OF THE
MOBILE
AT a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the nineteenth day of November, in the year of our Lord one thousand eight hundred and thirty-eight, and the sixty-third 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, and were qualified according to law, viz:

Anson County—George Dunlap, Patrick H. Winston.
    Ashe—James M. Nye.
    Beaufort—Willie A. Blount, John McWilliams.
    Bertie—Lewis Bond, James R. Rayner.
    Bladen—George T. Barksdale.
    Brunswick—Frederick J. Hill.
    Buncombe—Montreville Patton, Phillip Brittain,
    Burke—Edward J. Erwin, Wm. M. Carson, Elisha P. Miller,
    Cabarrus—Daniel Boger.
    Camden—
    Carteret—Elijah S. Bell.
    Caswell—Littleton A. Gwynn, Levi Walker.
    Chatham—John S. Guthrie, Isaac Clegg, Maurice Q. Waddell.
    Chowan—Robert T. Paine.
    Columbus—Augustus Smith.
    Craven—Samuel Hyman, William B. Wadsworth.
    Cumberland—Stephen Hollingsworth, David Reid, jr.
    Currituck—Alfred Perkins.
    Davidson—Burgess S. Beall, Charles Brumell.
    Franklin—Thomas Howerton, William P. Williams.
    Gates—Whitmel Stallings.
    Greene—James Williams.
    Guilford—Jesse H. Lindsay, William Doak, David Thomas.
    Haywood—Joseph Keener.
    Hertford—Kenneth Rayner.
    Hyde—Tilman Farrow.
Iredell—Joseph P. Caldwell, John A. Young, Jno. H. McLaughlin.
Johnston—John F. Ellington, James Tomlinson.
Jones—William Huggins.
Lenoir—Windal Davis.
Macon—Jacob Siler.
Martin
Montgomery—William Harris, Thomas Pemberton.
Moore
Nash—Ford Taylor.
New Hanover—James T. Miller, Evan Larkins.
Northampton
Onslow—John B. Pollock.
Pasquotank
Perquimans—Thomas Wilson.
Person—Robert Jones, Moses Chambers.
Pitt—John L. Foreman, John C. Gorham.
Randolph—Zebedee Rush, William B. Lane.
Richmond—Duncan McLaurin, George Thomas.
Robeson—Oliver K. Tuton, James Blount.
Rockingham—Richard P. Caldwell, Blake W. Braswell.
Rowan—Wm. D. Crawford, H. C. Jones, Jesse A. Clement.
Rutherford—Wm. J. T. Millér, Wm. E. Mills, John H. Bedford.
Sampson—Timothy Underwood, Dickson Sloan.
Stokes—Caleb H. Matthews, James M. Covington, Jas. Stafford.
Surry—Richard C. Puryear, Nathaniel Boyd, Micajah Oglesby.
Tyrrell—Charles McCleese.
Washington—David H. Gayther.
Wayne—Curtis Brogden, Elias Barnes.
Wilkes—Eli Petty, William W. Peden.
Yancey—Tilman Blalock.

A quorum, consisting of a majority of the whole number of members, being present, Mr. Kenneth Rayner moved that Wm. A. Graham, of Orange, be appointed Speaker; and Mr. Bedford moved that the name of Michael Hoê, of Lincoln, be added to the nomination. The House thereupon proceeded to vote viva voce, when the following members voted for Mr. Graham, viz:

MESSRS.

Dunlap,  Gilliam,  Lane,
Wm. A. Blount, Robards, McLaughlin,
Bond,  Jas. Williams,  G. Thomas,
Winston, Lindsay,  Crawford,
McWilliams, D. Thomas,  H. C. Jones,
F. J. Hill, Keener,  Clement,
And the following members voted for Mr. Hoke, viz:

Messrs.


Daniel, Wilcox, Tomlinson, Davis, Killian, Holland, Monday, Orr, Taylor, J. T. Miller, Larkins, Pollock, Trollinger, Stockard, Sims,

R. Jones, Chambers, Tuton, J. Blount, Cardwell, Braswell, Bedford, Sloan, Stafford, Rand, Massey, Mangum, Eaton, S. A. Williams, Brogden, Barnes—49.

Mr. Graham, having thus received a majority of the whole number of votes, and being declared duly elected, was conducted to the Chair by Messrs. K. Rayner and Bedford, from whence he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Guthrie, the House unanimously re-appointed Charles Manly Chief Clerk, and Edmund B. Freeman Clerk Assistant.

Mr. Guthrie moved that James Page be appointed Doorkeeper; which was agreed to. The following persons were
nominated for the appointment of Assistant Doorkeeper, viz: Messrs. Parker, Anderson, Blanton, McWilliams, Brewer, Moring, Fuller, Jones, Lewis, and Hill. Mr. Gilliam moved that this appointment be made by ballot; and the question arising thereon, was determined in the negative. The House proceeded to vote viva voce, when the following was the result:

FOR MR. ANDERSON,

Messrs.
Winston, 
W. A. Blount, 
McWilliams, 
Gwynn, 
Walker, 
Hyman, 
Wadsworth, 
Stallings, 
Gilliam, 
J. Williams, 
D. Thomas, 
Farrow,

Messrs.
Huggins, 
Davis, 
Killian, 
Holland, 
Monday, 
Orr, 
Taylor, 
Larkins, 
Trollinger, 
Stockard, 
Sims,

Graham, 
Chambers, 
Foreman, 
Gorham, 
McLaurin, 
Cardwell, 
Braswell, 
Sloan, 
Stafford, 
Brogden, 
Barnes—54.

FOR MR. BLANTON,

Messrs.
Nye, 
Patton, 
Brittain, 
E. J. Erwin, 
Carson, 
E. P. Miller, 
Howerton,

Messrs.
Keener, 
J. P. Caldwell, 
Young, 
Hoke, 
Siler, 
G. W. Caldwell, 
Rush,

W. J. T. Miller, 
Mills, 
Bedford, 
Petty, 
Peden, 
Bialock—20.

FOR MR. MORING,

Messrs.
Paine, 
Beall, 
Brummell, 
Bryan, 
Robards, 
Lindsay, 
Doak,

Messrs.
Daniel, 
Wilcox, 
K. Rayner, 
McLauglin, 
J. T. Miller, 
Crawford, 
H. C. Jones,

Clement, 
Puryear, 
Boyden, 
Oglesby, 
S. A. Williams, 
Gwyther,—20.

FOR MR. McWILLIAMS,

Messrs.
Bond, 
J. R. Rayner,

Messrs.
Reid, 
Perkins, 

Pollock, 
R. Jones,
No one having received a majority of the whole number of votes, Mr. Gilliam again moved that the election be determined by ballot. The motion was lost. The names of Messrs. Fuller, Jones, Lewis, and Brewer were withdrawn from the nomination, and the name of Mr. Gray added; and the House again voted as follows:

**FOR MR. ANDERSON,**

- Dunlap
- Winston
- W. A. Blount
- McWilliams
- E. S. Bell
- Gwynn
- Walker
- Hyman
- Wadsworth
- Perkins
- Stallings
- Gilliam

- Hester
- J. Williams
- D. Thomas
- Farrow
- Huggins
- Killian
- Holland
- Monday
- Orr
- Taylor
- Trollinger
- Stockard

- Sims
- Graham
- Chambers
- Foreman
- Gorham
- Cardwell
- Braswell
- Stafford
- Eaton
- Barnes
- Brogden—35.
No one having received a majority of the whole number of votes, Mr. Stallings moved that the House adjourn until to-morrow morning 10 o'clock. The motion was lost. Mr.
Geo. Thomas moved that the House again go into an election of Assistant Doorkeeper; which was agreed to. Mr. Reid moved that the election be made by ballot. The motion was lost. The names of Messrs. Gray, Parker, and Hill were withdrawn, and the House voted the third time as follows:

**FOR MR. ANDERSON,**

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<td>J. Williams,</td>
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<td>D. Thomas,</td>
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**FOR MR. MORING,**

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<td>J. R. Rayner,</td>
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<td>Clegg,</td>
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<td>Beall,</td>
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<td>Brummell,</td>
<td>Pollock,</td>
<td>Gwyther—40.</td>
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<td>Jarman,</td>
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**FOR MR. BLANTON,**

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<th>Messrs.</th>
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<tr>
<td>Nye,</td>
<td>J. P. Caldwell,</td>
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<td>Patton,</td>
<td>Young,</td>
<td>Bedford,</td>
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<td>Brittain,</td>
<td>Hoke,</td>
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No one having received a majority of the whole number of votes, the House, on motion of Mr. McCleese, adjourned until to-morrow morning 10 o'clock.

Tuesday, November 20, 1838.

Caleb Erwin, one of the members from the county of Mecklenburg, and Junius Amis, one of the members from the county of Northampton, appeared, and were qualified according to Law.

On motion of Mr. McCleese, the House proceeded to vote for Assistant Doorkeepers. The following was the result:

FOR MR. ANDERSON,

Messrs.

Baker,        Gwynn,        J. R. Rayner,
Barnes,       Harris,       Sims,
Beall,        Hester,       Sloan,
J. Blount,    Hollingsworth, Stafford,
W. A. Blount, Howerton,    Stallings,
Boger,        Huggins,      Stockard,
Braswell,     Hyman,        Taylor,
Brogden,      R. Jones,     Tomlinson,
Cardwell,     Larkins,      Trollinger,
Clement,      Mangum,       Tuton,
Daniel,       Massey,       Underwood,
Davis,        McCleese,     Wadsworth,
Eaton,        McWilliams,  Walker,
Farrow,       Orr,          Wilcox,
Foreman,      Perkins,      S. A. Williams,
Gilliam,      Pollock,      W. P. Williams,
Gorham,       Rand,         Winston—52.
FOR MR. MORING,

Messrs.
Barksdale, Guthrie, Pemberton, Hill, Puryear, H. C. Jones, K. Rayner, Lindsay, Reid, Matthews, Robards, J. T. Miller, Smith, McLaughlin, D. Thomas, McLaurin, G. Thomas, Oglesby, Waddell, Doak, Wilson, Dunlap, Paine, Ellington,

FOR MR. BLANTON,

Messrs.
Bedford, Holland, Patton, Brittain, Keener, Peden, J. P. Caldwell, Killian, Petty, G. W. Caldwell, Lane, Rush, Carson, W. J. T. Miller, Siler, Covington, E. P. Miller, Sullivan, E. J. Erwin, Mills, J. Williams, C. Erwin, Monday, Young, Hoke, Nye,

No one having received a majority of the whole number votes, the name of Mr. Blanton was withdrawn, and the House, on motion of Mr. Crawford, proceeded again to vote for Assistant Doorkeeper. The following members voted for

MR. ANDERSON,

Messrs.
Thomas Anderson, having received a majority of the whole number of votes, was declared duly elected Assistant Doorkeeper.

Mr. Hoke moved that a committee of five members be appointed to prepare and report Rules of Order for the government of this House, and that, in the interim, the rules of the last session of the House of Commons be deemed and held in force. The motion prevailed, and Messrs. Hoke, H. C. Jones, Gilliam, Hill, and W. P. Williams were appointed said committee.

On motion of Mr. Gwynn,

Ordered, That a message be sent to the Senate, informing of the due organization of this House, and of their readiness to co-operate with the Senate in the despatch of public business.

On motion of Mr. Hill,

Ordered, That a committee of three be appointed to inquire whether the position of the Speaker's Chair, and the
Seats of the Hall cannot be more suitably arranged, and make report thereon. Said committee consists of Messrs. Hill, Crawford, and G. W. Caldwell.

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

Wednesday, November 21, 1838.

On motion of Mr. Wilson,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee consisting of two members on the part of each House, whose duty it shall be to wait on his Excellency the Governor, and inform him of the organization of the Legislature, and of their readiness to receive such communication as he may think proper to make.

On motion of Mr. Waddell,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for three Engrossing Clerks.

The Speaker laid before the House, a Report from Mr. Hill, Secretary of State, relating to the manner in which he had executed the order of the last General Assembly, contained in the act regulating the Public Printing. On motion of Mr. K. Rayner, ordered that said Report lie on the table.

Mr. Hoke, from the select committee raised on that subject, reported the following Rules of Order:

TOUCHING THE DUTY OF THE SPEAKER.

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

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

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

4. Questions shall be distinctly put in this form, 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 the contrary opinion, say no." If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, 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 members, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

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

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

7. In all elections 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 divisions, the question shall be lost.

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

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

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

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker or some member of the House.

12. 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.

13. 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. All elections by the House shall be viva voce, unless there be but one nominee; in which case appointments may be made on motion.

OF DECORUM AND DEBATE.

14. 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.

15. 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.

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

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

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

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

20. 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.

21. 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.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.
23. 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.

24. 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 in which 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.

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

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

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

28. 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 re-consideration thereof on the same or succeeding day.

29. 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.

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

31. 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.

32. 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.

33. 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.
34. Any twenty members including the Speaker, shall be
authorised to compel the attendance of absent members.
35. 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.
36. Any member may excuse himself from serving on any
committee at the time of his appointment, if he is a mem-
ber of two standing committees.
37. If any member shall be necessarily absent on any
temporary business of the House, when the vote is taken
up in any question on entering the House, he shall be per-
mitted upon motion to vote.
38. No standing rule or order shall be rescinded, altered
or suspended without one day's notice given of the motion
thereof, and to sustain such motion, two thirds of the House
shall be required.

COMMITTEES.
39. Six standing committees shall be appointed at the
commencement of the session, viz: A Committee on Claims;
a Committee on Propositions and Grievances; a Committee
on Education; a Committee on Agriculture; A Committee
on Internal Improvement; and a Committee on Privileges
and Elections. Each of said committees shall consist of
thirteen members, one from each congressional district, to
be appointed by the members from the counties compon-
sing said district. In addition to the above standing com-
mittees, the Speaker shall appoint another; two members
from each Judicial Circuit, to be denominated the Commit-
tee on Private Bills.
40. A select standing committee, consisting of nine mem-
bers, shall be appointed at the commencement of the ses-
tion by the Speaker, and be denominated the Committee on
the Judiciary.
41. Select committees shall consist of five members. It
shall be the duty of the person first named, on any commit-
tee to cause the members of the committee to convene when
necessary; when so convened, they shall appoint some one of
their number Chairman.
42. In forming a committee of the whole House, the
Speaker shall leave his Chair, and a Chairman to preside in
committee shall be appointed by the Speaker.
43. Upon bills committed to a committee of the whole House, the bill shall be first read through by the Clerk, and then again read and debated by sections, 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 sections before a question on its passage be taken.

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

45. 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.

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

OF BILLS, RESOLUTIONS, &c.

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

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

49. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment.

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

51. All resolutions which may grant money out of the Treasury shall be treated in all respects as public bills.

52. When a bill is introduced to repeal a public law, or any part thereof, the law or part intended to be repealed shall be read at each separate reading of the bill.
when a bill has been once rejected, no other upon
the same subject shall be introduced again during
the session.
54. The Clerk of the House shall be deemed to con-
tinue in office until another is appointed.

The said Rules were read and adopted.

On motion of Mr. Hoke,
Ordered, That a message be sent to the Senate, propos-
ing to raise a Joint Select Committee on the Joint Rules of
Order regulating the official intercourse between the two
branches of the General Assembly.

On motion of Mr. Holland, the House proceeded, in obe-
dience to the Rules of Order, to the appointment of the six
Standing Committees, as follows:

COMMITTEE ON CLAIMS,

MESSRS.
K. Rayner,  Hester,  Waddell,
Wilcox,    G. Thomas,  Holland,
McCleese,  Stockard,  W. J. T. Miller,
Brogden,  Covington,  Nye,
Sloan,  

PROPOSITIONS AND GRIEVANCES,

MESSRS.
Wilson,  Howerton,  Brummell,
Amis,    Pemberton,  Boger,
Foreman, R. Jones,  Siler,  J. P. Caldwell,
Hyman,  Matthews,  
Barksdale,  

EDUCATION,

MESSRS.
Stallings,  Peden,  Crawford,
Wilcox,    McLaurin,  E. J. Erwin,
Gorham,  Massey,  G. W. Caldwell,
Wadsworth,  Gwynn,  Puryear,
J. T. Miller,  

AGRICULTURE,

MESSRS.
Perkins,  Taylor,  Guthrie,
Daniel,  Tuton,  Killian,
Baker,  Trollinger,  Brittain,
Davis,  Doak,  Petty,
Pollock,  

33
INTERNAL IMPROVEMENT,

MESSRS.

Paine, Robards, H. C. Jones,
Bond, Winston, Hoke,
W. A. Blount, Sims, Mills,
E. S. Bell, Lindsay, Boyden,
Hill,

PRIVILEGES AND ELECTIONS,

MESSRS.

K. Rayner, S. A. Williams, Lane,
J. R. Rayner, Reid, Orr,
McWilliams, Rand, Blalock
Huggins, Cardwell, Peden,
Sullivan,

Received from the Senate a message, informing of the organization of that body, by the appointment of Andrew Joyner, Speaker, Thomas G. Stone Principal Clerk, Henry W. Miller Clerk Assistant, Thomas B. Wheeler Principal Doorkeeper, and Green Hill Assistant Doorkeeper.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee on the Joint Rules of Order.

Ordered, That the Senate be informed that said Committee on the part of this House, consists of Messrs. Hoke, H. C. Jones, Hill, Gilliam, and W. P. Williams.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee of two members to wait on his Excellency the Governor, and inform him of the organization of the Legislature, and stating that Messrs. Edwards and Shepard form their branch of said Committee.

Ordered, That the Committee on the part of the Commons consist of Messrs. Waddell and Wilson.

A message from the Senate, proposing to raise a Joint Select Committee of three on the part of each House, to report rules for the government of the two Houses in voting for Engrossing Clerks. The message was, on motion of Mr. J. P. Caldwell, laid on the table; and, on motion of Mr. Hill,

Ordered, That a message be sent to the Senate, proposing that the two Houses do proceed immediately to the appointment of Engrossing Clerks, in pursuance of the permanent Joint Rules of Order.

Mr. Waddell, from the Joint Select Committee, appoint-
ed to wait on His Exe'y Governor Dudley, reported that the Committee had performed that duty, and that he was instructed to say that His Excellency the Governor would, at 12 o'clock to-morrow, make a communication to the General Assembly in writing.

A message from the Senate, concurring in the proposition of this House to proceed immediately to the election of three Engrossing Clerks, and informing that the following persons are nominated for the appointment, viz: James McLelland, Thomas L. West, Constantine Banner, James J. Thomas, Nixon White, Benj. D. Rogers, Edward D. Fowlkes, Jas. T. Littlejohn; Gould Hoyt, Wm. T. Bain, Sol. Terrell, Wm. Key, W. D. Dowd, James A. Drake, Adolphus Miller, Isaac W. Foust, Moses Swaim; and informing further, that Messrs. Morehead and Wilson form their Committee to superintend said election.

Ordered, That the Senate be informed that the names of Manger Lond in, Samuel Stillman, and Benj. F. Grady are added to the nomination; that Messrs. J. P. Caldwell and Stallings are appointed on the part of this House the Committee to superintend the election; and that this House are now ready to proceed to vote.

Upon calling the roll, the following members voted

FOR MR. WEST,

Messrs.

Baker,    C. Erwin,    Perkins,
Barnes,   Mr Speaker,    Pollock,
Bedford,  Gwynn,    Rand,
E. S. Bell,  Holland,    J. R. Rayner,
J. Blount,  Howerton,    Reid,
Boger,    R. Jones,    Rush,
Bond,    Killian,    Sims,
Braswell,  Larkins,    Sloan,
Brummell,  Mangum,    Stafford,
Bryan,    Massey,    Stallings,
J. P. Caldwell,  J. T. Miller,    Stockard,
G. W. Caldwell,  Mills,    Sullivan,
Cardwell,  McCleese,    Smith,
Carson,  McLoughlin,    Taylor,
Chambers,  McLaurin,    Tomlinson,
Daniel,  Nye,    Trollinger,
Davis,    Orr,    Tuton,
Eaton,    Patton,    S. A. Williams, 54.
FOR MR. THOMAS,

Messes.
Baker,  Gilliam,  Sloan,
Barnes,  Gwynn,  Stafford,
J. Blount,  Hester,  Stallings,
Boger,  Hill,  Stockard,
Braswell,  Hoke,  Smith,
Brogden,  Holland,  Taylor,
Bryan,  Howerton,  G. Thomas,
Cardwell,  R. Jones,  Tomlinson,
Crawford,  Killian,  Tuton,
Daniel,  Monday,  Walker,
Davis,  McLaurin,  Wilcox,
Dunlap,  Nye,  S. A. Williams,
Eaton,  Perkins,  W. P. Williams, 40.
C. Erwin,

FOR MR. KEY,

Messes.
Baker,  Brogden,  Ellington,
Barnes,  Bryan,  Tomlinson, 6.

FOR MR. SILLIMAN,

Messes.
Beall,  Crawford,  H. C. Jones,
E. S. Bell,  Farrow,  Keener,
Boyden,  Harris,  McLaughlin,
Brittain,  Huggins,  J. Williams,
Brummell,  Hyman,  Young, 16.
Clement,

FOR MR. GRADY,

Messes.
J. Blount,  J. T. Miller,  Sullivan,
Brogden,  Perkins  Tuton,
Davis,  Pollock,  Underwood,
Larkins,

FOR MR. McCLELLAND,

Messes.
Beall,  C. Erwin,  McLaughlin,
Boyden,  Foreman,  Nye,
Brittain,  Gorham,  Oglesby,
Blalock,  Hoke,  Orr,

FOR MR. MILLER,

Messrs.

Beall, Boyden, J. P. Caldwell, G. W. Caldwell, Carson, Clement, Crawford, E. J. Erwin, Mr. Speaker, Harris, Hoke, H. C. Jones, W. J. T. Miller, Mills, Monday, Oglesby, Patton, Peden, Petty, Puryear, Siler, Young, 23.

FOR MR. HOYT,

Messrs.

Bedford, E. S. Bell, W. A. Blount, Bond, Brummell, Farrow, Foreman, Gorham, Huggins, Hyman, Lindsay, W. J. T. Miller, McCleese, McWilliams, Paine, J. R. Rayner, Wadsworth, J. Williams, Wilson, 19.

FOR MR. BAIN,

Messrs.

Clegg, Guthrie, Hill, Matthews, McWilliams, Pemberton, Waddell, 7.

FOR MR. DRAKE,

Messrs.

FOR MR. FOUST,

Messrs.

Blalock, Gwynn, Stockard,
Braswell, Lindsay, Taylor,
Cardwell, Orr, D. Thomas,
Chambers, Peden, Trollinger,
Doak, K. Rayner, Walker, 17.
Mr. Speaker, Sims,

FOR MR. WHITE,

Messrs.

W. A. Blount, Keener, Robards,
Bond, E. P. Miller, Siler,
Farrow, McWilliams, Stallings,
Foreman, Paine, Wadsworth,
Huggins, K. Rayner, J. Williams,
Hyman, J. R. Rayner, Wilson, 18.

FOR MR. LITTLEJOHN,

Messrs.

W. A. Blount, Hester, Robards,
Eaton, Paine, Wilcox,
E. J. Erwin, K. Rayner, W. P. Williams, 10.
Gilliam,

FOR MR. SWAIM,

Messrs.

Doak, Lane, Lindsay 3.

FOR MR. ROGERS,

Messrs.

Brittain, Mangum, Sims,
Ellington, Massey, G. Thomas,
Hester, Rand, Wadsworth, 9.

FOR MR. LONDON,

Messrs.

Clegg, Matthews, Stafford,
Guthrie, J. T. Miller, Sullivan,
Hill, Pollock, Smith,
Jarman, Pursyear, Waddell,
Larkins, Reid, Winston, 15.
Thursday, November 22, 1838.

Mr. J. P. Caldwell, from the committee appointed to superintend the election of Engrossing Clerks, reported that Thomas L. West had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Raleigh Roebuck, the member representing the county of Martin, appeared, and was qualified according to law.

On motion of Mr. Crawford,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for two Engrossing Clerks yet to be elected, and informing that the names of Messrs. Swaim, Terrell and Foust, are withdrawn from the nomination.
On motion of Mr. Rand,

Ordered, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of each House, to procure some signal to notify the members of the meetings of the two Houses.

Received from the Senate a message, agreeing to vote immediately for two Engrossing Clerks, and informing that the name of B. Rogers is withdrawn from the nomination, and that Messrs. Montgomery and Reid compose their committee to superintend the election. Ordered, that the Senate be informed that Messrs. Bedford and Crawford compose said committee on the part of this House. The House then proceeded to vote as follows:

FOR MR. THOMAS,

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<tr>
<th>Messrs</th>
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<tbody>
<tr>
<td>Baker,</td>
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<td>J. Blount,</td>
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<td>Daniel,</td>
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<td>Davis,</td>
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<td>W. P. Williams,</td>
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<td>Eaton,</td>
<td>Perkins,</td>
<td>44.</td>
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FOR MR. McCLELLAND,

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<th>Messrs</th>
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<td>Blalock,</td>
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<td>Braswell,</td>
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<td>J. P. Caldwell,</td>
<td>Jarman,</td>
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<td>G. W. Caldwell,</td>
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<td>Covington,</td>
<td>Mills,</td>
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<td>E. J. Erwin,</td>
<td>Monday,</td>
<td>Young—31.</td>
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<td>C. Erwin,</td>
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FOR MR. FOWLKES,

Messrs.

FOR MR. KEY,

Messrs.
Broglen, Ellington, 2.

FOR MR. LITTLEJOHN,

Messrs.
Amis, Eaton, Gilliam, Hester, J. T. Miller, K. Rayner, Robards, Wilcox, 8

FOR MR. GRADY,

Messrs.

FOR MR. SILLIMAN,

Messrs.
Beall, E. S. Bell, Boyden, Brummell, Clement, Crawford, Farrow, H. C. Jones, Petty, 9.

FOR MR. DRAKE,

Messrs.
Beall, Bedford, Blalock, Wm. A. Blount, Brittain, Chambers, Dunlap, R. Jones, Lane, Lindsay, Mangum, Massey W. J. T. Miller, Patton, Pemberton, Petty, Rand, Reid, Rush, Smith, D. Thomas, G. Thomas, Winston—23.
FOR MR. DOWD,

Messrs.
Doak, Lane, Rush,
Dunlap, McLaurin, Smith,
C. Erwin, Patton, D. Thomas,
Harris, Pemberton, Winston, 12.

FOR MR. HOYT,

Messrs.
E. S. Bell, Gorham, McWilliams,
W. A. Blount, Gwyther, Paine,
Bond, Huggins, J. R. Rayner,
J. P. Caldwell, Hyman, G. Thomas,
Ellington, E. P. Miller, Wadsworth,
Farrow, McCleese, J. Williams,
Foreman, McLaughlin, Wilson, 21.

FOR MR. WHITE,

Messrs.
Bond, Paine, Sullivan,
Gwyther, K. Rayner, Wadsworth,
Huggins, J. R. Rayner, J. Williams,
Hyman, Stallings, Wilson, 13.

FOR MR. MILLER,

Messrs.
G. W. Caldwell, Harris, Monday,
Carson, Hoke, McWilliams,
Clement, H. C. Jones, Peden,
Crawford, W. J. T. Miller, Siler,
E. J. Erwin, E. P. Miller, Young, 17.
Mr. Speaker, Mills,

FOR MR. BANNER,

Messrs.
Boyden, Doak, Matthews,
Covington, Lindsay, Puryear, 6.

FOR MR. BAIN,

Messrs.
Clegg, Hill, Waddell, 5.
Guthrie, Matthews,
Received from the Senate a message, informing that Messrs. Morehead, Wilson, Ribelin, Kerr and Cherry, form on the part of the Senate, the Committee on the Joint Rules of Order.

Mr. Crawford, from the Committee appointed to superintend the voting for Engrossing Clerks, reported that no one had received a majority of the whole number of votes. The report was concurred in.

On motion of Mr. Cardwell,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for two Engrossing Clerks, and informing that the names of Messrs. Bain, and Silliman, are withdrawn from the nomination.

The resignation of Thomas G. Polk, as Major General of the 4th Division of Militia, of Henry Cobb of Caswell, and of John Wright and Allen Royal of Sampson county, Justices of the Peace; were presented, read, and accepted.

The Speaker laid before the House, a communication from Messrs. W. B. Meares and Robert H. Cowen, a committee on behalf of the Directors of the Wilmington and Raleigh Rail Road Company; and another communication from Messrs. John Hill, L. H. Marsteller, Wm. B. Meares and R. H. Cowan, on behalf of the citizens of Wilmington, inviting the members of the General Assembly to visit the town of Wilmington and inspect the works and progress made on the Wilmington and Raleigh Rail Road, and enjoy the hospitality and civilities of the citizens of that place. The several communications were read, and, on motion of Mr. W. P. Williams,

Ordered, That they be sent to the Senate, with a proposition to refer them to a joint select committee of both Houses, to be raised for that purpose.

Received from his Excellency, Governor Edward B. Dudley, by his Private Secretary, Mr. Christopher C. Battle, the following communication; which, upon being read, was, on motion of Mr. Hill,

Ordered, to be transmitted to the Senate, with the documents accompanying, and with a proposition that the message of the Governor be printed, ten copies for each member.
To the Honorable, the General Assembly of the State of North Carolina,

Gentlemen:

In entering upon the discharge of the public duties enjoined by the Constitution, we should not be unmindful of our abundant cause of gratitude to the Author of all good, for the many blessings benificently lavished upon our common country. Though the products of agriculture may not have reached their usual abundance, enough has been realized to meet the wants of our people, and industry, through all its other avenues, has been fairly rewarded.

The laws have been administered without complaint; our rights, natural, civil, and political, have been justly regarded; and we have been blessed with all these moral and physical enjoyments which constitute the sum of human happiness. Encouraged by these considerations, then, let us proceed on the path of our duties, determined to deserve a continuance of his favor and protection who rules the destinies of Nations.

In laying before you the condition of the State, with such suggestions of improvement as appear to me worthy of legislation, I am consoled for the knowledge of my own deficiency, by the recollection that you come from every section of our State—are identified with its various interests—are acquainted with its wants and capabilities, and are as well disposed as qualified to remedy promptly any omission on my part. The novelty and the imposing magnitude of recent events, will afford you matter for much and serious consideration during the present session. The deranged circulating medium of trade, the cramped situation of our monetary institutions, and the new schemes for the establishment of Sub Treasuries by the General Government, all demand your anxious reflection, for they are intimately associated with the interests of our constituents. During a period of profound peace, and in the midst of unexampled prosperity and happiness, the country has been precipitated from her high enjoyments, and plunged (with no natural causes to explain it) into the abyss of wide spread ruin and misery. Although the recuperative energies of a new and rich country, and of a singularly enterprising people, have not permitted us to be permanently depressed, yet the lessons of past experience should not be lost upon us. We should investigate and understand the causes of these calamities, that we may apply the proper remedies to prevent their recurrence. We
must not continue to float upon a sea of uncertain experiments. We must settle upon some permanent and practical system of policy—something defined and well understood; else public apprehension is kept alive, business is retarded and enterprise destroyed. Bear with me then—while with becoming deference I endeavor to investigate a subject which my sense of duty will not permit me to pass by.

The seeds of these disasters I believe, were sown, and deeply sown in 1816. Measures were then adopted, from what motive it is not now necessary to inquire, which have greatly contributed to the misfortunes of 1836-37. The distresses of 1816 were remarkably similar to those of more recent occurrence, except that they were more extensive and severe. We had just emerged from a harrassing and expensive war, which had greatly increased the public debt—had exhausted the resources of the country, and inflicted on her citizens extensive pecuniary injury. The Banks had suspended specie payments—the currency and exchanges were utterly deranged—confidence was destroyed and credit paralized: under such circumstances, our soil scarcely free from the pollution of the enemy, Congress decides on taxing the people to discharge the public debt of two wars. For this purpose, the tariff of duties of 1816 was adjusted, and was gradually increased up to 1828, when the Bill, so properly denominated "the Bill of abominations" was passed, establishing a yet higher rate of duties, and prospective ly increasing it.

In many instances, the tax was so high as absolutely to prohibit the importation of articles of prime necessity. The war led to the creation of our domestic manufactories, at the north, which were subsequently fostered and increased under the auspices of the tariff; and thither we were driven to purchase at high prices, those articles which an exorbitant tariff had expelled from our commerce. Other commodities which our manufactories were unable to supply, continued to import, because of their necessity; but, burdened with a tax which, never, I believe, before, in the annals of legislation, was exacted from a free people. Take for instance, the tax of nearly 2 cents on iron, 3 to 4 cents on sugar per pound, 20 to 25 cents per bushel on salt, 10 cents per gallon on molasses, and on all other articles of prime necessity, from 30 to 250 per cent., which certainly would never have been submitted to but for the plausible appeal to the patriotism of the people to pay the public debt.
To regulate and improve the currency and exchanges, and to furnish a safe depository for the Public Treasure thus rapidly accruing, the Bank of the United States was chartered. After struggling with the untoward circumstances which gave it being, it succeeded at length in realizing the objects of its creation, afforded a currency and rate of exchange, equal, if not superior to any ever enjoyed by this or any other country, and performed its functions as fiscal agent of the General Government, to the satisfaction of every predecessor of President Jackson.

But the operations of this unnecessary and oppressive Tariff continued to draw money from the many to the few, and for purposes other than the current expenses of the Government till 1836. The credit of the country was stretched to its utmost tension, and every means resorted to for relief. — The distress of 1819—'20 and '26, gave fearful warning of the coming danger; and but for the liberality and wise forbearance of the Bank of the United States, the crisis would have been much more calamitous. The relief afforded by the Bank, however, was but temporary and fallacious. The cause of ruin was to deeply laid and the drain continued to do its work silently, insidiously, but surely. The merchants were stimulated to increase their importations — speculation was fostered, and credit extended, with the delusive hope of removing embarrassments, originating in a trade burdened and overtaxed. The Banks lent themselves to the madness of the hour, their circulation was enlarged, their ability to sustain themselves diminished, and the destruction of the Bank of the United States completed the work of ruin. —

But not only was the period for impinging the Tariff most unpropitious, but the inducement for so doing (the payment of the public debt) most unsatisfactory and unwise. We were called upon by no principle of justice, of wisdom, or of patriotism to discharge that debt at that moment. It was a debt created by our two wars, and under peculiar circumstances. We entered the money market as a borrower — young and with impaired credit. Our institutions new and untried, and their stability often questioned. Capitalists availed themselves of all these disadvantages, and imposed upon us the highest premium for the use of their funds. It was a mere money arrangement, necessity on the one hand, and profit on the other, involving no one principle of patriotism or liberality.

The Reports of the Secretary of the Treasury show that
the Government was often most usuriously dealt by. We were then under no obligation to the public creditor to anticipate his demands, and it surely was neither wise, patriotic or just for any object, short of absolute necessity, thus to oppress an already exhausted and prostrate country.

Considered in a financial point of view, we are still more at a loss to understand the unnecessary haste of the Government in paying the public debt. A large portion of it bore an interest of 3, 4, 4½ and 5 per cent., and money, at the time it was discharged, was worth the full legal interest of the country, from 6 to 8 per cent. Drawing money from the people under such circumstances to pay to capitalists—many of them foreigners—was a financial operation, the wisdom of which may well be questioned. This tax, thus imposed, and thus collected and disbursed, from the many to the few, soon again sought investments in stocks—in factories, in bonds of merchants and speculators, at an interest of from 6 to 8 per cent. A very small portion however, found its way to the South. The high rate of interest in New York, and her great natural and factitious advantages for trade and commerce, presented attractions which we of this section could not boast, and most of the investments concentrated at that point.

It may not be unprofitable, and it is certainly interesting, to examine, for a moment, the enormous amount collected from the people in twenty (20) years by the demands of the Federal Government:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Say Public Debt in 1816</td>
<td>$120,000,000</td>
</tr>
<tr>
<td>Interest on half as reduced, at 5 per cent.</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>Surplus</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>20 y’rs support of gov’nt. at 15 millions per y’r.</td>
<td>$300,000,000</td>
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</tbody>
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Showing the extraordinary sum of $521,000,000 subtracted from the earnings of industry in 20 years to pay the Public Debt and interest; support the General Government and create a surplus. I have dealt in round numbers, without regard to fractions. It is sufficiently accurate for my purpose, which is merely to exhibit the astounding amount of taxes which is levied on the consumers of foreign merchandise, besides the extra amount paid on goods expelled from our market by the Tariff, which we had to obtain from manufactories of this country.

This disposition of this money in seeking the new invest-
ments to which I have alluded, added to a large line of dis-
counts by the various Banks, urged and stimulated to im-
provident expansions, gave a show of business and prospe-
riety, unparalleled in our country. But it was hollow and fal-
lacions. The people had been drained, weakened and im-
poverished by taxation, and they were unable to withstand
the re-action which awaited them.

President Jackson made a systematic attack upon the credit
system. He declared "that all who trade upon borrowed capi-
 tal ought to break." He attacked and put down the
Bank of the United States, and cast distrust and odium up-
on the issues of all Banks by his circular, requiring the pay-
ment for lands in specie. This gave warning to merchants,
Bankers, and capitalists, who with the instinct of self-pres-
ervation trimmed their sails to the coming storm—husband-
ed their resources—called in their means, and re-action and
ruin commenced. The Public Treasure had been deposit-
ed with a few of the local Banks; and with the hope of
healing the wounds which he had inflicted upon the com-
merce and credit of the country, the President determined
on the Pet Bank System. This he promised should answer
all the purp ses of the Bank of the United States, unattend-
ed with its evils and dangers. While the deposits continued
to accumulate, these promises seemed in the way of ful-
fillment, and the President congratulated the public on his com-
plete success; yet the re-action went on—a wound had been
given to public confidence which the healing powers of the
President could not reach. Produce was pressed into mar-
ket and the price declined—stocks went down—property
changed hands at reduced prices—the Banks curtailed, and
in turn were pressed for the payment of their debts—the de-
posites were withdrawn—a further curtailment was neces-
sary—no hope of relief remained—confidence was destroyed
—business paralyzed, and suspension followed with all its
train of bankruptcy and ruin. The local banks in their turn
were discarded and den unced as unworthy the confidence
of the government or people.

Thus have terminated a series of ill-digested and perni-
cious experiments—a vacillating policy of wretched expe-
riments, taxing to pay off the public debt and to protect home
manufactures. Establishing a Bank of the United States at
one moment, and putting it down as unconstitutional at the
next—creating a high protective Tariff to-day, and destroy-
ing it to-morrow—collecting a surplus revenue from the
wants of the people, patronizing, caressing, and stimulating into madness and folly the Banks of the States, then denouncing them for failing to accomplish what no rational being could have expected. They could not regulate the exchanges; and it was equal folly to expect that they could withstand the shock, which a flood of circumstances, beyond their control, drove upon them. They were compelled to suspend payments until time placed another crop in market to remit the balances of European creditors and to repair losses at home.

My confidence in our local Banks is not impaired. They have suffered with the country generally—been unfortunate—perhaps imprudent—but they are the arms of our credit system, and, with the improvements and limitations which experience has suggested, they are essential to us, and ought to be sustained. The Banks of this State, from a comparative examination of their condition with the institutions of the other States, stood, at the period of suspension, in a very favorable position; and I was impressed with the opinion that they, if any, could have sustained their payments throughout the pressure. But, their able managers, who knew their situation best, believed otherwise, and they followed the general example. They have again, with laudable alacrity, followed in the resumption, and now meet their payments in specie.

Soon after the suspension of the Banks, the Legislatures of several States were convened to arrest, if possible, the downward course of things; and to afford such relief as circumstances might demand. Under such respectable examples; and at the suggestion of many respectable citizens, I deemed it due to the people to summon the Council of State, to advise with me as to the course which it would be best to pursue. After viewing the situation of the Banks, and the wants of the community—a convention of the General Assembly was not deemed necessary. It was believed that no assistance could be afforded these institutions, consistent with the rights of the people, and that ample protection was afforded the community by the penal clause of the charters, allowing twelve per cent. interest, on refusing to redeem their notes.

The sympathy of our citizens with the sufferers of the times, even to the hunted Banks, is strong evidence of their liberality, forbearance, and right-mindedness. Demands were seldom made, and of very inconsiderable amount. Few
were found, Shylock-like, to require the pound of flesh—for the position of the Banks was looked upon as a calamity, rather than a crime.

The Bank of the United States having been put down by one President, and pronounced unconstitutional by the present incumbent; the local Banks having been denounced and discarded, no alternative, unfortunately, is left the President, but to devise some new system as the fiscal organ of the government. This has been announced to the public under the imposing title of the "Independent Treasury," and has twice been recommended to Congress, and as often rejected by that body, though composed of a majority of his partizans. They had the best sources of information, and ample opportunities to investigate the subject fully. It has certainly been very elaborately discussed at two sessions, and rejected under circumstances which would seem to demand the acquiescence of every republican, who holds the doctrine that a majority ought to rule. But it is not submitted to. Every exertion has been made, and is still making, by the immense influence of Executive patronage, to reverse this twice decided question. An appeal has been made to the people. The subject has been carried into our State elections, and the public mind vexed with it from the election of our constables to that of the Executive. It has been made the test of democracy itself. Grave Senators and honorable Representatives have taken the stump at elections, at barbecues and dinner tables, in defence of it. The cupidity of creditors has been appealed to in support of it. They have been invited by the Secretary of the Treasury to protest his own drafts on the Banks when specie was refused, in order to make them equivalent to specie, and available in the market, at a high premium, to pay custom-house duties. The government has been dishonored by her own officers for a petty reward of profit on the salaries they are receiving from her bounty. The honorable members of Congress were proffered specie, by a circular of the Secretary, to pay their compensation. With such inducements, incentives, and appeals, we would not be astonished to see the new device become the law of the land, against the dispassionate wishes of the people.

I understand the "Independent Treasury" to mean,—reduced to its naked proportions—the appointment of new agents by the government, whose duty it will be to receive the public dues from the people in gold and silver only;
keep it in safes and vaults and pay it out to the salaried officers and others, in coin only; rejecting the use of Banks as depositories, and their notes as a medium of payment, whether convertible into specie or not.

This measure I consider wrong in principle. No State government would be sustained in exacting from the people coin only in the payment of taxes, land sales, and entries; nor would individuals be tolerated in a course so odious and oppressive.

The employment of gold and silver only in all transactions between the government and people, if practicable at all, would be inconvenient and expensive. But the impracticability of conducting the business of the country with a specie currency only, is not desired. We must then necessarily have a mixed currency of specie and Bank notes. The one, according to the "Independent Treasury" doctrine, for the government, and the other for the people; and they must come in conflict. The refusal of the government to receive the people's currency, must depreciate it, or produce a constant drain upon the Banks, which must destroy their usefulness.

On the score of safety, the "Independent Treasury" is to me particularly objectionable. Few of us are ignorant that the officers of the United States are appointed more frequently from political considerations than from intrinsic merit, and too frequently from noisy demagogues, who are always the most forward and pertinacious applicants for office. The deposits in the local Banks must, from their nature, be more secure than with such officers. They are guaranteed by the capital of the Bank, and the watchful eye of self-interest is perpetually upon them. I speak chiefly in reference to the officers and the management of the Banks of this State, and from personal knowledge, and am very certain, that no Sub-Treasury can be organized, with which I would so confidently entrust my personal funds, as with our Banks.

But this Sub-Treasury scheme must increase the number of officers, and the patronage of the general government, already swollen beyond all proper limits. I have an insuperable objection to seeing the agents of the government spread over the States, with the control of money, or power of any kind, to operate on our habits, manners and feelings, or to influence our elective franchise. We have already a mint without coin—an arsenal without need—collectors, and
hosts of custom-house officers at all our ports of entry, and post masters like the locusts of Egypt. They form a phalanx which no patriot can contemplate without just apprehension, or think of increasing without dismay.

Some advocate the scheme, because, in its operation, it will be hostile to the local banks, and that, in their natures, they are antagonistical, and cannot exist together. Are we prepared for the destruction of our Banks, and with them of our trade and enterprise? Are we willing to witness a reduction in the value of our property, of one half or more? Destroy our Banks, and we will witness this, or the humiliating alternative of being sustained by foreign capital.

We are told that the Independent Treasury will relieve the South from the shackles of Northern trade—enable her to establish a direct intercourse with foreign countries—build up her markets—and unite the whole South in trade, interest, and feeling. Nothing, surely, was ever more fallacious. Did its Northern projectors originate it with this view, or do they now sustain it upon such motives? Hardly, gentlemen.

These shackles of Northern trade of which we have latterly heard so much, proceed from causes not so easily overcome. The North is much indebted to her natural advantages, but she owes more to the liberal employment of the credit system. This enabled her at an early period to commence a generous rivalry with European commerce and manufactures. This furnished her the means of ship-building—called her manufactories into being—improved her navigation—and constructed her roads and canals. These improvements soon re-acted upon industry—gave facilities to the farmer—encouragement to the mechanic—and employment to labor of every description. These objects (except commerce) were greatly fostered by the war; subsequently by the tariff, and afterwards by the money thrown into her circulation by the payment of the public debt.

Our course was vastly different; our energies were directed to the great pursuits of agricultural life. Always fearful of over-banking, we employed the credit system for no valuable improvement. Our trade was originally mostly with Europe. There we shipped our products and received in return manufactured goods to supply all our wants.—Gradually, however, our trade began to be transferred to the North. We began to find that there we could meet with foreign goods, imported in Northern vessels, and by North-
ern capital; which, added to their own manufactures of greater extent and variety, and actually cheaper in price than we had been importing directly, because they better understood the wants of our trade, had spare capital, and could adapt a small assortment to our convenience. Hence the transfer; but the North also consumes largely of our raw material, which renders the trade reciprocally beneficial to us.

Our merchants are a calculating and pains-taking class, depend on it, they have made their calculations in figures, and find their profit in a Northern over a direct European trade, or the present state of things had never existed.

The city of New York possesses natural advantages so greatly superior to any other port in the United States, that she has not only the trade of the South, but of nearly all the Northern and Eastern States, in a greater or less degree.

To build up home markets is certainly highly desirable, and of primary importance; but it cannot be effected by conventions. Their collected wisdom may devise the means, but they must be such means as have heretofore produced the same results. Such as have enabled the North to compete with Europe. We must extend the credit system; afford the means to erect manufactories, to build ships, to improve our navigation, open canals and construct turnpikes and railways, to improve and use our water power, and to work the mines of ores and minerals with which our State so richly abounds; and we must do what is of paramount importance, erect Seminaries of education, to qualify our children the better to improve our natural advantages, to keep the children of the rich at home, and avoid the extravagant expense and the uncongenial habits which they acquire abroad. We must encourage our own mechanics, and import nothing that we can make at home; and, finally, we must do as our brethren of the North do, stay at home ourselves, except when profit or business takes us abroad; and cease to spend our time in idleness and extravagance.

We should forbear to cultivate sectional and geographical feelings. There is danger in it. It is enough to keep the line of rights and attachments between the State and General Governments separate and distinct. The object of our compact was trade, friendly intercourse, and strength of numbers; and I should learn, with regret, the insufficiency of any measure that would tend to plant a bitter rivalry or angry alienation between the North and South. We have but
one peculiar Southern interest to guard, and that is sufficient to bind us together with chains of adamant. We look with confidence to the Constitution for protection there, and when that fails, the South, as one man, will know how to protect herself.

A circulating medium of uniform value, and in sufficient amount, is the great desideratum of our extensive and enterprising confederacy. It is the life-blood of the various branches of our spreading industry, of our agriculture, commerce, trade, manufactures and internal improvements of every description; and is rendered more essential to our welfare by the extent of our Union, the variety of our soil and climate, and of our people differing almost as much in wants, habits and manners. This all important circulation I apprehend cannot be supplied without the credit and protection of the Federal Government, exerted either directly in the establishment of a National Bank, or indirectly under proper regulations in favor of the Banks of the State.

The people very wisely gave to Congress the power "to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." But it would not be more unreasonable to restrict the country to the identical weights and measures furnished by the Government, though they afforded not one-tenth the supply required, than it would be to limit it to the use of the coin thus regulated for the receipts and disbursements of the General Government; if it was right to do so, the government should feel itself bound to furnish sufficient supplies both for its own and the people's uses.

The leading design of these grants to Congress, was to render what was before irregular, uncertain and deranged—certain, defined and uniform; otherwise there could be no precision, no uniformity, and but little justice in the collection of taxes and duties in the various sections of the Union. But the grant "to regulate commerce with foreign powers, with the States and Indian tribes," indicates very strongly the intention of the framers of the constitution upon this subject, and their sense of the necessity and propriety of regulating the currency, be it what it may.

A National Bank being considered unconstitutional by the present chief magistrate, cannot of course, be established during his term of office, unless a constitutional majority can be obtained to control the veto power, of which, I confess, I entertain no hope. The necessities of the country
have twice called such an institution into being, and under the auspices of our most enlightened and patriotic statesmen; and it fully realized the expectations of its friends, and supplied the wants of the country. Still it has been made the stalking horse of the demagogue, and made to bear upon all our elections, from the elevated chief magistrate to the constable! and yet so impressed was the country with its utility and necessity, that despite the popularity of the late President, who was opposed to it, it was re-chartered by Congress by decided majorities, and fell a victim to the veto power. The constitutionality of its establishment seems to be a question never to be settled, and if the scenes of its re-charter are always to be acted over, and the public mind excited and disturbed by the misrepresentations and agitations of corrupt partizans, it may well be questioned whether the advantages of such an institution, highly as I might value them, are not counterbalanced by the improper uses to which its enemies basely prostitute it. Under such circumstances, with no national currency, and our exchanges deranged, with no hope of action by the general government, it becomes our duty to search out a substitute for the National Bank.

My preferences are with the Banks of the States; and I ask your attention, and your candid consideration of my reasons. Their permanency is an important recommendation. The first chartered Banks in the country are yet in existence, and in good credit, and no one, within my knowledge, of respectable standing, has ever been refused a re-charter, when applied for. National politics have never entered into their management; and their contractions and expansions can never affect the business of the country, like a National Bank of large capital, ramifying into many States. A considerable reformation, alteration, and improvement would be necessary, however, in order to make the local banks meet my views. They are at present too numerous, their capitals, generally, too small, and the variety of their notes so great, that it is almost impossible to fix upon the memory, the characters of the signatures and vignettes, so as to avoid the danger of forgeries. Some of their locations are inconvenient as depositories; it will inevitably lead to rivalry and dissatisfaction, jealousies, and, more than all, to a depreciation of the issues of the rejected Banks. I propose then, that our State lead the way in the reform of our Banking system, and respectfully recommend the chartering of a
Bank with a capital of ten millions of dollars, allowing the existing Banks to subscribe all their capital stock into it.—The remaining stock to be taken by individuals; into the details of which it is not now necessary to enter.

The State to transfer all its stock and funds to the Bank, and to offer its services to the Federal Government as a depository of its fund; the safety and forthcoming of which in the kind of money deposited, to be guaranteed by the State in such manner as shall be satisfactory to the General Government; and in the event of the Bank being unable to meet the payment of the deposits of the General Government, the State to issue stock for the amount in favor of the Government, bearing 5 per cent. interest, until the Bank is able to resume payment. For these services rendered to the General Government—the notes issued by the Bank to be received in payment of all its dues; and, on the further consideration, that the other States prepare their Banks in like manner, and for like purposes, namely, That each State and Territory shall designate by law one Bank, and more, if its trade and necessities require it, of capitals not exceeding ten, nor less than two millions of dollars, as its own depository and the depository of the General Government; and, if requested by the President of the United States, other banks for that purpose; a second bank, however, in no case to be chartered or designated, until the capital of the first, which shall be the maximum amount, shall be entirely taken; and so on to third, fourth, and fifth, when necessary. The notes of all the Banks thus made depositaries, to be engraved on similar paper, and to resemble each other as nearly as possible. Each State shall designate to Congress the particular Bank tendered as a depository, and the acceptance by the General Government shall be under an act of Congress, and all their intercourse regulated by law. If any State refuses or neglects to come into the arrangement, the money collected in such State by the General Government shall be transferred to a depository of some other State, nor shall the money collected in the refusing State be received in any thing but coin.

Thus fostered—sustained and patronized by the General Government and guarded by the supervisory power of the States which guaranteed their fidelity, these institutions, I have no doubt, would afford as near an uniformity of currency and of exchange as by any possibility can be arrived at.

Under such high sanctions too, capitalists would be induc-
ed to invest their funds in such stocks with alacrity and confidence. And the notes of these institutions, from the credit reflected on them, would circulate so freely and extensively as to enable them to supply the amounts necessary for all the legitimate uses of the country.

An increase of banking capital in our own State is certainly necessary to meet the wants of industry, and to perfect the works of improvement already commenced, to say nothing of other works equally necessary to be made. But unless some arrangement can be effected to convert the unnatural hostility of the General Government into favor to the State Banking institutions, you may charter Banks, but capitalists will not be induced to hazard their means in the stock.

To borrow money, as some of the States have done, in order to furnish capital for their Banks, is idle. If the Sub-Treasury is established, Bank notes instantly become discredited, or their sphere of usefulness is made so limited that they will find it hazardous, if not impracticable, to loan out more than their capital, and their profits will be insufficient to sustain them. The suggestions I have made to you, are the results of an anxious reflection upon an intricate and all-important subject, and it affords the only probable outlet which has occurred to me off extrication from our financial difficulties. I have attempted nothing more than a general outline of the plan; its details, should you deem it worthy your consideration, can be arranged at your convenience.—

The subject is so important, that I must crave a few moments' indulgence in making a further brief illustration of it. I have said that the intercourse between the Banks and General Government must be regulated by law. There must be no controlling discretionary power in the officers of either government. We have already seen our institutions seduced into measures, for which they were subsequently condemned by the authors of their errors. The States all have, this State at least has, a deep pecuniary stake in two of her Banks and a yet higher interest in all, in the character they sustain, and in the facilities they afford the farmer in selling and the merchant in purchasing commodities, and we must not allow them to become the sport or the victim of any power. They hold their rights under the same sacred guaranties by which our lands and other property is held, and any invasion of them should be promptly and indignantly resisted. They must not be made
the tools of party or the victims of demagogues, and hence, I would have their intercourse with the government strictly regulated by statute.

I have limited the capitals of these Banks at not less than two nor more than ten millions of dollars. No State or Territory will require less than the minimum and few should exceed the maximum amount. The one is large enough to ensure respectability and usefulness. The other could not exert such power by contraction or expansion of its discounts as seriously to affect the business of the country or the value of property; and guarded and restricted, as I have proposed, there could be no danger to liberty or the Union.

The responsibility of the States is proposed in order to afford the most unquestioned security to the depositors and note holders, and to remove all distrust from the General Government that it may embrace the proposition at once and set this distracting question forever at rest. The States would incur no hazard in their guaranties, as no Bank of respectable size has ever failed to pay deposites and issues, however their stockholders may have fared. But the State is to retain the supervising power, and may so exercise it as to make her security as perfect as she desires. In cases of emergency, we have seen several of the States promptly coming forward (as they should do when any important interest is involved,) to the relief of their Banks by the loan of their credit and funds. Prevention, however, is better than cure, and the plan proposed, will, I think, obviate the catastrophe. The guaranty having been given, the issuing of the stock merely points out the mode of settlement in case of failure, and after all it is but a financial arrangement, giving time to the Banks to wind up their affairs, if necessary, and protecting the people from a rapid and ruinous pressure in the collection of their debts.

The large size of these institutions and the enhanced value of their issues would soon drive out of circulation the notes of the lesser Banks, and compel them to wind up by limiting their circulation and returning it on them for specie. So that in the end the great evil of numberless small Banks with insufficient capital, would be remedied, and the whole number of Banking institutions in the country would not exceed that of the United States Bank and its branches. The use of similar kind of notes and the issuing them only from the principal Banks would impress them upon the memory—render the signatures and general character of the bills as well known as those of the late United States Bank, and thus facilitate their circulation and diminish the chances of forgeries.

The receivability of these notes in all the dues of the General Government, throughout the Union, would render it the interest of the Banks to keep exchanges at fair rates, to prevent the col-
lection and accumulation of their notes in large masses at points where trade has a tendency to concentrate, and the States may interpose statutes, (in the stead of competition,) to guard against over issues. Indeed, the sphere of competition, if there be any good in it, will only be enlarged. Instead of the several Banks of the same State vying with and harassing each other, the rivalry will be between the Banks of the different States; and they will more effectually and uniformly keep each other in check and order, whilst at home we will have the full use and concentrated vigor of all our capital.

A serious objection urged against a Bank of the United States was, the large amount of money wielded by one set of men, enabling them to contract or expand the currency, and then to operate upon the business and politics of the country. This objection, in my estimation, holds much more strongly against the mammoth institutions now becoming common at the North, and free of the restraints I have proposed. The Bank of the United States was responsible to, and controlled by, Congress for her acts in all the States. But these institutions, holding charters from the States, can only be controlled by the power from which they derived their being, and this power will never be exerted except for acts injurious to their own citizens and improper within their own limits. Beyond their limits, in other States, they are almost irresponsible, and their conduct will be marked by the wanton abuses of the most unrestrained despotism. If you require illustration, turn to the Pennsylvania Bank of the United States dealing in cotton and local Bank stocks, appropriating almost exclusively the trade of the great staples of the country. Pennsylvania either could not, or would not control her; and without some further restraint than that of the States, we will again see the legitimate business of our merchants wrested from them, and the country driven to deal in a depreciated currency, and the occupation of the merchants superceded by the agents of the Bank.

If facts were necessary to demonstrate to you our urgent need of more Bank capital, I would direct your attention to the European markets, overrun with our applications for loans. I would ask you to compare the amounts profitably employed by our sister States, possessing natural advantages requiring improvement, infinitely inferior to our own, with the amounts employed by us. New York, a little short of our territorial extent in 1790, had less number of inhabitants; she adopted the use of Banks, and we did not, for a number of years. In 1800 she surpassed us in population;
she increased her Banks commensurately to her wants and improvements—we did not; and she now numbers three times our population. Besides other and valuable improvements, she has finished—commenced and chartered Canals and Rail Roads 3583 miles—costs nearly ninety millions of dollars. For a more particular exposition of the advantages derived by that State from her appropriations for Internal Improvements, I submit to you the documents marked C. and D., reports of committees to the Legislature of that State, communicated to me in my Executive capacity.

For the benefit and protection which this Bank will enjoy from the State, it should make a subscription to the Yadkin and Fayetteville Rail Road stock of half a million of dollars.

Agriculture, as the basis and support of all other interests, is the most important, and merits your most deliberate consideration. The landed property of our State is held in too light estimation, and our attachments to the soil hang too loosely about us. The places of our birth and early recollections—the theatres of our manly struggles and mature associations; the very grave yards of our fathers inspire no abiding attachments, but are sold and transferred with less emotion than are the brutes that graze upon them. Prematurely worn out by a loose and ruinous system of culture, our lands are parted from without regret, and seldom descend to the third generation.

This indifference arises, no doubt in part, from the abundance of our land and temptation presented by richer soils, in climates more congenial to the favorite production of the day, Cotton; but, in a greater degree, to our laws, affording to this primary and paramount interest, no preferences or advantages over others. It is your duty, as Legislators, to investigate the causes, and to provide the remedies, if in your power.

Might not this end be attained, (in part at least) by securing to every family in proportion to their number, certain portions of land immediately around and including their dwellings against all claims—subject during the life of the owner, widow or unmarried daughter, to their control and support, and afterwards to descend to the eldest married child, who has offspring, and so on forever. Liable, however, to be sold at all times by the proprietor, with the consent of his wife. By this means, an asylum would be afforded under every contingency for the family; and widows and orphans shielded from the degradations and sufferings of want. Owners of estates would here find inducements for systematic and permanent improvement—emi-
grants to purchase and locate among us, filling up our too sparce population, and enhancing the value of our too depreciated soil.

Much may doubtless be effected by an improved system of husbandry, under proper stimulants and inducements; if we turn for a moment to the improvements successfully achieved in Massachusetts, with decidedly inferior climate and soil, our doubts will be removed. She greatly outstrips us in our peculiar interests. In proof of which, allow me to refer you to an agricultural survey recently made in that State, marked B., and so valuable in my estimation as to induce me to recommend that a similar survey be authorised in our State.

But gentlemen, it is only to a liberal and well digested system of Internal Improvement, that we can look for the regulation and permanent prosperity of our State. Our towns are small, our markets distant and difficult of access—our water courses for purposes of navigation, naturally indifferent and wanting improvement, whilst our infant manufactories are struggling for existence against the matured and mighty workshops of Europe and New England. We have no branch of enterprise sufficiently advanced and powerful to render assistance to another. It is, in truth, the race of imbecility and poverty—the waste of noble energies in detached and single handed enterprise. Furnish but capital, and means of Improvement, combine all our resources, and direct them judiciously to the development of our advantages, and you will find that we have the materials of a great and wealthy State. Our water courses are incomparable for propelling machinery.—The earth teems with inexhaustible mines of rich ores and minerals, and our population characterised by industry, prudence and economy. But temptation is around them, the stimulants to emigration are almost irresistible.

Most of our sister States are engaged in magnificent schemes of improvement, offering high wages to the mechanic and laborer, whilst the South West invites the Farmer with her fertile paradise. Have we then any hope, any alternative but in a continued and vigorous effort at general improvement? We must ameliorate the condition of our people, and we must stimulate their home enterprises, or be content to lose with their wealth our better population. The system of improvements adopted by our last Legislature, has given employment to many, and a show of activity and business producing a most happy tendency. I believe it is only necessary to push forward these works, and to originate others equally and obviously necessary to change the whole face of affairs, and give a new character to the State.

In April of last year, the Wilmington and Raleigh Rail Road Company applied, agreeably to law, for the subscription of the State of 2-5 of its capital. This subscription was made by the Board of Internal Improvements, and the
first instalment was paid. Since that period, two other instalments; the last in the past month of October have been claimed and paid, making the total sum of four hundred and fifty thousand dollars, paid by the State, and on the part of individual subscription, five hundred and sixty-six thousand five hundred and eighty-seven dollars and fifty cents. I will here take occasion to remark, that, by the law, as it now stands, it will be difficult for the company, without acting with great harshness towards some of their individual subscribers, to claim the fourth instalment from the State. The law requires, that individual subscribers shall first pay their instalments of 25 per cent. before the company can claim the same instalment from the State. As a matter of caution, to prevent the use of the State's funds without a faithful payment on the part of individuals, the rule might well be applied to one or even to two instalments, but it would seem to be more just that the payments should be made "pari passu." The company, however, have collected 75 per cent. of the stock. The collection of the last instalment from individual subscribers, must necessarily be attended with increased difficulty; and if even one share remains unpaid, the company cannot claim that instalment of the State, which may embarrass the company and check the progress of the work. Many cases may arise where it would be unjust, and exceedingly unpleasant, to enforce payments from individuals who had faithfully paid up 75 per cent., either by a sacrifice of the stock, or of other property; and the company will certainly be driven to this alternative, which, I am persuaded, was neither the wish nor the intention of the State, without further legislative action. I would recommend therefore, as an act of justice, the passage of a Resolution instructing the Board of Internal Improvements to pay over forthwith to the company, the fourth instalment out of any funds in their hands.

In patronizing this work, it was presumed that the General Assembly intended to be governed by principles of justice and liberality. And it is upon these principles, that the Board of Internal Improvements have regulated their intercourse with the company. The work has been prosecuted with untiring vigor. Ninety miles of the road are now in use, and continued by stages and steam boats of the best description, so as to afford an admirable route of travelling from the Roanoke to Charleston. The remainder of the road is under contract, and will be completed next year.
The other roads which were projected, and for which the General Assembly consented to subscribe a like proportion of the capital, have made no application for the State's subscription. The reason has never been communicated to the Board of Internal Improvements, nor to the Executive. It may be found, however, I presume, in the inability of the companies to fill up the subscriptions to the required amount, although to one a considerable subscription was made. To the other, perhaps nothing.

Doubtless the citizens on the route of the Cape Fear and Yadkin Road, and those interested in its accomplishment, strained every nerve to bring about so desirable a consummation, and though not successfully, still the merits of the route are not impaired, and the interest of the State, and particularly of its western section, demand, imperiously, its completion, to connect that rich and valuable interior with a market, and a sea-port within our own State. At my particular request, Major McNeill, the chief engineer, who surveyed the routes of the Cape Fear and Yadkin Road, favored me with a sight of his report, which proved not only the practicability of constructing the road, but at a cost which can be remunerated to the proprietors. I would, therefore, recommend a renewal of the charter, empowering the Board of Internal Improvements to subscribe on the part of the State, for three-fifths, or even, if necessary, three-fourths of the stock, so as to insure the accomplishment of the work. Nay—so important do I consider it, that I had said for all the stock, if necessary, but for the paramount necessity of associating with the State, interested and judicious citizens to superintend the details, and attend to the execution of the work, which is certainly within the means of the State, probably without the necessity of borrowing. Should the Bank to which I have referred, be put in operation, and make to this road the subscription of half a million dollars, and should the fourth instalment of the surplus be received in January next, which is probable, as the law directing the distribution has not been repealed, amounting to $477,919 13 cents, with the proceeds of the sales of the Cherokee lands, say $330,000 being appropriated to this purpose, with what individual subscription may be obtained, the funds would be provided. It appears to me as a matter of right and justice, to give the proceeds of the Cherokee land sales to opening a communication to that section of the State whence they have been derived.
There are other works of no less importance, in which I had almost said the salvation of the State requires that she should promptly and vigorously engage. On our west an effort is making by South Carolina to cross our State by a rail way, to secure to Charleston the produce of that fertile region, whilst the establishment of her South Western Bank—with a branch in our limits, not only ensures the success of the first enterprise, but, by superceding the circulation of our Banks, destroys our currency, and controls our credit system. The language of the friends of this twelve million bank is, "that it will be to the South Western States in currency and exchanges, what the Bank of the United States was to the Union." Should South Carolina succeed in carrying out her views as to the currency, and as to a South Western Confederacy, (or league,) our fears cannot be bounded by mere pecuniary loss. We should be driven to trade with Charleston, and to cherish sectional feelings, until our attachments to the Union itself would become impaired. We cannot serve two masters with equal fidelity and attachment. Should no counteracting measures be adopted on our part, I should fear that she would succeed both in directing our trade and superseding our currency.

The Bank I have proposed would remove the latter apprehension, and to remedy the former, I would respectfully propose the construction of a Rail Road from the head of tide water on the Cape Fear River, commencing in Bladen county, running west and flanking South Carolina as near as possible, passing through Robeson, Richmond, Anson, Mecklenburg, Lincoln, and into Rutherford; and, if experience justifies it, further still, into Tennessee, and to the shores of the Mississippi.

This road would intercept the produce made on the north of its line—draw no inconsiderable quantity from the contiguous districts of South Carolina, and deliver it to a market of our own on the Cape Fear. The travel on this road I have no doubt would be considerable. Persons on the Louisville, Cincinnati and Charleston road, bound north, would unquestionably take this route, avoiding thereby two hundred miles of travel, and a sea voyage. The country, from the Cape Fear to Rockingham, in Richmond county, on the Pedee, some eighty-five or ninety miles, presents the best facilities for a rail road of any in the States. Its surface is level, and abounds in timber of the first quality—there is but one stream to cross—Lumber river—and that of no magnitude, in the route.
This road would be of immense importance to Wilmington, on the Cape Fear, already one of the best markets in the world for lumber, and for furnishing cargoes of naval stores, adapted to the West India markets. The return cargoes of West India produce, redundant for the hitherto demand, would furnish supplies to the interior on the best terms.

The Cape Fear river is navigable for any size crafts to the point indicated as the starting point of the Rail Road, and below Wilmington, as far as the outlets to the ocean, has been, and is now greatly improving under the operations of the United States. Its depth, breadth, and straitness have all been increased, and it now affords full thirteen feet of water on its worst shoal, which is progressively deepening. The new inlet bar, it is confidently believed, from observations upon it, is capable of being readily and permanently improved; and, as this comes within the acknowledged province of the Federal Government, it is hoped she will take speedy and effectual measures for the accomplishment of so important a work to a State that has asked and received so little at her hands.

Improvement in the eastern section of the State also demands our consideration in an equal, if not superior degree. The whole Albemarle country, embracing some 20 counties, has a dangerous and inadequate outlet, and for this reason has been driven to trade with Virginia by the use of her rail and other roads, and of one of the most inconveniently located canals possible. The small vessels which navigate the water courses of this section of country, are compelled to seek an outlet at Ocracoke, some 100 to 200 miles south, when their destination generally is north.

Col. Kearney, United States Engineer, who has recently had charge of a survey of that county, reports that Ocracoke Inlet is closing, and expresses a belief that ere long it will close entirely; in which event, vessels will be compelled to seek an outlet still farther south, through the sound at Beaufort. This of course will throw our trade to a still greater extent into the markets of Virginia. Can we submit to this?

This section is composed of lands of the highest natural fertility, but it is so level, that to render it fit for cultivation, it requires the most expensive ditching and canaling. This defect, in a country where land so much abounds, and capital is so limited, has been the cause of its neglect.
The difficulty of the navigation of the Sound and of the outlet to the ocean is no doubt a superadded cause; but, remove these—and there is no doubt that these lands will become the garden spot of the State, instead of a wilderness of worthless land and a fertile source of pestilence and disease.

Nagshead, at the foot of the Albemarle Sound, seems designed by nature for the outlet. It is formed by a very narrow strip of beach, which divides the sound from the ocean, and which is of very little elevation above high water mark. It has often been surveyed by very distinguished engineers, and for the practicability of opening it, I beg to refer to their reports. The very circumstance of its having been so often surveyed, and so often alluded to as the subject of improvement, proves the value and the practicability of the enterprise. It is difficult to explain why it has not before been undertaken. The reason may perhaps be found in its magnitude as a State work, and to the impression that it should and would be executed by the general government, as coming properly within the class of works belonging to it. It is now too essential to us to be longer delayed, and must be accomplished by some power.

Nagshead is greatly more eligibly situated for an outlet, if Croatan Sound was closed, than was the new inlet to Cape Fear, which was opened within the recollection of persons now living, and has already fourteen feet water and gradually improving.

The Albemarle and tributaries, probably discharge five times the quantity of water which the Cape Fear does, and its course is directly for the ocean, until it approaches some hundreds of yards, when it turns off at right angles, and seeks an outlet one hundred miles distant at Ocracoke.

The Cape Fear pursued a similar direction, and nearer the ocean to about the same distance, a similar beach intervening, then turned off less abruptly and found an outlet (the main bar) in 10 miles; and at the turn off a storm washed over the beach and cut out the new inlet. The Croatan sound intercepts the water and draws it away before reaching Nagshead. Closing that sound, it appears to me, would force the water on Nagshead in such a body and power, and with some slight assistance by cutting the strip of beach to give it a passage in the first instance, as would make the outlet.

This, however, is a matter for the science of engineering. That the work is practicable, all have agreed—that it ought to be accomplished, none will deny, who will reflect upon its
immense importance to the State, both as to character and profit.

Congress in 1832 yielded the power to the State to impose a tax on all vessels which might pass through an outlet to be made at Nagshead. The undertaking is evidently one which belongs to the General Government, where the power is lodged to regulate commerce in the States, and because it would be a source of revenue to her.

It would be of more consequence to trade, industry, and commercial enterprise, to say nothing of its greater cheapness, than the Delaware Breakwater, and many other works which have been promptly undertaken by the General Government.

From the Chesapeake to Ocracoke, a distance of from 200 to 300 miles, there is not an inlet or harbor for vessels, driven on the coast by stress of weather—under such circumstances a dull sailing cannot be kept off, and the consequence is, that the coast is lined with wrecks and covered with the graves of our seamen. Should Ocracoke close, as anticipated by Col. Kearney, the inaccessible coast is increased some thirty or forty miles, and with it our maritime dangers and losses.

The public prints in Virginia have already directed the attention of her statesmen to the feasibility of drawing the trade of our State, even as far as the Ocracoke country, to their markets—to seizing upon and stripping the carcass, whilst the limbs are yet quivering with life. Shall we submit to this? Drained by South Carolina on the one hand, and by Virginia on the other, can we exist with honor or profit? Shall we not rather play back upon them their own game? The rail road, from the head of tide water on the Cape Fear, flanking South Carolina, may remedy our humiliating position in the one instance, and the opening an inlet at Nagshead in the other.

Some twelve hundred vessels now cross the Ocracoke bar annually; and produce, of the value of one million of dollars, passes through the canal, besides immense quantities in other directions to the Virginia markets. Not only all this trade, embracing the whole of that in the Albemarle country, but a large amount from several counties of Virginia lying on the tributaries of our water courses, would seek an outlet through our state by the opening of Nagshead, and go to build up a market in its neighborhood, equal, if not superior, to any in Virginia.
A survey and estimate of a ship channel from the Neuse to Beaufort, would afford the necessary information both of the practicability and cost of a work to relieve the navigation and trade of that section of country. The outlet at Nagshead would have some beneficial influence here, with the use of the sound, and a more direct communication by a rail road to the town location on the Albemarle.

The selection between the rail road and ship channel would be decided by the information to be acquired by the survey and estimate.

It is very evident that the trade of the Cape Fear cannot be carried to the Albemarle, and vice versa. Two points will therefore become necessary, at which to locate our home markets, and to these all our roads and other improvements of navigation should be made to look and concentrate.

If roads should be located, running from the ports and markets of Virginia and South Carolina, through the interior of our State, it is very clear that all the produce and trade above such a line of road, would be carried to those markets, dividing our state horizontally, the upper from the lower part, and virtually transferring the upper portion to our sister States. They getting the substance, we retaining the semblance of a State. But, if the figure be reversed, the apex of the angle resting on our own ports and markets, running its legs into our rich interior north and west, the effect would be to concentrate our wealth and resources within our own limits.

Let Wilmington be one point, with roads running to the north, the direction of the Wilmington and Raleigh Rail Road, and to the west, the direction of the roads herefore recommended, and she must eventually, at least, receive the produce and trade of those sections, and commensurately increase in size and importance.

Let a market town, at the head of the Albemarle, if we succeed in opening Nagshead; or at Newbern, if a ship channel can be made to Beaufort, be the other point, and similar roads resting upon it, will give to the trade of the country through which they pass, a similar direction. And the intersection of the northern road from Wilmington, with the western road from the point on the Albemarle or Newbern, would lay open an intercourse between all parts of the State. The transportation of troops in the time of war, to the points of invasion and attack on the seaboard, with rail road facility, would be of incalculable importance. The transportation of the mail to our commercial points, adds no little to the value of such roads.
The construction of a turnpike road from Raleigh via Chapel Hill to the west, has been spoken of as highly desirable. On so rough and broken a route, I am inclined to believe that its cost would be more commensurate with its utility, than that of a rail road. And if a rail road should not be constructed from Raleigh intersecting the Wilmington and Raleigh rail road, which is highly important, I should recommend a continuance of the turnpike on that route; ultimately to be continued to the Albemarle or Newbern, the selected point for a market town in the east.

Home markets for consumption would naturally spring up along the line of improvement, and home markets for exportation and importation on the seaboard. The valuable results of this state of things, will be the establishment of common schools, by the increase of the population and wealth of the State; the bringing together the citizens of remote districts into an intercourse of trade and friendship; the removal of sectional and geographical jealousies; and the assumption of that elevated position among our sister States, to which every honorable incentive impels us.

The currency of the State is intimately connected with the subject of domestic markets. The essential requisites to our currency are, that it be adequate to the exchanges of commodities into a circulating medium, and that it be so used.

As almost the whole of the agricultural products of this State are sold in the markets of other States, it follows that the money paid for these, consists principally of the currency of the States in which sales are made—such currency is put in circulation even in this State, to the exclusion of our own—but when merchandise is purchased in foreign markets for consumption here, and paid for in the currency of this State, it is brought back for redemption in specie. Thus, by this operation, the circulation of the currency authorised by this State is restricted between the smallest limits—if, indeed, it can be properly said to have any circulation at all.

Home markets, in which our people could both buy and sell, would permit the circulating medium of the State to pursue its appropriate function, without embarrassment. Having no foreign rival to struggle against, the amount might be safely increased to the extent required by the various wants of the community—it would be kept in active employment, and be absorbed in domestic commerce. Without home markets, its amount must necessarily be fluctuating and uncertain, because depending on causes beyond the control of the agents authorised by this state to supply it.
I know that to accomplish these works, and to carry into effect the system of General Improvement I have proposed, necessarily involves the expenditure of a large amount, and I know too that our people are too poor and too sparsely spread over a large territory to enable us to command the means at once from our private resources. We have but one alternative, and that has no bugbear terror to a mind of enlarged and patriotic views; I mean the employment of the State's credit in foreign markets. In England money is abundant, and may be borrowed on State stocks on excellent terms, say from three and a half to five per cent. interest. This is a most fortunate conjunction, and may never happen to us again. Wars destroy such opportunities, and are of such frequent occurrence in Europe, that they may soon break out and rob us forever of the golden moments which seem beckoning us onward to prosperity and improvement. The credit of the State is all that is asked or that is required. It will involve no taxation, for if the works should be as valuable as I believe they will be, the profits arising from them will not only pay the interest of the debt, but the principal also.

I have already shown how much the present generation has done for posterity in the privation of two wars, and in the discharge of the immense public debt created by them—in the construction of forts, the building of vessels—and other matters of consumption—draining and exhausting the means of the citizens and making the country poorer. It is now time that we looked to the permanent improvement of our beloved State; here the case is quite reversed. Money borrowed and judiciously applied for this purpose, twice blesses the people: in the disbursements first, and in the value of the improvements afterwards.

Gentlemen, we have no choice in this matter. Our course must now be onward, or we must sink into insignificance and ruin. Our sister States are up and doing; they are pulling us at two of our extremes, drawing from us the life-blood of our existence; and unless we act, and act efficiently we become the humble tributary, a mere Province of our neighbors. Energy and enterprise alone can rescue our trade, redeem our commercial degredation, and place us in that elevated and appropriate position which it becomes us to occupy in the sisterhood of Republics.

Cast your eyes on the surrounding States, and you can but contemplate the results of their energy with delight and admiration. Their canals, their rail ways their factories, and high state of agricultural improvement, rival the best and most early settled countries of the world; whilst their moral and intellectual advancement has been stimulated by, and kept pace with, their physical improvement.
If we are unmoved by facts so striking—if illustration so practical and so decisive, fails to convince, and to induce immediate and efficient action, argument is in vain—the cause is lost—the State is doomed—and the hopes of our Patriots’ sons blasted forever.

A topographical, geological and minerological examination and survey of the State, is considered highly desirable. The minerals and ores are believed to be incalculably valuable, and the limestone and marble which might thus be brought to light, would benefit the farming interest beyond the cost of the undertaking.

The Literary Board employed C. B. Shaw, Esq. Engineer, to superintend the draining of the swamp lands; surveys have been made of a large tract in Hyde county; two canals located to Pungo and Alligator Lakes, and small portions of them put under contract. Difficulty has been experienced in obtaining bids for contracts, or more progress would have been made on the work. The law confined the Board to contracts only. If the employment of hands had been within their power, very probably more would have been done. In season, a report more in detail will be submitted by the Board on this very important subject.

The important subject of Common Schools was entrusted to the Board, that they might digest some system applicable to the crying wants of the State, and they have given it most anxious consideration. A variety of laws and systems have been politely furnished by the Governors of the States, to aid in the prosecution of this work. The result will also be communicated in season. A considerable fund has been set apart for this purpose. In Bank Stock, $1,020,700. In Rail Road Stock, $600,000, as soon as the last instalment of the State’s subscription has been paid. Of the surplus—$200,000, for draining swamp lands; $61,654.11, in cash and notes on hand; $38,500 stock Cape Fear Navigation Company; $25,000 in Roanoke Navigation Company; making the sum of $1,939,851.11, besides the income arising from entries of land, license to retailers of spiritous liquors, and to auctioneers, and the swamp lands not granted to individuals before 1836; which will probably yield an income of $120,000 to $150,000 per annum; and would seem to warrant a commencement of system, which indeed is all that is at present required or practicable.

The State is utterly deficient in statistics from which to draw accurate information, not only upon this, but upon all other subjects. I am very certain however that teachers could
not be procured for any extensive system, and as a deficiency of this class of useful individuals is a matter of complaint and regret in the oldest and best educated States of the Union, we could not draw them thence if desirable. We should adopt, in the first place, some plan to remedy this evil. Two modes have presented themselves—either the establishment of a school in some central position for the education of teachers, or an arrangement with the University by which such youths should be instructed free of charge, as would agree to devote themselves as school masters to the State for a term of years. The employment of a permanent Commissioner to superintend this branch of the service, will probably be necessary. He may be employed for the present in obtaining all the information in the State and elsewhere, necessary to proceeding with skill and effect.

The Constitution has given to the Executive the high perogative of exercising clemency; which it is his duty to do according to the best of his judgment. To render this duty the more valuable to the community, he should be placed in possession of full and accurate information of the offence and punishment, which is not now the case; such information is brought to his notice by petition and representation drawn, by partial or prejudiced hands, and I have reason to believe frequently destitute of truth. To refuse the consideration of such, however, on that ground and suffer a human creature to expiate his crime with his life, when a possibility of innocence existed, would be unjust to the power with which he has been entrusted and painful to him. To remedy this uncertainty, a report of all the State prosecutions by the presiding magistrate of all cases of conviction under the seal of the Clerks, should be made to the Executive immediately on the adjournment of Court, and before the execution of the sentence; from which source valuable information could be derived, in which the State is deficient on all matters.

The communication of the Hon. R. M. Saunders, a Judge of the Superior Courts of Law and Equity, herewith submitted, marked E., presents another defect in the law, to which I beg leave to call your attention.

Soon after the close of the last session, in obedience to an act for that purpose, Gen. S. F. Patterson was commissioned to redeem $300,000, the stock of the State issued in 1835, which duty he performed agreeable to law, and the bonds have been handed to the public Treasurer. On observing that Congress had appropriated thirty thousand dollars to pay the claims of
this State for military expenditures during the last war, I com-
missioned Wm. II. Haywood, Jr. Esq. to make the settlement. I am happy to inform you, that he succeeded in doing so, and received the amount appropriated, in discharge of the claims. The money has been paid to the Public Treasurer. His Re-
port will be made at an early day.

In obedience to an act of the last session, directing the ap-
pointment of a surveyor—commissioners to superintend the surveying & selling the recently acquired lands from the Cher-
okee Indians; the appointments have been made, and the duties incidental thereto, performed.

The Report of the Commissioners of sale will be communi-
cated at an early period.

Commissioners were also appointed to superintend the trans-
scribing and printing the Revised Statutes, which duty has been performed; copies delivered agreeable to law, and the remaining number placed in the hands of Messrs. Turner & Hughes, of this place, for sale for the State.

A set of weights under an act of Congress has been received from the Secretary of the Treasury as a standard by which to regulate those in use in our State, which will require Legisla-
tive action. The importance of co-operative uniformity in all matters relative to commerce, trade, and intercourse of the different members of the Union, is too obviously necessary to need further comment at my hands, than has been bestowed on the currency and exchanges.

A compilation of military tactics, has been received from the Major General in chief, for the purpose of rendering the exercise of the Militia uniform, which will require your atten-
tion.

Six pieces of field artillery complete, and five hundred and ninety-seven muskets, the quota of 1837 inclusive, to which the State is entitled from the United States, have been received and ordered to be stored in Wilmington until disposition should be made of them by some action on your part.

The quota of 1838, of muskets, the ordnance department has requested to be informed if the State was desirous of converting in part, or the whole, into any other species of arms. The com-
munication is herewith submitted, marked F.

The Executive is unable to advise on this subject, except the number of arms ordered to be distributed by the last session. He has received no return of arms or men. The law gives the Adjutant General the option of making his returns to the General Assembly or the Commander-in-chief, and I believe
it has been the custom to make the return of the militia, arms, accoutrements and magazines, directly to your body, which will put you in possession of all the necessary information to enable you to dispose of the subject.

Three instamements of the surplus revenue was received from the United States during the last year by the public treasurer, amounting to $1,433,757 59 cents, which has been disposed of agreeably to the appropriations of the last session, namely $300,000 in the redemption of the State stock—$300,000 subscribed in the stock of the Bank of Cape Fear—$200,000 carried to the credit of the Literary Fund, applicable to the draining of the swamp lands—$100,000 placed in the public treasury, and the balance, $533,757 39 cents, carried to the credit of the Board of Internal Improvements, for certain purposes agreeably to the resolution.

The general state of finances will be submitted to you by the officers in charge of that department. I will take the occasion to suggest whether reports from all the institutions of the State, in which the State has a pecuniary interest, should not be made to the Executive, previous to the meeting of the General Assembly, to enable him to take a general view of their situations, and give to the General Assembly a condensed statement of the same?

Great reliance has been placed on limited co-partnerships, for bringing into action a considerable amount of capital. I am confident no injury could result from them, and as we require the active use of all our capital, I deem the subject worthy your consideration.

At the request of the States mentioned, I have the honor of submitting communications from them to your body. From Vermont on abolition of slavery; New Hampshire relative to the surplus; Connecticut and Arkansas on the Public Lands; Connecticut on Executive Patronage—Georgia relative to the abduction of a slave by citizens of Maine; Kentucky on the currency; Louisiana relative to a Southern Convention to adopt measures against the machinations of Northern fanatics; Alabama, Ohio and Rhode Island for and against the annexation of Texas; and from Maine, Mississippi, Massachusetts, Maryland and Vermont on granting the privilege of franking to the State officers; and from Missouri resolutions approbating the conduct of the Hon. Thos. H. Benton on the expunging resolution in the Senate of the U. S., all of which are in packet A.

The resignations of Justices of the Peace you will find in packet G.
In conclusion, Gentlemen, permit me to assure you of my ready co-operation in all matters for the comfort, improvement, and happiness of the citizens of the State.

I have the honor to be Gentlemen;

With the highest consideration,

Your obedient servant.

EDWARD B. DUDLEY.

Executive Department, Nov. 21st, 1838.

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

FRIDAY, NOVEMBER 23, 1838.

John S. Burgess, the member representing the county of Camden, appeared, and was qualified according to law.

The Speaker, in pursuance of the Rules of Order, announced the appointment of the following Committees:

COMMITTEE ON THE JUDICIARY,

Messrs.

Winston, Boyden, G. W. Caldwell,
Hoke, Gilliam, Eaton,
H. C. Jones, J. P. Caldwell, Paine.

COMMITTEE ON PRIVATE BILLS.

Messrs.

Guthrie, Smith, E. P. Miller,
D. Thomas, Farrow, Keener,
Young, Jarman, Stallings,
Munday, Ellington, Perkins,
Hollingsworth, Mangum,

Mr. Hoke, from the Joint Select Committee raised on the Joint Rules of Order, reported the rules heretofore in force without amendment. The report was concurred in, and, on motion of Mr. Crawford,

Ordered, That a message be sent to the Senate proposing to print in pamphlet form the Rules of Order of the Senate and of the House of Commons, and the Joint Rules in connection with the Constitution of the State and of the United States.
The Speaker laid before the House the following letter of John A. D. McNeill; which was read, his resignation as a member of this House accepted, and, on motion of Mr. Hoke, Ordered, That the Communication be spread upon the Journal.

"To the Speaker of the House of Commons
of the Legislature of North Carolina:

My health daily declining, admonishes me that I cannot bestow the attention to the interests of my constituents as a member of your body, which their kindness and confidence in returning me to the Legislature demands from me. I had hoped that my strength might so far be restored as to permit me to meet you; but my increasing debility forbids the further indulgence of such an impression.

I beg leave, therefore, to tender to you my resignation, entertaining the hope that my constituents may supply my seat with one whose fidelity to their true interest may satisfy them that the change in their representation has resulted in the advancement of the great cause in which I have humbly, but sincerely, exerted my feeble efforts.

I beg, in conclusion, to add my hope that you will say to the House, that whatever may be the result of my present confinement, my fervent aspirations to the Great Disposer of events shall be for the prosperity of my native State.

Respectfully,

JNO. A. D. McNEILL.

On motion of Mr. Waddell,

Resolved, That a writ of election be issued to the Sheriff of Moore, to hold an election to supply the vacancy thus occasioned, on Monday the third day of December next.

On motion of Mr. Hoke,

Resolved, That the Clerk of the House be directed to procure a copy of the Revised Statutes for the use of each of the Standing Committees of this House.

The Speaker laid before the House the Report of Daniel W. Courts, Public Treasurer, on the state of the public funds; which, on motion of Mr. Holland, was

Ordered to be sent to the Senate, with a proposition that it be printed, one copy for each member of the Assembly.
Mr. Gu'hrie presented the following resolution; which was read and adopted:

Whereas, different constructions are placed on the 8th section of the constitution of this State by inspectors of elections in different counties, and frequently at different precincts in the same county, and many freemen are unjustly deprived of their suffrages, and sometimes improper votes are polled. And, as a declaratory opinion of the Legislature may be calculated to produce uniformity on the subject:

Be it therefore Resolved, That the subject be referred to the Committee on the Judiciary, with leave to report by resolution or otherwise.

Mr. Reid presented the certificate of the County Court of Cumberland, allowing Martha Spears, a State Pensioner, her annual allowance of fifty dollars.

Ordered, That the same be countersigned by the Speaker, and sent to the Senate.

The resignations of Myrick Howard, of Montgomery, of David Dalton, of Stokes, of Charles Gregory, of Onslow, of William H. Whitfield, of Lenoir, of Jacob Parker, of Chowan, and of David Mebane, of Orange county, Justices of the Peace, were presented, read, and accepted.

The communication from William Hill, Secretary of State, in relation to the Public Printing, was taken up, and, on motion of Mr. Holland,

Ordered, That it be sent to the Senate, with a proposition that it be referred to a Joint Select Committee.

Received from the Senate a message, concurring in the proposition of this House to raise a Joint Select Committee to designate and report some mode of giving notice of the meeting of the two Houses, and informing that Messrs. Moody, Baker, and Montgomery form their branch of the Committee.

Ordered, That Messrs. Rand, Massey, and Taylor form said Committee on the part of this House.

A message from the Senate, proposing that the two Houses proceed on Monday next, at twelve o'clock, to the election of a Secretary of State, and informing that the present incumbent, William Hill, is in nomination for the appointment. The proposition was agreed to.

A message from the Senate, concurring in the proposition of this House to print the Message of His Excellency, the Governor, ten copies for each member of the Legislature.
A message from the Senate, concurring in the proposition of this House to refer the communication from the Board of Directors of the Wilmington and Raleigh Rail Road Company, and from the citizens of Wilmington, to a Joint Select Committee, and informing that Messrs. Jones, McDiarmid, Bunting, Franklin, and Cherry compose the Committee on the part of the Senate.

Ordered, That Messrs. W. P. Williams, Crawford, J. T. Miller, Hoke, and Boyden compose said Committee on the part of the Commons.

A message from the Senate, agreeing to vote immediately for two Engrossing Clerks, and informing that Messrs. Cooper and Harper form their Committee of Superintendence.

Ordered, That Messrs. Nye and Brummell form said committee on the part of this House.

The House then proceeded to vote as follows:

FOR MR. THOMAS,

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FOR MR. McCLELLAND,

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Sims,        Sloan,   Stafford,   Stallings,  Stockard,  Sullivan,  Smith,  Taylor,  Tomlinson,  Trollinger,  Tuton,  Underwood,  Walker,  Wilcox,  S. A. Williams,  W. P. Williams, 50,
Braswell,
J. P. Caldwell,
G. W. Caldwell,
Cardwell,
Carson,
E. J. Erwin,
C. Erwin,

Keener,
Killian,
E. P. Miller,
McLelland,
Munday,
McLaughlin,

Petty,
Sims,
Stafford,
Trollinger,
Walker,
Young—31.

FOR MR. HOYT,

Messrs.
E. S. Bell,
W. A. Blount,
Bond,
Boyden,
Brittain,
Carson,
Covington,
Ellington,
Farrow,

Foreman,
Gorham,
Hill,
Huggins,
Hyman,
McCleese,
Lindsay,
McWilliams,

Paine,
Patton,
Pemberton,
Siler,
Wadsworth,
J. Williams,
Wilson,
Gwyther, 25.

FOR MR. DRAKE,

Messrs.
Bedford,
E. S. Bell,
Blalock,
Roger,
Chambers,
Doak,
Ellington,
Guthrie,
Huggins,

R. Jones,
Lane,
Mangum,
Massey,
W. J. T. Miller
McLaurin,
Patton,
Reid,

Rand,
Rush,
Siler,
Smith,
Taylor,
D. Thomas,
Waddell,
Winston, 25.

FOR MR. MILLER,

Messrs.
Boydin,
G. W. Caldwell,
Clement,
Crawford,
E. J. Erwin,
Mr. Speaker,

Harris,
Hoke,
H. C. Jones,
Keener,
W. J. T. Miller,
E. P. Miller,

Mills,
Munday,
McLaughlin,
Peden,
Puryear,
Young, 18.

FOR MR. GRADY,

Messrs.
Barnes,
J. Blount
Brogden,

Larkins,
J. T. Miller,
Perkins,

Sloan
Sullivan,
Tomlinson,
FOR MR. WHITE,
Bond,  Paine,  Wadsworth,  Amis,  Gilliam,  Wilcox,
Burgess,  K. Rayner,  J. Williams,  W. A. Blount,  Hester,  S. A. Williams,
Matthews,  Stallings,  17.
McCleese,  

FOR MR. FOWLKES,
Messrs.
Messrs.
Messrs.
Messrs.
Messrs.
Messrs.
Messrs.

FOR MR. BANNER,

FOR MR. DOWD

FOR MR. LONDON,

Mr. W. P. Williams introduced the following Resolution; which was read and rejected:

Resolved, That a message be sent to the Senate, proposing to drop the three lowest candidates on the list for Engrossing Clerks, at each voting, until the proper number be elected.
The name of Mr. Fowlkes was withdrawn from the nomination for Engrossing Clerks.

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

Saturday, November 24, 1838.

Mr. Nye, from the committee appointed to superintend the voting for Engrossing Clerks, 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. Hill,

Ordered, That a message be sent to the Senate, proposing to vote immediately for two Engrossing Clerks, and informing that the names of Messrs. Dowd, London and Banner, are withdrawn from the nomination.

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

The Speaker announced the appointments of the following Committees, viz.

**COMMITTEE ON FINANCE.**

**Messrs.**

Hill, Rand, Matthews,
W. P. Williams, Huggins, Gwynn.
McWilliams, Clegg,

**COMMITTEE ON THE LIBRARY.**

**Messrs.**

Robards, Amis, Waddell.

On motion of Mr. McWilliams,

Ordered, That a message be sent to the Senate, proposing to vote on Tuesday next for a Solicitor of the 2nd Judicial Circuit, and informing that the name of William H. Washington is in nomination for the appointment.

Mr. Rand, from the Joint Select Committee appointed to procure some signal for the meetings of the Houses, reported verbally that the bell of the Presbyterian Church had
been tendered for that purpose, and that the offer had been accompanied by a suggestion that the steeple was in a di-
lapidated condition, and considered not altogether safe. The report was concurred in; and, on motion of Mr. Hill,

Resolved, That it be referred to the same committee to enquire what repairs are necessary to render the ringing of the bell safe, and the amount it will require to make such repairs.

A message from the Senate, agreeing to the proposition of this House that the Rules of the two Houses, the Joint Rules, the Constitutions of the United States and of this State be printed, one copy for each member of the Legislature.

On motion of Mr. Hill, he was excused from serving on the Committee of Finance, and Mr. Reid was substituted in his stead.

On motion of Mr. Siler,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members from each House on the subject of the Cherokee lands.

A message from the Senate, agreeing to vote immediately for two Engrossing Clerks, and informing that Messrs. Spruill and Fox form their committee to superintend the voting.

Ordered, That Messrs. Stockard and McCleese form said Committee on behalf of this House.

The House then voted as follows:

FOR MR. THOMAS,

Davis, Perkins Walker, Velox, S. A. Williams, W. P. Williams, 52.
C. Erwin, Rand, K. Rayner, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Gilliam, Pollock Wilcox, S. A. Williams, W. P. Williams, 52.

FOR MR. HOYT,
Merrys.
E. S. Bell, Gilliam, Gorham, Gwyther, Harris, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Brittain, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Brummell, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Carson, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Clegg, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Clement, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Covington, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Doak, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Dunlap, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Ellington, Hill, Huggins, Hynan, Keener, Lindsay, Matthews, E. P. Miller, Mills, McCleese, McWiliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
E. J. Erwin, McWilliams, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Farrow, McWilliams, Paine, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.

FOR MR. McLELLAND,
Merrys.

FOR MR. DRAKE,
Merrys.
E. S. Bell, Guthrie, Petty, Rand, Waddell, Trolinger, Walker, Wilcox, W. P. Williams, Young, E. J. Erwin, 36.
Wm. A. Blount, Hill, Reid, 
Boger, Hyman, Rush, 
Brittain, R. Jones, Smith, 
Chambers, Lindsay, D. Thomas, 
Clegg, Manguin, G. Thomas, 
Crawford, Massey, Underwood, 
Doak, W. J. T. Miller, Waddell, 
Dunlap, McCleese, Wadsworth 
Ellington, McLaurin, J. Williams, 
Farrow, McWilliams, Winston, 
Foreman, Paine, Mr. Speaker, 44. 
Gorham, Patton, 

FOR MR. GRADY,

Messrs. 
Barksdale, Jarman, Roebuck, 
J. Blount, Larkins, Sloan, 
Brogden, J. T. Miller, Sullivan, 
Burgess, Perkins, Taylor, 
Davis, Pollock, Tomlinson, 
Guthrie, Reid, Tuton, 19. 
Hollingsworth, 

FOR MR. MILLER,

Messrs. 
Beall, Harris, Mills, 
Boyden, Hoke, McLaughlin, 
J. P. Caldwell, H. C. Jones, Peden, 
G. W. Caldwell, Keener, Robards, 
Clement, J. T. Miller, Young, 
Crawford, E. P. Miller, Mr. Speaker, 18. 

FOR MR. WHITE,

Messrs. 
Bond, McLaurin, Stallings, 
Matthews, J. R. Rayner, Wilson, 6. 

Mr. McCleese, from the committee appointed to superintend the preceding vote, 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. Crawford,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for two engrossing clerks.
A message from the Senate, agreeing to this proposition, and informing that Messrs. White and Miller are withdrawn from the nomination, and that Messrs. Taylor and Reid form their committee to superintend the election.

Ordered, That Messrs. Cardwell and W. A. Blount form said committee on behalf of the Commons.

The House proceeded to vote as follows:

FOR MR. THOMAS,

Mr Speaker, 
Amis, 
Baker, 
Barnes, 
J. Blount, 
Boger, 
Braswell, 
Brogden, 
Burgess, 
G. W. Caldwell, 
Cardwell, 
Chambers, 
Daniel, 
Davis, 
Eaton, 
C. Erwin, 
Gilliam, 
Gwynn, 

FOR MR. HOYT,

Messrs.
Beall, 
Bedford, 
E. S. Bell, 
Blalock, 
W. A. Blount, 
Bond, 
Britain, 
Brummell, 
Burgess, 
Carson, 
Clegg, 
Clement, 
Covington, 
Doak, 
Dunlap, 
Ellington, 
E. J. Erwin, 
Farrow, 
Gwyther, 
Harris, 
Hester, 
Hill, 
Howerton, 
Huggins, 
Hyman, 
H. C. Jones, 
Keener, 
Lane, 
Lindsay, 
Matthews, 
W. J. T. Miller, 
E. P. Miller, 
Mills, 
McCleese, 
McLaurin, 
McWilliams, 
Roebuck, 
Sims, 
Sloan, 
Stafford, 
Stallings, 
Stockard, 
Sullivan, 
Taylor, 
Tomlinson, 
Trollinger, 
Tuton, 
Walker, 
Wilcox, 
S. A. Williams, 
W. P. Williams, 
Hoke, 
Wilson,

Daniel, 
Orr, 
Perkins, 
Pollock, 
Rand, 
J. R. Rayner, 
Reid, 

Wilson, 55.

Pemberton, 
Petty, 
Puryear, 
K. Rayner, 
J. R. Rayner, 
Robards, 
Rush, 
Siler, 
Smith, 
D. Thomas, 
G. Thomas, 
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[1838,
Mr. Cardwell, from the committee appointed to superintend this election, reported that Mr. Hoyt had received a majority of the whole number of votes, and was duly elected; and that no other of the candidates had received a majority. The report was concurred in.

A message from the Senate, proposing to vote again immediately for one Engrossing Clerk. The proposition was agreed to. The names of Messrs. McLelland and Grady were withdrawn from the nomination. Messrs. W. J. T. Miller and Walker appointed to superintend the voting. A message from the Senate informing that Messrs. Williams of Person, and Speed form their branch of said Committee. The House then voted as follows:

**FOR MR. THOMAS,**

**Messrs.**


**FOR MR. DRAKE,**

**Messrs.**

Mr. Speaker, B. S. Beall, Bedford, E. S. Bell, Blalock, W. A. Blount, Bond, Boyden, Guthrie, Gwyther, Harris, Hill, Huggins, Hyman, R. Jones, H. C. Jones, Paine, Patton, Pemberton, Petty, Puryear, Rand, K. Rayner, Reid.
Mr. Walker, from the committee appointed to superintend this election, reported that Mr. Drake had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. W. P. Williams submitted the following Report:

The Joint Select Committee to whom were referred the communications from the citizens of Wilmington and the representatives of the Wilmington and Raleigh Rail Road Company, have performed their duty, and ask leave to submit the following Report:

They recommend the acceptance of the invitations contained in the communications; and as to the manner in which the Committee of Inspection shall be appointed, and as to the number, they suggest that it be referred to the delegation from each Congressional District, Senators and Representatives inclusive, to recommend and appoint what number they may think proper in each district, so as not to exceed a majority of the said delegation.

All of which is respectfully submitted.

WM. P. WILLIAMS, Ch'm.

The question on concurring with this Report was decided in the negative—yeas 30—nays 77; the yeas and nays demanded by Mr. Stallings. Those who voted in the affirmative were:

MESSRS.
Bedford,             Hill,             Patton,
W. A. Blount       Hoke,             Peden,
Boyden,             Keener,           K. Rayner,
Brittain,           Lane,             Reid,
Brogden,            J. T. Miller,      Rush,
1833.

JOURNAT,  
OF  THE  HOUSE  OF  COMMONS.  
313

J. P. Caldwell,  
Carson,  
Covington,  
Crawford,  
E. J. Erwin,  

E. P Miller,  
Mills,  
McLaughlin,  
Nye,  
Oglesby,  

Sullivan,  
Waddell,  
W. P. Williams,  
Winston,  
Young—30.  

Those who voted in the negative were,

Messrs.

Baker,  
Barnes,  
B. L. Beall,  
E. S. Bell,  
Blalock,  
J. Blount,  
Boger,  
Bond,  
Braswell,  
Brumwell,  
Burgess,  
Cardwell,  
Chambers,  
Clegg,  
Daniel,  
Davis,  
Doak,  
Dunlap,  
Eaton,  
Ellington,  
C. Erwin,  
Farrow,  
Foreman,  
Gorham,  
Guthrie,  
Gwyther,  

Gwynn,  
Harris,  
Hester,  
Holland,  
Howerton,  
Huggins,  
Hyman,  
Jarman,  
R. Jones,  
H. C. Jones,  
Killian,  
Larkins,  
Lindsay,  
Massey,  
Mangum,  
Matthews,  
W. J. T. Miller,  
Munday,  
McCleese,  
McLaurin,  
McWilliams,  
Orr,  
Paine,  
Pemberton,  
Perkins,  
Petty,  

Pollock,  
Puryear,  
Rand  
J. R. Rayner,  
Robards,  
Roebuck,  
Siler,  
Sims,  
Sloan,  
Smith,  
Stafford,  
Staffings,  
Stockard,  
Taylor,  
D. Thomas,  
Tomlinson,  
Trollinger,  
Tuton,  
Underwood,  
Wadsworth,  
Walker,  
Wilcox,  
J. Williams,  
S. A. Williams,  
Wilson—77.  

On motion of Mr. Crawford,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, whose duty it shall be to make a suitable response to said communications.

Received from His Excellency the Governor a communication, transmitting the Report of the Commissioners for superintending the publication of the Revised Statutes of this State, by act of the last session of the General Assembly. The said communication and report were read, and,
on motion of Mr. Hoke, referred to the Committee on the Judiciary.

Mr. Nye introduced a bill fixing the time for perfecting the titles to lands heretofore entered and paid in; which was read the first time and passed.

Mr. Reid introduced a bill, founded on a petition, to emancipate Tom Hadley, a slave, the property of James H. Hooper and others, of Fayetteville; which was read the first time and passed, and, on motion of Mr. Reid, referred to the Committee on Private Bills.

On motion of Mr. H. C. Jones,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of repealing the law respecting the manner of bringing suits from one county to another, in the County Courts; and that they report by bill or otherwise.

Received from the Senate the resignations of Phillip Brittain and Epaphroditus Rightower, Justices of the Peace of the county of Buncombe; which were read and accepted.

The resignations of Simeon Marsh, of Anson, of James Revard, of Buncombe, and of Joel Waters, of Wilkes, Justices of the Peace, were presented, read and accepted.

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

Monday, Nov. 26, 1838.

Mr. Patton introduced a bill, founded on a petition of sundry citizens of the county of Buncombe, entitled a bill to lay off and establish a county by the name of Henderson.—Said petition and bill were read, and, on motion of Mr. Patton, laid on the table.

Received from the Senate a message, concurring in the proposition of this House to print the Report of the Public Treasurer, and also concurring in the proposition to refer the communication from the Secretary of State on the subject of the Public Printing to a Joint Select Committee.

A message from the Senate, concurring in the proposition of this House to go into an election of a Solicitor for the second Judicial Circuit on Tuesday next.
Mr. Crawford submitted the following resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting a law prohibiting the recovery of money or any other property won upon elections.

The said resolution was read and rejected.

Received from the Senate the pension certificates of Cumberland county in favor of Mrs. Isabella Campbell, for the years 1837 and 1838, countersigned by the Speaker of their House.

Ordered, That the same be countersigned by the Speaker of this House, and returned to the Senate.

Mr. Reid presented the certificate of the County Court of Cumberland in favor of Mrs. Martha Spears, a State Pensioner for the year 1837.

Ordered, That the same be countersigned by the Speaker and be transmitted to the Senate.

Mr. Rand presented the petition of Henry Patterson, of the City of Raleigh, a free man of color, praying the emancipation of his wife Emmeline. Said petition was read, and, on motion of Mr. Rand, referred to the Committee on Propositions and Grievances.

Mr. Stockard presented a bill to incorporate Junto Academy, in Orange county; which was read the first time and passed.

The bill fixing the time for perfecting the titles to land heretofore entered and paid for, was read the second time and passed.

On motion of Mr. Reid,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law so as to empower the Court of Pleas and Quarter Sessions to decree a sale of lands held by tenants in common; and that they report by bill or otherwise.

On motion of Mr. Paine,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members on the part of each House, to whom shall be referred that part of the Governor's message which recommends the establishment of Banks within the States to be offered to the General Government of the United
States as places of deposit of the public funds and fiscal agents of the General Government.

Mr. Gilliam introduced a bill to incorporate the Rocky Mount Manufacturing Company; and Mr. Gorham a bill for the better regulation of the town of Greenville. These bills were read the first time and passed.

A message from the Senate, proposing to raise a Joint Select Committee on the subject of the Public Buildings and the re-building the State Capitol; and that said Committee report whether the amount of money already appropriated for re-building the capitol has been judiciously expended, and what further amount will be required for its completion. The proposition was agreed to, and Messrs. Rand, Hyman, Carson, Wilcox and Killian were appointed the Committee on the part of this House.

Mr. G. Thomas presented the following Resolution:

Resolved. That a message be sent to the Senate, proposing to raise a joint select committee of one on the part of each House from each Judicial District, to whom shall be referred so much of the Governor's Message as relates to works of Internal Improvement.

Said Resolution was read and rejected.

On motion of Mr. J. T. Miller,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House to take into consideration the expediency of authorising limited co-partnerships.

A message from the Senate, informing that Messrs. Jones, Wilson, Spruill, Hawkins, Albright, Dockery, Etheridge, and Rabun form on their part under the Joint Rules of Order, the Committee of Finance; and that Messrs. Carson, Davidson, and Williams, (of Beaufort,) form their branch of the Joint Committee on the Library.

A message from the Senate, informing that Messrs. Melvin and Ribelin are appointed the Committee on their part to superintend the election of Secretary of State. Ordered, That Messrs. Dunlap and Braswell form said Committee on the part of this House. The roll was then called, and the following members voted
Mr. Dunlap, from the Committee appointed to superintend the election, reported that William Hill had received a majority of the whole number of votes, and was duly re-elected Secretary of State. The report was concurred in.

A message from the Senate, concurring in the propo-
tion of this House to raise a Joint Select Committee on the subject of the Cherokee lands, and informing that Messrs. Franklin, Reinhardt, Davidson, Biddle, and Allison form their branch of the Committee. Ordered, That Messrs. Siler, Boyden, McLaurin, Howerton, and Gwyther form said Committee on the part of the Commons.

On motion of Mr. G. Thomas,

Resolved, That so much of the Governor's Message as relates to the subject of Internal Improvements, be referred to the Committee on Internal Improvements.

Mr. Boyden introduced a bill concerning last wills and testaments; which was read the first time and passed, and, on motion of Mr. H. C. Jones, referred to the Committee on the Judiciary.

Received from the Senate, Pension Certificates from the County Court of Craven, in favor of John Rhem, Thomas Ewell, Alexander Taylor, and Christopher Bexley and his Widow Margaret Bexley, State Pensioners for the years 1837 and 1838, countersigned by the Speaker of the Senate. On motion of Mr. Wadsworth, Ordered that the said certificates be countersigned by the Speaker of this House, and returned to the Senate.

The resignations of William Goodman and Wm. Lee, Justices of the Peace of the county of Gates, received from the Senate, were read and accepted.

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

Tuesday, Nov. 27, 1838.

Spier Whitaker, one of the members elected from the county of Halifax, appeared, and was qualified according to law.

Mr. Hoke presented a petition from sundry citizens of the county of Lincoln, praying the erection of a new county out of parts of the counties of Lincoln and Rutherford. And Mr. W. J. T. Miller, a petition on the same subject from sundry citizens of the county of Rutherford. Said peti-
tions were read and referred to a select committee to be composed of the Commoners from the counties of Rutherford and Lincoln.

Mr. Lane introduced a bill to extend the time for paying in entry money; which was read the first time and passed, and, on motion of Mr. Lane, referred to the Committee on the Judiciary.

On motion of Mr. Gilliam,

Ordered, That a message be sent to the Senate, proposing that the two Houses on to-morrow at 12 o'clock go into an election of Solicitor for the 4th Judicial Circuit, and informing that the name of John F. Poindexter is in nomination for the appointment.

On motion of Mr. Bill,

Resolved, That so much of the Governor's Message as relates to the payment of the 4th instalment of the State's subscription to the stock of the Wilmington and Raleigh Rail Road, be referred to the Committee on Internal Improvements.

On motion of Mr. Hoke,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a branch of the Supreme Court in the Western part of this State; and that they report by bill or otherwise.

On motion of Mr. Boyden,

Resolved, That so much of the Governor's Message as relates to Education, be referred to the Committee on Education.

On motion of Mr. Bill,

Resolved, That so much of the Governor's Message as relates to the hindrances which prevent the wholesome exercise of the high prerogative of the Executive in cases of criminal prosecution and conviction, be referred to the Committee on the Judiciary.

Mr. K. Rayner introduced a resolution authorising the publication of the Comptroller's Report.

Mr. H. C. Jones a bill to establish a toll bridge over the South Yadkin River, near Hall's Mills, in Davie county; and Mr. Mills a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift. These bills and resolution were read the first time and passed.
Mr. H. C. Jones introduced a bill to establish the Salisbury Female Academy and to incorporate the Trustees thereof; which was read the first time and passed, and, on motion of Mr. Jones, referred to the Committee on Education.

Mr. Mills introduced a bill to alter, amend, and improve the public road from Rutherfordton to Asheville, over the Blue Ridge by the Hickory Nut Gap; which was read the first time and passed, and, on motion of Mr. Mills, referred to the Committee on Internal Improvements.

Received from the Senate a message, informing that they do not concur in the proposition of this House to raise a Joint Select Committee of five members on the part of each House on that part of the Governor's message which recommends the establishment of Banks within the States, to be offered to the General Government as places of deposit of the public moneys and fiscal agents of the General Government.

A message from the Senate, proposing to print for the use of the Legislature, the report of the Comptroller of Public accounts for the year 1837. The proposition was agreed to.

Mr. Trollinger introduced a bill, founded on a petition from many citizens of the county of Orange, entitled a bill to lay off and establish a county by the name of Jefferson; which was read the first time and passed, and, on motion of Mr. Trollinger, made the order of the day for Monday next.

A message from the Senate, informing that Messrs. Redding and Exum form the committee on the part of the Senate to superintend the voting for Solicitor of the Second Judicial Circuit, heretofore agreed on to take place this day. Ordered, that Messrs. Wadsworth and Bregden form said committee on the part of this House.

The Roll was called, and the House voted as follows:

FOR WM. H. WASHINGTON,

MSSRS.
Sneaker,            Harris,            Perkins,
Baker,             Hester,            Petty,
Barksdale,         Hill,              Pollock,
Barnes,            Hoke,              Puryear,
B L. Beall,        Holland,           Rand,
Bedford,           Howerton,          K. Rayner,
E. S. Bell,        Huggins,           J. R. Rayner,
Blalock,           Hyman,             Reid,
J. Blount,         Jarman,            Robards,
W. A. Blount, H. C. Jones, Roebuck,
Boger, Keener, Rush,
Bond, Killian, Siler,
Boyd, Larkins, Sims,
Braswell, Lindsay, Sloan,
Brogden, Mangum, Smith,
Bromwell, Massey, Stafford,
Burgess, Matthews, Stockard,
J. P. Caldwell, W. J. T. Miller, Sullivan,
Carson, J. T. Miller, Taylor,
Clement, E. P. Miller, D. Thomas,
Covington, Mills, G. Thomas,
Davis, Munday, Trollinger,
Doak, McCleese, Tuton,
Dunlap, McLaughlin, Underwood,
Eaton, McLaurn, Waddell,
E. J. Erwin, McWilliams, Wadsworth,
C. Erwin, Nye, Walker,
Farrow, Oglesby, Whitaker,
Foreman, Orr, J. Williams,
Gilliam, Paine, W. P. Williams,
Gorham, Patton, Wilson,
Guthrie, Peden, Young—98.
Gwynn, Pemberton,

FOR MR. GUTHRIE,
Bryan, Crawford, Lane,
G. W. Caldwell, Daniel, Stallings,
Cardwell, Hollingsworth, Wilcox,
Chambers, R. Jones, S. A. Williams—12.

FOR MR. TOOLE,
Amis, Gwyther—2.

Mr. Wadsworth, from the Committee appointed to super-
intend this election, reported that William H. Washington
had received a majority of the whole number of votes, and
was duly elected. The report was concurred in.

A message from the Senate, informing that Messrs. Bid-
dle, Whitaker, Spruill, Albright, and Foy, (of Onslow,) form
on their part the joint select committee on the Public Build-
ings and the re-building of the State Capitol.

On motion of Mr. Baker,

Resolved, That the Committee on the Judiciary be instructed to 41
inquire into the expediency of so amending the Bastard Law as to render a white woman who shall bring forth a child by a negro slave an incompetent witness against a white person, and to subject the slave to corporal punishment; with leave to report by bill or otherwise.

On motion of Mr. J. T. Miller,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee to consist of three on the part of the Senate and six on the part of this House, for the purpose of examining the Wilmington and Raleigh Rail Road; and that said committee be instructed to report upon the condition and progress thereof.

On motion of Mr. Boyden,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the law in regard to the conveyance of the real estates of leses covert residing beyond the limits of this State, as to render the same cheaper and more expeditious.

On motion of Mr. Boyden,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the disposition of infant children in cases of divorce.

Mr. Guthrie, from the Committee on Private Bills, to whom was referred the bill to emancipate Tom Hadley, reported the same with sundry amendments. The amendments were read and concurred in, when, on motion of Mr. Taylor, the bill was indefinitely postponed—yeas 80, nays 32. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

Messrs.

Amis, Gwynn, Peden,
Baker, Hester, Pollock,
Barnes, Hill, Rand,
Bedford, Hoke, J. R. Rayner,
E. S. Bell, Holland, Robards,
Blalock, Howerton, Roebuck,
J. Blount, Huggins, Rush,
W. A. Blount, Hymán, Sims,
Bond, R. Jones, Sloan,
Braswell, H. C. Jones, Smith,
Brittain,  Larkins,  Stallings,  
Brogden,  Lindsay,  Stockard,  
Burgess,  Mangum,  Sullivan,  
G. W. Caldwell,  Massey,  Taylor,  
Cardwell,  Matthews,  G. Thomas,  
Carson,  W. J. T. Miller,  Trollinger,  
Chambers,  J. T. Miller,  Underwood,  
Covington,  E. P. Miller,  Waddell,  
Daniel,  Mills,  Wadsworth,  
Davis,  Munday,  Walker,  
Doak,  McCleese,  Wilcox,  
Eaton,  McWilliams,  J. Williams,  
E. J. Erwin,  Nye,  S. A. Williams,  
Farrow,  Oglesby,  W. P. Williams,  
Foreman,  Orr,  Bryan,  
Gilliam,  Paine,  Wilson,  80.  
Gwyther,  Patton,  

Those who voted in the negative were,  

Messrs.  
Barksdale,  Gorham,  Perkins,  
B. L. Beall,  Guthrie,  Petty,  
Boger,  Harris,  Puryear,  
Boyden,  Hollingsworth,  Reid,  
Brumwell,  Jarman,  Siler,  
J. P. Caldwell,  Keener,  Stafford,  
Clegg,  Killian,  D. Thomas,  
Clement,  Lane,  Tuton,  
Crawford,  McLaughlin,  Whitaker,  
Dunlap,  McLaurin,  Young,  52.  
C. Erwin,  Pemberton,  

Mr. Pemberton introduced a petition from sundry citizens of Montgomery county, praying the erection of a new county out of a portion of the limits of Montgomery, together with a bill to carry out the object of the petitioners, entitled a bill to lay off and establish a county by the name of Stanly. Said bill was read the first time and passed, and, on motion of Mr. Pemberton, referred to the Committee on Propositions and Grievances.  

A message from the Senate, informing that they do not concur in the proposition of this House to raise a Joint Select Committee of three on the part of each House, to make a suitable response to the communications from the citizens of Wilmington and the Wilmington and Raleigh Rail Road Company; and proposing to raise a Joint Select Committee
of three on the part of each House, whose duty it shall be respectfully to decline the invitation contained in the communications. The message was read, and, on motion of Mr. J. P. Caldwell, ordered to lie on the table.

The bill to incorporate Junto Academy, in Orange county, was read the second time and passed.

The bill fixing the time for perfecting the titles to land herebefore entered and paid for, was read the third time, amended, and passed, and ordered to be engrossed.

Mr. J. T. Miller presented the memorial of the Commissioners of the town of Wilmington, asking to be reimbursed in certain expenditures incurred in erecting a fortification and other works of defence during the last war. The memorial was read, and, on motion of Mr. J. T. Miller, referred to the Committee on Claims.

The resignation of Silas Pate, a Justice of the Peace of the county of Wayne, received from the Senate, was read and accepted.

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

Wednesday, November 28, 1838.

Mr. Farrow presented the Report of the Commissioners appointed to superintend the draining of Mattamuskeet Lake; which was read, and, on motion of Mr. Gilliam, Ordered to be sent to the Senate, with a proposition that it be printed for the use of the Assembly.

Mr. Crawford introduced a bill to incorporate the Yadkin Manufacturing Company, and Mr. Gwynn a bill to circumscribe the corporate limits of the town of Milton. These bills were read the first time and passed.

On motion of Mr. McLaughlin,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the 25th, 32nd, 41st, 75th, and 76th sections of the revenue laws of this State.

On motion of Mr. Winston, the Committee on the Judiciary was discharged from the further consideration of the Resolution directing them to inquire into the expediency of giving a legislative construction to the 8th section of the
Constitution of this State, relating to the qualifications of voters for members of the House of Commons.

Mr. Carson presented a petition from Jesse T. Walton and George S. Walton, of Burke county, praying to be allowed to erect a mill dam across the Catawba River. Said petition was, on motion of Mr. Carson, referred to the Committee on Private Bills.

Received from the Senate a message, transmitting the report of the Commissioners appointed to superintend the rebuilding of the State Capitol, and proposing that the same be printed, one copy for each member of the General Assembly, and that it be referred to the Joint Select Committee raised on the Public Buildings. Mr. Crawford moved that five copies be printed instead of one, and that the concurrence of the Senate be asked therein. The question on this motion was determined in the negative—yeas 13—nays 99. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

Messrs.
B. L. Beall
J. P. Caldwell
Crawford
Guthrie
Gwyther

Hill
H. C. Jones
Matthews
McLaurin

McWilliams
Rand
G. Thomas
Winston, 13

Those who voted in the negative were,

Messrs.
Amis
Baker
Barksdale
Barnes
Bedford
E. S. Bell
Blalock
J. Blount
W. A. Blount
Boger
Bond
Boydren
Braswell
Brittain
Brogden
Brummell
Bryan

Gilliam
Gorham
Gwynn
Harris
Hester
Hoke
Holland
Hollingsworth
Howerton
Huggins
Hyman
R. Jones
Keener
Killian
Lane
Larkins
Lindsay

Petty
Pollock
Puryear
K. Rayner
J. R. Rayner
Reid
Robards
Roebuck
Rush
Siler
Sims
Sloan
Smith
Stafford
Stallings
Stockard
Sullivan
Burgess, Mangum, Taylor,
G. W. Caldwell, Massey, D. Thomas,
Cardwell, W. J. T. Miller, Tomlinson,
Carson, J. T. Miller, Trollinger,
Chambers, E. P. Miller, Tuton,
Clegg, Mills, Underwood,
Clement, Munday, Waddell,
Covington, McLaughlin, Wadsworth,
Daniel, Nye, Walker,
Davis, Oglesby, Whitaker,
Doak, Orr, Wilcox,
Eaton, Paine, J. Williams,
E. J. Erwin, Patton, S. A. Williams,
C. Erwin, Peden, W. P. Williams,
Farrow, Pemberton, Wilson,
Foreman, Perkins, Young, 99.

The question recurring on the proposition of the Senate, was concurred in.

Mr. Hill submitted the following resolutions:

Resolved, That each of the United States being a party to the national compact, possesses an interest in the public lands proportioned to the federal population of each; or in the terms of the compact "according to the usual respective proportions of the general charge and expenditure."

Resolved, That those States in whose favor Congress has not made appropriations of the Public Domain, for the purposes of education, are entitled to such appropriations as will correspond in a just proportion with those heretofore made in behalf of other States.

Resolved, That our Senators and Representatives in the Congress of the United States, be requested to urge the claims of the State of North Carolina, to her portion of the Public Lands; and that the same, when obtained, be applied to the establishment and support of Common Schools, and the promotion and diffusion of education throughout the State.

On motion of Mr. Hill, ordered that the said resolutions lie on the table, and, on motion of Mr. Hoke, ordered that the same be printed.

A message from the Senate, concurring in the proposition of this House, to vote on this day at 12 o'clock for Solicitor of the 4th Judicial Circuit, and informing that Messrs. Allison and Moye form their committee to superintend the election. Ordered, that Messrs. Gilliam and Covington form
said committee on the part of the Commons. The House then proceeded to vote as follows, viz.

FOR JOHN F. POINDEXTER,

Messrs.


FOR JOHN S. GUTHRIE.

Messrs.

Baker, Daniel, Wilcox, Barnes, Hollingsworth, S. A. Williams, Brogden, Jarman, Bryan, 11. G. W. Caldwell, Sullivan,

FOR GREEN W. CALDWELL,

Mr. Guthrie.
Mr. Covington, from the committee appointed to superintend this election, reported that John F. Poindexter had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Received from the Senate a message, proposing to raise a Joint Select Committee on Military Affairs. The proposition was agreed to, and Messrs. Brittain, Trollinger, Peden, Whitaker, and J. T. Miller appointed to compose said committee on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to change the time of holding the Courts of Pleas and Quarter Sessions for the county of Wilkes, 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 do not concur in the proposition of this House to raise a Joint Select Committee of three on the part of the Senate, and six on the part of the House of Commons, for the purpose of examining the Wilmington and Raleigh Rail Road, and that said Committee report upon the condition and progress thereof.

Mr. Keener introduced a bill making valid certain surveys of the Deputy Surveyor of the county of Haywood; which was read the first time and passed, and, on motion of Mr. Keener, referred to the Committee on Private Bills.

Mr. Petty introduced a bill to authorise Robert Walker, of Wilkes county, to build a mill on his own land on Roaring River at or near a place called the Rock House; which was read the first time and passed, and, on motion of Mr. Petty, referred to the Committee on Private Bills.

The bill to incorporate the Rocky Mount Manufacturing Company; the bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; the bill to establish a toll bridge over the South Yadkin River, near Hall's Mills, in Davie county; the bill for the better regulation of the town of Greenville; and the resolution for printing the Comptroller's Report, were severally read the second time and passed.

On motion, Ordered, that a message be sent to the Senate, proposing that Mr. Patton be added to the Committee on Cherokee Lands.

The bill to incorporate Junto Academy, in Orange county, was read the third time, passed, and ordered to be engrossed.
Received from His Excellency Governor Dudley, by his Private Secretary, Mr. Battle, a communication touching the renting and fitting up of a House for the accommodation of the General Assembly the present session; which was read, and, on motion of Mr. Gilliam, ordered to be sent to the Senate. Received from His Excellency Governor Dudley, by his Private Secretary, a communication, transmitting the Report of William H. Haywood, Jr. Esq. Commissioner to settle the military claim of this State on the General Government; which was read, and, on motion of Mr. Hill, ordered to be sent to the Senate, with a proposition to refer the subject to a Joint Select Committee.

Mr. Wilson presented the certificate of the County Court of Perquimons, in favor of Priscilla Goodwin, a State Pensioner; which was ordered to be countersigned by the Speaker and sent to the Senate.

Received from the Senate the resignations of John Meares, of Columbus county, and of John Holloway, of Person; which were read and accepted.

The resignations of D. Little, of Iredell, of Martin Quinn, and C. C. Dunham, of Rutherford, of Jesse Holmes, of Davidson, of Joel Lee, of Johnston, of Alex't. Torrence, of Iredell, and of Robert Melvin, of Bladen, Justices of Peace, were presented, read, and accepted.

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

Thursday, November 29, 1838.

On motion of Mr. Winston,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 12 o'clock this day, go into an election of Solicitor for the 5th Judicial Circuit, and informing that the name of Alex't. Troy is in nomination for the appointment.

Mr. Rand presented the memorial of the President and Directors of the Raleigh & Gaston Rail Road Company, asking the aid of the State in completing their Road; which was read, and, on motion of Mr. Crawford, referred to the Committee on Internal Improvements.

Mr. Siler presented the petition of Joseph Brindle, of Macon County, praying relief in a matter touching his purchase of...
tract of the Cherokee Lands. Said petition was read, and, on motion of Mr. Siler, referred to the Committee on Cherokee Lands.

Mr. E. J. Erwin submitted the following resolution:

Whereas it is believed that the severity of punishment, prescribed by the criminal law now in force, is frequently the cause of offenders eluding justice from the lenity of Juries; and whereas it is further believed that the building of a penitentiary, and changing the present mode of punishment to a term of service therein, would ensure a more certain execution of the criminal laws; and that this method of punishing offenders would not only better suit our feelings of humanity, but would be less expensive and less burdensome to the people: Therefore,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members from each House, to inquire into the expediency of building a penitentiary in this State; and that they have leave to report by bill or otherwise.

The said resolution was read and adopted.

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

Mr. Carson presented a bill, founded on a petition from many citizens of Burke and Rutherford Counties, entitled a bill to lay off and establish a county by the name of M'Dowell. The said bill was read the first time and passed, and, on motion of Mr. Carson, referred to a committee composed of the delegates from Burke and Rutherford.

On motion of Mr. Robards,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of republishing Lawson's History of North Carolina.

Mr. Nye presented the following resolution:

Resolved, That the Treasurer of the State of North Carolina be, and he is hereby authorized and required to receive the purchase money for all entries of Lands, in either South Carolina or Virginia money, provided it be in notes of specie paying Banks.

Said resolution was read, and, on motion of Mr. Nye, referred to the Committee on Finance.
On motion of Mr. Whitaker,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of making the 1st volume of the Revised Statutes, as published by Messrs. Iredell & Battle, evidence in all cases; and that the same committee be further instructed to inquire into the expediency of amending the Revenue Law so far as the same provides for the valuation of lands.

Mr. Peden introduced the following resolution, viz.

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of authorizing and requiring the Public Treasurer of this State hereafter to receive from the sheriffs of the several counties of this State, the State taxes in notes of any species paying Banks of the States of South Carolina and Virginia.

Said resolution was read and rejected.

The bill to incorporate the Yadkin Manufacturing Company; and the bill to incorporate the Rocky Mount Manufacturing Company, were, on motion of Mr. Hill, referred to the Committee on Private Bills.

On motion of Mr. W. A. Blount,

*Ordered*, That a message be sent to the Senate, proposing to raise a Joint Select Committee on so much of his Ex'cy. the Governor's Message as relates to the securing to the citizens of this State homesteads or freeholds.

Mr. Reid introduced a bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina; which was read the first time and passed.

On motion of Mr. Massey,

*Resolved*, That a message be sent to the Senate, proposing to raise a Joint Select Committee to inquire into the operation of the law passed at the last session providing for the public printing, and to report what the same has cost the State; and that said committee also inquire whether the said law does not need amendment.

On motion of Mr. Massey,

*Resolved*, That the Governor be requested to communicate to the General Assembly the bids that were made for the public printing which were filed in the Executive Office by the Secretary of State.

The bill for the better regulation of the Town of Greenville;
the bill to extend the time for registering grants, mortgage conveyances, powers of attorney, bills of sale and deeds of gift; and the resolution for printing the Comptroller's Report, were each read the third time, passed and ordered to be engrossed.

Messrs. Holland, Mills, Massey, H. C. Jones and Puryear were appointed the Joint Select Committee on the part of this House on the Public Printing.

On motion of Mr. Waddell,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, upon so much of the Governor's Message as relates to the request made by the State of Louisiana to hold a Southern Convention to adopt measures against the machinations of Northern Fanatics.

On motion of Mr. Robards,

Resolved, That a message be sent to the Senate, proposing to refer so much of the Governor's Message as relates to a communication from the Executive of the State of Vermont, on the subject of the Abolition of Slavery, to a Joint Select Committee of three on the part of each House.

On motion of Mr. Gilliam,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the existing law so as to render growing crops not liable to execution; and that they report by bill or otherwise.

Mr. Reid called up for a second reading the bill to incorporate the Cape Fear and Western Steamboat Company of North Carolina, when, on motion of Mr. Hill, said bill was referred to the Committee on Private Bills.

A message from the Senate, concurring in the proposition of this House to vote this day at 12 o'clock for Solicitor of the 5th Judicial Circuit, and informing that Messrs. Bunting and Williams, of Beaufort, form the committee of superintendence on their part. Ordered, that Messrs. Pemberton and Sloan form said Committee on behalf of the Commons.

The House then proceeded to vote as follows, viz.

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Brummell,  
Burgess,  
J. P. Caldwell,  
G. W. Caldwell,  
Cardwell,  
Carson,  
Chambers,  
Clegg,  
Clement,  
Covington,  
Crawford,  
Davis,  
Doak,  
Dunlap,  
Eaton,  
Ellington,  
E. J. Erwin,  
C. Erwin,  
Farrow,  
Foreman,  
Gilliam,  
Gwyther,  
Hill,  
Hoke,  
Holland,  
Hollingsworth,  
Howerton,  
Huggins,  
Hyman,  
Jarman,  
R. Jones,  
H. C. Jones,  
Keener,  
Killian,  
Lane,  
Larkins,  
Lindsay,  
Mangum,  
Massey,  
Matthews,  
W. J. T. Miller,  
J. T. Miller,  
E. P. Miller,  
Mills,  
Munday,  
McMeeese,  
McLaughlin,  
McLaurin,  
McWilliams,  
Nye,  
Oglesby,  
Orr,  
Paine,  
Petty,  
Pollock,  
Puryear,  
Rand,  
J. R. Rayner,  
Reid,  
Robards,  
Roebuck,  
Rush,  
Siler,  
Sims,  
Sloan,  
Smith,  
Stafford,  
Stockard,  
Sullivan,  
Taylor,  
D. Thomas,  
Tomlinsion,  
Troller,  
Tu'ton,  
Underwood,  
Waddell,  
Wadsworth,  
Walker,  
Whitaker,  
J. Williams,  
W. P. Williams,  
Wilson,  
Winston,  
Young, 103.

FOR DAVID REID,

FOR JOHN S. GUTHRIE,

FOR CURTIS BROGDEN,

Mr. Guthrie.

Mr. Sloan, from the committee appointed to superintend this election, reported that Alex. Troy had received a majority of the whole number of votes, and was duly elected. The report was concurred in.
Mr. McWilliams introduced a bill to emancipate Henry, a slave; which was read the first time and passed. Said bill was again read the second time; when, on motion of Mr. W. A. Blount, it was postponed indefinitely.

Mr. McWilliams introduced a bill to emancipate Napoleon, a slave. The said bill was read the first time; and, on motion of Mr. Stallings, rejected.

Mr. McWilliams introduced a bill relating to certain Fisheries in this State; which was read the first time and passed.

The bill to circumscribe the corporate limits of the town of Milton, was read the second time and passed.

The bill to establish a toll bridge over the South Yadkin river, near Hall's Mills, in Davie county, was, on motion of Mr. H. C. Jones, referred to a select committee to be composed of the members representing the county of Rowan.

The resignation of Peter R. Davis, as a Justice of the Peace of the county of Warren, received from the Senate, was read and accepted.

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

FRIDAY, NOV. 30, 1838.

Mr. A. G. Proctor, the member representing the county of Pasquotank, appeared and was qualified according to law.

On motion of Mr. Wm. P. Williams, the House agreed to reconsider their vote of yesterday, by which the following resolution was adopted, viz.

Resolved, That a message be sent to the Senate, proposing to refer so much of the Governor's message as relates to a communication from the Executive of the State of Vermont, on the subject of the abolition of slavery, to a joint select committee of three on the part of each House.

The resolution again coming up for consideration, Mr. Patton moved that the same lie on the table. The question thereon was determined in the negative—yeas 7, nays 104. The yeas and nays demanded by Mr. Amis.
1838.]

JOURNAL OF THE HOUSE OF COMMONS.

Those who voted in the affirmative, were,

MESSRS.
B. L. Beall, Guthrie, Pafton,
J. P. Caldwell, H. C. Jones, D. Thomas, 7.
E. J. Erwin,

Those who voted in the negative, were,

MESSRS.
Amis, Hester, Pollock,
Baker, Hill, Puryear,
Bedford, Hoke, Proctor,
E. S. Bell, Holland, Rand,
Blalock, Hollingsworth, J. R. Rayner,
J. Blount, Howerton, Reid,
W. A. Blount, Huggins, Robard's,
Boger, Hyman, Roebuck,
Boyden, Jarman, Rush,
Braswell, R. Jones, Siler,
Brittain, Keener, Sims,
Brogden, Killian, Sloan,
Brummell, Lane, Smith,
Bryan, Larkins, Stafford,
Burgess, Lindsay, Stailings,
G. W. Caldwell, Mangum, Stockard,
Cardwell, Massey, Sullivan,
Carson, Matthews, Taylor,
Chambers, W. J. T. Miller, G. Thomas,
Clegg, J. T. Miller, Tomlinson,
Clément, E. P. Miller, Trollinger,
Covington, Mills, Tuton,
Crawford, Munday, Underwood,
Daniel, Munday, Waddell,
Davis, McLean, Wadsworth,
Doak, McLaurin, Walker,
Dunlap, McWilliams, Whitaker,
Eaton, Nye, Wilcox,
Ellington, Oglesby, J. Williams,
C. Erwin, Orr, S. A. Williams,
Farrow, Paine, W. P. Williams,
Foreman, Peden, Wilson,
Gillum, Pemberton, Winston,
Gorham, Perkins, Harris,
Gwynn, Petty, Young—105.

On motion of Mr. Amis, the said resolution was indefinitely postponed—ayes 92, nays 21. The yeas and nays demanded by Mr. Nye.
Those who voted in the affirmative, were,

MESSRS.

Amis, Hester, Rand,
Baker, Hill, J. R. Rayner,
Barnes, Holland, Reid,
B. L. Beall, Hoke, Roebuck,
Bedford, Hollingsworth, Rush,
E. S. Bell, Howerton, Siler,
Ballock, Huggins, Sims,
J. Blount, Hyman, Sloan,
Roger, Jarman, Smith,
Boyd, R. Jones, Stallings,
Braswell, Keener, Stockard,
Brittain, Killian, Sullivan,
Brogdan, Lane, Taylor,
Brummell, Larkins, D. Thomas,
Bryan, Lindsay, G. Thomas,
Burgess, Mangum, Tomlinson,
G. W. Caldwell, Massey, Trolinger,
Cardwell, W. J. T. Miller, Tuton,
Carson, Munday, Underwood,
Chambers, McLaughlin, Wadell,
Clegg, McLaurin, Wadsworth,
Clement, McWilliams Walker,
Covington, Nye, Whitaker,
Daniel, Oglesby, Wilcox,
Davis, Orr, J. Williams,
Doak, Paine, S. A. Williams,
Dulanap, Peden, W. P. Williams,
Eaton, Pemberton, Wilson,
C. Erwin, Perkins, J. T. Miller,
Gwynn, Petty, Winston, 92.
Harris, Pollock,

Those who voted in the negative were,

MESSRS.

Wm. A. Blount, Gilliam, McCleese,
J. P. Caldwell, Gorham, Patton,
Crawford, Guthrie, Puryear,
Ellington, H. C. Jones, Proctor,
E. J. Erwin, Matthews, Robards,
Farrow, E. P. Miller, Stafford,
Foreman, Mills, Young, 21.

A message from the Senate, informing that Messrs. Reid and Montgomery form the Committee on Enrolled Bills on
the part of the Senate. **Ordered**, that Messrs. E. P. Miller, Walker, Stafford and Jarman form said committee on the part of this House.

A message from the Senate, proposing that Thursday, the 13th December proximo, be set apart for the appointment of Justices of the Peace. The proposition was concurred in.

A message from the Senate, transmitting a memorial from Joel Strong, of the county of Granville, in relation to the dividing line between North Carolina and Virginia, and proposing that said memorial be referred to a committee to consist of the members of both Houses representing the counties adjacent to the Virginia line. The proposition was not concurred in.

A message from the Senate, proposing that so much of the Governor's message as relates to the subject of the currency, and the depositories of the Federal Government, be referred to the Committee on Finance. The proposition was not concurred in.

A message from the Senate, proposing that so much of said message as relates to the public arms and a compilation of military tactics, be referred to the Joint Select Committee on Military Affairs; and proposing that so much of said message as relates to reports from the institutions of the State in which it has a pecuniary interest, be referred to the Committee on Finance. These propositions were concurred in.

Mr. Guthrie, from the Committee on Private Bills, reported without amendment the bill to authorize Robert Walker of Wilkes County to build a Mill on his own land on Roaring River at or near a place called the Rock House. Said bill was read the second time and passed.

Mr. Guthrie, from the same committee, reported without amendment the bill making valid certain surveys of the deputy surveyor of the county of Haywood. Said bill was read the second time and passed.

Mr. Crawford submitted the following resolution:

Resolved, That his Ex'cy. Governor Dudley be requested to forward to his Excellency the Governor of Vermont a communication upon the subject of the Resolutions transmitted to him upon the subject of abolition, and to express the indignation and abhorrence of this deliberate body in a most decided manner.

Mr. W. P. Williams moved to amend said resolution, by striking out the whole after the word Resolved, and to insert the following:
"That the interference of the Legislature of the State of Vermont with the subject of Slavery, as communicated to us in our Governors's message, is a gross assault on Southern rights, and deserves a contemptuous and indignant rebuke from this House."

Pending this motion, Mr. Eaton moved that the resolution be postponed indefinitely, and the question thereon was determined in the affirmative—Yeas 79, Nays 34. The yeas and nays demanded by Mr. Eaton.

Those who voted in the affirmative were,

**Messrs.**

Amis, Baker, Barnes, Bedford, W. A. Blount, Boger, Boyden, Braswell, Brittain, Brogden, Bryan, Burgess, Cardwell, Carson, Chambers, Clegg, Covington, Daniel, Davis, Doak, Eaton, E. J. Erwin, C. Erwin, Harris, Hester, Hill, Hoke,


Those who voted in the negative were,

**Messrs.**

B. L. Beall, E. S. Bell, Blalock, J. Blount, Gilliam, Gorham, Guthrie, Gwynn, Patton, Puryear, Proctor, Robards,
Mr. Winston, from the Committee on the Judiciary, asked that the Committee be discharged from the further consideration of the resolution directing them to inquire into the expediency of amending the Bastardy Law. The committee was discharged.

On motion of Mr. Gilliam,

Ordered, That a message be sent to the Senate proposing that the two Houses do on Monday next, at 12 o'clock, go into an election of Counsellors of State.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of authorising the County Courts to decree a sale of land held by tenants in common, reported unfavorably thereon, and asked to be discharged from the further consideration thereof. The report was concurred in, and the committee discharged.

Mr. Winston, from the same Committee, reported a bill to amend the 39th section of the Revised Statutes, entitled an act concerning Courts of Justice, Practice, Pleas, and Process. Said bill was read the first time and passed.

Mr. Wilson introduced a bill to incorporate Pleasant Grove Academy, in the county of Perquimons; which was read the first time and passed.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Cape Fear and Western Steam Boat Company, with sundry amendments; which were read and concurred in; and the question being on the passage of the bill the second reading, as amended, Mr. Guthrie moved further to amend the bill by adding the following section: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts, and liabilities of the corporation." The question on concursing with this amendment was decided in the affirmative—yeas 94—nays 14. The yeas and nays demanded by Mr. Wilcox.
Those who voted in the affirmative were,

Messrs.

reported the bill to incorporate the Yadkin Manufacturing Company, without amendment. The said bill was read the second time, and, on motion of Mr. Guthrie amended, by adding the following section, viz: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts, and liabilities of the corporation." Ordered, on motion of Mr. Crawford, that the said bill lie on the table.

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

SATURDAY, DECEMBER 1, 1838.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, to whom was referred the petition of Henry Patterson, reported a bill to emancipate Emeline Patterson; which was read the first time and passed.

Herod Faison, one of the members elect from the county of Northampton, appeared, and was qualified according to law.

Mr. Hoke moved the House do now reconsider the vote of yesterday whereby was postponed indefinitely the following resolution, viz:

Resolved, That His Excellency Governor Dudley be requested to forward to His Excellency the Governor of Vermont, a communication upon the subject of the resolutions transmitted to him upon the subject of abolition, and to express the indignation and abhorrence of this deliberative body in a most decided manner."

The question on this motion was decided in the affirmative.

Mr. Hoke moved to amend said resolution by striking out the whole after the word resolved, and inserting the following, viz: "That upon the subject of the abolition of slavery we have but one opinion, and will not, under any circumstances, permit ourselves to entertain or debate it; and any effort to excite discussion by persons living out of our State, will be instantly met with the most decisive and contemptuous reprobation." Mr. Paine moved to amend the amendment, by substituting in lieu thereof the following, viz:

Whereas, we the Representatives of the people of North Carolina, perceive with abhorrence and regret that the Legislature of
the State of Vermont have, by a communication on the subject of the abolition of slavery from the Governor of said State to the Executive of the State of North Carolina, attempted officiously and without the shadow of a right to interfere with our domestic institutions; and whereas, we view all such attempts at interference as having an inevitable tendency not only to destroy harmony and good feeling among the States of this Union, but also to lead to civil war and bloodshed:

Therefore be it Resolved, That we consider all such communications as an open declaration of hostility to our peace, happiness and prosperity, and leave them to the opprobrium and detestable contempt with which they deserve to be treated by the friends of peace and good order and the advocates of the durability of the Federal Compact."

Mr. Gwynn called for a division of the question, when, on motion of Mr. Crawford, the whole subject was committed to a Select Committee consisting of Messrs. Robards, Hoke, Paine and Cardwell.

Mr. Brittain called up for consideration the bill to lay off and establish a county by the name of Henderson; when the said bill was read the second time and passed—yeas 78—nays 37. The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative were,

Messrs.

B. L. Beall,  Gwyther,  Peden,
Bedford,  Gwynn,  Pemberton,
E. S. Bell,  Harris,  Petty,
Blalock,  Hester,  Pollock,
Boger,  Hill,  Puryear,
Boyden,  Hoke,  Proctor,
Braswell,  Holland,  Rand,
Brittain,  Huggins,  J. R. Rayner,
Brummell,  Hyman,  Reid,
J. P. Caldwell,  R. Jones,  Robards,
G. W. Caldwell,  H. C Jones,  Rush,
Cardwell,  Keener,  Siler,
Carson,  Killian,  Sims,
Chambers,  Lane,  Smith,
Clegg,  Lindsay,  Stafford,
Clement,  Matthews,  Stockard,
Covington,  W. J. T. Miller,  D. Thomas,
Crawford,  E. P. Miller,  G. Thomas,
Doak,  Munday,  Trollinger,
Dunlap, E. J. Erwin, C. Erwin, Farrow, Gilliam, Guthrie, McLaughlin, McLaurin, Nye, Oglesby, Orr, Paine, Patton.


Those who voted in the negative were,

Messrs.

On motion of Mr. Brittain, two thirds of the House concurring, the said bill was read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 79—nays 36. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative were,

Messrs.
B. L. Beall, Bedford, E. S. Bell, Blalock, Boger, Boyden, Braswell, Brittain, Brumwell, J. P. Caldwell, G. W. Caldwell, Cardwell, Carson, Chambers, Clegg, Gwynn, Harris, Hester, Hill, Hoke, Holland, Huggins, Hyman, R. Jones, H. C. Jones, Keener, Killian, Lane, Lindsay, Mangum, Paine, Patton, Peden, Pemberton, Petty, Pollock, Puryear, Proctor, Rand, J. R. Rayner, Reid, Robards, Rush, Siler, Sims,
Ordered, That said bill be engrossed.

Mr. McLaurin called up the bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina, and moved that the House do re-consider their vote of yesterday adopting the amendment offered by Mr. Guthrie as an additional section. The question on this motion was decided in the affirmative; when, on motion of Mr. Reid, the bill and proposed amendment were laid on the table.

Mr. Hill, from the Committee on Internal Improvements, reported the bill to alter, amend, and improve the public road from Rutherfordton to Asheville, over the Blue Ridge by the Hickory Nut Gap, with amendments; when, on motion of Mr. H. C. Jones, the report was laid on the table.

Mr. H. C. Jones, from the Select Committee to whom was referred the bill to establish a toll bridge over the South Yadkin River, near Hall's Mills in Davie county, reported the same without amendment, and, on his motion, the bill was ordered to lie on the table.
The bill to authorise Robert Walker, of Wilkes county, to build a mill on his own land on Roaring River, at or near a place called the Block House; also, the bill to circumscribe the corporate limits of the town of Milton; and the bill making valid certain surveys of the Deputy Surveyor of Haywood county, were read the third time, passed, and ordered to be engrossed.

Mr. H. C. Jones called up for consideration, the bill to establish a Toll Bridge over the South Yadkin river, near Hall’s Mills, in Davie county; when the said bill was read the third time, passed, and ordered to be engrossed.

Mr. Siler, from the Committee on the Cherokee Lands, to whom the matter was referred, reported a resolution in favor of Joseph Prindle; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Hester introduced a bill to amend the law concerning assaults and batteries; which was read the first time and passed, and, on Mr. Hester’s motion, referred to the Committee on the Judiciary.

Mr. Petty introduced a bill, founded on a petition, to emancipate Caroline Cook and her four children, Pamela, Archibald Tomberlin, Jas. Ellis, and Martha Jane; which was read the first time and passed, and, on motion of Mr. Petty, referred to the Committee on Propositions and Grievances.

Received from His Excellency Governor Dudley, by his Private Secretary, a communication transmitting in obedience to a call of this House the bids for the Public Printing, filed in his office by the Secretary of State. The communication was read, and, on motion of Mr. Hill, referred to the joint select committee on the Public Printing.

Received from the Senate a message, informing that Messrs. Wilson, Dockery, Harper, Hill and Cooper, form their branch of the joint select committee on Military Affairs.

A message from the Senate, concurring in the proposition of this House, to add Mr. Patton to the Committee on Cherokee Lands.

A message from the Senate, proposing that Mr. Jones be added to the Joint Select Committee on Cherokee Lands.—The proposition was agreed to.

On motion of Mr. Paine,

Resolved, That a message be sent to the Senate, proposing to
raise a joint select committee consisting of three on the part of each House, to whom shall be referred that part of the Governor's Message which relates to the establishment of Banks within the States, to be tendered to the Government of the United States, as places of deposit of the public monies and fiscal agents of the General Government.

A message from the Senate, concurring in the proposition of this House to refer the communication of His Excellency the Governor, together with the report of Wm. H. Haywood, Jr. Esq., on the Military Claim of North Carolina against the General Government, to a Joint Select Committee, and informing that Messrs. Morehead, Spruill, Bunting, Arrington and Speed form their branch of said Committee. Ordered, that Messrs. Brummell, S. A. Williams, Faison, G. W. Caldwell, and Waddell form said Committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to print the Report of the Commissioner for draining Mattamuskeet Lake.

On motion of Mr. Hill,

Resolved, That the Joint Select Committee raised for the purpose of providing a signal for the meetings of the two Houses, be instructed to inquire what repairs are necessary on the building where the bell now stands, what expense will be incurred thereby, and to report accordingly.

A message from the Senate, informing that they had passed the engrossed bill concerning the Court of Pleas and Quarter Sessions of the county of Iredell, and asking the concurrence of this House. The said bill was read the first time and passed.

The resignations of John Linton and A. Ward, of Duplin county, and of John Hardley of Randolph, Justices of the Peace, received from the Senate, were read and accepted.

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

Monday, Dec. 3, 1838.

Mr. Hoke, from the select committee to whom was referred the memorial of sundry citizens of the counties of
Lincoln and Rutherford, reported a bill to establish a new county by the name of Cleveland; which was read the first time and passed.

Mr. Trollinger presented a memorial from many citizens of the county of Orange, praying that said county be not divided.

Mr. Crawford moved that the House do now take up for consideration the bill to lay off and establish a county by the name of Jefferson. The motion prevailed. Mr. Hill moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 44, nays 64.—

The yeas and nays called for by Mr. Crawford.

Those who voted in the affirmative were,

**Messrs.**

Amis, Hollingsworth, Roebuck,
Baker, Huggins, Sloan,
Barnes, Hyman, Smith,
J. Blount, Jarman, Stallings,
W. A. Blount, Larkins, Sullivan,
Bond, Matthews, G. Thomas,
Bryan, J. T. Miller, Tuton,
Burgess, McCleese, Underwood,
Daniel, McWilliams, Wadsworth,
Davis, Paine, Whitaker,
Eaton, Perkins, Wilcox,
Faison, Pollock, J. Williams,
Foreman, Proctor, S. A. Williams,
Gorham, K. Rayner, Wilson, 44.
Hill, J. R. Rayner,

Those who voted in the negative were,

**Messrs.**

B. L. Beall, Farrow, Nye,
Bedford, Guthrie, Oglesby,
E. S. Bell, Gwyther, Orr,
Blalock, Gwynn, Patton,
Boger, Harris, Peden,
Boyden, Hester, Pemberton,
Braswell, Hoke, Petty,
Brittain, Holland, Puryear,
Brogden, R. Jones, Reid,
Bromwell, H. C. Jones, Robards,
J. P. Caldwell, Keener, Rush,
G. W. Caldwell, Killian, Siler,
Cardwell, Lane, Sims,
Mr. Robards moved to amend the bill by striking out Jefferson, the name of the county, and to insert Blakely. The question thereon was decided in the negative—yeas 50, nays 60. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative were,

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<td>Young, 50.</td>
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Those who voted in the negative were,

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Bryan, R. Jones Stafford,
Burgess, Keener, Stallings,
G. W. Caldwell, Killian, Stockard,
Cardwell, Larkins, Sullivan,
Carson, Mangum, G. Thomas,
Chambers, Massey, Tuton,
Clegg, W. J. T. Miller, Underwood,
Crawford, J. T. Miller, Whitaker,
Daniel, E. P. Miller, Wilcox,
Davis, Munday, S. A. Williams,
Eaton, Nye, Wilson—60.

The bill was amended, on the several motions of Messrs. Robards and Trollinger, and the question, shall the said bill pass the second reading? was determined in the affirmative.

Mr. Siler introduced a resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee Lands in certain cases; which was read, and, on motion of Mr. Robards, referred to the Committee on Cherokee Lands.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, to whom was referred the bill to lay off and establish a county by the name of Stanly, reported the same without amendment; when said bill was read the second time and passed.

Received from His Excellency Governor Dudley, by his Private Secretary, a message, transmitting the Report of the Commissioners for the sale of the Cherokee Lands. The same was read, and, on motion of Mr. Siler, Ordered, that it be sent to the Senate, with a proposition that it be printed and be referred to the Joint Select Committee on Cherokee Lands.

Mr. Hill introduced a bill to allow Charles P. Morris, late Sheriff of New Hanover county, further time for the collection of the taxes due from the citizens of said county; and Mr. J. T. Miller a bill to incorporate the Wilmington Hotel Company. These bills were read the first time and passed.

Received from the Senate a message, proposing that a Joint Select Committee of three on the part of each House be appointed, to make the necessary arrangements and to prescribe the time and manner for the assembling of the two Houses to compare the votes given at the late election in the State for Governor, and to declare the result. The proposition was agreed to, and Messrs. Waddell, J. T. Miller and
Patterson appointed to form said committee on the part of this House.

A message from the Senate, informing that they had rejected the engrossed resolution relating to the Printing of the Comptroller's Report.

A message from the Senate, informing that Messrs. Davidson, Foy, Albright, Baker, and Sharp form their branch of the Joint Select Committee on the Public Printing.

On motion, Ordered, That a message be sent to the Senate, proposing that Mr. McWilliams be added to the last named Committee.

Messrs. E. S. Bell, Proctor, Hester, and Baker form the Committee on Enrolled Bills the present week.

On motion, Ordered, That W. P. Williams have leave of absence from the service of the House this day.

On motion, Ordered, That a message be sent to the Senate, informing that the following gentlemen are in nomination for Counsellors of State, viz: John A. Anderson, of Hertford, Allen Goodwin, of Chatham, James P. Leak, of Richmond, Johnson Busbee, of Wake, Thomas McGeehee, of Person, Willie Perry, of Franklin, and Isaac T. Avery, of Burke.

Received from the Senate a message, informing that the following gentlemen are added to the nomination, viz: Jas. Watt, of Rockingham, George Williamson, of Caswell, Allen Rogers, sen’r. of Wake, Archibald H. Davis, of Franklin, Charles E. Johnston, of Chowan, and Thomas H. Hall, of Edgecomb; informing further that they are now ready to go into said election; and that Messrs. Biddle and McDairmid form their committee of superintendence. Ordered, that Messrs. Daniel and E. J. Erwin compose said committee on the part of this House. The roll was called and the House proceeded to vote as follows for seven Counsellors of State:

**FOR JOHN A. ANDERSON,**

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Braswell, Huggins, Robards,
Brittain, Hyman, Rush,
Brogden, Jarman, Siler,
Brummett, R. Jones, Sims,
J. P. Caldwell, H. C. Jones, Smith,
G. W. Caldwell, K. Rayner, Stallings,
Cardwell, Keener, Stockard,
Carson, Killian, Sullivan,
Chambers, Lane, Taylor,
Clegg, Larkins, D. Thomas,
Clement, Lindsay, G. Thomas,
Covington, Matthews, Trollinger,
Crawford, W. J. T. Miller, Tuton,
Daniel, J. T. Miller, Underwood,
Davis, E. P. Miller, Waddell,
Doak, Mills, Wadsworth,
Dunlap, Munday, Walker,
Eaton, McCleese, J. Williams,
Ellington, McLaughlin, Wilson,
E. J. Erwin, McLaurin, Winston,
C. Erwin, McWilliams, Young,
Faison, Nye, Speaker,
Farrow, Oglesby, Guthrie,
Foreman, Orr, Mangum, 99.

FOR ALLEN GOODWIN,

Messrs.

Amis Faison, Peden,
Baker, Farrow, Pemberton,
Barnes, Foreman, Perkins,
B. L. Beall, Gilliam, Petty,
Bedford, Gorham, Pollock,
E. S. Bell, Gwyther, Puryear,
Blalock, Harris, Proctor,
W. A. Blount, Hill, K. Rayner,
Boger, Holland, Robards,
Bond, Hoke, Robeuck,
Boyden, Huggins, Rush,
Braswell, Hyman, Siler,
Brittain, R. Jones, Sims,
Brummett, H. C. Jones, Sloan,
Bryan, Keener, Smith,
Burgess, Killian, Stafford,
J. P. Caldwell, Lane, Taylor,
Cardwell, Lindsay, D. Thomas,
Carson, Massey, G. Thomas,
Chambers, W. J. T. Miller, Underwood,
Clegg, J. T. Miller, Waddell,
Clement, Covington, Crawford, Davis, Doak, Dunlap, Ellington, E. J. Erwin, C. Erwin, E. P. Miller, Mills, Munday, McCleese, McLaurin, McWilliams Oglesby, Paine, Wadsworth, Whitaker, J. Williams, Wilson, Winston, Mr. Speaker, Patton, Guthrie, 89.

FOR JAMES P. LEAKE,

Messrs.
B. L. Beall, Bedford, E. S. Bell, Blalock, W. A. Blount, Bond, Boyden, Brittain, Brummell, Burgess, J. P. Caldwell, Carson, Clegg, Clement, Covington, Crawford, Doak, Dunlap, Ellington, E. J. Erwin, Faison, Farrow
Foreman, Gilliam, Gorham, Gwyther, Harris, Hill, Huggins, Hyman, H. C. Jones, Keener, Lane, Lindsay, Matthews, W. J. T. Miller, E. P. Miller, Mills, McCleese, McLaughlin, McLaurin, McWilliams, Oglesby, Paine, Patton, Peden, Pemberton, Petty, Puryear, Proctor, K. Rayner, Robards, Rush, Smith, D. Thomas, G. Thomas, Underwood, Waddell, Wadsworth, J. Williams, Wilson, Winston, Young, Speaker, Guthrie 65

FOR JOHNSTON BUSBEE,

Messrs.
B. L. Beall, Bedford, E. S. Bell, Blalock, W. A. Blount, Bond, Boyden, Brittain, Brummell, Burgess, J. P. Caldwell, Gilliam, Gorham, Gwyther, Harris, Huggins, Hyman, H. C Jones, Keener, Lane, Lindsay, W. J. T. Miller, Petty, Puryear, Proctor, Rand, K. Rayner, Robards, Rush, Siler, Smith, D. Thomas, G. Thomas.
Carson, E. P. Miller, Tomlinson,  
Clegg, Mills, Underwood,  
Clement, Mc Cleese, Waddell,  
Covington, McLaughlin, Wadsworth,  
Crawford, McLaurin, J. Williams,  
Doak, McWilliams, Wilson,  
Dunlap, Oglesby, Winston,  
Ellington, Paine, Young,  
E. J. Erwin, Patton, Mr Speaker,  
Farrow, Peden, Guthrie, 67.  
Foreman, Pemberton,  

FOR THOMAS McGEHEE,

Messrs.  
B. L. Beall, Gilliam, Paine,  
Bedford, Guthrie, Patton,  
E. S. Bell, Gorham, Peden,  
Blalock, Gwyther, Pemberton,  
W. A. Blount, Harris, Petty,  
Bond, Hill, Puryear,  
Boydien, Huggins, Proctor,  
Brittain, Hyman, K. Rayner,  
Brummell, H. C. Jones, Robards,  
Burgess, Keener, Rush,  
J. P. Caldwell, Lane, Smith,  
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Clement, W. J. T. Miller, Underwood,  
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Dunlap, Mc Cleese, J. Williams,  
Ellington, McLaughlin, Wilson,  
E. J. Erwin, McLaurin, Winston,  
Faison, Mc Williams, Young,  
Farrow, Oglesby, Mr. Speaker, 64.  
Foreman,  

FOR WILLIE PERRY,

Messrs.  
B. L. Beall, Gilliam, Patton,  
Bedford, Gorham, Peden,  
E. S. Bell, Gwyther, Pemberton,  
Blalock, Harris, Petty,  
W. A. Blount, Hill, Puryear,  
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Dunlap, Mc Cleese, J. Williams,  
Ellington, McLaughlin, Wilson,  
E. J. Erwin, McLaurin, Winston,  
Faison, Mc Williams, Young,  
Farrow, Oglesby, Mr. Speaker, 64.  
Foreman,  

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Burgess, J. P. Caldwell, Carson, Clegg, Clement, Covington, Doak, Dunlap, Ellington, E. J. Erwin, Faison, Farrow, Foreman, Lane, Lindsay, Matthews, W. J. T. Miller, E. P. Miller, Mills, McCleese, McLaughlin, McLaurin, McWilliams, Oglesby, Paine, Smith, D. Thomas, G. Thomas, Underwood, Waddell, Wadsworth, J. Williams, Wilson, Winston, Young, Speaker, Guthrie, 64.

FOR ISAAC T. AVERY,

Messrs.

FOR JAMES WATT,

Messrs.
Amis, Baker, Barnes, J. Blount, Braswell, Boger, Gwynn, Hester, Hoke, Holland, Hollingsworth, R. Jones, Reid, Roebuck, Sloan, Stafford, Stallings, Stockard,
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<th>JOURNAL OF THE HOUSE OF COMMONS.</th>
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FOR GEORGE WILLIAMSON,

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FOR ALLEN ROGERS, Sr,

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| Mangum, 47. |
FOR ARCHIBALD DAVIS,

Messrs.
Amis, Hester, Sims,
Baker, Holland, Sloan,
Barnes, Hollingsworth, Stafford,
J. Blount, Jarman, Stallings,
Boger, R. Jones, Stockard,
Braswell, Killian, Sullivan,
Brogden, Larkins, Taylor,
Bryan, Massey, Tomlinson,
G. W. Caldwell, Munday, Trollinger,
Cardwell, Nye, Tuton,
Chambers, Perkins, Walker,
Daniel, Pollock, Whitaker,
Davis, Rand, Wilcox,
Eaton, J. R. Rayner, S. A. Williams,
C. Erwin, Reid, Mangum,
Gwynn, Roebuck, 47

FOR CHARLES E. JOHNSTON,

Messrs.
Amis, Hester, Roebuck,
Baker, Hoke, Sims,
Barnes, Hollingsworth, Sloan,
J. Blount, Jarman, Stafford,
Boger, R. Jones, Stallings,
Braswell, Killian, Stockard,
Brogden, Larkins, Taylor,
Bryan, Massey, Tomlinson,
Burgess, Munday, Trollinger,
G. W. Caldwell, Nye, Tuton,
Cardwell, Orr, Walker,
Chambers, Paine, Whitaker,
Daniel, Perkins, Wilcox,
Davis, Pollock, S. A. Williams,
Eaton, Rand, Mangum,
C. Erwin, J. R. Rayner, 49
Gwynn, Reid,

FOR THOMAS H. HALL,

Messrs.
Amis, Killian, Stockard,
Baker, Massey, Sullivan,
Brogden, J. T. Miller, Taylor,
The certificate of the County Court of Cumberland in favor of Ann Morrison, a State Pensioner, was received from the Senate, countersigned by the Speaker of that body. On motion of Mr. Reid, Ordered, That the same be countersigned by the Speaker of this House.

Mr. Crawford moved that the House do now consider the bill to lay off and establish a county by the name of Jefferson. The motion prevailed, and the bill was read the third time. Mr. J. P. Caldwell moved to strike out the name of Jefferson wherever it occurs in the bill, and to insert the...
name of Madison. Mr. Gilliam called for a division of the question; and the question being first on striking out, was determined in the negative—yeas 29—nays 83. The yeas and nays called for by Mr. Eaton.

Those who voted in the affirmative were,

   Messrs.
Bond,    Hyman,    Paine
Boyden,  H. C. Jones,  Patton,
J. P. Caldwell, Keener,  Peden,
Clement, Lane,  Proctor,
E. J. Erwin, Lindsay,  Robards,
Foreman, Matthews,  D. Thomas,
Gilliam, Mills,  Underwood,
Gorham,  McLaughlin,  Waddell,
Guthrie,  McLaurin,  Young, 29.
Hill,    McWilliams,  

Those who voted in the negative were,

   Messrs.
Baker,    Faison,  K. Rayner,
Barnes,   Farrow,  J. R. Rayner,
B. L. Beall, Gwyther,  Reid,
Bedford,  Gwynn,  Roebuck,
E. S. Bell, Harris,  Rush,
Blalock,  Hester,  Siler,
J. Blount, Hoke,  Sims,
W. A. Blount, Holland,  Sloan,
Roger,    Hollingsworth,  Smith,
Braswell, Huggins,  Stafford,
Brittain, Jarman,  Stallings,
Brummell,  R. Jones,  Stockard,
Bryan,    Killian,  Sullivan,
Burgess, Larkins,  Taylor,
G. W. Caldwell, Mangum,  G. Thomas,
Cardwell, Massey,  Tomlinson,
Carson,   W. J. T. Miller,  Trollinger,
Chambers,  E. P. Miller,
Clegg,    Munday,  Tuton,
Covington, McCleese,  Wadsworth,
Crawford, Nye,  Walker,
Daniel,  Ogleby,  Whitaker,
Davis,    Orr,  Wilcox,
Doak,    Pemberton,  J. Williams,
Dunlap,  Perkins,  S. A. Williams,
Eaton,    Petty,  Wilson,
Ellington, Pollock,  Brogden,
C. Erwin, Rand,  J. T. Miller, 83.
The question now recurring on the passage of the bill the third reading, on motion of Mr. Gwynn, the House resolved itself into a Committee of the Whole, Mr. Gwynn in the Chair, and took said bill under consideration; and after some time spent therein, the Speaker resumed the Chair, and the chairman reported the bill without amendment. Mr. Hill moved to amend the bill by adding the following proviso: Provided, That in the event of the citizens of the county of Jefferson not being able to agree upon the site of the Court-House contemplated to be erected therein, then this bill to be null and void. The question on the adoption of this amendment was decided in the negative. The question again recurring on the passage of the bill the third reading, was decided in the affirmative—yeas 61—nays 53. The yeas and nays demanded by Mr. Whitaker.

Those who voted in the affirmative were,

**Messrs.**


Bedford, Guthrie, 
Blalock, Gwynn, 
Boger, Harris, 
Boyden, Heister, 
Braswell, Hoke, 
Brittain, Holland, 
Brummell, R. Jones, 
G. W. Caldwell, H. C. Jones, 
Cardwell, Keener, 
Carson, Killian, 
Chambers, Lane, 
Clegg, Lindsay, 
Clement, Mangum, 
Covington, Massey, 
Crawford, W. J. T. Miller, 
Doak, E. P. Miller, 
Dunlap, Mills, 
E. J. Erwin, Monday, 
C. Erwin, McLaughlin, 
Farrow, 

Those who voted in the negative were,

**Messrs.**

Baker, Hollingsworth, Roebuck, 
Barnes, Huggins, Sloan, 
E. S. Bell, Hyman, Smith, 
Wm. A. Blount, Jarman, Stallings, 
Bond, Larkins, Sullivan,
Ordered, That said bill be engrossed.

Mr. Winston, from the Committee on the Judiciary, reported the bill to extend the time for paying in entry money without amendment; when the said bill was read the second time and passed.

The bill to allow Charles P. Morrison, late Sheriff of New Hanover county, further time for the collection of taxes, was read the second time and passed.

The resignation of Wm. B. McCorkle as a Justice of the Peace of the county of Anson, was presented, read, and accepted.

Mr. Robards, from the Select Committee raised upon the subject, submitted the following Report:

The Committee to whom were referred the various Resolutions on so much of the Governor's Message as relates to the communication from the State of Vermont on the Abolition of Slavery, have had the matter under the most mature and solemn consideration, and report the following Resolutions:

Resolved, That the Resolution from the State of Vermont on the Abolition of Slavery, transmitted to us by His Excellency the Governor of this State, is a gross assault on the rights and domestic institutions of the South.

Resolved, That it is inconsistent with the dignity and solemn duty of this Legislature to make any response to them whatever.

Resolved, That upon the subject of the Abolition of Slavery we have but one opinion, and will not permit ourselves to entertain or debate it; and any effort to provoke discussion will be instantly met with the most decisive reprobation.

Mr. Whitaker moved that said Report be laid on the table, and made the special order of the day for to-morrow. The motion did not prevail. Mr. J. P. Caldwell moved to amend the Resolutions by striking out all after the word resolved, and to insert the following:

"Whereas, we the Representatives of the people of North Carolina, perceive with abhorrence and regret, that the Legislature of
the State of Vermont have, by a communication on the subject of
the abolition of slavery from the Governor of said State to the Ex-
ceutive of the State of North Carolina, attempted officiously and
without the shadow of a right to interfere with our domestic insti-
tutions; and whereas, we view all such attempts at interference as
having an inevitable tendency not only to destroy harmony and
good feeling among the States of this Union, but also to lead to
civil war and bloodshed:

Therefore be it Resolved, That we consider all such communi-
cations as an open declaration of hostility to our peace, happiness
and prosperity, and leave them to the opprobrium and detestable
contempt with which they deserve to be treated by the friends of
peace and good order and the advocates of the durability of the
Federal Compact.”

Pending this motion, Mr. K. Rayner moved that the Re-
port and amendment be postponed to Thursday next, and
made the order of the day for that day. The motion pre-
valied.

Mr. E. J. Erwin, from the Committee appointed to su-
perintend the election of Counsellors of State, reported that
John A. Anderson, Allen Goodwin, James P. Leake, John-
son Busbee, Thomas McGhee, Willie Perry, and Isaac T.
Avery had each received a majority of the whole number of
votes, and were duly elected. The report was concurred in.

Mr. K. Rayner submitted the following Resolutions:

Whereas, we believe that a great crisis has arrived in the political history
of our country, on the issue of which we conceive the safety of our free in-
stitutions to depend; and whereas, we consider it our bounden duty, as the
Representatives of the freemen of North Carolina, to express in calm and
dispassionate language our opinions on the great questions which have been
for some time, and some of which still are, agitating the public mind:

Resolved therefore, That this General Assembly do condemn, in the most
decided manner, that act of the Senate of the United States expunging the
records of that body as a palpable violation of the plain letter of the Consti-
tution, and as an act of party servility calculated to degrade the character of
the Senate.

Resolved, That Resolutions ought to be passed by the Senate of the Uni-
ted States condemning of that act and rescinding the Resolutions authoriz-
ing it to be done.

Resolved, That this General Assembly do condemn the Sub-Treasury
System which this Administration is endeavoring to establish, as another
item in that series of fatal experiments of this and the past Administration,
which are the main source of that derangement in the currency and prostra-
tion of commercial credit which have been so severely felt of late in every
branch of industry, and which, if suffered to become a law, will, by its ten-
dency to augment Executive power, to unite the purse and the sword in the
hands of the Executive, and to destroy the Credit System, by the exaction of

46
specie in the Government dues, ultimately change the real character of our
Government and place in peril the liberties of our country.

Resolved. That we consider the Public Lands of the United States as the
common property of all the States, and that we therefore condemn the late
act of Congress allowing settlers on the Public Lands the right of pre-emption
at the minimum price, as an act of gross injustice to the old States who
originally ceded them, or who contributed to a common fund for their pur-
chase.

Resolved, That we believe that the proper and equitable disposition of the
Public Domain is, to divide the proceeds arising from their sales among the
several States of the Union according to the ratio of their Federal population.

Resolved, That we do most solemnly protest against the wasteful extravag-
ance of the present administration and their profligate expenditure of the
public money, which not only creates a demand for heavy taxation in order
to meet the extravagant appropriations of the General Government, but which
tends to the corruption of public morals and the degradation of the national
character.

Resolved, That the power and patronage of the Executive Department of
the Federal Government have increased to an alarming extent and ought to
be diminished.

Resolved, That our Senators in Congress will represent the wishes of a
majority of the people of this State by voting to carry out the foregoing Res-
olutions.

Resolved, That the Governor of this State be requested to forward a copy
of these Resolutions to each of our Senators in Congress, with a request that
they lay them before the Senate of the United States; and one to each of the
Governors of the several States of the Union, with a request that they lay
them before their respective Legislatures.

The foregoing Resolutions were read, and, on motion of
Mr. K. Rayner, Ordered, That they be printed and made
the order of the day for Thursday the 13th inst.

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

Wednesday, December 5, 1838.

Mr. E. J. Erwin, from the select committee, to whom was
referred the bill to establish and lay off a county by the
name of McDowell, reported the same with an amendment.
The amendment was concurred in, and the bill read the
second time. Mr. Wilcox moved the bill be postponed in-
definitely. The question thereon was determined in the
negative—yeas 54, nays 57. The yeas and nays demanded
by Mr. Stallings.
Those who voted in the affirmative were,

Messrs.


Those who voted in the negative were,

Messrs.


The question recurring on the passage of the bill the second reading, was determined in the negative.

Received from his Excellency the Governor, by his pri-
vate Secretary, a communication transmitting a letter from Hon. R. M. Saunders, one of the Judges of the Superior Courts, on the necessity of changing the time of holding the Superior Courts in the 1st, 2d, and 3d circuits; which was read, and, on motion of Mr. Hoke, referred to the Committee on the Judiciary.

Received from the Senate a message, concurring in the proposition of this House, to refer to a joint select committee, so much of the Governor's message as relates to the currency, and to the depositories of the General Government. Ordered, that Messrs. Paine, Whitaker, Hill, Wadsworth and Walker, form this committee on the part of the Commons.

A message from the Senate, concurring in the proposition of this House to raise a joint select committee of five on the part of each House, to inquire into the expediency of building a Penitentiary, and informing that Messrs. Morehead, Edwards, Holt, Shepard and Kerr, form said committee on their part. Ordered, that Messrs. E. J. Erwin, Gilliam, Eaton, Amis and Lindsay, form said committee on the part of this House.

A message from the Senate, informing that Messrs. Spruill, Arrington and Moye, form their branch of the joint select committee, to make the necessary arrangements, and to prescribe the time for comparing the votes cast in the State for Governor.

A message from the Senate, concurring in the proposition of this House, that the joint select committee, raised on that subject, inquire what repairs are necessary on the steeple, and what expense will be incurred to render the ringing of the bell safe.

A message from the Senate, informing that Messrs. Spruill and Wilson, form their branch of the committee on enrolled bills for this week.

A message from the Senate, proposing to refer an accompanying petition from a portion of the citizens of Burke and Wilkes, praying the establishment of a new county; and also, the bill to carry the prayer of the petitioners into effect, to a joint committee to be composed of the members of both Houses, from the above named counties. The proposition was concurred in.

Mr. Boyden, from the Committee on the Judiciary, reported the bill concerning last wills and testaments, without amendment. On motion of Mr. Whitaker, ordered that said bill lie on the table.
A message from the Senate, informing that they had passed the engrossed bill to alter the mode of electing constables in this State, so far as relates to the county of Martin: and the engrossed resolution relative to the purchase of two Maps of North Carolina, for the use of the Senate and House of Commons, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

Received from his Excellency the Governor by his private Secretary, a communication transmitting the report of the President and Directors of the Literary Fund of North Carolina. The report was read, and on motion of Mr. Hill, Ordered, That it be sent to the Senate, together with the documents accompanying, with a proposition to print the copies for each member, of the document exhibiting a plan or system of Common Schools; and one copy for each member, of the Engineer Mr. Shaw's second report; and to refer the whole communication to a joint select committee of six on the part of each House. On the question to print ten copies of the Report on Common Schools for each member, Mr. Cardwell called for the yeas and nays, and the vote was yeas 80, nays 29.

Those who voted in the affirmative were,

Messrs.

Baker, Gorham, Patton,
Bedford, Guthrie, Peden,
E. S. Bell, Gwyther, Pemberton,
Blalock, Gwynn, Petty,
Wm. A. Blount, Harris, B. L. Beall,
Bond, Hester, Pollock,
Boyden, Hill, Puryear,
Braswell, Hoke, Proctor,
Brittain, Huggins, Rand,
Brummell, H. C. Jones, K. Rayner,
Burgess, Keener, Reid,
J. P. Caldwell, Larkins, Robards,
G. W. Caldwell, Lindsay, Rush,
Carson, Mangum, Siler,
Clegg, Massey, Smith,
Covington, Matthews, Stafford,
Crawford, W. J. T. Miller, D. Thomas,
Daniel, J. T. Miller, G. Thomas,
Doak, E. P. Miller, Trollinger,
Dunlap, Mills, Waddell,
Eaton,  
E. J. Erwin,  
C. Erwin,  
Faison,  
Farrow,  
Foreman,  
Gilliam,  
McCleese,  
McLaughlin,  
McLaurin,  
McWilliams,  
Nye,  
Oglesby,  
Paine,  
Walker,  
Wilcox,  
Wilson,  
J. Williams,  
Winston,  
Young—80.

Those who voted in the negative were,

Messrs.

Barnes,  
J. Blount,  
Boger,  
Brogden,  
Cardwell,  
Chambers,  
Clement,  
Davis,  
Ellington,  
Holland,  
Hollingsworth,  
Howerton,  
Hyman,  
Jarman,  
R. Jones,  
Killian,  
Munday,  
Perkins,  
Orr,  
J. R. Rayner,  
Sloan,  
Stallings,  
Sullivan,  
Tomlinson,  
Tuton,  
Wadsworth,  
Whitaker,  
S. A. Williams,  
W. P. Williams, 29.

Mr. Boyden introduced the following resolution:

Resolved, As the opinion of this House, that the creditors of deceased persons, in case of a deficiency of assets, ought to receive a pro rata payment without any regard to the dignity of their claims.

The resolution was read, and, on motion of Mr. Boyden, laid on the table.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Rocky Mount Manufacturing Company, with an amendment. Ordered, on motion of Mr. Gilliam, that the bill and amendment be laid on the table.

Mr. Rand introduced a resolution in favor of David Royster; which was read the first time and passed.

On motion of Mr. Whitaker,

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of providing by law, the manner in which persons convicted of an infamous crime, shall be restored to the rights of citizenship.

On motion of Mr. E. S. Bell,

Resolved That the Committee on Internal Improvement, be in-
structured to inquire into the expediency of constructing some communication by a rail road, from some point at or near Beaufort Harbour, through or near Trenton, in Jones county, then Westwardly by the most convenient and eligible route, to with the contemplated rail road of the Cape Fear, Yadkin, and Pee dee Rail Road at or near the town of Fayetteville. And they report by bill or otherwise.

Mr. Wilson presented a petition and counter petition from sundry citizens of the county of Perquimons, relating to hauling seines and fishing in and at the mouth of Perquimons river; which were, on his motion, referred to the Committee on Propositions and Grievances.

Mr. Cardwell offered the following Resolutions; which were read, and, on his motion, laid on the table:

Resolved, That any act of Congress giving the Public Lands to the States in which they lie would be violating the rights of the old States and the spirit of the Constitution.

Resolved further, That any act of Congress setting apart the proceeds of the sales of the Public Lands for distribution among the States must necessarily compel the General Government to raise the whole amount of its revenues from sources which would bear heavily upon the people.

Resolved further, That it is a violation of the principles of a free government to set agents over the people to collect, directly or indirectly, their money, to be dealt out again to them at the mercy of Executive or Legislative authority.

Resolved further, That the best interests of the Union require that no more revenue should be collected from the people than is absolutely necessary to defray the expenditures of an economical administration of the General Government.

Resolved, That the Governor of this State be, and he is hereby requested, to transmit copies of these Resolutions to each of our Senators and Representatives in the Congress of the United States.

Mr. G. W. Caldwell introduced a bill to incorporate the Trustees of Davidson College; which was read the first time and passed, and, on motion of Mr. G. W. Caldwell, referred to the Committee on Education. Memorials upon this subject from sundry citizens of the State were also presented by Messrs. G. W. Caldwell, J. P. Caldwell, Boger, H. C. Jones, Gwynn, Hoke, Covington; which were also referred to the Committee on Education.

The House then adjourned until to-morrow morning 10 o'clock.
Thursday, Dec. 6, 1838.

The bill to lay off and establish a county by the name of Stanly was read the third time, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 62—nays 48. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative were,

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<td>C. Erwin,</td>
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Those who voted in the negative were,

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Ordered, That said bill be engrossed.

Mr. Perkins introduced the following Resolution:

Resolved, That this General Assembly adjourn sine die on Saturday the 22nd inst., and that the Clerks of both Houses be directed to make up their estimates to that day.

Mr. Nye moved that the Resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 49—nays 60. The yeas and nays demanded by Mr. Tuton.

Those who voted in the affirmative were,

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Those who voted in the negative were,

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<td>G. W. Caldwell,</td>
<td>R. Jones</td>
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Mr. Gwynn moved to amend the said Resolution by striking out all after the word resolved, and to insert the following: That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn on the 22nd inst. Mr. Hill moved to amend the amendment by striking out the whole thereof, and to insert the following: That from and after Monday the 17th inst. this House will hold evening sessions during the remainder of the session. The question on Mr. Hill's motion was determined in the affirmative, when, on motion of Mr. Stallings, Ordered, That the Resolution lie on the table.

Mr. Whitaker moved that the vote of yesterday whereby was rejected the bill to lay off and establish a county by the name of McDowell be now re-considered. The motion prevailed; when, on motion of Mr. E. J. Erwin, Ordered, That said bill lie on the table.

The House proceeded to the special order of the day, on motion of Mr. J. T. Miller, and took up the Resolutions reported by the select committee, relating to the proceedings of the Vermont Legislature upon the subject of the abolition of slavery in the District of Columbia.

Mr. J. P. Caldwell, with leave, withdrew the amendment proposed by him, and the House, on motion of Mr. Gilliam, resolved itself into committee of the whole, Mr. J. P. Caldwell in the Chair, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported said Resolutions to the House without amendment. The question on the adoption of the Resolutions was decided in the affirmative—yeas 110—nay 1. The yeas and nays demanded by Mr. Gilliam.
Those who voted in the affirmative, were,

Messrs.
Baker, Gilliam, Peden,
Barnes, Garham, Pemberton,
B. L. Beall, Guthrie, Perkins,
Bedford, Gwyther, Petty,
E. S. Bell, Gwynn, Pollock,
Blalock, Harris, Puryear,
J. Blount, Hester, Proctor,
W. A. Blount, Hill, Rand
Roger, Hoke, K. Rayner,
Bond, Holland, J. R. Rayner,
Boyden, Howerton, Reid,
Braswell, Huggins, Robards,
Brittain, Hyman, Roebuck,
Brogden, Jarman, Rush,
Brumwell, R. Jones, Sloan,
Bryan, H. C. Jones, Smith,
Burgess, Keener, Stafford
J. P. Caldwell, Killian, Stallings,
G. W. Caldwell, Lane, Stockard,
Cardwell, Lindsay, Sullivan,
Carson, Mangum, Taylor,
Chambers, Massey, D. Thomas,
Clegg, Matthews, G. Thomas,
Covington, W. J. T. Miller, Tomlinson,
Clement, E. P. Miller, Trollinger,
Crawford, J. T. Miller, Tuton,
Daniel, Mills, Underwood,
Davis, Monday, Waddell,
Doak, McCleese, Wadsworth,
Dunlap, McLoughlin, Walker,
Eaton, McLawrin, Whitaker,
Ellington, McWilliams, Wilcox,
E. J. Erwin, Nye, J. Williams,
C. Erwin, Oglesby, S. A. Williams,
Faison, Orr, Wilson,
Farrow, Paine, Young, 110.
Foreman,

Mr. Amis voted in the negative; and, by way of Protest, submitted the followingDeclaration, which, by order, is spread upon the Journal:

I beg leave to submit the following reasons in explanation of the vote which I gave upon the Resolutions in response to the Vermont Resolutions, and ask that they be entered upon
the Journal. I was impressed with the opinion that respect
for ourselves and the dignity of this House required that those
Resolutions should be treated with silent contempt; and to
that end, when they were first brought before this House,
moved for their indefinite postponement; which motion pre-
valled by an overwhelming majority.

Subsequent to this expression of opinion, a Resolution was
introduced expressive of contempt for the Vermont Res-
lutions, thereby entertaining the subject and entirely thwart-
ing the motion for indefinite postponement. Believing, as
I do, that the adoption of the Resolutions in response to the
Vermont Resolutions indicative of a respect unmerited on
their part and entirely inconsistent with a just regard for
our own rights, I therefore hope that these reasons may be
entered upon the Journal, in explanation of the vote which
I gave.

Mr. Keener submitted the following Resolution:

Resolved, That the Committee on Finance be instructed to inquire into
the expediency of authorising the Public Treasurer to allow a discount of
eight per cent. per annum on all advanced payments which may hereafter
be made on the bonds of the late sale of the Cherokee Lands.

On motion of Mr. Stallings, the Resolution was amended
by striking out eight, and inserting six per cent.; when, on
motion of Mr. Boyden, ordered that the resolution lie on
the table.

Mr. E. J. Erwin introduced a bill to incorporate the town
of Morganton, in the county of Burke; and Mr. Reid a bill
providing for the appointment of overseers and hands to clear
out Big and Little Rockfish Creeks, in Cumberland and Rob-
es n counties. These bills were read the first time and
passed.

A message from the Senate, informing that they have
passed the following engrossed bills and resolutions, viz: A
bill to amend an act passed in the year 1821, entitled an act
to incorporate a company, entitled the Roanoke Inlet Com-
pany and for other purposes; a bill to amend the 16th sec-
tion of an act in the Revised Statutes, entitled an act con-
cerning the General Assembly of the State of North Caro-
olina; a resolution in favor of the Public Treasurer, and a
resolution in favor of Wm. Ashley. These bills and resolu-
tions were read the first time and passed.

The bill to amend the 39th section of the Revised Stat-
utes, entitled an act concerning Courts of Justice, Practice,
Pleas and Process; and the bill to incorporate Pleasant Grove Academy, in the county of Perquimons, were each read the second time and passed.

The bill to incorporate the Wilmington Hotel Company, was read and indefinitely postponed.

The Speaker laid before the House a statement from the Raleigh and Gaston Rail Road Company, transmitted in obedience to their charter, exhibiting the receipts and disbursements of the Company to the 1st November, 1838.—The statement was, on motion of Mr. H. C. Jones, referred to the Committee on Internal Improvement.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported the bill to emancipate Caroline Cook and her four children, Pamela, Archibald, James Ellis, and Martha Jane, with an amendment, which was concurred in, and the question, shall the said bill pass the second reading? was decided in the affirmative—yeas 84—nays 28. The yeas and nays called for by Mr. Taylor.

Those who voted in the affirmative were,

Messrs.
Amis, Guthrie, Pemberton, B. L. Beall, Gwyther, Perkins,
Bedford, Gwynn, Petty, E. S. Bell, Harris, Puryear, Blalock, Hester, Proctor, Boger, Hill, Rand, Bond, Hoke, K. Rayner, 
Boyden, Holland, J. R. Rayner, 
Foreman, Orr, Winston,
Gilliam, Paine, Wilson,
Gorham, Peden, Young, 84.

Those who voted in the negative were,

Messrs.
Baker, Davis, Pollock,
Barksdale, Faison, Sloan,
Barnes, Hollingsworth, Stockard,
J. Blount, Howerton, Sullivan,
Wm. A. Blount, Jarman, Taylor,
Brogden, Mangum, Tomlinson,
Bryan, McLaurin, Tuton,
Burgess, McWilliams, S. A. Williams,
Chambers,

Mr. Waddell, from the joint select committee appointed to inquire into and designate the time and manner of counting and comparing the votes cast at the last election for Governor, reported the following resolution:

Resolved, That the two Houses shall assemble in the Hall of the House of Commons, on Friday the 7th day of December, 1838, at 12 o'clock.—That one person be appointed Teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared. That the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the State of the vote, and the person elected, if it shall appear that a choice has been made, agreeably to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journals of the two Houses.

The said resolution was read and concurred in.

A message from the Senate, concurring in the proposition of this House, to refer to a joint select committee of three, on the part of each House, that part of the Governor's Message which relates to the establishment of Banks within the States to be tendered as places of deposite of the public moneys, and as fiscal agents of the Government; and informing that Messrs. Carson, Moore and Hawkins, form their branch of said committee. Ordered, that Messrs. form said committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to add Mr. McWilliams to the Committee on Public Printing.
A message from the Senate, proposing that the standing committees of both Houses on Education and the Literary Fund, be constituted a joint select committee. The proposition was concurred in.

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

Friday, December 7, 1838.

Mr. Crawford, from the Committee on Education, to whom the bill was referred, reported without amendment, the bill to incorporate the Trustees of Davidson College.—The bill was read the second time and passed, and, on motion, two thirds of the House concurring, the bill was read the third time and passed, and ordered to be engrossed.

Mr. B. L. Beall introduced a bill to regulate drill musters in the 87th regiment of North Carolina Militia, in Davidson county; which was read the first time and passed.

The bill to amend the 39th section of the revised statutes, entitled an act concerning Courts of Justice, Practice, Pleas and Process, was read the third time. Mr. Reid moved to amend the bill by adding the following section: "And be it further enacted, that nothing in this act shall be so construed, as to prevent the plaintiff in any suit, to issue writs directed to the Sheriff or Coroner of any county where the defendant or defendants are most likely to be found." The question on the adoption of this amendment was decided in the negative. And the question, shall the said bill pass the third reading, was determined in the affirmative. Ordered that the said bill be engrossed.

The bill to allow Charles P. Morrison, late Sheriff of New Hanover county, further time for the collection of taxes, was read the third time and passed, and ordered to be engrossed.

Mr. Davis obtained leave of absence from the service of the House, from and after this day, till Wednesday next.

Mr. Whitaker introduced a petition from sundry citizens of the counties of Edgecomb and Nash, praying that a part of the latter be attached to the first named county; which was read, and, on motion of Mr. Whitaker, referred to the members from the two named counties.
Mr. Nye introduced a resolution directing the Secretary of State to issue certain grants; which was read, and, on motion of Mr. Nye, referred to the Committee on Claims.

Mr. Taylor, from the joint select committee on that subject, reported that the steeple of the Presbyterian Church was in bad order, and that it would require one hundred dollars to repair it.

Mr. Killian presented a claim of Wm. Harbinson, for a provision and entertainment furnished a company of Light Horsemen, who were ranging after Robbers and Tories in the year 1779; which was referred, on motion of Mr. Munday, to the Committee on Claims.

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Mr. Taylor, from the joint select committee on that subject, reported that the steeple of the Presbyterian Church was in bad order, and that it would require one hundred dollars to repair it.
Ordered, That the bill be engrossed.

A message was now sent to the Senate, informing of the readiness of this House to receive that body in the Hall of the Commons, for the purpose of comparing and examining the returns of the votes given by the people at the last election for Governor of the State, according to the previous arrangements of the two Houses, and informing that Messrs. K. Rayner and W. P. Williams are appointed tellers on the part of this House.

Received from the Senate a message, informing that Mr. Morehead is appointed teller for this purpose on behalf of the Senate.
The two Houses thereupon assembled in general convention in the Commons Hall, Mr. Speaker Joyner, of the Senate, in the Chair, and the Clerks of the two Houses, in presence of the tellers, proceeded to examine the several returns of the Sheriffs and to declare the number of votes given in the several counties of the State, as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>For E. B. Dudley</th>
<th>For John Branch</th>
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<tbody>
<tr>
<td>Anson County</td>
<td>908</td>
<td>161</td>
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<td>Ashe</td>
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Orange, 1480 1308
Pasquotank, 535 211
Perquimons, 328 369
Person, 637 275
Pitt, 1148 59
Randolph, 504 37
Richmond, 453 443
Robeson, 540 509
Rockingham, 510 30
Rowan, 2008 510
Rutherford, 445 765
Sampson, 1205 52
Stokes, 250 920
Surry, 964 651
Tyrrell, 937 46
Wake, 106 342
Warren, 322 55
Washington, 383 46
Wayne, 1233 323
Wilkes, 161 55
Yancey, 34,329 464

Aggregate for Dudley, 31,329 for Branch, 20,153

Whereupon Mr. Speaker Joyner, as President of the General Convention, made a declaration of the result as follows:

"Gentlemen of the Senate and of the House of Commons:

The Tellers appointed by the two Houses to compare the returns and make a list of the votes given at the late election for Governor in this State, report that Edward B. Dudley received 34,329 votes, being the highest number of votes given to any person, and that John Branch received 20,153 votes. No objection being made to the report, I declare Edward B. Dudley duly elected Governor of the State of North Carolina for two years from the first of January next.

The Tellers further report that no return has been received from the County of Rutherford. "And that no legal returns have been received from the Counties of Ashe, Guilford, and Perquimons, though, according to documents delivered to the Speaker of the Senate by the Secretary of State, but not certified by the Sheriffs of said counties as returns in this election, there appeared to be additional votes for E. B. Dudley, 2,117, and for John Branch, 541, in those counties; and that, according to the return of the Sheriff of Gates, 323 votes were given for General Dudley," none of which are included in the statement first aforesaid."

The Senators having withdrawn, the Speaker of the Com-
mons resumed the Chair, and the House then adjourned until to-morrow morning ten o'clock.

Saturday, December 8, 1838.

David McNeill, the member elect from the county of Moore, to fill the vacancy occasioned by the resignation of John A. D. McNeill, appeared and was qualified according to law.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution directing the Secretary of State to issue certain grants, when the same was read and adopted, and ordered to be engrossed.

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

The bill to establish a new county by the name of Cleveland, was read the second time and amended, and the question shall the said bill pass the second reading was determined in the affirmative—yeas 57—nays 56. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative were,

Messrs.
B. L. Beall, Farrow, Oglesby,
Bedford, Gwynn, Orr,
E. S. Bell, Harris, Patton,
Blalock, Hester, Peden,
Boger, Hoke, Pemberton,
Boyden, Holland, Petty,
Braswell, R. Jones, Puryear,
Brittain, H. C. Jones, Reid,
Brumwell, Keener, Robards,
G. W. Caldwell, Killian, Rush,
Cardwell, Lane, Siler,
Carson, W. J. T. Miller, Sims,
Clement, E. P. Miller, Stafford,
Covington, Mills, Stockard,
Crawford, Munday, D. Thomas,
Doak, McLaughlin, Trollinger,
Dunlap, McLaurin, Walker,
E. J. Erwin, McNeill, Winston,
C. Erwin, Nye, Young, 57.
Those who voted in the negative were,

Messrs.

Amis, Gwyther, Roebuck,
Baker, Hill, Sloan,
Burksdale, Howerton, Smith,
Barnes, Huggins, Stalings,
J. Blount, Hyman, Sullivan,
W. A. Blount, Jarman, Taylor,
Bond, Larkins² G. Thomas,
Birksdale, Howerton, Tomlinson,
Howerton, Smith, Tuton,
Barnes, Hugheis, Underwood,
Stalings, Sullivan,
J. Blount, Hynian, Waddell,
W. A. Blount, Sullivan, Wadsworth,
Jamil, Taylor, Whitaker,
Brown, J. Thomas, Wilcox,
Brogden, Mangum, S. A. Williams,
Burgess, Massey, W. P. Williams,
J. P. Caldwell, Matthews, Wilson, 56,
Clegg, J. T. Miller,
Daniel, McCleese,
Eaton, Paine,
Ellington, Perkins,
Faison, Pollock,
Foreman, Proctor,
Gilliam, Rand,
Gorham, K. Rayner,
Guthrie, J. R. Rayner,

Mr. Siler, from the joint select committee on Cherokee Lands, reported without amendment, the resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee lands in certain cases; when the same was read and adopted, and ordered to be engrossed.

Mr. Patton introduced a resolution in favor of Charles L. Hinton; which was read the first time and passed, and referred, on Mr. Patton’s motion, to the Committee on Cherokee Lands.

Mr. Brittain presented a petition from a portion of the officers of a Company of Light Infantry, attached to the 84th Regiment of Militia, praying an act of incorporation; which was referred to the Committee on Military Affairs.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, with a proposition to raise a joint select committee, consisting of two members on the part of each House, to wait on his Excellency Edward B. Dudley, and inform him of his re-election as Governor of this State, and to ascertain at what time it will be agreeable to him to appear before the General Assembly, and take the necessary oaths of office.

On motion of Mr. Blalock,

Resolved, That the Committee on the Judiciary be instructed
to inquire into the expediency of further legislating, so as to provide for the security of the rights and privileges of the citizens of this State, against trespasses and aggressions committed by citizens of other States, or by the Indians within this State; and that they report by bill or otherwise.

Received from his Excellency the Governor, by his Private Secretary, a message recommending the consolidation of the two Boards directing the Internal Improvement and Literary Fund of the State, and communicating also the report of the President and Directors of the Internal Improvement Board, together with sundry documents connected therewith. On motion, Ordered, that the same be transmitted to the Senate, with a proposition that the message of the Governor and the report of the Board be printed.

The Bill regulating certain Fisheries in this State, was taken up and, on motion of Mr. McWilliams, Ordered, that it lie on the table. The resolution in favor of David Royster, was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution relative to the purchase of two Maps of North Carolina, for the use of the Senate and House of Commons, was read the second and third times and passed.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill fixing the time for perfecting titles to land heretofore entered and paid for.

A message from the Senate, concurring in the proposition of this House to refer so much of the Governor's message as relates to the request made by the State of Louisiana to hold a Southern Convention to adopt measures against the northern fanatics, to a Joint Select Committee of three on the part of each House, but with this condition, that the Committee be instructed to report to the two Houses the reasons why, in the opinion of the Legislature of North Carolina, it is inexpedient at this time to summon a Convention of the Southern States.

A message from the Senate, informing that they do not concur in the proposition of this House to refer the Report of the President and Directors of the Literary Fund, with the message of His Excellency the Governor accompanying the same, to a Joint Select Committee, and proposing that they be referred to a Joint Select Committee on Education and the Literary Fund. This proposition of the Senate was concurred in.
The engrossed bill to alter the mode of electing Constables in this state, so far as relates to the county of Martin, was read the second time and passed.

The resignations of Wm. A. Lea, of Caswell, of James P. Williams, of Duplin, of E. A. Chamlee, of Hertford, and of Wm. Loudermilk, of Randolph county, Justices of the Peace, were presented, read and accepted.

The bill to emancipate Emmaline, wife of Henry Patterson, was read the second time and amended, and the question, shall the said bill pass the second reading? was determined in the negative—yeas 53—nays 55. The yeas and nays demanded by Mr. Sloan.

Those who voted in the affirmative were,

Messrs.

E. S. Bell, Gwynn, Petty,
Blalock, Harris, Puryear,
Boger, Hill, Proctor,
Boyden, Hoke, Rand
Brittain, R. Jones, K. Rayner,
Brummell, H. C. Jones, Robards,
J. P. Caldwell, Keener, Rush,
Clegg, Killian, Siler,
Clement, Lane, Sims,
Covington, Lindsay, Stafford,
Crawford, Matthews, D. Thomas,
Doak, Munday, Trollinger,
Dunlap, McLaughlin, Walker,
E. J. Erwin, McNeil, Whitaker,
C. Erwin, Nye, Wilcox,
Foreman, Oglesby, Winston,
Gilliam, Pemberton, Young—53.

Those who voted in the negative were,

Messrs.

Amis, Gorham, Paine
Baker, Gwyther, Patton,
Barksdale, Hester, Pollock,
Barnes, Holland, J. R. Rayner,
B. L. Beall, Hollingsworth, Sloan,
Bedford, Howerton, Smith,
J. Blount, Huggins, Stallings,
W. A. Blount, Hyman, Stockfard,
Bond, Larkins, Sullivan,
Braswell, Mangum, Taylor,
Bragdon, Massey, Tomlinson,
Burgess, W. J. T. Miller, G. Thomas,
Cardwell,* E. P. Miller, Tuton,
Carson, Mills, Underwood,
Chambers, McClure, Wadsworth,
Eaton, McLaurin, J. Williams,
Ellington, McWilliams, W. P. Williams,
Faison, Orr, Wilson, 55.

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

Monday, Dec 10, 1838.

Messrs. Amis, B. L. Beall, Doak and Gorham were appointed the Committee on Enrolled Bills on the part of this House, the present week.

Mr. Mills called up for consideration the bill to alter, amend, and improve the public road from Rutherford on to Asheville, over the Blue Ridge by the Hickory Nut Gap, and the bill was read the second time. Mr. Brittain moved to amend the bill by adding the following, viz: "Provided, That no part of the appropriation made by this act shall be drawn from the Treasury until the Commissioners above named shall enter into bond, with such securities as shall be approved by the Governor, and made payable to the State of North Carolina, in the penal sum of fourteen thousand dollars, that the Commissioners shall, within the period of seven years from the passage of this act, refund to the State the sum hereby appropriated, with legal interest thereon." The question on the adoption of this amendment was determined in the affirmative. The said bill was thereupon, on motion of Mr. Boyden, laid on the table.

Mr. Guthrie, from the Committee on Private Bills, to whom was referred a petition upon the subject, reported a bill to authorise Jesse T. Walton and George S. Walton to construct a mill dam across the Catawba river; which was read the first time and passed.

The bill concerning last wills and testaments was read the second time and passed. Mr. Winston moved that the bill
be re-committed to the Committee on the Judiciary. The motion was negatived.

Mr. Siler introduced a bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River mountain, to the new town site called Murphy; which was read the first time and passed, and, on motion of Mr. Siler, referred to the Committee on Internal Improvements.

On motion of Mr. Guthrie,

Resolved, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of repealing so much of the law as now authorises the holding of additional terms of the Superior Court in any of the counties of the State wherein jury causes have been abolished in the County Court; and that they have leave to report by bill or otherwise.

On motion of Mr. Reid,

Resolved, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of restoring to the County Court the trial by jury where the same has been abolished; and that they report by bill or otherwise.

Mr. Hill called up for consideration the Resolutions herefore submitted by him relating to the disposition of the Public Lands of the General Government. Mr. Cardwell moved to amend the said Resolutions by striking out all after the word resolved, and inserting in lieu thereof the resolutions by him submitted on the 5th inst. Pending this motion, it was ordered, on motion of Mr. Stallings, that the said proposed amendment be printed, and, on motion of Mr. K. Rayner, ordered, that the said resolutions lie on the table till to-morrow.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of Joseph Prindle.

A message from the Senate, agreeing to print the Report of the President and Directors of the Literary Fund and certain documents accompanying, as proposed by this House.

A message from the Senate, informing that they had passed the engrossed bill to authorise the Justices of the Court of Pleas and Quarter Sessions for the county of Perquimons to purchase the bridge across Perquimons River, and the engrossed resolution in favor of B. B. Smith, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.
The engrossed bill to alter the mode of electing constables in this State so far as relates to the county of Martin, was read the third time, passed, and ordered to be enrolled.

The bill to appoint commissioners for the town of Hartford and other purposes; and the bill to regulate drill musters in the 87th regiment of North Carolina militia in Davidson county, were each read the second time and passed.

On motion of Mr. Crawford,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the Bastardy Law as to deprive the mother of the benefits of the allowance usually made, and of placing said fund in the hands of Trustees for the benefit of the child.

The engrossed bill to amend the 16th section of an act in the Revised Statutes, entitled an act concerning the General Assembly of the State of North Carolina, was read the second time, and, on motion of Mr. Wilcox, indefinitely postponed.

The resignation of Barthy Deans, as a Justice of the Peace of the county of Nash, received from the Senate, was read and accepted.

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

Tuesday, December 11, 1838.

Mr. Blalock introduced a resolution in favor of Flealden Hensley and others; which was read and referred to the Committee on Claims.

Messrs. Waddell, Hoke, Boyden, J. Williams, and McNeill were appointed the Joint Select Committee on the part of this House on the subject of a Southern Convention as proposed by the State of Louisiana.

The bill to lay off and establish a county by the name of McDowell was read the second time. Mr. Stallings moved that the bill be laid on the table till the 4th Monday of January next. The question on this motion was determined in the negative—yeas 51—nays 58. The yeas and nays demanded by Mr. Stallings.
Those who voted in the affirmative were,

Messrs.

Amis,  Hill,  J. R. Rayner,
Baker,  Hollingsworth,  Sims,
Barksdale,  Howard,  Sloan,
Barnes,  Huggins,  Stallings,
J. Blount,  Hyman,  Sullivan,
Wm. A. Blount,  Jarman,  Taylor,
Braswell,  H. C. Jones,  Tomlinson,
Brogden,  Maugum,  Tuton,
Bryan,  Massey,  Underwood,
Burgess,  Matthews,  Waddell,
Daniel,  J. T. Miller,  Wadsworth,
Eaton,  McClleese,  Whitaker,
Ellington,  McWilliams  Wilcox,
Faison,  Perkins,  J. Williams,
Foreman,  Pollock,  S. A. Williams,
Gorham,  Proctor,  W. P. Williams.
Gwynn,  Rand,  Wilson, 51.

Those who voted in the negative were,

Messrs.

B. L. Beall,  C. Erwin,  McNeill,
Bedford,  Farrow,  Nye,
Blalock,  Gilliam,  Oglesby,
Boger,  Guthrie,  Orr,
Bond,  Harris,  Patton,
Boydien,  Hester,  Peden,
Brittain,  Hoke,  Pemberton,
Brummell,  Holland,  Petty,
J. P. Caldwell,  R. Jones,  Puryear,
G. W. Caldwell,  Keener,  Reid,
Cardwell,  Killian,  Rush,
Carson,  Lane,  Siler,
Chambers,  Larkins,  Smith,
Clegg,  Lindsay,  Stafford,
Clement,  W. J. T. Miller,  Stockard,
Covington,  E. P. Miller,  D. Thomas,
Crawford,  Mills,  Trollinger,
Dank,  Munday,  Walker,
Dunlap,  McLaughlin,  Young, 58.
E. J. Erwin,

The question recurring on the passage of the bill the second reading, was decided in the negative—yeas 53—nays 55. The yeas and nays demanded by Mr. Bryan.
Those who voted in the affirmative, were,

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Those who voted in the negative were,

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<td>Foreman,</td>
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<td>Wilson, 55.</td>
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The bill relating to certain Fisheries in this State, was read the second time, and, on motion of Mr. E. S. Bell, indefinitely postponed.
Mr. Wilson presented a bill to amend an act, entitled an act to compel any person to give bond and security for the maintenance of Bastard Children, in certain cases; which was read the first time and passed, and, on motion of Mr. Wilson, referred to the Committee on the Judiciary.

The House proceeded to the special order of the day, and took up the resolutions relating to the Public Lands of the United States; when, on motion of Mr. Nye, the consideration was postponed, and made the order of the day for Monday next.

Mr. Peden introduced a bill authorizing the Public Treasurer of this State to receive South Carolina and Virginia money in payment of State Taxes; which was read the first time and passed, and, on motion of Mr. Matthews, referred to the Committee on the Judiciary.

Mr. McWilliams presented the following resolution:

Resolved, That the resolution of this House, ordering the printing of ten copies of the report of the President and Directors of the Literary Fund, on the subject of Common Schools for each member, be, and the same is hereby rescinded.

Resolved further, That a message be sent to the Senate, requesting their concurrence with this House in the above resolution.

The resolution was read and rejected.

The bill providing for the appointment of overseers and hands to clear out Big and Little Rockfish Creeks in Cumberland and Robeson counties, was read the 2nd time, and, on motion of Mr. Patton, postponed indefinitely.

The bill to incorporate the town of Morganton, in the county of Burke; the bill to authorize Jesse T. and George S. Walton, to construct a mill dam across the Catawba river; the bill to amend an act, passed in the year 1821, entitled an act to incorporate a company entitled the Roanoke Inlet Company, and for other purposes; the bill to authorize the Justices of the Court of Pleas and Quarter Sessions for the county of Perquimons, to purchase the bridge across Perquimons river; and the resolution in favor of B. B. Smith, were each read the second time and passed.

The bill to regulate drill musters in the 87th regiment of North Carolina Militia in Davidson county, was read, and, on motion of Mr. Whitaker, laid on the table.

The engrossed resolution in favor of Wm. Ashley, was read the third time and passed, and ordered to be enrolled.
The engrossed resolution in favor of the Public Treasurer, was read the third time and passed, and ordered to be enrolled.

The bill to appoint commissioners for the town of Hertford, and for other purposes, was read the third time, passed, and ordered to be engrossed.

The bill relating to the clearing out Rockfish Creeks, this day postponed indefinitely, was, on motion of Mr. McLaurin, reconsidered, and on Mr. Reid's motion, referred to the Committee on Private Bills.

The resignations of A. Hartley of Burke, and of Benjamin Sumner of Person county, Justices of the peace, were presented, read, and accepted.

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

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**Wednesday, December 12, 1838.**

Mr. Reid presented a memorial signed by many citizens of the town of Fayetteville, relating to the incorporation of the Cape Fear and Western Steam Boat Company; which was read, and, on Mr. Reid's motion, laid on the table.

The Speaker laid before the House, a communication from John D. Jones, President of the Bank of Cape Fear, transmitting a statement of the condition of that Institution.—Ordered, on motion of Mr. Holland, that the documents be transmitted to the Senate, with a proposition that they be printed and referred to the Committee of Finance, with instructions to report whether the exhibits are furnished in conformity to the provisions of the Bank Charter.

A message from the Senate, proposing to raise a joint select committee of three on the part of each House, to inquire into the failures of Sheriffs who have not duly made returns of the votes polled for their respective counties at the late election for Governor of this State; and that they report by bill otherwise. The proposition was agreed to, and Messrs. J. P. Caldwell, G. Thomas and Whitaker, appointed the committee on the part of the Commons.

A message from the Senate, concurring in the proposition of this House, to raise a joint select committee to inform his
Excellency E. B. Dudley, of his re-election as Governor of the state, and informing that Messrs. Davidson and Kerr, form their branch of said committee. Ordered, that Messrs. Hill and Amis, form said committee on the part of this House.

Mr. W. P. Williams, from the Committee on Finance, to whom was referred the resolution authorizing and directing the Treasurer of the State to receive the purchase money for all entries of lands in notes of the specie paying Banks of Virginia & South Carolina, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate, informing that Messrs. Bunting and Speed, form their branch of the Committee on Enrolled Bills the present week.

Mr. Winston presented a resolution in favor of George Hoover, which was read the first time and passed, and, on Mr. Winston's motion, referred to the Committee on Claims.

Mr. Whitaker presented a petition from G. P. Harvey and P. P. Harvey of Halifax county, praying the emancipation of certain slaves; which was referred to the Committee on Propositions and Grievances.

On motion of Mr. Britain,

Resolved, That the Public Treasurer be, and he is hereby directed to furnish this House with an exhibit of the full amount which has been appropriated by the State for making and repairing the Hickory Nut Gap Road in the county of Rutherford, specifying the several sums and the times when the appropriations were made.

Mr. Stockard introduced a resolution in favor of James C. Turrentine, Sheriff of Orange county; which was read the first time and passed, and, on motion of Mr. Stockard, referred to the Committee on Claims.

Mr. Reid presented a bill to incorporate the Phoenix Wool Manufacturing Company, of the town of Fayetteville; which was read the first time and passed, and, on Mr. Reid's motion, referred to the Committee on Private Bills.

Mr. Crawford presented the following resolution:

Resolved, That the Committee on Finance, be instructed to inquire into the expediency of enacting a law imposing a tax on every hundred dollars loaned at interest, equal to the tax on every
hundred dollars worth of real estate; and that they report by bill or otherwise.

The resolution was read and rejected.

Mr. Boyden presented the memorial of sundry citizens of Rockingham, touching the construction of a Rail Road from Fayetteville to Madison, in Rockingham county; which was read, and, on motion of Mr. Cardwell, referred to the Committee on Internal Improvements.

The bill to establish a new county by the name of Cleveland, was read the third time and passed—yeas 56—nays 55.

The yeas and nays demanded by Mr. W. A. Blount.

Those who voted in the affirmative were,

Messrs.

B L. Beall,             Farrow,
Bedford,                Gwynn,
Blalock,                Harris,
Boger,                  Hester,
Boyden,                 Hoke,
Brittain,               Holland,
Brumwell,               R. Jones,
J. P. Caldwell,         Keener,
G. W. Caldwell,         Killian,
Cardwell,               Lane,
Carson,                 Lindsay,
Chambers,               W. J. T. Miller,
Clement,                E. P. Miller,
Covington,              Mills,
Crawford,               Munday,
Doak,                   McLaughlin,
Dunlap,                 McLaurin,
E. J. Erwin,            McNeill,
C. Erwin,               Oglesby,

Orr,
Paine
Patton,
Pedden,
Pemberton,
Petty,
Puryear,
Reid,
Robards,
Rush,
Sims,
Stafford,
Stockard,
Trollinger,
Walker,
Winston,
Young, 56.

Those who voted in the negative were,

Messrs.

Amis,
Baker,
Barksdale,
Barnes,
E. S. Bell,
J. Blount,
W. A. Blount,
Bond,
Braswell,

Gorham,
Guthrie,
Hill,
Hollingsworth,
Howerton,
Hyman,
Jarmans,
Larkins,
Mangum,

Sloan,
Smith,
Stallings,
Sullivan,
Taylor,
D. Thomas,
G. Thomas,
Tomlinson,
Tuton
Ordered, That said bill be engrossed.

On motion of Mr. Gilliam,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the existing law so as to increase the compensation now allowed to Clerks of the Superior and County Courts, for making out transcripts of record.

Mr. Peden presented the following Resolution:

Resolved, That the Committee on Public Printing be, and they are hereby authorised, to contract with the Printer for the Legislature or any other Printer to print immediately and on as good terms as possible, nine extra copies of the Report on Common Schools for each member of the Legislature.

Ordered, On motion of Mr. Cardwell, that said Resolution lie on the table.

On motion of Mr. Hill,

Resolved, That the Committee on Public Printing be instructed to contract for the printing of the report submitted to this House upon the subject of Common Schools with some one of the presses of this City; giving to the printer of the State a preference in the execution of the job, provided it can be done as cheap and as expeditiously by him as by the proprietors of the other presses.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to amend the law concerning assaults and batteries. The bill was thereupon read the second time, and the question, shall the said bill pass the second reading? was determined in the negative—yeas 33—nays 71. The yeas and nays demanded by Mr. Hester.

Those who voted in the affirmative were,

Messrs.

Baker, Hester, Pollock,
Barksdale, Hollingsworth, Rand,
Mr. Patton introduced a bill to empower the Courts of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Courts of said county; which was read the first time and passed, and, on motion of Mr. Hill, referred to the Committee on the Judiciary.

Mr. Rand introduced a bill to emancipate Tom, the property of Charles Dewey; which was read the first time and passed.

Received from His Excellency Governor Dudley, by his
Private Secretary, a communication transmitting a letter from the Secretary at War on the subject of ceding to the United States the jurisdiction of the site on which the Arsenal is now being constructed at Fayetteville. The message was read, and referred, on Mr. Crawford's motion, to the Committee on Military Affairs.

A message from His Excellency, the Governor, by his Private Secretary, showing the disbursement of the fund appropriated for repairing and furnishing the Governor's House, was read and referred, on Mr. Waddell's motion, to the Committee on Claims.

The bill to incorporate the town of Morganton in the county of Burke, and the bill to authorise Jesse T. and George S. Walton to construct a mill dam across the Catawba River, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to amend an act passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company and for other purposes; and the engrossed bill to authorise the Justices of the Court of Pleas and Quarter Sessions for the county of Perquimons to purchase the bridge across Perquimons River, were each read the third time, passed, and ordered to be enrolled.

The bill concerning last wills and testaments was read the third time, passed, and ordered to be engrossed.

The bill to repeal the act of 1835, allowing compensation to jurors in the county of Yancy, was read the second time, amended and passed.

Mr. Jarman presented the petition of sundry citizens of the county of Duplin, praying to be allowed to open the run of Rockfish creek; which was read and referred to the Committee on Private Bills.

The resolution in favor of B. B. Smith was read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 97—nays 7. The yeas and nays demanded by Mr. Chambers.

Those who voted in the affirmative were,

Messrs.

Amis, Gwynn, Pemberton,
Baker, Harris, Perkins,
Barnes, Haster, Petty,
B. L. Beall, Hill, Pollock,
Bedford, Holland, Puryear,
E. S. Bell, Howerton, Rand.
Those who voted in the negative were,

MESSRS.

Chambers; C. Erwin, Taylor,
Clement, Jones, Tomlinson, 7.
Davis,

The resignation of John Carter, as a Justice of the Peace of the county of Surry, received from the Senate, was read and accepted.

Mr. Sullivan introduced the following resolution:

Resolved, That from and after the 13th inst. this House hold evening sessions.

The resolution was, on motion of Mr. Guthrie, laid on the table.

The House then adjourned until to-morrow morning 10 o’clock.
Thursday, Dec. 13, 1838.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of sundry citizens of Perquimons county, asking the passage of a law prohibiting the hauling of seines across the channel of Perquimons river; and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. P. Caldwell, from the same committee, reported unfavorably on the petition of Pompcy Jones, praying the emancipation of his wife, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

A message from the Senate, proposing to postpone until Saturday afternoon next the recommendation of Justices of Peace. The proposition was agreed to.

A message from the Senate, informing that Messrs. Shepard, Edwards, Morehead, Exum and Myers, form their branch of the joint select committee, on the subject of a Southern Convention.

Mr. Matthews presented a petition from sundry Militia Officers of the county of Stokes, praying that they may be compelled to muster four times a year; which was referred, on motion of Mr. Matthews, to the Committee on Military Affairs.

Mr. C. Erwin presented a petition from Thos. Douglass and others, claiming to be the heirs of one Thomas Walker, a Revolutionary Soldier in relation to the Military Lands of said Walker. The petition was referred, on Mr. Erwin's motion, to the committee on Claims.

Mr. Brittain presented a bill concerning Deeds of Trust; which was read the first time and passed, and referred to the Committee on the Judiciary.

On motion of Mr. Crawford,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting a law making provoking and insulting language from one white man to another, a justification on the part of the persons provoked or insulted in striking; and that they report by bill or otherwise.

Mr. Mills introduced a bill to incorporate the Rutherfordton Male and Female Academies in the county of Rutherford; Mr. Patton a bill, supplemental to an act passed by
the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; and Mr. C. Erwin a bill concerning Land Pedlars. These bills were read the first time and passed.

The resignations of Gabriel Sherard of Wayne, and of John L. Beard of Cabarrus counties, Justices of the Peace, received from the Senate, were read and accepted.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Phoenix Wool Manufacturing Company, of the town of Fayetteville, with an amendment. Ordered, on motion of Mr. Hill, that the bill and amendment lie on the table.

Mr. moved that the House adjourn until tomorrow morning 10 o'clock. The question thereon was decided in the negative—yeas 56—nays 58. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.


Those who voted in the negative were,

MESSRS.


Sims, Sloan, Smith, Stafford,
The House proceeded to the special order of the day, being the resolutions submitted by Mr. K. Rayner, on the 4th inst., when, on motion of Mr. Gilliam, their consideration was postponed, and made the special order of the day for to-morrow.

The bill to emancipate Tom, the property of Charles Dewey, was read the second time, and, on motion of Mr. Crawford, postponed indefinitely.

Mr. Hill moved that the House adjourn until to-morrow morning 10 o'clock. The question thereon, was determined in the affirmative—yeas 60—nays 47. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

Messrs.

Amis, Harris, Perkins,
Bedford, Hester, Petty,
E. S. Bell, Hill, Puryear,
W. A. Blount, H. C. Jones, Proctor,
Boyden, Keener, Rand,
Brittain, Lindsay, K. Rayner,
J. P. Caldwell, Mangum, Reid,
G. W. Caldwell, Matthews, Robards,
Carson, W. J. T. Miller, Rush,
Chambers, J. T. Miller, Siler,
Covington, Mills, Sloan,
Crawford, Munday, Smith,
Doak, McCleese, Stallings,
Dunlap, McLaurin, D. Thomas,
E. J. Erwin, McNeill, Tomlinson,
Mr. Crawford introduced a bill to amend an act, entitled an act to establish the Clemmons'ville Academy; which was read the first time and passed, and referred to the Committee on Education.

Mr. Baker, from the Select Committee, to whom was referred the petition of sundry citizens, relative to an alteration of the dividing line between the counties of Edgecomb and Nash, reported unfavorably thereon and prayed to be discharged from the further consideration of the subject.—The Report was concurred in.

Mr. J. T. Miller introduced a memorial from the President and Directors of the Wilmington & Raleigh Rail Road Company in relation to the payment by the State of the last instalment of her stock subscription, and praying the enactment of penal laws for the protection of life and property on said Rail Road. The memorial was read and was
referred, on Mr. Miller's motion, to the Committee on Internal Improvement.

Mr. McWilliams, from the Joint Select Committee on Public Printing, to whom was referred the Resolution of the 12th inst. directing them to contract for the printing of the Report on Common Schools, made a detailed report thereon; which was read and concurred in.

On motion of Mr. Holland,

Resolved, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of causing a sufficient number of the Journals of this General Assembly to be printed as will furnish at least copies to each Captain's company within this State; and that they report by bill or otherwise.

Mr. Proctor introduced a resolution in favor of John C. Eringhaus; which was read the first time and passed, and, on motion of Mr. Proctor, referred to the Committee on Claims.

Mr. W. A. Blount introduced a bill to repeal the third section of an act passed in the year 1832, entitled an act for the better organization of the militia of the county of Beaufort and for other purposes; which was read the first time and passed, and referred to the Committee on Military Affairs.

Mr. Lane presented a petition from sundry officers and privates of the 56th regiment of militia, praying to increase the number of company and drill musters; which was read and referred, on Mr. Lane's motion, to the Committee on Military Affairs.

Mr. Wilson introduced a bill to amend an act, entitled an act concerning mills and millers; also, a bill to prevent the hauling of seines or obstructing the passage of fish on certain days in Perquimons river, in Perquimons county; and Mr. R. Jones a bill to prevent the spreading of contagious diseases in the several counties of this State. These bills were severally read the first time and passed.

The bill to repeal the act of 1835, allowing compensation to jurors in the county of Yancy, was read the third time, passed, and ordered to be engrossed.

On motion of Mr. Crawford,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the tax imposed on Pedlars in this State; and that they report by bill or otherwise.

Mr. Crawford introduced a bill to attach a portion of Bla-
den county to the county of Cumberland; which was read the first time and passed, and, on Mr. Crawford’s motion, referred to the Committee on Private Bills.

Mr. Wilson presented the following Resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses of the Legislature adjourn sine die on Monday 31st inst.; and that the Clerks of the two Houses make up the estimates accordingly.

Mr. Crawford moved that the said resolution lie on the table. The question thereon was determined in the negative—yeas 24—nays 79. The yeas and nays demanded by Mr. Wilcox.

Those who voted in the affirmative were,

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Crawford</th>
<th>Dunlap</th>
<th>Gilliam</th>
<th>Guthrie</th>
<th>Gwyther</th>
<th>H. C. Jones</th>
<th>Nye</th>
<th>Lane</th>
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<tr>
<td>E. S. Bell</td>
<td>Wm. A. Blount</td>
<td>Boyden</td>
<td>Brummell</td>
<td>J. P. Caldwell</td>
<td>Carson</td>
<td>Clegg</td>
<td>Clement</td>
<td>Peden</td>
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Those who voted in the negative were,

Mr. Robards moved that said Resolution be indefinitely postponed. The question thereon was determined in the negative—yeas 19—nays 88. The yeas and nays demanded by Mr. Robards.

Those who voted in the affirmative, were,

**Messrs.**

E. S. Bell, W. A. Blount, Boyden, Brummell, J. P. Caldwell, Clegg, Clement, Crawford, Guthrie, Gwyther, H. C. Jones, McLaurin, Nye, Puryear, Rand, Reid, Robards, Waddell, 19 yeas.

Those who voted in the negative were,

**Messrs.**

The question recurring on the adoption of the Resolution, was determined in the affirmative.

The Bill concerning land pedlars, was read the second time, and, on motion of Mr. G. W. Caldwell, postponed indefinitely.

The bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson, was read the second time, amended on Mr. Patton's motion, and passed.

The bill to incorporate the Trustees of the Rutherfordton Male and Female Academies, was read the second time and passed.

Mr. Nye introduced the following Resolution:

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

The question on the adoption of this Resolution was determined in the affirmative—yeas 98—nays 13. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative were,

Messrs.

Amis, Gwyther, Pollock,
Baker, Gwynn, Puryear,
Barksdale, Harris, Proctor,
Barnes, Hester, Rand,
B. L. Beall, Hoke, J. R. Rayner,
Bedford, Holland, Robards,
E. S. Bell, Hollingsworth, Roebuck,
J. Blount, Howerton, Rush,
W. A. Blount, Jarman, Sims,
Boger, R. Jones, Sloan,
Boyden, Keener, Smith,
Braswell, Killian, Stafford,
Brittain, Lane, Stallings,
Brummell, Larkins, Stockard,
Bryan, Lindsay, Sullivan,
Burgess, Mangum, Taylor,
G. W. Caldwell, Massey D. Thomas,
Cardwell, Matthews, G. Thomas,
Carson, W. J. T. Miller, Tomlinson,
Clegg, J. T. Miller, Trollinger,
Clement, E. P. Miller, Tuton,
Covington, Mills, Underwood,
Crawford, Munday, Waddell,
Daniel, McCleese, Wadsworth,
Davis, McLaughlin, Walker,
Doak, McNeill, Whitaker,
Dunlap, Nye Wilcox,
Eaton, Oglesby, J. Williams,
Ellington, Paine, S. A. Williams,
E. J. Erwin, Patton, W. P. Williams,
C. Erwin, Peden, Wilson,
Gilliam, Perkins, Young—98 yeas.
Gorham, Petty,

Those who voted in the negative were,

Messrs.
Blalock, Foreman, K. Rayner,
Brogden, Guthrie, Reid,
J. P. Caldwell, H. C. Jones, Siler,
Chambers, McLaurin, Winston, 13 nays.
Faison,

The resignation of Benjamin Ellis, as a Justice of the Peace for the county of Rutherford, was presented, read, and accepted.

Mr. Guthrie moved that the House do now proceed to the special order of the day, viz: The resolutions submitted by Mr. Rayner on the 4th inst. Mr. Orr moved that said resolutions lie on the table until the 25th inst. The question on Mr. Orr's motion, was determined in the negative—yeas 54—nays 58. The yeas and nays demanded by Mr. Orr.

Those who voted in the affirmative were,

Messrs.
Baker, Holland, Reid,
Barnes, Hollingsworth, Roebuck,
Bedford, Howerton, Sims,
J. Blount, Jarman, Siler,
Boger, R. Jones Sloan,
Braswell, Killian, Stafford,
Mr. G. W. Caldwell moved that the consideration of said resolutions be postponed until Monday the 24th inst. The question on this motion, was decided in the negative.—yeas 55—nays 60. The Yeas and nays demanded by Mr. G. W. Caldwell.

Those who voted in the affirmative were,

Messrs.
Amis, Holland, Roebuck,
Baker, Hollingsworth, Siler,
Barksdale, Howerton, Sims,

Those who voted in the negative were,

Messrs.
Barksdale, Foreman, Paine,
B. L. Beall, Gilliam, Patton,
E. S. Bell, Gorham, Peden,
Blalock, Guthrie, Pemberton,
W. A. Blount, Gwyther, Petty,
Boyden, Harris, Proctor,
Brittain, Hill, K. Rayner,
Brunnwell, H. C. Jones, Robards,
Burgess, Keener, Rush,
J. P. Caldwell, Lane, Smith,
Carson, Lindsay, D. Thomas,
Clegg, Matthews, G. Thomas,
Clement, W. J. T. Miller, Underwood,
Covington, E. P. Miller, Waddell,
Crawford, Mills, Wadsworth,
Doak, McCleese, J. Williams,
Duntap, McLaurin, Wilson,
Ellington, McLaurin, Winston,
E. J. Erwin, Oglesby, Young, 58,
Hoke, J. R. Rayner, W. P. Williams, 54.
Those who voted in the negative were,

Messrs.

B. L. Beall,
E. S. Bell,
Blalock,
W. A. Blount,
Boyden,
Brittain,
Brummell,
Burgess,
J. P. Caldwell,
Carson,
Clegg,
Clement,
Covington,
Crawford,
Doak,
Dunlap,
Ellington,
E. J. Erwin,
Faison,
Farrow,

Foreman,
Gilliam,
Gorham,
Guthrie,
Gwyther,
Harris,
Hill,
H. C. Jones
Keener,
Lane,
Lindsay,
Matthews,
W. J. T. Miller,
E. P. Miller,
Mills,
McCleese,
McLaughlin,
McLaurin,
McWilliams,
Oglesby,

Paine
Patton,
Peden,
Pemberton,
Petty,
Puryear,
Proctor,
K. Rayner,
Robards,
Rush,
Smith,
D. Thomas,
G. Thomas,
Underwood,
Waddell,
Wadsworth,
J. Williams,
Wilson,
Winston,
Young, 60.

The House thereupon proceeded to the consideration of
the said Resolutions, and resolved itself into a Committee of
the Whole, Mr. Hill in the Chair; and after sometime spent
therein, the Speaker resumed the Chair, and the Chairman
reported progress and asked leave to sit again. The report
was concurred in, and leave granted as prayed for.

The House then adjourned until to-morrow morning ten
o'clock.
A message was received from the Senate, informing that Messrs. Carson, Morehead, and Speed form their branch of the Joint Select Committee on the subject of the failure of certain Sheriffs to make the returns of votes given at the last election for Governor of the State.

A message from the Senate, concurring in the proposition of this House to refer the statement of the affairs of the Cape Fear Bank to the Committee of Finance, with instructions to report whether it be made in conformity with the requisites of the charter, and also to print the same.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Greenville, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

On motion, leave of absence was granted to Mr. Barnes from this day till Tuesday next.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Lexington Manufacturing Company, and the engrossed bill to compel owners of bridges to construct draws. 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 Martha Waddill, and asking the concurrence of this House. Said resolution was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolutions in favor of Thomas Winkler and others; also, the engrossed resolution in favor of certain entries of lands paid for and not granted in Wilkes; and the engrossed resolution in favor of Benjamin Hawkins, and asking the concurrence of this House. These resolutions were read and adopted and ordered to be enrolled.

Mr. Winston, from the Committee on the Judiciary, to whom was referred a bill to amend an act to compel any person to give bond and security for the maintenance of bastard children in certain cases, reported unfavorably thereon, and asked to be discharged from the further consideration of the bill. The bill was thereupon read the second time and rejected.

Mr. Winston, from the same Committee, reported unfavorably on the resolution directing them to inquire into the
expediency of passing a law making provoking and insulting language a justification for an assault and battery, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in and the committee discharged.

Mr. Winston, from the same committee, to whom was referred so much of the message of His Excellency the Governor as relates to the Executive right of pardon on convictions in criminal cases, reported that it is not expedient to legislate upon the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Winston, from the same committee, who were instructed to inquire into the expediency of further legislation so as to provide for the rights and privileges of the citizens against trespasses and aggressions committed by citizens of other States, or by the Indians within this State, reported that further legislation on this subject is not necessary, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Hill, from the Committee on Internal Improvements, to whom was referred a petition of sundry citizens, praying the incorporation of a company for the construction of a Rail Road from the town of Fayetteville to Madison, in Rockingham county, with Banking privileges, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in, and the committee discharged.

Mr. Hill, from the same committee, reported the bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain to the new town site called Murphy, with an amendment. The amendment was concurred in, and the bill as amended, read the second time and passed.

Mr. Blalock introduced a bill appointing commissioners to lay off a public road from Burnsville, Yancey county, to the Tennessee line; and Mr. Brittain a bill to incorporate the Buncombe Warm Spring Company. These bills were read the first time and passed, and the last named bill referred to the Committee on Private Bills.

Mr. E. J. Erwin presented a petition from sundry citizens owning lands in the newly acquired Cherokee county, praying a change in the location of the county site, and to
alter the name from Murphey to Junalusky. The petition was read and referred, on Mr. Erwin's motion, to the Committee on Cherokee Lands.

On motion of Mr. Nye,
Resolved, That the Committee on Public Buildings be instructed to report to this House how much money in their opinion it will take to complete the two Legislative Halls in the new Capitol.

Mr. Robards introduced the following Resolution:
Resolved, That the Public Printer have permission to return such documents as he cannot print, so soon as the Legislature may desire, and that the Clerks of the two Houses employ such other persons as they may think proper, on the same terms and responsibilities as are now incurred by the Public Printer; and that the said Public Printer be released from all responsibility for the execution of the work so returned.

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

On motion of Mr. Wilson,
Resolved, That a message be sent to the Senate, proposing that the two Houses on Thursday next proceed to the election of a Public Treasurer and Comptroller according to law.

On motion of Mr. W. P. Williams,
Resolved, That the Committee on the Judiciary be instructed to examine and inquire into the expediency of altering the law in regard to the loans of the Literary and Internal Improvement Funds of the State.

Mr. J. P. Caldwell introduced certain proceedings of a Court Martial, composed of officers of the Southern Regiment of militia of Iredell county; which were referred, on his motion, to the Committee on Military Affairs.

The Speaker laid before the House a supplemental return from the Bank of Cape Fear, of the state and condition of that institution. Ordered, on motion of Mr. Gilliam, that the exhibit be printed and transmitted to the Senate, and referred to the Committee on Finance.

Mr. W. P. Williams gave notice that he should, on Monday next, move an amendment to the Rules of Order in the adoption of the following order: "That no person shall come within the bar of this House, except ladies and gentlemen attending them, and members of the Senate and officers of the State and United States Government.

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.

The resignations of Edward McCallum, of Montgomery; of John P. Miller, of Stokes; of L. Bethune, of Cumberland; and of Benjamin Hurdle, of Orange county, Justices of the Peace, were read and accepted.

Mr. Reid called up for consideration the bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina; and the question recurring on the adoption of the following amendment offered by Mr. Guthrie, viz: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts and liabilities of the corporation," was decided in the negative—yeas 51—nays 57. The yeas and nays demanded by Mr. Mangum.

Those who voted in the affirmative were,

Messrs.

Amis, Guthrie, J. R. Rayner,
Baker, Gwyther, Roebuck,
Barksdale, Gwynn, Rush,
Boger, Hester, Sims,
Braswell, Holland, Sloan,
Brogden, Howerton, Smith,
Burgess, R. Jones, Stallings,
Cardwell, Lane, Stockard,
Chambers, Larkins Taylor,
Daniel, Mangum, Tomlinson,
Davis, Massey, Underwood,
Dunlap, J. T. Miller, Walker,
Eaton, McWilliams, Whitaker,
Ellington, Orr, Wilcox,
C. Erwin, Paine, J. Williams,
Foreman, Pollock, S. A. Williams,

Those who voted in the negative were,

Messrs.

B. L. Beall, Harris, Peden,
Bedford, Hill, Pemberton,
E. S. Bell, Huggins, Perkins,
Blalock, H. C. Jones, Petty,
W. A. Blount, Keener, Puryear,
Bovden, Killian, K. Rayner,
Brittain, Landsay, Reid,
Brummett, Matthews, Robards,
J. P. Caldwell, W. J. T. Miller, Siler,
On motion of Mr. Reid, the bill was amended by enlarging the capital stock to $30,000, and by adding the following section: "And be it further enacted that said company for and in consideration of the corporate privileges granted by this act, shall carry freight at 20 per cent. below the printed rates of 1825, of the Henrietta Steam Boat Company."

Mr. Whitaker moved to amend the bill by adding the following section: "That in case of the insolvency of the said Company, or of its failure to pay its debts, each stockholder shall be liable out of his or her own property for double the amount of stock held by him or her in the said Company."

Pending the question, on this motion, the said bill was, on motion of Mr. Gilliam, postponed and made the order of the day for Tuesday next.

The House now resumed the special order of the day, and resolved itself into a Committee of the Whole, Mr. Hill in the Chair, on Mr. K. Rayner's resolutions, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

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

Monday, Dec 17, 1838.

Received from the Senate a message, informing that they had passed the following engrossed bills, viz: A bill to amend an act entitled an act concerning idiots and lunatics; and a bill to amend an act concerning quarantine, and to
prevent the introduction and communication of contagious diseases, and asking the concurrence of this House. The said bills were read the first time and passed.

A message was received from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: A bill to compel the Jailor of Stokes county, to live in the jail, and for other purposes; a bill to alter the times of holding the Superior Courts of Law and Equity, for the counties of Stokes and Guilford; a resolution in favor of Turner and Hughes; resolution for repairing the steeple of the Presbyterian Church; and a resolution in favor of Osborne Bowers; and asking the concurrence of this House. The said bills and resolutions were severally read the first time and passed.

Mr. Siler introduced a bill to lay off and establish a county by the name of Cherokee; which was read the first time and passed, and referred, on Mr. Siler's motion, to the Committee on Propositions and Grievances.

On motion of Mr. Petty,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of each House, to take into consideration the expediency of establishing a Lunatic Asylum in this State; and that they report by bill or otherwise.

Mr. Winston, from the Committee on the Judiciary, reported favorably on the bill to empower the Courts of Pleas and Quarter Sessions of Buncombe, to draw jurors for each week of the Superior Court of said county. The said bill was read the second time and passed.

Mr. Winston, from the same committee, reported unfavorably on the bill concerning Deeds of Trust. On motion of Mr. Eaton, Ordered, that the said bill lie on the table.

Mr. Winston, from the same committee, reported unfavorably on the bill authorizing the Public Treasurer of this State to receive South Carolina and Virginia money in payment of State Taxes. On motion of Mr. Crawford, Ordered, that the said bill lie on the table.

Mr. G. W. Caldwell introduced a bill, founded on petitions, presented by himself and Mr. Winston, from sundry citizens of the counties of Mecklenburg and Anson, entitled a bill to lay off and establish a county by the name of Union; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Trustees of David-
Mr. Cardwell presented the petition of the officers of the 8th brigade of militia, praying an alteration in the militia laws; which was referred, on Mr. Cardwell's motion, to the Committee on Military Affairs.

Mr. Gilliam presented a memorial from the President and Directors of the Bank of Cape Fear, praying an amendment of their charter; which was read and referred, on Mr. Gilliam's motion, to the Joint Select Committee on Banks.

Mr. Roebuck introduced a resolution in favor of Simon M. Smithwick; which was read the first time and passed, and referred, on motion of Mr. Roebuck, to the Committee on Claims.

The bill to prevent the spreading of contagious diseases in the several counties of this State, was read, and on motion of Mr. Cardwell, laid on the table.

Mr. Hoke presented a memorial from the President of the South Western Railroad Bank, praying a modification of the charter; which was read and laid on the table.

On Mr. Rand's motion,

Resolved, That a select committee of three be appointed to inquire into the expediency of exposing to sale a lot of ground belonging to the State in the vicinity of Raleigh, lying on the south side of Newbern Street and heretofore bid off by D. L. Barringer, and by him relinquished to the State, under a resolution of the General Assembly, passed in 1835; and that they report by bill or otherwise.

Said committee consists of Messrs. Rand, E. S. Bell and Burgess.

Mr. Killian presented a bill to incorporate the High Shals Manufacturing Company; which was read the first time and passed.

The engrossed bill to incorporate the Lexington Manufacturing Company, was read, and, on Mr. B. L. Beall's motion, laid on the table.

The engrossed bill to compel owners of bridges to construct draws, was read the second time and rejected.

The bill appointing commissioners to lay off a public road from Burnsville Yancey county, to the Tennessee line; and the engrossed resolution in favor of Matthew Waddell, were each read the second time and passed.

Mr. Guthrie, from the Committee on Private Bills, re-
ported unfavorably on the bill providing for the appointment of overseers and hands to clear out Big and Little Rockfish Creeks, in Cumberland and Robeson counties. On motion of Mr. Reid, Ordered that said bill lie on the table. Previously to the adoption of this order, Mr. McLaurin offered the following amendment to said bill, viz:—"And it further enacted, that no Toll Bridge shall be kept over said Big Rockfish, on any public road; or any road that has become public by usage, custom, or travelling, where the citizens of both, or either of said counties pass free of Toll, and all others pay; and any person keeping a Toll Bridge over said steam on any road as aforesaid, and demanding and exacting toll from others excepting the citizens of said counties, shall for every toll so exacted and collected, forfeit and pay the sum of ten dollars, to be recovered by action of debt, before any Justice of the Peace, one half to the use of the person suing for the same, and the other for the poor of the county where the recovery is had, besides a liability to an action of damages for detention, provided the action be brought within twelve months from the time in which the cause of action occurs." This amendment was read and rejected.

Mr. Hill, from the joint select committee on this subject, reported that Saturday the 29th inst. had been determined upon as the day when his Exce'y E. B. Dudley, will appear before the two branches of the General Assembly, and take the oaths of office as prescribed by law. The report was concurred in.

The resignation of Alex'r Murchison, a Justice of the Peace of the county of Cumberland, was read and accepted.

The House, on motion of Mr. Paine, again resolved itself into a committee of the whole (Mr. Hill in the Chair) on the resolutions heretofore presented by Mr. Rayner, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress, and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

The House then adjourned until to-morrow morning 10 o'clock.
Tuesday, December 18, 1838.

Mr. Whitaker, from the Committee on Military Affairs, to whom were referred certain proceedings of the militia of Iredell county, praying increased compensation to musicians, reported that in the opinion of the committee it is not expedient to legislate in the way proposed, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the Committee discharged.

Mr. Whitaker, from the same Committee, to whom were referred sundry petitions from militia officers, praying an increase in the number of company musters, reported that a bill is now before the General Assembly embracing the objects of the petitioners, and asked that the committee be discharged from the further consideration thereof. The report was concurred in.

Mr. Whitaker, from the same committee, to whom was referred a memorial from the Secretary at War, reported a bill vesting in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville and county of Cumberland, which was read the first time and passed.

Mr. Siler, from the Select Committee to whom was referred the Report of the Commissioners on the sales of Cherokee Lands, reported a resolution allowing 8 per cent. discount on Cherokee Bonds. Said Resolution was read the first time and passed.

On motion of Mr. W. P. Williams, the House, in pursuance of notice given on the 16th inst., took up for consideration and adoption the amendment to the Rules of Order as by him proposed.

Mr. Wilcox presented a bill concerning Public Registers; which was read the first time and passed.

Mr. Hill, from the Committee on Internal Improvements, reported a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and ordered, on motion of Mr. Hester, to be printed with the Report.

Mr. Hill, from the same Committee, reported a resolution in aid of the Wilmington and Raleigh Rail Road Company; 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 incorporate the Trustees of the Greensborough Female College in
the county of Guilford, and a bill to exempt the aged and infirm from being compelled to serve in fire companies and upon guards in any of the incorporated towns and cities of this State, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Paine, who voted yesterday in the majority on the question rejecting the bill to compel owners of bridges to construct draws, moved that the House do now re-consider that vote. The question on this motion was decided in the affirmative; and, on motion of Mr. Wadsworth, Ordered, that said bill be referred to the Committee on Propositions and Grievances.

Mr. Reid presented a resolution in favor of George and John Elliott; which was read the first time and passed, and referred to the Committee on Claims.

A message from the Senate, informing that Messrs. Montgomery and McDiarmid form their branch of the Committee on Enrolled Bills the present week. Ordered, That Messrs. Foreman, Thomas, Barksdale, and Cardwell form said committee on the part of this House.

Mr. Winston, from the Committee on the Judiciary, reported a bill concerning infant children whose parents shall be divorced; which was read the first time and passed.

Mr. Winston, from the same Committee, reported a bill to amend an act, entitled an act concerning bastardy, and prescribing the mode of legitimating bastard children in certain cases; which was read the first time and passed.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution in favor of James C. Torrentine, Sheriff of Orange county; which was read the second time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of G. P. and P. P. Harvey, of Halifax, praying the emancipation of certain slaves, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. P. Caldwell, from the same committee, reported without amendment the bill to lay off and establish a county by the name of Cherokee; when said bill was read the second time and passed.

Mr. J. P. Caldwell, from the same Committee, reported unfavorably on the resolution instructing them to inquire into the expediency of repealing the law authorising the
holding of additional terms of certain Superior Courts. The Report was concurred in.

The bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson, and the bill to incorporate the Trustees of the Rutherfordton Male and Female Academies, were each read the third time and passed, and ordered to be engrossed.

The resignations of John Gatling, of Perquimons, and of Joseph A. Drake, of Nash counties, Justices of Peace, were read and accepted.

The House again resolved itself into a Committee of the Whole, Mr. Hill in the Chair, and resumed the consideration of Mr. Rayner's Resolutions; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The Report was concurred in, and leave granted.

Whereupon the House adjourned until

**Half past 3 o'clock, P. M.**

The bill to empower the Courts of Pleas and Quarter Sessions of Buncombe to draw jurors for each week of the Courts of said county, and the bill appointing commissioners to lay off a public road from Burnsville, Yancy county, to the Tennessee line, were each read the third time, passed, and ordered to be engrossed.

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

The engrossed resolution in favor of Turner & Hughes was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act concerning idiots and lunatics, was, on motion of Mr. Gilliam, referred to the Committee on the Judiciary.

The engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases, was read, and on motion of Mr. Wilcox, referred to the Committee on the Judiciary.

The engrossed bill to compel the jailor of Stokes county to live in the jail and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

The House then adjourned until to-morrow morning ten o'clock.
On motion of Mr. Cardwell, the bill to prevent the spreading of contagious diseases in the several counties of this State was taken up and referred to the Committee on the Judiciary.

Mr. Guthrie, from the Committee on Private Bills, reported unfavorably on the bill to attach a portion of Bladen county to the county of Cumberland. Ordered, That said bill be indefinitely postponed.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the resolution directing them to inquire into the expediency of increasing the tax imposed on pedlars, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Nye presented a bill to appoint commissioners to lay off a part of the Great State Road from Presly Shepherd's to Frederick Seavert's; which was read the first time and passed.

The bill to prevent the hauling of seines or obstructing the passage of fish on certain days in Perquimons river in Perquimons county, was read, and on motion of Mr. Paine, indefinitely postponed.

The bill to lay off and establish a new county by the name of Union, was read the second time. Mr. Bryan moved the bill be postponed indefinitely. The question thereon was decided in the negative—yeas 50—nays 59. The yeas and nays demanded by Mr. Bryan.

Those who voted in the affirmative were,

Messrs.

Amis,
Baker,
Barksdale,
Barnes,
E. S. Bell,
J. Blount,
Brogden,
Bryan,
Daniel,
Davis,
Eaton,
Ellington,
Faison,
Foreman,

Hill,
Holland,
Howerton,
Huggins,
Hyman,
Jarman,
Larkins,
Mangum,
Massey,
Matthews,
J. T. Miller,
Munday,
Perkins,
Pollock,

J. R. Rayner,
Sloan,
Stallings,
Sullivan,
Taylor,
Tomlinson,
Tuton,
Underwood,
Waddell,
Wadsworth,
Whitaker,
Wilcox,
J. Williams,
W. P. Williams,
Gorham,  Proctor,  S. A. Williams,
Guthrie,  Rand,  Wilson, 50 years.
Gwyther,  K. Rayner,

Those who voted in the negative were,

MESSRS.
B. L. Beall,  E. J. Erwin,  McNeele,
Bedford,  C. Erwin,  Nye,
Blalock,  Farrow,  Orr,
W. A. Blount,  Gilliam,  Patton,
Boger,  Gwynn,  Peden,
Boyden,  Harris,  Pemberton,
Braswell,  Hester,  Petty,
Brittain,  Hoke,  Puryear,
Brummell,  Hollingsworth,  Robards,
J. P. Caldwell,  R. Jones,  Rush,
G. W. Caldwell,  H. C. Jones,  Siler,
Cardwell,  Killian,  Sims,
Carson,  Lane,  Smith,
Chambers,  Lindsay,  Stockard,
Clegg,  W. J. T. Miller,  D. Thomas,
Clement,  E. P. Mil'er,  Trol linger,
Covington,  Mills,  Walker,
Crawford,  McLaughlin,  Winston,
Doak,  McLaurin,  Young, 59 nays.
Dunlap,  McWilliams,

The question recurring on the passage of the bill the second reading, was determined in the affirmative.

On motion of Mr. G. W. Caldwell, two thirds of the House concurring, the said bill was read the third time, and the question, shall the said bill pass the third reading, was decided in the affirmative—yeas 60—nays 51. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative, were,

MESSRS.
B. L. Beall,  E. J. Erwin,  Nye,
Bedford,  C. Erwin,  Orr,
Blalock,  Farrow,  Patton,
W. A. Blount,  Gilliam,  Peden,
Boger,  Gwynn,  Pemberton,
Boyden,  Harris,  Petty,
Braswell,  Hester,  Puryear,
Brittain,  Hoke,  Reid,
Brummell,  R. Jones,  Robards,
J. P. Caldwell,  H. C. Jones,  Rush,
Ordered, That said bill be engrossed.

Mr. W. P. Williams, from the Committee on Finance, submitted the following report:

"The Committee on Finance, have carefully examined the Books and accounts of the Public Treasurer and Comptroller, from the 31st of October, 1836, to 31st October, 1838; and take much pleasure in saying that they correspond entirely with the statements given in the printed Reports of both Treasurer and Comptroller, as furnished to this General Assembly by them.—They have also examined with much care, the monthly account of the Treasurer with Bank deposits, and find that they are in strict conformity with the act of the General Assembly.

Your Committee cannot forego the expression of the most entire satisfaction, at the able, honest, and business-like manner in which their Books and Accounts are kept.

All of which is respectfully submitted.

W. P. WILLIAMS, Chairman."
The Speaker laid before the House, an exhibit showing the state and condition of the affairs of the Banks of the state of North Carolina, on the 24th November, 1838, furnished in obedience to the charter of the Institutions. Ordered, that said exhibit be transmitted to the Senate, with a proposition that it be printed.

Ordered, on motion of Mr. Gilliam, that a message be sent to the Senate, informing that Daniel W. Courts is nominated for re-election to the office of Public Treasurer.—And Wm. F. Collins to the office of Comptroller of Public Accounts.

The House now resolved itself into a committee of the whole, Mr. Hill in the Chair, and resumed the consideration of Mr. Rayner's Resolutions; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

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

Thursday, Dec. 20, 1838.

The Speaker laid before the House an exhibit shewing the state and condition of the Merchants' Bank of Newbern, transmitted in pursuance of the Bank charter. Ordered, that the document be transmitted to the Senate with a proposition that it be printed.

Mr. Siler, from the Committee on Cherokee Lands, reported without amendment the resolution in favor of Chas. L. Hinton, when the said resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Baker presented petitions from many citizens of Edgecomb for and against the emancipation of a slave named Ely, late the property of Godwin Cotton, dec'd. Ordered, That said petitions be referred to the Committee on Propositions and Grievances.

Received from the Senate a message, informing that they had rejected the engrossed bill, entitled a bill to establish a new county by the name of Cleaveland.

A message from the Senate, transmitting the Report of the Committee on Finance, and proposing that it be printed. The proposition was agreed to.
A message from the Senate, informing that they had passed the engrossed bill to amend the militia laws of this State, and the engrossed resolution in favor of Hiram Higgins and Solomon Perry, of Ashe, and asking the concurrence of this House. The said bill was read the first time and passed; and the said resolution read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to allow Charles P. Morris, late Sheriff of New Hanover county, further time for the collection of taxes.

A message from the Senate, agreeing to vote this day at 11 o'clock for a Comptroller of Public Accounts, and informing that Messrs. Ayers and Henry form their branch of the committee to superintend the election. Ordered, that Messrs. Young and Baker form said Committee on behalf of the Commons.

The roll was called, and the House voted as follows:

FOR WM. F. COLLINS,

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A message from the Senate, informing that they do concur in the proposition of this House, to go into an election this day at 12 o'clock, for a Public Treasurer; and informing that Messrs. Fox and Reding form their branch of the Committee for superintending the election. Ordered, that Messrs. Proctor and McNeill form said committee on the part of this House. The House thereupon proceeded to vote as follows:

FOR DANIEL W. COURTS.

Speaker, Foreman, Perkins,
Amis, Gorham, Petty,
Baker, Gilliam, Pollock,
Barksdale, Guthrie, Proctor,
Barnes, Gwyther Rand,
B. L. Beall, Gwynn, J. R. Rayner,
Bedford, Harris, K. Rayner,
E. S. Bell, Hester, Reid,
Blalock, Hill, Robards,
J. Blount, Hoke, Roebuck,
W. A. Blount, Holland, Rush,
Boger, Howerton, Siler,
Boyden, Huggins, Sims,
Braswell, Hyman, Sloan,
Brittain, Jarman, Smith,
Brogden, R. Jones, Stafford,
Brummell, H. C. Jones, Stallings,
Bryan, Keener, Stockard,
Burgess, Kallian, Sullivan,
G. W. Caldwell, Lane, Taylor,
Cardwell, Larkins, D. Thomas,
Carson, Lindsay, Tomlinson,
Mr. Baker, from the Committee appointed to superintend the election of a Comptroller of Public Accounts, reported that Wm. F. Collins had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Mr. McWilliams introduced a bill authorising the Justices of the Peace of the several counties in this State to classify themselves for holding the Courts of Pleas and Quarter Sessions; which was read the first time and passed.

The bill to incorporate the Rocky Mount Manufacturing Company, was, on motion of Mr. Gilliam, taken up for consideration, and the question being on the amendment proposed by Mr. Guthrie in the following words, viz: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts and liabilities of the corporation," Mr. Ellington moved to strike out the proposed amendment, and to insert the following, viz: "Be it further enacted, that in case of failure on the part of said corporation, that the private or individual property of the stockholders therein shall be subject by law to the payment of the debts of the corporation in proportion to the amount of stock by them severally owned, and not otherwise." Mr. Guthrie called for a division of the question, and the question being first to strike out the amendment offered by Mr. Guthrie, was decided in the affirmative—yeas 60—nays 47. The yeas and nays demanded by Mr. Barnes.

Those who voted in the affirmative were,

Messrs.
Bedford, Gilliam, Pemberton,

Mr. Ellington, E. J. Erwin, C. Erwin, Faison, Farrow, Pemberton,
Those who voted in the negative were,

Messrs.

Amis, Guthrie, Pollock,
Baker, Gwynn, J. R. Rayner,
Barnes, Hester, Reid,
B. L. Beall, Hoke, Robards,
Boger, Holland, Roebuck,
Braswell, Hollingsworth, Sims,
Brittain, Jarman, Sullivan,
Brogden, R. Jones, Taylor,
Bryan, Larkins, Tomlinson,
G. W. Caldwell, Mangum, Trolinger,
Cardwell, J. T. Miller, Tuton,
Chambers, Munday, Waddell,
Daniel, McNeill, Walker,
Eaton, Nye, Wilcox,
C. Erwin, Orr, Winston, 47.
Foreman, Perkins,

The next question being on inserting the amendment proposed by Mr. Ellington, was decided in the affirmative—yeas 65—nays 47.

Those who voted in the affirmative were,

Messrs.

Amis, Guthrie, K. Rayner,
Baker, Gwynn, J. R. Rayner,
Barksdale, Harris, Roebuck,
Mr. Whitaker moved to amend the bill by adding the following section: "That the President and Directors of said Company shall pay annually unto the Treasurer of the State the sum of twenty cents on every hundred dollars worth of stock other than real estate subscribed for and paid in—the first payment to be made twelve months after the company shall have gone into operation." This amendment was rejected. The said bill as amended, was there-
The Speaker laid before the House a memorial from a Convention of Delegates recently assembled in the City of Raleigh from various parts of the State on the subject of Internal Improvements. The memorial was read, and on motion of Mr. Hoke, Ordered, that it be sent to the Senate with a proposition to refer it to a Joint Select Committee to be composed of the Standing Committees on Internal Improvements in each House, and to print ten copies for each member of the General Assembly. Mr. Crawford moved to strike out ten and insert twenty copies. The question thereon was decided in the negative—yeas 41—nays 71. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were,

Messrs.

B. L. Beall,          Gilliam,          Pemberton,  
Bedford,              Hill,              Petty,    
E. S. Bell,           Hoke,              Puryear,  
Blalock,              H. C. Jones,       Proctor,  
W. A. Blount,         Keener,            K. Rayner, 
Boger,                Lane,              Reid,     
Boyd,                 Lindsay,           Rush,     
Brumwell              Matthews,          Stafford, 
J. P. Caldwell,       McLaughlin,        D. Thomas, 
Carson,               Nye,               Waddell,  
Clement,              Paine,             Wilson,   
Crawford,             Patton,            Winston, 
Doak,                 Peden,             Young, 41 yeas.

E. J. Erwin.

Those who voted in the negative were,

Messrs.

Amis,                 Gwynn,             Pollock,  
Baker,                Harris,            Rand,    
Barnes,               Hester,            J. R. Rayner,  
J. Blount,            Holland,           Robards,  
Braswell,             Hollingsworth,     Roebuck, 
Brittain,             Howerton,          Siler,    
Brogden,              Huggins,           Sims,    
Bryan,                Hyman,             Sloan,   
Burgess,              Jarman,            Smith,   
G. W. Caldwell,       R. Jones,          Stallings, 
Cardwell,             Killian,           Stockard, 
Chambers,             Larkins,           Sullivan, 
Clegg,                Mangum,           Taylor,  

Those who voted in the affirmative were,
Covington, Massey, Tomlinson, 429
Daniel, W. J. T. Miller, Trollinger,
Davis, J. T. Miller, Tuton,
Eaton, Mills, Underwood,
Ellington, Munday, Wadsworth,
C. Erwin, McCalveese, Walker
Faison, McLaurin, Whitaker
Farow, McWilliams, Wilcox,
Foreman, McNeill, J. Williams,
Gorham, Orr, S. A. Williams,
Gwyther, Perkins 72 nays.

On the motion to print ten copies the vote was—yeas 60
—nays 51.

Those who voted in the affirmative were,

Messrs.
B. L. Beall, Harris, Pemberton,
Bedford, Hill, Puryear,
E. S. Bell, Hoke, Proctor,
Blalock, Huggins, Rand,
Wm. A. Blount, H. C. Jones, K. Rayner,
Boyd, Keener, Reid,
Brittain, Lane, Rush,
Birmingham, Lindsay, Siaker,
J. P. Caldwell, Matthews, Smith,
Carson, E. P. Miller, Stafford,
Clegg, Mills, Sullivan,
Clement, Munday, D. Thomas,
Covington, McLaughlin, Trollinger,
Crawford, McWilliams, Waddell,
Doak, McNeill, Wilson,
Dunlap, Nye, Winston,
E. J. Erwin, Orr, Young,
C. Erwin, Paine, Boger,
Gilliam, Patton, Burgess,
Gwyther, Peden, Pety, 60.

Those who voted in the negative were,

Messrs.
Amis, Gorham, Pollock,
Baker, Gwynn, J. R. Rayner,
Barksdale, Hester, Roeuck,
Barnes, Holland, Sims,
J. Blount, Hollingsworth, Sloan,
Braswell, Howerton, Stallings,
Broden, Hayman, Stockard,
G. W. Caldwell, R. Jones, Taylor,
The Speaker laid before the House a letter, addressed to him by one William Roberts, of New Town, Virginia, in relation to the connection of the Eastern Branch of Elizabeth river with the North river, which flows into Currituck Sound; on which no order was taken.

Mr. Whitaker moved that the House do again resolve itself into a committee of the whole, and resume the consideration of Mr. Rayner's Resolutions. The question thereon was decided in the affirmative—yeas 63—nays 52. The yeas and nays demanded by Mr. Amis.

Those who voted in the affirmative, were,

Messrs.

B. L. Beall, Foreman, McWilliams,
E. S. Bell, Gilliam, Paine,
Blalock, Gorham, Patten,
W. A. Blount, Guthrie, Peden,
Boger, Gwyther, Pemberton,
Boyden, Harris, Petty,
Brittain, Hill, Puryear,
Brummell, Huggins, Proctor,
Burgess, Hynan, K. Rayner,
J. P. Caldwell, H. C. Jones, Robards,
Carson, Keener, Rush,
Peebles, Lane, Siler,
Clegg, Lindsay, Smith,
Clement, Matthews, D. Thomas,
Covington, W. J. T. Miller, Waddell,
Crawford, E. P. Miller, Wadsworth,
Doak, Mills, Whitaker,
Dunlap, McCleese, J. Williams,
Ellington, McLaughlin, Wilson,
E. J. Erwin, McLaurin, Winston,
Faison, McNeill, Young, 63 yeas.

Those who voted in the negative were,

Messrs.

Amis, Hoke, J. R. Rayner,
Baker, Holland, Reid.
So the House again went into committee of the whole, Mr. Hill in the Chair, on Mr. Rayner’s Resolutions; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress, and asked leave to sit again. The report was concurred in and leave granted.

The Speaker laid before the House a letter, addressed to him by T. Loring, complaining of the course adopted by the principal Clerk of the House, in the execution of certain printing. The Clerk, by leave of the House, explained the facts and circumstances attending the transaction, when, on motion of Mr. Robards, Ordered that the letter lie on the table.

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

Friday, December 21, 1838.

Mr. McNeill, from the committee appointed to superintend the election of Public Treasurer, reported that Daniel W. Courts, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Patton introduced a resolution in favor of Samuel Chunn; which was read, and, on Mr. Patton’s motion, referred to the committee on Propositions and Grievances.

Mr. Crawford introduced a petition from Richard W.
Ashton, asking compensation for taking care of the Governor's House and premises during the years 1834 and 1835. Ordered, on motion of Mr. Crawford, that the petition be referred to the Committee on Claims.

Mr. Robards introduced the following resolutions:

Resolved, That the course adopted by the principal clerk of this House, in relation to the printing of certain documents as complained of by T. Loring yesterday in his letter to the Speaker, was not detrimental to the public interest, but promotive of the despatch of business.

Resolved, That the explanation given by the Clerk, of the facts and circumstances about the matter, is entirely satisfactory to this House.

The resolutions were read and adopted unanimously.

Mr. Reid called up for consideration the bill to incorporate the Phoenix Wool Manufacturing Company, of the town of Fayetteville, when the said bill was read the second time and passed.

On motion of Mr. Amis,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill making it petit larceny to take the Chinese Mulberry Trees with an intent to steal, and to impose a penalty upon those purchasing the same from negroes without the authority of their masters.

The bill to incorporate the Yadkin Manufacturing Company was read the second time. The question being on striking out the last section of the bill adopted on the 30th ultimo, was determined in the affirmative—yeas 57—nays 53. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative were,

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Those who voted in the negative were,

Messrs.

Mr. Cardwell moved to amend the bill by adding the following section: Be it further enacted that the private property of the individual stockholders shall be liable for all the debts, contracts and liabilities of the corporation in proportion to the stock subscribed by each individual. The question on the adoption of this amendment was determined in the affirmative—yeas 59—nays 49. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

Messrs.
Amis, Baker, Barnes, Bradford, E. S. Bell, Boger, Braswell, Gwynn, Hester, Holland, Howerton, Jarman, R. Jones, Killian, Roebuck, Rush, Sims, Sloan, Stafford, Stallings, Stockard, 55
Those who voted in the negative were,

Messrs.

B. L. Beall, Gwyther
Blalock, Harris
W. A. Blount, Hill
Boyden, Hollingsworth
Brittain, Huggins
Brumwell, Hyman
J. P. Caldwell, H. C. Jones
Carson, Keener
Clegg, Lindsay
Clement, Matthews
Covington, W. J. T. Miller
Crawford, E. P. Miller
Doak, Mills
Dunlap, McLaughlin
E. J. Erwin, Nye
Foreman, Paine
Gilliam, Patton

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

Mr. Whitaker introduced a bill to amend the charter of the Petersburg Rail Road Company, passed in the year 1830, entitled an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia on the 10th day of February, 1830; and Mr. Walker a bill concerning the election and qualification of constables in certain cases. These bills were read the first time and passed.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution in favor of Flealden Hensley and others. The said resolution was read and a-
adopted, and ordered to be engrossed.

Mr. K. Rayner, from the same committee, reported favorably on the resolution in favor of Simon M. Smithwick; which was read the second time and passed.

The resignations of Golsen Davis, of Ashe; of R. Kendall, of Montgomery; and of V. E. Campbell, of Beaufort county, Justices of the Peace, were presented, read, and accepted.

The House, on motion of Mr. K. Rayner, resolved itself into a committee of the whole, and resumed the consideration of the resolutions heretofore offered by him, and after some time spent therein, the Speaker resumed the chair, and the chairman reported the said resolutions to the House without amendment.

Mr. Hoke moved to amend the fifth resolution by adding the following proviso: "Provided nevertheless that the said distribution should not render necessary an increase of the taxes or tariff."

The question on this motion was decided in the negative—yeas 58—nays 61. The yeas and nays demanded by Mr. Hoke.

Those who voted in the affirmative were,

MESSRS.

Amis, Hoke, J. R. Rayner,
Baker, Holland, Reid,
Barksdale, Hollingsworth, Roebuck,
Barnes, Howerton, Siler,
Bedford, Jarman, Sims,
J. Blount, R. Jones, Sloan,
Boger, Killian, Stafford,
Braswell, Larkins, Stallings,
Brogden, Mangum, Stockard,
Bryan, Massey, Sullivan,
Burgess, W. J. T. Miller, Taylor,
G. W. Caldwell, J. T. Miller, Tomlinson,
Cardwell, Munday, Trollinger,
Chambers, McNeil, Tuton,
Daniel, Nye, Walker,
Davis, Orr, Whitaker,
Eaton, Perkins, Wilcox,
C. Erwin, Pollock, S. A. Williams,
Gwynn, Rand, W. P. Williams, 58.

Those who voted in the negative were,

MESSRS.

B. L. Beall, Gorham, Paine,
Mr. Hoke moved to insert the following between the third and fourth resolutions:

Resolved, That the public revenue is collected from the people for the support of government, and not for the accommodation of Banks; and the public funds ought not to be loaned out and used by Banks."

The question on this motion was decided in the negative—yeas 56—nays 63.

Those who voted in the affirmative were,

Messrs.

Amis,  Hoke,  Reid,
Baker,  Holland,  Roebuck,
Baskdale,  Hollingsworth,  Siler,
Barnes,  Howerton,  Sims,
Bedford,  Jarman,  Sloan,
J. Blount,  R. Jones,  Stafford,
Boger,  Killian,  Stallings,
Braswell,  Larkins,  Stockard,
Brogden,  Mangum,  Sullivan,
Bryan,  Massey,  Taylor,
G. W. Caldwell,  J. T. Miller,  Tomlinson,
Cardwell,  McNeill,  Trollinger,
Chambers,  Munday,  Tuton,
Daniel,  Nye,  Walker,
Davis  Orr,  Whitaker,
Those who voted in the negative were,

Messrs.


Mr. Hoke moved to add the following after the first resolution: "Provided, we do not mean hereby to condemn the patriotic efforts of our late President against the United States Bank." The question thereon was decided in the negative—yeas 56—nays 63.

Those who voted in the affirmative were,

Messrs.

Mr. Cardwell moved to add to the eighth resolution the following: "And our Senators are hereby instructed so to do." The question thereon was decided in the negative—yeas 51—nays 64.

Those who voted in the affirmative, were,

Messrs.

Amis,  
Baker,  
Barksdale,  
Barnes,  
Bedford,  
J. Blount,  
Boger,  
Braswell,  
Brogden,

Hester,  
Hoke,  
Holland,  
Howlingsworth,  
Howerton,  
Jarman,  
R. Jones,  
Killian,  
Larkins

Rand,  
J. R. Rayner,  
Reid,  
Roebuck,  
Siler,  
Sims,  
Sloan,  
Stafford,  
Stallings,
Mr. Reid offered the following amendment at the end of the eighth resolution: "Provided we do not intend to take from our Senators the right of independent thought and action concerning the above measures." The question thereon was decided in the negative—yeas 56—nays 62.

Those who voted in the affirmative were,

Messrs.
Baker, Hoke, J. R. Rayner,
Barksdale, Holland, Reid,
Barnes, Hollingsworth, Roebuck,
Bedford, Howerton, Siler,
The question now being on the adoption of the Resolutions, Mr. Bedford called for a division of the question and moved that the question be taken on each Resolution separately. The motion prevailed, and the question being on the adoption of the first resolution in the following words, viz: "Resolved, That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States expunging the records of that body, as a palpable
violation of the plain letter of the Constitution, and as an act of party servility calculated to degrade the character of the Senate,” was determined in the affirmative—yeas 63—nays 56.

Those who voted in the affirmative were,

Messrs.

B. L. Beall,
E. S. Bell,
Blalock,
Win. A. Blount,
Bond,
Boyden,
Brittain,
Brummell,
Burgess,
J. P. Caldwell,
Carson,
Clegg,
Clement,
Covington,
Crawford,
Doak,
Dunlap,
Ellington,
E. J. Erwin,
Faison,
Farrow,
Foreman,
Gilliam,
Gorham,
Guthrie,
Gwyther,
Harris,
Hill,
Huggins,
Hyman,
H. C. Jones,
Keener,
Lane,
Lindsay,
Matthews,
W. J. F. Miller,
E. P. Miller,
Mills,
McCleese,
McLaughlin,
McLaurin,
McLaurin,
Oglesby,
Paine,
Patton,
Peden,
Pemberton,
Petty,
Puryear,
Proctor,
K. Rayner,
Robards,
Rush,
Smith,
D. Thomas,
G. Thomas,
Underwood,
Waddell,
Wadsworth,
J. Williams,
Wilson,
Winston,
Young,
63.

Those who voted in the negative were,

Messrs.

Amis,
Baker,
Barksdale,
Barnes,
Bedford,
Boger,
J. Blount,
Braswell,
Brogleu,
Bryan,
G. W. Caldwell,
Cardwell,
Chambers,
Daniel,
Davis,
Eaton,
Hoke,
Holland,
Hollingsworth,
Howerton,
Jarman,
R. Jones,
Killian,
Larkins,
Mangum,
Massey,
J. T. Miller,
Munday,
McNeill,
Nye,
Orr,
Perkins

Reid,
Roebuck,
Siler,
Sims,
Sloan,
Stafford,
Stallings,
Stockard,
Sullivan,
Taylor,
Tomlinson,
Trollinger,
Tuton
Walker,
Whitaker,
Wilcox.
SECOND RESOLUTION.

Resolved, That Resolutions ought to be passed by the Senate of the United States condemnatory of that act, and rescinding the resolutions authorizing it to be done.

The question on the adoption of this resolution was determined in the affirmative—yeas 63—nays 56.

Those who voted in the affirmative were,

Messrs.
B. L. Beall, Foreman, Oglesby,
E. S. Bell, Gilliam, Paine
Blalock, Gorham, Patton,
W. A. Blount, Guthrie, Peden
Bond, Gwyther, Pemberton,
Boyden, Harris, Petty,
Brittain, Hill, Puryear,
Ruggess, Huggins, Proctor,
Brumwell, Hyman, K. Rayner,
J. P. Caldwell, H. C. Jones, Robards,
Carson, Keener, Rush,
Clegg, Lane, Smith,
Clement, Lindsay, D. Thomas,
Covington, Matthews, G. Thomas,
Crawford, W. J. T. Miller, Underwood,
Doak, E. P. Miller, Waddell,
Dunlap, Mills, Waddsworth,
Ellington, McCleese, J. Williams,
E. J. Erwin, McLaughlin, Wilson,
Faison, McLaurin, Winston,
Farrow, McWilliams, Young, 63.

Those who voted in the negative were,

Messrs.
Amis, Holland, Roebuck,
Baker, Hollingsworth, Siler,
Barksdale, Howerton, Sims,
Barnes, Jarman, Sloan,
J. Blount, R. Jones, Stafford,
Boger, Killian, Stailings,
Braswell, Larkins, Stockard,
Brogden, Mangum, Sullivan,
Bryan, Massey, Taylor,
G. W. Caldwell, J. T. Miller, Tomlinson,
Cardwell, Munday, Trollinger,
THIRD RESOLUTION.

Resolved, That the General Assembly do condemn the sub-Treasury system which this administration is endeavoring to establish as another item in that series of fatal experiments of this and the past administration, which are the main source of that derangement in the currency, and prostration of commercial credit that have been so severely felt of late in every branch of industry, and which, if suffered to become a law, will, by its tendency to augment Executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the credit system by the exaction of specie in the Government dues, ultimately change the real character of our Government, and place in peril the liberties of our country.

The question on the adoption of this resolution was decided in the affirmative—yeas 63—nays 56.

Those who voted in the affirmative were,

M.E.S.S.R.S.

Those who voted in the negative were,

Messrs.


On the fourth resolution, Mr. Orr called for a division of the question: and the question being on the adoption of the first branch of the resolution in the followed words, viz:—

"Resolved that we consider the Public Lands of the United States as the common property of all the States," was decided in the affirmative unanimously—the whole House 119 voting in the affirmative.

The question on the adoption of the second branch of the 4th resolution, viz:—"And that we therefore condemn the late act of Congress allowing settlers on the Public Lands the right of pre-emption at the minimum price as an act of gross injustice to the old States who originally ceded them, or who contributed to a common fund for their purchase," was determined in the affirmative—yeas 71—nays 48.

Those who voted in the affirmative were,

Messrs.

Amis, B. L. Beall, Bedford, E. S. Bell, Blalock, W. A. Blount, Bond, Boyden, Gilliam, Gorham, Guthrie, Gwyther, Harris, Hester, Hill, Huggins, Peden, Pemberton, Petty, Puryear, Proctor, Rand, K. Rayner, Robards,
Those who voted in the negative were,

Messrs.

B. L. Beall,  Gilliam,  Patton,
Bedford,  Gorham,  Peden,
Resolved, That we do most solemnly protest against the wasteful extravagance of the present administration and their profligate expenditure of the public money; which not only creates a demand for heavy taxation, in order to meet the exorbitant appropriations of the General Government, but which tends to the cor-
ruption of public morals and the degradation of the national character.

The question on the adoption of the Resolution was decided in the affirmative—yeas 64—nays 55.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, E. S. Bell, Blafock, W. A. Blount, Bond, Boyden, Brittain, Brumwell, Burgess, J. P. Caldwell, Carson, Clegg, Clement, Covington, Crawford, Doak, Dunlap, Ellington, E. J. Erwin, Faison, Farrow, Foreman,

Gilliam, Gorham, Guthrie, Gwyther, Harris, Hester, Hill, Huggins, Hyman, H. C. Jones Keener, Lane, Lindsay, Matthews, W. J. T. Miller, E. P. Miller, Mills, McCleese, McLaughlin, McLaurin, McWilliams,


Those who voted in the negative were,

Messrs.

Amis, Baker, Barksdale, Barnes, Bedford, J. Blount, Boger, Braswell, Brogden, Bryan, G. W. Caldwell, Cardwell, Chambers, Daniel, Davis,

Holland, Hollingsworth, Howerton, Jarman, R. Jones, Killian, Larkins, Mangum, Massey, J. T. Miller, Munday, McNeill, Nye, Orr, Perkins,

Reid, Roebuck, Siler, Sims, Sloan, Stafford, Stalings, Stockard, Sullivan, Taylor, Tomlinson, Trollinger, Tuton, Walker, Whitaker,
Resolved, That the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent, and ought to be diminished.

The question on the adoption of this resolution was decided in the affirmative—yeas 66—nays 52.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall, Foreman, 
Bedford, Gilliam, 
E. S. Bell, Gorham, 
Blalock, Guthrie, 
W. A. Blount, Gwyther, 
Bond, Harris, 
Boyden, Hill, 
Brittain, Huggins, 
Brummell, Hyman, 
Burgess, H. C. Jones, 
J. P. Caldwell, Keener, 
Carson, Lane, 
Clegg, Lindsay, 
Clement, Matthews, 
Covington, W. J. T. Miller, 
Crawford, E. P. Miller, 
Doak, Mills, 
Dunlap, McCleese, 
Ellington, McLaughlin, 
E. J. Erwin, McLaurin, 
Faison, McWilliams, 
Farrow, Oglesby, 
Paine, 
Patton, 
Peden, 
Pemberton, 
Petty, 
Furyear, 
Proctor, 
K. Rayner, 
Robards, 
Rush, 
Siler, 
Smith, 
D. Thomas, 
G. Thomas, 
Underwood, 
Waddell, 
Wadsworth, 
Whitaker, 
J. Williams, 
Wilson, 
Winston, 
Young, 66.

Those who voted in the negative were,

MESSRS.

Amis, Holland, 
Baker, Hollingsworth, 
Barksdale, Howerton, 
Barnes, Jarman, 
Boger, R. Jones 
Braswell, Killian, 
Brogden, Larkins, 
Bryan, Mangum, 
G. W. Caldwell, Massey,
EIGHTH RESOLUTION.

That our Senators in Congress will represent the wishes of a majority of the people of this State by voting to carry out the foregoing Resolutions.

Resolved, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

PREAMBLE.

Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions to depend: and whereas, we consider it our bounden duty, as the Representatives of the Freemen of North Carolina to express in calm and dispassionate language our opinions on the great questions which have been for some time, and some of which still are agitating the public mind.

The question on the adoption of the eighth and ninth Resolutions and of the Preamble was decided in the affirmative —yeas 61—nays 56.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall, Foreman, Oglesby,
E. S. Bell, Gilliam, Paine,
Blalock, Gorham, Patton,
W. A. Blount, Guthrie, Peden,
Boyden, Gwyther Pemberton,
Bond, Harris, Petty,
Brittain, Hill, Puryear,
Brummell, Huggins, Proctor,
Burgess, Hyman, K. Rayner,
J. P. Caldwell, H. C. Jones, Robards,
Carson, Keener, Rush,
Those who voted in the negative were,

Messrs.

Amis, Hoke, Reid, Amis,
Baker, Holland, Roebuck, Baker,
Barksdale, Hollingsworth, Siler, Barksdale,
Barnes, Howerton, Sims, Barnes,
Bedford, Jarman, Sloan, Bedford,
J. Blount, R. Jones, Stafford, J. Blount,
Boger, Killian, Stockard, Boger,
Braswell, Larkins, Sullivan, Braswell,
Brogden, Mangum, Taylor, Brogden,
Bryan, Massey, Tomlinson, Bryan,
G. W. Caldwell, J. T. Miller, Trollinger, G. W. Caldwell,
Cardwell, Munday, Tuton, Cardwell,
Chambers, McNeill, Walker, Chambers,
Daniel, Nye, Whitaker, Daniel,
Davis, Orr, Wilcox, Davis,
Eaton, Perkins, S. A. Williams, Eaton,
C. Erwin, Pollock, W. P. Williams, 56, C. Erwin,
Gwynn, Rand, W. P. Williams, Gwynn,
Hester, J. R. Rayner, W. P. Williams, 56.

Ordered, That said Resolutions be engrossed and sent to the Senate for concurrence.

Mr. K. Rayner moved that the House do now adjourn until to-morrow morning ten o'clock. The question thereon was decided in the affirmative—yeas 65—nays 36. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

Messrs.

Barnes, Gilliam, McNeill, Barnes,
B. L. Beall, Gorham, Patton, B. L. Beall,
Bedford, Guthrie, Peden, Bedford,
E. S. Bell, Gwyther, Pemberton, E. S. Bell,
Blalock, Harris, Rand, Blalock,
W. A. Blount, Hester, K. Rayner, W. A. Blount.
Those who voted in the negative were,

Messrs.

Baker,                  Gwynn,                  Pollock,
J. Blount,             Holland,             Puryear,             J. R. Rayner,
Braswell,              Howerton,             Roebuck,
Brogdan,              R. Jones,              Robards,
Bryan,                  Keener,              Stallings,
Cardwell,             Killian,              Stockard,
Chambers,            Larkins,              Taylor,
Clement,                Munday,              Walker,
Daniel,              Nye,              Wilcox,
Doak,                    Orr,              J. Williams,
Ellington,             Petty,              S. A. Williams,
C. Erwin,              Paine,

So the House adjourned until to-morrow morning ten o’clock.

Saturday, December 22, 1838.

Mr. Gwynn called up for consideration the bill concerning the election and qualification of constables in certain cases. The said bill was read the second and third time, two thirds of the House concurring, passed, and ordered to be engrossed.

Received from the Senate a message, concurring in the proposition of this House that the statements of the affairs of the several Banks of the State, transmitted to the General Assembly, be printed.
A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish a Literary and Manual Labour Institution in the county of Wake, passed in 1833, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds, &c. and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, concurring in the proposition of this House to refer the subject of the establishment of a Lunatic Asylum in this State to a Joint Select Committee of three on the part of each House, and informing that Messrs. Franklin, Hill and Albright form their branch of said Committee.

Ordered, That Messrs. Gilliam, Hoke and Petty form this Committee on behalf of this House.

Mr. Siler, from the Committee on Cherokee Lands, reported a bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of the Roanoke Navigation Company, and asking the concurrence of this House. The said Resolution was read the first time and passed; and, on motion of Mr. Eaton, referred to the Committee on Claims.

A message from the Senate, informing that they had passed the following engrossed Resolutions, viz: Resolution concerning delinquent Sheriffs, and a Resolution imposing duties on the Public Printer and the Secretary of State, and asking the concurrence of this House. The said resolutions were read and adopted and ordered to be enrolled.

On motion of Mr. W. P. Williams,

Resolved, That the Committee on the Judiciary be instructed to report an amendment to the 45th section of the Revenue Laws, upon the subject of double taxes collected by Sheriffs.

Mr. Nye presented the following Resolution:

Resolved, That no proceedings be taken against the Sheriff of Ashe for and on account of any defect which may exist in his return of the votes for Governor taken at the late election in said county.
Said Resolution was read, and, on motion of Mr. Nye, referred to the Committee on Propositions and Grievances.

Mr. G. W. Caldwell presented a memorial from William Davidson, of Mecklenburg county, in relation to the affairs of the Catawba Navigation Company; which was referred to the Committee on Propositions and Grievances.

Mr. G. W. Caldwell presented a certificate of the County Court of Mecklenburg in favor of Martha Thompson, a State Pensioner; which was read and referred, on motion of Mr. Hill, to the Committee on Claims.

On motion of Mr. Holland,

Resolved, That the Committee on Military Affairs inquire into the propriety of altering the manner of appointing the Field Officers of Cavalry so as to elect them in the same manner as the officers of the other volunteer companies; and that they report by bill or otherwise.

Mr. Rand, from the Select Committee raised on the subject of selling one of the Public Lots in the eastern suburbs of the City of Raleigh, reported that it is not expedient at this time to make the sale, and asked to be discharged from the further consideration thereof.

The Report was concurred in.

On motion of Mr. Hill,

Resolved, That the Committee on Public Printing be instructed to inquire into the reasons which have delayed the printing of the Report of the Board of Internal Improvements, as ordered by this House; and that they report to the House on Monday next.

The bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina, was read the second time and passed—yeas 64—nays 33. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, Bedford, E. S. Bell, Blalock, W. A. Blount, Boyden, Brittain, Brummell, Burgess, J. P. Caldwell, G. W. Caldwell, Hill, Howerton, Huggins, Hyman, H. C. Jones, Keener, Killian, Lane, Lindsay, Matthews, W. J. T. Miller, Pemberton, Perkins, Petty, Puryear, K. Rayner, Reid, Rush, Siler, Sloan, Sims, Smith,
Mr. Mills introduced a bill to authorize the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's in Buncombe county; which was read the first time and passed and referred to the Committee on Internal Improvements.

On motion of Mr. Reid, the bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina was read the third time (two thirds of the House concurring) and passed and ordered to be engrossed.

Mr. G. W. Caldwell introduced a bill concerning the Charlotte Male and Female Academy; which was read the first time and passed.

On motion, leave of absence from the service of the House was granted to Mr. Eaton from Monday to Friday next—to Mr. Pollock from after to-day till Monday 31st—and to Mr. Underwood and Mr. Hollingsworth from and after Monday next.

A message from the Senate, informing that they had passed the engrossed bill concerning the election and qualification of constables in certain cases, with amendments, and
asking the concurrence of this House. The amendments were read and concurred in, and the Senate so informed.

The bill concerning bastardy was read the second time, and, on motion of Mr. Wilson, postponed indefinitely—yeas 69—nays 23. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were,

Messrs.

Barnes,  Hill,  Petty,
Bedford,  Holland,  Rand,
E. S. Bell,  Howerton,  J. R. Rayner,
Blalock,  Hyman,  K. Rayner,
Roger,  R. Jones  Roebuck,
Braswell,  H. C. Jones,  Rush,
Brogdent,  Killian,  Sims,
Burgess,  Larkins,  Sloan,
Brummell,  Mangum,  Smith,
Cardwell,  Massey,  Stalings,
Covington,  Matthews,  Stockard,
Eaton,  W. J. T. Miller,  Sullivan,
Ellington,  J. T. Miller,  Taylor,
E. J. Erwin,  E. P. Miller,  Tuton,
C. Erwin,  Mills,  Underwood,
Faison,  Munday,  Wadsworth,
Farrow,  McLaurin,  Walker,
Foreman,  McWilliams,  Whitaker,
Gorham,  McNell,  Wilcox,
Guthrie,  Patton,  J. Williams,
Gaynn,  Peden,  S. A. Williams,
Harris,  Pemberton,  W. P. Williams,
Hester,  Perkins,  Wilson, 69.

Those who voted in the negative were,

Messrs.

Baker,  Daniel,  McLaughlin,
B. L. Beall,  Doak,  Nye,
W. A. Blount,  Dunlap,  Orr,
Boyden,  Gwyther,  Puryear,
J. P. Caldwell,  Huggins,  Siler,
G. W. Caldwell,  Keener,  D. Thomas,
Clement,  Lane,  Young, 23.
Crawford,  Lindsay,

The resignation of John Cox as a Justice of Peace of the county of Wayne was read and accepted.

The House then adjourned until Monday morning ten o' clock.
Mr. J. T. Miller presented a memorial from sundry citizens of the county of New Hanover, praying the passage of a law authorising limited partnerships; which was referred, on Mr. Miller's motion, to the Committee on the Judiciary.

Mr. Lane presented a resolution in favor of John Marsh; which was read the first time and passed and referred to the Committee on Claims.

A message from the Senate, concurring in the proposition of this House that the memorial of the Internal Improvement Convention be referred to a Joint Select Committee to be composed of the Committee on Internal Improvement in each House, and that the same be printed, ten copies for each member of the General Assembly.

Messrs. Stockard, Keener, Young and Tuton are appointed the Committee on Enrolled Bills the present week.

Mr. Silley, from the Joint Select Committee on Cherokee Lands, to whom was referred the memorial of sundry citizens praying to change the location and the name of the town site in the Cherokee Territory, reported unfavorably thereon, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Baker asked and obtained leave to withdraw from the files of the House the papers accompanying the petition for the emancipation of a slave late the property of G. Cotton.

Mr. Wilson gave notice that he should, on Wednesday, move a suspension of the 31st Rule of Order for the residue of the session.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported the resolution in favor of Samuel Chunn without amendment. Said resolution was thereupon read and adopted, and ordered to be engrossed.

Mr. J. P. Caldwell, from the same Committee, reported unfavorably on the resolution relating to the expediency of distributing the Journals of the General Assembly among the Captain's Companies of Militia, and asked to be discharged from the further consideration of the subject. The Report was concurred in.

Mr. J. P. Caldwell, from the same Committee, who were instructed to inquire into the expediency of restoring to the County Courts the trial by jury where the same has been
abolished, reported unfavorably thereon, and asked to be discharged from the further consideration thereof.

Mr. K. Rayner, from the Committee on Claims, reported unfavorably on the petition of Thomas Douglass and the other heirs of Thomas Walker, and asked to be discharged from the further consideration thereof. The report was concurred in, and, on motion of Mr. C. Erwin, leave was granted the petitioner to withdraw his papers.

Mr. Winston, from the Committee on the Judiciary reported unfavorably on the resolution instructing them to inquire into the expediency of exempting by law growing crops from execution, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Winston, from the same Committee, reported unfavorably on the resolution instructing them to inquire into the expediency of providing by law the manner in which persons convicted of an infamous crime shall be restored to the rights of citizenship, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. H. C. Jones, from the Committee on Public Printing, to whom was referred the inquiry concerning the delay attending the publication of the Report of the Board of Internal Improvements, made a report thereon; which was read and concurred in.

The bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain to the new town site, Murphy; the Resolution in favor of James C. Turrentine, Sheriff of Orange county; and the resolution in favor of Simon M. Smithwick, were each read the third time, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill allowing compensation to the Wardens of the Poor in the county of Wayne, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

Mr. Bedford introduced a resolution in favor of Dave Pannell, of Rutherford county; which was read and adopted and ordered to be engrossed.

Mr. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition from sundry citizens of Edgecomb, praying the emancipation of Ely,
late the property of G. Cotten, and asked to be discharged from the further consideration thereof.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution in favor of John C. Er- ringhaus; which was read the second time and passed.

Mr. Mills presented a bill for the better regulation of the County Courts of Rutherford; which was read the first time and passed.

Mr. Crawford offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of enacting a law allowing Justices of the Peace in the several counties a reasonable compensation for their services.

The resolution was read and rejected.

Mr. Payne presented a bill allowing compensation to persons attending as Talis Jurors on the Courts, in each of the counties of this State; which was read the first time, and on motion of Mr. E. J. Erwin, rejected—yeas 52—nays 34.

Those who voted in the affirmative were,

Messrs.

Baker, Gwyther, Orr, Paton,
B. L. Beall, Harris, Patton,
E. S. Bell, Holland, Peden,
Blalock, Huggins, Pemberton,
W. A. Blount, Hyman, Puryear,
Boger, Jarman, Proctor,
Brittain, H. C. Jones J. R. Rayner,
J. P. Caldwell, Lane, Robards,
G. W. Caldwell, Larkins, Siler,
Cardwell, Lindsay, Stafford,
Carson, Matthews, Stallings,
Covington, Mills, Taylor,
Crawford, McLaughlin, D. 'Thomas,
Davis, McLaurin, Wadsworth,
Doak, McWilliams, J. Williams,
Dunlap, McNeill, Winston,
E. J. Erwin, Nye, Young—52.
Farrow,

Those who voted in the negative were,

Messrs.

Barnes, Gwynn, Rand,
Bedford, Hester, Rush,
Boyden, R. Jones, Sims,
Braswell, Killian, Smith,
Mr. Hill called up for consideration the resolutions relating to the Public Domain by him submitted on the 28th ultimo. The motion prevailed. Mr. Cardwell moved to amend the resolutions by striking out the whole thereof, after the word land, in the second line of the first resolution, and to insert the series of resolutions by him submitted on the 5th inst. Mr. Gilliam demanded a division of the question, and the question being first on striking out, was decided in the negative—yeas 39—nays 56. The yeas and nays called for by Mr. Cardwell.

Those who voted in the affirmative were,

**Messrs.**

- Baker,  
- Barksdale,  
- Barnes,  
- J. Blount,  
- Booger,  
- Braswell,  
- Brogden,  
- Burgess,  
- G. W. Caldwell,  
- Cardwell,  
- Daniel,  
- C. Erwin,  
- Gwynn,  
- Massey,  
- W. J. T. Miller,  
- J. T. Miller,  
- E. P. Miller,  
- McCleese,  
- Petty,  
- Stockard  
- Tuton,  
- Walker,  
- Whitaker,  
- Wilcox,  
- Wilson,  
- W. P. Williams, 34.

Those who voted in the negative were,

**Messrs.**

- B. L. Beall,  
- Bedford,  
- E. S. Bell,  
- Blalock,  
- W. A. Blount,  
- Boyden,  
- Brittain,  
- Brumell,  
- J. P. Caldwell,  
- Carson,  
- Gilliam,  
- Gorham,  
- Guthrie,  
- Gwyther,  
- Harris,  
- Hester,  
- Hill,  
- Huggins,  
- Hyman,  
- H. C. Jones,  
- McWilliams,  
- Paine,  
- Patton,  
- Peden,  
- Pemberton,  
- Petty,  
- Puryear,  
- Proctor,  
- K. Rayner,  
- Robards,
Mr. K. Rayner moved to amend the said resolutions by inserting between the second and third resolutions the following, viz:

Resolved, That this General Assembly do condemn in the most decided manner, the bill now before Congress proposing to graduate the price of public lands as an attempt in disguise to cede them to the States in which they lie, at a mere nominal price.

The question on the adoption of this amendment, was decided in the affirmative—yeas 70—nays 23. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, Gwyther, Pemberton,
Bedford, Harris, Perkins,
E. S. Bell, Hester, Petty,
Blalock, Hill, Puryear,
J. Blount, Huggins, Proctor,
W. A. Blount, Hyman, Rand,
Boyden, Jarman, K. Rayner,
Brittain, H. C. Jones, J. R. Rayner,
Brummell, Lane, Robards,
Burgess, Larkins, Rush,
J. P. Caldwell, Lindsay, Siler,
Carson, Massey, Sims,
Clement, Matthews, Sloan,
Covington, E. P. Miller, Smith,
Crawford, Mills, Stallings,
Doak, McCleese, Stockard,
Dunlap, McLauglin, G. Thomas,
E. J. Erwin, McLaurin, Tuton,
Faison, McWilliams, Wadsworth,
Farrow, McNeill, J. Williams,
Foreman, Paine, W. P. Williams,
Gilliam, Patton, Wilson,
Gorham, Peden, Young, 70.

Guthrie,
Those who voted in the negative were,

Messrs.

Baker, Daniel, Nye, Orr,
Barksdale, Davis, Orr, Roebuck,
Barnes, C. Erwin, Roebuck, Stafford,
Boger, Gwynn, Walker, Whitaker,
Braswell, Holland, Walker, Wilcox, 23,
Brigden, Howerton, Wilcox,
G. W. Caldwell, R. Jones, Wilcox,
Cardwell, Munday,

Mr. K. Rayner moved to strike out the — to the clause of the third resolutions, after the words "Public Lands," and to insert the following: "And to vote against the bill now before Congress proposing to graduate the price of the same." "Resolved, That His Excellency the Governor be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress, with a request that they lay them before their respective bodies."

The question on the adoption of this amendment was decided in the affirmative. The question on the adoption of the Resolutions as amended was decided in the affirmative—yeas 63—nays 31. The yeas and nays called for by Mr. Cardwell.

Those who voted in the affirmative, were,

Messrs.

B. L. Beall, Gilliam, McNeill, Paine,
Bedford, Gorham, Paine,
E. S. Bell, Guthrie, Patton,
Blalock, Gwyther, Peden,
J. Blount, Harris, Pemberton,
Wm. A. Blount, Hester, Petty,
Boyd, Hill, Puryear,
Britann, Huggins, Proctor,
Birmell, Hyman, Rand,
Burgess, H. C. Jones, K. Rayner,
J. P. Caldwell, Lane, Robards,
Carson, Lindsay, Rush,
Clement, Massey, Siter,
Covington, Matthews, Smith,
Crawford, W. J. T. Miller, G. Thomas,
Doak, E. P. Miller, Tuton,
Dunlap, Mills, Wadsworth,
E. J. Erwin, McCleese, J. Williams,
Faison, McLoughlin, W. P. Williams
Farrow, McLaurin, Wilson,
Foreman, McWilliams, Young, 63.
Those who voted in the negative were,

Messrs.

Barker, Holland,
Barksdale, Howerton,
Barnes, Jarman,
Braswell, R. Jones,
Brogden, Killian,
G. W. Caldwell, Larkins,
Cardwell, J. T. Miller,
Daniel, Munday,
Davis, Nye,
C. Erwin, Orr,
Gwynn,

Perkins
J. R. Rayner,
Roebuck,
Sims,
Sloan,
Stallings,
Stockard,
Walker,
Whitaker,
Wilcox, S1.

Ordered, That said Resolutions be engrossed and sent to the Senate for concurrence.

On motion, leave of absence from the service of the House this day was granted to Messrs. Waddell, Clegg, and Chambers; and for this day and to-morrow to Messrs. S. A. Williams, Trollinger and D. Thomas.

Mr. Winston offered the following Resolution:

Resolved, That as the printer for the State has already on hand more printing for the House than he can execute before the rise of this body; therefore, this House will not order any more printing by that gentleman during its present session.

Ordered, on motion of Mr. Hill, that the Resolution lie on the table.

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

Mr. Hill introduced a bill to amend an act passed in 1833, entitled an act to incorporate the Wilmington and Raleigh Rail Road Company; which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Paine introduced a bill authorising the County Courts to allow compensation to persons serving as tales jurors.—The said bill was read the first time and rejected.

The engrossed bill to exempt aged and infirm persons from being compelled to serve in fire companies and upon guards in any of the incorporated towns in this State, was read the second time, and, on motion of Mr. Hill, postponed indefinitely.

The bill to incorporate the Yadkin Manufacturing Company, was read the third time, passed, and ordered to be engrossed.
The bill vesting in the United States jurisdiction over a certain tract of land in the town of Fayetteville, and the bill to incorporate the High Shoals Manufacturing Company, were each read the second time and passed.

The bill concerning Public Registers, was read the second time, amended and passed.

The engrossed bill to incorporate the Trustees of the Greensborough Female College, in the county of Guilford; and the engrossed resolution for repairing the steeple of the Presbyterian Church, were each read the second and third time, passed, and ordered to be enrolled.

The resignations of G. W. Spears, of Cabarrus, of Alexander Hampton, of Stokes, Justices of the Peace, were read and accepted.

Mr. Robards moved that the House adjourn until Wednesday morning ten o'clock. The question thereon was decided in the negative—yeas 12—nays 68.

Those who voted in the affirmative were,

Messrs.

W. A. Blount, J. T. Miller, K. Rayner,
G. W. Caldwell, E. P. Miller, J. R. Rayner,
Guthrie, Paine Robards,
Lane, Rand, Rush—12.

Those who voted in the negative were,

Messrs.

Barksdale, Faison, McNeill,
B. L. Beall, Farrow, Nye,
Bedford, Foreman, Orr,
Blalock, Gwyther, Patton,
Boger, Gwynn, Pemberton,
Boyd, Harris, Roebuck,
Braswell, Holland, Sloan,
Brittain, Huggins, Smith,
Brummell, Jarman, Stafford,
Brogden, R. Jones, Stallings,
Burgess, H. C. Jones, Stockard,
J. P. Caldwell, Killian, Taylor,
Cardwell, Keener, G. Thomas,
Carson, Larkins, Tuton,
Clement, Lindsay, Wadsworth,
Covington, Mangum, Walker,
Crawford, Massey, W. J. T. Miller,
Daniel, W. J. T. Miller, Wilcox,
Davis, Mills, J. Williams,
Doak, Munday, W. P. Williams,
On motion, the House then adjourned until to-morrow morning ten o‘clock.

TUESDAY, DECEMBER 25, 1838.

Mr. Cardwell presented a petition from sundry citizens of Rockingham county, praying the passage of a law, making payment to their owners for slaves convicted and executed for capital crimes, and praying compensation to be made to Abner Webster and the heirs of John Webster, for certain slaves executed for murder in said county during the past year. Ordered, on motion of Mr. Farrow, that said petition be rejected.

Mr. H. C. Jones presented a petition for the emancipation of a slave named Roger, late the property of Isham P. Ellis, of Davie county. Ordered, on motion of Mr. Patton, that said petition be rejected.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners for the town of Bethania, in the county of Stokes; the engrossed bill to prevent free negroes and mulattoes from trafficking in spirituous liquors; and the bill limiting the time in which titles to lands heretofore entered and paid for may be perfected; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. J. P. Caldwell, from the Committee on the Judiciary, reported the bill to amend an act concerning quarantine, and to prevent the introduction and communication of contagious diseases, with an amendment. The amendment was agreed to, and the bill, as amended, read the second time and passed.

A message from the Senate, proposing that the Committee on Finance be instructed to inquire whether the Revenue Laws may not be so amended as to obtain a more equal valuation of the lands in the State; and also to inquire whether said laws may not be so amended as to give to the proprietors of lands a more speedy and convenient mode of redress, when dissatisfied with the assessment thereof by the commissioners. The proposition was agreed to.
Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported without amendment, the resolution in favor of the sheriff of Ashe county; when the said resolution was read and adopted, and ordered to be engrossed.

A message from the Senate, informing that Messrs. Davidson and Whitaker form their branch of the Committee on Enrolled Bills the present week.

The bill authorising the Justices of the Peace of the several counties of the State to class themselves for holding the Courts of Pleas and Quarter Sessions was read, and, on motion of Mr. E. J. Erwin, postponed indefinitely—yeas 75—nays 20. The Yeas and nays called for by Mr. Brogden.

Those who voted in the affirmative were,

Messrs.

Baker,          Faison,          Orr,
Barnes,         Farrow,         Paine,
B. L. Beall,     Gwyther,       Patton,
Bedford,         Gwynn,         Peden,
E. S. Bell,      Harris,       Perkins,
Blalock,         Hill,          Petty,
J. Blount,       Hyman,        Puryear,
Boger,          R. Jones,       Proctor,
Boyden,         H. C. Jones,     Rand,
Braswell,       Killian,       K. Rayner;
Brittain,        Lane,          Roebuck,
Brummell,       Larkins,       Rush,
Burgess,        Lindsay,       Sims,
J. P. Caldwell,  Mangum,       Sloan,
G. W. Caldwell,  Massey,       Smith,
Cardwell,       Matthews,      Stallings,
Carson,         W. J. T. Miller, Wadsworth,
Clement,        J. T. Miller,   Walker,
Covington,      E. P. Miller,   Whitaker,
Daniel,         Mills,         Wilcox,
Davis,          Munday,        W. P. Williams,
Doak,           McCleese,      Young,
Dunlap,         McLouthlin,   Winston,
E. J. Erwin,    McLaurin,      Young, 75.
C. Erwin,

Those who voted in the negative were,

Messrs.

W. A. Blount,   Holland,      Siler,
Brogden,        Huggins,      Stafford,
Crawford,       Keener, 4      Stockard,
On motion, leave of absence from the service of this House was granted to Mr. Howerton for this day.

Mr. Hill called up for consideration the resolution relating to the Public Printer, which, on his motion, had been laid on the table. The resolution was taken up, and, on motion of Mr. Hill, amended by striking out the whole after the word Resolved, and inserting the following:

"That the Committee on Public Printing, be instructed to confer with the Printer for the State, and adopt such measures as will expedite the printing, which now is, or may hereafter be required for the use of this House."

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

The bill to incorporate the High Shoals Manufacturing Company, was read the third time, passed, and ordered to be engrossed.

The bill concerning the Charlotte Male and Female Academy, was read the second and third time, passed, and ordered to be engrossed.

The engrossed bill to amend an act entitled an act for the relief of such persons as have been disabled by wounds, &c.; the bill to amend an act entitled an act to establish a Literary and Manual Labour Institution in the county of Wake, passed in the year 1833; and the bill to appoint commissioners to lay off a part of the Great State Road from Presley Shepherd's to Frederick Seaverts, were each read the second time and passed.

The resignations of Frederick Grist of Beaufort, and of Robert Haywood of Wake, Justice of the Peace, were presented, read and accepted.

The resolution allowing discount on Cherokee Bonds, was read the second time, and the question shall the said resolution pass the second reading? was determined in the negative —yeas 46—nays 51. The yeas and nays demanded by Mr. Whitaker.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, Guthrie, McNeill, Paine,
Bedford, Harris,
Mr. Wilson asked and obtained leave to withdraw from the Files of the House, the petition presented by him relating to the Fisheries on Perquimons river.

The bill concerning Public Registers was read, and, on motion of Mr. K. Rayner, postponed indefinitely.
The bill to lay off and establish a county by the name of Cherokee, was read the third time, passed, and ordered to be engrossed.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Buncombe Warm Spring Company, with the following amendment, viz: "Be it further enacted, that the capital stock of the company shall not exceed one hundred and fifty thousand dollars, in shares of one hundred dollars each; and that the private or individual property of the stockholders shall be liable for all the debts, contracts and liabilities of the corporation, in proportion to the amount of stock owned by them."

The first branch of this amendment was concurred in, and the second branch was disagreed to. Mr. Cardwell then moved that the bill be postponed indefinitely. The question on this motion was determined in the negative—yeas 40—nays 56. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

Messrs.

Baker, Gwynn, J. R. Rayner,
Barksdale, Holland, Roebuck,
Barnes, Jarman, Sims,
Boger, R. Jones Sloan,
Bond, H. C. Jones, Stafford,
Braswell, Larkins, Stallings,
Brogden, Mangum, Stockard,
Burgess, Massey, Taylor,
Cardwell, J. T. Miller, Trollinger,
Daniel, McNeill, Walker,
Davis, Orr, Whitaker,
Ellington, Rand, Wilcox,
C. Erwin, K. Rayner, Winston, 40.
Gwyther,

Those who voted in the negative were,

Messrs.

B. L. Beall, Gorham, Patton,
Bedford, Guthrie, Peden,
E. S. Bell, Harris, Pemberton,
Blalock, Hill, Perkins,
W. A. Blount, Huggins, Petty,
Boyd, Hyman, Puryear,
Brittain, Keener, Proctor,
Brummell, Lane, Reid,
J. P. Caldwell, Lindsay, Robards,

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

Mr. Whitaker, from the Committee on Military Affairs, to whom was referred the bill to repeal the 3rd section of an act passed in the year 1832, entitled an act for the better organization of the militia of the county of Beaufort and for other purposes, reported the same with an amendment. The amendment was read and adopted, and the bill as amended, read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill concerning weights and measures, adopted by a resolution of Congress as standards throughout the United States; a bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county; a bill to amend an act, entitled an act concerning cattle, horses, and hogs; and a bill to give effect to the Revised Statutes, and asking the concurrence of the House. The said bills were read the first time and passed.

Mr. Hill, from the Committee on Internal Improvements, reported without amendment the bill to authorise the laying off and establishing a turnpike road from Cove Creek, in Rutherford county to Thomas Foster’s in Buncombe county. The said bill was read the second time, amended, on motion of Mr. Mills, and passed.

Mr. Nye presented a bill to amend and supply the defects of an act passed at the present session of the General Assembly; entitled an act to extend the time for paying in entry money; which was read the first time and passed, and on motion of Mr. Winston laid on the table.

Mr. H. C. Jones, from the Committee on Public Printing, made a detailed report on the subject accompanied by a bill to authorise the appointment of a Public Printer; which was read the first time and passed.

The engrossed bill to amend an act entitled an act to es-
establish a Literary and Manual Labour Institution, in the county of Wake, passed in 1833, was read the third time, passed and ordered to be enrolled.

The bill concerning infant children, whose parents shall be divorced, was read the second time and passed.

Mr. J. P. Caldwell moved that the House do reconsider the vote given yesterday, postponing indefinitely the bill authorising the Justices of the Peace of the several counties to class themselves for holding the County Courts. The motion prevailed, and the said bill was laid on the table.

Mr. W. P. Williams introduced a bill to compensate owners of slaves executed for capital offences; which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Crawford introduced the following resolution:

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of enacting a law, compelling an individual who slays his adversary in a duel, to pay the debts of the deceased, and to support his family for the term of five years; and that they report by bill or otherwise.

The said resolution was read and rejected.

The bill to amend an act entitled an act concerning mills and millers; and the bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Stokes and Guilford, were each read the second time and passed.

Mr. Hill, from the Committee on Internal Improvements, reported the following resolutions:

1st. Resolved, That it is expedient for the State to guarantee a loan to be effected by the Raleigh and Gaston Rail Road Company, upon such security as will indemnify the State from any loss from such guarantee.

2nd. Resolved, That the Committee on Internal Improvements be instructed to report a bill authorizing a subscription on the part of the State, to four fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company: Provided that the capital stock of said company shall not exceed two millions of dollars; and provided further, that the remainder of the stock be subscribed for and secured by individuals.

3rd. Resolved, That the Board of Internal Improvement, be instructed to pay over immediately the 4th instalment of the State's subscription to the capital stock of the Wilmington and Raleigh Rail Road Company.

4th. Resolved, That the Committee on Internal Improvements, be instructed to report a bill authorising a subscription on the part
of the State to three fifths of the capital stock of the Roanoke Inlet Company: Provided that the balance of said stock is taken and secured by individual subscribers; and provided further, that the whole amount of said capital stock shall not exceed $1,250,000.

5th, Resolved, That the Committee on Internal Improvement, be instructed to introduce a bill authorising the survey of a route for a McAdamized Turnpike Road, from Raleigh to Greensborough, via Hillsborough.

6th. Resolved, That it is expedient for the State to authorise a loan for $2,600,000, to carry into effect the above objects, and that the Committee on Internal Improvements be instructed to report a bill for this purpose.

The foregoing resolutions were read, and made the order of the day for to-morrow.

A message from the Senate, proposing that the two Houses vote this day for a Col. Commandant and Major of Cavalry, attached to the 10th Brigade of the Militia, and informing that Thomas N. Herndon is nominated for the first and Andrew Motz for the second office. The proposition was agreed to, and Mr. Holland and E. S. Bell were appointed a committee to superintend the voting for a Colonel, and Messrs. McLaughlin and J. Blount a committee for the election of the Major.

A message from the Senate, informing that Messrs. Moye and Williams of Person, form their committee to superintend the election of the first, and Messrs. Williams of Beaufort, and Allison, the second named officer. The House proceeded to vote for

THOMAS N. HERNDON,

|---------|---------|---------|----------|---------|---------|---------|-------|--------|------|--------|---------|--------|-------|--------|----------|---------|--------|-------|--------|---------|--------|--------|------|----------|----------|------|---------|---------|------|---------|
JOURNAL OF THE HOUSE OF COMMONS.  [1835:

Brogden, Keener, Sims,
Brummell, Killian, Sloan,
Burgess, Larkins, Smith,
J. P. Caldwell, Lindsay, Stafford,
Cardwell, Mangum, Stockard,
Carson, Massey, Taylor,
Clement, Matthews, Tomlinson,
Covington, W. J. T. Miller, G. Thomas,
Daniel, J. T. Miller, Wadsworth,
Davis, E. P. Miller, J. Williams,
Doak, Mills, Walker,
Ellington, Munday, Wilson,
E. J. Erwin, McLaughlin, Perkins,
C. Erwin, McLaurin, Young, 87.

The House voted as follows, for ANDREW MOTZ,

Messrs.
Speaker, Foreman, Peden,
Baker, Gilliam, Pemberton,
Barnes, Gwyther, Perkins,
B. L. Beall, Gwynn, Petty,
Bedford, Harris, Puryear,
E. S. Bell, Hill, Proctor,
Blalock, Holland, Rand,
J. Blount, Huggins, J. R. Rayner,
W. A. Blount, Hyman, Reid,
Boger, Jarman, Robards,
Bond, R. Jones, Roebuck,
Boyd, H. C. Jones, Rush,
Braswell, Keener, Siler,
Brodden, Lane, Sims,
Brummell, Lindsay, Smith,
Burgess, Mangum, Stallings,
J. P. Caldwell, Massey, Stockard,
Cardwell, W. J. T. Miller, Taylor,
Carrson, J. T. Miller, G. Thomas,
Clement, E. P. Miller, Trolinger,
Covington, Mills, Wadsworth,
Crawford, Munday, Walker,
Daniel, McLeod, Whitaker,
Davis, McLaurin, Wilcox,
Doak, McWilliams, J. Williams,
Dunlap, McNeill, W. P. Williams,
Ellington, Nye, Wilson,
E. J. Erwin, Orr, Matthews,
C. Erwin, Patton, Young, 91.

Faison,
Mr. Holland, from the Committee appointed to superintend the election of a Colonel of Cavalry, reported that Thomas N. Herndon had received a majority of the whole number of votes, and that he was duly elected; and Mr. McLoughlin reported that Andrew Notz was duly elected Major of Cavalry. These reports were concurred in.

The engrossed bill to amend the militia laws was read the second time, and, on motion of Mr. Patton, postponed indefinitely—yeas 64—nays 35. The yeas and nays demanded by Mr. H. C. Jones.

Those who voted in the affirmative were,

Messrs.
Barksdale,       Bogan,       R. Jones,       Patton,
Barnes,         Bond,        H. C. Jones,     Pemberton,
B. L. Beall,     Boyden,      Keener,        Puryear,
Bedford,        Braswell,    Larkins,        Rand,
J. Blount,      Brittian,    Lindsay,       Reid,
W. A. Blount,   Brogden,     Mangum,        Robards,
Boger,          Brummell,    Massey,        Sims,
Bond,           G. W. Caldwell, Matthews,     Siler,
Boyden,         Clement,     Mills,         Sloan,
Braswell,       Daniel,      McLaughlin,    Smith,
Brittain,       Davis,       McLaurin,      Stallings,
Brogden,        Ellington,   McNeill,      Taylor,
Brummell,       E. J. Erwin,  Nye,          Tomlinson,
G. W. Caldwell, Clement,  Matthews,     Tuton,
Clement,        Daniel,      Mills,         Wadsworth,
Davis,          Ellington,   McLaughlin,    Walker,
Foreman,        E. J. Erwin,  McLaurin,      Wilcox,
Gilbair,        E. J. Erwin,  McNeill,      J. Williams,
                   Foreman,      Nye,          W. P. Williams,
                   Gilliam,      Orr,           Wilson,
                   Paine,        Orr,           Young, 64.

Those who voted in the negative were,

Messrs.
Baker,           Harris,       Petty,
E. S. Bell,      Holland,      Proctor,
Blandock,        Huggins,      K. Rayner,
Burgess,         Lane,         J. R. Rayner,
J. P. Caldwell,  J. T. Miller, Roebuck,
Carson,          E. P. Miller,  Rush,
Chambers,        Monday,       Stafford,
Covington,       McCleese,     Stockard,
Crawford,        McWilliams,
Doak, Peden, Whitaker,
Faison, Perkins, Winston, 35.
Guthrie, Cardwell,

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

Thursday, Dec. 27, 1838.

Mr. Siler, from the Joint Select Committee on Cherokee Lands, reported a bill authorising the Governor to appoint an agent in the county of Macon; which was read the first time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported without amendment the engrossed bill to compel owners of bridges to construct draws. Said bill was thereupon read the second and third time, two thirds of the House concurring, passed, and ordered to be enrolled.

Mr. Hill, from the Committee on Internal Improvements, reported a bill to prevent the malicious obstruction of Rail Roads; which was read the first time and passed.

Mr. Hill, from the same Committee, reported the following Resolution:

Resolved, That it is expedient to construct a Rail Road from the town of Beaufort, to pass through Trenton, in Jones county, and connect with the Wilmington and Raleigh Rail Road at or near Waynesborough. That the capital stock of said company shall consist of $500,000; and that upon two fifths of said amount being subscribed for and secured to be paid by individuals, then the State shall subscribe for the remaining three fifths of said capital stock."

The said resolution was read and made the order of the day for this day.

A message from the Senate, informing that they had passed the engrossed bill concerning the Revenue Laws, and asking the concurrence of this House. The said bill was read the first time and passed.

The bill to authorise the appointment of a Public Printer was taken up and considered, and on motion of Mr. Amis, laid on the table.

Mr. Petty introduced a bill to give Justices of the Peace certain powers relating to minor offences; which was read the first time and rejected.
On motion of Mr. Hill, the House now resolved itself into a committee of the whole, Mr. Reid in the chair, and took up for consideration the resolutions relating to public works of Internal Improvement, reported from the Committee on Internal Improvement, and after some time spent therein, the Speaker resumed the chair, and the chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

The engrossed bill to amend an act, entitled an act concerning cattle, horses, and hogs, was read the second time, and on motion of Mr. E. P. Miller, postponed indefinitely.

On motion of Mr. Hill,
Resolved, That the Committee on the Judiciary be instructed to report a bill so to amend the revenue laws as to render operative the assessment of 1836, until further legislative provision is made for re-assessment.

The engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases, was read the third time, amended, and passed. Ordered, That the concurrence of the Senate be asked in the amendments.

The bill to amend the charter of the Petersburg Rail Road Company, passed in the year 1830, entitled an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia, on the 10th day of February, 1830, was read, and on motion of Mr. Faison, postponed indefinitely.

Received from His Excellency, Gov. Dudley, by his Private Secretary, a communication transmitting a Report from the President and Directors of the Fayetteville and Western Rail Road Company. The communication was read and referred, together with the report and other documents accompanying, to the Committee of the Whole, to whom are referred certain resolutions relating to Internal Improvement.

Received from His Excellency the Governor, by his Private Secretary, a communication transmitting the Annual Report of the Treasurer of the Board of Trustees of the University, and informing that there are at present eight vacancies in that Board. Ordered, That said communication be transmitted to the Senate with a proposition that the Treasurer's Report be printed; and with a further proposition that the two Houses on Monday next proceed to fill the vacancies in the Board of Trustees.
On motion of Mr. Hill,

Resolved, That the committee on printing be instructed to adopt such measures as will procure for the use of the House the Report of the Board of Internal Improvement at the earliest possible period.

The House then adjourned until

3 o'clock, P. M.

The bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State, was read the second time and passed.

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

The bill limiting the time in which titles to lands heretofore entered and paid for may be perfected, was read the second time and passed.

The engrossed bill to prevent free negroes and mulattoes from trafficking in spiritous liquors, was read, and, on motion of Mr. Hill, postponed until the 15th day of January next.

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

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Friday, December 28, 1838.

Mr. Gilliam introduced a bill to amend the charter of the Bank of Cape Fear; and Mr. Hyman a bill to authorise the construction of a bridge across Trent river. These bills were read the first time and passed.

Mr. Huggins presented a bill to amend the 16th section of an act concerning the militia, so far as relates to the county of Jones; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution for the adjournment of the two Houses of the Legislature, sine die, on Monday the 7th day of January next.

Mr. J. P. Caldwell, moved that the said resolution be postponed till Wednesday next. The question thereon was decided in the negative—yeas 31—nays 67. The yeas and nays demanded by Mr. Taylor.
Those who voted in the affirmative were,
Messrs.
E. S. Bell, Lane,
Boyd, Matthews,
Brittain, Mills,
J. P. Caldwel!, McLaughlin,
Clegg, McLaurin,
Clement, McWilliams,
Covington, McNeill,
E. J. Erwin, Nye,
Gilliam, Patton,
Hill, Peden,
Hyman,
Pemberton,
Petty,
Pryear,
Rand,
Reid,
Robards,
Rush,
Waddell,
Wadsworth,
Winston, 31.

Those who voted in the negative were,
Messrs.
Amis, Dunlap,
Baker, Eaton,
Barksdale, Ellington,
Barnes, C. Erwin,
Bedford, Faison,
Blalock, Farrow,
J. Blount, Gorham,
W. A. Blount, Gwynthy,
Boger, Gwynn,
Bond, Harris,
Braswell, Hester,
Brogden, Hoke,
Brommel, Holland,
Bryan, Howerton,
Burgess, Huggins,
G. W. Caldwell, Jarman,
Cardwell, R. Jones,
Carson, Killian,
Chambers, Massey,
Crawford, W. J. T. Miller,
Daniel, E. P. Miller,
Davis, J. T. Miller,
Doak,
Munday,
McCleese,
Orr,
Proctor,
J. R. Rayner,
Roebuck,
Sims,
Smith,
Stafford,
Stallings,
Sullivan,
Taylor,
G. Thomas,
Tomlinson,
Tuton,
Underwood,
Walker,
Wilcox,
J. Williams,
S. A. Williams,
Wilson,
W. P. Williams, 67.

Mr. Hill moved that said resolution lie on the table.—
The question thereon was decided in the negative—yeas 39
—nays 62. The yeas and nays demanded by Mr. Sullivan.

Those who voted in the affirmative were,
Messrs.
E. S. Bell, E. J. Erwin, Peden,
Blalock, Gilliam, Pemberton,
**JOURNAL OF THE HOUSE OF COMMONS.**

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**Those who voted in the negative were,**

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**The question recurring on the adoption of the resolution, was decided in the affirmative—yeas 65—nays 40. The yeas and nays demanded by Mr. Taylor.**

**Those who voted in the affirmative were,**

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<td>W. P. Williams,</td>
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<td>Stafford,</td>
<td>Wilson, 62.</td>
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Mr. Guthrie introduced a bill concerning bridges, and Mr. Wadsworth a bill to incorporate the Female Sewing Society of the Presbyterian Church, in the town of Newbern. These bills were read the first time and passed.

The bill to amend and supply the defects of an act passed at the present General Assembly, entitled an act to extend the time for paying entry money, was read the second time and passed.

Mr. Winston introduced a resolution in favor of Willis D. Dowd; which was read the first, second and third times, passed and ordered to be engrossed.

On motion, Mr. Foreman obtained leave of absence from the service of the House from this day until Wednesday next.
The engrossed bill to authorize the forming of a Fire Engine Company in the town of Bethania, Stokes county, was read, and on motion of Mr. Boyden, referred to the Committee on the Judiciary.

Mr. Hill introduced a bill to cut a canal from Lockwood's Folly River, in the county of Brunswick, to the Cape Fear; which was read the first time and passed.

The House then adjourned until

3 o'clock, P. M.

Mr. Nye presented a resolution to build a bridge across the South Fork of New River, in Ashe county; which was read the first time and passed.

The bill to incorporate the Phœnix Wool Manufacturing Company of the town of Fayetteville was read the third time, amended and passed, and ordered to be engrossed.

The bill vesting in the United States jurisdiction over a certain tract of land in the town of Fayetteville, and the resolution in favor of John C. Eringhaus, were each read the third time, passed, and ordered to be engrossed.

Mr. Wilson asked and obtained leave of absence from the service of the House from and after Sunday the 30th inst. for the residue of the session.

The bill to amend the charter of the Bank of Cape Fear was read the second and third times, two thirds of the House concurring, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act concerning mills and millers, was read, and on motion of Mr. Wilson, laid on the table.

The engrossed bill to incorporate the Lexington Manufacturing Company, was read the second time. Mr. Amis moved to amend the bill by adding the following section: "Be it further enacted, That the said corporation shall be subject to the repeal, alteration or amendment of subsequent Legislatures." The question thereon was determined in the negative—yeas 15—nays 82. The yeas and nays called for by Mr. Amis.

Those who voted in the affirmative, were,

Messrs.

Amis, Daniel, Taylor,
Barksdale, Davis, Tomlinson,
Barnes, Eaton, Tuton,
Brogden, Stallings, Wilcox,
Bryan, Sullivan, S. A. Williams, 15.
Those who voted in the negative were,

Messes.

B L. Beall,  
Bedford,  
E. S. Bell,  
Blalock,  
J. Blount,  
W. A. Blount,  
Boger,  
Bond,  
Boyden,  
Braswell,  
Bummel,  
Burgess,  
J. P. Caldwell,  
G. W. Caldwell,  
Cardwell,  
Carson,  
Chambers,  
Clegg,  
Clement,  
Covington,  
Crawford,  
Doak,  
Dunlap,  
Ellington,  
C. Erwin,  
Faison,  
Farrow,  
Gilliam,  

Gorham,  
Gwyther,  
Gwynn,  
Harris,  
Hester,  
Hill,  
Hoke,  
Hoke,  
Holland,  
Howerton,  
Huggins,  
Hyman,  
R. Jones,  
H. C. Jones,  
Killian,  
Lane,  
Lindsay,  
Mangum,  
Massey,  
Matthews,  
W. J. T. Miller,  
J. T. Miller,  
E. P. Miller,  
Munday,  
McCleese,  
McLaurin,  
McWilliams,  
McNeill,  
Nye,  
Orr,  
Pedern,  
Petty,  
Puryear,  
Rand,  
J. R. Rayner,  
Reid,  
Robards,  
Roebuck,  
Rush,  
Siler,  
Sims,  
Smith,  
Stafford,  
Stockard,  
D. Thomas;  
G. Thomas,  
Trol linger,  
Underwood,  
Waddell,  
Wadsworth,  
Walker  
J. Williams,  
Wilson,  
Jarman,  
Young, 82.

The said bill thenceupon passed the second reading. On motion, two thirds of the House concurring, the said bill was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds, &c. was read the third time, passed, and ordered to be enrolled.

The bill to appoint Commissioners to lay off a part of the great State Road from Presly Shepherd’s to Frederick Seavert’s was read the third time, passed, and ordered to be engrossed.

The House then adjourned until to-morrow morning 10 o’clock.
The bill authorising the Justices of the Peace in certain counties to class themselves for holding the County Courts, was read the second time, amended on motion of Mr. Mc-Williams, and passed.

On motion of Mr. Hill, 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 make suitable arrangements for the qualification of the Governor elect.

A message from the Senate, concurring in this proposition, and informing that Messrs. Shepard and Edwards form said Committee on their part. Ordered, that Messrs. Wad-dell and W. P. Williams form said Committee on behalf of the Commons.

Mr. Lane introduced a bill to incorporate the trustees of the Randolph Female Academy in Randolph county, and Mr. Siler a bill to incorporate the Hiwassee Turnpike Company. These bills were read the first time and passed.

Mr. Siler introduced two petitions from A. R. S. Hunter, of Macon county, praying to be allowed to build a bridge across the Hiwassee River, and to aid him in the construction of iron works on said river. Said petitions were referred to the Committee of Propositions and Grievances.

Mr. Siler presented a petition from sundry citizens of Macon county, praying that the Cherokee Indians remaining in that county be removed beyond the Mississippi. Said petition was referred to the Committee on Propositions and Grievances.

On motion, Messrs. Burgess and Sloan obtained leave of absence from the service of the House from and after to-morrow until the end of the session.

A message from the Senate, proposing that the Secretary of State be directed to have the report of the Committee on Education and the Literary Fund printed and appended to the acts passed at this session of the Legislature, and proposing also that said report be printed, ten copies for each member of the General Assembly. The proposition was agreed to.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill making the measurement of ton timber and saw mill timber uniform throughout the State; a bill to amend the 27th section of an act, entitled an act concerning Courts of Justice, Practice,
Pleas and Process; and a bill to amend an act entitled an act concerning Courts of Justice, Practice, Pleas and Process, so as to alter the time for holding the County Courts of Person and for other purposes; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Cape Fear and Western Steam Boat Company, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. E. S. Bell presented a bill to divide the first wreck district in Carteret county into two districts and to appoint an additional commissioner of wrecks; which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

The engrossed bill limiting the time in which titles to lands heretofore entered and paid for may be perfected, was read the third time, amended and passed. Ordered, That the concurrence of the Senate be asked in the amendment.

The bill concerning the militia of the County of Beaufort, and the bill to amend and supply the deficiencies of an act passed at the present General Assembly, entitled an act to extend the time for paying in entry money, were each read the third time, passed and ordered to be engrossed.

A message was sent to the Senate, informing them of the readiness of this House to receive the Senate in General Convention for the purpose of witnessing the qualification of the Governor elect, according to previous arrangements; when Edward B. Dudley, attended by the Joint Select Committee heretofore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took and subscribed the oaths prescribed by law for the qualification of the Governor of the State: The oaths of office being administered by Hon. R. M. Saunders, one of the Judges of the Superior Courts.

The General Convention having adjourned, the House of Commons were again called to order by the Speaker, and proceeded to business.

On motion, the House again resolved itself into a Committee of the Whole, Mr. J. P. Caldwell in the chair, and renewed the consideration of the resolutions relating to Internal Improvements; when after some time spent therein, the Speaker resumed the chair, and the Chairman reported
progress and asked leave to sit again. The report was con-
curred in, and leave granted.

Mr. Blalock moved that the House adjourn until Monday
morning ten o'clock. The question thereon was decided in
the negative—yeas 51—nays 53. The yeas and nays de-
manded by Mr. Patton.

Those who voted in the affirmative were,

Messrs.

E. S. Bell,
Blalock,
W. A. Blount,
Brittain,
Brummell
Bryan,
J. P. Caldwell,
Chambers,
Clegg,
Clement,
Covington,
Dunlap,
Eaton,
Ellington,
E. J. Erwin,
Gilliam,
Gorham,
Guthrie,
Gwyther,
Hester,
Hill,
Hoke,
Howerton,
Huggins,
Hyman,
H. C. Jones,
Lane,
Mangum,
Massey,
J. T. Miller,
Munday
McLaughlin,
McWilliams,
McNeill
Nye,
Paine
Peden,
Pemberton,
Petty,
Proctor,
Rand,
K. Rayner,
Reid,
Robards,
Rush,
Stailings,
Trollinger,
Wadsworth,
W. P. Williams,
Winston,
Young, 51.

Those who voted in the negative were,

Messrs.

Amis,
Baker,
Barksdale,
Barnes,
Bedford,
J. Blount,
Boger,
Bond,
Boyden,
Braswell,
Brogden,
Cardwell,
Carson,
Daniel,
Davis,
Duak,
C. Erwin,
Paison,
Farrow,
Gwynn,
Harris,
Holland,
Jarman,
R. Jones,
Killian,
Lindsay,
Matthews,
W. J. T. Miller,
E P. Miller,
Mills,
McCleese,
McLaurin,
Orr,
Patton,
Puryear,
J. R. Rayner,
Roebuck,
Siler,
Smith,
Stafford,
Stockard,
Sullivan,
Taylor,
D. Thomas,
G. Thomas,
Tuton,
Underwood,
Waddell,
Walker,
Whitaker,
Wilcox
S. A. Williams,
J. Williams, 53
Mr. Hill presented a memorial from William H. Haywood, Jr., touching his compensation as commissioner in negotiating a loan on behalf of the State, together with a resolution to carry out the prayer of the memorialist. The said resolution was read the first time and passed.

The bill authorising the Governor to appoint an agent in the county of Macon, was read, and, on motion of Mr. Winston, laid on the table.

Mr. K. Rayner, from the Committee on Claims, reported unfavorably on the resolution in favor of George Hoover of Randolph; when said resolution was read and indefinitely postponed.

Mr. K. Rayner, from the same committee, reported unfavorably on the resolution in favor of John Marsh; when said resolution was read and indefinitely postponed.

Mr. Guthrie moved that the House adjourn until Monday Morning 10 o'clock. The question thereon, was determined in the affirmative—yeas 54—nays 36. The yeas and nays demanded by Mr. Patton.

Those who voted in the affirmative were,

*Messrs.*


Those who voted in the negative were,

*Messrs.*

Baker, J. Blount, Boger, Braswell, Harris, Holland, Jarman, R. Jones, Robards, Roebuck, Rush, Siler.

And so the House adjourned until Monday morning ten o'clock.

MONDAY, DEC 31, 1838.

Messrs. Mills, D. Thomas, Eaton and Faison compose the Committee on Enrolled Bills the present week.

Mr. Perkins introduced a bill concerning the ranging of hogs, horses, or cattle in Currituck county in certain cases; which was read the first time and passed.

On motion, Ordered, That the Senate be informed that the following persons are nominated for the appointment of Trustees of the University, viz: John C. Williams, David C. Freeman, Charles Chalmers, Spier Whitaker, William Eaton, James T. Morehead, Geo. F. Davidson, L. D. Wilson, M. Q. Waddell, Wm. B. Shepard, Cad. Jones, sr. Robert B. Gilliam, Weston R. Gales, Benj. Sumner, and Michael Hoke.

Mr. Cardwell introduced a bill imposing additional duties upon the Lieut. Colonels and Majors of the Militia of this State; and Mr. Huggins a bill to amend the act of Assembly of 1831, entitled an act to prevent obstructions to the passage of fish up Trent river and for other purposes.—These bills were read the first time and passed.

On motion of Mr. Brummell,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law to prevent injuries to stock which break into a field or other enclosure, in cases where the person or persons offending have not the means of affording pecuniary compensation, under the existing law; and that they report by bill or otherwise.

Mr. Winston introduced a bill to prevent obstructing the passage of fish up the Pedee and Main Yadkin Rivers; which was read the first time and passed.

Mr. Winston presented a resolution to pay for furniture
procured for the use of the General Assembly the present session; which was read the first time and passed, and referred to the Committee on Claims.

A message from the Senate, informing that they had passed the following engrossed resolutions, viz: Resolution concerning the Secretary of State; Resolution concerning the books, papers and other furniture of the General Assembly; Resolution in favor of William Leach, of Randolph; and asking the concurrence of this House. The said resolutions were read and adopted and ordered to be enrolled.

The bill to authorise the laying off and establishing a turnpike road from Cove Creek, in Rutherford county, to Thos. Forster's in Buncombe county, was read the third time, passed, and ordered to be engrossed.

Mr. Paine introduced a bill authorising the County Court of Chowan to lay a tax on the taxable property of the town of Edenton, for the benefit of the Edenton Academy. Said bill was read, and on motion of Mr. Patton, rejected.

A message from the Senate, disagreeing to the proposition of this House to vote at twelve o'clock to-day for Trustees of the University, and proposing that the two Houses go into said election on to-morrow afternoon at 4 o'clock.—The proposition was agreed to.

A message from the Senate, informing that they had passed the engrossed bill to amend the Inspection Laws, and asking the concurrence of this House. The said bill was read the first time and passed.

On motion of Mr. Winston, leave was granted to withdraw from the files of the House the exhibits accompanying the resolution in favor of George Hoover.

Mr. H. C. Jones called up for consideration the bill to authorise the appointment of a Public Printer. On motion of Mr. Gilliam, Ordered, That said bill be re-committed to the Committee on Printing, with instructions to report a bill limiting the price to be paid for printing, folding, and stitching the Acts and Resolutions of the General Assembly to four dollars for each octavo page. 2. For printing the Journals, &c. to one dollar and fifty cents per octavo page. 3. And for all other printing ordered by the two Houses, to one dollar and fifty cents per printed octavo page.

The House again resolved itself into a committee of the whole, Mr. J. P. Caldwell in the Chair, and resumed the consideration of the Resolutions relating to Internal Improvements; when after some time spent therein, the Speak-
er resumed the chair, and the chairman reported the said resolutions to the House with an amendment, proposed by the Speaker, in the following words:

Resolved, That a Turnpike Road ought to be constructed from Raleigh by way of Hillsborough to Greensborough, in the county of Guilford, at the public expense, provided the cost shall not exceed eighty thousand dollars.

Mr. McWilliams moved to amend the Resolution by adding the following:

Resolved, That the Literary Fund be not touched to effect the objects contemplated by said resolutions.

The question thereon was decided in the affirmative.

Mr. Hoke moved to strike out the 6th Resolution in the following words:

That it is expedient for the State to authorise a loan of $2,600,000 to carry into effect the above objects, and that the Committee on Internal Improvement be instructed to report a bill for this purpose.

The motion prevailed.

Mr. K. Rayner moved to amend the second resolution by striking out the words "four fifths" and inserting three fifths. Mr. Amis called for a division of the question; and the question being first taken on striking out the words "four fifths," was determined in the affirmative—yeas 81—nays 27. The yeas and nays demanded by Mr. K. Rayner.

Those who voted in the affirmative were,

MESSRS.

Amis, Baker, Barkdale, Barnes, E. S. Bell, J. Blount, Boger, Bond, Braswell, Brittian, Brogden, Bryan, G. W. Caldwell, Cardwell, Carson, Chambers, Clegg, Gorham, Guthrie, Gwyther, Gwynn, Harris, Hester, Holland, Howerton, Huggins, Hyman, Jarman, R. Jones, Killian, Lindsay, Mangum, Massey, Matthews, Perkins, Proctor, Rand, K. Rayner, J. R. Rayner, Robards, Roebuck, Sims, Smith, Stallings, Stockard, Sullivan, Taylor, D. Thomas, G. Thomas, Tomlinson, Trollinger,
Covington, W. J. T. Miller, Tuton,  
Daniel, J. T. Miller, Underwood,  
Davis, E. P. Miller, Waddell,  
Doak, McCleese, Wadsworth,  
Eaton, McLaughlin, Walker,  
Ellington, McWilliams, Whitaker,  
C. Erwin, McNeill, Wilcox,  
Faison, Orr, J. Williams,  
Farrow, Paine, S. A. Williams,  
Gilliam, Patton, W. P. Williams, 81.

Those who voted in the negative were,  

Messrs.

Bedford, Hill, Pemberton,  
Blalock, Hoke, Petty,  
W. A. Blount, H. C. Jones, Puryear,  
Boyden, Lane, Reid,  
Brummell, Mills, Rush,  
J. P. Caldwell, Munday, Stafford,  
Clement, McLaurin, Winston,  
Crawford, Nye, Young, 26.  
E J. Erwin, Peden,  

So the House agreed to strike out the word “four-fifths.”  
The question then recurring on the second branch of Mr. Rayner’s motion, viz: to insert “three fifths,” was decided in the negative—yeas 25—nays 82.

Those who voted in the affirmative were,  

Messrs.

Barksdale, Doak, Killian,  
E. S. Bell, Dunlap, Lindsay,  
J. Blount, C. Erwin, McLaurin,  
W. A. Blount, Farrow, K. Rayner,  
Boger, Hill, D. Thomas,  
Brummell, Holland, G. Thomas,  
Clegg, Huggins, Tuton,  
Crawford, Hyman, Wadsworth, 25.

Those who voted in the negative were,  

Messrs.

Amis, Harris, Puryear,  
Baker, Hester, Proctor,  
Bedford, Hoke, Rand,  
Blalock, Hollingsworth, J. R. Rayner,  
Bond, Jarman, Reid,  
Boyden, R. Jones, Robards,  
Braswell, H. C. Jones, Roebuck,  
Brittain, Lane, Rush,
Mr. Reid moved to fill the blank with the words "three-fourths." The question thereon was decided in the negative—yeas 53—nays 56.

Those who voted in the affirmative were,

Messrs.

Bedford, Hoke, Paine,
Bralock, Holland, Patton,
W. A. Blount, Hollingsworth, Peden,
Boger, H. C. Jones, Pemberton,
Boyden, Killian, Petty,
Brummell, Lane, Puryear,
J. P. Caldwell, Lindsay, Proctor,
G. W. Caldwell, Matthews, Reid,
Carson, W. J. T. Miller, Rush,
Clement, J. T. Miller, Smith,
Covington, E. P. Miller, Stafford,
Crawford, Mills, Sullivan,
Doak, Munday, D. Thomas,
Dunlap, McLaughlin, G. Thomas,
E. J. Erwin, McLaurin, Waddell,
Farrow, McNeill, Winston,
Harris, Nye, Young, 82.
Hill, Orr,

Those who voted in the negative were,

Messrs.

Baker, Gilliam, J. R. Rayner,
Barksdale, Gorham, Robards,
Whereupon, on motion of Mr. E. J. Erwin, the said Resolutions were laid on the table.

Ordered, That the Senate be informed that the name of Wm. D. Crawford is added to the list of those nominated for Trustees of the University.

Mr. Winston introduced a bill concerning the public revenue, and Mr. Lane a bill to incorporate the President and Directors of the Randolph Manufacturing Company. These bills were read the first time and passed.

The engrossed bill to appoint Commissioners for the town of Bethania, in the county of Stokes, was read the second and third time, passed, and ordered to be enrolled.

The bill to authorise the construction of a bridge across Trent river, was read the second and third time, passed, and ordered to be engrossed.

On motion of Mr. Clement,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to public roads as to make it the duty of the several County Courts to lay off their respective counties into Road Districts, and that the hands residing in one District may not be liable to work on more than one road.

Mr. K. Rayner, from the Committee on Claims, reported unfavorably on the resolution in favor of George and John Elliott, when the said resolution was read and postponed indefinitely.

Mr. K. Rayner, from the same Committee, reported favorably on the pension certificate of Martha Thompson, of
Mecklenburg county; when the same was read and ordered to be countersigned by the Speaker of this House.

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

Tuesday, January 1, 1839.

Mr. Farrow introduced the following Resolution:

Whereas, doubts have arisen as regards the title of the State to a part of the reclaimed lands on the margin of the Mattamuskeet Lake:

Therefore Resolved, That the President and Directors of the Literary Fund be, and they are hereby directed to take such steps as they may judge best for the investigation of such titles. And the said Board is hereby directed to examine and do such other and further work as can be profitably performed on said Lake.

The said Resolution was read and adopted, and ordered to be engrossed.

The bill concerning the ranging of hogs, horses, or cattle in Currituck county in certain cases, was read the second and third time, passed, and ordered to be engrossed.

Mr. Nye presented the following Resolutions:

1. Be it further Resolved, $30,000 be, and the same, or so much of it as may be sufficient to finish the two Legislative Halls in the new State House be, and the same is appropriated to that use and no other.

2. Be it further Resolved, $30,500 be appropriated to discharge the debts made with the Bank of the State and the Bank of Cape Fear and interest on the same.

3. Be it further Resolved, That all other works on said building be suspended for the present.

Mr. W. A. Blount moved that said resolutions be rejected. Mr. Hill called for a division of the question, and the first question being to reject the first resolution, was decided in the affirmative—yeas 84—nays 26. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative, were,

Messrs.

Amis, Gwynn, Perkins,
Barksdale, Hester, Puryear,
Bedford, Hill, Proctor,
E. S. Bell, Holland, Rand,
J. Blount, Hollingsworth, K. Rayner,
The question to reject the second resolution was decided in the negative—yeas 4—nays 100.

Those who voted in the affirmative were,

Messrs.

Barksdale, Peden, Winston, 4,

Farrow,

Those who voted in the negative were,

Messrs.

Baker, Gorham, Oglesby,
Barnes, Guthrie, Orr,
Bedford, Gwyther, Paine,
E. S. Bell, Hester, Patton,
Blalock, Hill, Perkins,
J. Blount, Hoke, Petty,
W. A. Blount, Holland, Puryear,
Boger, Hollingsworth, Proctor,
Bond, Howerton, Rand,
Boyd, Huggins, J. R. Rayner,
Braswell, Hyman, Reid,
Brittain, Jarman, Robards,
Brogden, R. Jones, Roebuck,
Brummell, H. C. Jones, Rush.
The question to reject the third resolution was decided in the affirmative. So the first and third resolutions were rejected—the second read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill for the relief of the Raleigh and Gaston Rail Road Company, and a bill to prevent the stealing of Mulberry Trees, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they do not concur in the amendments made by this House to the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases. On motion, Ordered, That this House do insist on said amendments.

Mr. Guthrie, from the Committee on Private Bills, reported a bill relating to cleaning out Rock Fish Creek, in the county of Dumplin and for other purposes; which was read the first time and passed.

A message from the Senate, informing that Messrs. Kerr and Spruill from their branch of the Committee on Enrolled Bills the present week.

A message from the Senate, concurring in the proposition of this House that the communication of His Excellency the Governor, transmitting the Report of the Treasurer of the University, and the said report be printed, one copy for each member of the General Assembly.
The bill to regulate drill musters in the 87th regiment of militia in Davidson county, was read the third time, passed, and ordered to be engrossed.

Mr. H. C. Jones, from the Committee on Printing, to whom was re-committed the bill to authorise the appointment of a Public Printer, reported the same with an amendment, entitled a bill to amend an act, entitled an act concerning the Public Printing of the State. The amendment was concurred in, and the bill as amended read the second and third time, passed, and ordered to be engrossed.

Mr. Trollinger introduced a bill to establish a Court of Pleas and Quarter Sessions in the county of Orange, founded on a petition from sundry citizens of said county; which was read the first time and passed.

Mr. Hill presented a bill for the establishment of Common Schools; which was read the first time and passed.

The bill authorising the Governor to appoint an agent in the county of Macon, was read the third time, passed, and ordered to be engrossed.

Mr. Waddell, from the Committee on Claims, reported unfavorably on the petition of R. W. Ashton, for compensation for taking care of the Governor’s House, in the years 1834, 1835, and asked that the Committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Whitaker, from the Committee on Military Affairs, to whom was referred the resolution instructing them to inquire into the expediency of altering the mode of electing officers of cavalry, reported that it is not fit to change the existing law upon the subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. P. Caldwell reported without amendment the bill to divide the first wreck district in Carteret county into two districts and to appoint an additional commissioner of wrecks; and the said bill was read the second time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, also reported unfavorably on the petition of sundry citizens of Macon county, praying that the State would cause the Cherokee Indians to be removed beyond the Mississippi, and asked to be discharged from the further consideration of the subject.

Mr. J. P. Caldwell, from the same Committee, reported
unfavorably on the petition of A. R. S. Hunter, praying a grant of public lands for the erection of iron works, and asked to be discharged from the further consideration of the subject. These reports were concurred in.

The resignation of Gardner Shepard, as a Justice of the Peace of the county of Onslow, was read and accepted.

Mr. K. Rayner, from the Committee on Claims, to whom was referred the communication of His Excellency the Governor in relation to certain house expenditures therein specified, reported a resolution to reimburse expenses of the Governor, which was read the first time and passed, and on motion of Mr. Winston, laid on the table.

The House then adjourned until

3 o'clock, P. M.

Mr. Smith presented a bill providing for the appointment of a County Trustee and Treasurer of Public Buildings in the County of Columbus; also, a bill making compensation to jurors in said county. These bill were read the first time and passed.

The engrossed bill making the measurement of ton timber and saw mill timber uniform in this State, was read, and on motion of Mr. Winston, postponed indefinitely.

Mr. Hill presented the petition of Joseph H. Watters, of Brunswick county, praying to have corrected certain errors in a grant therein specified; which was referred, on motion of Mr. Hill, to the Committee on Claims.

The engrossed bill concerning weights and measures, adopted by a resolution of Congress as standards throughout the United States; the engrossed bill to give effect to the Revised Statutes, as the same have been published by the Commissioners appointed for that purpose; and the engrossed bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, so as to alter the time for holding the County Courts of Person county, were each read the second time and passed.

A message was received from the Senate, informing that Wm. W. Cherry, Wm. R. Holt and Charles E. Johnston are added to the nomination already made for Trustees of the University, and informing also that Messrs. Sruill and Arrington form their committee to superintend the election. Ordered, on motion, that this House do now proceed to ballot for eight Trustees of the University according to the Acts of Assembly incorporating the Board, and not to vote
viva voce: Messrs. Reid and J. P. Caldwell being appointed to superintend the balloting.

The bill to prevent the malicious obstruction of Rail Roads, and the bill to establish the Salisbury Female Academy and incorporate the Trustees thereof, were each read the second and third time, passed, and ordered to be engrossed.

The resolution in favor of Finance Committee of Ashe county, was read, and on motion of Mr. Stallings, postponed indefinitely.

The bill concerning bridges, was read, and on motion of Mr. Winston, laid on the table.

The bill to incorporate the Female Sewing Society of the Presbyterian Church in the town of Newbern, was read, and on motion of Mr. Wadsworth, laid on the table.

Mr. Peden presented a petition from sundry citizens of the counties of Wilkes and Ashe, asking an appropriation for the completion of a road from the Deep Gap, in the Blue Ridge, to Stephen Thomas's, on the South Fork of New River, together with a resolution appropriating $200 for that object. The resolution was read the first time and passed, and referred, on motion of Mr. Guthrie, to the Committee on Internal Improvements.

The bill to incorporate the Weldon Manufacturing Company; and the bill to amend the 16th section of an act concerning the militia so far as relates to the county of Jones, were each read the second time and passed.

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

Wednesday, January 2, 1839.

Mr. Reid, from the balloting committee for eight Trustees of the University, reported that James T. Morehead, Michael Hoke, George F. Davidson, Louis D. Wilson, Robert B. Gilliam, Charles Chalmers, Wm. B. Shepard, and William Eaton, Jr. had each received a majority of the whole number of votes and were duly elected. The report was concurred in.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the engrossed bill to amend an act, entitled an act concerning idiots and lunatics; when the same
was read, and on motion of Mr. Winston, postponed indefinitely.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Wm. Davidson, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. K. Rayner, from the Committee on Claims, reported a resolution in favor of Joseph H. Watters; which was read and adopted, and ordered to be engrossed.

Mr. Brummell introduced a bill to incorporate the Washington Mining Company; which was read the first time and passed.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution to pay for certain furniture procured for the use of the General Assembly. Said resolution was read the second and third time, passed, and ordered to be engrossed.

The bill authorizing the Justices of Peace in certain counties to class themselves for holding the Courts of Pleas and Quarter Sessions, was read the third time. Mr. E. J. Erwin moved to postpone the bill to the 15th of January instant. The question thereon was decided in the negative—yeas 47—nays 58. The yeas and nays called for by Mr. Crawford.

Those who voted in the affirmative were,

MESSRS.

Those who voted in the negative were,

Messrs.

Baker, Baker
Barksdale, Barksdale
Barnes, Barnes
B. L. Beall, B. L. Beall
E. S. Bell, E. S. Bell
Blalock, Blalock
J. Blount, J. Blount
Braswell, Braswell
Brogden, Brogden
Brumwell, Brumwell
J. P. Caldwell, J. P. Caldwell
Chambers, Chambers
Clegg, Clegg
Clement, Clement
Crawford, Crawford
Davis, Davis
Doak, Doak
Dunlap, Dunlap
Ellington, Ellington
C. Erwin, Erwin

Gilliam, Gilliam
Gorham, Gorham
Gwyther, Gwyther
Hester, Hester
Hill, Hill
Holland, Holland
Hyman, Hyman
R. Jones, R. Jones
Killian, Killian
Lane, Lane
Larkins, Larkins
Massey, Massey
W. J. T. Miller, W. J. T. Miller
J. T. Miller, J. T. Miller
McWilliams, McWilliams
Nye, Nye
Oglesby, Oglesby
Pemberton, Pemberton
Petty, Petty

Puryear, Puryear
Proctor, Proctor
Rand, Rand
K. Rayner, K. Rayner
J. R. Rayner, J. R. Rayner
Roebuck, Roebuck
Siler, Siler
Sims, Sims
Smith, Smith
Stafford, Stafford
Stockard, Stockard
Taylor, Taylor
Trollinger, Trollinger
Tuton, Tuton
Underwood, Underwood
Waddell, Waddell
Wadsworth, Wadsworth
Walker, Walker
J. Williams, 58.

The question, shall the said bill pass the third reading? was determined in the affirmative. Ordered, That said bill be engrossed.

The engrossed bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Stokes and Guilford, was read the third time, passed and ordered to be enrolled.

Mr. Winstou, from the Committee on the Judiciary, reported without amendment the engrossed bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county; when the said bill was read the second and third times, passed and ordered to be enrolled.

Mr. H. C. Jones introduced a bill to incorporate the Yadkin and Columbia Rail Road Company. Mr. Crawford a bill to incorporate the town of Mocksville, in Davie county. Mr. Crawford a bill to alter the time of holding the County Courts of Rowan; and Mr. Paine a bill to add the proceeds of the sales of the Cherokee Lands to the Literary Fund. These bills were read the first time and passed.

On motion, leave of absence from the service of the House for the residue of the session was granted to Messrs. Hoke and Davis from and after Friday, and to Mr. Barksdale from and after Saturday next.
On motion of Mr. Hill,

Resolved, That the Committee on Printing make inquiry of the Public Printer, T. Loring, at what time the Report of the Board of Internal Improvements, heretofore ordered to be printed, will be ready to be delivered; and that they report immediately to this House the result of their inquiry.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to compensate owners of slaves executed for capital offenses; when said bill was, on motion of Mr. W. P. Williams, laid on the table.

Mr. Winston, from the same Committee, reported unfavorably on the resolution instructing them to report a bill changing the 45th section of the Revenue Laws, relating to double taxes to be collected by sheriffs, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Winston, from the same Committee, who were instructed to report a bill amending the Revenue Laws, relating to the assessment of 1836, reported that it is not expedient at this time to legislate as proposed, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Winston, from the same Committee, to whom it was referred to inquire into the expediency of passing a law to prevent injuries to stock in certain cases, reported against any legislation on this subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Winston, from the same Committee, to whom was referred a Resolution instructing them to inquire into the expediency of making it petit larceny to steal Mulberry Trees, reported that it is not expedient to visit with infamous punishment the trespass mentioned in the resolution, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Siler, from the Committee on Propositions and Grievances, reported a bill to authorise A. R. S. Ruffin to move the bridge built by him across Hiwassee River; when the said bill was read the first time and passed.

Received from His Exe'y Gov. Dudley a communication, transmitting sundry resignations of Justices of the Peace received at the Executive Office the present session. The communication was read and ordered to be sent to the Senate.
Mr. Paine introduced the following Resolution:

Resolved, That the Committee on Internal Improvement be instructed to report a bill providing for the subscription on the part of the State of three fifths of the capital stock of the Roanoke Inlet Company, provided individuals take the remaining two fifths, and the capital stock of said company does not exceed ($1,250,000) one million two hundred and fifty thousand dollars.

Mr. Mills moved that said resolution be indefinitely postponed. The question thereon was determined in the affirmative—yeas 81—nays 28. The yeas and nays demanded by Mr. Paine.

Those who voted in the affirmative were,

Messrs.

Those who voted in the negative were,

Messrs.
E. S. Bell, Blalock, Bond, Boyden, Brummell, Gwyther, Hill, Huggins, Hyman, H. C. Jones, Pemberton, Proctor, K. Rayner, J. R. Rayner, Reid,
Mr. Paine introduced the following Resolution:

Resolved, That the Committee on Internal Improvements be instructed to report a bill providing for the employment of a skilful Engineer to make a survey of the waters of the Albemarle, Croatan and Roanoke Sounds, in the vicinity of Nagshead, with the view of making an inlet to the ocean at that place.

The said resolution was read and rejected.

The resolution to reimburse the Governor of the State in certain expenditures, for furniture was read the second time and amended; and the question, shall the said resolution pass the second reading? was decided in the affirmative—yeas 66—nays 30. The yeas and nays demanded by Mr. Stockard.

Those who voted in the affirmative were,

Messrs.

Amis,          Gorham,          Paine,
Barksdale,     Gwynn,          Patton,
B. L. Beall,   Harris,         Peden,
Bedford,       Hill,           Pemberton,
E. S. Bell,    Hollingsworth,  Petty,
Blalock,       Huggins,        Puryear,
W. A. Blount,  Hyman,          Rand,
Boger,         H. C. Jones,     K. Rayner,
Boyden,        Killian,        Reid,
Brittain,      Lindsay,        Robards,
Brumnell,      Mangum,         Rush,
J. P. Caldwell, Massey,        Siler,
Carson,        Matthews,       Smith,
Clegg,         W. J. T. Miller, Stallings,
Covington,     E. P. Miller,   D. Thomas,
Crawford,      Mills,          G. Thomas,
Daniel,        McCleese,       Waddell,
Doak,          McLaughlin,     Wadsworth,
Dunlap,        McLaurin,       Wilcox,
Eaton,         McWilliams,     J. Williams,
E. J. Erwin,   McNeill,        Winston,
Gilliam,       Oglesby,        Young, 66.

Those who voted in the negative were,

Messrs.

Baker,         C. Erwin,       Sims,
Barnes,        Hester,        Stafford,
On motion, the said resolution was read the third time. Mr. Amis moved to amend the resolution by striking out the words seven hundred and forty-eight dollars, and to insert three hundred and forty-eight dollars. Mr. Patton called for a division of the question, and the question being on striking out as proposed, was determined in the negative—yeas 42—nays 53. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative were,

MESSRS.
Amis,  
Baker,  
Barnes,  
J. Blount,  
Boger,  
Braswell,  
Brogden,  
Bryan,  
G. W. Caldwell,  
Cardwell,  
Clement,  
Daniel,  
Davis,  
Ellington,  
C. Erwin,  
Faison,  
Gwynn,  
Hester,  
Holland,  
Hollingsworth,  
Howerton,  
Jarman,  
R. Jones  
Larkins,  
Mangum,  
Massey,  
Munday,  
Nye,  
Orr,  
J. R. Rayner,  
Roebuck,  
Sims,  
Stafford,  
Stalings,  
Stockard,  
Sullivan,  
Taylor,  
D. Thomas,  
Tomlinson,  
Trollinger,  
Tuton,  
Walker,  
Wilcox,  
S. A. Williams, 44.

Those who voted in the negative were,

MESSRS.
Barksdale,  
B. L. Beall,  
Bedford,  
Blalock,  
W. A. Blount,  
Bond,  
Boyd,  
Brittain,  
Brummell,  
Gorham,  
Guthrie,  
Hill,  
Huggins,  
Hyman,  
H. C. Jones,  
Lance,  
Lindsay,  
Matthews,  
Patterson,  
Peden,  
Pemberton,  
Puryear,  
Rand,  
K. Rayner,  
Reid,  
Robards,  
Rush,
The question, shall the said resolution pass the third reading? was decided in the affirmative—yeas 66—nays 34. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative were,

Messrs.

Barksdale, Gwyther, Patton
B L. Beall, Gwynn, Peden
Bedford, Harris, Pemberton
Blalock, Hill, Petty
W. A. Blount, Huggins, Puryer
Bond, Hyman, Proctor
Boyden, H. C. Jones, Rand
Brittain, Lane, K. Rayner
Brummell, Lindsay, Reid
J. P. Caldwell, Mangum, Robards
Carson, Massey, Rush
Clegg, Matthews, Siler
Covington, W. J. T. Miller, Smith
Crawford, J. T. Miller, D. Thomas
Daniel, E. P. Miller, G. Thomas
Doak, Mills, Waddell
Dunlap, Monday, Wadsworth
Eaton, McLaughlin, Wilcox
Faison, McLaurin, J. Williams
Gilliam, McWilliams, W. P. Williams
Gorham, McNeill, Winston
Guthrie, Paine, Young, 66

Those who voted in the negative were,

Messrs.

Amis, Davis, Roebuck
Baker, Ellington, Stafford
Barnes, C. Erwin, Sims
J. Blount, Hester, Stockard
Boger, Holland, Sullivan
Braswell, Hollingsworth, Taylor
Brogden, Howerton, Tomlinson
Ordered, That said resolution be engrossed.

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

Mr. Boyden called up for consideration the resolution introduced by him on the 5th ultimo, in the following words:

Resolved, As the opinion of this House, that the creditors of deceased persons, in case of a deficiency of assets, ought to receive a pro rata payment, without any regard to the dignity of their claims.

The Resolution being taken up, Mr. Reid moved that it be postponed indefinitely. The question thereon was decided in the negative—yeas 28—nays 70. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

Messrs.

Amis,
J. Blount;
Boger,
Bond,
Brittain,
J. P. Caldwell,
G. W. Caldwell,
Cardwell,
Carson,
Eaton,
C. Erwin,
Faison,
Farrow,
Gilliam,
Hill,
Holland,
Howerton,
E. P. Miller,
McCleese,

McNeill;
Orr,
Paine,
Patton,
K. Rayner,
Raid,
Rush,
Sullivan,
Tuton, 28:

Those who voted in the negative were,

Messrs.

Baker,
Barksdale,
Barnes,
B. L. Beall,
Bedford,
E. S. Bell,
Blalock,
W. A. Blount,
Boyden,
Braswell,
Brogden,
Brumwell,
Bryan,
Gwyther,
Harris,
Hester,
Hollingsworth,
Huggins,
Hyman,
R. Jones,
H. C. Jones,
Jarman,
Killian,
Lane,
Larkins,
Lindsay,
Pemberton,
Petty,
Puryear,
Proctor,
J. R. Rayner,
Roebuck,
Siler,
Smith,
Stafford,
Stallings,
Stockard,
Taylor,
D. Thomas,
Mr. Tomlinson moved that said Resolution lie on the table. The question thereon was decided in the affirmative—yeas 55—nays 41.

Those who voted in the affirmative were,

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<td>Winston, 55.</td>
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Those who voted in the negative were,

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The bill to alter the time of holding the County Courts of Rowan county, was read the second and third times, passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House for the residue of the session was granted to Mr. Baker after Friday, to Mr. Jarman after Saturday, and to Mr. J. Blount after Sunday next.

Mr. W. P. Williams, from the Committee on Finance, reported that the exhibit furnished by the Bank of the State of North Carolina of its affairs and condition accords with the requirements of the charter. Ordered, That the Committee of Finance be discharged from the consideration of further business for the remainder of the session.

Mr. H. C. Jones, from the Committee on Public Printing, reported that in pursuance of the resolution of the House adopted yesterday, the inquiry had been made of the Public Printer; and he was instructed to say that the House might expect the Report of the Board of Internal Improvements to-morrow morning.

Mr. Hill called up for consideration the bill for the establishment of Common Schools. Mr. Stallings moved to amend the bill by adding the following section:

Be it further enacted, That any county in the State, refusing to lay a tax in pursuance of the provisions of this act, shall be entitled to a share of the Literary Fund in proportion to the number of School Districts in said county, to be applied exclusively to Common Schools.

The question on the adoption of this amendment was decided in the affirmative—yeas 62—nays 45.

Those who voted in the affirmative were,

Messrs.

Amis, C. Erwin, Pedea, Baker, Farrow, Petty,
Barnes, Guthrie, Puryear, Rand, J. R. Rayner, Roebuck, Sims, Stalings, Stockard, Sullivan, Taylor, G. Thomas, Tomlinson, Trolinger, Tu'ton, Underwood, Walker, Wilcox, J. Williams, W. P. Williams, 62,

Those who voted in the negative were, Messrs.


Mr. Hill offered the following amendments:

Be it further enacted, That it shall be the duty of the Literary Board to appoint an officer, with a competent salary, to be denominated "the Superintendent of Public Instruction," whose duty it shall be to visit and examine every section of the State; aid the Committees of the several counties in forming the School Districts—modelling the school houses, and in procuring competent teachers. It shall further be the duty of said Superintendent to select the series of text books and see that they are invariably used in every school—devise forms of reports to be required
annually from every instructor, and to prepare a systematic digest of the same to be submitted to the General Assembly.

Be it further enacted, That it shall be the duty of the Superintendent of Public Instruction to obtain general statistical information, as well as such as is more immediately connected with the establishment of Common Schools, and report the same to the General Assembly at its next session.

Pending the question on these amendments, on motion of Mr. J. P. Caldwell, Ordered, That said bill lie on the table, and that the bill, together with the proposed amendments, be printed.

The engrossed bill for the relief of the Raleigh and Gaston Rail Road Company, was read the second time. Mr. Taylor moved that the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 41—nays 62. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

Messrs.
Amis, Baker, Barnes, J. Blount, Wm. A. Blount, Boger, Braswell, Brogden, Bryan, G. W. Caldwell, Cardwell, Daniel, Davis, Eaton,
Ellington, Foreman, Gwynn, Jarman, Lane, Larkins, J. T. Miller, E. P. Miller, McCleese, Nye, Orr, Peden, Rush, Sims,

Those who voted in the negative were,

Messrs.
B. L. Beall, Bedford, E. S. Bell, Blalock, Bond, Boyd, Boyden, Brittain, Brummell, J. P. Caldwell, Chambers, Clegg,
Guthrie, Gwyther, Harris, Hester, Hill, Hoke, Holland, Howerton, Huggins, Hyman, R. Jones,
Oglesby, Paine, Patton, Petty, Puryear, Proctor, Rand, K. Rayner, J. R. Rayner, Robards, Reid,
Mr. Boyden moved to strike out the fourteenth section of the bill in the following words, viz:

Be it further enacted, That the private property of the Stockholders in said Company shall be liable to the amount of stock owned by each in addition to the property of said company, for the payment of principal and interest of the loan authorised to be made by this act; and before this act goes into operation, there shall be a general meeting of the stockholders, who shall agree to accept the loan on the terms proposed in this act.

And to insert in lieu thereof the following, viz:

Be it further enacted, That in case the real and personal estate of the said Raleigh and Gaston Rail Road Company so mortgaged for the benefit and indemnity of the State of North Carolina, and to be sold if necessary, as by this act directed, should prove insufficient to pay off and satisfy the full amount of the bonds aforesaid, including the principal and interest thereon, then each and every stockholder of said company shall be held liable to pay towards making up such deficiency the full amount of the shares respectively held and owned by him or her therein at the time when said deficiency shall be ascertained, or such ratable proportion thereof as may be requisite to pay such stockholder’s deficiency, and no more.

Mr. Paine called for a division of the question, and the question being first on striking out the said fourteenth section, was decided in the negative—yeas 43—nays 53.

Those who voted in the affirmative were,

Messrs.

E. S. Bell, Guthrie, Patton,
Blalock, Harris, Puryear,
J. Blount, Hill, Proctor,
Boyden, Hoke, Rand,
Brittain, Holland, K. Rayner,
Brummell, Huggins, Reid,
J. P. Caldwell, H. C. Jones, Robards,
Clegg, Keener, Rush,
Clement, Lindsay, D. Thomas,
The House then adjourned until
3 o'clock, P. M.

The House resumed the consideration of the unfinished business on the last adjournment. Mr. Hoke moved to amend the said bill by striking out the said fourteenth section, and inserting the amendment proposed this morning by Mr. Boyden, with the following proviso superadded, viz: "Provided, That the General Assembly may, at any time, appoint a Committee to examine into the situation of the said Company, and that whenever it shall appear that the said Company are insolvent and unable to pay the amount borrowed under the authority of this act, the General Assembly may direct the mortgage to be foreclosed according to the provisions herein before prescribed." The question thereon was decided in the affirmative—yeas 61—nays 45.

Those who voted in the affirmative were,

Messes.
B. L. Beall, Gwyther, Pemberton,
Bedford, Harris, Petty,

Those who voted in the negative were,

Messrs.


So the House agreed to strike out and insert as proposed by Mr. Hoke. The question then recurring on the passage of the said bill the second reading as amended, was determined in the negative—yeas 52—nays 54. The yeas and nays called for by Mr. Brogden.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, Bedford, E. S. Bell, Guthrie, Gwyther, Harris, Patton, Pemberton, Puryear,

These who voted in the negative were,
Messrs.


The bill to incorporate the Buncombe Warm Spring Company, was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Washington Mining Company; the bill to amend the Inspection Laws; and the bill to amend an act, entitled an act to establish the Clemmons ville Academy, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Hyman presented a bill to improve the navigation of Neuse River. Mr. Siler a bill supplemental to the act erecting the county of Cherokee, and a bill to appoint Commis-
sioners to alter and amend a part of the State Road in Cherokee county. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution concerning specie change, and asking the concurrence of this House. The resolution was read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill making an appropriation for carrying on and completing the Capitol of the State and for other purposes; and a bill to incorporate the Raleigh Guards and Henderson Light Infantry Company, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of John McGehee, and asking the concurrence of this House. The resolution was read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to authorize Jesse T. and George S. Walton to construct a mill dam across the Catawba river; and a bill concerning last wills and testaments; and that they had passed a resolution rescinding the joint order to print the map accompanying the Report of the Board of Internal Improvements, and asking the concurrence of the House therein. The resolution was agreed to.

The resignations of David M. Dews and of Wm. Leigh, of Nash, Justices of the Peace, received from the Senate, were read and accepted.

The Speaker laid before the House a communication addressed to the General Assembly by the Hon. Bedford Brown and Hon. Robert Strange, Senators from this State in the Congress of the United States, relating to certain resolutions offered by Mr. K. Rayner, and adopted by the General Assembly at its present session.

The said communication was read, and on motion of Mr. K. Rayner, laid on the table.

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

Friday, Jan. 4, 1839.

Received a message from the Senate, proposing to appoint a Committee of Conference on the disagreeing votes of
the two Houses on the amendments to the bill entitled a bill to amend an act concerning quarantine, &c. The proposition was agreed to, and Messrs. J. P. Caldwell, R. Jones, and Winston appointed the Committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to amend an act entitled an act to incorp rate the Fayetteville and Western Rail Road Company, and asking the concurrence of this House. The said bill was read the first time and passed. The said bill was read the second time. Mr. Bryan moved that said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 42—nays 66. The yeas and nays demanded by Mr. Bryan.

Those who voted in the affirmative were,

Messrs.

Those who voted in the negative were,

Messrs.
Barksdale, B. L. Beall, Bedford, E. S. Bell, Blalock, J. Blount, W. A. Blount, Boger, Bond, Boyden, Brittain, Brumnell, J. P. Caldwell, C. Erwin, Farrow, Harris, Hill, Hoke, Holland, Hollingsworth, H. C. Jones, Keener, Killian, Lane, Larkins, Lindsay, Nye, Orr, Oglesby, Paine, Patton, Peden, Pemberton, Petty, Puryear, Proctor, Reid, Robards, Rush,
Mr. Cardwell moved to strike out the last section of the bill in the following words, viz: “Be it further enacted, that the Board of Internal Improvement be required to procure a survey by some Engineer of high distinction and report upon the practicability and probable cost of opening a communication between Albemarle Sound and the ocean at Nagshead.” The question thereon was decided in the negative—yeas 36—nays 70. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

- Amis
- Baker
- Barnes
- W. A. Blount
- Braswell
- Brogden
- Bryan
- Cardwell
- Chambers
- Daniel
- Eaton
- Ellington
- Faison
- Farrow
- Gorham
- Gwynn
- Hester
- Howerton
- Huggins
- Hyman
- Jarman
- McWilliams
- Sims
- Stockard
- Taylor
- G. Thomas
- Tomlinson
- Trollinger
- Underwood
- Wadsworth
- Walker
- Wilcox
- S. A. Williams
- W. P. Williams

Those who voted in the negative were,

- Barksdale
- B. L. Beall
- Bedford
- E. S. Bell
- Blalock
- J. Blount
- Bond
- Boger
- Boyden
- Brittain
- Brummell
- Gwyther
- Harris
- Hill
- Hoke
- Holland
- Hollingsworth
- H. C. Jones
- Keener
- Killian
- Lane
- Larkins
- Oglesby
- Orr
- Paine
- Patton
- Peden
- Pemberton
- Petty
- Puryear
- Proctor
- Rand
- J. R. Rayner
The question recurring on the passage of the bill the second reading, was decided in the affirmative—yeas 66—nays 41.

Those who voted in the affirmative were,

MESSRS.

J. P. Caldwell, Lindsay, K. Rayner,  
G. W. Caldwell, Matthews, Reid,  
Carson, W. J. T. Miller, Robards,  
Clegg, J. T. Miller, Rush,  
Clement, E. P. Miller, Smith,  
Covington, Mills, Stafford,  
Crawford, Munday, Stallings,  
Doak, McCleese, D. Thomas,  
Dunlap, McClunglin, Tuton,  
E. J. Erwin, McLaurin, Waddell,  
C. Erwin, McNeill, Winston,  
Foreman, Nye, Young, 70.  
Gilliam,  

Those who voted in the negative were,

MESSRS.

Amis, Gorham, Stallings,  
Baker, Gwyther, Stockard,  
Barnes, Gwynn, Sullivan,  
Braswell, Hester, Taylor,
Mr. Nye moved that the said bill be now read the third time. The question thereon was decided in the affirmative—yeas 77—nays 33—two thirds of the House concurring.

Those who voted in the affirmative were,

MESSRS.


Those who voted in the negative were,

MESSRS.

Amis, Eaton, Farrow, Foreman, Gilliam, Gwyther, Harris, Barns,

Eaton, Ellington, Faison, Stallings, Stockard, Taylor,
Whereupon the said bill was read the third time. Mr. Gwyther moved to amend by striking out the words "three fifths" wherever they occur in the bill, and to insert "one half." Mr. Ellington called for a division of the question, and the first question being on striking out the words "three fifths," was determined in the negative—yeas 45—nays 64.

Those who voted in the affirmative were,

Messrs.

Amis, — Gorham, J. R. Rayner,
Baker, — Gwyther, Robards,
Barney, — Gwynn, Roebeck,
Bond, — Hester, Sims,
Braswell, — Howerton, Stalings,
Brogden, — Huggins, Stockard,
Bryan, — Hyman, Taylor,
Cardwell, — Jarman, Tomlinson,
Chambers, — R. Jones, Trollinger,
Daniel, — Mangum, Underwood,
Eaton, — Massey, Wadsworth,
Ellington, — McCleese, Walker,
Faison, — McWilliams, Wilcox,
Foreman, — Rand, J. Williams,
Gilliam, — K. Rayner, S. A. Williams, 45.

Those who voted in the negative were,

Messrs.

Barksdale, — Farrow, Oglesby,
B. L. Beall, — Harris, Orr,
Bedford, — Hill, Paine,
E. S. Bell, — Hoke, Patton,
Blalock, — Holland, Peden,
J. Blount, — Hollingsworth, Pemberton,
W. A. Blount, — H. C. Jones, Petty,
Boger, — Keener, Puryear,
Boyd, — Killian, Proctor,
Brittain, — Lane, Reid,
Brummell, — Lindsay, Rush,
J. P. Caldwell, — Matthews, Smith,
After the introduction of the bill, Mr. Farrow moved to amend the bill by striking out the words "three-fifths" relating to a survey of Nags-head. The question was determined in the negative—yeas 40, nays 69.

Those who voted in the affirmative were:

**MESSRS.**
- Amis,
- Baker,
- Barnes,
- W. A. Blount,
- Braswell,
- Brogden,
- Bryan,
- Cardwell,
- Chambers,
- Daniel,
- Eaton,
- Ellington,
- Faison,
- Farrow,
- Gwyther
- Harris,
- Hill,
- Hoke,
- Holland,
- Hollingsworth,
- H. C. Jones,
- Keener,
- Killian,
- Lane,
- Larkins,

Those who voted in the negative were:

**MESSRS.**
- Barksdale,
- B. L. Beall,
- Bedford,
- E. S. Bell,
- Blalock,
- J. Blount,
- Boger,
- Bond,
- Bayden,
- Brittain,
- Brumelle,
- J. P. Caldwell,
- Orr,
- Paine,
- Patton,
- Peden,
- Pemberton,
- Petty,
- Puryear,
- Proctor,
- Rand,
- K. Rayner,
- J. R. Rayner,
- Reid,
Mr. Cardwell moved to amend the bill by adding the following section: “And be it further enacted, That the Treasurer of the State subscribe three-fifths of the stock necessary for the construction of a Rail Road from Henderson Depot, in the county of Granville, to some point on the Yadkin River near Salisbury; provided, that the other two-fifths be subscribed and paid by individuals, provided, the whole amount shall not exceed “one million of dollars.” The question on the adoption of this amendment was decided in the negative—yeas 15—nays 89.

Those who voted in the affirmative were,

Messrs.

Braswell, Hester, Stockard,
Cardwell, Jarman, D. Thomas,
Chambers, Lindsay, Tomlinson,
Covington, Matthews, Trolinger,
Gilliam, Robards, Walker, 17.
Gwynn, Sims

Those who voted in the negative were,

Messrs.

Baker, Foreman, Oglesby,
Barksdale, Gorham, Orr,
Barnes, Gwyther, Paine
B. L. Beall, Harris, Patton,
Bedford, Hill, Peden,
E. S. Bell, Hoke, Pemberton,
Blalock, Holland, Petty,
J. Blount, Hollingsworth, Puryear,
Wm. A. Blount, Howerton, Proctor,
Boger, Huggins, Rand,
Bond, Hyman, K. Rayner,
Boyden, R. Jones, J. R. Rayner,
Brittain, H. C. Jones, Reid,
Brogden, Keener, Roebeck,
Mr. Ellington moved that the bill be indefinitely postponed. The question thereon was determined in the negative—yeas 42—nays 68.

Those who voted in the affirmative were,

Messrs.


Those who voted in the negative were,

Messrs.

Barksdale, B. L. Beall, Bedford, E. S. Bell, Blalock, J. Blount, W. A. Blount, Boger, Boyden, Harris, Hill, Hoke, Holland, Hollingsworth, Huggins, Hyman, H. C. Jones, Keener, Oglesby, Orr, Paine, Patton, Peden, Pemberton, Petty, Puryear, Proctor,
Mr. E. S. Bell moved to amend the bill by adding the following:

Be it further enacted, That whenever it shall appear to the Board of Internal Improvement of this State by a certificate under the seal of the North Carolina Central Rail Road Company, signed by the Treasurer and countersigned by the President, that two fifths part of $600,000 of the stock of said Central Rail Road Company have been subscribed for and taken, and that at least one fourth of said stock has been actually paid up into the hands of said Treasurer of said Company; the said Board of Internal Improvement shall be, and they are hereby authorised and required to subscribe on behalf of the State for stock of said Company to the amount of three-fifths of $600,000, the capital stock of said company; and said subscription shall be paid in the following manner, to wit: The one fourth part as soon as said Company shall commence work, and one fourth part thereof every six months thereafter, until the whole subscription on behalf of the State shall be paid; provided, the Treasurer and President of said Company shall, before they receive the aforesaid instalments, satisfactorily assure the said Board of Internal Improvements by the certificates under the seal of said Company, that an equal proportion of the private subscription has been paid in in equal proportions to the stock subscribed by the State.

Be it further enacted, That in payment of the foregoing instalments the said Board are hereby authorised and empowered to draw on the State Treasury for any money not appropriated, except the Literary Fund.

Be it further enacted, That in case there should be no unappropriated monies at the time in the Treasury, then and
in that case the Board of Internal Improvements shall, and they are hereby authorised and empowered to borrow on credit of the State not exceeding three hundred and sixty thousand dollars, to carry out and pay the foregoing installment.

*Be it further enacted,* That if, in the event it should be necessary to borrow the money aforesaid, the Treasurer of the State shall issue the necessary certificates, binding and pledging the State for the payment of said sum; which said certificates shall be under the control and negotiated by the said Board of Internal Improvement.

*Be it further enacted,* That the State shall have her number of Directors in said Company in proportion to the stock subscribed, which said Directors shall be appointed by the Governor, by and with the advice and consent of his Council, and be removed in like manner.

*And be it further enacted,* That said Rail Road Company shall have the privilege to construct the said Central Rail Road from or near the waters of Beaufort Harbor, the most convenient and practicable route to intersect with the Wilmington and Raleigh Rail Road, as the President and Directors of said Central Rail Road shall determine."

The question on the adoption of this amendment was determined in the negative—yeas 23—nays 85.

Those who voted in the affirmative were,

**Messrs.**

E. S. Bell, Huggins, J. R. Rayner,
Bond, Hyman, Roebuck,
Braswell, Jarman, Sims,
Bryan, Killian, Wadsworth,
J. P. Caldwell, Mangum, Walker,
Gorham, McCleese, J. Williams,
Gwyther, McWilliams, Young, 23.
Gwynn, Rand,

Those who voted in the negative were,

**Messrs.**

Amis, Faison, Paine,
Baker, Farrow, Patton,
Barksdale, Foreman, Peden,
Barnes, Gilliam, Pemberton,
B. L. Beall, Guthrie, Petty,
Bedford, Harris, Puryear,
Blalock, Hester, Proctor,
J. Blount, Hoke, K. Rayner,
W A. Blount, Holland, Reid,
The question now being, shall the said bill pass the third reading? was determined in the affirmative—yeas 64—nays 48.

Those who voted in the affirmative were,

Messrs.

Barksdale, —
B. L. Beall, ✓
Bedford, —
E. S. Bell, ✓
Blalock, ✓
J. Blount, —
W. A. Blount, ✓
Boger, —
Boyden, ✓
Brittain, ✓
Brummell, ✓
J. P. Caldwell, ✓
G. W. Caldwell, —
Carson, ✓
Clegg, ✓
Clement, ✓
Covington, ✓
Crawford, ✓
Doak, ✓
Dunlap, ✓
E. J. Erwin, ✓
C. Erwin, —

Boger, Rush
Boyden, H. C. Jones
Brittain, Keener
Brummell, Lane
G. W. Caldwell, Larkins
Cardwell, Lindsay
Carson, Matthews
Chambers, W. J. T. Miller
Clegg, J. T. Miller
Clement, E. P. Miller
Covington, Mills
Crawford, Munday
Daniel, McLaughlin
Doak, McLaurin
Dunlap, McNeill
Eaton, Nye
Ellington, Oglesby
E. J. Erwin, Orr
C. Erwin, —

Guthrie, ✓
Harris, ✓
Hill, ✓
Hoke, —
Holland, —
Hollingsworth, ✓
H. C. Jones, ✓
Keener, ✓
Killian, —
Lane, ✓
Larkins, —
Lindsay, —
Matthews, ✓
W. J. T. Miller, ✓
J. T. Miller, —
E. P. Miller, ✓
Mills, ✓
Munday, ✓
McLaughlin, ✓
McLaurin, ✓
McNeill, ✓
Nye, —
Oglesby, ✓
Orr, —
Paine, ✓
Patton, ✓
Peden, ✓
Pemberton, —
Petty, ✓
Puryear, ✓
Proctor, ✓
K. Rayner, ✓
Reid, —
Rush, ✓
Smith, —
Stafford, —
D. Thomas, ✓
G. Thomas, ✓
Tuton, —
Waddell, ✓
Winston, ✓
Young, 64.
Those who voted in the negative were,
  Messrs.

Anis, B. L. Beall,  
Baker, Bedford,  
Barnes, Blalock,  
Bond, \checkmark  Boyd,  
Braswell, Brumwell,  
Brogden, J. P. Caldwell,  
Bryan, Carson,  
Cardwell, Chambers,  
Chambers, Clegg,  
Coom, Clement,  
Covington, Crawford,  
Doak,  

Gorham, \checkmark  Hester,  
Gwyther, \checkmark  Hester,  
Gwynn,  
Hogg,  
Howerton,  
Huggins, \checkmark  Hyman,  
Hymans, \checkmark  Jarman,  
R. Jones,  
Massey,  
McIntosh, \checkmark  McWilliams,  
Rand,  
J. R. Rayner,  
Robards, \checkmark  

Roebuck, \checkmark  Sims,  
Sims,  
Stallings,  
Stockard,  
Sullivan,  
Taylor,  
Tomlinson,  
Trollinger,  
Underwood, \checkmark  
Wadsworth, \checkmark  
Walker,  
Whitaker,  
Wilcox, \checkmark  
J. Williams,  
W. P. Williams,  
S. A. Williams, 48.

Ordered, That said bill be enrolled.

On motion, leave of absence from the service of the House
was granted to Mr. W. P. Williams after this day, to Mr.
E. J. Erwin after to-morrow, to Messrs. McLaughlin, Trollinger and Barnes after Sunday, and to Messrs. Tuton, Hollingsworth and Tomlinson after Monday next for the
residue of the session.

Mr. Peden moved that the House do re-consider their vote
of yesterday, whereby was rejected the engrossed bill for
the relief of the Raleigh and Gaston Rail Road Company.
The House agreed to reconsider, and the question being on
the passage of the bill as amended the second reading, was
decided in the affirmative—yeas 53—nays 49.

Those who voted in the affirmative were,
  Messrs.

B. L. Beall,  
Bedford,  
Blalock,  
Boy,  
Brumwell,  
J. P. Caldwell,  
Carson,  
Chambers,  
Clegg,  
Clement,  
Covington,  
Crawford,  
Doak,  

Hester,  
Hill,  
Hoke,  
Howerton,  
H. C. Jones,  
Keener,  
Lindsay,  
Mangum,  
Massey,  
Matthews,  
Mills,  
Munday,  
McLaughlin,  

Patton,  
Peden,  
Pemberton,  
Puryear,  
Proctor,  
Rand,  
K. Rayner,  
Reid,  
Robards,  
Rush,  
Stafford,  
D. Thomas,  
Trollinger, .
On motion, two thirds of the House concurring, the said bill was again read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 54—nays 52.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, v
Bedford, v
E. S. Bell, v
Blalock, v
Boyden, v
Brittain, v
Brummett, v
J. P. Caldwell, v
Carson, v
Chambers, v
Clegg, v
Covington, v
Crawford, v
Doak, v
Dunlap, v
E. J. Erwin, v
Gilliam, v
Guthrie, \[ v

Harris, v
Hester, v
Hill, v
Hoke, v
Howerton, v
H. C. Jones, v
Keener, v
Lindsay, v
Mangum, v
Massey, v
Matthews, v
Mills, v
McLaughlin, v
McLaurin, v
McNeill, v
Nye, v
Oglesby, v
Orr, v
Patton, v
Peden, v
Pemberton, v
Petty, v
Puryear, v
Proctor, v
Rand, v
K. Rayner, v
Reid, v
Robards, v
Rush, v
Stafford, v
D. Thomas, v
Trollinger, v
Waddell, v
W. P. Williams, v
Winston, v
Young, 54. v

Those who voted in the negative were,

Messrs.

Amis, v
Baker, v
Barksdale, v
Barnes, v
J. Blount, v
W. A. Blount, v
Boger, v
Bond, v
Braswell, v
Brogden, v
Bryan, v
G. W. Caldwell, v
Cardwell, v
Daniel, v
Eaton, v
Ellington, v
C. Erwin, v
Faison, v
Farrow, v
Foreman, v
Gorham, v
Gwyther, v
Gwynn, v
Holland, v
Huggins, v
Hyman, v
Jarman, v
R. Jones, v
Killian, v
Larkins, v
J. T. Miller, v
McCleese, v
J. R. Rayner, v
Roebuck; v
Sims, v
Stallings, v
Stockard, v
Sullivan, v
Taylor, v
G. Thomas, v
Tomlinson, v
Tuton, v
Underwood, v
Wadsworth, v
Walker, v
Whitaker, v
Wilcox, v
J. Williams, v
S. A. Williams, 49.
Those who voted in the negative were,

Messrs.

Amis, Baker, 
Barksdale, J. Blount, W. A. Blount, Boger, 
Bond, Braswell, Brogden, Bryan, G. W. Caldwell, 
Cardwell, Daniel, Eaton, Ellington, C. Erwin, 
Faison, Farrow,

Foreman, Gorham, Gwyther, Gwynn, Holland, Hollingsworth, 
Huggins, Hyman, Jarman, R. Jones, Killian, 
Larkins, W. J. T. Miller, J. T. Miller, E. P. Miller, 
Munday, McCleese, 

J. R. Rayner, Roebuck, Sims, 
Stallings, Stockard, Sullivan, 
Taylor, G. Thomas, Tomlinson, Underwood, 

Wadsworth, Walker, Whitaker, Wilcox, 
J. Williams, Barnes, S. A. Williams,

Ordered, That the concurrence of the Senate be asked in the amendment.

In pursuance of notice heretofore given, Mr. Crawford moved that the 31st Rule of Order be rescinded for the balance of the session. The motion prevailed.

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

Mr. W. A. Blount introduced a bill to amend the act of the General Assembly of 1836, entitled an act to incorporate the North Carolina Central Rail Road Company. Mr. Stallings moved that said bill be rejected. The question thereon was decided in the negative—yeas 49—nays 50.

Those who voted in the affirmative, were,

Messrs.

Amis, Baker, Barnes, J. Blount, Boger, Bond, Braswell, Brogden, Bryan, G. W. Caldwell, 
Cardwell,

Gilliam, Gwynn, Hester, Hollingsworth, Howerton, Jarman, Larkins, Mangum, Massey, J. T. Miller, E. P. Miller, 

Sims, Stallings, Stockard, Sullivan, Taylor, D. Thomas, G. Thomas, Tomlinson, Trollinger, Tuton, 
Underwood,
Chambers, McGlouge, Walker, 
Daniel, McNicholl, Whitaker, 
Eaton, Orr, Wilcox, 
Ellington, J. R. Rayner, J. Williams, 
Farrow, Rush, S. A. Williams, 49.

Those who voted in the negative were,

Messrs.
B. L. Beall, C. Erwin, McLaurn, 
Bedford, Gorham, McWilliam, 
E. S. Bell, Guthrie, Nye, 
Blalock, Gwyther, Paine, 
W. A. Blount, Harris, Patton, 
Boyden, Hill, Peden, 
Brittain, Hoke, Pemberton, 
Brummond, Holland, Petty, 
J. P. Caldwell, Huggins, Puryear, 
Carson, Hyman, Proctor, 
Clegg, R. Jones, K. Raynor, 
Clement, Killian, Reid, 
Covington, Lindsay, Waddell, 
Crawford, Matthews, Wadsworth, 
Doak, Mills, Winston, 
Dunlap, Munday, Young, 50. 
E. J. Erwin, McLaughlin, 

Whereupon, the said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution relating to the Wilmington and Raleigh Rail Road, and asking the concurrence of this House. The said resolution was read the first and second times, amended, on motion of Mr. Robards, and passed. On motion, two thirds of the House concurring, the said resolution was again read the third time, and the question, shall the said bill pass the third reading, was determined in the affirmative—yeas 60—nays 47.

Those who voted in the affirmative were,

Messrs.
B. L. Beall, Holland,— Oglesby, 
Bedford,— Hellingsworth,— Paine, 
E. S. Bell, Huggins, Patton, 
Blalock, Hyman, Peden, 
Bond,— Jarman,— Pemberton,— 
Boyden,— H. C. Jones, Petty, 
Brittain, Keener, Puryear, 

67
Ordered, That the concurrence of the Senate be asked in the amendment.

Mr. Hill, from the Committee on Internal Improvements, reported a resolution in favor of the Finance Committee of Ashe county. The said resolution was read, and on motion of Mr. Wilcox, indefinitely postponed. On motion of Mr. Peden, Ordered, That he have leave to withdraw from the files of the House the petition and documents accompanying.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the engrossed resolution in favor of the Roanoke Navigation Company; when the same was read, and on motion of Mr. Eaton, laid on the table.

The bill for amending the several acts heretofore passed in relation to the burning the Court House and records of Hertford county; and the bill relating to clearing out Rock-
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fish creek, in the county of Duplin, were each read the second and third times, passed, and ordered to be engrossed.

Mr. W. A. Blount introduced a resolution appropriating one thousand dollars for the construction of a canal connecting Goose Creek, in Beaufort county, with Jones's Bay. Said resolution was read the first time and rejected.

Mr. Winston, from the Committee on the Judiciary, to whom was referred the report of the Commissioners on the Revised Statutes, reported sundry bills to supply omissions and correct errors in said work, of which the following; viz: A bill prohibiting marriages between free persons of color and white persons; a bill to amend the fifth section of one of the Revised Statutes, passed at the session of 1836, entitled an act concerning the action of replevin; a bill to amend and explain the 86th section of an act passed in 1846, entitled an act concerning crimes and punishments; a bill to amend an act passed at the session of 1836, entitled an act authorising attachments to issue for the recovery of debts, and directing the proceedings therein; a bill concerning the appointment of Clerks of the Superior Courts; and a bill concerning sales by sheriffs or coroners under executions, were each read the first time and passed. And the following bills reported by Mr. Winston, from the same Committee, at the same time, viz: A bill to prevent free persons from gambling with slaves; a bill concerning stills; and a bill concerning the crime of perjury and the forms of indictment therefor, were each read three times, passed, and ordered to be engrossed.

A message from the Senate, proposing to vote immediately for Colonel and Lieutenant Colonel of Cavalry attached to the third brigade of militia, and informing that Charles Henry, of New Hanover, is nominated for Colonel, and Christopher D. Hill, of Duplin, for Lieut. Colonel. The proposition was agreed to.

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

Saturday, Jan. 5, 1839.

Mr. Lindsay introduced a resolution for a Turnpike Road from Raleigh by Hillsborough to Greensborough; which was read, and on Mr. Lindsay's motion, laid on the table.
A message from the Senate, informing that Messrs. Speed, Montgomery, and Bunting form on the part of the Senate the Committee of Conference on the disagreement of the two Houses on the amendments to the bill concerning quarantine.

Mr. Paine introduced the following Resolutions:

Resolved, That our Senators and Representatives in Congress be requested to use their exertions in procuring from the General Government an appropriation for opening an inlet at or near Nagshead, on the coast of North Carolina.

Resolved, That the Governor of the State be requested to forward as early as convenient copies of the foregoing Resolution to each of our Senators and Representatives in Congress.

The said Resolutions were read and adopted, and ordered to be engrossed.

Mr. Gilliam, from the Select Committee on the subject, reported a resolution relating to a Lunatic Asylum; which was read and adopted, and ordered to be engrossed.

Mr. Nye presented a petition from citizens of the county of Ashe, praying a donation of land for the erection of a School House thereon. The petition was read and referred to the Committee on Claims.

A message from the Senate, informing that they do not concur in the amendments made by the House of Commons to the engrossed bill, entitled a bill limiting the time in which titles to lands heretofore entered and paid for may be perfected. On motion of Mr. Cardwell, Ordered, That this House do recede from their said amendments.

Received from the Senate a message, informing that they had passed the following engrossed bills and Resolutions, viz: A bill to amend an act, entitled an act to incorporate the Fayetteville and Yadkin Rail Road; a bill to divide the counties into School Districts and for other purposes; a bill to amend an act passed at the present session, relating to the registering of grants, deeds, &c.; a bill to incorporate the North Carolina Mutual Insurance Company; and a resolution making compensation to the Comptroller; and a resolution in favor of Wm. H. Haywood, Jr. and asking the concurrence of this House. The said bills and resolutions were read the first time and passed.

Received from the Senate a message, informing that they had adopted the following resolution, viz:

Resolved, That the Resolutions passed by this General Assembly and transmitted to our Senators in Congress, are sufficiently plain and intelligible to be comprehended by any one desirous of
understanding them; that we believe the communication of our Senators anticipating the reception of said resolutions and making inquiry as to their meaning, is not in good faith; and that it would be inconsistent with the self-respect of this General Assembly to make any reply to it.

And asking the concurrence of this House.

The said Resolution was read, and the question on the adoption of the same was decided in the affirmative—yeas 59—nays 44.

Those who voted in the affirmative were,

Messrs.

- B. L. Beall
- E. S. Bell
- Blalock
- W. A. Blount
- Bond
- Boyden
- Brittain
- Brummell
- J. P. Caldwell
- Carson
- Clegg
- Clement
- Covington
- Crawford
- Doak
- Dunlap
- Ellington
- Faison
- Farrow
- Foreman
- Gilliam
- Gorham
- Guthrie
- Gwyther
- Harris
- Hill
- Huggins
- Hyman
- H. C. Jones
- Keener
- Lane
- Lindsay
- Matthews
- W. J. T. Miller
- E. P. Miller
- Mills
- McLeese
- McLaurin
- McWilliams
- Oglesby

Those who voted in the negative were,

Messrs.

- Amis
- Baker
- Barnes
- Bedford
- Boger
- Braswell
- Brogden
- Bryan
- G. W. Caldwell
- Cardwell
- Chambers
- Daniel
- Eaton
- C. Erwin
- Gwynn
- Hester
- Holland
- Howerton
- R. Jones
- Killian
- Larkins
- Mangum
- Massey
- J. T. Miller
- Munday
- McNeil
- Nye
- Orr
- Rand
- J. R. Rayner
- Paine
- Patton
- Peden
- Pemberton
- Petty
- Puryear
- Proctor
- K. Rayner
- Robards
- Rush
- Smith
- D. Thomas
- G. Thomas
- Underwood
- Waddell
- Wadsworth
- J. Williams
- Winston
- Young, 59

- Raid
- Roebuck
- Sims
- Stafford
- Stallings
- Stockard
- Sullivan
- Taylor
- Tomlinson
- Trollinger
- Walker
- Whitaker
- Wilcox
- S. A. Williams, 44.
Mr. Cardwell moved that the communication of the Senators above referred to, be entered at length on the Journal of this House. The question on this motion was determined in the negative—yeas 46—nays 56.

Those who voted in the affirmative were,

MESSRS.


Those who voted in the negative were,

MESSRS.

B. L. Beall, Gorham, Paine, E. S. Bell, Guthrie, Patton, Blalock, Hill, Peden, W. A. Blount, Huggins, Pemberton, Bond, Hyman, Petty, Boydlen, H. C. Jones, Proctor, Brittain, Keener, K. Rayner, Brummell, Lane, Robards, J. P. Caldwell, Lindsay, Rush, Carson, Matthews, Smith, Clegg, W. J. T. Miller, G. Thomas, Clement, E. P. Miller, Underwood, Covington, Mills, Waddell, Doak, McCleese, Wadsworth, Dunlap, McClaughlin, J. Williams, Ellington, McLaurin, Winston, Farrow, McWilliams, Young, 56, Foreman, Oglesby, Gilliam, A message from the Senate, informing that they had passed the engrossed resolution relating to the Wilmington and Raleigh Rail Road, and asking the concurrence of this
House. The said resolution was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they concur in the amendments made by the House of Commons to the engrossed bill for the relief of the Raleigh and Gaston Rail Road. Ordered, That said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: A bill to appoint a patrol in Cumberland county; a bill authorising the making a Turnpike Road in Haywood county; and a resolution in favor of the Door Keepers, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

Mr. Reid presented the following Resolution:

Resolved. That a message be sent to the Senate, proposing that the joint resolution to adjourn sine die, on Monday the 7th inst, be rescinded, and that the two Houses adjourn sine die on Wednesday the 9th inst.

Mr. Cardwell moved that said Resolution lie on the table. The question on this motion was decided in the negative—yeas 44—nays 56.

Those who voted in the affirmative were,

Messrs.


Those who voted in the negative were,

Messrs.

B. L. Beall, Bedford, E. S. Bell, Blalock, Boger, Bond, Gwyther, Hill, Haggins, Hyman, H. C. Jones, Keener, Peden, Pemberton, Petty, Puryear, Proctor, Rand,
On motion of Mr. Amis, said Resolution was amended by striking out Wednesday and inserting Tuesday. Mr. Winston moved further to amend said resolution by adding the following: "Resolved, That no new bills or resolutions shall be introduced after this day." The motion prevailed, and as thus amended, the resolution was adopted and ordered to be sent to the Senate for concurrence.

The resignation of George Albright, a Justice of the Peace of the county of Guilford, was read and accepted.

The House took up for consideration the bill for the establishment of Common Schools, and resolved itself into a Committee of the Whole, Mr. J. P. Caldwell in the Chair, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill with sundry amendments. The amendments were concurred in, and the bill, as amended, read the second time and passed.

The engrossed bill to divide the counties into School Districts and for other purposes, was taken up and amended by striking out the whole thereof after the enacting clause and inserting the various sections of the bill, entitled a bill for the establishment of Common Schools; when the said bill was read the second time and passed.

The House then adjourned until

3 o'clock, P. M.

Mr. Gilliam introduced the following Resolution:

Resolved That the Secretary of State be directed to have printed a Report on Elementary Public Instruction in Europe, by G. E. Stowe, ten copies for the use of each member of the General Assembly; and that the same be distributed with the Acts and Journals of this session.

The said resolution was read and adopted, and ordered to be engrossed.
The engrossed resolution in favor of William H. Haywood, jr. was read the second and third time, passed, and ordered to be enrolled.

The bill for the establishment of Common Schools, was read the third time and passed. Ordered, That the concurrence of the Senate be asked in said amendment.

Mr. K. Rayner from the Committee on Claims, reported unfavorably on the memorial of the Commissioners of the town of Wilmington, asking to be reimbursed in certain expenditures made during the last war, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. K. Rayner, from the same Committee, reported a resolution in favor of William Harbinson, of Lincoln county; when the same was read the first, second and third times, passed, and ordered to be engrossed.

The bill concerning infant children whose parents shall be divorced, was read the third time, passed, and ordered to be engrossed.

Mr. B. L. Beall introduced a bill concerning company musters in the lower regiment of Davidson county; which was read the first time and passed.

The engrossed bill making an appropriation for carrying on and completing the Capitol of the State and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to give effect to the Revised Statutes, as the same have been published by the Commissioner appointed for that purpose; and the engrossed bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, so as to alter the time of holding the County Courts of Person county and for other purposes, were each read the third time, passed, and ordered to be enrolled.

The bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State, was read the third time, passed, and ordered to be engrossed.

The bill concerning the public revenue of this State, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county, with
sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

The bill providing for the appointment of a County Trustee and Treasurer of Public Buildings in the County of Columbus, was read the second and third time, passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House, from and after to-day, was granted to Messrs. Faison and Gwyther; to Messrs. G. W. Caldwell and Bryan after to-morrow; & to Messrs. McWilliams, Munday, Killian, Carson, Farrow, W. J. T. Miller, E. P. Miller, Mills, Bedford, and Puryear after Monday next, for the remainder of the session.

The bill to incorporate the Highwassee Turnpike Company, was read the second and third times, passed, and ordered to be engrossed.

Mr. Nye presented a petition from sundry citizens of Ashe county, praying a division of the militia of said county into two regiments. Ordered, That the petition lie on the table.

The engrossed bill to amend the revenue laws of this State, was read the second and third times, passed, and ordered to be enrolled.

The bill making compensation to the jurors of the county of Columbus, was read the second and third times, passed, and ordered to be engrossed.

The bill supplemental to the act erecting the county of Cherokee, was read the second and third times, passed, and ordered to be engrossed.

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

Monday, Jan. 7, 1839.

Messrs. Waddell, Braswell, Wadsworth, and Paine were appointed a Committee on Enrolled Bills the present week on behalf of this House.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, to wit: A bill supplemental to an act passed at the present General Assembly, entitled an act to amend an act, entitled an act incorporating the Fayetteville and Western Rail Road Company; a resolution relating to the subject of Penitentiaries; and a resolution requiring the Board of Internal Improvements to cause a survey for a Rail Road to be made from
Salem, or the Cross Roads, in Stokes county, to the Fayetteville and Western Rail Road, and asking the concurrence of this House. The said bills and last named resolution were each read the first time and passed, and the first named resolution read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish Clemmons ville Academy, in the county of Davidson and to appoint Trustees thereof, 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 incorporate the Buncombe Warm Spring 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 Messrs. Moore, Montgomery, Moye, and Williams, of Person, form their branch of the Committee on Enrolled Bills the present week.

A message from the Senate, informing that they had passed the engrossed resolution requiring the Board of Internal Improvement to cause a survey of a Rail Road to be made from Greensborough to the Fayetteville and Western Rail Road; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills: A bill relating to the public road in Buncombe county; a bill authorising sheriffs and coroners to make deeds in certain cases; a bill to prevent frauds in voting at elections; a bill to amend the 58th section of the Revised Statutes, entitled Insolvent Debtors; and a bill to amend an act of the Revised Statutes, chapter 12, entitled bastard children; and asking the concurrence of this House. The said bills were read the first time and passed.

The bill to cut a canal from Lockwood's, Folly River, in the county of Brunswick, to the Cape Fear, was read the second time, and on motion of Mr. Cardwell, postponed indefinitely.

The engrossed bill supplemental to an act passed at the present session, entitled an act to amend an act, entitled an act incorporating the Fayetteville and Western Rail Road Company, was read the second time. Mr. Gilliam moved that the bill be amended by striking out the fourth section. The question thereon was determined in the negative. Mr.
Cardwell offered the following amendment: "Be it further enacted, That if the whole stock shall not be subscribed and secured on the part of individual stockholders, and the work be commenced within two years, then the act granting the charter shall be null and void." The question on this amendment was decided in the negative—yeas 37—nays 43.

Those who voted in the affirmative were, Messrs.

Amis, Gorham, McWilliams, Barnes, Guthrie, Proctor, B. L. Beall, Gwynn, K. Rayner, W. A. Blount, Hester, Roebuck, Braswell, Howerton, Stallings, Brogden, Huggins, Stockard, Cardwell, Hyman, Taylor, Chambers, Larkins, D. Thomas, Clegg, Lindsay, Wadsworth, Doak, Mangum, Walker, Eaton, Massey, Wilcox, Foreman, McCleese, J. Williams, 37.

Those who voted in the negative were, Messrs.


Mr. Winston offered the following amendment:

"Be it further enacted, That unless two-fifths of the capital stock of the said corporation shall be taken by individuals within four years and the road begun to be constructed within that time, the State's subscription to said road shall be null and void."

This amendment prevailed; and the question, shall the said bill pass the second reading? was determined in the af-
firmative. The said bill was thereupon read the third time and passed. Ordered, That the concurrence of the Senate be asked in the amendment.

The House then adjourned until ten o'clock this day.

10 o'clock, A. M.

On motion of Mr. Lane,

Resolved, That a message be sent to the Senate, proposing that the joint resolution to adjourn this day be rescinded, and proposing that both Houses adjourn to-morrow — on which day no business shall be done other than the ratification of enrolled bills.

On motion, Messrs. Underwood and Petty obtained leave of absence after this day for the remainder of the session.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Weldon Rail Road Company, and asking the concurrence of this House. The said bill was read the first, second, and third times, two thirds of the House concurring; passed, and ordered to be enrolled.

The bill to explain and amend the 86th section of an act passed at the session of 1836, one of the Revised Statutes, entitled an act concerning crimes and punishments, was read the third time, passed, and ordered to be engrossed.

The bill to divide the first wreck district in Carteret county into two districts and to appoint an additional commissioner of wrecks; the bill to amend the 16th section of an act, (Revised Statutes,) concerning the militia so far as relates to the county of Jones; and the bill to incorporate the Weldon Manufacturing Company, were severally read the third time, passed, and ordered to be enrolled.

The engrossed bill concerning weights and measures, adopted by a resolution of Congress as standards throughout the United States; and the engrossed resolution in favor of the Door Keepers, were each read the second and third times, passed, and ordered to be enrolled.

The bill to incorporate the Trustees of the Randolph Female Academy, in Randolph county, was read the second and third times, passed, and ordered to be enrolled.

The bill to amend the act of Assembly of 1831, entitled an act to prevent obstructions to the passage of fish up Trent River and for other purposes; and the bill imposing additional duties upon the Lieutenant Colonels and Majors of the militia of this State, were each read the second time, and on motion of Mr. Paine, indefinitely postponed.

The bill to prevent obstructions to the passage of fish up
the Pedee and Main Yadkin Rivers, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they do not concur in the amendments made by the House of Commons to the Senate's "bill to divide the counties into school districts and for other purposes." On motion, Ordered, That the Senate be informed that the House do insist on their said amendments, and ask a Committee of Conference on the disagreement of the two Houses thereon.

The engrossed bill authorising the Chairman of the County Courts to accept of the resignation of certain officers therein named, was read, and on motion of Mr. Winston, indefinitely postponed.

A message from the Senate, concurring in the proposition of this House that a Committee of Conference be appointed on the disagreement of the two Houses in the amendments to the Senate's bill to divide the counties into School Districts, and informing that Messrs. Cherry, Shepard, and Moore form said Committee on their part. Ordered, That Messrs. Boyden, Hill, and Gilliam form said Committee on behalf of the Commons.

The bill to incorporate the President and Directors of the Randolph Manufacturing Company, was read the second and third time, passed, and ordered to be engrossed.

A message from the Senate, informing that they have passed the engrossed "Resolutions on Public Instruction," with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in, with an additional amendment superadded, in which the concurrence of the Senate is asked.

The bill to incorporate the Yadkin and Columbia Railroad Company; and the resolution making appropriations for the Capitol, were each read and laid on the table.

A message from the Senate, concurring in the amendment to the engrossed bill, entitled a bill supplemental to an act passed at the present session, entitled an act to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road. Ordered, That said bill be enrolled.

The bill to incorporate the town of Mocksville, in Davie county; and the bill to authorise A. R. S. Hunter to move the bridge by him built across Highwassee River, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the 27th section of an act,
entitled an act concerning Courts of Justice, Practice, Pleas and Process, was read the second and third times, passed, and ordered to be enrolled.

The bill to appoint Commissioners to alter and amend a part of the State Road in Cherokee county, was read the second and third times, passed, and ordered to be engrossed.

The bill prohibiting marriages between free persons of color and white persons was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, concurring in the amendments made by this House to the engrossed Resolution on Public Instruction.

A message from the Senate, concurring in the proposition of this House, that this General Assembly adjourn sine die on to-morrow.

On motion of Mr. H. C. Jones,

_Ordered, That a message be sent to the Senate, proposing that the Principal Clerks of the two Houses be authorised to employ three additional Engrossing Clerks for the residue of the session._

The bill to amend an act, entitled an act concerning the action of replevin, was read the second and third times, amended and passed and ordered to be engrossed.

The bill to amend an act passed at the session of 1836, entitled an act authorising attachments to issue for the recovery of debts, and directing the proceedings therein, was read the second and third times, passed, and ordered to be engrossed.

The bill concerning the appointment of Clerks of the Superior Courts was read the second and third times, passed, and ordered to be engrossed.

Mr. Winston, from the Committee of Conference on the disagreeing votes of the two Houses on the engrossed bill to prevent the spreading of the small pox, reported that the Committee were not able to agree upon the subject matter referred. Whereupon, _Ordered, That this House do adhere to their said amendments to said bill._

The bill concerning sales by sheriffs or coroners under executions, was read, and on motion of Mr. Winston, indefinitely postponed.

The engrossed bill authorising sheriffs and coroners to make deeds in certain cases, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolutions making compensation to the
Comptroller and Treasurer were read the second time. Mr. Crawford moved to amend the first resolution relating to the Comptroller, by striking out the words six hundred and fifty dollars, and inserting three hundred dollars. Mr. Holland called for a division of the question; and the first question being on striking out, was decided in the affirmative—yeas 37—nays 31.

Those who voted in the affirmative were,
Messrs.

Barnes,
B. L. Beall,
Braswell,
Brogden,
Cardwell,
Chambers,
Clement,
Crawford,
Daniel,
Eaton,
Ellington,
C. Erwin,
Gwynn,
Hester,
Holland,
R. Jones,
Mangum,
Massey,
Matthews,
Nye,
Oglesby,
Orr,
Patton,
Peden,
Wilcox,
Rand,
J. R. Rayner,
Roebuck,
Stafford,
Stallings,
Stockard,
Taylor,
G. Thomas,
Tomlinson,
Walker,
J. Williams,
S. A. Williams, 37.

Those who voted in the negative were,
Messrs.

Blalock,
W. A. Blount,
Boger,
Bond,
Brittain,
Brumwell,
J. P. Caldwell,
Clegg,
Covington,
Doak,
Foreman,
Guthrie,
Huggins,
Hyman,
H. C. Jones,
Keener,
Lane,
J. T. Miller,
McLaurin,
McNeill,
Paine,
K. Rayner,
Reid,
Robards,
Rush,
Siler,
D. Thomas,
Waddell,
Wadsworth,
Winston,
Young, 31.

The question on the second branch of the motion, viz: on inserting the words three hundred dollars, was decided in the negative. Mr. J. P. Caldwell moved to fill the blank with the words four hundred dollars. The question thereon was decided in the affirmative—yeas 49—nays 23.

Those who voted in the affirmative were,
Messrs.

B. L. Beall,
Blalock,
Boger,
Harris,
Hester,
Holland,
Peden,
J. R. Rayner,
K. Rayner,
On motion of Mr. Winston, the second resolution was amended by striking out the words per annum. Ordered, That the vote be taken on the resolutions separately. The question on the adoption of the first Resolution as amended, was decided in the affirmative—yeas 57—nays 17.

Those who voted in the affirmative, were,

Messrs.

B. L. Beall, Holland, Pemberton, Proctor, J. R. Rayner, K. Rayner, Reid, Robards, Rush, Siler, Smith, Stafford, D. Thomas, G. Thomas, Waddell, Wadsworth, Walker, J. Williams,
Boger, Hyman, R. Jones, Lindsay, Matthews, Nye, Orr, Rand, Widbuck,
Bond, R. Jones, L. Jones, H. C. Jones, Keener, Lane, Lindsay, Mangum, Matthews, J. T. Miller, McLaurin, McNeill, Oglesby, Pemberton, Proctor, J. R. Rayner, K. Rayner, Reid, Robards, Rush, Siler, Stafford, D. Thomas, G. Thomas, Waddell, Wadsworth, Walker, J. Williams,
Gorham, Orch, Winston, Guthrie, Paine, Hester, Gaynor, Patton, Nye, Harris, Peden, Young, 57.

Those who voted in the negative were,

Messrs.

Barnes, Ellington, Taylor,
Brogden, Massey, Tomlinson,
Chambers, Rand, Wilcox,
Clement, Roebuck, S. A. Williams,
Crawford, Sims, Stockard, 17.
Daniel, Stallings,

The question on the adoption of the second resolution was decided in the affirmative—yeas 49—nays 17.

Those who voted in the affirmative were,

Messrs.

B. L. Beall, Hester, Pemberton,
Blauck, Holland, Proctor,
Bond, Howerton, Rand,
Braeswell, Hyman, Reid,
Brummell, H. C. Jones, Robards,
J. P. Caldwell, Keener, Rush,
Cardwell, Lindsay, Siler,
Clegg, Matthews, Stafford,
Covington, J. T. Miller, D. Thomas,
Doak, McLaurin, G. Thomas,
Eatou, McNeill, Waddell,
C. Erwin, Nye, Wadsworth,
Foreman, Oglesby, Walker,
Gorham, Orr, J. Williams,
Guthrie, Patton, Winston,
Gwynn, Peden, Young, 49.
Harris,

Those who voted in the negative were,

Messrs.

Barnes, R. Jones, Stockard,
Brogden, Massey, Taylor,
Chambers, Paine, Tomlinson,
Crawford, J. R. Rayner, Wilcox,
Daniel, Sims, S. A. Williams, 17.
Ellington, Stallings,

So the said Resolutions passed the second reading, as amended. On motion, two thirds of the House concurring, the said Resolutions were read the third time and passed.
Ordered, That the concurrence of the Senate be asked in the amendments.

The bill to amend the act of the General Assembly of 1836, entitled an act to incorporate the North Carolina Central Rail Road Company, was read, and on motion of Mr. Ellington, indefinitely postponed—yeas 45—nays 22.

Those who voted in the affirmative were,

Messrs.

Amis, Hester, Robards,
Barnes, Holland, Roebuck,
B. L. Beall, Howerton, Rush,
Boger, R. Jones, Smith,
Bond, Lane, Stallings,
Braswell, Lindsay, Stockard,
Brogden, Mangum, Taylor,
Cardwell, Massey, D. Thomas
Chambers, Matthews, Tomlinson,
Doak, McCleese, Walker,
Eaton, Nye, Wilcox,
Ellington, Oglesby, J. Williams,
C. Erwin, Orr, S. A. Williams,
Foreman, Rand, McNeill,
Gwynn, J. R. Rayner, Winston, 45.

Those who voted in the negative were,

Messrs.

E. S. Bell, Crawford, Paine,
Blalock, Dunlap, Patton,
W. A. Blount, Huggins, K. Rayner,
Brittain, Hyman, Reid,
Brumwell, H. C. Jones, Stafford,
Clegg, Keener, Waddell,
Clement, McLaarin, Wadsworth, 22.

Covington,

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

4 o'clock.

The resolution for a Turnpike Road from Raleigh by Hillsborough to Greensborough, was read the second time and rejected.

The resolution in favor of Wm. H. Haywood, jr. as Commissioner on the part of the State, was read, and on motion of Mr. J. P. Caldwell, referred to a Select Committee.—
Said Committee consists of Messrs. J. P. Caldwell, Rand, and Gilliam.

The bill to improve the navigation of Neuse River, was read the second time, and on motion of Mr. Caldwell, indefinitely postponed.

The bill concerning company musters in the lower REGiments of Davidson county; the bill to establish an additional Court of Pleas and Quarter Sessions in the county of Orange; and the engrossed bill to prevent the stealing of mulberry trees, were each read and postponed indefinitely.

A message from the Senate, concurring in the amendments made by this House to the Resolutions making compensation to the Comptroller and Public Treasurer, Ordered, That said Resolutions be enrolled.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill authorising the Governor to appoint an agent in the county of Macon.

A message from the Senate, concurring in the proposition of this House, that the Clerks of the two Houses employ three additional engrossing clerks.

The engrossed bill for appointing a patrol in Cumberland county; and the bill to add the proceeds of the sales of the Cherokee Lands to the Literary Fund, were each read and indefinitely postponed.

The engrossed bill to amend an act passed at the present session, entitled an act to extend the time for recording grants, deeds, mesne conveyances, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructing the passage of fish up the Pee Dee and Main Yadkin River, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The engrossed bill authorising the making a turnpike road in Haywood county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution requiring the Board of Internal Improvements to cause a survey for a Rail Road to be made from Salem, or the Cross Roads, in Stokes county, to the Fayetteville and Western Rail Road; and the engrossed resolution requiring the Board of Internal Improvement to cause a survey for a rail road to be made from Greensborough to the Fayetteville and Western Rail Road, were each read the second time and postponed indefinitely.
The engrossed bill to amend the fifty-eighth chapter of the Revised Statutes, entitled “Insolvent Debtors,” was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend the Revised Statutes, chapter 12, entitled “Bastard Children,” was read the second and third times, amended, and passed. Ordered, That the concurrence of the Senate be asked in the amendment.

The engrossed bill relating to the public road in Buncombe county; and the engrossed bill to prevent frauds in voting at elections, were each read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the North Carolina Mutual Fire Insurance Company, was read the second and third times, amended and passed. Ordered, That the concurrence of the Senate be asked in the amendment.

A message from the Senate, concurring in the amendment made by this House to the bill to amend the Revised Statutes, chapter 12, entitled “Bastard Children.” Ordered, That said bill be enrolled.

A message from the Senate, informing that they concur in the amendments proposed by the Committee of Conference to the engrossed bill to divide the counties into School Districts and for other purposes. Ordered, That the Senate be informed that this House do likewise concur in the report of the Committee of Conference. Ordered, That said bill be enrolled.

The engrossed bill to incorporate the Raleigh Guards and Henderson Light Infantry Company, was read the second and third times, passed, and ordered to be enrolled.

Mr. J. P. Caldwell, from the Select Committee to whom was referred the “Resolution in favor of William H. Haywood, jr. as Commissioner on the part of the State,” reported that provision is already made by law for the objects contemplated by the Resolution, and asked to be discharged from the further consideration of the subject. The report was concurred in, and on motion of Mr. J. P. Caldwell, the said resolution was laid on the table.

A message from the Senate, informing that they had passed the engrossed bill to exempt lock keepers on the Dismal Swamp Canal from working on roads, and asking the concurrence of this House. The said bill was read three times and passed, and ordered to be enrolled.

Mr. K. Rayner moved that the House do now take up and
consider the engrossed resolution heretofore laid on the table, entitled "a resolution in favor of the Roanoke Navigation Company." The question thereon was determined in the negative—yeas 28—nays 51.

Those who voted in the affirmative were,

MESSRS.

E. S. Bell, Guthrie, K. Rayner,
Win. A. Blount, Hester, J. R. Rayner,
Bond, Hill, Reid,
Brunnell, Holland, Robards,
J. P. Caldwell, Huggins, G. Thomas,
Clegg, H. C. Jones, Waddell,
Covington, McCleese, J. Williams,
Eaton, Orr, S. A. Williams,
Gilliam, Paine, Young, 28.
Gorham,

Those who voted in the negative were,

MESSRS.

Amis, C. Erwin, Patton,
Barnes, Foreman, Pemberton,
B. L. Beall, Gwynn, Rand,
Blalock, Harris, Roebuck,
Booger, Howerton, Rush,
Boyden, Hyman, Silver,
Braswell, R. Jones, Smith,
Brittain, Keener, Stafford,
Brogden, Lane, Stallings,
Cardwell, Lindsay, Stockard,
Chambers, Mangum, Taylor,
Clement, Massey, D. Thomas,
Crawford, Matthews, Tomlinson,
Daniel, J. T. Miller, Wadsworth,
Doak, McLaurin, Walker,
Dunlap, McNeill, Wilcox,
Ellington, Nye, 51.

The House then adjourned until to-morrow morning 7 o'clock.

TUESDAY, JAN. 8, 1839.

7 O'CLOCK, A. M.

On motion of Mr. K. Rayner,
Ordered, That a message be sent to the Senate, informing that body that this House, having acted on all the business before them, is now ready to adjourn sine die.
Received from the Senate a message, informing that that House is also ready to adjourn without day.

Mr. Eaton presented the following Resolution, which was read and unanimously adopted:

Resolved, That the thanks of this House are due, and are hereby respectfully tendered, to the Speaker, William A. Graham, Esq., for the ability, impartiality, and dignity with which he has discharged the duties of the Chair.

Whereupon the Speaker made his acknowledgments to the House in an appropriate address, and adjourned the same without day.

WM. A. GRAHAM, S'KR. H. C.

By Order,

CHARLES MANLY, CL'K. H. C.