.

Mr. J. W. Guinn presented the petition of sundry citizens of Macon county, praying the incorporation of a turnpike road company; which, on motion of Mr. Guinn, was referred to the committee on Internal Improvement.

On motion of Mr. Manly, ordered that a message be sent to the Senate, proposing to ballot immediately on a major General of the fifth division of militia; and nominating James Whitfield. Received from the Senate a message, agreeing to the proposition, and informing that Messrs. Moye of Green, and Huskey, form said committee on their part. Ordered that Messrs. Kenan and Eaton, superintend said balloting on behalf of the Commons.

Mr. Graham, on behalf of the commissioners appointed to revise the statute laws of the State, asked and obtained leave to withdraw, from the files of the House, the report submitted by said commissioners at the last session of the Assembly.

On motion of Mr. Dudley, ordered that a message be sent to the Senate, proposing to ballot immediately for a Solicitor in the fifth Judicial circuit; and informing that Alexander Troy is nominated for the appointment. A message from the Senate, concurring in the proposition; and informing that Messrs. Little and Kendall form, on their part, the balloting committee. Ordered that Messrs Dudley and J. A. D. McNeil, form said committee on the part of this House.
Mr. Guthrie presented the petition of Frances Cloud, praying to be divorced from her husband Jonathan Cloud; which was on his motion referred to the committee on propositions and grievances.

Mr. Hoke presented the petition of Archibald R. S. Hunter of Macon county, in relation to the incorporation of a turnpike road company, which was on his motion referred to the committee on internal improvement.

Mr. Kenan from the committee appointed to conduct the balloting for a Major General of the 6th division of militia, reported that James Whitfield of Lenoir, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

A message from the Senate agreeing to the proposition of this House, to raise a joint select committee on the subject of the Cherokee lands, and informing that Messrs. Wellborn, Waugh and Brittain form said committee on their part; ordered that Messrs. J. W. Guinu, Erwin and N. Harrison, form said committee on the part of this House.

A message from the Senate informing that Messrs. Mehane, Morehead and Hill, form their branch of the joint select committee on the public library; that Messrs. Marsteller and Moore of Stokes, form their committee on enrolled bills; and Messrs. Wyche, Marsteller, Moody, Selby, Vain, Fox, Gavin and Wellborn, form their committee of Finance; whereupon the speaker appointed Messrs. Collins, Graham and Cansler to compose the committee on the public library; Messrs. Hawkins, Irion, Loudermilk, Powell and Cotten, the committee on military affairs, and Messrs. Slade, M'Neil of Cumberland, Hester, Dudley, Jacocks, Bedford, Bryan and Brumell, the committee on finance.

Message from the Senate, proposing to refer so much of the message of His Excellency, the Governor, as relates to the claims of this State upon the General Government, and the distribution of the proceeds of the public domain, to a joint select committee; the message was on motion of Mr. Guthrie, laid on the table.

A message from the Senate, proposing to refer so much of said message, as relates to the public treasurer's annual report, and the subject of revenue, the committee of finance; and so much thereof as recommends the adoption of measures to prevent the interference of citizens of other States with our domestic police, to a joint select committee of twenty-six members; one to be selected from each congressional district on the part of each House; these propositions were agreed to.

Received from the Senate, the certificate of the county court of Perquimans, in favor of Priscilla Goodwin, a State Pensioner; countersigned by the speaker of that body; on motion of Mr. Jacocks, ordered that the same be countersigned by the speaker of this House, and returned to the Senate.

On motion of Mr. Hoke;
Resolved, That the Secretary of State, communicate to this House the number of grants which have been issued by this State for lands within the State of Tennessee, shewing the number of acres in each grant, whether for Revolutionary services or otherwise.

On motion of Mr. Guthrie,
Resolved, That the committee on agriculture, be instructed to inquire what alterations (if any) are necessary in the laws regulating the inspection of flour in the town of Fayetteville, and that they have leave to report by bill or otherwise.

Mr. Pickett presented the petition of sundry citizens of Buncombe, and Rutherford, praying the incorporation of a turnpike road company, which was on Mr. Pickett's motion laid on the table.
Mr. Hester introduced a bill to establish Lord Graeme Academy, in the county of Granville, and to incorporate the trustees thereof; Mr. M'Pherson a bill to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth river to the waters of Pasquotank river, passed in 1787; and Mr. J. L. Smith, a resolution in favor of Bartlett Dills jr.; these bills and the resolutions were each read the first time and passed.

Mr. Hawkins introduced a bill to alter the name of John Pettis Johnson of Warren county, and to legitimate him; said bill was read the first time and passed, and on motion of Mr. Hawkins, referred to the committee on propositions and grievances.

The resignations of Hiram Phelps, as Col. Commandant; of Samuel Cecil, Lieut. Col., and Henry Ledford as Major of the 88th regiment of militia; of James N. M'Pherson as Major in the 2nd regiment of the 1st brigade of the 1st division; of G. C. Neill as Col. Commandant in the first regiment of Buncombe militia; of William A. Darren, as Lieut. Col. of the militia of Greene county, and of William A. Wilson, as major of the 76th regiment, were presented, read and accepted.

The resignation of John C. Slocumb, John Fowler and Henry Goodwin of Sampson county; of G. D. Holcomb of Surry; of Elisha Murrill of Onslow; of Charles Holland of Beaufort; of Lauchlin M'Kennon of Moore; of William M. Gold of Rutherford; of Solomon Jones of Ashe, and of William Hearing of Camden, justices of the peace of their respective counties, were presented, read and accepted.

The House then adjourned until 4 o'clock this evening.

Saturday, November 21, 1825.

On motion of Mr. M'Colles, ordered that a message be sent to the Senate, proposing to ballot immediately for a Comptroller of public accounts, and nominating for the appointment Nathan A. Stedman the present incumbent.

On motion of Mr. W. Horton, ordered that a message be sent to the Senate, proposing to ballot immediately for Secretary of State, and informing that William Hill the present incumbent is nominated for the appointment.

Mr. Dudley, from the committee appointed to conduct the balloting for a solicitor in the 5th judicial circuit, reported that Alexander Troy, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. L. A. Gwyn, gave notice that he should on Monday next, move to rescind so much of the 29th rule of order as directs that "all petitions memorials, and other papers addressed to the House, shall not be debated or decided on the day of their first being read."

In compliance with the joint rule of order, Messrs. Smallwood, J. Harrison, Sloan and J. H. Perkins, were appointed a committee on enrolled bills.

A message from the Senate, agreeing to ballot immediately for Secretary of State, and informing that Messrs. Morehead and Bryan, form their branch of the balloting committee; ordered that Messrs. C. Wooten and Siler superintend said balloting on the part of the Commons.

On motion of Mr. Clingman,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of amending the road laws; and that they report by bill or otherwise.

A message from the Senate, informing of their disagreement to this pro-
position of this House, to ballot immediately for a comptroller of public accounts, and proposing that said balloting take place on Monday; the proposition of the Senate was concurred in.

A message from the Senate, informing that Messrs. Marstiller, Moye of Greene, Kerr, Allison and Williams of Beaufort, form on the part of the Senate, the joint select committee on military affairs.

On motion of Mr. Hutchison, ordered that a message be sent to the Senate, proposing to ballot immediately for a public printer, and informing that Philo White is nominated for the appointment; on motion of Mr. Hall, the name of Thomas J. Lemay, was added to the nomination last mentioned, and the Senate so informed.

Mr. Siler presented the following resolution:

Whereas, Divers persons, purchasers of Cherokee lands have, owing to the great length of time which has elapsed since their purchases were made, transferred their engagements to others, and removed from the State; to remedy the inconveniences arising therefrom, Resolved, That the joint select committee on Cherokee lands, be instructed to inquire into the expediency of directing the public treasurer in all such cases to exchange the bonds on file in the treasury department, for the bonds of the individuals to whom the land has been transferred, provided he shall be satisfied that the payment of the purchase money is not thereby rendered less secure.

The said resolution was read, and on motion of Mr. Jacocks, ordered to be laid on the table.

Mr. W. Horton, from the balloting committee for a Secretary of State, reported, that William Hill had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

A message from the Senate, agreeing to ballot immediately for a public printer, and informing that Messrs. Wilson and Marstiller, form their balloting committee; ordered that Messrs. Hall and Hill, form said committee on the part of this House.

Mr. J. W. Guinn, presented a bill authorizing the entering the unsurveyed lands, acquired by treaty from the Cherokee Indians, in the counties of Haywood and Macon, which was read the first time and passed, and on motion of Mr. Guinn, referred to the committee on Cherokee lands.

Mr. Graham presented a bill to allow further time for registering grants, proving and registering deeds, mesne conveyances, powers of Attorney, bills of sale and deeds of gift; and Mr. Sanders, a bill for the better regulation of the courts of pleas and quarter sessions for the county of Onslow; these bills were read the first time and passed.

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

On motion of Mr. Dudley, ordered that a message be sent to the Senate, proposing to ballot immediately for a Brigadier General of the 3d Brigade and 6th division; and informing that Alexander M'Rae, is nominated for the appointment.

On motion of Mr. Williamson, ordered that a message be sent to the Senate, proposing to ballot immediately for Colonel and Lieutenant Colonel of Cavalry attached to the 16th Brigade; and informing that Henry R. Beard, is nominated for Colonel, and H. Stanfield, for lieutenant Colonel; on motion of Mr. Cotten the name of Charles R. Eaton, was added to the nomination for Colonel, and the Senate so informed.

A message from the Senate, agreeing to ballot immediately for a Brigadier General of the 3d Brigade and 6th division; and informing that Messrs.
Hussey and Hill, form the balloting committee on their part; ordered that Messrs. Baker and J. R. Walker, superintend said balloting on behalf of the Commons.

A message from the Senate, agreeing to the proposition of this House, to ballot immediately for cavalry officers of 16th Brigade; and informing that Messrs. Wyche and Kerr, form the committee to conduct the balloting on the part of the Senate; ordered that Messrs. Cotten and Jones, form said committee on behalf of the Commons.

Mr. Bute, presented the following resolution;
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the revenue laws by increasing the tax on Pedlers, and that they report by bill or otherwise.

Mr. Clark moved to amend said resolution, by striking out the whole thereof, alter the word "resolved" and insert the following; "That there is a class of Merchants in this State, called Pedlers, the number of whom, has rapidly increased within a few years, is still increasing, and ought to be diminished.

Resolved, That the practices of the Pedlers are in a high degree corrupting of the morals of our citizens, fraudulent upon all good and unsuspecting people, and prejudicial to the interest of the regular and stationary merchants, whose success in any community, bespeak the prosperity and growth in wealth of that community.

Resolved, That the committee on the Judiciary, be instructed to report a bill increasing the tax upon Pedlers' licences to such an extent as to make it exceedingly inconvenient for them hereafter, to collect in such numbers in this State.

The amendment was agreed to, and the resolution as amended, read and adopted.

Mr. A. Perkins introduced a bill to establish Pleasant Grove Academy, in the county of Currituck, and to incorporate the trustees thereof; and Mr. Sanders a bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes; these bills were severally read the first time, and passed.

Mr. Hill from the committee appointed to conduct the balloting for 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.

On motion of Mr. Carson, the petitions of the citizens of Rutherford and Buncombe, in relation to incorporating turnpike companies were referred to the committee on internal improvements.

Mr. Bryan presented the petition of Thomas White of Craven, praying to be divorced from his wife Mahala; the petition was on Mr. Bryan's motion referred to the committee on propositions and grievances.

The resignation of Allen Rogers as Colonel Commandant of the 39th regiment and 11th brigade of the militia, was presented, read and accepted.

The resignations of James H. Mumford of Onslow; of William Free of Randolph; of Alexander Little of Robeson; and of Arthur Toody of Hyde, justices of the peace of their respective counties, were presented, read and accepted.

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

Monday, November 23, 1835.

Mr. L. A. Gwyn, in pursuance of notice given on Saturday last, now moved to amend the 29th rule of order; the question thereon was decided in the negative.

The Speaker laid before the House, the resignation of Daniel M. Bar-
ringer, one of the members elect from the county of Cabarrus; whereupon
on motion of Mr. Hope, ordered that a writ of election be issued to the
Sheriff of said county, directing him to hold an election on Monday the 30th
inst. for a member to supply the vacancy in this body thus occasioned.

Messrs. Watson and M'CLEESE were appointed a committee to conduct
the balloting for a comptroller of public accounts; received from the Sen-
ate a message informing that Messrs. Kendall and Waugh, form said com-
mittee on their part.

Mr. Henry presented a bill to repeal an act entitled an act to elect a ma-
gistrate for the town of Wilmington, passed in 1818, which was read the
first time and passed.

Mr. Baker, on behalf of the balloting committee, for a brigadier General
of the third brigade and 6th division, reported that Alexander McRae had
received a majority of the whole number of votes, and was duly elected.
The report was concurred in.

Mr. R. Jones, from the committee appointed to conduct the balloting for
cavalry officers attached to the 16th brigade, reported that H. Stanfield, as
lieutenant colonel, had received a majority of the whole number of votes,
and was duly elected; and that neither person in nomination had received
a majority as colonel. The report was concurred in. Whereupon, on
motion of Mr. Hawkins, ordered that a message be sent to the Senate, pro-
posing that another balloting be had immediately for colonel of cavalry in
said brigade.

A message from the Senate, proposing that the two houses ballot imme-
diately for brigadier general of the 1st brigade and 1st division of militia,
and informing that James N. M'Pherson and Samuel Mercer are nomina-
ted for the appointment. The proposition was concurred in, and Messrs.
Bell and Pickett appointed a committee to conduct the balloting: a mes-
sage from the Senate, informing that Messrs. Lindsay and Tillett superin-
tend said balloting on their part.

A message from the Senate, agreeing to ballot again immediately for a
colonel of cavalry in the 16th brigade, and informing that Messrs. Wyche
and Williams of Person form their balloting committee. Ordered that
Messrs. E. S. Bell and Borland superintend said balloting on the part of
this House.

The resolution relating to an exchange of the bonds in the treasury given
for the sale of Cherokee lands, which was on motion of Mr. Jacocks laid
on the table, was now called up, and, on his motion, amended and passed.
A message from the Senate, informing that they had passed the engross-
ed resolution authorising the committee of Finance to burn such treasury
notes as may be in the treasurer’s office; and asking the concurrence of
this House. The said resolution was read the first time and passed.

Mr. Lee presented a bill to legitimate John Willoughby and Ann Willough-
by of the county of Bertie; which was read the first time and passed;
and, on motion of Mr. Lee, referred to the committee on propositions and
grievances.

Mr. Slade presented the following resolution:

Whereas, the Legislature, at its session, in the year 1823, passed a resolution in the fol-
lowing words: "Resolved, That the Secretary of State be, and he is hereby directed to is-
sue to the trustees of the University of this State, warrants in each case on the muster roll
of the continental line of this State, when warrants have not heretofore issued; and that the
said trustees hold the same, and the land to be entered by virtue thereof, in trust for the offi-
cers and soldiers, who performed the military services for which said warrants shall issue,"
provided, that if no claims be exhibited by the said officers and 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 enquiring into the necessity of legislation on this subject, and report to this House the result of such inquiry.

The said resolution was read and adopted.

Mr. J. W. Guinn presented the following resolution; which was read and adopted:
Resolved, That so much of the report of the Public Treasurer, as relates to the subject of the bonds given for the purchase of the Cherokee lands, be referred to the joint select committee on that subject.

Mr. Pickett, from the committee appointed to conduct the balloting for a brigadier General of the 1st brigade and 1st division, reported that James N. McPherson, had received a majority of the whole number of votes, and was duly elected. The report was agreed to.

Mr. Hutchison presented the certificate of the county court of Mecklenburg, in favor of Martha Thompson, a State pensioner; which was read and countersigned by the Speaker of this House, and sent to the Senate.

Mr. Hybart presented the certificate of the county court of Cumberland, in favor of Isabella Campbell, a State pensioner; which was read and countersigned by the Speaker of this House, and sent to the Senate.

Mr. Hoke moved that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Governor of the State. Mr. Dudley moved that this motion lay on the table; and the question on Mr. Dudley's motion was decided in the negative—Ayes 57, Nays 67. The yeas and nays demanded by Mr. Guthrie,


Mr. Rayner moved to amend the motion of Mr. Hoke, by extending the time, in the proposition, to Thursday next. The question thereon was decided in the negative—Yeas 64, Nays 66. The yeas and nays demanded by Mr. Rayner,


Those who voted in the negative were, Messrs. Bell, Braswell, Brown, Bryan, Byrd, Byrum, Cansler, Coor, Cotten, Davis, Deberry, Dodson, Dunn, Fitzgerald, Frink, J. W. Guinn, L. A. Gwyn, J. Harrison, Hawkins, Henry, Hester,
Mr. Thomas moved that the House adjourn until to-morrow morning 10 o'clock. The question thereupon was decided in the negative—Yeas 44, Nays 82. The yeas and nays demanded by Mr. Williamson,

Those who voted in the affirmative were, Messrs. Baker, Bedford, E. S. Bell, Benton, Bond, Carson, Chambers, Clarke, Collins, Davenport, Foreman, Fleming, Gee, Gorrell, Graham, Guthrie, Hall, Hammond, Harris, Hassell, Hope, W. Horton, Hoskins, Jacocks, Kelley, King, W. B. Lane, Lilly, Lindsay, Lourdermilk, Matthews, Moore, Muse, McCleese, McRae, J. H. Perkins, Pointdexter, Rayner, Rush, Siler, Smallwood, Swindell, Thomas, Walton.


Received from his Excellency the Governor, by his private Secretary, Mr. Coleman, a communication relating to the stock reserved to the use of the State in the Bank of the State of North Carolina. The communication was read, and, on motion of Mr. Dudley, ordered that so much thereof as relates to the taking of a part of said stock, by the Trustees of the University, and the president and directors of the Literary fund, be referred to the committee on education, and the balance of said communication, to the committee on Finance.

Mr. Williamson presented the petition of George Tapp of Person county, praying to be restored to the privileges of a citizen, forfeited on his conviction and punishment, for the crime of petty larceny; which was, on Mr. Williamson's motion, referred to the committee on propositions and grievances.

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

Mr. Borland, from the committee appointed to conduct the balloting for a colonel of cavalry in the 16th brigade, reported that Charles R. Eaton had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, agreeing to the proposition of this House, to ballot immediately for a Governor of the State; and informing that
Messrs Polk and Marsteller form, on their part, the committee to conduct
the balloting. Ordered that Messrs. Hoke and King form said committee
on behalf of the Commons.

Before the balloting commenced for this officer, Mr. Lilly moved that the
House adjourn. The question thereon was decided in the negative—Yeas
41, Nays 88. The yeas and nays called for by Mr. J. W. Guinn,

Those who voted in the affirmative were, Messrs. Baker, E. S. Bell, Benton,
Bond, Buie, Burgess, Chambers, Collins, Davenport, Dudley, Eaton, Fleming,
Gee, Gorrell, Graham, Granbury, Hall, Hammond, Harris, Hassell, W. Horton,
Jacocks, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Moore,
Muse, McRae, J. H. Perkins, Rayner, Rogers, Rush, Siler, Smallwood, Swin-
dell, Thomas, Walton.

Those who voted in the negative were, Messrs. Bedford, Bell, Borland, Braswell,
Brown, Brumnell, Bryan, Byrd, Byrum, Cansler, Carson, Clark, Clement Cling-
man, Coor, Cotten, Davis, Deberry, Dodson, Dunn, Erwin, Fitzrandolph, Fore-
man, Frink, J. W. Guinn, Guthrie, L. A. Gwyn, J. Harrison, N. Harrison, Harper,
Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, J. Horton, Hoskins, How-
ard, Howerton, Hunt, Hutchison, Hybart, Irving, Jeffreys, Jervis, Jones, Judkins,
Kenan, I. W. Lane, Lee, Lyon, Moye McCleese, J. A. D. McNeill, D. McNeill,
McPherson, Neal, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick,
Roeback, Sanders, Slade, Sloan, Geo. Smith, J. L. Smith, Giles Smith, Speller,
Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Tuton, J. R. Wal-

The Speaker announced the appointment of the following select com-
mittee, consisting of Messrs. Slade, Jacocks, Clarke, Tomlinson and
Thompson, on Mr. Slade's resolution of inquiry into certain warrants for
military lands, issued to the Trustees of the University; and Messrs. San-
ders, Muse, Lee, Moore, Coor, Taylor, Jordan, Williamson, Gorrell, Rush,
Hutchison, Carson and Clingman, on so much of the message of his Ex-
cellency the Governor, as relates to the conduct of the Abolitionists.

Mr. King moved that the House adjourn until to-morrow morning 10
o'clock; the question on this motion was decided in the negative—Yeas
39, Nays 72. The yeas and nays called for by Mr. Kenan,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, E. S. Bell,
Benton, Chambers, Collins, Davenport, Dudley, Eaton, Foreman, Fleming,
Gorrell, Graham, Granbury, Hutchison, Hybart, Irving, Jeffreys, Jervis, Jones, Judkins,
Kenan, I. W. Lane, Lee, Lyon, Moye McCleese, J. A. D. McNeill, D. McNeill,
McPherson, Neal, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick,
Roeback, Sanders, Slade, Sloan, Geo. Smith, J. L. Smith, Giles Smith, Speller,
Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Tuton, J. R. Wal-

The bill to amend an act, entitled an act for the better administration of
justice in the county of Onslow, and for other purposes; also the bill to
establish Pleasant Grove Academy in the county of Currituck, and to in-
corporate the trustees thereof; also, the bill for the better regulation of the
courts of pleas and quarter sessions of the county of Onslow; the bill to
establish Ford Creek Academy, in the county of Granville, and to incorpo-
rate the trustees thereof; the bill to allow further time for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift; and the resolution in favor of Bartlett Dills, jr. were each read the second time and passed; the bill to amend an act entitled an act for cutting a navigable canal, from the waters of Elizabeth river, in the State of Virginia, to the waters of Pasquotank river in North Carolina, passed in Virginia, December 1st 1787, was read the second and third times, passed and ordered to be engrossed; the engrossed resolution in favor of Jesse Wright, was read the second time and passed.

Mr. Howard moved that the House adjourn until to-morrow morning 10 o'clock; this question was decided in the negative—Yeas 24, Nays 79.
The yeas and nays demanded by Mr. Hybart,
The resignations of Alney Burgin, as Brigadier General of the 15th brigade of the militia; and of Asail Vick, as Colonel of the 22d regiment; were presented, read and accepted; the resignations of W. H. M' Leary and Thomas M' Call, justices of the peace of Mecklenburg; of Benjamin M' Neill of Wilkes, John Boon of Johnston, and Willie Bunting of Nash, justices of the peace; were presented, read, and accepted.
Mr. Hoke from the committee appointed to conduct the ballotting for a Governor of the State, reported that Richard D. Spaight, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.
Mr. Tomlinson moved that the House do now adjourn; the question thereon was decided in the affirmative—Yeas 74, Nays 48.
The yeas and nays demanded by Mr. Baker,
Those who voted in the negative were, Messrs. Baker, Deberry, Braswell, Byrum, Clement, Clingman, Collins, Cotten, Davenport, Fitzrandolph, Frink, Gorrell, Guthrie, L. A. Gwyn, Hall, Hammond, J. Harrison, Henry, Hester, Hoskins, J. Horton, Hutchison, Irion, Jervis, Jones, Lilly, Lyon, Matthews,
Mr. Hope moved that the time specified in the writ of election, directed to the Sheriff of Cabarrus, for the election of a member to supply the vacancy occasioned by the resignation of Daniel M. Barringer, be extended to Monday the 7th day of December next; the motion was agreed to.

Mr. Moye presented the petition of Aquilla S. Bennet, wife of John C. Bennet of Put county, praying for a divorce. Said petition was, on motion of Mr. Moye, referred to the committee on private bills.

The Speaker laid before the House a letter of Simeon B. Jewitt, Secretary of the Georgia lumber company, praying the passage of a law for the incorporation of said company. The letter was read, and, on motion of Mr. Manly, referred to the committee on propositions and grievances.

Received from his Excellency, Governor Swain, by his private Secretary, a communication, transmitting the report of the president and directors of the Literary Fund for the present year. On motion of Mr. Manly, ordered that the same be sent to the Senate, with a proposition that the documents be printed.

Received from William Hill, Secretary of State, a communication, in answer to the call made upon him for information touching the quantity of lands granted by this State, and lying within the State of Tennessee.

Mr. Fleming presented a resolution founded on a memorial, signed by sundry citizens of Surry county, in favor of Josiah Vanderpool; which was read the first time and passed; and, on Mr. Fleming's motion, referred to the committee on propositions and grievances.

A message from the Senate, informing that Messrs. Polk, Edwards, Little, Moye of Green, Hill, Allison, Wellborn, Edmonston, Beasley, Kerr, Mebane, Wilson and Fox, form, on their part, the joint select committee, on so much of the message of his Excellency the Governor, as relates to the course of certain Northern Abolitionists.

A message from the Senate, informing that they had passed the engrossed bill to increase the capital stock of the Weldon toll bridge company; and asking the concurrence of this House. Said bill was read the first time and passed.

Mr. Manly introduced a bill to amend an act, entitled an act to establish the Merchants' Bank of the town of Newbern, passed at the last General Assembly; Mr. Kelly, a bill to abolish the office of county trustee in the county of Moore, and for other purposes; Mr. Clarke a bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort. Also a bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington; and a bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort. These bills were read the first time and passed.

Received from the Senate, the pension certificates of Isabella Campbell of Cumberland; and of Martha Thompson of Mecklenburg. Countersigned by the Speaker of that body.

On motion of Mr. Hoke, ordered that a message be sent to the Senate, proposing to raise a joint select committee of two members, on the part of
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Each House, to wait upon the Governor elect, inform him of his election, and ascertain from him, on what day he will be prepared to take the oaths of office.

A message from the Senate, concurring in the proposition, and informing that Messrs. Polk and Edwards, form their branch of said committee, ordered that Messrs. Hoke and Witcher, form said committee on behalf of the Commons.

Mr. Clark moved that a message be sent to the Senate proposing that the two Houses, on Thursday next, ballot for a Solicitor in the second judicial circuit, nominating for the appointment Edward Stanly; on motion of Mr. Hunt, the name of James H. Bryan, and on motion of Mr. Kenan, the name of Stephen Miller, were added to the nomination.

On motion of Mr. Clarke, ordered that a message be sent to the Senate, proposing to ballot on Thursday next, for a judge of the superior court, to supply the vacancy occasioned by the death of Judge Seawell, and informing that the name of John L. Bailey, is nominated for the appointment.

A message from the Senate, agreeing to ballot on Thursday next, for a judge of the superior courts of law and equity.

A message from the Senate agreeing to print the message of his Excellency the Governor together with the report of the president and directors of the literary fund, this day transmitted.

A message from the Senate proposing to ballot on Friday next for Solicitor General, and informing that John F. Poindexter and John M. Dick, are in nomination for the appointment; the proposition was agreed to, when on motion of Mr. Cotton, the name of John S. Guthrie, and on motion of Mr. W. B. Lane, the name of John Scott were added to the nomination.

Mr. Dudley introduced a bill to authorize the commissioners of the town of Wilmington, to increase the taxes on all the property now taxed by law in said town; and Mr. Stallings a bill providing that no person shall fish with seine or net in the waters of the Huddle, lying between great Alligator river and the Frying Pan, in the county of Tyrell, between sunset and day break; these bills were read the first time and passed; the bill to repeal an act, entitled an act to elect a magistrate for the town of Wilmington, passed in 1818, was read, and on motion of Mr. Dudley, laid on the table.

Mr. Taylor introduced a bill to alter the name of Martha Ann Screws, and to legitimate her; which was referred to the committee on private bills.

Mr. Pippin introduced a bill to amend an act, entitled an act for the regulation of the Patrol, passed in 1830, which was read the first time and passed; and on motion of Mr. Pippin, referred to the committee on the judiciary.

The bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington.

Also the bill to abolish the office of county trustee in the county of Moore, and for other purposes, and

The resolution authorizing the committee of finance to burn such treasury notes as may be in the treasurer's office; were severally read the second time and passed.

The bill to establish Pleasant Grove Academy, in the county of Currituck, and to incorporate the trustees thereof.

Also the bill for the better regulation of the courts of pleas and quarter sessions for the county of Onslow.
Also the bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes; also the bill to allow further time for registering deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift; also, the bill to establish Ford Creek Academy, in the county of Granville, and to incorporate the trustees thereof; and the resolution in favor of Bartlett Dills jr., were severally read the third time and passed, and ordered to be engrossed.

The engrossed resolution in favor of Jesse Wright, was read the third time, passed and ordered to be enrolled.

The resignation of Thomas T. Patterson, as lieutenant Colonel of the first regiment of Rockingham county militia, was read and accepted.

The bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort, was read the second time and passed.

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

WEDNESDAY, NOVEMBER 25, 1835.

Mr. Guthrie from the committee on Agriculture, to whom the subject had been referred, reported a bill concerning inspection of flour in the town of Fayetteville, which was read the first time and passed.

Mr. Hoke from the committee appointed to wait upon the Governor elect, and inform him of his election; reported that he was directed to inform the House that his Excellency would on the 10th day of the next month be ready to take the oaths of office.

Mr. J. W. Guinn from the committee on Cherokee lands reported a resolution directing the public treasurer not to commence suits upon the Cherokee bonds, until the first day of December, 1836; which was read the first time and passed.

Mr. Manly from the committee on the judiciary, to whom the subject had been referred, reported a bill to suppress more effectually the vice of gaming in this State; which was read the first time and passed.

A Message from the Senate informing that they had passed the engrossed bill to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth river, in the State of Virginia, to the waters of Pasquotank river in North Carolina, passed in Virginia, 1st December, 1787, with an amendment and asking the concurrence of this House; the said amendment was read and agreed to.

A message was received from the Senate, informing of their agreement to ballot on Thursday next, for Solicitor, in the second judicial circuit.

Mr. J. H. Walker introduced a bill making it the duty of the Governor to convey to the justices of Haywood county court certain lands therein described, which was read the first time and passed.

Mr. Siler presented a bill to prevent the obstructing the passage of fish up Sugar Town Fork of the Tennessee River, in the county of Macon; which was read the first time and passed.

Mr. Byrum introduced a bill to amend an act, entitled an act making compensation to jurors of the county of Chowan.

Mr. Hoskins a bill to alter the time of opening and closing the polls of the elections, in the county of Chowan; and

Mr. Tuton a bill making compensation to tales jurors in the county of Robeson; these bills were read the first time and passed.
The bill to abolish the office of county trustee in the county of Moore, and for other purposes;
The bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort; and
The bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington, were each read the third time, passed, and ordered to be engrossed.
A message from the Senate informing that the name of Frederick Nash, is added to the nomination for judge of the superior courts; on motion of Mr. Bryan, the name of Wright Stanley, was added to said nomination, and the Senate so informed.
Mr. J. L. Smith presented a bill making valid certain proceedings of the county courts of Haywood county; which was read the first time and passed.
The bill to amend an act, entitled an act to establish the merchants bank of the town of Newbern, was read the second time; Mr. Taylor moved to amend the bill by striking out the second section; the question on this motion was decided in the negative, and the bill passed its second reading.
The engrossed resolution authorizing the committee on finance, to burn such treasury notes as may be in the treasurer's office; was read the third time, passed, and ordered to be enrolled.
The bill to increase the capital stock of the Weldon Toll Bridge Company.
The bill to authorize the commissioners of the town of Wilmington, to increase the taxes on all the property now taxed by law in said town.
And the bill providing that no person shall fish with seine or net, in the waters of the Handle, lying between great Alligator river and the Frying Pan, in the county of Tyrrell, between sunset and day break, were severally read the second time and passed.
Received from His Excellency the Governor, by his private Secretary a communication transmitting a report with sundry accompanying documents from the commissioners appointed to revise and digest the statute laws of the State; on motion of Mr. Graham, ordered that the same be sent to the Senate with a proposition that it be referred to a joint select committee of six persons on the part of each House, and that the message of the Governor, and the report of the commissioners be printed; on motion of Mr. Clarke, ordered that so much of said message as relates to the compensation of a clerk to said commission, be referred to a select committee; said committee consists of Messrs. Clark, Hoskins, Crump, Davis and Frink.
The resignation of John C. Ridley, as Col. Commandant of the 37th regiment; and of Lemuel Perkins, as Major of the 19th regiment; of Jesse M. Cherry of Pitt; and of Thomas M. Adams of Beaufort, justices of the peace of said counties; were presented, read and accepted.
The House then adjourned until to morrow morning 10 o'clock.

Thursday, November 26, 1835.
Hugh Waddell, the member elect from the county of Orange, to fill the vacancy occasioned by the death of James Forrest, appeared, produced his certificate, and was qualified according to law.
A message was received from the Senate, informing that the name of James W. Bryan, is withdrawn from the nomination for Solicitor in the second judicial circuit; ordered that Messrs. Neale and Davenport, form
the committee to conduct the balloting on the part of this House for said officer; a message from the Senate informing that Mr. Bryan and Mr. Williams of Beaufort form said committee on their part.

On motion of Mr. Pippin,
Resolved, that the committee of Finance be instructed to inquire into the expediency of amending the revenue law as to require persons laying their polls as taxable property, to list all they possess up to the first day of July, instead of the first day of April; and that they report by bill or otherwise.

Mr. Harris and Mr. Hassel, were appointed to conduct the balloting for a judge of the superior courts of law and equity.

Mr. Neale from the committee appointed to conduct the balloting for a Solicitor in the second judicial circuit, reported that Edward Stanley had received a majority of the whole number of votes; and was duly elected; the report was concurred in.

Mr. Clingman presented the petition of certain citizens of Surry county, praying that a portion of said county may be annexed to the county of Rowan; which was referred to the committee on private bills.

M. Eaton presented the petition of Lucy Calvert of Granville county, wife of Thomas Calvert, praying to be divorced from her said husband which was on motion of Mr. Eaton, referred to the committee on propositions and grievances.

Mr. Byrd presented the petition of John Masters of Yancy county, hereby convicted and punished for petit larceny, praying to be restored to credit; which was referred to the committee on private bills.

A message from the Senate informing that Messrs. Waugh and Hogan are appointed a committee to conduct the balloting for a judge of the Superior courts.

Mr. E. S. Bell presented the following resolutions; which were read and adopted.

Resolved, That the committee on the Judiciary be instructed to inquire what alterations (if any) are requisite to be made in the several existing statutes regulating the county courts of this State, so as to promote the better administration of justice in said courts.

Resolved further, That the said committee be instructed to inquire into the expediency of amending the various statutes, increasing and giving jurisdiction to a single magistrate, so as to enable and empower him whenever any of the parties to any suit or controversy, brought before him, may require it to summon a jury for the better adjudication of said suit or controversy, and to fix a limit in the amount of the judgments of said magistrate for all sums below which the party cast shall be precluded from appealing to the county court.

Mr. Siler presented the petition of Elizabeth Silva, wife of David Silva of Macon county, praying to be divorced; which was referred to the committee on propositions and grievances.

Mr. Fleming introduced a bill to legitimate Thomas Petit of Surry county; which was read the first time and passed; and on motion of Mr. Fleming referred to the committee on private bills.

Mr. Hassell from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number, and that there was no election; the report was concurred in; on motion of Mr. Dudley, the name of John D. Toomer, was added to the nomination, and on motion of Mr. Graham, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for said officer.

A message from the Senate, agreeing to ballot as thus proposed, and informing that Mr. McCormick and Mr. Harrison, form their branch of the
A message from the Senate, agreeing to the proposition of this House to print the message of his Excellency the Governor, together with the accompanying report of the commissioners, appointed to revise and digest the public statute laws of the State, and to refer the same to a joint select committee; and informing that Messrs. Wilson, Wyche, Bryan, Edwards, Morehead and Mebane, form their branch of said committee; ordered that Messrs. Graham, Clark, Carson, Manly, Hybart and J. W. Guinn, compose said committee on the part of this House.

On motion of Mr. Hybart,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the revenue laws of this State so far as regards the store tax.

Mr. J. H. Walker presented a memorial from the county court of Haywood, praying that the Assembly would make a donation to said county for public purposes, of the State lands lying within the limits thereof; the said memorial was on motion of Mr. Walker, referred to the committee on finance.

A message from the Senate, informing that they had passed the engrossed resolution requiring the public treasurer to procure specific change for the redemption of the treasury notes; and asking the concurrence of this House; the said resolution was read the first time and passed.

Mr. Graham from the committee on education, to whom the subject had been referred, reported a bill to allow the trustees of the University of North Carolina, and the president and directors of the Literary Fund, to subscribe for and take certain portions of the stock reserved to the State, in the Bank of the State of North Carolina; the said bill was read the first time and passed; and on motion of Mr. King, ordered to be printed.

Mr. Dudley from the committee on Internal Improvement, to whom was referred the petition of Archibald R. Hunter of Macon county, upon the subject of a Turnpike road, reported unfavorably thereon; and asked that the committee be discharged from the further consideration of the subject; the report was concurred in.

Mr. Dudley from the same committee, reported unfavorably on the petition of sundry citizens of Macon county, on a similar subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Hawkins from the committee on military affairs, reported a bill to amend an act passed in the year 1825, directing the manner in which the regiments of Infantry of this State shall hereafter be reviewed; which was read the first time and passed.

Mr. J. W. Guinn from the committee on Cherokee lands, to whom was referred the bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians in 1817 and 1819, in the counties of Haywood and Macon, reported favorably thereon; when the said bill was read the second time and passed.

Mr. J. W. Guinn from the committee on propositions and grievances, to whom the matter had been referred, reported a bill to divorce Thomas White of Craven county, from his wife Mahala; which was read the first time and passed.

Mr. Jervis introduced a bill to pay jurors in Yancy county.
Mr. Kelly a bill to repeal the 2d section of an act passed in the year 1831, entitled an act to amend in part an act passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan and Robeson counties to pay the jurors in reference to other claims, so far as respects the county of Moore; and Mr. Thompson a bill regulating constables in the county of Onslow; these bills were read the first time and passed.

The bill making it the duty of the Governor to convey certain lands therein described, was on motion of Mr. J. H. Walker referred to the committee on finance.

The bill concerning inspector of flour in the town of Fayetteville, was on motion of Mr. Hybart, laid on the table.

The bill to suppress more effectually the vice of gaming in this State; the resolution directing the public treasurer not to commence suits upon the Cherokee bonds, until the 1st of December, 1836; the bill to alter the time of opening and closing the polls of the election in the county of Chowan; the bill to prevent the obstructing the passage of fish up Sugar Town Fork of the Tennessee river, in the county of Macon, the bill to amend an act, entitled an act making compensation to jurors of the county of Chowan; the bill making compensation to tales jurors in the county of Robeson; and the bill making valid certain proceedings of the county courts of Haywood county, were severally read the second time and passed.

The bill to amend an act, entitled an act to establish the merchants bank in the town of Newbern; the bill to authorize the commissioners of the town of Wilmington, to increase the taxes on all property now taxed by law, in said town; and the bill providing that no person shall fish with seine or net, in the waters of the Handle, lying between great Alligator river, to the Frying Pan in the county of Tyrrell between sunset and day break; were each read the third time, passed and ordered to be engrossed.

The engrossed bill to increase the capital stock of the Weldon Toll Bridge Company, was read the third time, passed and ordered to be enrolled.

The resignation of Robert Broadnax, as a justice of the peace, of the county of Rockingham, was presented, read and accepted.

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

Friday, November 27, 1835.

Mr. Graham from the committee on the judiciary, to whom the subject has been referred, reported a bill to regulate the practice of hawking and pedling in this State; which was read the first time and passed.

Mr. Graham from the same committee, to whom was referred the bill to amend an act, entitled an act for the better regulation of the patrol, passed in 1830, reported the same with sundry amendments; the said bill with the amendments, was thereupon read the second time and rejected.

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

On motion of Mr. Clarke, the bill to regulate the practice of hawking and pedling, in the State, was ordered to be printed.

Mr. Guthrie from the committee on private bills, to whom was referred the bill to alter the name of Martha Ann Screws, and to legitmate her, reported the same without amendment; the said bill was read the second time and passed.

Mr. Graham from the committee on the judiciary, to whom was referre
A resolution directing them to inquire into the expediency of amending the road laws, reported against further legislation on that subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Hassell from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in. Mr. M'Pherson moved that a message be sent to the Senate, proposing another balloting immediately for said officer; and Mr. Hybart moved to amend the proposition, by postponing the balloting until Monday next; the question on the amendment was decided in the negative—Yeas 32, Nays 95. The yeas and nays demanded by Mr. M'Cleese.


The question recurring on the motion of Mr. M'Pherson was decided in the affirmative.

A message from the Senate, agreeing to ballot immediately for a judge, and informing that the name of Edward Hall of Warren, is added to the nomination, and that Messrs. Joiner and Arrington, form their balloting committee, ordered that Messrs. Tuton and Burges, superintend said balloting on the part of this House.

On motion of Mr. Jacocks,

Resolved, That the public treasurer report to the House the amount of principal of the bonds in his office, given for the purchase of the Cherokee lands, the amount paid, the probable amount due of principal and interest; the probable amount unpaid; and whether or not any of said lands have been abandoned by the purchasers; and if so what amount; and any other information upon the subject of importance in his possession; and that he report at as early a day as possible.

Mr. Muse presented a memorial of sundry citizens of Elizabeth City and its vicinity, upon the subject of establishing a bank in said town; the said memorial was read, and on motion of Mr. Muse, referred to a select committee; said committee consists of Messrs. Muse, M'Pherson, Hoskins, Collins and Waddell.

Mr. Pickett presented a bill to repeal in part the 13th section of an act authorizing the making a turnpike road in the county of Buncombe, passed in 1824; which was read the first time and passed.

Mr. Hutchison presented a resolution in favor of Mathew Miller, which was read the first time and passed; and on motion of Mr. Hutchison, referred to the committee on propositions and grievances.
Mr. Tuton from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate informing that Messrs. Hogan and Edmonston, attend this House, to conduct the balloting for a Solicitor General, as heretofore agreed on by the two Houses; ordered that Messrs. George Smith and Giles Smith superintend said balloting on the part of the Commons.

Mr. Guthrie from the committee on private bills, to whom the subject was referred, reported a bill to divorce Aquilla S. Bennett of the county of Pitt, from her husband John C. Bennett; the said bill was read the first time and passed.

Mr. Lyon introduced a bill to prevent the felling of timber in or otherwise obstructing the run of Ellis's Creek in Bladen county; and Mr. Moore a bill to amend an act, entitled an act concerning the draining of low lands, passed in the year 1795; these bills were read the first time and passed.

Mr. George Smith from the committee appointed to conduct the balloting for Solicitor General, reported that no one had received a majority of the whole number of votes, and there was no election; the report was concurred in; the name of John S. Guthrie, was, on motion of Mr. Cotten, withdrawn from the nomination.

A message from the Senate, proposing to ballot immediately for a judge of the superior courts; the proposition was agreed to, and Messrs. Walton and Tomlinson, appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Morehead and Exum, form their branch of said committee.

A message from the Senate, proposing to ballot immediately for Solicitor General; the proposition was agreed to, and Mr. Cotten and Mr. Watts appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Moore and Hussey, form said committee on their part.

Mr. Jervis introduced a bill to alter and amend an act passed in 1834, chapter 124, entitled an act appointing commissioners to lay off a road from Morgantown in Burke county, by Burnsville and Barnetts station, to the Tennessee river; which was read the first time and passed.

The bill to amend an act passed in 1825, directing the manner in which the regiments of Infantry shall hereafter be reviewed; was read the second time and rejected.

The vote rejecting the bill to amend an act passed in 1830, entitled an act for the regulation of Patrol, was on motion of Mr. Foreman reconsidered; and on motion of Mr. Clark, said bill was laid on the table; the bill to repeal the 2nd section of an act passed in the year 1831, entitled an act to compel the trustees of Moore, Chowan and Robeson counties, to pay the jurors in preference to other claims, so far as respects the county of Moore; the bill to pay jurors in Yancy county; the bill to divorce Thomas White of Craven county, from his wife Mahala; the bill regulating constables in the county of Onslow; and the resolution requiring the public treasurer to procure specie change for the redemption of the treasury notes; were each read the second time and passed.

The bill to alter the time of opening and closing the polls of the election in the county of Chowan; the bill to prevent the obstructing the passage of
of fish up Sugar Town Fork of the Tennessee river in the county of Ma-
con; the bill making compensation to the tales jurors in the county of
Robeson; the bill making valid certain proceedings of the county courts
of Haywood county; the bill to suppress more effectually the vice of gaining
in this State; the bill to amend an act, entitled an act making compensation
to the jurors of the county of Chowan; and the resolution directing the
public treasurer not to commence suits upon the Cherokee bonds until the
first day of December 1836, were severally read the third time, passed, and
ordered to be engrossed.

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

Saturdays, November 28, 1835.

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

Mr. Cotten from the balloting committee for Solicitor General, reported
that John F. Poindexter had received a majority of the whole number of
votes, and was duly elected; the report was concurred in.

Mr. Walton from the balloting committee for a judge of the superior
courts, reported that no one had received a majority of the whole number of
votes, and that there was no election; the report was concurred in; the
name of John D. Toomer was on motion of Mr. Dudley withdrawn from
the nomination; and on motion of Mr. Mc' Cleese, ordered that a proposition
be sent to the Senate for another balloting immediately for said officer.

Mr. King presented the certificate of the county court of Iredell, in favor
of Mary Sloane, a State pensioner; which was read, and on motion of Mr.
King, ordered that it be countersigned by the Speaker, and transmitted to
the Senate.

A message from the Senate, agreeing to ballot again, immediately for a
judge of the superior courts; and informing that Messrs. Mebane and Mayo
of Pitt, form the committee on their part to conduct the balloting; ordered
that Messrs. Whitley and Hooker, form said committee on the part of this
House.

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

Whereas, a resolution was adopted on yesterday, calling upon the public treasurer to com-
municate to this House, the aggregate amount now due for the purchase of Cherokee lands,
and other information appertaining to the same.

Be it therefore resolved, That the public treasurer be requested to communicate to the
House, first, the amount of the whole purchase of the Cherokee lands, and shew the amount
of each individual purchase; secondly, the amount paid by each individual purchaser;
thirdly, shew the amount now due from each purchaser; and that this information accompany
the report called for by the before recited resolution.

The bill to alter the name of John Pettis Johnson of Warren county, and
to legitimate him, was on motion of Mr. Hawkins, recommitted to the com-
mmittee on propositions and grievances.

Mr. Whitley from the committee appointed to conduct the balloting
for a judge of the superior courts, reported that no one had received a ma-
jority of the whole number of votes, and that there was no election; the
report was concurred in.

Mr. Guthrie presented a bill to prohibit sheriffs and their deputies from
executing the office of constables in civil cases; and Mr. J. R. Walker a
bill appointing commissioners to run the division line between the counties
of New Hanover and Bladen; these bills were read the first time and
passed.
Mr. Carson presented a report from the commissioners, appointed to superintend the building of the Capitol, which was read; and on motion of Mr. Carson, ordered that a message be sent to the Senate, proposing to raise a joint select committee on public buildings, and that said report be printed and referred to said committee.

A message from the Senate proposing that another balloting be had immediately for a judge of the superior courts; the proposition was agreed to, and Messrs Roebuck and J. H. Walker, appointed a committee to conduct the balloting; a message from the Senate informing the Messrs. Williams of Franklin, and Edmonston's said committee on their part.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to authorize a subscription upon the part of this State, to the capital stock of the Oconalufy Turnpike Company; a bill amending the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next; and a bill to repeal so much of an act passed in the year 1831, entitled an act to incorporate the Charlotte Fire Engine Company as exempts the members of said company from performing military duty, and asking the concurrence of this House; these bills were read the first time and passed.

A message from the Senate informing that they had passed the engrossed bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort, with an amendment; and asking the concurrence of this House; the amendment was read and agreed to.

Mr. J. W. Guinn from the committee on propositions and grievances, to whom was referred the bill to legitimate John Willoughby and Ann Willoughby of the county of Bertie, reported the same without amendment; when the said bill was read the second time and passed.

Mr. Clark moved that the vote of the House on yesterday, rejecting the bill to amend an act passed in 1825, directing the manner in which the regiments of Infantry shall hereafter be reviewed, be now reconsidered; this motion was decided in the affirmative; the said bill was on motion of Messrs. Fleming and Guthrie, amended, and again rejected.

The bill to pay jurors in Yancey county, was read the third time, passed, and ordered to be engrossed.

The bill to alter the name of Martha Ann Screws, and to legitimate her, was read the third time; Mr. King moved that said bill be indefinitely postponed; the question thereon was decided in the negative—Yeas 41, Nays 84. The yeas and nays demanded by Mr. King.

Those who voted in the affirmative were, Messrs. Baker, Benton, Braswell, Buie, Burgess, Casler, Carson, Clarke, Clingman, Davenport, Dudley, Dodson, Gary, Gorrell, Graham, L. A. Gwyn, Hall, N. Harrison, Hoke, Hope, J. Horton, Howard, Iron, Jacobus, Kelly, Keian, King, Lindsay, M. Lily, Mathews, Moore, Muse, M'Pherson, M'Rae, J. H. Perkins, Rayner, Sanders, Sloan, Thomas, Waddell, Williamson.

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

A message was received from the Senate, proposing another balloting immediately for a judge of the Superior courts. The proposition was agreed to. The name of John M. Dick of Guilford county was, on motion of Mr. Hutchison, added to the nomination; and Messrs. Gary and Mr. Jordan, were appointed a committee to conduct the balloting.

Mr. Waddell was added to the select committee, raised on the petition of the devisees and heirs of Cathcart, in the place of Mr. Shade excused.

A message from the Senate, informing that the name of Frederick Nash is withdrawn from the nomination for a judge of the Superior courts; and that Messrs. Wilson and Morehead, form their branch of the committee to conduct the balloting.

Mr. Guthrie, from the committee on private bills, to whom was referred the petition of John Masters, reported a bill, to restore to credit John Masters of Yancy county; which was read the first time and passed.

The resignation of Levi Solvs, as a justice of the peace of the county of Columbus, was presented, read and accepted.
Mr. Gary, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that John M. Dick had received a majority of the whole number of votes; and that he was duly elected. The report was concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, and asking the concurrence of this House, viz: A bill defining the duty of the county courts, in appointing patrols, and the duty of patrols; a bill to incorporate the Deep River gold mining company; a bill to divorce Elizabeth H. McCaw of Rowan, from her husband William B. McCaw; a bill to divorce Catharine Parks, from her husband Gabriel Parks; a bill to authorize David Thally of New Hanover county, to erect a bridge across the north-east branch of the Cape Fear river; and a bill to authorize Hardin Franklin, of the county of Surry, to erect a dam across Fisher's river. These bills were each read the first time and passed.

The House now proceeded the orders of the day, and took up the resolutions heretofore submitted by Mr. Clingman, relating to the public lands. After discussion had thereon, the said resolutions were, on motion of Mr. Clingman, amended; and on motion of Mr. Hybart, the further consideration thereof postponed until to-morrow.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of opening and closing the polls of the elections in the county of Chowan, with an amendment; and asking the concurrence of this House. The amendment was read and agreed to.

Mr. Stockard presented a memorial from the officers of the third regiment of Orange county militia, relating to an alteration of the militia laws; which was, on motion of Mr. Stockard, referred to the committee on military affairs.

The resolution requiring the public Treasurer to procure specie change, for the redemption of the Treasury notes, was read the third time, passed, and ordered to be enrolled.

The bill to repeal the 2d section of an act passed in the year 1831, entitled an act to amend, in part, an act passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan, and Robeson counties, to pay the jurors in preference to other claims, so far as respects the county of Moore; the bill to legitimate John Willoughby and Ann Willoughby, of the county of Bertie; and the bill regulating constables in the county of Onslow, were each read the third time, passed, and ordered to be engrossed.

The bill to divorce Aquilla S. Bennett, of the county of Pitt; the bill to repeal so much of an act, passed in the year 1831, entitled an act to incorporate the Charlotte fire engine company, as exempts the members of said company from performing military duty; the bill to prevent the felling of timber in or otherwise obstructing the run of Ellis Creek in Bladen county; and the engrossed bill to amend an act, entitled an act concerning the draining of low lands, passed in the year 1795, were each read the second time and passed.

The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, A. D. 1817 and 1819, in the counties of Haywood and Macon, was read the third time; and Mr. Jacocks moved that said bill lie on the table. The question was decided in the negative, and the said bill passed its third reading, and was ordered to be engrossed.

The bill to allow the trustees of the University of North Carolina, and
the president and directors of the literary fund, to subscribe for and take
certain portions of the stock reserved for the State, in the Bank of the State
of North Carolina, was read the second time and passed.

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

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

__TUESDAY, DECEMBER 1, 1835.__

Mr. J. W. Guinn, from the committee on propositions and grievances, to
whom the subject was referred, reported a bill to divorce Lucy Calvert from
her husband Thomas Calvert; which was read the first time and passed.

Mr. J. W. Guinn, from the same committee, reported a bill to divorce
Elizabeth Silva; which was read the first time and passed.

Mr. J. W. Guinn, from the same committee, reported unfavorably on the
resolution in favor of Josiah Vanderpool of Surry county; and asked to be
discharged from the further consideration thereof. The committee was ac-

Mr. Clement presented a petition from sundry citizens of Rowan county,
together with a bill to carry their prayer into effect, entitled a bill for divid-
ing the county of Rowan. The said bill was read the first time and passed,
and, on motion of Mr. Clement, referred, together with the petition, to a
select committee. Said committee consists of Messrs. Waddell, Dudley,
Manly, Cotten and Clingman.

Mr. Hybart presented a bill to incorporate the Planter's and Mechanics'
Bank of Fayetteville; which was read the first time and passed; and, on
motion of Mr. Hybart, referred to a select committee; which committee is
composed of Messrs. Hybart, Chambers, McRae, Hoke and Jordan.

Mr. Poindexter presented the petition of Isaac Cheatham of Stokes coun-
ty, praying to be divorced; which was, on motion of Mr. Poindexter, re-
ferred to the committee on propositions and grievances.

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

A message from the Senate, proposing that the two Houses ballot imme-
diately for a brigadier general of the 15th brigade. On motion of Mr. Car-
son, said message was laid on the table, and a proposition sent to the Se-
nate, that said balloting be had to-morrow.

A message from the Senate, agreeing to the proposition of this House;
to raise a joint select committee on the public buildings; and that the report
of the commissioners, charged with the superintending the re-building of
the State Capitol, be printed, and referred to said committee; and inform-
ing that Messrs. Hill, Cooper of Martin, Kendall, Reid and Whitaker, form
their branch of said committee. Ordered that Messrs Carson, Waddell,
Dudley, and Collins, compose this committee, on behalf of the Commons.

Mr. Graham presented a bill to incorporate the Raleigh and Gaston Rail
Road company; which was read the first time and passed, and, on motion of
Mr. Graham, ordered to be printed.

Mr. Jacocks, from the committee on finance, to whom the subject was
referred, reported of bill to amend an act passed in the year 1784, so far as
it respects the listing of taxable property; which was read the first time and
passed.

Mr. Dudley, from the committee on Internal Improvement, reported the
A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish the Merchants' Bank of the town of Newbern, with an amendment; asking the concurrence of this House. The said amendment was read and disagreed to, and the Senate so informed.

The House proceeded to the special orders of the day, and again resumed the consideration of the resolutions relating to the public lands. Mr. J. W. Guinn offered the following amendments, viz: "In the 7th line of the second resolution, after the words "shall be," strike out the balance of said resolution, and insert the words "according to their respective and usual proportions in the general charge and expenditure incurred by them in support of the United States; and that the lands of Florida and Louisiana, which were acquired by the joint treasury of all the States, their proceeds ought to be divided among the States, in proportion to their federal population."

Pending the question on the adoption of this amendment, the House, on motion of Mr. Hayner, postponed the further consideration thereof, till to-morrow.

The bill to amend an act, entitled an act concerning the draining of low lands, passed in the year 1795, was read the third time and passed, and ordered to be engrossed.

The bill to repeal in part, the 13th section of an act authorizing the making a turnpike road in the county of Buncombe, passed in the year 1824, was read the second time and passed.

The bill to prohibit Sheriffs, by their deputies, from executing the office of constable in civil cases, was read the second time, amended on Mr. Taylor's motion; and the question, shall the said bill pass its second reading, as amended? was decided in the negative—Yeas 27, Nays 98. The yeas and nays called for by Mr. Hutchison.

Those who voted in the affirmative were, Messrs. T. Bell, E. S Bell, Braswell, Brown, Brumell, Clement, Coor, Cotten, Davenport, Dodson, Eaton, Guthrie, N Harrison, Henry, Judkins, Kelley, W. B. Lane, Lee, Loudermilk, Roebuck, Rush, Sanders, Siler, J. L Smith, Swanner, Swindell, Taylor.


A message from the Senate, agreeing to the proposition of this House, to ballot on to-morrow for a brigadier general of the 15th brigade.

The House then adjourned until to-morrow morning 10 o'clock.
A message was received from the Senate, informing that they had passed the following engrossed bills, viz: A bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road company; a bill to emancipate and set free Caroline (alias) Caroline Cooke, and her three children, named Susan Pamellia Cooke, Acha Tomlinson Cooke, and James Ellis Cooke, the property of Archibald Lovelace of the county of Wilkes; a bill authorizing and requiring captains or commanding officers, attached to the 30th, 31st, and 68th regiments of North Carolina militia, to muster their respective companies once in three months; and a bill to repeal an act entitled an act directing the manner in which constables shall be appointed in this State, so far as respects the counties of Hyde and Greene; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Benton and Mr. Clement were appointed a committee to conduct the balloting for a brigadier general of the 15th brigade. A message from the Senate, informing that Messrs. Ballew and Young, form said committee on behalf of the Senate.

Received from his Excellency, Governor Swain, a communication, transmitting sundry resignations of field officers and justices of the peace; and informing also that there exist at present, four vacancies in the board of trustees of the University of North Carolina, occasioned by the demise of Henry Seawell and Joseph A. Hill, and the removal from the State of William S. Mhoon and John Bragg. On motion of Mr. Clarke, ordered that said communication, with the accompanying papers, be sent to the Senate, with a proposition that the two Houses, on to morrow, ballot for four trustees of the University.

Mr. Carson presented certain proceedings of sundry citizens of this State, recently had at Asheville in Buncombe county, in relation to a Rail Road from Cincinnati to Charleston; which were, on motion of Mr. Carson, referred to the committee on Internal Improvement.

The Speaker communicated to the House, the annual report of the Adjutant General; which was, on motion of Mr. Graham, ordered to be sent to the Senate and be printed.

Mr. J. W. Guinn presented a bill, founded on a petition, to restore to credit Harman Lovingwood of Macon county; which was read the first time and passed; and on Mr. Guinn's motion, referred to the committee on private bills.

Mr. Jacocks, from the committee on finance, to whom the subject was referred, reported a resolution authorizing an exchange of the Cherokee bonds; which was read the first time and passed.

On motion of Mr. Guinn,

Resolved. That the committee on finance be instructed to enquire into the expediency of requesting the Governor of this State, to direct a sale, during the next year, of all the surveyed lands remaining unsold acquired by treaty from the Cherokee Indians; and that they report by resolution or otherwise.

Mr. Graham, from the committee on the judiciary, to whom was referred an inquiry into the expediency of amending the laws regulating the county courts, and proceedings before single magistrates, reported that it is not, at this time, expedient to legislate upon the subject; and asked to be dischurged from the further consideration thereof. The report was concurred in.

Mr. Clement, from the committee appointed to conduct the balloting for
a brigadier general of the 15th brigade, reported that no one had received a majority of the whole number of votes; and that there was no election. The report was concurred in. Whereupon, on motion of Mr. King, order
ed that a message be sent to the Senate, proposing that another balloting be had immediately for said officer.

Mr. Jones, from the committee on propositions and grievances, to whom the subject was referred, reported a bill to restore to credit, George Tapps of Person county; which was read the first time and passed.

Mr. Hutchison, from the committee on propositions and grievances, to whom the subject had been referred, reported a resolution in favor of Matthew Miller; which was read the first time and passed.

Mr. J. H. Walker presented the petition of Mahala Walls of Haywood county, praying to be divorced; which was, on motion of Mr. Walker, referred to the committee on private bills.

Mr. Hoskins presented the petition of Margaret Massey, of the town of Edenton, praying to be divorced; which was referred, on Mr. Hoskins' motion, to the committee on private bills.

Mr. Hawkins, from the committee on propositions and grievances, to whom the bill was referred, reported the bill to alter the name of John Pettis Johnson, of Warren county, and to legitimate him, with amendments. The amendments were concurred in, and the said bill as amended passed its second reading.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to incorporate the Conrad gold mining company; a bill to incorporate the County Guard in Rockingham, and a bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slaveholding States; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. McCleese introduced a bill to divorce Pharoah Perkins of Currituck county; which was read the first time and passed; and, on motion of Mr. McCleese, referred to the committee on propositions and grievances.

Mr. Erwin introduced a bill to enable lawyers, resident in other States, to practice in the Superior courts of this State in certain cases; which was read the first time and passed; and, on motion of Mr. Erwin, referred to the committee on the judiciary.

Mr. Rogers introduced a bill to repeal and amend in part, an act passed in the year 1833, entitled an act to incorporate the Roanoke and Raleigh Rail Road company; and also to renew said act; which was read the first time and passed; and, on Mr. Rogers' motion, referred to the committee on Internal Improvement.

Mr. Jervis introduced a bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancey county; Mr. Dunn, a bill to amend the militia laws, as respects the county of Mecklenburg; Mr. Wooten, a bill to alter the name of Haywood Waterer, and to legitimate him; Mr. Hutchison, a bill to incorporate the Lincoln Gold mining company; and Mr. Gorrell, a bill to incorporate the South Buffaloe Gold mining company. These bills were severally read the first time and passed.

A message from the Senate, agreeing to ballot on to-morrow for four trustees of the University.

A message from the Senate, informing that they had rejected the engrossed bill regulating constables in the county of Onslow.
JOURNAL OF THE HOUSE OF COMMONS.

The bill to allow the trustees of the University of North Carolina, and the president and directors of the literary fund, to subscribe for and take certain portions of the stock reserved to the State in the Bank of the State of North Carolina, was read the third time. Mr. Carson moved that said bill lie on the table; the question thereon was decided in the negative: and the question, shall the said bill pass its third reading? was determined in the negative—yeas 61, nays 69. The yeas and nays demanded by Mr. Dudley.


The resignations of W. J. Dozier of Camden county; of Thomas Griffin of Nash county, Justices of the peace of said counties; and the resignation of James C. Dockery, as major of the 51st Regiment, received from the Senate, were read and accepted.

The resignation of James Rainey, as a justice of the peace of the county of Caswell, was presented, read, and accepted.

The House then proceeded to the order of the day, and resumed the consideration of the resolutions relating to the public lands of the United States.

Mr. J. W. Guinn, with leave, withdrew the amendment heretofore submitted by him; and Mr. Jordan moved to strike out all after the word "resolved," and insert the following:

That, if Congress should give the public lands of the United States, directly or indirectly to the States in which they are situate, it would be a breach of the public faith, and a violation of the rights of the States.

Resolved further, That the public revenues are collected directly or indirectly from the people, and never ought to exceed the amount of expenditures necessary to an economical administration of the Government; and whenever the proceeds of the sales of the public lands are not required in aid of the revenues for the legitimate purposes of the National Government, it will be the duty of Congress to reduce the taxes imposed upon the people of the United States, and thereby reduce the revenue to a sum which, when added to the land sales, will not exceed the actual wants of the Government. But because the value of the Union is beyond the reach of pecuniary calculation, and as it might be hazardous to its stability to disturb now, that system of taxation, which was lately adopted as a compromise of conflicting interests and opinions upon the subject of the Tariff, we conceive it the duty of Congress to devise some safe method, compatible with the needs of Cession, for the distribution of any surplus proceeds of the sales of the public lands, which may from time to time remain in the Treasury, after defraying its expenditures.

Resolved further, That we depurate all attempts on the part of the citizens of this State, to increase the difficulties and magnify the jealousies already existing upon national questions in respect to our public lands, by giving to them a party character, and thereby holding out inducements to the new States, to put forth unreasonable demands,—and en
the other hand, by denouncing their claims with bitter reproaches, so as to kindle a blaze of discontent in the nation; which, however, intended by those who raised it, must ultimately endanger the stability of the Government.

Resolved further, That the Excellency the Governor of the State, be requested to transmit copies of the foregoing resolutions, to each of our Senators and Representatives in the Congress of the United States.

Mr. Clarke moved that the amendment, with the original resolution, be laid on the table. Pending the question on this motion, the House adjourned until to-morrow morning 10 o'clock.

Thursday, December 3, 1835.

Mr. Dudley, who voted yesterday against the passage of the bill, to allow the trustees of the University of North Carolina, and the president and directors of the literary fund, to subscribe for and take certain portions of the stock reserved to the State, in the Bank of the State of North Carolina, moved that the House do now reconsider that vote. The House agreed so to re-consider, and, on motion of Mr. Dudley, said bill was laid on the table.

Mr. McRae, from the balloting committee for a brigadier general of the 15th brigade, reported that no one had received a majority of the whole number of votes; and that there was no election. The report was concurred in. On motion of Mr. Chingman, ordered that a message be sent to the Senate, proposing another balloting immediately for said officer.

Mr. Lemont presented a petition from sundry citizens of Salisbury, in favor of a division of Rowan county; which was, on Mr. Clement's motion, referred to the select committee heretofore raised on this subject.

On motion of Mr. Poultney, leave of absence, from the service of the House, from this day until Thursday next, was granted to Mr. Crump.

Mr. Loudenmilk presented a resolution in favor of James Thompson of Iredell county; which was read the first time and passed; and, on motion of Mr. Loudenmilk, referred to the committee on claims.

On motion of Mr. Gary, the names of Frederick J. Hill, Mathias E. Manly, William B. Meares, and James W. Bryan, were put in nomination for trustees of the University; and Messrs. Irion and Jones appointed a committee to conduct the balloting.

A message from the Senate, agreeing to ballot immediately for a brigadier general of the 15th brigade; and informing that Messrs. Patterson and Cowper of Gates, form their balloting committee. Ordered that Messrs. Swammer and Brown, superintend said balloting on the part of this House.

On motion of Mr. Hybart, the name of William M. Green was added to the nomination for a trustee of the University.

Mr. J. W. Guinn, from the committee on propositions and grievances, reported unfavorably on the memorial of Simon B. Jewett, Secretary of the Georgia Lumber company; and asking to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

The bill to incorporate the North Carolina Rail Road company, was read the second time, amended on Mr. Dudley's motion, and passed.

Mr. Wood introduced a bill to incorporate the Craven county rangers; which was read the first time and passed.

Mr. L. Smith introduced a bill authorizing the making a Turnpike road in Haywood county, and incorporating a company for that purpose.
and Mr. Siler, a bill authorizing the Governor to issue a grant to James Truitt for a tract of land in the county of Macon. These bills were read the first time and passed; and the last named bill, on motion of Mr. Siler, referred to the committee on propositions and grievances.

Mr. Lyon presented a bill to prevent the felling of timber, or otherwise obstructing the run of Turnbull Creek, from Malcolm McInnis’ mills to John Fort’s Ford in Bladen county; which was read the first time and passed.

A message from the Senate, informing that Messrs. Marsteller and Bullock, compose the committee on their part, to conduct the balloting for four trustees of the University.

The bill to alter the name of John Pettis Johnson of Warren county, and to legitimate him, was read the third time, passed, and ordered to be engrossed.

Mr. King, from the committee on propositions and grievances, reported a bill to divorce Frances Cloud of Chatham county; which was read the first time and passed.

Mr. Hybart presented the petition of Betsey Mallett, a coloured woman of Fayetteville, praying the manumission of her husband Nelson; which was referred, on Mr. Hybart’s motion, to the committee on propositions and grievances.

Mr. Waddell presented a memorial from the county court of Orange, praying the passage of a law authorising less than a majority of the whole number of justices of said county, to do and perform such acts as are at present required to be done by a majority. Said memorial was, on motion of Mr. Waddell, referred to the committee on the judiciary.

Mr. J. W. Gaim. from the committee on propositions and grievances, to whom the petition of John Harman of Chatham county, was referred, reported a bill to alter the name of James Atlas Marks, and to legitimate him; which was read the first time and passed.

Mr. Waddell presented the petition of certain citizens of Orange county, in relation to the time of closing the polls of election at one of the precincts of said county; which was referred to the committee on propositions and grievances.

Mr. Lilly presented a memorial from Henry Delamothe of Montgomery county, in relation to the Gold mines discovered on the lands of the State in said county; which was referred to the committee on propositions and grievances.

Mr. Guthrie, from the committee on private bills, to whom the subject was referred, reported a bill to alter, in part, the dividing line between the counties of Surry and Rowan; which was read the first time and passed.

Mr. Graham presented a bill to provide for the payment of tales jurors in certain cases; which was read the first time and passed.

The House now proceeded to the special order of the day, and resumed the consideration of the resolutions concerning the public domain. The question on Mr. Clarke’s motion, that the said resolutions lie on the table, was decided in the negative—Yea 26, Nays 101. The yeas and nays demanded by Mr. Clingman.

Those who voted in the affirmative were, Messrs. T. Bell, Borland, Bryan, Burgess, Byrum, Clarke, Dodson, FitzRandolph, Friek, J. Harrison, Hoke, Jeffreys, Kenan, Neal, A. Perkins, Powell, Ridick, Rockuck, Sanders, Gillespie, Smith, Speller, Stablings, Swindell, West, Williamson, Wooten.

The question recurring on the amendment proposed by Mr. Jordan, the House, after discussion, postponed the further consideration thereof until tomorrow; and, on motion of Mr. Jacocks, ordered that the proposed amendment be printed.

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

Friday, December 4, 1835.

A message from the Senate, informing that they had passed the following engrossed bills; and asking the concurrence of this House, viz: A bill concerning the courts of pleas and quarter sessions in the several counties in this State; a bill providing compensation to the Sheriffs of the several counties of this State, for making the returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the Constitution; a bill fixing the punishment for the crime of bigamy; a bill to incorporate the Conrad Gold mining company; and a bill for the relief of Rachel Edwards. These bills were each read the first time and passed; and the first named bill, on motion of Mr. Clarke, ordered to be printed.

A message from the Senate, agreeing to print the report of the Adjutant General.

The bill to divorce Aquilla S. Bennett, of the county of Pitt; and the bill to prevent the selling of timber in or otherwise obstructing the run of Ellis Creek in Bladen county, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal so much of an act passed in the year 1831, entitled an act to incorporate the Charlotte fire engine company, as exempts the members of said company from performing military duty, was read the third time, passed, and ordered to be enrolled.

Mr. Coor presented a bill amendatory of the act on bastardy; which was read the first time and passed.

Mr. Watson introduced a bill to legitimate John Oxendyne of the county of Robeson; which was read the first time and passed; and, on motion of Mr. Watson, referred to the committee on private bills.

The bill to incorporate the North Carolina Rail Road company, was read the third time, passed, and ordered to be engrossed.

On motion of Mr. L. A. Gwyn, ordered that a message be sent to the Senate, proposing to ballot immediately for Councillors of State.

On motion of Mr. Jacocks,

Resolved, That the Wreck and Pilot laws of this State, be referred to the committee on the judiciary for amendment, if necessary; and that they report by bill or otherwise.
A message from the Senate, proposing to ballot immediately for colonel of cavalry attached to the 3d brigade; and informing that Evans Larkins is nominated for the appointment. The proposition was agreed to: and Messrs. Foreman and Hope appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Marsteller and Simmons form said committee on their part.

Mr. Lilly presented a bill amendatory of an act relating to the town of Lawrenceville in Montgomery county; which was read the first time and passed.

A message from the Senate, agreeing to ballot immediately for Councilors of State; and informing that Henry Skinner of Perquimons, Daniel Turner of Warren, George Williamson of Caswell, Peter H. Dillard of Rockingham, Louis D. Henry of Fayetteville, William S. Ashe of New Hanover, and Allen Rogers, Sr. of Wake, are in nomination for the appointment; and that Messrs Kerr and Beasley form, on the part of the Senate, the balloting committee. Ordered that Messrs. Pointdexter and L. A. Gwyn, compose said committee on behalf of this House.

The House now proceeded to the orders of the day, and resumed the consideration of the resolutions, together with the proposed amendments thereunto, relating to the public domain; and the question being on striking out the original resolutions offered by Mr. Clingman, and inserting those offered by Mr. Jordan; Mr. Graham called for a division of the question; and the question being first on striking out, as proposed, was decided in the negative—Yeas 57, Nays 69. The yeas and nays demanded by Mr. Graham.


The question then recurring on the adoption of the original resolution; and after continuance of the debate thereon, the House, on motion, adjourned until to-morrow morning 10 o'clock.

Saturday, December 5, 1835.

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

Mr. Foreman, from the committee appointed to conduct the balloting for colonel of cavalry attached to the 3d brigade, reported that Evans Larkins had received a majority of the whole number of votes, and was duly elected. The report was concurred in.
Mr. Jones, from the committee of balloting for trustees of the University, reported that Wm. B. Mears, Frederick J. Hill, Mathias E. Manly, and James W. Bryan, had each received a majority of the whole number of votes; and that they were duly elected. The report was concurred in.

Mr. Swaner, from the balloting committee for a brigadier General of the 15th brigade, reported that Solomon Loudermilk had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. L. A. Gwyn, from the committee appointed to conduct the balloting for councillors of State, reported that Henry Skinner, Daniel Turner, Geo. Williamson, Peter H. Dillard, Louis D. Henry, William S. Ashe, and Allen Rogers Sr had each received a majority of the whole number of votes; and that they were duly elected. The report was concurred in.

On motion of Mr. Graham, ordered that a message be sent to the Senate proposing to ballot immediately for a trustee of the University, to fill the vacancy occasioned by the death of the Rev. Dr Joseph Caldwell; and informing that the name of William M. Green, is in nomination for the appointment. A message from the Senate, concurring in this proposition, and informing that Samuel F. Patterson is added to the nomination; and that Messrs. Hill and McQueen form, on their part, the balloting committee. Ordered that Messrs. Dodson and Speller, form said committee on behalf of this House.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to provide for the temporary appointment of Registers in certain cases; a bill to repeal, in part, an act on the better regulation of the Fair held near Laurel Hill in the county of Richmond, passed in the year 1830, a bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston in the county of Martin; and a bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston; and asking the concurrence of this House. The said bills were each read the first time and passed.

Mr. Manly presented the petition of Allen Jones, Executor of Benjamin Revils, praying the manumission of a slave named Hulia; which was, on motion of Mr. Manly, referred to the committee on private bills.

Mr. Dudley introduced a bill to incorporate the Wilmington marine hospital company; Mr Poindexter, a bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county, and for other purposes; Mr. W. B. Lane, a bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house in the counties of Jones and Randolph; Mr. Dudley, a bill to amend an act, entitled an act to incorporate the town of Stanstonsburg in the county of Edgecombe; Mr. Hope, a resolution in favor of Mark H. Hill; and Mr. Swindell, a resolution in favor of John B. Jasper. The bills and resolutions were each read the first time and passed.

Mr. Dudley introduced a bill founded on a petition, from many inhabitants of the town of Wilmington, for the better regulation of the slave laborers in the town and port of Wilmington; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place
known by the name of the Old Fort in Burke county; over the the Swan-
nanooah Gap to Asheville in Buncombe county; and thence to the point of
intersection with the road leading through Haywood county to the South-
ern boundary line of this State; and a bill to give further time for perfect-
ting titles to entries of vacant lands in the county of Stokes; and asking
the concurrence of this House. The said bills were read the first time and
passed; and the last named bill was, on motion of Mr. Poindexter, read
also the second and third times, passed, and ordered to be enrolled.

Mr. Clement presented a further petition from certain inhabitants of the
county of Rowan, in relation to a division of said county; which was, on
motion of Mr. Clement, referred to the select committee heretofore raised
on that subject.

A message from the Senate, proposing to refer a bill to incorporate the
Cincinnati and Charleston Rail Road company, to a joint select committee
of three members on the part of each House. The proposition was agreed to.

Mr. Watson presented a resolution in favor of Neil McAlpin; which
was read the first, second, and third times, passed, and ordered to be en-
grossed.

Mr. Williamson presented a bill founded on a petition, to alter the
name of Simon Davis of the county of person, and to legitimate him;
which was read the first time and passed.

On motion of Mr. Taylor, leave of absence was granted to Mr. Brown,
from the service of this House, after this day, till Monday next.

The Speaker laid before the House, sundry Bank exhibits, transmitted
according to law, by the public Treasurer; which, on motion of Mr. Gra-
ham, were ordered to be sent to the Senate and be printed.

Messrs. Carson, Causler, and Dudley, were appointed the joint select
committee on the part of this House, on the bill to incorporate the Cincin-
nati and Charleston Rail Road company.

The House again proceeded to the consideration of the resolutions of
Mr. Clingman, relating to the public lands of the United States. Mr. Car-
sen moved that the further consideration thereof, be postponed until
Wednesday next. The question thereon was determined in the negative
—Yeas 30, Nays 93. The yeas and nays demanded by Mr. Sanders,

Those who voted in the affirmative, were, Messrs. Braswell, Bryan, Byrum,
Causler, Carson, Coor, Dodson, Dunn, J. W. Guinn, L. A. Gwyn, Hester, Hoke,
Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Jordan, Moyle,
J. A. D. M'Neil, Pippin, J. L. Smith, Giles Smith, J. H. Walker, Watson, Wil-
liamson, Witcher.

Those who voted in the negative, were, Messrs. Baker, Bedford, T. Bell, E. S.
Bell, Benton, Borland, Brumell, Buie, Burgess, Byrd, Chambers, Clarke, Cle-
ment, Clingman, Collins, Cotten, Davenport, Deberry, Dudley, Erwin, Fitzran-
dolph, Foreman, Fleming, Frink, Gary, Gorrell, Graham, Guthrie, Hall, Ham-
mond, Harris, J. Harrison, N. Harrison, Harper, Haswell, Hawkins, Henry,
Hill, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Jacocks, Judkins,
Kelly, Kenan, King, J. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk,
Lyons, Manly, Matthews, Moore, Muse, M'Glessie, M'Pherson, M'Rae, Neale,
J. H. Perkins, A. Perkins, Pickett, Poindexter, Rayner, Riddick, Roebeek, Ro-
gers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, Speller, Stallings,
Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, Wal-
ton, Watts, West, Whitby, Wooster.

Mr. Collins moved that the said order of the day be postponed until Mon-
The question thereon was decided in the negative—yeas 9, nays 113. The yeas and nays demanded by Mr. Clingman.

Those who voted in the affirmative were—Messrs. Bryan, Carson, Collins, Deberry, Dudley, J. W. Guinn, Hooker, Hybart, King.


Mr. Hybart moved to amend the second resolution, by striking out all after the word “Resolved,” and inserting the following words, viz:—

As the opinion of this General Assembly, that any act of Congress, giving the public lands to the States in which they are located, would be a plain and palpable breach of the public faith, and a dangerous violation of the rights of all the States.

Resolved further, That Congress ought not to reduce the price of the territory or public lands of the United States, for the purpose of indirectly giving said lands to the States in which they may be situated.

Resolved further, That if the public interest will justify the measure, that amendments should be proposed to the Constitution of the United States, making a distribution of the proceeds of the public lands among the several States and territories of the Union, in proportion to their population, to be applied to the establishment of common schools, and works of internal improvement; and for no other purposes whatsoever.

Resolved, That the distribution proposed in the bill commonly called “Clay's Land Bill,” by which it was proposed that 12½ per cent. more was to be given to the new States than the old, was unequal and unjust, and highly detrimental to the interests and claims of the old States and the Union, which are entitled to have such proceeds applied, according to their respective and usual proportions in the general charge and expenditure.

The question was on Mr. Hall's motion, first taken on striking out, and determined in the negative—Yeas 41, Nays 83. The yeas and nays demanded by Mr. Hall.


The question then recurring on the adoption of the original resolutions, Mr. Hoke called for a division, and moved that the vote be taken on each
resolution respectively. The motion prevailed, and Mr. Williamson called for a division of the question, on the distinct proposition embraced in the first resolution.

The Speaker decided that the question was divisible, and the motion was in order; and the vote of the House being taken on that branch of the first resolution, in the following words, viz: "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, would seriously affect the prosperity of all the old States, and do great injustice to those States by which they were originally ceded to the confederacy;" was decided in the affirmative—Yeas 118, Nays 6.


Those who voted in the negative were, Messrs. T. Bell, Byrum, Deberry, Fitzrandolph, Jeffreys, West.

To the second branch of the proposition embraced in the first resolution, Mr. Williamson offered the following amendment: Strike out the words "those lands are now sold," and insert the words, "the fresh lands are now offered for sale." The Speaker decided the motion to amend at this stage of the vote, out of order; and from this decision, Mr. Williamson appealed to the House. The question, "is the decision of the Chair the decision of the House?" was decided in the affirmative—Yeas 118, Nays 4.


Those who voted in the negative, were Messrs. Clement, Guthrie, Jordan, and Watson.

The question recurring on the adoption of the second branch of the first resolution, in the following words, viz: "Or any act by which the minimum price at which these lands are now sold, shall be reduced;" was decided in the affirmative—Yeas 107, Nays 18.

Those who voted in the affirmative were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brumell, Bryan, Buie, Burgess, Byrd,

The question on the adoption of the second resolution, was decided in the affirmative—Yeas 70, Nays 54.


The question on the adoption of the third resolution, was decided in the affirmative—Yeas 81, Nays 41.


The House then adjourned until Monday morning 10 o'clock.
On motion of Mr. Lindsay, leave of absence from the service of the House, from this day until Thursday next, was granted to Mr. Gorrell.

Mr. Guthrie, from the committee on private bills, to whom was referred the bill to legitimize Thomas Petit of Surry county, reported the same without amendment; when the said bill was read the second time and passed.

Mr. Kelley presented the petition of Jefferson Judd of Moore county, praying to be divorced; which was, on motion of Mr. Kelly, referred to the committee on propositions and grievances.

Mr. Jordan presented the petition of Solomon W. Nash of Fayetteville, a free man of color, praying the manumission of his three children therein named; which was, on motion of Mr. Jordan, referred to the committee on propositions and grievances.

Mr. Guthrie, from the committee on private bills, to whom was referred the bill to restore to credit Hannan Lovingwood of Macon county, reported the same without amendment. The said bill was read the second time and rejected. On motion of Mr. Pippin, the said vote was re-considered; and the question, shall the said bill pass its second reading? was again decided in the negative.

Received from his Excellency, Governor Swain, by his private Secretary, a communication, transmitting the report of the board for Internal Improvement. On motion of Mr. Clarke, ordered that the same be sent to the Senate, with a proposition that said message and report be printed.

Mr. Dudley presented a resolution relating to the Wilmington marine hospital association, together with a petition from sundry citizens of the said town upon the same subject; which were read, and, on motion of Mr. Dudley, reported to a select committee. Said committee consists of Messrs. Dudley, McRae, Hoke, Manly and Kenan.

Mr. Dodson, from the balloting committee for a trustee of the University, reported that Samuel F. Patterson had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Coor presented the petition of William Hines of Wayne county, praying to be divorced; Mr. King presented the petition of sundry citizens of Iredell county, praying a law to be passed for preventing obstructions in the channel of Fifth Creek in said county; and a counter petition also from certain other citizens. These petitions were, on motion, referred to the committee on private bills.

Mr. Dudley, from the committee on Internal Improvement, reported a bill to authorize the laying out and establishing a turnpike road from the South Carolina line, at some point near the block house in Rutherford county, to the Cane Creek bridge in Buncombe county; which was read the first time and passed.

The Speaker laid before the House a letter from Mr. Slade, one of the members of this House, praying to be excused, in consequence of indisposition, from serving on the several committees on which he has been placed. The letter was read, and Mr. Slade excused as prayed for.

A message from the Senate, agreeing to print the Bank statements and exhibits, heretofore transmitted.

A message from the Senate, informing that Messrs. Harry, Wyche and Moore of Rutherford, form the committee on the part of the Senate, to which is referred the bill to incorporate the Cincinnati and Charleston Rail Road Company.
Mr. Hutchison presented a bill to incorporate the American Gold Mining Company in Mecklenburg county; Mr. Henry a bill compelling the justices of the peace, of New Hanover county, to attend the term of the county court of said county, whenever a majority of the justices of said county are required to be present; Mr. Dudley a bill for the relief of sick and disabled American seamen; Mr. Maury a bill for the better regulation of the town of Newbern; Mr. M'Rae a bill to abolish the office of county trustee in the several counties of this State; these bills were read the first time and passed.

Mr. Taylor presented a bill to reduce the salaries of the judges of the supreme court, which was read the first time; Mr. Baker moved that the bill be rejected; the question thereon was decided in the affirmative—Yea's 65, Nay's 49.

The yeas and nays demanded by Mr. George Smith.


Mr. Jacocks gave notice, that he should on to-morrow, move certain amendments in the rules and order of conducting business in this House.

Received from his Excellency Governor Swain, the following MESSAGE.

To the General Assembly of the State of North Carolina.

I have the honor to communicate herewith a certificate from the Secretary of State, and Public Treasurer exhibiting statements of the votes given in the several counties of this State, for the ratification and rejection of the amendments to the Constitution. I also transmit a copy of a Proclamation, which has been issued from this Department, in pursuance of an Ordinance of the Convention, announcing to the People of this State, that the amendments to the Constitution have been duly ratified, and will be in force and effect from and after the first day of January next.

Executive Department, December 4, 1835.

DAVID L. SWAIN.

Certificate: The following statements of the votes given by the several counties in this State, in favor of the ratification of the amended Constitution, and for the rejection thereof, were taken from the official statements made by the Sheriffs of the respective counties, as received by the Governor from the said Sheriffs, and opened and compared by him, in our presence. Given under our hands the 3rd day of December 1833.

WM. HILL, Sec. of State.
S. F. PATTERSON, Public Treasurer.

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Mr. Howard, Mr. Howerton, Mr. Foreman, Mr. Smith, Mr. Lenoir, Mr. Moore, Mr. McLean, Mr. Montgomery, Mr. McCleese, Mr. Martin, Mr. New-Hanover, Mr. Nash, Mr. Northampton, Mr. Onslow, Mr. Orange, Mr. Person, Mr. Pasquotank

Pitt...Rowan...Randolph...Rockingham...Robeson...Richmond...Rutherford...Sampson...Surry...Stokes...Tyrell...Washington...Wilkes...Wake...Warren...Wayne...Yancey

Pitt...32...710
Perquimans...10...431
Rowan...1370...24
Randolph...486...163
Rockingham...612...68
Robeson...86...458
Richmond...263...43
Rutherford...1557...2
Sampson...143...468
Surry...1751...4
Stokes...1061...71
Tyrell...1...459
Washington...14...469
Wilkes...1757...8
Wake...243...124
Warren...46...580
Wayne...28...966
Yancey...564...13

26771...21605

Majority for Ratification

PROCLAMATION.

By the Governor of the State of North Carolina:

The Convention which met in the City of Raleigh, on the 4th day of June last, having adopted certain amendments to the Constitution of the State, and having by an Ordinance directed them to be submitted by the Governor to the People, for ratification or rejection, and the said Convention having directed returns of the Votes, to be made to the Governor, to be by him opened in the presence of the Secretary of State, and Public Treasurer; and that in case a majority of the votes given should be in favor of the ratification of the said amendments, the same should be forthwith made known by Proclamation of the Governor, and the said amendments having been so submitted to the People, and returns having been made, and opened, and the result ascertained according to the said Ordinance;

Now therefore, I, DAVID L. SWAIN, Governor of the State of North Carolina, do hereby declare, and make known to the People of the State that a majority of all the votes so returned was in favor of the ratification of the said amendments, which said amendments so ratified are become part of the Constitution of the State, and will be in full force and effect from and after the first day of January 1836.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed, and signed the same with my hand.

Done at the City of Raleigh, this 3rd day of December, A. D. 1835, and of the Independence of the said State the 60th.

By the Governor,

WILLIAM T. COLEMAN, Private Secretary.

The bill to regulate the practice of hawking and pedling in this State, was read the second time; Mr. Clarke moved to fill the blank in the second section, fixing the tax with the words "fifty dollars;" the question thereon was decided in the negative—Yeas 56, Nays 53. The yeas and nays called for by Mr. Carson.


Mr. Thomas moved to fill said blank, with the words, "twenty-five dollars;" the question thereon was determined in the affirmative—Yea 67, Nays 52.


Mr. King moved to amend further the bill by adding the following: "provided further that the provisions of this act, shall not extend to native citizens of this State, who may hereafter engage in hawking and peddling;" the question on this amendment was decided in the negative; Mr. Guthrie moved that said bill be indefinitely postponed, and called for the yeas and nays; the question thereon was decided in the negative—Yea 22, Nays 94.


Whereupon the said bill was read the second time and passed.

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

TUESDAY, DECEMBER 8, 1835.

Mr. Jacocks in pursuance of notice given yesterday, now moved the following amendment to the rules of order, viz:

Resolved, That from and after this day, whenever this House agrees to adjourn, it shall each day stand adjourned until 10 o'clock A. M.; unless otherwise ordered by the House, at which time the Speaker shall call the House to order, and proceed to business.

Resolved, That this House, will on each and every day, during the remainder of the session, take a recess from one, until three o'clock P. M.; and during said time, the Speaker shall leave the chair without motion, and business be suspended.

Resolved further, That no bill of a private nature, shall be introduced into this House
Mr. Graham moved that the two first resolutions be stricken out; the question thereon was decided in the negative; Mr. Manly moved that the second resolution be stricken out; the question thereon was decided in the affirmative; the first and third named resolutions were thereupon read and rejected.

Mr. Waddell presented the petition of the sheriff of Orange county, praying that certain taxes paid by him into the public treasury through mistake, be refunded to him, which was referred on Mr. Waddell's motion to the committee on claims.

Mr. Stockard presented the petition of Thomas Roberts of Orange county, praying to be divorced, which was on motion of Mr. Stockard, referred to the committee on propositions and grievances.

Mr. Erwin presented a petition from sundry citizens of Burke and Yadkin counties, relating to an alteration of the law establishing a road from Morganton to Burnsville, which was on Mr. Erwin's motion referred to the committee on private bills.

Mr. Bedford presented the petition of Edmund Harden of Rutherford county, praying to be divorced, which was read, and on motion of Mr. Bedford, referred to the committee on propositions and grievances.

Mr. Manly from the committee on the judiciary, to whom the subject was referred, reported certain resolutions directing an exchange of the supreme court reports; which were read the first time and passed.

Mr. Guthrie from the committee on private bills, to whom was referred the bill to legitimate John Oxendyne of the county of Robeson, reported the same without amendment; when the said bill was read the second time and rejected.

Mr. Guthrie from the same committee, to whom was referred the petition of Mary Walls, reported a bill to divorce the said Mary Walls; which was read the first time and passed.

Mr. Clark from the committee on the judiciary who were directed to inquire into the expediency of amending the wreck and pilot laws, reported that no further legislation on the subject, is at this time necessary, and prayed to be discharged from the further consideration thereof; the report was concurred in.

Mr. Graham from the same committee, reported unfavorably on the bill heretofore committed to them, entitled a bill to permit lawyers resident in other States to practise in the superior and county courts of this State in certain cases. The bill was thereupon read the second time and rejected.

Mr. J. W. Guinn presented the following resolution, viz:

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of making an appropriation of dollars to assist in opening and constructing a road from the house of John Bryson sen., in the county of Macon, to run through the mountains on the most practicable route to the South Carolina line, so as to intersect the road now constructing from Pickens court house in South Carolina, to the North Carolina line.

Resolved further, That if said committee think it not advisable to make an appropriation for the purpose aforesaid, that they then inquire into the ways and means of constructing said road, so as to promote the value of the large fertile surveyed territory, now belonging to the State, that is now almost entirely uninhabited, owing to the fact that there is no way by which purchasers can approach it only by single horses.

The said resolutions were read and rejected.

Mr. Carson presented a resolution in favor of John Cooper of Rutherford county; which was read the first time and passed.
A message from the Senate proposing that Friday evening next, be set apart for recommending field officers in the militia and justices of the peace; the proposition was agreed to.

The bill authorizing David Thally of New Hanover county, to erect a bridge across the north-east branch of the Cape Fear river; the bill for the better regulation of the slave laborers in the town and port of Wilmington; the bill to divorce Catharine Parks from her husband Gabriel Parks; and the bill to divorce Elizabeth H. M'Caw of Rowan, from her husband William B. M'Caw, were each read the second time and passed.

The engrossed bill to incorporate the Deep River Gold Mining Company was read the second and third times, passed and ordered to be enrolled.

The bill to restore to credit John Masters of Yancey county, was read the second time and passed.

The bill to legitimate Thomas Petit of Surry county, was read the third time, passed and ordered to be engrossed.

The bill to incorporate the Raleigh and Gaston Rail Road Company, was read the second time; Mr. Gary moved to amend the bill by providing that the corporation shall exercise the corporate power hereby granted for sixty years, and no longer, without a renewal of their charter; the question thereon was decided in the negative; sundry blanks in the bill were filled on motion of Mr. Graham; and the question shall the said bill pass its second reading as amended? was decided in the affirmative.

A message from the Senate proposing to raise a joint select committee consisting of three members on the part of each House, to inquire into and report what laws are necessary to be enacted the present session of this General Assembly, in consequence of the ratification of the amendments to our constitution; the proposition was agreed to, and Messrs. Graham, Hoke and Williamson, appointed the committee on the part of this House.

A message from the Senate, agreeing to print the report of the board for internal improvement.

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

Wednesday, December 9, 1835.

Received from the Senate, a message, informing that they had passed the following engrossed bills and resolutions, viz: a bill to abolish the offices of trustee and treasurer of public buildings, in the counties of Gates, Chowan and Mecklenburg, and for other purposes; a bill to alter the names of Hardy Lewis and Brittain Lewis of the county of Moore, and to legitimate them; a bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county; a bill to authorize and empower David T. Sawyer, to lay off a road, and for other purposes; and a resolution in favor of William T. Bain; and asking the concurrence of this House; the said bill and resolutions were each read the first time and passed.

On motion of Mr. Brummell, the bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county, was read the second time; Mr. Walton moved that the bill be postponed indefinitely; the question thereon was decided in the negative, and the bill passed its second reading; on motion of Mr. George Smith, the said bill was again read the third time, and the question shall the said bill pass its third reading? was determined in the affirmative; ordered that said bill be enrolled.

Mr. Graham from the committee on the judiciary to whom was referred
so much of the message of his excellency the Governor, as relates to the establishment of a seventh judicial circuit, reported that it is not expedient at this time to legislate in the manner suggested, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. King from the committee on propositions and grievances, made an unfavorable report on the petition of Isaac Heatham of Stokes county for a divorce, and asked that the committee be discharged from the further consideration of the subject; the report was concurred in.

A message from the Senate transmitting a report from the committee of finance on the state of the treasury and proposing that the two Houses ballot immediately for public treasurer, and nominating for the office Samuel F. Patterson; the proposition to ballot was agreed to, and Messrs. Jervis and Swanner appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Edmonston and Baker form said committee on their part.

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

Resolved, That the committee on the Judiciary be instructed to inquire into the laws regulating the laying off Widow's dowers, and report whether or not it be expedient to so amend them as to lessen the costs thereon.

The engrossed bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company, was read the second time, amended on motion of Mr. Rogers, and passed; on motion of Mr. Rogers, the said bill was again read the third time and passed; ordered that the concurrence of the Senate be asked in the amendment.

Mr. Rogers presented the petition of Temper Hall of Wake county, wife of Thomas Hall, praying to be divorced; said petition together with documents accompanying, was on Mr. Rogers' motion, referred to the committee on propositions and grievances.

Mr. Kelly presented a petition from certain inhabitants of Montgomery county, praying that a portion of said county be attached to the county of Moore; which was referred on Mr. Kelly's motion to the committee on propositions and grievances.

Mr. David M'Neil presented a petition from certain citizens of Cumberland county, praying that a law be passed, securing to Margaret Hunt, wife of William Hunt, such property as she may hereafter acquire; which was on motion of Mr. M'Neil, referred to the committee on propositions and grievances.

Mr. Bryan presented a certificate from the clerk of the county court of Craven in favor of John Rhem, Christopher Bexley and Thomas Ewell, State Pensioners; the certificate was read, and on motion of Mr. Bryan, ordered to be countersigned by the Speaker of this House, and sent to the Senate.

On motion of Mr. King,

Resolved, That a select committee be instructed to inquire into the expediency of altering the time of holding the superior courts in the sixth judicial circuit as that the superior courts of Iredell shall be held on the week after Mecklenburg Superior court, and also the propriety of adding Surry to the Hillsborough circuit.

Said committee consists of Messrs. King, Poindexter, Waddell, J. W. Guinn and W. Horton.

Mr. Kelly introduced a bill concerning the prosecution and trial of accessories in certain cases; and Mr. M'Cleese a bill to amend in part an act
The bill to authorize a subscription upon the part of this State to the capital stock of the Oconalufy Turnpike Company; the bill amending of the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next; and the bill to repeal an act passed in 1833, entitled an act directing the judges of the superior courts of Hyde county not to take up State cases before the third day of court; were each read the second time and passed.

The bill to repeal in part the 13th section of an act authorizing the making a turnpike road in the county of Buncombe, passed in the year 1824, was read the third time, passed and ordered to be engrossed.

The bill to regulate the practice of hawking and peddling in this State was read the third time; Mr. Manly moved to amend the bill by adding the following section:

"Be it further enacted, That it shall not be lawful for any person here after to hawk or peddle any goods, wares or merchandise manufactured or materials not the growth or product of this State, within the limits of an county, without first having obtained a certificate from the court of said county, and license from the sheriff according to the provisions of the two first sections of this act; for which license the applicant shall pay into the hands of the sheriff, a tax of ten dollars; the question thereon was decided in the negative. Mr. Hoke moved to amend the bill by striking out the words "twenty-five dollars," prescribing the tax, and insert twenty dollars the question thereon was decided in the affirmative—Yea's 74, Nay's 47 the yeas and nays demanded by Mr. Bue.


The said bill was further amended on motion of Mr. Waddell, passed an order to be engrossed.

Mr. Swanner from the ballotting committee for Public Treasurer, reported that Samuel F. Patterson had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

The bill to alter and amend an act passed in 1834, chapter 124, entitle an act appointing commissioners to lay off a road from Morgantown in Burke county, by Burnsville and Barnet's station, to the Tennessee line, was read the second time, amended on Mr. Byrd's motion, and passed.
Mr. Jervis presented the following resolution, which was read and adopted, viz:

Whereas, it sometimes happens that entry takers resign or die before they have issued warrants on entries made in their office; and whereas in some of the counties of this State the successors of such entry takers doubt their right and others to issue warrants on the entries made with their predecessors; therefore,

Resolved, That the committee on the Judiciary be directed to enquire if there be any defect in the laws on this subject, and that they have leave to report by bill or otherwise.

Received from his Excellency the Governor, a message transmitting a communication from the commissioners appointed to revise and digest the public statute laws of the State; the message was read, and on motion of Mr. Dudley, ordered that the same be referred to the committee heretofore raised on that subject.

Received from his Excellency Governor Swain, the following communication:

To the General Assembly of the State of North Carolina:

Gentlemen: I have the honor to transmit herewith a memorial from the citizens of Charleston; and a memorial from the citizens of Columbia, South Carolina, on the subject of the proposed Charleston and Cincinnati Railroad; these papers were presented at this department yesterday by T. H. Elmore, Esq., who has been deputed by the memorialists under the sanction of the Legislature of South Carolina, to perform this duty.

In my message, at the commencement of the session, I had occasion to submit very briefly some of the views which I entertained upon this subject, and commended the enterprise to your favorable consideration. I should be tempted at present to enter into a more extended discussion with regard to it, if the task had not been exceedingly well performed by the memorialists themselves.

I deem it scarcely necessary to remark in addition, that a very slight examination of the topography of the Southern and Western States, and acquaintance with the condition, necessities and resources of North Carolina, will serve to show that the memorialists have no deeper interest in the success of this magnificent scheme than the great body of our citizens. The spirit and liberality which have characterized the proceedings of our sister State in the promotion of this work, are worthy of all praise, and fully sustain the high character for intelligence and enterprize, which have hitherto distinguished her councils.

(Signed) DAVID L. SWAIN.

The foregoing communication was read, and on motion of Mr. Guthrie, referred to the committee heretofore raised on the subject.

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

Thursday, December 10, 1835.

A message from the Senate informing that they had passed the following engrossed bills and resolutions, viz: a bill to authorize the trustees of William’s church, in the county of Martin, and their successors in office to hold and possess one acre of land on which said church is situated; a bill making compensation to the tales jurors in the county of Randolph; and a resolution in favor of Leonard Buckannon, and asking the concurrence of this House; the said bills and resolution were each read the first time and passed.

A message from the Senate informing that Messrs. Bryan, Wyche, and Little, form the committee on the part of the Senate, to inquire into and report what laws are necessary to be enacted at the present session in consequence of the ratification of the amendments to the constitution.

Mr. King from the committee on propositions and grievances, reported a bill to emancipate Lucy Ann, Emmaline and Priscilla, of Cumberland county, which was read the first time and passed.

Mr. Neale presented a petition from sundry citizens of Craven county, praying that a law be passed curtailing the privileges of free negroes in...
s aid county, which was on Mr. Neale's motion referred to the committee on the judiciary.

Mr. J. W. Guinn from the committee on propositions and grievances, to whom was referred a bill to divorce Pharoah Perkins, reported unfavorably thereon; when the said bill was read the second time and rejected.

Mr. J. W. Guinn from the same committee reported unfavorably on the petition of H. Delamotte of Montgomery county, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Irion introduced a bill to incorporate the Milton and Salisbury Rail Road Company; which was read the first time and passed.

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

Mr. Jacocks moved that the vote of yesterday, on the third reading of the bill to amend an act entitled an act to incorporate the Roanoke and Raleigh Rail Road Company, be now re-considered; the motion prevailed, when the said bill on motion of Mr. Hawkins, was laid on the table.

Mr. Guthrie from the committee on private bills, to whom the subject was referred, reported a bill to emancipate Delia, (a slave) which was read the first time and passed.

Mr. Rayner from the committee on claims, to whom the subject was referred the resolution in favor of James Thompson of Iredell county, reported favorably thereon, when said resolution was read the second time and passed.

A message from the Senate informing that they concur in the amendments proposed by the House of Commons, to the engrossed bill to incorporate the Deep River Gold Mining Company; ordered that said bill be enrolled.

Mr. Dudley from the select committee, to whom was referred the resolution relating to the Wilmington Marine Hospital Association, reported the same with an amendment; the amendment was read and concurred in; and the resolution read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz; a bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the bank of the State of North Carolina; a bill regulating the times of holding one of the terms of the courts of pleas and quarter sessions for the county of Macon; and a resolution in favor of Zachariah Candler; and asking the concurrence of this House; the said bills and resolution were read the first time and passed.

The bill to restore to credit George Tapp of Person county, was read the second time and rejected.

The engrossed bill to authorize David Thally of New Hanover county to erect a bridge across the north east branch of the Cape Fear River was read the third time, passed and ordered to be enrolled.

The bill to restore to credit John Masters of Yancy county, was read the third time, passed and ordered to be engrossed.

The bill for the better regulation of the slave laborers in the town and port of Wilmington, was read the third time, passed and ordered to be engrossed.

Mr. Waddell presented a petition from the citizens of sundry counties and towns in the State of Virginia, praying the passage of a law incorporating a company authorized to construct a rail road from the town of Evansham, in the county of Wythe, by Danville, through the territory of this State, to some point on the Roanoke river therein designated; the said petition was on motion of Mr. Waddell, ordered to be sent to the Senate, with a proposition that it be referred to a joint select committee.

The resignations of Samuel T. Hawley as Col. of the Regiment of Artillery; of George Ferguson as Col. of the 75th Regiment; of N. M. Hemby as Major
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of Cavalry attached to the 14th Brigade of Militia; and of James Harrison of Jones county, Ashley Tunnel of Johnston, and of John Broadway of Anson, justices of the peace, were presented, read and accepted.

On motion, a message was sent to the Senate, informing them of the readiness of this House, to receive the Senate in the Commons Hall, for the purpose of witnessing the qualification of the Governor or elect according to previous arrangements, when Richard D. Spaight attended by the late Governor, David L. Swain and the joint select committee here to ore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took the oaths prescribed by law, for the qualification of the Governor of the State; the oaths being administered by Allen Rogers jr. a justice of the peace of the county of Wake.

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

FRIDAY, DECEMBER 11, 1885.

Mr. Guthrie from the committee on private bills, reported a bill to divorce William Hines of the county of Wayne; which was read the first time and passed.

Mr. Guthrie from the same committee, reported a bill to divorce Margaret Massey, from her husband Thomas H. Massey of Chowan county; which was read the first time and passed.

Mr. J. H. Walker, presented the petition of Mary Anderson, wife of Charles Anderson of Haywood county, praying to be divorced from her husband; which was referred to the committee of propositions and grievances.

Mr. Cansler introduced a bill for the better regulation of the county courts of Lincoln, which was read the first time and passed.

Mr. Hybart introduced a bill to incorporate the Raleigh and Fayetteville Rail Road Company; which was read the first time and passed; and on motion of Mr. Hybart, referred to the committee on internal improvement.

A message from the Senate transmitting to the House the resignation of Mr. W. Hall, one of the engrossing clerks; and proposing that a balloting be had immediately, to fill the vacancy, and informing that Watson W. Woodburn and Thomas L. West, are nominated for the appointment; the proposition was agreed to; the name of J. J. Thomas, was on motion of Mr. Rogers, added to the nomination, and Messrs. Henry and Buie, appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Moorehead and Marshall, form said committee on their part.

On motion of Mr. L. A. Gwyn,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee to inquire into the expediency of providing a residence in this city, for His Excellency the Governor.

Mr. Hutchinson introduced a bill directing the time of holding the courts of pleas and quarter sessions in the county of Mecklenburg; and Mr. J. W. Guin a bill to incorporate the Franklin Turnpike Company, and for other purposes; these bills were read the first time and passed.

Mr. J. W. Guinn from the committee on propositions and grievances, reported a bill to emancipate Nelson a slave; the said bill was read the first time; and on motion of Mr. Baker rejected—Yeas 63, Nays 55. The yeas and nays demanded by Mr. Smallwood,

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The bill to incorporate the Wilmington Marine Hospital Association, was read second and third times, passed and ordered to be engrossed.

Mr. Buiesler from the ballotting committee for an engrossing clerk, reported that Thomas L. West had received a majority of the whole number of votes, and was elected; the report was concurred in.

The resignation of Benjamin Tucker of Pitt county; of Thomas S. Cotten Montgomery; of James Law of Davidson, justices of the peace; and of S. Loudermilk as Col. Commandant of the 2d Regiment of Iredell Militia, were presented, read and accepted.

The engrossed bill to amend an act, entitled an act to incorporate the Roanoke Valley Rail Road Company, was read the third time; on motion of Mr. Melcher, amended and passed; ordered that the concurrence of the Senate be had in the amendment.

The engrossed bill defining the duty of the county courts in appointing Patrols, was read the second time, and on motion of Mr. Clark, definitely postponed.

The bill appointing commissioners to run the division line between the counties of New Hanover and Bladen, was read the second time; and on motion of Mr. Dudley, laid on the table.

The bill to amend an act entitled an act for the regulation of the Patrol, passed 1830, was read the second time; and on motion of Mr. Jacocks, postponed indefinitely—Yeas 60, Nays 60. The yeas and nays demanded by Mr. Hall.


The House being equally divided, the Speaker voted in the affirmative; and so the bill was postponed indefinitely.

A message from the Senate, proposing that the memorial of sundry cities of Virginia, on the subject of a Rail Road, be referred to a joint select committee. The proposition was agreed to; and Messrs. Waddell, Dudley, Poindexter, Buiesler, and Benton, appointed the committee on behalf of the House.

The House then adjourned until to-morrow morning 10 o'clock.
Mr. J. W. Guinn, from the committee on propositions and grievance to whom was referred the petition of certain citizens of Orange county, relating to the time of closing the polls at one of the separate elections, reported against the expediency of legislating on the subject, and asked be discharged from the further consideration thereof. The report was concurred in.

Mr. J. W. Guinn, from the same committee, reported unfavorably the petition of Margaret Hunt of Cumberland county, and asked to be discharged. The report was concurred in.

Mr. J. W. Guinn, from the same committee, reported unfavorably the petition of Jefferson Judd of Moore county; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Kelly, from the same committee, reported favorably on the bill authorizing the Governor to issue a grant to James Truitt, for a tract of land in the county of Macon, proposing certain amendments thereto; which were concurred in, and the said bill read the second time and passed.

Mr. Kelly, from the same committee, to whom the subject was referred, reported a bill to attach a part of Montgomery county to the county of Moore. Mr. Lilly moved that said bill be rejected; and the question thereon was decided in the affirmative.

George Barnhardt, the member elect from the county of Cabarrus, to supply the vacancy occasioned by the resignation of D. M. Barringer, appeared, exhibited his credentials, and was qualified according to law.

Mr. McPherson introduced a bill to alter the time of holding the election in the counties of Currituck and Camden; which was read the first time and passed.

The engrossed bill authorizing and requiring the captains or commanding officers of militia, attached to the 30th, 31st, and 68th regiments of North Carolina militia, to muster their respective companies once in the months, was read the second time, amended, and passed.

Mr. Fitzrandolph introduced a bill to abolish the office of county treasurer in the county of Bladen; which was read the first time and passed.

Mr. Coor presented the petition of Silas Barnes of Wayne county, praying to be restored to credit; which was referred to the committee on propositions and grievances.

The bill to divorce Lucy Calvert; the bill to divorce Mary Walls; the bill to divorce Elizabeth Silva; and the bill to divorce Frances Clough were each read the second time and passed.

Mr. Hall presented a bill regulating the price of vacant lands not exceeding 640 acres; which was read the first time and passed; and, on motion of Mr. Hall, referred to the committee on Education.

Mr. N. Harrison introduced a bill to repeal an act relative to hands working on roads in the counties of Burke and Buncombe; which was read the first time and passed.

Mr. Hunt introduced 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. Hunt, referred to the committee on Internal Improvement, and ordered to be printed.

Mr. Jacocks, from the committee on finance, reported a resolution directing a sale of the unsold Cherokee lands; which was read the first time and passed.
On motion of Mr. Cotten, the bill to divorce Frances Cloud, was again read; and the question, shall the said bill pass its third reading? was decided in the affirmative—Yeas 78, Nays 35. The yeas and nays demanded by Mr. Thomas,


Those who voted in the negative, were, Messrs. T. Bell, Bentor, Borland, Braswell, Buie, Burgess, Byrum, Barnhardt, Clingman, Deberry, Gary, Gorrell, Graham, J. Harrison, Harper, Hope, Howard, Irion, Kenan, Lindsay, Manly, Mathews, Moore, Muse, M'Pherson, Pickett, Powell, Riddick, Sanders, Smallwood, Thomas, Thompson, Tomlinson, Tuton, Williamson.

Ordered that said bill be engrossed.

The bill to divorce William Hines; the bill to divorce Lucy Calvert; and the bill to divorce Mary Walls, were each read the third time, passed, and ordered to be engrossed.

The bill to divorce Margaret Massey, was read the second and third times, passed, and ordered to be engrossed.

The bill to divorce Elizabeth Silva, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to divorce Catharine Parks from her husband Gabriel Parks; and the bill to divorce Elizabeth H. McCaw of Rowan, from Wm. B. McCaw, were each read the third time, passed, and ordered to be enrolled.

Mr. Kenan moved that the House do now reconsider their vote given yesterday, rejecting the bill to emancipate Nelson a slave. The question, will the House so reconsider? was decided in the negative—Yeas 59, Nays 60. The yeas and nays demanded by Mr. Clarke,


The bill to establish the Merchants' and Farmers' Bank in the town of Washington, was read and amended; and, on motion of Mr. Muse, the matter consideration thereof postponed till Monday next.
The bill to incorporate the Raleigh and Gaston Rail Road company; and the bill to repeal an act passed in 1833, entitled an act directing the judges of the superior courts of Hyde county, not to take up State cases before the third day of court, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slave holding States, was read the second time and rejected.

The engrossed bill to authorize a subscription, upon the part of this State, to the capital stock of the Oconalufy turnpike company, was read the third time and rejected.

The engrossed bill amendatory of the act passed in the year 1832, entitled an act for the relief of debtors, for debts which may be contracted after the first day of May next, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to incorporate the Cincinnati and Charleston Rail Road company; a bill to repeal an act, entitled an act to make compensation to the jurors of the superior court of Haywood county; a bill to incorporate the Long Creek Gold mining company in the county of Mecklenburg; a bill to incorporate Campbell's Creek Gold mining company; and a bill to divorce Elizabeth M. Starnes of Macon county; and asking the concurrence of this House. These bills were read the first time and passed.

On motion of Mr. Dudley, the bill to incorporate the Charleston and Cincinnati Rail Road Company, was ordered to be printed and made the order of the day for Tuesday next, and referred to the committee of the whole.

A message from the Senate, informing that they have passed the following engrossed bills and resolution, viz: A bill to divorce Margaret P. Spear, from her husband Alexander Spear; a bill to restore to credit William Jackson of the county of Wayne; and a resolution for adjournment; and asking the concurrence of this House. The said bills were read the first time and passed; and the resolution for adjournment, on motion, laid on the table.

A message from the Senate, agreeing to the proposition of this House, to raise a joint select committee, to enquire into the expediency of providing a residence in this city, for his Excellency the Governor; and informing that Messrs. Edwards, Bryan, and Cooper of Martin, form said committee, on the part of the Senate; and that Messrs. L. A. Gwyn, Hybart, and McRae, compose said committee on the part of the Commons.

The certificate of the county court of Craven, in favor of John Rhem, Christopher Bexley, and Thomas Ewing, State pensioners, was received from the Senate, and countersigned by the Speaker of that body.

The resignation of James Whittenton, and Henry H. Tharp, justices of the peace of the county of Johnston, received from the Senate, were read and accepted.

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

MONDAY, DECEMBER 14, 1835.

Mr. Sanders moved that the House do reconsider their vote of Saturday, rejecting the bill to restore to credit William Jackson of Wayne
Those who voted in the affirmative, were, Messrs. Bedford, Benton,
Brown, Bryan, Byrd, Byrum, Coor, Davis, Doberry, Fitzrandolph, Guthrie,
Hammond, Harris, Harper, Hawkins, Henry, Hooker, W. Horton, Hybart, I. W. Lane,
Lilly, Loudermilk, Meye, J. A. D. M'Neil, A. M'Neil, M'Rae, Neale, Pippin,
Rush, Sanders, Siler, J. L. Smith, Giles Smith, Swanner, Taylor, Thompson,

Those who voted in the negative, were, Messrs. Baker, Borland, Braswell,
Brumwell, Buic, Burgess, Cansler, Chambers, Clingman, Cronp, Davenport,
Dodson, Dudley, Dunn, Erwin, Foreman, Fleming, Frink, Gary, Gee, Correll,
Granbury, L. A. Gwyn, Hall, N. Harrison, Hill, Hope, J. Horton, Irion,
Jervis, Jones, Judkins, Kelly, Kenan, W. B. Lane, Lee, Lindsay, Lyon, Manly,
Mathews, Moore, M'Pherson, Pickett, Riddick, Smallwood, George Smith,
Speller, Stallings, Swindell, Thomas, Waddell, Walton, West, Williamson,
Witcher.

Mr. Hawkins moved that the House do reconsider their vote of Saturday re-
jecting the engrossed bill to authorize a subscription on the part of this State to
the capital stock of the Oconalufy Turnpike Company; the question thereon was
decided in the affirmative, and the said bill again read the third time, passed
and ordered to be enrolled.

Mr. Waddell from the select committee to whom was referred the memorial of
sundry citizens of Virginia, upon the subject, reported a bill to incorporate the
Roanoke, Danville, and Junction Rail Road Company; and to re-enact with
certain alterations the act incorporating the Roanoke and Yadkin Rail Road
Company, passed in the year 1833; the said bill was read the first time and pass-
ed; and on motion of Mr. Dudley, ordered that the said bill and the report of
the committee be printed.

Mr. Graham introduced a bill to declare and amend the law respecting public
jails in certain cases; Mr. Pippin a bill concerning the patrol in Edge-
combe county; and Mr. Erwin a bill to amend an act passed in 1829,
chapter 57, entitled an act to authorize the court of pleas and quarter ses-
sions of Burke county, to appoint commissioners to view and lay off a
turnpike road from the Lincoln line to Jacob Mull's mill, passing through
the Laurel Gap of the South Mountain, and for other purposes. These
bills were read the first time and passed.

Mr. Hybart, from the committee on Internal Improvement, reported the
bill to incorporate the Raleigh and Fayetteville Rail Road company, with
certain amendments. The amendments were read and agreed to; and the
said bill read the second time and passed.

Mr. Moore presented a bill to prevent fire hunting, in the night time, in
Hyde county; which was read the first time and passed.

Mr. Jacocks, in pursuance of notice heretofore given, moved the fol-
lowing amendments to the Rules of order of this House:

Resolved, That from and after this day, the House, when it adjourns, shall stand adjourn-
ed until 9 o'clock A. M.—at which time, the Speaker shall call to order, and the House pro-
ceed to business.

Resolved, That from and after Wednesday next, no bill of a private nature shall be in-
roduced or reported to this House, but with the consent of two-thirds of the members
thereof.

Mr. Jacocks called for a division of the question, and moved that the
vote of the House be taken on each of the resolutions separately. The
motion prevailed; and the question on the adoption of the first named re-
solution, was decided in the negative—Yea's 75, Nays 49. Two thirds of
the House not voting in favor thereof.
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The question on the adoption of the second resolution, was decided in the affirmative—Yeas 91, Nays 30. The yeas and nays called for by Mr. Jacocks,


On motion of Mr. Erwin,

Resolved, That the committee on the Judiciary be instructed to inquire into expediency of providing by law, some adequate punishment for the offence of killing or injuring horses, mules or cattle, that are ranging in the mountains.

Mr. Guthrie from the committee on private bills, to whom was referred the petition of certain citizens of Iredell county, in relation to obstructions in Fifth Creek, reported against the expediency of legislation on the subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Guthrie from, the same committee reported unfavorably on the petition of certain citizens of Burke and Yancey, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Deberry introduced a bill to alter the name of, and legitimate William W. Eason, of the county of Edgecomb; and Mr. Cotten a resolution in favor of James G. Stockard; the said bill and resolution were read the first time and passed.

The bill concerning the inspection of flour in the town of Fayetteville, was on motion of Mr. Guthrie taken up, and read the second time; Mr. Hybart,
moved that said bill be indefinitely postponed; the question thereon was decided in the negative, and the said bill passed the second reading; on motion of Mr. Guthrie, the said bill was again read the third time, passed and ordered to be engrossed.

The resignation of Elisha Sellers, as a justice of the peace of the county of Columbus, was presented, read and accepted.

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 incorporate the Roanoke and Raleigh Rail Road Company; ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North Carolina Rail Road Company, with an amendment, and asking the concurrence of this House; the said amendment was read and concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, viz; a bill to alter the name of Quinton Robertson of the county of Gates, and to legitimate him; and the bill to secure to the trustees of the Baptist Church, in the town of Charlotte and their successors in office, the right to hold and possess the lot on which their House of Worship is situated, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Harper introduced a bill to establish Hookerton Academy in the county of Greene, and to incorporate the trustees thereof; which was read the first time and passed.

The certificate of the county court of Cumberland, in favor of Ann Morrison, a State Pensioner, received from the Senate, was read and ordered to be countersigned by the Speaker of this House.

Received from His Excellency Governor Spaight, a communication transmitting the annual reports of the Treasurer of the board of trustees of the University, and the resignation of Hon. James Martin, as one of the judges of the superior courts of law and equity of this State; the resignation was read and accepted; and on motion of Mr. Graham, it was ordered that the documents referred to, be transmitted to the Senate, and that the report be printed.

Mr. Moore presented a bill to amend an act entitled an act to incorporate the Mattamuskeet Canal and Rosebay Turnpike Company, passed at the last session; which was read the first time, and passed.

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

TUESDAY, DECEMBER 15, 1835.

Mr. D. M'Neil presented the certificate of the county court of Cumberland, in favor of Martha Spears, a State Pensioner; which was read and ordered to be countersigned by the speaker of this House, and to be transmitted to the Senate.

Mr. Bryan presented the certificate of the county court of Craven, placing Alexander Taylor of said county on the pension list of the State, and, making him an annual allowance of fifty dollars; which was read and ordered to be countersigned by the Speaker of this House, and sent to the Senate.

Mr. J. W. Gunin, from the committee on propositions and grievances, reported unfavorably on the petition of Edmund Haydin of Rutherford, and
asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Pickett presented a petition from certain citizens of Buncombe county, praying that the jurisdiction of the county courts of said county in jury cases, be abolished; which was read, and on motion of Mr. Pickett referred to the committee on the judiciary.

Mr. Graham from the committee on education, to whom was referred the petition of Josiah Vanderpoole, reported against the expediency of legislating on the subject, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Graham from the joint select committee on that subject, reported a bill granting further time for revising and digesting the public statute laws; which was read the first time and passed, and on motion of Mr. Jacocks, ordered that the said bill and report be printed.

Mr. Jones from the committee on propositions and grievances, reported a bill to divorce Thomas Roberts of Orange county; which was read the first time and passed.

On motion of Mr. Clingman,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending our penal laws so as to render the punishment in all instances capital for the offences of attempting to incite our slaves to rebellion, and circulating incendiary publications in the State.

Mr. J. W. Guinn from the committee on propositions and grievances, reported a bill to divorce Tempe Hall; which was read the first time and passed.

Mr. Clarke presented a bill to amend an act passed at the last session, entitled an act to establish the town of Leachville in Beaufort, and to appoint commissioners thereof; Mr. Gooch a bill to divorce William M. Powell of Halifax county; Mr. Bryan a bill to divorce Esther E. Nelson of Craven county; and Mr. Pickett a bill to repeal an act, entitled an act concerning the town of Asheville, in Buncombe county, passed in the year 1822; these bills were read the first time and passed.

Mr. Erwin presented a bill to divorce Henry T. Gillespie, which was read the first time and passed; and on Mr. Erwin's motion referred to the committee on private bills.

The bill to alter in part, the dividing line between the counties of Surry and Rowan; the bill to authorize Harrod Franklin of the county of Surry, to erect a dam across Fisher's river; the bill to incorporate the county guard in Rockingham; the bill to amend the militia law, as respects the county of Mecklenburg; and the bill to alter the name of Haywood Waterer, and to legitimize him; were each read the second time and passed.

On motion of Dudley the order of this House directing that the bill to incorporate the Roanoke, Danville and Junction Rail Road Company, be printed, was rescinded, and the said bill made the order of the day for to-morrow.

Mr. Clark moved that the House do now take up for consideration, the engrossed resolution, heretofore laid on the table, in the following words, viz: "Resolved, that this General Assembly adjourn on the twenty-first day of December, sine die; and that the clerks be directed to make up their estimate to that day;" the question will the House now consider the said resolution? was decided in the affirmative—Yeas 101, Nays 18. The yeas and nays called for by Mr. Clarke.


Mr. J. A. D. McNeil moved that the further consideration of the resolution be postponed until the twenty-first of the present month. The question thereon was decided in the negative—Yeas 32, Nays 35. The yeas and nays demanded by Mr. Moye.


Mr. Hawkins, moved to strike out the words “twenty-first,” and insert “twenty-fourth,” which was negative; Mr. Graham moved to strike out the whole of the resolution, after the word resolved, and insert the following: “that a joint select committee of two on the part of each House be raised to inquire on what day the Legislature can adjourn consistently with the public interest,” Mr. L. A. Gwyn, called for a division of the question; and the question being first on striking out, was decided in the negative—Yeas 59, Nays 65.


Mr. Hall moved to strike out the words “twenty-first,” and insert “twenty-third;” the question thereon was decided in the negative, and the said resolution was adopted.
Mr. Waddell, from the select committee to whom was referred the bill for dividing the county of Rowan, reported the same with an amendment; Mr. Taylor moved that said bill be postponed indefinitely; and the question thereon was decided in the affirmative—Yeas 66, Nays 51.


The bill to establish the Bank of Albemarle, in Elizabeth City, was read the second time and rejected—Yeas 55, Nays 60. The yeas and nays called for by Mr. Jones,


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 of the State of North Carolina, was read the second time; Mr. Waddell moved to amend the bill by adding the following: "provided however, that the trustees of the University of North Carolina, and the president and directors of the Literary Fund, may be allowed to take and pay for two thousand shares of said stock for the use of said corporations; in the proportion of 1500 shares for the University, and 500 for the Literary Fund"; the question on the adoption of this amendment, was decided in the negative, and the bill passed its second reading—Yeas 80, Nays 38. The yeas and nays demanded by Mr. Poindexter,

Those who voted in the affirmative were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Bordland, Bryan, Buie, Byrd, Barnhardt, Cansler, Carson, Chambers, Clement, Clingman, Coor, Crump, Deberry, Dodson, Dudley, Dunn, Eaton, Erwin, Fink, Gary, Gee, Graham, J. W. Guinn, Guthrie, Hammond.
Mr. Waddell presented a petition from sundry citizens of Orange county, praying a division of said county, which was on Mr. Waddell's motion referred to a select committee, consisting of Messrs. Dunn, Eaton, Erwin, Henry and Irion.

A message from the Senate proposing that the two Houses ballot to-morrow for a judge of the superior courts of law and equity, and informing that William J. Alexander is nominated for the appointment; the proposition was agreed to.

Mr. Rayner from the committee on claims, reported a resolution in favor of James C. Turrentine; which was read the first time and passed.

The resolution authorizing an exchange of Cherokee bonds, was read and on motion of Mr. Siler laid on the table.

The bill concerning the prosecution and trial of accessories in certain cases, was on motion of Mr. Graham referred to the committee on the Judiciary.

The bill to abolish the office of county trustee in the several counties in the State, was on motion of Mr. Dudley, postponed indefinitely.

The bill to provide for the payment of tales jurors in certain cases; the resolution in favor of William T. Bain; the resolution in favor of Zachariah Candler; the resolution in favor of James G. Stockard; the resolution in favor of Mark H. Hill; the resolution in favor of John Cooper of Rutherford county; the resolution in favor of Matthew Miller; the bill for the relief of sick and disabled American Seamen; the bill to provide for the temporary appointment of Registers in certain cases; the bill fixing the punishment for the crime of bigamy; and the bill to amend an act passed in the year 1784, so far as it respects the listing of taxable property; were each read the second time and passed.

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 of the State of North Carolina; and the engrossed resolution in favor of Leonard Buckannon; were each read the third time, passed and ordered to be enrolled.

The resolution in favor of John B. Jasper, was read the second time and rejected.

The resolution in favor of James Thompson of Iredell county; the resolution relating to the Wilmington Marine Hospital Association; and the bill authorizing the Governor to issue a grant to James Tuitit; for a tract of land in the county of Macou; were each read the third time, passed and ordered to be engrossed.

The House then adjourned, until to-morrow morning 10 o'clock.
Mr. Graham from the committee on education, reported unfavorably on
the bill regulating the price of vacant lands, not exceeding 640 acres, and
moved that the same be postponed indefinitely; the question thereon was
decided in the affirmative—Yeas 76, Nays 22. The yeas and nays de-
manded by Mr. Hall,

Those who voted in the affirmative were, Messrs. Benton, Bond, Borland,
Braswell, Brown, Brummell, Byrd, Byrum, Cansler, Chambers, Clarke, Clement,
Slingman, Coor, Cotten, Crump, Davenport, Davis, Deberry, Dodson, Dunn,
Eaton, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell,
Graham, Guthrie, Hammond, Harris, Harper, Hawkins, Hester, Hill, Hoskins,
Howard, Howerton, Kelly, Kenan, King, W. B. Lane, Lee, Lindsay, Louder-
milk, Lyon, Manly, Matthews, Moore, Moye, J. A. D. McNeill, McRae, J. H.
Perkins, A. Perkins, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers,
Rush, Sanders, Siler, Smallwood, George Smith, Giles Smith, Stallings, Stockard,
Swanner, Taylor, Thompson, Tomlinson, Wooten.

Those who voted in the negative were, Messrs. Baker, Bedford, E. S. Bell,
Bryan, Burgess, Barnhardt, J. W. Guinn, Hall, N. Harrison, Hoke, W. Horton,
Hunt, Hutchison, Jervis, Lilly, Neal, Pickett, J. L. Smith, Speller, Swindle,
West, Witcher.

Mr. Graham from the committee on the Judiciary, to whom the subject
was referred, reported a 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; which was read the
first time and passed.

The speaker laid before the House a communication from the Public
Treasurer, in answer to two resolutions of this House, requiring informa-
tion relative to the Cherokee lands, and the bonds given for the purchase of
the same; on motion of Mr. J. W. Guinn, ordered that the said commu-
nication be printed.

Mr. Rogers presented a petition from Daniel L. Barringer of Wake
county, praying further indulgence for a debt due the State; which was on
Mr. Rogers’s motion referred to the committee on claims.

Mr. Graham from the committee on the judiciary to whom the subject
was referred, reported a bill declaratory of the duties of entry takers in cer-
tain cases, which was read the first time and passed.

Mr. Graham from the same committee who were instructed to inquire
into the expediency of amending the revenue laws of this State, so far
as regards the store tax, reported against the propriety of legislating at
this time on the subject; and asked to be discharged from the further con-
sideration thereof; the report was concurred in.

Mr. King from the select committee raised on the subject, reported a bill to
regulate the times of holding the superior courts in the 4th and 5th judicial
circuits; which was read the first time and passed.

Mr. Graham introduced a bill to incorporate the trustees of the Episco-
pal School of North Carolina; Mr. Guthrie a bill directing the number of
jurors hereafter, to be drawn in the county of Chatham; and Mr. Walton
a bill to amend an act passed in 1830, concerning the county court of Row-
an; these bills were read the first time and passed.

Mr. Baker presented a bill for the better regulation of the county courts
of Brunswick; which was read the first and second times and passed.

The engrossed bill to repeal an act, entitled an act directing the manufac
in which constables shall be appointed in this State, so far as respects the counties of Hyde and Greene, was read the second and third times, and amended and passed; ordered that the concurrence of the Senate be asked in the amendment.

The resignation of Nathan T. Allen, as a justice of the peace of the county of Johnson, was presented, read and accepted.

The bill to incorporate the Lincoln Gold Mining Company; and the bill to incorporate the Craven county Rangers; were read the second and third times, passed and ordered to be engrossed.

The bill to incorporate the South Buffalo Gold Mining Company; and the bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancey county; were read the second time and passed.

The House on motion of Mr. Jacocks, proceeded to the order of the day, and resolved itself into a committee of the whole; Mr. Jacocks in the chair, and took up for consideration the bill to incorporate the Cincinnati and Charleston Rail Road Company; and after some time spent therein, the speaker resumed the chair, and the chairman reported the said bill to the House with amendments; the amendments were concurred in, and the said bill read the second time and passed; on motion of Mr. Dudley, the said bill was again read the third time and passed; ordered that the concurrence of the Senate be asked in the amendments.

Mr. M'Pherson presented (with leave) a bill relating to Patrols in Camden county; which was read the first time and passed.

The engrossed bill to incorporate the Conrad Gold Mining Company, was read the second and third times, amended and passed; ordered that the concurrence of the Senate be asked in the amendments.

The engrossed bill to emancipate and set free Caroline, alias Caroline Cooke, and her three children, named Susan Pamela Cooke, Acha Tomlinson Cooke and James Ellis Cooke, the property of Archibald Lovelace of the county of Wilkes; was read, and on motion of Mr. Taylor, postponed indefinitely—Yeas 73, Nays 52. The yeas and nays demanded by Mr. Taylor.


The bill to incorporate the Roanoke, Danville and Junction Rail Road Company, was read the second time; Mr. Dodson moved to amend the bill so as to compel the company to construct their road through Milton; the question on this amendment, was decided in the negative—Yeas 7, Nays 114. The yeas and nays demanded by Mr. Dodson,


The question shall the said bill pass its second reading? was decided in the affirmative.

The House then adjourned until 4 o'clock. P. M.

On motion of Mr. Graham, the House agreed to suspend for the residue of the session the 30th rule of order.

On motion of Mr. Graham the House agreed to reconsider their vote of yesterday, rejecting the bill to establish the bank of Albemarle in Elizabeth city; when on motion of Mr. McPherson, the said bill was made the order of the day for to-morrow.

Mr. Guthrie presented a bill relating to the duty of the sheriff of Charlotte county; which was read the first time and passed.

Mr. Stockard presented the petition of Green T. Partin of Orange county, praying to be divorced; which was referred to the committee on private bills.

The bill to incorporate the Raleigh and Fayetteville Rail Road Company, was read the third time, amended on motion of Mr. Hybart, and passed.

The bill to incorporate the Milton and Salisbury Rail Road Company; was read the second time and passed.

The engrossed bill for the relief of Rachael Edwards, was read the second and third times, passed and ordered to be enrolled.

On motion, leave of absence from and after Monday next, for the residue of the session, was granted to Mr. Wooten.

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

Thursday, December 17, 1835.

Mr. Hybart from the select committee raised on the subject, reported the bill to incorporate the Planters' and Mechanic's Bank of Fayetteville, with amendments; the amendments were read and concurred in; and the bill on motion of Mr. George Smith, was postponed until the third Monday of November next.

A message from the Senate, proposing to ballot immediately for a judge of the superior courts; the proposition was agreed to; on motion of Mr. Stallings, the name of Romulus M. Sanders, and on motion of Mr. Hammond, the name of Wright Stanley, were added to the nomination; and Messrs. Stallings and Hammond appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Polk and Wilson, form said committee on their part.
A message from the Senate, insisting upon their amendment to the engrossed bill to amend an act, entitled an act to establish the Merchants bank of the town of Newbern; the message was read, and on motion of Mr. Manly, the House agreed to recede from their former disagreement to said amendment.

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to incorporate the Cincinnati and Charleston Rail Road Company; ordered that said bill be enrolled.

A message from the Senate, concurring in the amendment made by this House to the bill to incorporate the Conrad Gold Mining Company; Ordered that said bill be enrolled.

A message from the Senate concurring in the amendment made by this House to the bill to repeal an act, entitled an act directing the manner in which constables shall be appointed in this State, as far as respects the counties of Hyde and Greene; ordered that said bill be enrolled.

A message from the Senate informing that they had passed the engrossed bill to legitimate Thomas Petit of Surry county, with an amendment; and asking the concurrence of this House; the amendment was read and concurred in.

Mr. Hawkins from the committee on military affairs, reported unfavorably on the petition of the 64th regiment relative to an alteration in the militia laws, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Hall from the select committee on so much of the Governor's message as relates to the claims of this State upon the General Government; reported that the committee had not had time and opportunity to discharge satisfactorily the duty assigned them, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Stallings from the committee appointed to conduct the balloting for a judge of the superior courts, reported, that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in; on motion of Mr. Hammond, the name of Wright Stanley was withdrawn from the nomination; and on motion of Mr. Irion, ordered that a message be sent to the Senate, proposing that another balloting be had immediately.

On motion of Mr. Cotten, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for a Major of Cavalry attached to the 18th Brigade, and informing that William M'Call is nominated for the appointment.

A message from the Senate informing that they had rejected the engrossed bill to divorce Thomas White of Craven county, from his wife Mahala White.

Mr. Carson from the joint select committee on public buildings, reported a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the first time and passed; Mr. Carson moved that said bill be now read the second time; the motion prevailed, and the question shall the said bill pass the second reading? was decided in the affirmative—Yeas 120, Nays 10. The yeas and nays demanded by Mr. Loudermil.

Those who voted in the affirmative, were, Messrs. Baker, Bedford, Bell, Benton, Bond, Borland, Braswell, Brown, Brumwell, Bryan, Buie, Buss, Byrd, Byrum, Barnhardt, Cansler, Carson, Chambers, Clark, Clingman, Cor,
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Those who voted in the negative were, Messrs. Davenport, Henry, J. Horton, W. Horton, Lilly, Loudermilk, Sloan, Smallwood, J. H. Walker, Watson.

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

A message from the Senate, agreeing to ballot as proposed for a major of Cavalry, and informing that Messrs. Staley and Tillet form their balloting committee; ordered that Messrs. Cotten and Gee, superintend said balloting on the part of this House.

A message from the Senate, agreeing to ballot again immediately for a judge of the superior courts, and informing that Messrs. Waugh and Marsteller form their balloting committee; ordered that Messrs. Howerton and Baker superintend said balloting on the part of this House.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz: a bill more effectually to suppress the vice of gaming in this State; a bill appointing commissioners to view and lay off a road from the Deep Gap in the Blue Ridge to Stephen Thomas in the county of Ashe, and for other purposes; a bill to revise and amend an act passed in 1831, entitled an act to incorporate the Tarboro' and Hamilton Rail Road Company; a bill to encourage the destruction of Wolves in the county of Buncombe; a bill to alter the name of Amy Boyd, and to legitimize her; and a resolution directing John Gilbraith, to deliver the public arms in his possession to the commandant of the 17th regiment, and asking the concurrence of this House; the said bills were read the first time and passed, and the said resolution read and adopted, and ordered to be enrolled.

The engrossed bill to revise and amend an act passed in 1831, entitled an act to incorporate the Tarboro' and Hamilton Rail Road Company; was on motion, read the second and third times, passed and ordered to be enrolled.

Mr. Baker from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes; the report was concurred in; on motion of Mr. Moye, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for this officer; a message from the Senate, concurring in this proposition, and informing that Messrs. Hogan and Kerr, form on their part the balloting committee; ordered that Messrs. Hill and Hoskins, superintend said balloting on behalf of the Commons.

On motion of Mr. Gary,
Resolved, That the committee on Military affairs be instructed to inquire into the expediency of prohibiting by law, free persons of color from keeping or using fire-arms.

Mr. Guthrie from the committee on private bills, reported a bill to divorce Greene T. Partin of Orange county; which was read the first time and passed.

Mr. L. A. Gwyn from the joint select committee raised on that subject, reported a resolution providing a residence for the Governor of the State, and appropriating 450 dollars for that purpose; which was read the first time and passed.
Mr. Wither introduced a bill to give further time for paying in entry money; Mr. Hybart a resolution authorizing the sale of the dredging machine; and Mr. Graham a resolution for the payment of certain contingent expenses of the House of Commons. The said bill and resolutions were read the first time and passed.

The bill to amend an act to incorporate the town of Stanton'sburg in the county of Edgecombe, was 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, Chowan and Mecklenburg, and for other purposes, was read the second and third times, amended, and passed. Ordered that the concurrence of the Senate be asked in the amendments.

The bill amendatory of an act relating to the town of Lawrenceville in Montgomery county; the bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house in the counties of Jones and Randolph; the bill authorizing the making a turnpike road in Haywood county; and incorporating a company for that purpose; the bill to alter the name of James Atlas Marks, and to legitimize him; the bill to prevent the selling of timber in or otherwise obstructing the run of Turnball Creek in Bladen county; the bill to incorporate the Conrad Gold mining company; the bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county; and the bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston, in the county of Martin, were severally read the second time and passed.

The resignation of E. W. Nicholas, as lieutenant colonel of the 1st regiment of North Carolina volunteers; and of John G. Hightower, as major in the 1st regiment of Buncombe militia, were presented, read and accepted.

The House, on motion of Mr. McPherson, proceeded to the order of the day, and took up the bill to establish the Bank of Alamance in Elizabeth city. Mr. Smallwood moved to amend the bill by increasing the capital stock to six hundred thousand dollars. The motion prevailed; and the question, shall the said bill pass its second reading? was decided in the affirmative—Yeas 64, Nays 55. The yeas and nays demanded by Mr. Jeffreys.


Mr. Hill, from the committee appointed to conduct the balloting for a judge of
The superior courts, reported that Romulus M. Saunders had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Cotten, from the balloting committee for a major of Cavalry attached to the 18th brigade, reported that William McCall 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 4 o'clock P. M.

The bill to alter the name of Simon Davis, and to legitimate him; the bill to repeal in part, an act for the better regulation of the fair held near Laurel Hill in the county of Richmond, passed in the year 1830; the bill to amend an act passed in the year 1830, for the better regulation of the town of Williamson; and the bill to incorporate the American Gold mining company in Mecklenburg county, were each read the second time and passed.

The engrossed bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The bill compelling the justices of the peace of New Hanover county, to attend the term of the county court of said county, whenever a majority of the justices of said county are requested to be present; the bill for the better regulation of the town of Newbern; the bill to incorporate the Franklin turnpike company, and for other purposes; the bill directing the time of holding the courts of Mecklenburg; the bill for the better regulation of the county courts of Lincoln; the bill to repeal an act relative to hands working on the road in the counties of Burke and Buncombe; the bill to alter the times of holding the elections in the counties of Currituck and Camden; the bill to abolish the office of county Trustee in the county of Bladen; the bill to amend an act, entitled an act to incorporate the Mattamuskeet and Rose Bay turnpike company, passed at the last session, were each read the second and third times, passed, and ordered to be engrossed. The last named bill was, on motion of Mr. Moore, amended, by adding the following proviso, viz: "Provided, nevertheless, that nothing in this act shall be so construed, as to prevent the owners of the lands on the North and West side of said canal, from cutting a ditch or ditches into said canal sufficiently wide and deep for the draining of their lands."

The bill to incorporate the Roanoke, Danville and Junction Rail Road company, and to reenact, with certain alterations, the act to incorporate the Roanoke and Yadkin Rail Road company, passed in the year 1833, was read the third time, amended, on motion of Mr. Dodson, and Mr. Manly, and passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House, for the remainder of the session, from and after Monday next, was granted to Mr. Clarke and Mr. Pippin; and from and after Saturday to Mr. Chambers.

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

Friday, December 18, 1835.

The bill to incorporate the Milton and Salisbury Rail Road company, was read the third time, passed, and ordered to be engrossed.

The bill, making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described, was read the second time. Mr. Jacocks moved that said bill be postponed indefinitely. The question thereon was decided in the negative; and the bill passed its second reading.

Mr. Graham, from the committee on the judiciary, to whom the petition of sundry citizens of Buncombe county, in relation to the jurisdiction of the county courts of said county was referred, reported against the expediency of legislat ing as prayed for; and asked to be discharged from the further consideration thereof. The report was concurred in.
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Ms. Graham, from the same committee, reported the bill concerning the prosecution and trial of accessories in certain cases, with an amendment. The bill was thereupon read the second time, amended, and passed.

Mr. Hybart presented a report from the president and directors of the Cape Fear, Pedee and Yadkin Rail Road company; which was read, and, on motion of Mr. Hybart, ordered to be sent to the Senate.

Mr. L. A. Gwyn presented a resolution directing the employment of additional engrossing clerks, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Guthrie, from the committee on private bills, reported a bill to divorce Henry Y. Gillespie of the county of Burke; which was read the first time and passed.

Mr. J. W. Guinn, from the committee on propositions and grievances, to whom was referred the petitions of Silas Barnes of Wayne county to be restored to credit, and of Mary Anderson of Haywood county to be divorced, reported unfavorably thereon; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Pippin presented a bill to incorporate Coneta Academy in Edgecombe county; which, by unanimous consent of the House, was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to incorporate the South Buffalo Gold mining company; the bill for the better regulation of the county courts of Brunswick; the bill to alter and amend an act, entitled an act appointing commissioners to lay off a road from Morganton in Burke county, by Barnsville and Barnett's station, to the Tennessee line; the bill to alter the name of Haywood Waterer, and to legitimate him; the bill to amend the militia laws, as respects the county of Mecklenburg; the bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancy county; and the bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house in the counties of Jones and Randolph, were each read the third time, passed, and ordered to be engrossed.

The bill to construct a central rail road from the port of Beaufort to the Tennessee line, was, on motion of Mr. Smallwood, postponed indefinitely.

The bill concerning the patrol in Edgcombe county, was read the second and third times, amended, passed, and ordered to be engrossed.

Mr. Waddell, from the select committee, heretofore raised on the petition of John Brown, agent of the heirs and devisees of William Cathcart, reported unfavorably to the prayer thereof; and asked to be discharged from the further consideration of the subject.

On motion of Mr. Sanders, Resolved, 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 ascertain the amount of business before the Legislature; and that they be instructed to report on to-morrow, whether the Houses of the General Assembly will be able to adjourn sine die on the 21st of this month, it being the day agreed upon by both Houses for an adjournment.

The bill amendatory of an act relating to the town of Lawrenceville in Montgomery county, was read the third time, passed, and ordered to be engrossed.

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

The bill authorizing the making a turnpike road in Haywood county, and incorporating a company for that purpose, was read the third time, passed, and ordered to be engrossed.

Mr. Jacocks presented a bill to amend the patrol laws, and the several acts relative to the trading with negro slaves; which was read the first time and passed.

The bill to establish the Bank of Albemarle in Elizabeth City, was read the third time and amended; and the question shall the said bill pass the third read-
Ing? was determined in the negative—Yeas 58, Nays 67. The yeas and nays demanded by Mr. Jeffreys.


The engrossed bill providing compensation to the Sheriffs of the several counties of this State for making the returns of the votes given in at the late election, for adoption or rejection of the proposed amendments to the constitution, was read the second and third times; and on motion of Mr. Poindexter amended, and passed; ordered that the concurrence of the Senate be asked in the amendment; on the passing of said bill its third reading, Mr. Stallings called for the Yeas and Nays—yeas 80, nays 38:


The resolutions directing an exchange of the supreme court reports, were read the second and third times, passed and ordered to be engrossed.

The bill to authorize the laying out and establishing a turnpike road from the South Carolina line, at some point near the Block House in Rutherford county, to Gain Creek Bridge in Buncombe county; the bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of the Old Fort in Burke county, over the Swannanoa Gap, to Ashill in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the southern boundary line of this State; and the bill to amend in part an act passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrell county to Plymouth; were each read the second time and passed.
The engrossed bill more effectually to suppress the vice of gaming in this State, was read, and on motion of Mr. Manly, laid on the table.

Received from the Senate, a message informing that they had passed the engrossed bill to incorporate the Raleigh and Gaston Rail Road Company, with the following amendments, viz: 1. in the 7th line of the 12th section after the word "house" insert the words kitchen, yard or garden;" 2. in the 25th section strike out all after the word "estate" in the 11th line; 3. in the 41st section, strike out all after the word "obstructed" in the 8th line; 4. in the 42d section, 2d line, after the word "crossed," insert the words "or approached by any other rail road incorporated by this State;" 5. add an amendment, being the last section of the bill; and asking the concurrence of this House; the amendments were read, and the first, fourth and fifth concurred in; and the second and third amendments disagreed to, and the Senate so informed.

The House then adjourned until 4 o'clock P. M.

The bill to prevent fire hunting in the night time in Hyde county; the bill to amend an act passed in 1829, chapter 57, entitled an act to authorize the court of pleas and quarter sessions of Burke county, to appoint commissioners to view and lay off a turnpike road from the Lincoln line to Jacob Mull's mills, passing through the Laurel Gap of the South Mountain, and for other purposes; and the bill to alter the name of; and to legitimate William W. Eason of the county of Edgecombe, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution in favor of Zachariah Candler, was read the third time, passed and ordered to be enrolled.

The bill to repeal an act, entitled an act concerning the town of Ashville in Buncombe county; and the bill to establish Hookerton Academy in the county of Greene, and to incorporate the trustees thereof; were each read the second and third times, passed and ordered to be engrossed.

Mr. Frink moved that the House do now reconsider their vote of yesterday, postponing until the 3d Monday of November next, "the bill to establish the Planter's and Mechanic's bank of Fayetteville;" the question will the House so re-consider? was determined in the negative—Yea's 41, Nay's 74. The yeas and nays demanded by Mr. Jordan.


Mr. Gorrell from the committee on internal improvement, to whom was referred the bill to amend the act, entitled an act to incorporate the Ionomake and Raleigh Rail Road Company, passed at the last session, reported the same without amendment, and moved that said bill be laid on the table; which motion prevailed.

The bill to amend an act passed at the last session, entitled an act to establish the town of Leachville in Beaufort county; and to appoint commissioners thereof;

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and the bill to divorce Esther E. Nelson; were each read the second and third times, passed and ordered to be engrossed.

Mr. Hawkins from the committee on military affairs who were instructed to inquire into the expediency of prohibiting by law, free persons of color from keeping or using fire-arms, reported against the expediency of legislating in the way proposed; and asked to be discharged from the further consideration of the subject; the report was concurred in.

The bill to alter the name of James Atlas Marks, and to legitimate him; was read the third time, passed and ordered to be engrossed.

The engrossed bill to divorce Elizabeth M. Starnes of Macon county; and the engrossed bill to divorce Margaret P. Spear, from her husband Alexander Spear, were each read the second and third times, passed and ordered to be enrolled.

The bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county, and for other purposes; and the bill to divorce Thomas Roberts; were read the second and third times, passed and ordered to be engrossed.

The bill to prevent the felling of timber in, or otherwise obstructing the run of Turnbull creek in Bladen county; the bill to incorporate the American Gold Mining Company; and the bill to alter the name of Simon Davis, and to legitimate him; were each read the third time, passed and ordered to be engrossed.

The bill relating to the duty of the Sheriff of Chatham county; and the bill to incorporate the trustees of the Episcopal School of North Carolina; were each read the second and third times, passed and ordered to be engrossed.

The bill to divorce William M. Powell of Halifax county, was read; and on motion of Mr. Graham, postponed indefinitely; the bill relating to Patrols in Camden county, was read the second and third times, passed and ordered to be engrossed.

The bill to divorce Greene T. Partin of Orange county; was read the second time and rejected.

Mr. McPherson presented the following resolutions, viz;

Resolved, That North Carolina alone, has the right to legislate over the slaves in her territory, and any attempt to change their condition, whether made by Congress, the Legislature or the people of other States will be regarded as an invasion of our just rights.

Resolved, That we are ready and willing to make a common cause with the rest of our sister slave-holding States, and hereby invite their co-operation in passing such laws and regulations as may be necessary to suppress and prevent the circulation of any incendiary publications within any of the slave-holding States.

Resolved, That the thanks of this State, are due, and the kindest feelings of the citizens thereof, are cherished towards their brethren of the North, who have magnanimously sustained the principles of our Federal Government; and recognized and maintained our rights against the fanatics of those States.

Resolved, That our sister non-slave-holding States, are respectfully requested to enact penal laws prohibiting the printing within their respective limits, all such publications as may have a tendency to make our slaves discontented with their present condition, or incite them to insurrection.

Resolved, That although by the constitution all legislative power over the District of Columbia, is vested in the Congress of the United States; yet we should deprecate any legislative action on the part of that body towards liberating the slaves of that District as a breach of faith towards those States by whom the territory was originally ceded; and will regard such interference as the first step towards a general emancipation of the slaves of the South.

Resolved, That we confidently rely upon the Congress of the United States, in passing such laws as may be necessary to prevent the circulation of inflammatory publications through the Post Office Department.

Resolved, That His Excellency the Governor of this State, be requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress, and to the Executive of each of the States, with a request that they will be laid before their respective Legislatures.

The foregoing resolutions were read; and, on motion of Mr. McPherson, made the order of the day for to-morrow.
Mr. Collins moved that the House adjourn till to-morrow morning 10 o'clock; and called for the yeas and nays. The question thereupon was decided in the affirmative—Yea's 63, Nays 53.


Saturday, December 19, 1835.

Mr. Manly presented a bill concerning the probate of Wills made out of the State, and registration of deeds and powers of Attorney executed in foreign countries; which, by unanimous consent of the House, was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Graham, from the committee on the judiciary, reported unfavorably on the resolution relating to widows' dowers; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Graham, from the same committee, who were instructed to enquire into the expediency of amending the penal laws relative to exciting a spirit of insurrection among slaves, reported against further legislation on the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Dunn, from the select committee on the petition from Orange relative to a division of said county, reported unfavorably thereon; and asked to be discharged from the further consideration of the subject.

The question, will the House discharge the committee as prayed for? was decided in the affirmative—Yea's 101, Nays 10. The yeas and nays demanded by Mr. Stockard.

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Those who voted in the negative were, Messrs. Clement, Cotten, J. W. Guinn, Hester, Hill, Jones, Jordan, D. M' Neill, Geo. Smith, Stockard.

The bill to emancipate Lucy Ann, Eunemeline and Priscilla, of Cumberland county, was read the second and third times, passed, and ordered to be engrossed.

The bill to emancipate Delia; and the bill to amend in part, an act passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrrell county, to Plymouth, were each read the second and third times, passed, and ordered to be engrossed.

The bill to authorize the laying out and establishing a turnpike road from the South Carolina line at some point near the block house in Rutherford county, to Cain Creek bridge in Buncombe county, was read the third time, passed, and ordered to be engrossed.

Mr. Graham presented the following resolution:

Resolved, That the principal Clerks be authorized to employ assistant engrossing clerks at such prices as they may agree on with the persons employed.

The said resolution was read the first, second, and third times, passed, and ordered to be engrossed.

The resolution in favor of Matthew Miller; the resolution in favor of John Cooper of Rutherford county; the resolution in favor of Mark H. Hill; and the resolution providing a residence for the Governor, and appropriating $450 for that purpose, were each read the third time, passed, and ordered to be engrossed.

The bill directing the number of jurors hereafter to be drawn in the county of Chatham; the bill to amend an act passed in 1830, concerning the county court of Rowan; the bill for the relief of sick and disabled American seamen; and the bill to give further time for paying in entry money, were each read the second and third times, passed, and ordered to be engrossed.

The bill to divorce Henry T. Gillespie of the county of Burke, was read the second time and rejected.

The resolution in favor of James G. Stockard, was read the third time, passed, and ordered to be engrossed.

The resolution relating to the sale of the Cherokee lands, was read the second and third times. Mr. Jacocks presented the following amendment thereto, viz: "That the said commissioner shall enquire into and report to the Governor the quantity of said lands remaining unsurveyed, as near as he can conveniently ascertain, without the employment of a surveyor, of sufficient value to authorize a further survey and sale, if any; and any other information relative to said lands, and the bonds already given therefor, which he may deem of sufficient importance to be communicated to the General Assembly, or which may be required of him by the Governor or Treasurer of this State." The proposed amendment was rejected, and the resolution passed and ordered to be engrossed.

The bill to alter in part, the dividing line between the counties of Surry and Rowan, was read the third time, passed, and ordered to be engrossed.

The bill to declare and amend the law respecting public jails in certain cases; the bill to amend an act passed in the year 1784, so far as it respects the listing of taxable property; the bill declaratory of the duties of entry takers in certain cases; the resolution directing a sale of the dredging machine; the resolution for contingent expenses; and the resolution in favor
of James C. Turrentine, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Graham, from the committee on the judiciary, to whom the subject was referred, reported a bill to prevent the willful and wanton killing of horses, mules and cattle; which was read the first time and passed.

The bill to provide for the payment of tales jurors in certain cases; and the bill amendatory of the act on bastardy, were each read and postponed indefinitely.

The bill making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described; and the bill to amend an act entitled an act to provide for the punishment of accessories to felonies in certain cases, passed in 1797, were read the third time, passed, and ordered to be engrossed.

The resignations of Moses W. Alexander, as lieutenant colonel of the 68th regiment; of Dempsey Winstead, as lieutenant colonel of the 22d regiment; of John D. Salmons, as lieutenant colonel of the 66th; of B. F. Pearson, as major of the 53d regiment of militia; and of Hardy Morgan, as a justice of the peace of Montgomery county, were presented, read and accepted.

On motion, leave of absence for the residue of the session, was granted to Messrs. Hammond, Hoke, Hope, Sanders, Thompson and Smallwood, after Monday next; to Mr. Jordan after Sunday; and Mr. Speller after to-day.

The bill to regulate the times of holding the superior courts in the 4th and sixth circuits, was read; and, on motion of Mr. Gorrell, postponed indefinitely—Yeas 54, Nays 52. The yeas and nays called for by Mr. Jones.


The bill to amend the patrol laws, and the several acts relative to the trading with slaves, was read, and, on motion of Mr. Thomas Bell, postponed indefinitely.

Mr. Rogers presented a resolution in favor of the commissioners for building Wake county court house; which was read the first time and passed.

Mr. Jervis introduced a bill, directing the entry taker of Yancey county to issue warrants in certain cases; which was read the first, second and third times, passed, and ordered to be engrossed.

The bill granting further time for revising and digesting the public statute laws, was read the second and third times; passed, and ordered to be engrossed.
The bill to amend the several acts heretofore passed, to vest the right of electing the Sheriffs in the free white men of this State, and to direct the mode of their qualification when elected, was read the second and third times, passed, and ordered to be engrossed.

Mr. Pickett, with leave, presented a bill to divorce Malinda Lynum, founded on a petition from certain citizens of Yancey county. The said bill was read the first time and passed. On motion, the said bill was read the second time and rejected.

The House then adjourned until 4 o'clock P. M.

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 provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly; a bill prescribing the time and places for comparing the polls in the different Senatorial districts therein named; a bill to abolish the offices of county trustee and treasurer of public buildings in the counties therein named; a resolution directing the public Treasurer to pay the clerk of the Senate, for certain acts and journals of the General Assembly, procured for the use of the Senate; a resolution in favor of the widow of the late William Gilleam deceased; and a resolution in favor of Richard Ashton. The said bills were read the first time and passed.

A message from the Senate, informing that they had adopted resolutions in aid of the navigation of Core Sound; and asking the concurrence of this House. The said resolutions were read and adopted, and ordered to be enrolled.

Mr. McRae, from the select committee raised upon the subject of certain military land warrants issued in 1823, made a report thereon; which, on motion of Mr. Graham, was laid on the table.

Mr. Clark moved that the House do now take up, for consideration, a message from the Senate, transmitting certain preamble and resolutions on the subject of incendiary publications, which had not been officially announced to the House. The question, will the House now proceed to consider said message? was decided in the affirmative—Yea's 82, Nays 8.


Those who voted in the negative, were, Messrs. Braswell, Byrum, L. A. Gwyn, Hutchinson, Hybart, Jones, Rogers, Rush.

The said resolutions and preamble were accordingly read; and, on motion of Mr. Clarke, the question taken on each separately.

The question, will the House adopt the first resolution? was decided in the affirmative—Yea's 117.

The votes were, Messrs. Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brown,
The question on the adoption of the second resolution, was determined in the affirmative—Yea 118, Nays 1.


Mr Byrd voted in the negative.

The question on the adoption of the third resolution, was decided in the affirmative—Yea 116.


The question on the adoption of the fourth resolution, was decided in the affirmative—Yea 112, Nays 7.


The question on the adoption of the fifth resolution, was decided in the affirmative—Yea 119.

The question on the adoption of the sixth resolution, was decided in the affirmative—Yeas 105, Nays 11.


Those who voted in the negative, were Messrs. Clark, Crump, Davenport, Graham, Granbury, Hall, Hoke, Jacocks, Muse, Sanders, Waddell.

The question on the adoption of the seventh resolution, was decided in the affirmative—Yeas 118.


The question on the adoption of the preamble to the said resolutions, was decided in the affirmative—Yeas 117, Nays 6.

Those who voted in the affirmative, were, Messrs. Bedford, Bell, Benton, Borland, Brown, Brummett, Bryan, Buie, Burgess, Byrum, Barnhardt, Cansler, Carson, Clark, Clement, Clingman, Coor, Collins, Crump, Davenport, D-

Those who voted in the negative were, Messrs. Braswell, L. A. Gwyn, Hutchison, Hybar, Rush, Witcher.

Ordered that said preamble and resolutions be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Roanoke, Danville and Junction Rall Road company, with amendments; and asking the concurrence of this House therein. The amendments were read and concurred in; and the Senate so informed.

Mr. Rayner, from the committee on claims, to whom the subject was referred, reported a resolution in favor of Daniel M. Barringer; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Collins called up, for consideration, the engrossed bill more effectually to suppress the vice of gaming in this State. The said bill was read, and, on motion of Mr. Dudley, postponed indefinitely—Yeas 71, Nays 31.


Mr. — moved to adjourn until to-morrow morning 10 o'clock.

The question thereon was decided in the negative—Yeas 46, Nays 59.


A message from the Senate, informing that they had passed the engrossed bill to alter the name of Haywood Waterer, and to legitimate him, with
an amendment; and asking the concurrence of this House. The amend-
ments was read and concurred in.

A message from the Senate, insisting on their amendments, No. 2 and
3, to the engrossed bill to incorporate the Raleigh and Gaston Rail Road
company. On motion of Mr. Graham, the House determined to insist on
their disagreement to said amendments; and on his motion, it was ordered
that a message be sent to the Senate, proposing a committee of conference
on the disagreeing votes of the two Houses.

A message from the Senate concurring in the amendments made by the
House of Commons to the engrossed bill to abolish the offices of county
trustee and treasurer of public buildings in the counties of Gates, Chowan,
and Mecklenburg. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engros-
sed bill concerning the patrol in the counties therein named, with an amend-
ment; and asking the concurrence of this House. The amendments were
read and concurred in.

A message from the Senate, informing that they had rejected the engross-
ed resolution in favor of James Thompson of Iredell county.

A message from the Senate, informing that they do not concur in the
amendment made by the House of Commons to the engrossed bill provid-
ing compensation to the Sheriffs of the several counties, for making the re-
turns of the votes given at the late election for adoption or rejection of
the proposed amendments to the Constitution. Whereupon, on motion of Mr.
Graham, the House determined to insist on their said amendment.

A message from the Senate, informing that they had passed the engross-
ed bill to prevent frauds on the revenue in the assessment of lands for tax-
ation in Yancy county; with an amendment; and asking the concurrence
of this House. The amendment was read and agreed to.

A message from the Senate, informing that they had passed the engross-
ed bill to alter the time of holding the elections in the counties of Curri-
tuck and Camden, with an amendment; and asking the concurrence of
this House. The amendment was read and concurred in.

On motion, leave of absence for the residue of the session, from and
after Monday next, was granted to Messrs. Davenport, Dodson, Tho. Bell
and Swannier.

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

Monday, December 21, 1835.

A message was received from the Senate, informing that they had pas-
sed the engrossed bill to suppress more effectually, the vice of gaming in
this State, with an amendment; and asking the concurrence of this House.
The amendment was read and agreed to.

A message from the Senate, agreeing to raise a committee of conference
on the disagreeing votes of the two Houses on the bill to incorporate the
Raleigh and Gaston Rail Road company; and informing that Messrs. H‑
gan, Wyche and Joyner, form their branch of said committee. Ordered
that Messrs. Graham, Clingman and Rogers, compose said committee on
the part of the House.

A message from the Senate, informing that they had rejected the follow-
ing engrossed bills, viz: A bill to emancipate Delia; the bill to amend in
part, an act passed in the year 1834, entitled an act concerning a public
road leading from Columbia in Tyrrell county to Plymouth; and the bill to divorce Temple Hall.

The engrossed bill to alter the names of Hardy Lewis and Brittain Lewis, of the county of Moore, and to legitimate them; the engrossed bill making compensation to sales jurors in Randolph county; the engrossed bill to alter the name of Quintain Robertson of the county of Gates, and to legitimate him; the engrossed bill to alter the name of Amoy Boyd, and to legitimate her; and the engrossed resolution directing the public Treasurer to pay the clerk of the Senate, for certain acts and journals of the General Assembly, procured for the use of the Senate, were each read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to authorize the trustees of William's church in the county of Martin, and their successors in office, to hold and possess one acre of land on which the said church is situated; and the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties therein named, were each read the second and third times, amended, and passed. Ordered that the concurrence of the Senate be asked to the amendments made to the said bills.

The engrossed bill regulating the times of holding one of the terms of the courts of pleas and quarter sessions for the county of Macon, was read the second and third times, passed, and ordered to be enrolled.

On motion, Mr. Hybart obtained leave to withdraw from the files of the House, the papers accompanying the petition of John Murchison of Fayetteville; and Mr. Pickett leave to withdraw the papers in Malinda Lyman's petition.

The engrossed bill to incorporate Campbell's Creek Gold Mining company; the engrossed bill to incorporate the Long Creek Gold Mining company in the county of Mecklenburg; the engrossed bill appointing commissioners to view and lay off a road from the deep gap in the Blue Ridge, to Stephen Thomas' in the county of Ashe, and for other purposes; the engrossed bill to encourage the destruction of wolves in the county of Buncombe; the engrossed bill to secure to the trustees of the Baptist church in the town of Charlotte, and their successors in office, the right to hold and possess the lot on which their house of worship is situated; and the engrossed bill to repeal an act, entitled an act to make compensation to the jurors of the superior courts of Haywood county; and the engrossed bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road from the old Fort in Burke county to Asheville in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the Southern boundary line of this State, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act passed in the year 1830, for the better regulation of the town of Williamson; the engrossed bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamson, in the county of Martin; the bill to authorize Hardin Franklin of the county of Surry, to erect a dam across Fisher's river; the bill authorizing and requiring the captains or commanding officers of militia, attached to the 30th, 31st, and 68th regiments of the militia, to muster their respective companies once in three months; the engrossed bill to incorporate the county guard in Rockingham; the engrossed bill to incorporate
the Conrad Gold Mining company; the engrossed bill to provide for the temporary appointment of Registers in certain cases; and the engrossed bill to repeal in part an act for the better regulation of the Fair held near Laurel Hill in the county of Richmond, passed in the year 1830, were each read the third time, passed, and ordered to be enrolled.

Mr. King presented a petition of sundry citizens of Lincoln and Iredell counties, in relation to laying out a road from Statesville to Lincolnton; which was laid on the table.

A message was received from the Senate, informing that they had passed the engrossed bill to alter in part, the dividing line between the counties of Surry and Rowan, 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 reconsidered and passed the engrossed bill to emancipate Delia, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructions in the navigation of the waters of Carteret county; and to appoint commissioners of navigation in said county; which was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had reconsidered and passed the engrossed bill to divorce Tempe Hall.

Mr. Graham presented a bill supplemental to an act passed at the present session of the General Assembly, entitled an act to amend an act passed in the year 1833, incorporating the Roanoke and Raleigh Rail Road company; which was read the first, second, and third times, passed, and ordered to be engrossed.

The engrossed bill fixing the punishment for the crime of bigamy, was read the third time, and, on motion of Mr. Loudermilk, postponed indefinitely.

The engrossed bill concerning the courts of pleas and quarter sessions in the several counties of this State, was read the second time. Mr. Tho. Bell moved that said bill be postponed till the first day of January next; which motion prevailed.

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

On motion, Mr. King obtained leave to withdraw from the files of the House, the petitions from certain citizens of Iredell county, in relation to falling timber in Fifth Creek; the bill to prevent the wilful and wanton killing of horses, mules, and cattle, was read the second time; and, on motion of Mr. Byrd, postponed indefinitely.

The resolution in favor of the commissioners for building Wake county count house, was read the second time and laid on the table.

Mr. Waddell presented a bill to emancipate John, Fanny, and Henry, children of Miles Howard; which was read the first time and passed. On motion, the said bill was again read and rejected.

Mr. Graham, from the committee of conference, on the disagreeing votes of the two Houses, on the bill to incorporate the Raleigh and Gaston Rail Road Company, reported that the committee recommend to the Senate, to accede from their amendment marked B, and add the amendment marked
The question thereon was determined in the negative—Yeas 40, Nays 69.

Those who voted in the affirmative were, Messrs. Baker, E. S. Bell, Benton, Brumell, Bryan, Clingman, Collins, Dudley, Dunn, Eaton, Erwin, Foreman, Fleming, Gorrell, Graham, Granberry, Guthrie, Hill, Hoskins, Howard, Hunt, Jaccoks, Kelly, Kenan, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Matthews, Muse, McPherson, McRae, Neal, Poindexter, Rogers, Waddell, Walton, West.

The question on the passage of the second reading, was decided in the affirmative—Yeas 78, Nays 26.


The said resolution was read the third time, passed, and ordered to be enrolled.

Mr. Graham introduced a bill to regulate the mode of passing private acts of the General Assembly; 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 the widow of James Grant; 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 engrossed bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation, or otherwise, before the meeting of the General Assembly; the engrossed bill prescribing the time and places for comparing the polls in the different Senatorial districts therein named; and the engrossed resolution in favor of the widow of the late William Gilliam deceased, were severally read the second and third times, passed, and ordered to be enrolled.
On motion, leave of absence for the residue of the session, from and after this day, was granted to Messrs. Lee, DeBerry, Hall, Walton, Granbury, M oy e, Carson, A. Perkins and McPherson; and from and after to-morrow, to Messrs. Burgess and J. Harrison.

The House then adjourned until 5 o'clock P. M.

Mr. Hybart presented a bill to exempt free persons of color from the payment of poll tax; which was read the first time and passed. The said bill was, on motion of Mr. Hybart, read the second time; and, on motion of Mr. Taylor, postponed indefinitely.

On motion, Mr. Loudermilk obtained leave to withdraw from the files of the House, the petition and papers accompanying, of James Thompson.

A message from the Senate, concurred in the amendments made by this House, to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties therein named. Ordered that said bill be enrolled.

A message from the Senate, agreeing to the amendment made by this House to the engrossed bill to authorize the trustees of William's church, in the county of Martin, and their successors in office, to hold and possess one acre of land on which the said church is situated. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill allowing further time for revising and digesting the public statute laws of the State, with amendments, viz: "To strike out the second and third sections of the bill." On motion, the said amendments were disagreed to.

A message from the Senate, agreeing to the amendments made by the House of Commons, to the engrossed bill authorizing the captains of militia attached to the 30th, 31st, and 68th regiments, to muster their respective companies once in three months. Ordered that said bill be enrolled.

A message from the Senate receding from their disagreement to the amendment made by this House, to the engrossed bill providing compensation to the several Sheriffs for making returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the Constitution. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz: A bill relating to the cavalry of Macon county; a resolution authorizing the public Treasurer to borrow money on behalf of the State, if the same should be necessary; and a resolution in favor of the door-keepers; and asking the concurrence of this House. The said bill and resolutions were each read the first, second, and third times and passed. On the passage of the resolution in favor of the door-keepers, on the third reading, Mr. Jeffreys called for the yeas and nays; and the vote was Yeas 79, Nays 10.


Those who voted in the negative were, Messrs. Brown, Jeffreys, I. W. Lane, Rogers, Swindell, Taylor, Tomlinson, Tuton, Watson, Whitley.

A message from the Senate, informing that they had passed the engrossed
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Bill to reduce the county Solicitor's fees in certain cases; and asking the concurrence of this House. The said bill was read the first time, and, on motion of Mr. Waddell, rejected.


A message from the Senate, informing that they had passed the engrossed bill to give to widows, who may not dissent to their husband's wills, a distributive share of the residuum of their husband's personal estate, not given away in their wills: Providing that widows who may dissent from the probate of their husband's will; who may, within six months from the probate, file their petitions in the county court for one year's provision, and for other purposes; and asking the concurrence of this House. The said bill was read the first, second and third times, amended, on motion of Mr. Kelly, and passed. Ordered that the concurrence of the Senate be asked in the amendment.

A message from the Senate, informing that they had passed the engrossed bill to amend two several acts of the General Assembly, passed in 1824, to repair, alter, and amend the road leading from Holeman's Ford to the deep Gap on the Blue Ridge; and one other act to amend and alter the road leading from the ford of the Yadkin river, commonly called Cass' ford, to the Ashe county line on the Blue Ridge; and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz; a bill to amend an act passed in the year 1824, entitled an act to appoint commissioners for the town of Clemsons in Davidson; a bill to amend the revenue laws; and a bill concerning the navigation of Cypress Creek; and asking the concurrence of this House; the said bills were read the first second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had adopted certain resolutions respecting the public domain;" the resolutions were read, and Mr. Buie moved that they be upon the table, and demanded the yeas and nays; the question on this motion was decided in the negative—Yea's 41, Nays 56.


Those who voted in the negative were, Messrs. T. Bell, Bell, Benton, Braswell, Brown, Byrum, Cansler, Clement, Clingman, Coor, Cooten, Davis, Dunn, Fitzrandolph, Frink, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, Harris, Harper, Henry, Hester, Hoke, J. Horton, W. Horton, Howerton, Hutchison, Hybart, Ison, Jeffreys, Jervis, Jones, Judkins, Kenan, King, I. W. Lane, Lyon, Manly, J. A. D. McNeill, D. McNeill, Pickett, Powell, Roebuck, Rogers, Sloan, George...
Mr. Rayner moved to postpone said resolutions until the second Monday in November next; and on this question, Mr. Hutchison called for the yeas and nays; the question was decided in the negative—Yea's 35, Nays 63.


Mr. Clingman moved to strike out all after the word “resolved,” and insert the resolutions herefore submitted by him, and which had been adopted by the House on the same subject. Mr. Hawkins called for a division of the question, and the question being first on striking out, was decided in the affirmative—Yea's 57, Nays 47. The yeas and nays demanded by Mr. Hutchison.


The question—will the House insert the amendments and resolutions as proposed by Mr. Clingman? was then put by the chair; the calling of the roll having been commenced, and two members having voted in the affirmative, and one in the negative; Mr. Hybart called for a further division, and that the question be taken on inserting each resolution separately; Mr. King here rose to a question of order, whether the call for a further division could now be entertained after the House had commenced voting; the Speaker decided that the previous demand of a division of the question gave any member a right to have it subdivided, and this right was not lost by the error of the chair, or an accidental omission to subdivision; and the chair believing that it was capable of further division, determined that any member had a right to require the Speaker to put the question in a different mode, and so as to divide it, from this decision; Mr. King appealed to the House, and the question “is the decision of the chair, the decision of the House?” was decided in the negative—Yea's 34, Nays 61. The yeas and nays demanded by Mr. Hutchison.

Those who voted in the affirmative were, Messrs. Braswell, Brown, Bryan, Byrum, Coor, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Guinn, Hester, Howerton, Hutchison...
The question was then taken on inserting the resolutions offered by Mr. Clingman, and decided in the affirmative—Yeas 53, Nays 43. The yeas and nays demanded by Mr. Hutchison,


Mr. Taylor moved that said resolutions be postponed indefinitely; the question thereon was decided in the affirmative—Yeas 49, Nays 47. The yeas and nays called for by Mr. King,


On the motion to postpone indefinitely was made, a question arose whether such motion was now in order; the speaker decided that the motion was in order, from which decision an appeal was taken at that time.

After the motion to postpone indefinitely had been determined by the House, and the decision of the House announced, Mr. Waddell appealed to the House; the question "Is the decision of the chair, the decision of the House?" was determined in the affirmative—Yeas 83, Nays 12. The yeas and nays demanded by Mr. King,


Mr. Swindell moved that the House do now reconsider their vote of indefinite postponement of said resolutions; the question on this motion was decided in the affirmative—Yeas 42, Nays 40. The yeas and nays called by Mr. Guthrie,


The question again recurring on the indefinite postponement of the resolutions; the House, on motion, adjourned until to-morrow morning at 7 o'clock.

TUESDAY, DECEMBER 22, 1835.

The House proceeded to the unfinished business in which they were engaged at the last adjournment; the question before the House, being the motion to postpone indefinitely the resolutions relating to the public domain; which notion prevailed, and the said resolutions were postponed indefinitely—Yea's 54, Nays 43.


Mr. Gary introduced a bill to amend an act passed in the year 1833, es-
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Establishing a Female Academy in the county of Northampton; which was read the first, second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that Messrs. Dowd, Beasley and Hill, are added on their part to the committee on enrolled bills; ordered that the following members be added to said committee on the part of this House, viz: Messrs. Kenan, Jacocks, Muse, Tuton, Buie, Gorrell.

A message from the Senate, receding from their amendment to the engrossed bill granting further time for revising and digesting the public statute laws.

A message from the Senate, informing that they had passed the engrossed bill supplemental to an act passed in 1809, entitled an act directing how persons injured by the erection of public mills, shall in future proceed to recover damages; and asking the concurrence of this House; the said bill was read, and on motion of Mr. Coor indefinitely postponed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to incorporate the Claremount Gold Mining Company, in the county of Mecklenburg; a bill to divorce William B. Morgan of Macon county, from his wife Polly Morgan; a bill to annex part of Wilkes county to the county of Ashe; a bill making compensation to the jurors of the county of Pasquotank; a bill giving further time to the justices of the peace for the county of Haywood, to return the lists of the taxable property of said county; and the bill to incorporate the Hope Gold Mining Company in the county of Mecklenburg; and asking the concurrence of this House therein; the said bills were read the first second and third times, passed and ordered to be enrolled.

Mr. Hybart presented a resolution in favor of Thomas Bell, one of the members of this House, which was read the first, second and third times, passed and ordered to be engrossed.

A message from the Senate, concurring in the amendment made by this House to the engrossed bill for the benefit of widows in certain cases, ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed in the year 1833, and asking the concurrence of this House; the said bill was read the first time and passed; and on the second reading of the bill, Mr. Manly moved to strike out the first and second sections of the bill, and demanded the yeas and nays; the question thereon was decided in the affirmative—Yeas 44, Nays 38.


Those who voted in the negative were, Messrs. Baker, Bedford, Bryan, Barnhardt, Cahnler, Clement, Clingman, Davenport, Dunn, Erwin, Foreman, Gary, Gee, Graham, Guthrie, N. Harrison, Hawkins, Henry, Hoskins, Hunt, Jacocks, Jones, Kelly, Kenan, King, Lilly, Matthews, D. M'Neil, M'Pherson, M'Rae, Neale, Pickett, Poindexter, Rayner, Swindell, Thomas, Waddell, Williamson.

The said bill was thereupon, on motion of Mr. King, indefinitely postponed—Yeas 59, Nays 18.

Those who voted in the affirmative were, Messrs. Bedford, T. Bell, Braswell,
Those who voted in the negative, were, Messrs. Baker, Benton, Bond, Bordland, Bryan, Clement, Collins, Guthrie, W. Horton, Jacocks, Kelly, Manly, D. McNell, Neal, Rayner, Roebuck, Waddell, Williamson.

A message from the Senate, informing that they had passed the engrossed bills concerning the board for internal improvement; and the bill to provide for the election of Registers in this State, when any vacancy may hereafter arise by reason of death, resignation or otherwise, and asking the concurrence of this House; the said bills were each read the first, second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorize the leasing for a term of eighteen years, certain tracts of land acquired by treaty from the Cherokee Indians, and asking the concurrence of this House; the said bill was read, and on motion of Mr. Tuton, indefinitely postponed.

Mr. King who voted for the indefinite postponement of the bill to amend an act, entitled an act to establish a bank in the State of North Carolina, moved that the House do now reconsider their vote; the question thereon was determined in the affirmative; Mr. Bond then moved that the House do reconsider their vote, striking out the first and second sections; the question thereon was decided in the affirmative—Yeas 46, Nays 40. The yeas and nays called by Mr. Hybart.


The question now recurring on the motion of Mr. Manly to strike out the first and second sections, was decided in the negative. Mr. Jeffreys moved that said bill be postponed indefinitely, and called for the yeas and nays; the question thereon was decided in the negative—Yeas 37, Nays 45.


Those who voted in the negative were, Messrs. Bedford, Benton, Bond, Brummell, Bryan, Buie, Byrd, Barnhardt, Cansler, Clement, Clingman, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, N. Harrison, Hoskins, Hoskins, Howard, Jacocks, Jones, Kelly, Kenan, King, Lilly, Loudermilk,

The House having refused to amend or postpone indefinitely the said bill and the question recurring on its passage, Mr. Loudermilk moved that said bill lie on the table; which motion prevailed; a message from the Senate, agreeing to the amendments marked A. B. C. D. and G, and disagreeing to the amendments marked E. F., to the engrossed bill prescribing the time and places of comparing the polls in the different Senatorial districts therein named; on motion of Mr. Graham, the House receded from their said amendments marked E. F.; ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to regulate the mode of passing private acts of the General Assembly, with an amendment, and asking the concurrence of this House; the amendment was concurred in.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: a bill to amend an act incorporating the Pittsborough Academy; a bill securing to William Taunehill and Benjamin A. LaVander of the town of Washington and county of Beaufort, and those with whom they may associate the right of navigating the waters of Pamlico and Tar rivers from the town of Washington; a bill to repeal sundry acts heretofore passed for the better regulation of the town of Greensborough in Guilford county; a resolution in favor of the Comptroller; a resolution authorizing the Adjutant General to repair the Arsenals at Raleigh and Fayetteville; resolution directing the Comptroller to credit the public treasurer with the amount of treasury notes burnt by the committee of finance, and asking the concurrence of this House; the said bills and resolutions were severally read the first second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorize the Banks of Cape Fear, and Merchants' Bank of Newbern, to deal in any public debt authorized or created by any law of this State; and asking the concurrence of this House. The said bill was read, and, on motion of Mr. Waddell, postponed indefinitely.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of Thomas Bell.

A message from the Senate, informing that they had passed the engrossed resolution providing that no member of either House shall be entitled to receive a per diem compensation after this day; and asking the concurrence of this House. Said resolution was read and laid on the table.

Mr. Clingman, who voted in favor of the indefinite postponement of the engrossed bill supplemental to an act passed in 1809, entitled an act directing how persons injured by the erection of public mills, shall in future proceed to recover damages, moved that the House do now reconsider that vote. The question on this motion, was decided in the negative—Yeas 18, Nays 58.

Those who voted in the affirmative were, Messrs. Baker, Bond, Buie, Daventport, Foreman, Graham, J. W. Guinn, Hawkins, Kelly, I. W. Lane, Lilly, Maudy, Muse, McPherson, McRae, Poindexter, J. L. Smith.

Ordered that a message be sent to the Senate, informing that the House of Commons having passed upon all the business before them, are now ready to adjourn without day.

Received a message from the Senate, informing that that body is also ready to adjourn without day.

Mr. Guthrie presented the following resolution; which was read, and unanimously adopted.

Resolved, That the thanks of this House be tendered to William H. Haywood Jr. Esquire, for the able, dignified and impartial manner in which he has presided over its deliberations during the present session.

Whereupon the Speaker made his acknowledgements to the House in an appropriate address; and adjourned the same without day.

WILLIAM H. HAYWOOD, Jr. S. H. C

By order.

CHAS: MANLY, C. H. C.