At a General Assembly of the State of North Carolina, begun and held at the Capitol, in the City of Raleigh, on Monday the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty, and in the sixty-fifth 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—Patrick H. Winston, John McCollum.
Beaufort—James O’K. Williams, Shadrack P. Allen.
Bertie—Lewis Thompson, John R. Gilliam.
Bladen—George W. Bannerman.
Brunswick—Frederick J. Hill.
Buncombe—Montreville Patton, Thomas Morris.
Cabarrus—Daniel M. Barringer.
Camden
Carteret—Elijah Whitehurst.
Caswell—Calvin Graves, Levi Walker.
Chowan
Columbus—Absalom Powell.
Craven—Samuel Hyman, William B. Wadsworth.
Cumberland—David Reid, John Munroe.
Currituck—John B. Jones.
Davidson—Charles Brummell, Burgess L. Beall.
Duplin—James G. Dickson.
Edgecomb—Wm. S. Baker, Joshua Barnes.
Franklin—Young Patterson, Thomas Howerton.
A quorum, consisting of a majority of the whole number of members being present, Mr. Barringer moved that Mr. Wm. A. Graham, of Orange, be appointed Speaker,
and there being no opposition, Mr. Graham was declared duly elected, and was conducted to the Chair by Mr. Barringer, from whence he made his acknowledgments in an appropriate address.

On motion of Mr. Hill, the House unanimously reappointed Charles Manly, Principal Clerk, and Edmund B. Freeman, Clerk Assistant.

Mr. Winston moved that the House proceed to the appointment of a Door Keeper; the motion was agreed to, and the following persons were put in nomination for the office, viz: Messrs. Finch, Davidson, Franklin, Davis, Williams, Wright, Hyatt, Woodall, Gorman, Briggs and Stephenson. Whereupon the House proceeded to vote as follows:

FOR MR. FINCH,

MESSRS.


FOR MR. DAVIDSON,

MESSRS.


FOR MR. FRANKLIN,

Mr. Spruill—1.
FOR MR. DAVIS,

MESSRS.
J. R. Gilliam,
Patterson,
R. B. Gilliam,
Robards—4.

FOR MR. WILLIAMS,

MESSRS.
Biggs,
Speaker,
King;
Holt,
Cad. Jones, Jr.—5:

FOR MR. HYATT;

MESSRS.
Mendenhall,
Doak,
Brannock,
D. A. Graham,
Jno. Covington,
Ziglar,
Withers,
Franklin—8.

FOR MR. WOODALL.

MESSRS.
Bannerman,
Graves,
L. Walker,
Powell,
Reid,
Munroe,
J. B. Jones,
Dickson,
Baker,
J. Barnes,
Howerton,
Adams,
Tomlinson,
Davis,
Hoke,
Holland,
G. W. Caldwell,
J. Walker,
Morrow,
F. Taylor,
J. T. Miller,
Kerr,
Euneti,
R. Jones,
Chambers,
Ragan,
Cardwell,
Boyd,
Herring,
Rand,
Massey,
Mangum,
Eaton,
Hawkins,
Brogden,
E. Barnes—36.

FOR MR. GORMAN,

MESSRS.
Thompson,
Whitehurst,
Gee,
Jacobs,
Wilson—5:

FOR MR. BRIGGS,

MESSRS.
Foreman,
Joiner—2.
No one having received a majority of the whole number of votes, the House, on motion, proceeded to vote as follows:

FOR MR. FINCH,


FOR MR. WOODALL,

Patterson,  Ennett,  Hawkins,  
Howerton,  Wilson,  E. Barnes—30.

FOR MR. HYATT,

Messrs.  
Mendenhall,  Doak,  Brannock—3.

FOR MR. DAVIDSON,

Messrs.  
Patton,  Keener—2.

FOR MR. BRIGGS,

Messrs.  

FOR MR. WILLIAMS,

Messrs.  
Speaker,  Holt,  C. Jones, Jr.—4.
King,

Samuel J. Finch having received a majority of the whole number of votes, was declared duly elected Door Keeper.

The House, on motion, proceeded to the appointment of assistant door-keeper, and the following persons being put in nomination, viz:

Anderson, Gorman, Woodall and Kennedy, the House voted as follows:

FOR MR. ANDERSON,

Messrs.  
Winston,  Russel,  Mr. Speaker,
McCollum,  J. W. Taylor,  King,
J. O'K. Williams,  Doak,  Holt,
Allen,  Brannock,  C. Jones,
Thompson,  Gee,  Proctor,
J. R. Gilliam,  Keener,  R. Jones,
Hill,  Smith,  Chambers,
Patton,  Farrow,  Foreman,
Morris,  J. P. Caldwell,  Jefferson,

FOR MR. GORMAN,


FOR MR. KENNEDY,


FOR MR. WOODALL,

Mr. Bannerman.

Thomas Anderson having received a majority of the whole number of votes, was declared duly elected assistant door-keeper.
Whereupon the House adjourned until to-morrow morning, ten o'clock.

Tuesday, Nov. 17, 1840.

Benjamin A. Pope, one of the members from the county of Halifax; R. T. Paine, of Chowan; Abner H. Grandy, of Camden, appeared, exhibited their credentials, and were qualified according to law.

Received from the Senate a message, informing of the organization of that House, by the appointment of Andrew Joyner, Speaker; Thos. G. Stone, Principal Clerk, and Henry W. Miller, Clerk Assistant; Jehu Crews and Green Hill, Door Keepers; and of their readiness to proceed to public business.

On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, informing them of the organization of this House, and proposing that a Joint Select Committee of two on the part of each House be raised, to wait upon His Excellency the Governor, and inform him of the organization of the two branches of the Legislature, and of their readiness to receive any communication which he may see fit to make.

Mr. Adams 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. Adams, Hoke, Hill, Barringer and R. B. Gilliam were appointed said committee.

A message from the Senate, agreeing to the proposition of this House to raise a Joint Select Committee of two on the part of each House, to wait upon His Excellency the Governor, and informing that Messrs. Morehead and Orr form the committee on the part of the Senate.

Ordered, That Messrs. Wilson and J. T. Miller form said committee on the part of this House.

On motion of Mr. Hill,

Ordered, That a message be sent to the Senate, proposing that the two Houses go into an election for three En-

A message was received from the Senate, agreeing to the proposition, and informing that the names of T. L. Jump, W. J. Allison, H. W. Burgwyn are added to the nomination; and that Messrs. Clingman and McDiarmid are appointed to superintend the election on the part of the Senate.

Ordered, That Messrs. Spruill and W. J. T. Miller superintend the election on the part of the Commons.

The House then voted as follows:

FOR MR. ROSE,

Messrs.
Speaker, Carson, Ennett,
Beall, Chambers, Morris,
Brannock, Clegg, Murchison,
Brogden, Jacobs, McCleese,
Brower, Joiner, McClennehan,
Farrow, H. C. Jones, McCallum,
Franklin, C. Jones, McMillan,
Gee, R. Jones, Patton,
D. A. Graham, Keener, Poindexter,
Grandy, King, Robards,
Gray, Lilly, J. W. Taylor,
Guyther, Mendenhall, F. Williams,
Hawkins, W. J. T. Miller, Wilson,
Hill, J. M. Covington, Withers—50.
Holt, Davis,
Brunnell, Dickson,
Bryan, Doak,

FOR MR. RUSS,

Messrs.
Davis, R. B. Gilliam, Massey,
Eaton, Howerton, Patterson,
Ennett, Mangum, Rand,
Robards, Russell, Whitehurst—12.

FOR MR. HEARN,

Messrs.
Barringer, Monday,

Pemberton,
FOR MR. VALENTINE,

Messrs.
Biggs,
J. R. Gilliam,
Jacobs,
J. B. Jones,

FOR MR. JUMP,

Mr. Gee—1.

FOR MR. DRAKE,

Messrs.
Speaker,
Baker,
Bannerman,
J. Barnes,
E. Barnes,
Beall,
Boyd,
Brannock,
Brogden,
Brower,
Brumwell,
Bryan,
Gray,
Guyther,
Hawkins,
Herring,
Hill,
Holt,
Huggins,
Jefferson,
H. C. Jones,

FOR MR. MILLER,

Messrs.
Bannerman,

J. W. Covington, Morrow, Reid,
Holland, Murchison, J. Walker,
Lane, McLaurin, Winston,
Lilly, Neal, Withers—16.
Mendenhall,

FOR MR. VALENTINE,

Messrs.
C. Jones, Spruill,
Payne, Thompson,
Pope, Wilson—11.
Smith,

FOR MR. JUMP,

Mr. Gee—1.

FOR MR. DRAKE,

Messrs.
J. B. Jones, Foreman,
R. Jones, Graves
Kerr, Lane,
McCullom, Mangum,
McLaughlin, Massey,
McLaurin, Mendenhall,
McMillan, W. J. T. Miller,
Neal, Mills,
Patterson, Morris,
Pemberton, Marchison,
Powell, McClenehan,
Ragan, Siler,
Rand, F. Taylor,
Russell, Tomlinson,
Burns, L. Walker,
Cardwell, Whitehurst,
Chambers, Winston,
Clegg, Withers,
J. W. Covington, Young,
J. M. Covington, Patton,
Doak, Ziglar—62.

FOR MR. MILLER,

Messrs.
Bannerman,

G. W. Caldwell, Herring,

FOR MR. HOWZE,

Messrs.


FOR MR. STANLY,

Messrs.


FOR MR. BURGWYN,

Messrs.

Baker, J. Barnes, Hoke, Holt, Pope, Proctor,
Mr. Spruill, from the committee appointed to super-
intend this election, reported that Gould Hoyt had re-
ceived a majority of the whole number of votes, and was
duly elected, that no other person in nomination had received such majority.

The report was concurred in.

Mr. Wilson on behalf of the committee appointed to inform His Excellency the Governor of the organization of the two Houses, &c. &c.; reported that he was instructed to announce to the House that His Excellency Governor Dudley would, at 12 o'clock to-morrow, send in a communication in writing.

The Speaker laid before the House, two communications addressed to the General Assembly, by Hon. Bedford Brown and the Hon. Robert Strange, containing the resignation of their seats in the Senate of the United States.

On motion of Mr. Hill, these resignations were read and accepted, and ordered to be sent to the Senate.

On motion of Mr. Cardwell,

Ordered, That a message be sent to the Senate, proposing to vote again immediately for two engrossing clerks, and informing that the names of Messrs. Russ and Valentine are withdrawn from the nomination.

Received from the Senate a message, concurring in this proposition, informing that the name of Thos. L. Jump is withdrawn from the nomination, and that Messrs. Spruill and Melvin, form their branch to superintend the election.

Ordered, That Messrs. Patton and Cardwell form said committee on the part of the House of Commons.

The House then voted as follows:

FOR MR. DRAKE,

Messrs.

The Speaker, Graves, W. J. T. Miller,
Baker, Guthrie, McClennelian,
J. Barnes, Holland, McCollum,
E. Barnes, Howerton, McLaurin,
Beall, Jacobs, Neal,
Boyd, Jefferson, Patterson,
Brogden, Joiner, Rand,
Brower, J. B. Jones, Siler,
Cardwell, R. Jones, F. Taylor;

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Chambers, Clegg, J. W. Covington, Dickson,
Lane, Mangum, Massey, Mendenhall,
FOR MR. MILLER,
MESSRS.
FOR MR. ROSE,
MESSRS.
Speaker, Brannock, Brummmel, Bryan, Carson, Clegg, J. M. Covington, Davis, Dickson, Doak, Franklin, Gee,
Guyther, Hawkins, Hill, Holt, Huggins, Jacobs, H. C. Jones, R. Jones, Keener, King, Mendenhall, Mills,
McLaughlin, McMillan, Patton, Pemberton, Poindexter, Robards, Smith, Spruill, J. W. Taylor, Whitehurst, J. O'K. Williams, F. Williams,
J. R. Gilliam, Morris, Wilson,
D. A. Graham, Murchison, Withers,
Grandy, McCol'um, Young,
Gray,

FOR MR. ALLISON,

Messrs.
Adams, Joiner, J. W. Taylor,
Allen, McCleese, Thompson,
Brannock, Pope, Whitehurst,
Farrow, Spruill, J. O'K. Williams,
Foreman,

FOR MR. STANLY,

Messrs.
Allen, Huggins, McCleese,
Boyden, Hyman, Reid,
Farrow, E. P. Miller, Wadsworth,
Guyther,

FOR MR. HOWZE,

Messrs.
Adams, Hawkins, Paine,
Baker, Herring, Patterson,
Bannerman, Hoke, Powell,
E. Barnes, Howerton, Ragan,
G. W. Caldwell, Hyman, Rand,
Chambers, Kerr, Reid,
Davis, Mangum, Robards,
Eaton, J. T. Miller, Russell,
Enneti, Munroe, Wadsworth,
Gee, McClennehan, J. Walker,
R. B. Gilliam, Neal,

FOR MR. BURGWYN,

Messrs.
J. Barnes, C. Jones, Proctor,
Biggs, King, F. Taylor,
Holt, Pope, Wilson,
J. B. Jones,
FOR MR. HEARN,

MESSRS.
Barringer, Doak, McLaurin,
Brower, Lane, Paine,
Burns, Lilly, Pemberton,
J. P. Caldwell, Monday, Winston,
J. W. Covington, Morrow, Ziglar.
J. M. Covington,

Mr. Cardwell, from the committee appointed to superintend this election, reported that Adolphus Miller had received a majority of the whole number of votes and was duly elected; and that no other person had received such majority. The report was concurred in; and the House then adjourned until to-morrow morning ten o'clock.

WEDNESDAY, Nov. 18, 1840.

Hampton Sullivan, of Duplin, and John Killian, of Lincoln, appeared, exhibited their credentials, and were qualified according to law.

On motion of Mr. Reid,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for one engrossing clerk.

On motion of Mr. H. C. Jones,

Resolved, That a message be sent to the Senate, proposing the appointment of a joint select committee of 3 from each House, to examine the apartments of the Capitol, and assign to the State officers and the committees of the General Assembly their several rooms; and that they ascertain whether any other order in relation to the Capitol be necessary, and that they report by bill or otherwise.

Mr. Reid presented pension certificates from the County Court of Cumberland, in favor of Isabella Campbell, allowing her the sum of forty dollars a year for 1839 and 1840; and in favor of Martha Spears of said County, for the sum of fifty dollars a year, for 1839 and 1840.

Mr. McLaughlin also presented certificates from the
County Court of Iredell, in favor of Mary Marshall, for 48 dollars, for the year 1840; and in favor of Ann Patterson of said County, for 32 dollars and 50 cents, for the year 1840.

These certificates were, on motion, ordered to be countersigned by the Speaker of this House, and sent to the Senate.

A message from the Senate, concurring in the proposition of this House to vote immediately for one engrossing clerk, informing that the name of Mr. Burgwyn is withdrawn from the nomination, and that Messrs. Mitchell and Whitfield compose the committee on their part to superintend the election.

Ordered, That the Senate be informed that the name of Mr. Stanly is withdrawn from the nomination; and that Messrs. McCleese and Holland form the committee to superintend said election on the part of the Commons.

The vote of the House was as follows:

FOR MR. ROSE,

MESSRS.

Speaker, Hill, McMillan,
Boyden, Holt, Patton,
Braunock, Jacobs, Poindexter,
Bryan, Jefferson, Proctor,
Burns, H. C. Jones, Siler,
J. P. Caldwell, C. Jones, Smith,
Carson, Keener, Spruill,
J. W. Covington, King, J. W. Taylor,
J. M. Covington, Mills, Wadsworth,
Doak, Morris, F. Williams,
Franklin, Murchison, Withers,
Gee, McCollum, Young,
D. A. Graham, McLaughlin, Ziglar,
Gray,

FOR MR. DRAKE,

MESSRS.

Baker, Chambers, Mangum,
Bannerman, Clegg, Massey,
J. Barnes, Eaton, Mendenhall,
E. Barnes, Ennett, W. J. T. Miller,
Beall,                   Graves,  Monday,
Biggs,                  Guthrie,  Morrow,
Boyd,                   Guyther,  Rand,
Brodgen,                Holland,  F. Taylor,
Brower,                 Huggins,  Tomlinson,
Brummell,               J. B. Jones,  L. Walker,
G. W. Caldwell,         R. Jones,  J. Walker,
Cardwell,               Lane,  Winston.

FOR MR. HOWZE,

Messrs.

Davis,                           Killian,  Powell,
Dickson,                         E. P. Miller,  Ragan,
R. B. Gilliam,                   J. T. Miller,  Reid,
Hawkins,                        Munroe,  Robards,
Herring,                        McClennehan,  Russell,
Hoke,                           Paine,  Sullivan.
Kerr,

FOR MR. ELLISON,

Messrs.

Adams,                           J. R. Gilliam,  Thompson,
Allen,                            Hyman,  Whitehurst,
Farrow,                           Joiner,  J. O'K. Williams.
Foreman,                         McCleese,

FOR MR. HEARN,

Messrs.

Barringer,                      Lilly,  Pemberton.
Grandy,                         McLaurin,

Received from the Senate a message, proposing that a joint select committee of five on the part of each House he raised, to prepare and report Joint rules for the regulation of the intercourse between the two Houses.

The proposition was agreed to, and Messrs. Adams, Hoke, Hill, Barringer, R. B. Gilliam, appointed said committee on behalf of the Commons.

A message from the Senate, transmitting a communication from the Secretary of State, relating to the public printing. The communication was read, and, on motion
of Mr. H. C. Jones, referred to a select committee of five, consisting of Messrs. H. C. Jones, Mills, Rand, McCleese, Hawkins.

The Speaker laid before the House the report of Chas. L. Hinton, Public Treasurer, on the State of the Public Funds.

Ordered, on motion of Mr. Lilly, that it be sent to the Senate, with a proposition to print.

Mr. McCleese, from the committee appointed to superintend the election of one engrossing clerk, reported that no one had received a majority of the whole number of votes. The report was concurred in.

Received from his Excellency the Governor, E. B. Dudley, by his Private Secretary, Mr. C. C. Battle, the following communication: which was read, and, on motion of Mr. Hill, ordered to be transmitted to the Senate, together with the accompanying documents.

Mr. Hill also moved that ten copies of the Governor's Message be printed for each member. The question on printing ten copies was decided in the negative—ayes 52, noes 58. The ayes and noes called for by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.

Mr. Boyden moved that the proposition to the Senate be, to print five copies of the Message for each member; and this motion prevailed.

GOVERNOR’S MESSAGE.

To the Honorable the
General Assembly of North Carolina:

GENTLEMEN:—The declarations of the people against the administrations of the Federal and most of the State Governments—the deep sensation and embittered feelings of the contending parties as to the cause, must necessarily, greatly deepen the interest which usually attends the meeting, and increase the responsibility of your honorable body.

But, while we have, in the confident hope that it will restore the country to its former happy and prosperous condition, abundant cause to rejoice over this peaceful revolution; yet we should remember that our fellow citizens of the administration party, with the exception, perhaps, of the officers and aspirants, although mistaken, as we believe, in their views, can have but one common interest with ourselves,
and are rather entitled to our sympathy and conciliation than to our hatred and persecution.

Their fortunes have failed in their own hands, and under their own management; and it becomes us, as those on whom the responsibility has devolved, calmly, to survey the position we occupy, and prepare ourselves with energy and dignity to meet the crises.

As it is the part of wisdom to profit by experience, it is necessary and proper to refer to the causes of the revolution, and particularly where connected with our peculiar interest, the better to enable us to avoid the evil and embrace the good.

The bank of the United States, which grew out of the necessities of the country, at two periods of great distress, (and which would seem almost to give sacredness to its existence,) and which answered every purpose promised by its most sanguine friends, or anticipated by the public, was doomed to executive hostility, because it would not yield political obedience. It was re-chartered by Congress, but vetoed by the President. The public money was then removed from its lawful place of deposite, in the bank of the United States, to the local banks, by the President, under the plea that it was unsafe. This ground, taken by the President, was disapproved by a report from a committee of Congress.

The Senate of the United States became alarmed at these indications of violence and usurpation, and declared the removal of the deposits unconstitutional. The President appealed to the people, against both the bank and the Senate—declaring the bank dangerous to the liberties of the country—a monster of foreign materials; and that a better currency could be given by the local banks, without the danger; and that the Senate had done him gross injustice. The appeal was sustained. Nothing was recollected but his splendid and successful military career. Several of the State Legislatures were filled by his partizans, who supported his opposition to the bank, and instructed their Senators to expunge the resolution declaring his act unconstitutional for removing the deposits, or to resign their seats to more unscrupulous hands; and it was done. Some yielded to the servile act, in defacing the journals of the Senate; and others, through a cherished though mistaken abstraction, abandoned their posts; which has impaired, and, if continued, will destroy the most stable and valuable part of our Constitution, and in all probability, the government itself.

The House of Representatives could not but feel the in-
fluence of the will of the people concentrated in the Executive. His power was tremendous enough to intoxicate the brain of a less philosophical chief.

The fate of the bank was decided. The depositories were retained in the local banks, and recommended to be loaned out. Banks increased rapidly, and discounted freely. The disbursements of the government increased some fifty per cent., or about twelve millions of dollars annually. Property and labor of all kinds rose in price. Public works were commenced, and some completed, of vast magnitude; and general prosperity reigned, not only in this country, but in Europe. Up to 1834, under the operations of the "bill of abominations," the payment of the public debt, mostly due to Europeans, filled that country with money seeking investments; a great deal of which was taken by our States, Banks, Rail Roads, Canals and Manufacturing Companies, and returned to this country at a rate of interest higher than had been given by the government. Whether designed or not, this command and disbursement of large amounts of money, completely, at the time covered the consequences of the destruction of the Bank of the United States, and gave to the country a hollow and factitious prosperity.

Notwithstanding the great increase of expenditures, some forty millions of surplus had accumulated in the vaults of the local banks. Upon a previous occasion, the President had advised a distribution; and after a fierce struggle in Congress, an act was passed directing it to be deposited with the States; and, although his views had subsequently undergone a change, he reluctantly approved the measure.

Foreign capitalists, used to wars and convulsions, watched the operations of our government with a vision true to their interests; and, taking alarm at the attack of the President on foreign capital, his revolutionary spirit, and daring usurpations, withdrew their funds, in time, to a place of safety. The banks commenced curtailing, to meet the provisions of the distribution act. But it was soon discovered that it could not, with other demands be met; and a suspension of specie payments ensued throughout the land. A tremendous and frightful revolution, in every branch of business, took place; and credit and confidence were shaken to the centre. Money became more scarce in both hemispheres; it seemed, indeed, to have vanished. Interest rose, and with difficulty negotiations could be effected on any terms. Instead of coolly investigating the causes, and applying such relief as his elevated and powerful position
might command, to save thousands from ruin and distress, the President denounced the local Banks as worthless and faithless—pursued them with an inveterate rancour—and turned upon them the full tide of public indignation—made them the stalking horse of the demagogue—robbed them of the people's confidence, and paralyzed all their useful energies. But, by his own act, the deposite of the public monies, the Banks had been stimulated to wild expansion; they were, for the most part, controlled by his own political friends, and were the creatures of his devoted States.

In the Treasury Circular, the President added another link to the already lengthened chain of Executive usurpations. This Circular required specie only to be received at the land offices, which checked sales, and by further alarming the capitalitalists, added another blow to the already sinking credit of the banks. Congress ventured on a vote of disapprobation, by a large majority in both houses, repealing the order. But the President placed it in his pocket, and thus defeated it.

The President's popularity was yet so powerful as to contribute very largely to the election of his successor, the present incumbent, whose other claims on the confidence and affection of the American people, were certainly questionable. He promised, however, to tread in the footsteps of his illustrious predecessor, and declared that it was glory enough to have served under such a chief; and the people were satisfied.

The present incumbent came into power at a period most unfortunate for himself and for the country. A re-action, as we have shown, had commenced—in a bloated and boasted prosperity; and he had pledged himself to the course best calculated to urge it on. He had, in his zeal to support the views of his predecessor, denounced a bank of the United States as unconstitutional, and cut off all relief from that quarter. The local banks had been denounced as unworthy of public confidence; and he sunk them yet lower by concurring in their condemnation. The affairs of the country had become desperate—money scarce, and bank notes depreciated—the prices of property and labor tumbling down—improvements suspended—and bankruptcies numerous. Indeed, so gloomy were the affairs of the country, that the President convened an extra session of Congress, to devise means of relief; to whom he gravely recommended the withdrawal of the public monies from their former places of deposite, and to lock them up in safes and vaults, as the remedy.
As a part of his argument for a Sub-Treasury, he decried institutions which had been used, from the establishment of the government, as depositaries; and which, in times of emergency, responded patriotically to the calls of the government; and which had aided the great interests of this country to enter honorably the list of competition, in all necessary and valuable works of improvement, with those of the old world. At the first moment of difficulty, they are condemned as unworthy of public confidence, and even dangerous to liberty. Again, in December, 1837–38, this Sub-Treasury is pressed on the consideration of Congress, as the grand panacea of all our woes.

Congress was composed of a majority of his friends, and it is quite inmaterial whether they considered his project incompetent for the crisis, defective in principle, or nerveless in expediency—it was rejected.

The President now seemed to take the matter seriously to heart. The only measure he had concocted, by the aid of the Secretary of the Treasury, must not be treated so lightly. His forces are marshalled anew—the unfaithful discharged, and more supple tools put in their places. They open their battery on the dead Bank. The dying and living Banks they represent then as the hydra-headed monster, against which the former President had to exert his Herculean strength to keep in check. Corporations of all kinds were declared dangerous to liberty, to the poor, and to democracy. Congress convenes, and the President draws a strong and vivid picture of the distresses of the country, and again recommends the locking up of the public money in safes and vaults, as the means of relief. This doubtless was pro forma, as he had no money in the Treasury to be locked up. The fact that he has had to issue, from time to time, Treasury notes, shews how preposterous it is to expect relief at present, at least, from a scheme on which the government is destitute of the materials to operate.

To make this Sub-Treasury scheme a law, the State of New Jersey has been disfranchised—her legal and official attestations trampled under foot—her sovereignty violated—her rights disregarded and insulted, by the friends of the present administration in the House of Representatives, by refusing seats in their body to persons regularly commissioned under her authority, and clothed with all the attributes of her sovereignty. By this act, every State in the Union has received a blow which should not be disregarded. By the request of the Governor of New Jersey, I herewith submit
the resolutions of her Assembly on this subject, marked A.

While the rights of New Jersey were being desecrated in
the House of Representatives, the Senate was engaged in
passing a resolution gratuitously refusing to assume the debts
of the States, alike insulting to their feelings and injurious to
their character. If, under circumstances of peculiar hard-
ship and distress, a State were to petition Congress to assume
her debts, and Congress was to do so, it would not differ in
principle from assistance granted to an ally in distress by
war, or to the relief afforded Carracas suffering from the ef-
facts of an earthquake, or to New York, when almost devas-
tated by fire. At all events, a State would be entitled to re-
spectful attention and friendly consideration; but to refuse
without being asked, is marked with the grossest impropriety
and injustice. The Senate knew that many of the States
were engaged in improvements of great importance, and de-
pended on negotiating loans in Europe to complete them, and
requiring unimpaired credit for advantageous success; which
was necessarily injured by that action of the Senate, and the
works most probably defeated.

It is true that North Carolina has no public debt; but it is
not the less injurious and insulting to her character, to be told
by her servants, (who are presumed to know,) in the Senate
chamber, that she is unworthy of credit; and such a declara-
tion by the Senate, when seen in distant parts of the world,
where negotiations for money are sought, must be injurious
to her credit—and probably would have defeated her object,
if she had attempted to procure the loan contemplated by the
act of your last session.

Now, gentlemen, I have shewn you the destruction of the
National Bank, in total disregard of the wish of Congress
and the mercantile and commercial parts of the nation; the
violation of law and contract, in the removal of the public
Treasure from the place where the representatives of the
country directed, under a false allegation; the issuing a Spe-
cie Circular, at the Executive will, and the continuing its
operation after Congress had condemned it; placing the pub-
lic money in favorite local Banks, and urging them to use it
in expanding discounts—and, because they could not return
it when called for, denouncing and persecuting them; the
outrage upon the sovereignty of New Jersey; the gross and
gratuitous insult on the character and credit of all the States;
were enough, surely, without referring to the operations of
trade, or the abuse of the Banking privilege, to alarm capi-
talists as to the stability and integrity of our institutions—to
banish money and destroy credit—in fine, to produce the terrible pecuniary revulsion which has shaken our country to its centre, bringing ruin and distress on thousands. And the Sub Treasury remedy, gentlemen, for diseases like these! Surely the Sangrado theory never has been so graphically illustrated. The weakness and inadequacy of the proposed remedy is, indeed, like sporting with our wrongs and sufferings.

What good can result from the withdrawal of all governmental connection—all its fiscal operations from the banks, and leaving the States to regulate the currency among themselves as they best may? It is like separating the head from the body, and expecting their joint functions to be continued. The President says that the Banks form a chain of dependence from one end of our country to the other, and that it “reaches across the ocean and ends in London, the centre of the credit system;” and with this chain of dependence of mighty magnitude he will have nothing to do, but leave us to the tender mercies of the English to regulate our currency and credit, perfectly indifferent to our fate, so that the government and its officers get their ducats in gold and silver.

The President certainly looks to a total destruction of all Banks when he says, “It is moreover a principle, than which none is better settled by experience, that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed.” Like the fabled appearance of men in Rhoderick Dhu, it is only necessary to will, and we shall have a plenty of specie, which seems to be so dear to his feelings.

He overlooks, or forgets entirely, the sacrifices to which we must submit to obtain it in competition with those countries, where it is now held. It will be first necessary to make the balance of trade preponderate in our favor in order to effect this, (the aid of Bank credit and our hitherto liberal and enlightened policy having been dispensed with.) We must submit to the European and Asiatic prices of labor, their rigid economy, their grinding slavish habits of toil, before we can successfully compete with them in trade, agriculture and manufactures, or produce a balance in our favor to be discharged in coin. To expect a permanance of the precious metals from a forced and unnatural importation, would be about as rational as to attempt a suspension of the laws of gravitation.

The President says, “in a country so commercial as ours,
banks in some form will probably always exist;” and thinks the Sub Treasury will deprive them of the character of monoplies, and be a salutary regulator, and keep them in check. In this expectation of the continuance of Banks he may be sincere; but the recent destruction of these institutions in the District of Columbia, shows very conclusively the wish and intention of his party. The collection of gold and silver in the dues of the United States may have some influence on the banks in the large cities, where large disbursements are made; and where the balance of trade concentrates, they will no doubt be least injured and enabled to exist; and on New York he must have had his attention fixed, when he made this assertion as to the probable existence of Banks; but to remote places, agricultural and interior States, what other than a deleterious influence can it have, whence the specie must be drained constantly in payment of the dues to the United States, without any probability of an invigorating reflux.

It is due to the State, and necessary to a restoration of our happy, prosperous, and honorable condition, as far as in our power, to mark with unqualified reprobation, this infringement on the rights and credit of the States—this war on the institutions and capital of the country. For when the accumulation of wealth is the result of industry, economy and skill, it is certainly honorable to the owner; and whether it consists in land, chattels or stock, is unquestionably entitled to the stern protection of the law; and the person, matters not what his standing or position in society, who indulges in the practice of misrepresenting and detracting from the value of either, deserves its severest lash. Let us put the seal of reprobation on the unfaithful officer who violates the constitution in letter or spirit. Let us inform the President that we consider the purposes of government to mean something more important; as the regulator of “trade and commerce with the States,” than merely picking out the gold and silver from the currency, in the discharge of the public dues, to pay out to the officers. That the currency of the country, no matter of what it consists, must be the medium of exchange, and is as essential to “trade and commerce with the States,” as the circulation of the blood is to the animal existence, and as necessary to a healthy state to be regulated by a central power, as the other is to flow from the heart. Gold and silver are tests of the value of the currency, be it what it may; and if so applied, are valuable; but their intrinsic value is of small consideration, compared to the advantages of bank
notes, checks and bills of exchange, as a medium of exchange: What power should apply this regulator? Certainly the United States, for none other can.

The object to be attained, is a uniform currency throughout the Union, based on specie and on the credit of the States, or of the United States. How can this be accomplished? is the rightful enquiry. I have no fear in the answer, that it can only be effected by an arrangement entered into by law, between the State and Federal Governments, for improving and using the local banks, or by the establishment of a Bank of the United States, with sufficient capital assigned to each State to supply the amount of notes for all useful and necessary purposes. One kind of bank notes, with a specie basis and ample guarantees, can alone meet the object, and accomplish the purpose desired. Where, as at present, a large variety of bank notes, issued from eight or nine hundred banks, are thrown into circulation, experience has proved that they cannot stand on equal footing—actual and fictitious circumstances will produce degrees of value totally destroying their worth as a national circulating medium.

I would prefer an arrangement by which the local banks would be remodelled to the establishment of a Bank of the United States, because the renewal of their charters could be made to happen successively, without producing the political convulsion which has twice attended the renewal of the charter of the National Bank; because, too, some of the present institutions could be adopted, and the redundant merged into them, or allowed to expire at the end of their charters.

A bank of the United States, of sufficient capital to supercede all the local banks, might be made an engine of oppression, and dangerous to our political institutions, which the local banks could not. The superceding the local banks by a national bank, must unquestionably produce a revolution in the monetary affairs of the country to an immense extent and unforeseen consequences.

Capitalists in all countries, and more particular in ours, are the pioneers of their own fortunes, and look with an eye single to their interests on the selection of the managers of institutions in which they invest their funds. Nor are they usually combined with the politician, for their notions are antagonistical. The study and success of the one destroys that of the other. Stockholders are the managers of the local Banks. The funds of these banks, divided over as
great an extent of country as ours, and under management of their own officers, presented an insuperable difficulty to the formation of political cabals or any other, for the injury of the great interest of the country, with whose welfare they are so intimately connected and identified. A national bank might fall into the hands of a clique, who, conscious of their power, might be tempted to interfere in federal policy to the great injury of its pecuniary affairs, and inflict a stab on the liberties of the country.

The banks in the North are much more numerous than in any other section, being established in most parts where money could be usefully employed, and in such sums as were demanded by the capacities of the country; and they have been ably and successfully managed; pushing and developing the natural capacities of the country to a great state of perfection, stand high in their own sections where best known; yet we seldom ever see one of their notes in circulation in our State, and a greater part of them never pass out of their immediate neighborhoods. The banks of the Southern and Western States, have partaken more of, and, no doubt, have been influenced by the character of the country. Many have been established on false principles and been badly managed, and the result could not be otherwise than disastrous to the stockholders, who had actual capital invested; but that appears not to have been the case to any very great extent. I have no doubt that those which have capital, and will take warning from experience, will yet do a valuable business.

The recuperative powers of these sections of the country are immense, and afford great room for the employment of capital. Even under their recent management, I do not know that we have more cause to lament than to rejoice, except as to the injury our national character and credit have sustained; as it has resulted in many great and solid improvements, equal, and perhaps superior, to anything of which we can boast.

That banks are susceptible of improvement both in form and management cannot be doubted now, when such vast and astonishing improvements have taken place in Agriculture, Manufactures, sail and steam Ships, Rail Roads and other inventions.

The operations of the Federal Government continuing to affect Banks, ours as well as many others, were a second time compelled to suspend specie payments, or
force the collection of their debts to the injury and ruin of many of their dealers. The wisdom of their choice I am not disposed to question. Most persons seemed to acquiesce in its correctness. The few who did not, complained to cover their demands for the double interest, the penalty imposed on our banks for refusing specie when demanded.

For political effect, they have been subjected to the constant fulmination of spleen and vituperation by certain partizan presses and orators, who hope to bolster up their falling fortunes by exciting popular prejudice, and diverting attention from their own misdeeds in the popular clamor. And the usefulness of these institutions have no doubt been considerably curtailed by these attacks.—Surely they calculated greatly on the ignorance of the people, when they expected to acquire either reputation or strength by such a course. Of what I ask, consists the banks of this State? The State has put into the stock about one million fifty thousand dollars, and individuals, about two millions two hundred thousand dollars. This constitutes the banking capital of North Carolina, and for every dollar actually paid in, two may be issued when prudent to do so, by the banks in their notes. At this time their issues amount to about one half of their capitals. The interest they receive on loans is limited to six per cent. per annum. Should they refuse to pay specie when demanded, the holder of their notes is entitled to twelve per cent. interest. Every six months they are required to pay to the stockholders whatever profit may have been made; and if the individual stockholders derive any unusual advantages, it should be recollected that the State—*the people*, participate in about one third of the profit—that being the proportion of her stock—and also a tax on the individual stock.

This is pretty much the sum and substance of these much abused institutions, which, like every thing else under the management of human heads and hand, are capable of doing good or evil, according to the influences which are made to operate on them. In a country like ours, of moral honesty, the keen eye of interest will, in all probability, insure their able and correct management in the selection of Directors of good character, skill and integrity. There are persons whose opinions are entitled to the highest respect, who contend that we have a sufficiency of bank capital. This I consider
clearly erroneous. The present stockholders might fear further competition in the money market, if all the natural capacities of the State had been improved, or if improvements were worthess. But the reverse is the fact, and an immense amount is required for that purpose, independent of the deficiency for trade and commerce.—Our most convenient lands are cleared, worked, exhausted and deserted; our dwellings are mostly of a poor and temporary kind; our our water power only occasionally occupied by small manufacturing establishments; our boundless mines and ores almost entirely neglected; and why are these things so? Because we have not in our State those facilities which banking capital abundantly affords elsewhere.

We need more, not only to develope the vast resources of our State, but to keep off the notes of other States, and supply our entire circulation. I have been well situated to learn these facts. Many applications have been made to this office to borrow the funds of the Literary and Internal Improvement Boards. Those who contend that we have capital enough, I am persuaded, must have confounded capital with Bank issues, and were induced to say so because the Banks had suspended specie payments. I have ever understood that the more capital, either Bank or individual, a country possessed—the stronger and richer it was considered. If our Banks had more capital, I am satisfied they could the sooner resume specie payments and discounts. Can there be a question of a large floating debt in the country, subjected to the shaving process? In the place of paying six per cent. per annum at the Banks, many deb'ts are made at 10, 15 and 25 per cent. between individual debtors and creditors. To obviate such an usurious shaving process, more banking capital would be valuable to the State. Our merchants, unable to obtain discounts at home, to make their purchases in New York with cash, are compelled to submit to credit; and if not paid when due, have to pay seven per cent., making a loss to the State in the regulation of the balance of trade of one per cent.

A difficulty is apprehended in obtaining subscribers, which may be so. Capitalists have had such good reason to be alarmed for the safety of their funds, by the constant senseless attacks on these institutions, and the instability of our laws, that they will part with the management of their money, doubtless, with some apprehension
and reluctance. But I hope those acts of usurpation, violence and detraction, have passed never to return; and that confidence and liberality will again take their places, and that offering fair inducements, capital will be drawn to the State, and from its hiding places, again to afford the poor, but honest and enterprising man, the means to benefit himself and his country. Whatever might be the result to the owner of capital, whether in the hands of individuals or stored away in Banks, its presence could not possibly do the country any injury.

The four years I have been in office, the Banks, in dividends and taxes, have yielded to the State the sum of two hundred and fifty-three thousand two hundred and one dollars 87 cents; which has been paid into the Public Treasury, the most conclusive proof of their value to the State, and during which period the receipts from all other sources of taxation in the State, amounts to three hundred and four thousand three hundred and sixty-eight dollars sixty-nine cents; showing the advantages of a small active capital over heavy landed and personal property. That the stock in the present bank is good, requires no better demonstration than that it continues at or above par, while all other property has been greatly reduced. Borrowers generally, so far as I have been enabled to discover, prefer an accommodation from Banks to any other source; and note holders find abundant indemnity in the penalty of 12 per cent. if specie is refused. I can then discover no sensible reason to doubt their utility, or to circumscribe their operations.

This State participated less in speculations of the day than any other in the Union. We felt for a while the influence of the general prosperity of the country, from the institutions and means of other States, more than from our own. Bank capital has increased but little for many years; and except what funds were devoted to the construction of Rail Roads from the surplus, a small amount on loans and the credit of the State, the active capital has decreased by investments in the stocks of rail roads and manufacturing companies; but surely furnishing a basis abundantly justifying its restoration and increase commensurately with our wants. And until some general arrangement can be made to put the State Banks of the country on higher ground, and capable of more solid and useful purposes, or the establishment of a National Bank, I would respectfully recommend the increase of the capital of the Banks of the State and Cape Fear, one million of dollars
each; and that the State hand over to them equally, as her subscription of stock, all the Cherokee bonds, and the bonds and notes belonging to the Boards of the Literary Fund of North Carolina, and Internal Improvements, convertible as collected, with such other funds as can be spared from other purposes; provided the Banks will loan to the Wilmington and Raleigh, and Raleigh and Gaston Rail Road Companies, $300,000 to $400,000, on the bonds of said companies, guaranteed by the State, on the property of which companies the State being already secured by mortgage, at a rate of interest not exceeding six per cent. per annum, for the period of ten years, unless these companies are enabled sooner to pay the same.

The higher the grounds upon which the State can place these Banks, by protection and strict supervision, the more she will inspire public confidence, fill the subscription, and enable them the sooner to resume specie payments and extend their usefulness. For the recommendation of increasing the capital of our Banks, and requiring their aid to the Rail Roads, I would endeavor briefly to assign you my reasons.

And although I have the pleasure of congratulating you on the completion of two Rail Roads in our State, which, for cheapness, length and rapidity of construction, are comparable to any in the world; yet it is attended with the regret of having to inform you that their cost and extra expenses have exceeded their means. In short they are in debt, and turn to you for assistance; for there is no other source whence they can and should so rightfully seek it. No doubt they do so with reluctance; yet this but proves the urgency of their necessities.

Whatever reports may be made now by their officers, of the prospects of profits to the stockholders, the advantages to the State, to the farmer, the land holder near them, to the mechanics and laborers, and their great utility for the diffusion of knowledge, and for the concentration of troops in cases of emergency, cannot now be questioned. Their destinies seem now more or less identified with the character and prosperity of the State. Many patriotic persons have nobly put their shoulders to the wheels, invested their money in the stocks of these works, and will for some time receive less compensation than they might have done by other investments. If a few months operation of a Rail Road had given evidence of great profit and the Road needed immediate assistance, would it be the
policy of the State to withhold it? I should say not. Then how much more the necessity of exerting this policy in granting assistance to establish these Roads on such a footing that they may freely and fully test their utility.

The advantage from such improvements, to the State, are of higher and loftier importance than can possibly accrue to her from any pecuniary profits, which her investment could yield. She is above all risk. But the stockholders can derive or receive no other advantages but those arising from dividends, and while these are devoted to the payment of the debts, and yielding no remuneration, cannot reasonably be expected to enlarge their investments.

It is generally admitted, and, I believe, cannot be denied, that one half at least of the travel has been arrested by the disastrous times brought upon the country, as I have endeavored to show, by the acts of the Federal Government. We may now trust that more prosperous times will, ere long, be restored, and the travel resumed.

On the "let us alone" principle, the recuperative powers of this new country would soon restore prosperity.—But we may expect, in addition, the hearty co-operation of the fostering powers of the General Government, in bringing about the highest state of national prosperity, rather assisting and relieving, than reviling and distressing all the institutions of the country. As the country becomes more thickly settled, travel must increase on the roads and enhance the income in proportion. In proof of this, I have seen no report of the operations of Rail Roads in this country or Europe, which does not show an increase of receipts; and their operations in our country will yield a greater increase, on account of our disposition for travel.

It would be idle, gentlemen, to talk to you relative to the many advantages resulting to the country from the establishment of Rail Roads. They have ceased to be experiments. Their facility in expedition afforded to travellers, in connection with steam boats and steam ships, will ensure their construction where the current of trade and travel require. They may be subject to mutations in profits, like all other property; but if correctly located, economically constructed, and well managed, they must be good property to the stockholders; and if not, their utility to the other interests of the country cannot be questioned.

The attack of the President of the United States on Rail Roads, is exceedingly strange and unjustifiable. In the
transportation of the mails, diffusion of knowledge and
intercommunication, the easy and quick conveyance of ar-
mies to points where the country may be assailed, must
be decidedly important and necessary to the government,
and favorable to the liberty of the citizen.

Where, then, can be the sense or propriety of these at-
tacks of spleen and enmity? I am satisfied your honorable
body can entertain no such feelings; but that you will af-
ford such relief and succor as is commensurate with the
means and character of the State, and the wants and mer-
its of the work.

It may be contended that our rail roads have been inju-
diciously located, too expensively constructed, and even
badly managed. But we should bear in mind, that they
are our first experiments, and made at a period when the
country was in more prosperous circumstances, and eve-
ry thing of higher value: That both mistakes and unne-
cessary expense are the usual results of new works; but
it should also be held in remembrance that many individ-
uals backed their favorable opinions of these enterprizes
freely with their own money, and that they could not have
practiced any intentional deception on the public, when it
would fall so heavily on themselves.

Suppose we should admit the fact that our roads have
not, so far, met public expectation, or even of the indi-
vidual stockholders to the full extent; yet should we shut
our eyes to the cause? Should we not remember that the
general prostration of all other branches of business may
have reached the works on the roads; that few extensive
works immediately prove profitable; and that they have
been only a few months in operation—certainly not long
enough to test their worth to the stockholders? To all
other interests, their utility can be of no doubt. We see
every species of property greatly sunk in value; slaves,
our most tangible and active property, depreciated at
least 50 per cent.; land yet more; and lots in our most
favorable places, scarcely selling for the cost of improve-
ments; very few farms yield legal interest, and, in the ag-
gregate, probably not 2 per cent. on their value; yet who
so bold as to say that we should abandon the farm or ne-
glect to build houses and improve town lots?

What, it may be asked, is the cause of such a state of
things? The President of the United States informed us,
in his message at the extra session in 1837, that it was o-
overtrading, sumptuous living, and the issue of too much
bank paper. But such reasons, however apt for other places, are totally inapplicable to North Carolina. There has been no overtrading here, no extravagant living, and less bank issues than we had twenty years ago; and although our bank capital was increased a small amount four years since, we have about the same now we had 10 years ago, exclusive of the capital of the branch bank of the United States, which was employed in this State; during which time our demand has certainly greatly increased. It is the want of bank or other active capital which has been the cause of sacrificing real estate and every other large amount of property, when forced into market for cash. More is actually required, not only to save property already existing from changing hands at great and ruinous sacrifices, but to assist the manufacturer, trader, mechanic and laborer, in the various branches of business, and the improvement of the natural advantages of the State.

Under a resolution of your honorable body, at its last session, I addressed a communication to the Governors of the several States, requesting information on the subject of Penitentiaries, Lunatic and Orphan Asylums, and Houses of Refuge; from whom several interesting replies have been received, but not sufficient to enable me to give you much light on those subjects. I hand you herewith marked B, the information obtained, and submit the following general remarks: That all seem to concur in their usefulness; that by the establishment of a Penitentiary, the punishment of crime may be more correctly graduated to its atrocity. Under our present code of criminal law, many punishments are fixed, and others left to the capricious estimate of the Judge; and to many cases, neither the one nor the other appears so fitted as to give satisfaction to public feeling. The result is, that in almost every case, a petition for pardon is preferred to the Executive, with whom it is idle to say that the petition of many respectable persons should have no weight. Although he may be satisfied that petitions are generally drawn by partial or prejudiced hands, in the absence of all information which no law provides for his guide, he is not enabled to act satisfactorily to himself or justly to the State or petitioner; but where a doubt is raised, he feels impelled to act on the side of mercy.

In the establishment of penitentiaries and laws for their government, punishments could be better graduated to
the crime, and leave less room for complaint and petition. As they are generally used in all Christian countries, to avoid shedding human blood and the exposure of punishments, in obedience to the more advanced state of civilization and refinement, profit and loss should not be a matter of consideration in providing the means of saving human life, and obtaining a mode of punishment adapted to the crime. Regarding them, however, in an economical point of view, it would probably be less burthensome to the country than the present mode of confinement in the jails of the counties.

As regards Lunatic and Orphan Asylums, I presume there can be but one opinion.

The returns of the Clerks and Sheriffs of thirty-six counties shew the number of Lunacies to be two hundred and forty-nine of poor, wretched creatures, most of whom call strongly on our charity and philanthropy for shelter, food and nursing; and no doubt if the number and condition of the orphans could be ascertained, the appeal to our sympathies would be equally strong.

The State is abundantly able to construct the necessary buildings, and it only requires the action of your body to establish the principle and place, upon which they shall be erected; the appointment of a competent superintendent to visit the various establishments of the kind and collect the necessary information, both of Penitentiaries and Lunatic and Orphan Asylums, and to commence the work as soon as the plan should be approved by the Governor or board of Commissioners raised for that purpose and an appropriation to meet the expenditures, placed subject to the Governor's warrant. In the mean while, the necessary code of laws might be prepared under a commission granted by your honorable body for that purpose.

Most of the counties have adopted the common school system, and a few have received the State's quota of money to aid them in this most estimable object. The want of school masters is the only complaint which has reached me, and will, in all probability, be the most formidable obstacle to further success. By applying the proper corrective, that and all other difficulties, I hope, may be overcome. The several counties which refused the adoption of the system, no doubt acted on mistaken views, or wrong information; and their participation should, in justice, be provided for by law.

It is with the most unfeigned gratification that I congratulate the General Assembly on this work of their own, which
has placed in reach of poor parents the opportunity of obtaining for their children what will so eminently improve their moral and mental condition, to make them better and more valuable citizens, and inspire them with grateful feelings to their country, which will never be forgotten in the hour of danger.

It is with great pleasure I have to inform you that, in obedience to the direction of the last session of your honorable body, a survey of Nag's Head has been procured. Under their resolution, directing a report to be made by some able and experienced engineer, the Board of Internal Improvement appointed Major Walter Gwynn, who commenced operations in May last, and reported to the Board in June. This able and lucid report amply sustains the propriety and importance of your inviting the attention of Congress to the opening an inlet at that point as a national work of the highest importance. The resolutions claiming the attention of our Representatives and Senators in Congress, were forwarded to them. The Representative from the first district, in which Nag's Head is situated, gave the subject his prompt and unremitting attention. A copy of the report and map of the survey were also forwarded to the representative from that district; but it reached him at too late a period of the session to be acted on.

Would it not be well again to urge this work on Congress? I am decidedly of the opinion that the enterprise is among the most important of any in the U. States—in a national point of view, in the saving of lives and vessels, and the increase of the revenue; and to the State, in enhancing immensely the value of the lands and their products, and securing a mart to a large section of country, which has now to seek one elsewhere at a greatly increased expense and hazard. No principle has been better established by practice, than the right and propriety of the Federal Government to execute works of national importance; and none, in my opinion, is more clearly so in the United States, than opening an inlet at Nag's Head. If we turn to the estimates of the War Department for improvements, we shall find many vastly inferior, under the patronage of the General Government. It is, then, due to the State, and particularly to that section, to urge the execution of this work on the Government.

The very able report, on this subject, by Major Gwynn, will be submitted by the Board of Internal Improvements; to which I beg to invite your especial attention.

The work for draining the swamp lands has progressed
considerably. The Pungo canal is finished, and the Alligator about half completed. The lateral ditches on Pungo Canal are now being cut, and some 15,000 acres nearly prepared for market. I see no reason to doubt the wisdom of this improvement.

I am very clearly of the opinion that opening an inlet at Nag's Head—reclaiming the swamp lands—improving the Neuse river as far as practicable, and thence the construction of a rail road to Raleigh and turnpike to the mountains—and the construction of a rail road and turnpike, flanking South Carolina, from the head of tide water, on the Cape Fear, to the West—form the system of Improvements alike demanded by the character and interest of the State, to be accomplished whenever her means will permit.

The depressed state of the pecuniary affairs of the country at home, and its impaired credit abroad, would not justify undertaking, at present, improvements of very great extent and magnitude; but as far as the means which the State can command will go, there never was a more appropriate period. The disbursements in the construction would benefit every branch of business in its vicinity, by giving employment to laborers, mechanics, and a market to the farmer; and the work could be executed more readily, and at less cost, than in more prosperous times. In what could the surplus money and credit of the State be better employed, than by relieving the distresses of her people, and the improvement of her natural advantages?

As an improvement particularly called for by the wants of the State, entirely within her means, and important as the connecting links between her existing rail roads, the seashore and the interior, I would call your attention to the improvement of the Neuse River from Newbern as far up as practicable and useful; thence by rail road from the Wilmington and Raleigh Rail Road to this place, for which the country and material are best adapted; and thence to the mountains by turnpike, as best suited to the use and material of construction of the country. This chain of improved communication and intercourse, is due to the State, and especially to the northern tier of counties, the trade of which has been diverted from our own markets to one in a neighboring State. This improvement would place at the pleasure of the farmer one or many markets, in or out of the State, with equal facility, and regain their lost relative position; and as it may be presumed that most would prefer those in the State, it would secure the profits which might otherwise ac-
true to our neighboring States, and assist in obtaining the balance of trade in our favor. At least, a fair competition would be afforded. The advantages to be derived in the purchase of West India produce in Wilmington and Newbern, and their better facility for shipping, will more than equal any advantages their competitors abroad can offer.

It is probable the stock would be readily taken by individuals, if companies should be incorporated for that purpose, for the two-fifths or one half of the amount, with proper privileges of payment.

The rail roads in our State have not had, as yet, sufficient opportunity to test the value of such stock; and as for investments in turnpikes, we have but few data on which to base an estimate. The Buncombe road yields a handsome profit; and it appears to me that a turnpike from this place to the west would be still more profitable, if the value of the stock were the only object of the State in constructing it.

The Board of Internal Improvements, agreeably to law, caused books to be opened, under the superintendence of active agents, to obtain the pre-requisite subscriptions before the Fayetteville and Western Rail Road Company could receive the State's subscription and organize; and, I regret to inform you, without success. This appeared to be the favorite scheme of the State; and I was anxious to see it executed. To the poverty of the country through which the greater part of the road would pass, and the depression of the monetary affairs of the country, may this failure be attributed.

Soon after the adjournment of the last session of your honorable body, Daniel W. Conrnts, Esq., resigned his appointment as Public Treasurer of the State; the vacancy occasioned by which was temporarily filled by the appointment, under the advice of the Council, of Charles L. Hinton, Esq., who has since sedulously discharged the duties of the office.

In the course of the present year, the Hon. R. M. Sanders and the Hon. John D. Toomer, Judges of our Superior Courts of Law and Equity, have resigned. The vacancies thereby occasioned, have been supplied, under advice of Council of State, by the appointment of Edward Hall, of Warrenton, and William H. Battle, of this City, whose commissions will expire at the close of your present session; and they both entered immediately on the duties of their respective stations.

It is with great diffidence I venture on any observations relating to our Court system; but I should not believe my duty discharged, if I remained silent. The resignations of
Messrs. Saunders and Toomer have brought to my knowledge the feelings and wants of the State in the appointment of these highly valuable and indispensable officers. The east, west, north and south claim the right and propriety of being supplied; and I have no doubt these considerations will be felt in the election of these officers in your body. If the range of the State were necessary to supply the higher order of talents, no change ought to be made; or, if the yielding to sectional considerations could meet the wants and wishes of the people, we might be content with the present arrangement; but I am persuaded neither the one nor the other is effected. In every district, many men may be found abundantly qualified to discharge the duties of Judge. When the claims of any section has heretofore been gratified, it has proved only for a short space of time—the incumbent generally changing his location for convenience or health, and again the district is left destitute of one of those valuable officers. To remedy this defect, and quiet the conflicting interest of the different sections of our State, I would very respectfully recommend the location of the Judges in each district respectively. The law must, of course, be prospective; and the present opportunity can furnish two vacant districts. It appears to be due to the Bar, to the wants and convenience of the people, and to the Judges themselves, to make this alteration. The ridings might alternate as now, or the Judge be confined to the duties of his own district. The latter appears to me best. A person from the mountains cannot ride in one of the sea board districts in the fall with impunity. His risk of sickness and death is certainly alarming; and the result has been that the business of those districts is hurried over in a state of mind which must detract greatly from comfort and a satisfactory discharge of duty. The services of a most valuable officer has just been lost to the State by the fear of riding the first district this fall.

Allow me, gentlemen, to call your attention to the acts of 1836–37, creating the Boards of Internal Improvements, and of the Literary Fund of North Carolina. Of both these Boards the Governor is a member, and ex officio President. Large sums of money are at their disposal, which they were required to invest in Bank stock and lend to individuals and corporations. These funds are daily increasing by appropriations, interest from loans, and Bank dividends. These laws are clearly defective, and should be altered. If it were intended to establish a loan office, the necessary provisions should be made, and competent officers appointed with ade-
quate salaries. But it certainly never could be intended to convert the Executive into a loan office, occupying more of the attention and responsibility of the Governor than all his other duties combined, and diverting him from the higher and more enlarged trusts committed to his care.

It is considered radically wrong in the State to adopt any law by which individuals become debtors to it,—Whatever spare funds the State may have, should be invested in stocks or devoted to the improvement of the people and country. If no other alteration is made, it would be a matter of great relief to the Governor for a union of those boards. Such an alteration would curtail one half of his services, reduce the number of the members, and save expense to the State. Loans should be forbidden, and authority extended to investments in the stocks of rail roads and manufacturing companies, by purchase or by subscription, as the board may deem best for the interest of the State; and all sales, in future, of property belonging to the State, to be made for cash only. Should the contrary course be pursued, more money will be lost than credit sales would seem to promise, and your tables filled with petitions for indulgence which would be exceedingly painful to refuse.

The standard weights, agreeably to an act of your last session, have been contracted for; and they are nearly completed, and being delivered to the several counties. No standard for measures has yet been received from the Federal Government.

The proceedings of Georgia, South Carolina and Virginia, herewith submitted in file C, to your consideration, at the request of their respective Governors, relative to the demands of Georgia and Virginia, on the States of Maine and New York for the apprehension and delivery of fugitives from justice, and their refusal, present matter to the Southern States, of the most delicate and important nature. It is believed, under an influence of the most pernicious kind, that these States have acted in bad faith to the compact which secures the right of demand and surrender of fugitives from one State to another. The causes assigned are considered unsatisfactory.

In connection with this subject, the formation of a military company of negroes, most, if not all, supposed to be fugitive slaves, clothed in the British uniform, stationed on the Canada frontier, and permitted to insult and threaten the lives of Southern travellers, and the constant practice of our slaves deserting to, and finding protection with, the North-
ern and Eastern States, increase greatly the necessity of action on these subjects; in which all the Southern and Western States, to which such acts are injurious and offensive, should act together coolly and deliberately, but firmly, in the protection and maintenance of their rights.

Since the distribution of the arms, under the act of 1836–37, to the several counties which were then in the arsenals at Fayetteville and this place, the quotas to which this State are entitled from the General Government have been received at Newbern and Fayetteville, except several pieces of ordnance, the carriages and appendages of which were burnt in the recent fire at Wilmington, while waiting reshipment to Fayetteville. The law provides for arsenals at Fayetteville and this place, but none at Newbern, a point equally important and necessary for a depot and keeper.—The cannon burnt at Wilmington and other arms, occasionally require repair for their preservation and usefulness; but there is no law for such purpose. The executive is empowered to employ a guard at the arsenals whenever he should deem it necessary. This might be better accomplished by allowing Uniform Companies some exemptions and privileges from taxes, &c. who would undertake the duty in such way as the Governor should prescribe. It would accomplish the double purpose of having those companies under better discipline, and the arms under better protection, which are matters of no small moment. Indeed, if the law was to extend to the uniform volunteer companies throughout the State, privileges and immunities of even trifling importance, it would secure improved discipline in the militia, now too much neglected. Whenever the common school system gets into operation, it would be good policy to make military discipline form a part of their exercises; as we are all admonished, from many circumstances, not to forget the necessity of preparing in peace for any emergency; and as a system, it is best to commence with the youths of the State.

The Revised Statutes have been distributed agreeably to law, and the remaining volumes placed with Messrs. Turner & Hughes, of this place, and E. J. Hale, Esq. of Fayetteville, Booksellers, for sale on account of the State.

I have the honor of submitting herewith, marked D, "the remonstrance of the citizens of the District of Columbia by their delegates in convention to the people of the United States, and to the Legislatures of the several States, against oppressions manifold and grievous, suffered from the misrule of the now ruling majority in Congress." In file E, the pro-
ceedings of the several States of Kentucky, New York, Maine, New Jersey, Vermont and Connecticut, relative to the public domain. In file F, from the States of Maine, Indiana and Ohio, on the subject of the disputed territory.

In file G, the resignations of Justices of the Peace will be found.

It affords me pleasure, gentlemen, to congratulate you on the completion of the capitol, and the occupancy of more commodious and comfortable apartments for the transaction of business to all branches of the government. It is a noble building and honorable to the State, and will descend to posterity as a proud monument of the spirit of the age. The completion of this structure, two Rail Roads, the establishment of Common Schools, and the reclamation of the Swamp Lands, will form a new and honorable era in the history of our State, to which her citizens may point with pleasure and pride.

I assure you, gentlemen, that it will give me unqualified pleasure to co-operate in any measure which may be deemed necessary for the happiness, welfare and security of our fellow citizens.

I have the honor to be

Your most obedient servant,

EDWARD B. DUDLEY.

Executive Office, Nov. 16, 1840.

THURSDAY, Nov. 19, 1840.

Isaac W. Lane, one of the members from the county of Sampson, appeared and exhibited his credentials, and was qualified according to law.

On motion of Mr. Cardwell,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for one engrossing clerk, and informing that the name of Jas. Howze, is withdrawn from the nomination.

A message from the Senate, concurring in this proposition, informing that the name of Mr. Hearn is withdrawn from the nomination, and that Messrs. Montgomery and Hill are appointed superintendents of said election.
Ordered, That Messrs. I. W. Lane and Whitehurst superintend said election on the part of the Commons.

The House voted as follows:

### FOR MR. ROSE,

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On motion of Mr. Siler,
Ordered, That a message be sent to the Senate proposing to raise a joint select committee on Cherokee lands, consisting of five members on the part of this House, and four on the part of the Senate.

Mr. E. P. Miller presented a petition from sundry citizens of the counties of Burke and Wilkes, praying the erection of a new county by the name of Caldwell out of a portion of the territory of said counties.

Ordered, on motion of Mr. E. P. Miller, that it be referred to the members of this House from the said counties of Burke and Wilkes.

On motion of Mr. Paine,
Ordered, That a message be sent to the Senate proposing to raise a joint select committee, consisting of two on the part of each House, to investigate the title of the State to the swamp lands, which are to be drained under the direction of the Literary board.

Mr. Guthrie presented a bill altering and prescribing the time at which certain elections shall hereafter be held in this State; which was read the first time and passed.

The speaker laid before the House a report of the Commissioners for rebuilding the Capitol; which was read, and on motion of Mr. Boyden,
Ordered, To be sent to the Senate with a proposition, on motion of Mr. Holland, to print it.

Mr. W. J. T. Miller presented a petition from sundry citizens of the counties of Rutherford and Lincoln, praying the erection of a new county out of a portion of the counties of Rutherford and Lincoln by the name of Cleaveland; which, on motion of Mr. Miller, was ordered to be sent to the Senate with a proposition to refer it to a joint select committee of five on the part of this House of the members from said counties, and on the part of the Senate to the two Senators representing the said counties of Rutherford and Lincoln.

Mr. W. B. Lane, from the committee appointed to superintend the election of one engrossing clerk, reported that John M. Rose had received a majority of the whole num-
ber of votes, and that he was duly elected. The report was concurred in.

Mr. Spruill introduced a resolution in favor of the executors of Beverly Daniel; which was read the first time and passed, and referred on Mr. Spruill's motion to the committee on claims.

A message from the Senate informing that Messrs. Moore, Ward and Puryear, form the Senate's branch of the joint select committee on the joint rules of order.

A message from the Senate concurring in the proposition of this House to raise a joint select committee of three on the part of each House, to examine and assign the apartments of the capitol and to ascertain whether any other order in relation to the capitol be necessary; and informing that Messrs. Spruill, Arrington and Hellen form said committee on their part.

Ordered, That Messrs. H. C. Jones, J. O'K. Williams and Graves, compose said committee on the part of the Commons.

Mr. Adams, from the committee appointed to prepare and report rules of order for conducting business in the House of Commons, reported without amendment, the rules of order adopted at the last session.

Mr. Winston moved to amend the 53rd rule so as to read, when a bill has been once rejected, no other of the same purport shall be introduced again during the session. The motion prevailed, and with their amendment the report was concurred in.

In pursuance of the 39th rule of order, the House proceeded to the appointment of the following six Standing Committees:

**COMMITTEE ON CLAIMS,**

Messrs.

Wilson, Killian, Hawkins,
McCleese, Poindexter, Massey,
Dickson, Biggs, McClennehan,
Lilly, Brogden, Keener.

**COMMITTEE ON PROPOSITIONS AND GRIEVANCES,**

Messrs.

Grandy, Holland, Patterson,
The House then adjourned until to-morrow, 10 o'clock.
Whitmel Stallings, the member representing the county of Gates, appeared and was qualified according to law.

Mr. Reid presented the petition of sundry citizens of the counties of Cumberland, Moore, Chatham, Wake, praying the erection of a new county out of a portion of the territory of said counties; which, on Mr. Reid's motion, was referred to the Committee on Propositions and Grievances.

Mr. Lilly presented a petition from sundry citizens of the county of Montgomery, together with a bill to carry the prayer thereof into effect, entitled a bill to lay off and establish a county by the name of Stanly. The said bill was read the first time and passed.

Mr. Boyden introduced a bill to prevent litigation; which was read the first time and passed.

Mr. Barringer, from the Joint Select Committee on Joint Rules of Order, reported without amendment the permanent joint rules heretofore in force. The report was concurred in; and, on motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing to print said rules in pamphlet form, in connexion with the rules of order of the Senate, and the rules of the House of Commons, the constitution of this State and of the United States.

Mr. Hill introduced a bill concerning pilots and commissioners of navigation for Cape Fear River; which was read the first time and passed.

Mr. J. B. Caldwell introduced a petition from sundry citizens of the county of Iredell, praying amendments of the law establishing Common Schools. Said petition was, on motion of Mr. Caldwell, referred to the Committee on Education.

Mr. Siler presented petitions of John B. Edwards and James McMann, in relation to their purchases of Cherokee lands. These petitions were referred, on motion of Mr. Siler, to the Committee on Propositions and Grievances.

Mr. Wadsworth presented certificates from the County Court of Craven, allowing a pension for 1840, to John Rhem, of one hundred dollars; to Alex. Taylor, fifty dollars; to Thomas Ewell, fifty dollars; and to Margaret Bexley, widow of Christopher Bexley, fifty dollars.
These certificates were read, and on motion of Mr. Wadsworth,

*Ordered*, That they be signed by the Speaker of this House, and sent to the Senate.

On motion of Mr. Barringer,

*Ordered*, That a message be sent to the Senate, proposing to go into an election immediately for a Secretary of State, and informing that the present incumbent, William Hill, is in nomination for the office.

On motion of Mr. Mills,

*Resolved*, That the Committee on Internal Improvements be instructed to inquire into the expediency of laying off and constructing a public road from Raleigh, through the south western part of North Carolina, to Asheville, in Buncombe county; and that they report by bill or otherwise.

Mr. McLaurin presented a resolution in favor of Samuel Terry, sheriff of Richmond county; which was read the first time and passed.

Mr. Hill introduced the following resolution:

*Resolved*, That the Clerks be instructed to furnish each of the Standing Committees of this House with a copy of the Revised Statutes of the State and another of the acts of the last session of the Legislature; and that the chairman of the several committees deposit said books, at the close of the session, with William Hill, the Public Librarian.

And Mr. H. C. Jones introduced the following resolution:

*Resolved*, That the Door Keepers of this House be directed to procure temporary window curtains for this chamber.

These resolutions were read the first, second and third times, passed and ordered to be engrossed.

In pursuance of the rules of order, the Speaker announced the appointment of the following Committees:

**COMMITTEE ON THE JUDICIARY,**

Messrs.

Winston, Mendenhall, Eatou,
Barringer, R. B. Gilliam, G. W. Caldwell,
Hoke, Boyden, H. C. Jones,
COMMITTEE ON FINANCE,

MESSRS.

J. P. Caldwell, Foreman, Graves, J. O'K. Williams,
Biggs, Reid, Burns, Thompson,

COMMITTEE ON PRIVATE BILLS,

MESSRS.

Mills, Brumell, Adams,
E. P. Miller, Bannerman, Wadsworth,
McLaughlin, McLaurin, Stallings,
J. Walker, Baker, Proctor,
Guthrie, Spruill,

COMMITTEE ON THE LIBRARY,

MESSRS.


A message from the Senate, concurring in the proposition of this House to vote immediately for a Secretary of State, and informing that Messrs. Melchor and Pasteur form their committee of superintendence.

Ordered, That Messrs. Young and Thompson form said committee on the part of this House.

The House thereupon proceeded to vote; and Mr. Young reported that Mr. William Hill had received the whole number of votes given in both branches of the Legislature, and was duly elected. The report was concurred in.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of five on the part of the House of Commons, and four on the part of the Senate, on the subject of the Cherokee Lands, and informing that Messrs. Clingman, Ward, Gaither, and Wilson form their branch of said committee.

Ordered. That Messrs. Siler, Cardwell, Boyden, Gran- dy and Patton form said committee on the part of the Commons.

A message from the Senate, proposing that the two Houses on Monday next, at 11 o'clock, go into an election of a Solicitor for the sixth Judicial Circuit. The proposition was agreed to, and the Senate informed that Messrs. J. R. Dodge, Bartlett Shipp and Hamilton C. Jones are nominated for the appointment.
The bill altering and prescribing the times at which certain elections shall hereafter be held in this State, was read, and on motion of Mr. Boyden, laid on the table.

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

Saturday, Nov. 21, 1840.

Bat. F. Moore, one of the members elect from the county of Halifax, appeared, produced his credentials, and was qualified according to law.

Mr. Reid introduced a bill to incorporate the Little River Manufacturing Company, of Cumberland county; which was read the first time and passed, and referred, on Mr. Reid's motion, to the Committee on Private Bills.

A message from the Senate, concurring in the proposition of this House, that the message of his Excellency the Governor be printed, five copies for each member of the Legislature.

A message from the Senate, proposing to raise a joint select committee on Public Buildings, and rebuilding the Capitol; and that the committee report whether the amount of money already appropriated for rebuilding the Capitol has been judicially expended, and what amount will be necessary for its completion—and that they report by bill or otherwise. The proposition was concurred in, and Messrs. Rand, Poindexter, Smith, Hoke and Guyther appointed said committee on behalf of the Commons.

A message from the Senate, concurring in the proposition of this House, to refer the petitions relating to the establishment of a new county out of portions of the counties of Rutherford and Lincoln, to a joint select committee. Said committee consists, on the part of the Senate, of Messrs. Bynum and Ward, and on the part of the Commons, of Messrs. W. J. T. Miller, Hoke, Mills, Killian and Jefferson.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of two on the part of each House, to investigate the title of the State to the Swamp Lands which are to be drained, and informing that Messrs. Hellen and Bynum form their branch of said committee.
Ordered, That Messrs. Paine and B. F. Moore form said committee on the part of this House.

A message from the Senate, informing that Messrs. Spruill, Wilson, Melvin, Moye, Albright, Hargrave, McDiarmid and Ward form their branch of the Committee on Finance; and that Messrs. Mitchell, Edwards and Gaither form their branch of the Joint Select Committee on the Library.

A message from the Senate, concurring in the proposition of this House to print in pamphlet form the joint rules in connexion with the rules of the Senate; the rules of the House of Commons; the constitution of the United States; and the constitution of this State.

Mr. Siler introduced a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee; which was read the first time and passed, and on motion of Mr. Siler, referred to the Joint Select Committee on Cherokee Lands.

Mr. H. C. Jones, from the committee raised on that subject, reported resolutions assigning the rooms in the capitol; which were read the first time and passed.

On motion of Mr. Reid,

Resolved, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of restoring to the several County Courts jurisdiction of pleas where the same has been heretofore abolished.

Mr. Graves presented a petition from Phillip Hodnet, entry taker of Caswell county, praying the remission of a forfeiture.

Ordered, on motion of Mr. Graves, that it be referred to the Committee on Propositions and Grievances.

On motion of Mr. Biggs,

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of providing that real estate be made assets in the hands of administrators and executors, for the payment of debts; and that all debts against the estates of deceased persons be made of equal dignity; and in case of a deficiency of assets, paid pro rata.

Mr. Guthrie introduced a resolution in favor of the sheriffs of the counties of Columbus, Chatham, Duplin,
Macon, Nash and Washington; which was read the first time and passed, and referred, on motion of Mr. Guthrie, to the Committee on Propositions and Grievances.

The bill to prevent litigation was, on motion of Mr. Boyden, referred to the Committee on the Judiciary.

The resolution in favor of Samuel Terry, the sheriff of Richmond county, was, on motion of Mr. McLaurin, referred to the Committee on Claims.

The bill concerning pilots and commissioners of navigation for Cape Fear River, was read, and on Mr. Hill's motion, laid on the table.

The bill to lay off and establish a county by the name of Stanly, was read, and on motion of Mr. Lilly, laid on the table.

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

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Monday, Nov. 23, 1840.

Mr. Winston presented a bill to lay off and establish a county by the name of Union, together with a petition from sundry citizens of the counties of Anson and Mecklenburg upon that subject. The said bill was read the first time and passed.

On motion of J. P. Caldwell,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee on Military Affairs, to consist of five members on the part of each House.

On motion of Mr. Boyden, the following resolutions were read and ordered to lie on the table.

Resolved, As the opinion of this House, that, in the payment of debts of deceased persons, all claims, except funeral charges and debts due the State and the United States, ought to be regarded as of equal dignity, and in case of a deficiency of assets, to receive a pro rata payment.

Resolved further, That the Committee on the Judiciary be instructed to bring in a bill embodying the principles of the foregoing resolution:
On motion of Mr. Paine,

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 inquire into the expediency of abolishing imprisonment for debt, and that they report by bill or otherwise.

On motion of Mr. Adams,

Resolved, That a message be sent to the Senate, proposing to appoint a joint select committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor, at the late August election.

Mr. Siler introduced a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and 1839.

And Mr. Mendenhall introduced a bill, giving longer time to register grants of land in this State, deeds of conveyance, powers of Attorneys, &c. These bills were read the first time and passed.

Mr. Neal presented a petition from sundry citizens of the counties of Burke and Rutherford, together with a bill to carry their prayer into effect, entitled a bill to lay off and establish a county by the name of McDowell. Said bill was read the first time and passed, and on motion of Mr. Neal, referred to the committee on propositions and grievances.

A message was received from the Senate, informing that Messrs. Ward and Melchor, form the committee on the part of the Senate to superintend the election to be had this day at 11 o'clock, for Solicitor of the sixth Judicial Circuit.

Ordered, That Messrs. Burns and Franklin, form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR MR. DODGE,

Messrs.

Barringer, Hawkins, Poindexter,
Biggs, Hill, Pope,
Boyd, Howerton, Robards,
Boyden, Jacobs, Smith,
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<th>FOR MR. SHIP,</th>
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FOR MR. HOKE,
Mr. Keener.

FOR DAVID REID,

Mr. G. W. Caldwell,

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

Resolved, That so much of the Governor's message as relates to the subject of banks and the increase of banking capital in this State, be referred to the Committee on Finance.

Resolved, That so much thereof as relates to the subject of Common Schools, be referred to the Committee on Education.

Resolved, That so much thereof as relates to the subjects of a Lunatic Asylum and Penitentiary, be referred to a joint select committee to consist of three on the part of each House, and that a message be sent to the Senate embracing such proposition.

Resolved, That so much thereof as relates to the subject of Internal Improvements, be referred to the Committee on Internal Improvements.

And resolved, That so much thereof as relates to the subjects of the Board of Internal Improvements and the Literary Board, be referred to the Committee on Internal Improvements and the Committee on Education respectively.

On motion of Mr. Boyden,

Resolved, That so much of the Governor's message as relates to the communication from the Governor of New Jersey, be referred to a Select Committee.

Said committee was appointed to consist of Messrs. Boyden, Hoke, Baker, Winston and Paine.

The resolutions assigning the rooms in the Capitol and for other purposes, were read, and, on motion of Mr. Winston, ordered to lie on the table.

A message from the Senate, proposing that the report of Major Guynn, Civil Engineer, and the survey of Nag's Head which accompany the message of his Excellency the Governor, be printed. The proposition was concurred in.

A message from the Senate, proposing that so much of
the message of his Excellency the Governor as relates to
Arsenals, repair of Cannon, and Volunteer and Uniform
Companies, be referred to the Committee on Military Af-
fairs—and proposing that the Comptrollers Report for the
fiscal year 1838, be printed. These propositions were
concerned in.

A message from the Senate, proposing that so much of
the Governor's message as relates to a Bank of the Unit-
ed States, and to an increase of our bank capital, be re-
ferred to a joint select committee consisting of three mem-
bers on the part of the Senate, and four on the part of
the House of Commons.

That so much of said message as relates to a Penitentia-
ry, be referred to a joint select committee of three on the
part of the Senate, and four on the part of the House of
Commons.

That so much of said message as relates to a Lunatie
and Orphan's Asylum, be referred to a joint select com-
mittee of three on the part of the Senate, and four on
the part of the House of Commons.

That so much of said message as relates to a union of
the Boards of Internal Improvement and the Literary
Fund, be referred to a joint select committee of three on
the part of the Senate, and four on the part of the House
of Commons.

These propositions of the Senate were concurred in;
and the following persons appointed to compose said com-
mittee on the part of this House:

ON BANKS,

Messrs.
Barringer,
Cardwell,
Eaton,
B. F. Moore.

PENITENTIARY,

Messrs.
Mendenhall,
Russell,
Brummell,
L. Walker.

LUNATIC ASYLUMS,

Messrs.
R. B. Gilliam,
Allen,
Beall,
Hyman.
On motion of Mr. Hill, the House re-considered the resolutions this day submitted by him in reference to the Governor's Message; and on his motion, the same were laid on the table.

The resignation of James Bond, as a Justice of the Peace of the county of New Hanover, received from the Senate, was read and accepted.

Mr. Burns, from the committee appointed to superintend the voting for a Solicitor for the sixth Judicial Circuit, 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. Guthrie,

Ordered, That a message be sent to the Senate, proposing that another vote be taken immediately for this officer.

A message from the Senate, concurring in this proposition, and informing that Messrs. Arrington and Ribelin form their branch of said committee.

Ordered, That Messrs. McLaughlin and Bryan form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR MR. JONES,

Messrs.

Adams, Grandy, NEAL,
Allen, Guthrie, Paine,
Baker, Holt, Pemberton,
J. Barnes, Huggins, Proctor,
E. Barnes, Hyman, Rand,
Beall, Joiner; Reid,
Brannock; J. B. Jones, Robards,
Brogden, C. Jones, Russell,
Brower, R. Jones, Siler,
Brumell, King, Stallings,
Burns, Lilly, J. W. Taylor,
Clegg, Mangum; Thompson,
J. W. Covington, Mussey, Wadsworth.
Doak, Mendenhall, J. Walker,
Enneti, J. T. Miller, Whitehurst,
Farrow, Monday, J. O'K. Williams,
Foreman, Munroe, F. Williams,
R. B. Gilliam, Murchison, Withers,
D. A. Graham, McLaurin, Ziglar.

FOR MR. DODGE,

Messrs.

Barringer, Herring, McMillan;
Biggs, Hill, Patton;
Boyd, Howerton, Patterson;
Boyden, Jacobs, Poindexter;
Chambers, Jefferson, Pope;
J. M. Covington, Kerr, Smith;
Davis, W. B. Lane, Spruill,
Dickson, I. W. Lane, Sullivan;
Franklin, W. J. T. Miller, J. Walker;
Gee, Mills, Winston;
Graves, Morris, Wilson,
Gray, McCleese, Young,
Guyther, McCollum, Speaker.

FOR MR. SHIPP,

Messrs.

Bryan, Hoke, E. P. Miller,
J. P. Caldwell, Holland, McLanghlin,
Carson, Keener, Powell,
Eaton, Killian, Ragan,
J. R. Gilliam,
The majority of the whole number of votes given. The report was concurred in.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for this officer; and informing that the name of Mr. Shipp is withdrawn from the nomination.

A message from the Senate, concurring in this proposition, and informing that Messrs. Moore and Sloan form their branch of the committee to superintend said voting.

Ordered, That Messrs. Holt and Patton form our branch of said committee.

The vote of the House was as follows:

**FOR H. C. JONES,**

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Those who voted for Mr. Dodge, were

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J. P. Caldwell, 
Carson, 
Chambers, 
J. M. Covington, 
Davis, 
Dickson, 
Farrow, 
Franklin, 
Gee, 
Graves, 
Herring, 
Hill, 
Howerton, 
Jacobs, 
Jefferson, 
Kerr, 
W. B. Lane, 
E. P. Miller, 
W. J. T. Miller, 
Mills, 
Morris, 
McCleese, 
McMillan, 
Patton, 
Patterson, 
Poindexter, 
Pope, 
Powell, 
Ragan, 
Smith, 
Spruill, 
Sullivan, 
L. Walker, 
Winston, 
Young.

FOR MR. REID,

Mr. G. W. Caldwell.

FOR MR. G. W. CALDWELL,

Messrs.
Cardwell,
Holland,
Killian.

FOR MR. HOKE,

Messrs.
Eaton,
Morrow.

Mr. Holt, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes.

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for this officer.

A message from the Senate, agreeing to this proposition, and informing that Messrs. Clingman and Exum form their branch of said committee.

Ordered, That Messrs. Lilly and Smith form said committee on the part of the Commons.

The House then voted as follows,

FOR MR. JONES,

Messrs.
Adams, 
Guyther, 
McLaurin,

FOR MR. DODGE,

Speaker, Gray, McMillan, Patton, Patterson, Poindexter, Pope, Smith, Spruill, Sullivan, L. Walker, Winston, Young.

Barringer, Hawkins,
Biggs, Hill,
Boyd, Howerton, Jacobs,
Boyden, Jefferson, J. M. Covington, R. Jones, Davis, E. P. Miller, Dickson, W. J. T. Miller, Farrow, Mills, Franklin, Morris, Gee, McCleese, Graves, McLaughlin,

FOR MR. N. BOYDEN,

Mr. J. P. Caldwell.

FOR MR. REID,

Messrs. G. W. Caldwell, J. Walker. Powell,
Mr. Spruill moved that the House adjourn till to-morrow morning ten o’clock.

The question thereon was decided in the negative—yeas 31, nays 77. The yeas and nays demanded by Mr. Holland.

Those who voted in the affirmative, were

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Those who voted in the negative, were

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Mr. Lilly, from the committee appointed on that subject, reported that H. C. Jones had received a majority of the whole number of votes and was duly elected Solicitor for the sixth Judicial Circuit.

Mr. Reid moved that the House adjourn until to-morrow morning ten o'clock. The question thereon was determined in the affirmative—yeas 52, nays 49. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

**Messrs.**

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Those who voted in the negative, were

**Messrs.**

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On motion of Mr. J. P. Caldwell,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 11 o'clock to-morrow, go into an election of Solicitor for the 7th Judicial Circuit, and informing that the names of Burgess S. Gaither, Thomas W. Wilson and James W. Guinn are in nomination for the appointment.

On motion of Mr. Robards,

Ordered, That a message be sent to the Senate, proposing that the two Houses do go immediately into an election of a Senator in the Congress of the United States, for the term of six years, commencing on the 4th of March next—and informing that Willie P. Mangum, of Orange, is in nomination for the appointment.

Mr. Poindexter, from the Committee on Claims, reported favourably on the resolution in favor of Samuel Terry, sheriff of Richmond county, when said resolution was read the second time and passed. Mr. Keener presented the petition of certain citizens of Waynesville, in the county of Haywood, praying an alteration in the limits of one of the school districts of said county. Said petition was, on motion of Mr. Keener, referred to the Committee on Education.
On motion of Mr. Baker,

Resolved, That the Committee on the Judiciary, be instructed to enquire 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. Reid,

Resolved, That so much of the Governor's message as relates to the location of the Judges, be referred to the Committee on the Judiciary.

On motion of Mr. Biggs,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing upon whom notice may be served, by one who is in prison for a fine, and desirous of availing himself of the insolvent laws; further to inquire into the propriety of amending the oath of a debtor swearing to a schedule in cases where there has been a continuance of the suit upon an issue of fraud submitted to a jury.

On motion of Mr. D. A. Graham,

Resolved, That the Committee on Internal Improvement, be instructed to inquire into the expediency of making an appropriation for the purpose of clearing Lumber River, from the State line up to the Turpike Bridge, in the county of Cumberland, and to report by bill or otherwise.

Mr. Poindexter presented a petition from sundry citizens of the county of Surry, praying that the River Ararat be opened for the passage of fish; which was read, and, on Mr. Poindexter's motion, referred to the Committee on Propositions and Grievances.

Mr. W. J. T. Miller, from the joint select committee raised on the subject, reported, without amendment, the bill to establish a county by the name of Cleaveland.—The said bill was read the first time and passed.

A message from the Senate, concurring in the proposition of this House, to vote at 11 o'clock to-morrow for a Solicitor of the 7th Judicial Circuit, and informing that Messrs. Faison and Pollock form their branch of the committee to superintend the election; and informing further, that the name of John Gray Bynum is added to the nomination for Solicitor.
The bill giving longer time to register grants of land in this State, deeds of mesne conveyance, power of Attorney, &c., was read the second time, amended and passed.

The bill to amend an act, entitled an act to authorize A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the last session of 1838 and '39, was read, and on motion of Mr. Guthrie, referred to the Committee on Private Bills.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee on Military Affairs, and informing that Messrs. Dockery, Wilson, Faison, Whitfield and Selby form their branch of said committee.

Ordered, That Messrs. J. P. Caldwell, J. T. Miller, Hawkins, Robards, J. O'K. Williams form said 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 three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election, and informing that Messrs. Spruill, Hawkins and Albright form their branch of said committee.

Ordered, That Messrs. Mendenhall, Reid and Adams form said committee on the part of this House.

A message from the Senate, proposing to refer the reports of the Public Treasurer and Comptroller for the years of 1838 and 1839 to the Committee on Finance.

The proposition was concurred in.

Mr. J. P. Caldwell gave notice that he should, on tomorrow, move an amendment to the rules of order, as follows:

That the Door Keepers be directed to admit no person within the Hall of the Commons, while the House is in session, except members and officers of the Legislature, and officers of the State and General Government.

A message from the Senate, concurring in the proposition of this House to vote immediately for a Senator in the Congress of the United States, for the term of six years from and after the fourth of March next; and informing that Messrs. Worth and Reid form their branch of the committee to superintend this election.

Ordered, That Messrs. Robards and Eaton form said committee on the part of this House.
The vote was called, and the House voted as follows:

FOR WILLIE P. MANGUM,

Messrs.


FOR BEDFORD BROWN,

Messrs.

Dickson,          Mangum,          J. Walker,  
Eaton,           Massey,         L. Walker,  
Ennett,          J. T. Miller,    Ziglar,    
Graves,          Monday,         

Mr. Robards, from the committee appointed to conduct this election, reported that Willie P. Mangum had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion of Mr. Robards,  
Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. Bedford Brown.

A message from the Senate, concurring in this proposition, and informing that Messrs. Gaither and Whitaker form their branch of the committee to superintend the election.

The vote of the House was as follows:

FOR WILLIE P. MANGUM,

Messrs.

Speaker.
Adams,
Allen,
Barringer,
Beall,
Boyden,
Brannock,
Brower,
Brumnell,
Bryan,
Burns,
J. P. Caldwell,
Carson,
Clegg,
J. W. Covington,
J. M. Covington,
Doak,
Farrow,
Foreman,
Franklin,
Gee,
R. B. Gilliam,

Guthrie,
Guyther,
Hill,
Holt,
Huggins,
Hyman,
Jacobs,
Jefferson,
Joiner,
H. C. Jones,
Keener,
King,
W. B. Lane,
Lilly,
Mendenhall,
E. P. Miller,
W. J. T. Miller,
Mills,
Moore,
Morris,
Murchison,
McLaurin,
McMillan,
Neal,
Paine,
Patton,
Pemberton,
Poindexter,
Pope,
Proctor,
Robards,
Russell,
Siler,
Smith,
Spruill,
J. W. Taylor,
Thompson,
Wadsworth,
Whitehurst,
J. O'K. Williams,
F. Williams,
Winston,
Wilson,
Mr. Thompson, from the committee appointed to conduct this election, reported that Willie P. Mangum had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

On motion of Mr. Mendenhall, Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Robert Strange.
A message from the Senate, concurring in this proposition, and informing that Messrs. Ribelin and Hill form their branch of the committee to conduct this election.

Ordered, That Messrs. Mendenhall and Morrow form said committee on the part of the Commons.

The House thereupon proceeded to vote as follows:

FOR WILLIAM A. GRAHAM,

Messrs.

FOR ROBERT STRANGE,

Messrs.
Baker, Bannerman, J. Barnes, E. Barnes, Biggs, Boyd, Brogden, G. W. Caldwell, Hawkins, Herring, Holland, Howerton, J. B. Jones, C. Jones, R. Jones, Kerr, Morrow, Munroe, Patterson, Powell, Ragan, Rand, Reid, Sullivan,
Mr. Mendenhall, from the committee appointed to conduct this election, reported that William A. Graham had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

The resignations of G. C. Askew, of Buncombe county; of William Johnston, of Nash; of William C. Gilliam, of Rockingham; of H. Bridgen, of Nash; of Jas. B. Woodard, of Edgecombe county, Justices of the Peace, were presented, read and accepted.

The resignation of Jacob Powell, a Justice of the Peace of the county of Columbus, received from the Senate, was read and accepted.

On motion of Mr. Hill, the following resolutions were adopted.

Resolved, That so much of the Governor's message as relates to the subject of Common Schools, be referred to the Committee on Education.

That so much thereof as relates to the subject of a Penitentiary, be referred to the joint select committee already raised on the Lunatic and Orphan's Asylum.

That so much thereof as relates to the subject of Internal Improvement, be referred to the Committee on Internal Improvement.

The House then adjourned until to-morrow morning, 10 o'clock.
from the nomination for Solicitor of the 7th Judicial Circuit.

On motion of Mr. H. C. Jones, Mr. Moore was added to the Committee on the Judiciary.

On motion of Mr. Mendenhall,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing all laws concerning the processioning of lands in this State; and that they report by bill or otherwise.

On motion of Mr. Boyden,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws in relation to the sale and transfer of real estate by femes covert, residing beyond the limits of this State, as to dispense with the testimonials of the Governor of the State where the femes covert reside.

Mr. Patton presented a petition and counter petition from sundry citizens of the counties of Buncombe and Henderson, together with a bill for carrying their prayer into effect, entitled a bill to fix the location of the town of Hendersonville.

A message from the Senate, informing that Messrs. Faison and Pollock form their branch of the committee to superintend the election of a Solicitor for the 7th District.

Ordered, That Messrs. Mills and Hoke form this committee on the part of the House.

The House then proceeded to vote as follows:

FOR MR. B. S. GAITHER,

Messrs.

Speaker, Adams, Barringer, Beall, Brannock, Burns, J. P. Caldwell, J. W. Covington, Farrow, Foreman, Guyther, Hill, Holt, Hyman, Jacobs, Lilly, E. P. Miller, Moore, Morris, McLaughlin, Neal, Patton, Pemberton, Pope, Robards, Siler, Russell, Spruill, J. O'K. Williams, Wilson,
FOR J. G. BYNUM,

Messrs.


FOR MR. GUINN,

Messrs.


FOR MR. W. WILSON,

Mr. Mendenhall.

Mr. Hoke, from the committee appointed to superintend this election, 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. Cardwell,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for this officer.

A message was received from the Senate, agreeing to this proposition, and informing that Messrs. Speed and Kerr form their branch of the committee to superintend the election.

Ordered, That Messrs. Keener and Morris form this committee on behalf of the Commons.

The House then proceeded to vote as follows:

FOR MR. GAITHER,

Messrs.


FOR MR. BYNUM,

Messrs.

FOR MR. GUINN,

Messrs.

Baker, Baker, Killian, F. Taylor,
Bannerman, I. W. Lane, Tomliison,
J. Barnes, Mangum, L. Walker,
E. Barnes, Massey, J. Walker,
Biggs, J. T. Miller, Graves,
Brogden, Monday, Guthrie,
G. W. Caldwell, Munroe, Hawkins,
Cardwell, Morrow, Herring,
Chambers, Patterson, Hoke,
Davis, Ragan, Holland,
Dickson, Rand, Howerton,
Eaton, Reid, J. B. Jones,
Ennett, Sullivan, C. Jones,
Kerr, Stallings, R. Jones.

FOR MR. WILSON,

Mr. Mendenhall.

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

Mr. Siler, from the joint select committee on Cherokee Lands, to whom was referred the bill authorizing the Governor to appoint an agent in the county of Macon or Cherokee, reported the same without amendment.

The said bill was read, and, on motion of Mr. Cad. Jones, laid on the table and ordered to be printed.

Mr. Neal presented a bill for the more convenient administration of justice in the county of Burke; which was read the first time and passed.

The proposed amendment to the Rules of Order was read, and, on motion of Mr. Roberts, postponed indefinitely.

The resignation of John Allen, as a Justice of the Peace of the county of Burke, was presented, read and accepted.
The House then adjourned until to-morrow morning, ten o'clock.

THURSDAY, Nov. 26, 1840.

William A. Graham, the Speaker of the House of Commons, resigned his seat as Presiding Officer of this body and as a member of the House of Commons from the county of Orange.

On motion of Mr. Biggs,

Ordered, That the House proceed to vote for a Speaker, to fill the vacancy occasioned by such resignation.

Mr. Guthrie nominated for this office, Robert B. Gilliam, one of the members representing the county of Granville.

Mr. Winston and Mr. Biggs were called as superintendents of this election.

The House then voted as follows:

FOR MR. R. B. GILLIAM,

Messrs.

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<td>Mr. Sullivan.</td>
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Mr. Gilliam having thus received a majority of the whole number of votes, was declared duly elected Speaker of the House of Commons. He was accordingly conducted to the chair by Messrs. Guthrie and H. C. Jones, from whence he made his acknowledgments to the House in an appropriate address.

On motion of Mr. J. T. Miller,

Resolved unanimously, That the thanks of this House be tendered to the Hon. William A. Graham, late Speaker of this House, for the able, dignified and impartial manner with which he has discharged the duties of the chair.

On motion of Mr. Holt,

Resolved, That a writ of election be forthwith issued to the sheriff of Orange county, directing an election to be held as required by law, on Thursday the 3rd day of December, for a member of this House, to fill the vacancy occasioned by the resignation of the Hon. William A. Graham.

On motion of Mr. Reid,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for Solicitor of the 7th Judicial Circuit.

Received a message from the Senate, concurring in this proposition, and informing that Messrs. Cooper and Selby, form their branch of the committee to superintend the election.

Ordered, That Messrs. H. C. Jones, and J. M. Covington, form said committee on behalf of the Commons.

The House then voted as follows:

FOR JAS. W. GUINN,

Messrs.
Bannerman, Hawkins, Morrow,
J. Barnes, Herring, Patterson,
FOR B. S. GAITHER.

Messrs.

Speaker, 
Adams, 
Barringer, 
Beall, 
Burns, 
J. W. Covington, 
Farrow, 
Gee, 
Graham, 
Grandy, 
Gray, 
Guyther, 
Hill, 

Hoke, 
Holland, 
Howerton, 
J. B. Jones, 
C. Jones, 
R. Jones, 
Kerr, 
Killain, 
I. W. Lane, 
J. T. Miller, 
Monday, 
Munroe, 
Powell, 
Ragan, 
Rand, 
Reid, 
Smith, 
Sullivan, 
Stallings, 
Tomlinson, 
F. Taylor, 
L. Walker, 
J. Walker.

FOR J. G. BYNUM,

Messrs.

Allen, 
Boyden, 
Brannock, 
Brower, 
Brunnell, 
Bryan, 
Clegg, 
J. M. Covington, 
Doak, 
Foreman, 
Franklin, 

J. R. Gilliam, 
Huggins, 
Jefferson, 
Joiner, 
H. C. Jones, 
Keener, 
W. B. Lane, 
Mangum, 
Massey, 
W. J. T. Miller, 
Mills, 

Murchison, 
McCullum, 
Poindexter, 
Proctor, 
J. W. Taylor, 
Thompson, 
Wadsworth, 
Whitehurst, 
F. Williams, 
Withers. 
Zeglar.
The following messages were received from the Senate.

A message informing that Messrs. Gaither, Worth and Pasteur, form their branch of the joint select committee, on so much of the Governor’s message, as relates to a Penitentiary.

That Messrs. Moore, Hellen and McDiarmid, form their branch of the committee on so much of the Governor’s message, as relates to Lunatic and Orphan Asylums.

That Messrs. Bynum, Arrington and Puryear, form their branch of the committee on so much of said message as relates to a United States Bank, and an increase of the Bank capital of the State.

That Messrs. Spruill, Ried, Johnson, Whitaker and Spiers form their branch of the committee on public buildings and re-building the capitol.

And that Messrs. Morehead, Reid and Bond form their branch of the committee on so much of said message as relates to a union of the Board of Internal Improvement and Literary Fund.

A message concurring in the proposition of this House, to raise a joint select committee to inquire into the expediency of abolishing imprisonment for debt, and informing that Messrs. Edwards, Parks and Montgomery form their branch of said committee.

Ordered, That Messrs. Paine, Clegg and Poindexter form said committee on the part of this House.

A message proposing that so much of the Governor’s message as relates to the remonstrance of the people of the District of Columbia, and the proceedings of the Legislature of the States of New York, Kentucky and other States on the subject of the Public Domain, and the New Jersey resolutions, be referred to a joint select committee of three on the part of the Senate, and four on the part of the Commons. The proposition was concurred in, and Messrs. N. Boyd, Paine, McCollum and J. T. Miller appointed to compose said committee on the part of the Commons.

A message from the Senate, informing that Messrs.
Mitchell, Wilson and Albright form their branch of said committee.

Mr. Biggs presented a petition from sundry citizens of Martin county, together with a bill to carry the prayer of the petition into effect, entitled a bill to prevent the obstruction of fish passing up Roanoke and Cashie rivers, and their waters.

The said bill was read the first time and passed, and, on motion, it was order that a message be sent to the Senate, proposing that the said bill and petition be referred to a joint select committee, composed of the members representing the Counties of Halifax, Northampton, Bertie, Martin, Chowan, Washington, Perquimons, Pasquotank, Currituck, Camden, Gates, Hertford and Tyrrel.

On motion of Mr. Siler,

Resolved, That the Clerk of the County Court of Macon be required to deliver the map of the lands of Cherokee, now in his office, to the clerk of the County Court of Cherokee, and the said map be regarded as a record in the office of the clerk of Cherokee, any law to the contrary notwithstanding.

Mr. Hill introduced a bill to amend an act entitled an act to amend an act, passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; which was read the first time and passed.

Mr. Mendenhall, from the joint select committee raised upon the subject, made a report recommending the adoption of the following resolution:

Resolved, That the two Houses of this General Assembly shall assemble in the hall of the House of Commons, on Friday, the fourth day of December, 1840, at 12 o'clock; that one person shall 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 adopted.

Mr. Carson, from the committee to whom was referred the bill to lay off and establish a county by the name of Caldwell, reported the same without amendment, when the said bill was read the first time and passed.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably to the bill to prevent litigation, when the said bill was read, and, on Mr. Winston's motion, was indefinitely postponed.

Mr. Wilson presented pension certificates from the County Court of Perquimons in favor of Priscilla Goodwin, a State pensioner.

Ordered, on motion of Mr. Wilson, that the same be signed by the Speaker of this House, and sent to the Senate.

On motion of Mr. H. C. Jones,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law authorising the Governor to issue his proclamation, ordering an election for members of Congress whenever there shall be a called session of Congress between the fourth of March and the second Thursday in August, in the years when the terms of the said members shall have expired.

Mr. G. W. Caldwell introduced a bill to secure to the free white men of the State the right of voting for representatives in the Senate of General Assembly; which was read the first time and passed.

The resignations of Hugh Watson, of Rutherford, and Joseph W. Stockton, of Iredell county, justices of the peace, were presented, read and accepted.

Mr. H. C. Jones, from the committee appointed to superintend the election of Solicitor of the 7th judicial circuit, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The House then adjourned until to-morrow morning, ten o'clock.
Friday, Nov. 27, 1840.

Samuel Fleming, the member elect from the county of Yancy, appeared, exhibited his credentials, and was qualified according to law.

On motion of Mr. Mendenhall,

Ordered, That a message be sent to the Senate, communicating the report of the joint select committee raised upon the subject of counting and comparing the votes given at the last election for Governor of the State, and asking the concurrence of the Senate therein.

On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, proposing that the two Houses shall vote to-morrow, at eleven o'clock, for a Solicitor for the first judicial circuit.

On motion of Mr. Poindexter,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Solicitor for the seventh circuit.

A message was received from the Senate, concurring in this proposition, and informing that Messrs. Orr and Hargrave form their branch of the committee to superintend the election.

Ordered, That Messrs. Mills and Biggs form said committee on the part of this House.

The House then voted as follows:

FOR MR. GAITHER,

Messrs.

Mr. J. P. Caldwell, from the Committee on Propos-itions and Grievances, to whom was referred a petition praying the erection of a county out of a portion of the territory of Cumberland, Moore, Chatham and Wake, re-
ported unfavorably thereon, and prayed that the committee be discharged from the further consideration of the subject.

Mr. Rand presented a counter petition on the same subject from a portion of the citizens of the county of Wake; which was read.

The question on concurring in the report of the committee was determined in the affirmative—yeas 87, nays 25. The yeas and nays demanded by Mr. Reid.

Those who voted in the affirmative, were

Messrs.

Adams, Gray, Patterson,
Allen, Guyther, Poindexter,
Baker, Hawkins, Pope,
Bannerman, Herring, Powell,
J. Barnes, Hill, Proctor,
E. Barnes, Hoke, Ragan,
Barringer, Holland, Rand,
Beall, Howerton, Robards,
Boyd, Huggins, Russell,
Brannock, Hyman, Siler,
Brodgen, Jacobs, Smith,
Brower, Joiner, Spruill,
Bryan, H. C. Jones, Sullivan,
Burns, J. B. Jones, Stallings,
J. P. Caldwell, R. Jones, J. W. Taylor,
Cardwell, Kerr, F. Taylor,
Clegg, I. W. Lane, Thompson,
J. M. Covington, Mangum, Tomlinson,
J. W. Covington, Massey, Wadsworth,
Davis, Mendenhall, L. Walker,
Dickson, J. T. Miller, Whitehurst,
Eaton, Mills, J. O'K. Williams,
Ennett, Munday, F. Williams,
Foreman, Moore, Winston,
Franklin, Murchison, Wilson,
Gee, Mc Cleese, Withers,
J. R. Gilliam, McLaurin, Young,
Grandy, McLaughlin, Ziglar,
Graves, McMillan,

Those who voted in the negative, were

Messrs.

Boyden, Jefferson, Morrow,
Mr. Biggs, from the committee appointed to superintend the election of Solicitor for the Seventh Circuit, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing that another vote be taken immediately for this officer. The proposition was agreed to, and Messrs. Patterson and Gray appointed to superintend the election.

A message from the Senate, informing that Messrs. Myers and Melvin, form their branch of said committee.

The House then voted as follows:

FOR MR. B. S. GAITHER,

Messrs.

Speaker,        Messrs.
Adams,         Hyman,        Patton,
Barringer,     Jacobs,       Pemberton,
Beall,         Keener,       Robards,
Burns,         Lilly,        Russell,
J. W. Covington, E. P. Miller, Siler,
Graham,        Morris,       Spruill,
Grandy,        McCleese,     Smith,
Gray,          McLaughlin,  J. O’K. Williams,
Guyther,       McLaurin,     Winston,
Hill,          McMillan,     Young,
Holt,          Neal,
Paine,

FOR J. G. BYNUM,

Messrs.

Allen,          Messrs.
Baker,          Gee,         McCollum,
Boyden,         J. R. Gilliam, Poindexter,

Huggins,         Pope,
FOR J. W. GUINN,

Messrs.


FOR T. W. WILSON,

Messrs.

J. P. Caldwell, Mendenhall, Wilson.

Mr. Patterson, from the committee of superintendence, reported that no one of the candidates had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Received from the Senate another message, proposing to vote again immediately for this officer; the proposition was concurred in, and Messrs. Keener and Bannerman were appointed to conduct the election.

The House then voted as follows:
FOR MR. B. S. GAITHER,

|---------|---------|--------|------------|-------|--------|---------|-------|----------|-------|-------|-------|--------|--------|----------|---------|----------|------------|----------|-----------|--------|-------|--------|--------|-----------|----------|-------|

FOR J. G. BYNUM,


[FOR J. W. GUINN,

Eaton, Killian, Tomlinson,
Enneti, I. W. Lane, L. Walker,
Flemming, J. T. Miller, J. Walker.

FOR THOS. W. WILSON,

Messrs. J. P. Caldwell, Mendenhall, Wilson.
Grandy,

FOR WM. E. MILLS,

Messrs. W. J. T. Miller, Neal, Paine.

Mr. Bannerman, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes. The report was concurred in.

Received from the Senate a message, proposing to vote again immediately for this officer. The message was concurred in.

On motion of Mr. Patton, the name of Mr. Wm. E. Mills was added to the nomination, and the Senate be so informed.

A message from the Senate, informing that Messrs. Hellen and Whitaker form their branch of the committee to superintend the election.

Ordered, That Messrs. Beall and Kerr form said committee on the part of this House.

The House proceeded again to vote as follows:

FOR B. S. GAITHER,

Messrs. Speaker, Holt, Pemberton,
Adams, Hyman, Russell,
Barringer, Keener, Siler,
Beall, Lilly, Smith,
Graham, E. P. Miller, Spruill,
Gray, McLaughlin, Winston.
Hill, McMillan,

FOR WM. E. MILLS,

Messrs. Carson, Neal, Robards,
Guyther, Paine, J. O'K. Williams,
Mr. Beall, from the committee appointed to conduct this election, reported that there was no election. The report was concurred in.
Received from His Excellency, the Governor, by his Private Secretary, the following communication:

EXECUTIVE OFFICE, Nov. 27, 1840.

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

GENTLEMEN:

I have the honor herewith to lay before you the Report of the President and Directors of the Literary Fund of North Carolina.

I am, gentlemen, very respectfully, your ob't. serv't.,

ED. B. DUDLEY.

On motion of Mr. Barringer,

Ordered, That the message be transmitted to the Senate, with a proposition that the message and all the accompanying documents be printed; and that it be referred to a joint select committee of five on the part of each House; and that the joint select committee of two on the part of each House, heretofore raised on the subject of the States' title to the swamp lands, form a part of said committee.

On motion of Mr. Wilson,

Ordered, That the Door Keepers of the House of Commons be instructed to ring the bell every morning thirty minutes before the hour to which the House shall have adjourned.

Mr. Hoke presented a petition from Henry Patterson, a free man of color, accompanied by a petition from many of the citizens of Raleigh, praying the emancipation of Emeline, the wife of said Patterson. The petitions were read, and on motion of Mr. Hoke, referred to the Committee on Private Bills.

On motion of Mr. Biggs,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing that some record be made of the appointment and qualification of deputy sheriff.

On motion of Mr. Young,

Resolved, That so much of the Governor's message as relates to volunteer uniform companies of militia be referred to the committee on military affairs.
On motion of Mr. Hoke,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to inquire into the causes of suspension of the Banks of this State; their operations during suspension; and when they intend to resume specie payments; and that said committee have power to send for persons and papers.

Mr. Hill presented a resolution in favor of Robert Woodside, sheriff of Brunswick; which was referred, on Mr. Hill's motion, to the Committee on Propositions and Grievances.

Mr. Hill presented a resolution in favor of Nathaniel Potter, clerk of the county of Brunswick; which was, on motion of Mr. Hill, referred to the Committee on Propositions and Grievances.

Mr. Paine presented a petition from sundry citizens of Chowan county, praying that the fisheries on Albemarle and its waters may not be disturbed by Legislative enactments.

Ordered, on motion of Mr. Paine, that the petition be sent to the Senate, with a proposition to refer it to the joint select committee to whom is referred the bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers.

Mr. McCleese moved that the House adjourn until tomorrow morning ten o'clock. The question thereon was determined in the negative—yeas &7, noes 65. The yeas and nays demanded by Mr. J. Walker.

Those who voted in the affirmative, were

Messrs.

Allen,       Hawkins,       Poindexter,
Boyden,      Herring,       Pope,
Brummell,    Hymau,         Rand,
Bryan,       Jacobs,        Reid,
Burns,       C. Jones,      Robards,
Fleming,     Killian,       Siler,
Foreman,     W. B. Lane,    Smith,
Gee,         Massey,        Sprnill,
Graham,      J. T. Miller,  Sullivan,
Grandy,      McCleese,      Tomlinson,
Gray,        McLaurin,      Wilson,
Guthrie,     Pemberton,     Winston,
Those who voted in the negative, were

Messrs.


Graves, Hill, Holland, Holt, Howerton, Huggins, Joiner, H. C. Jones, J. B. Jones, R. Jones, Keener, I. W. Lane, Mendenhall, E. P. Miller, W. J. T. Miller, Mills, Monday, Moore, Morris, Morrow, Munroe, Murchison,


Mr. Mendenhall, from the Committee on the Judiciary, reported a bill to repeal an act entitled an act concerning the processioning of lands; which was read first time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of James McHann, of Macon county; which was concurred in.

Mr. J. P. Caldwell, from the same committee, reported unfavorably on the petition of sundry citizens of Surry county in relation to opening Ararat river for the passage of fish; which report was concurred in.

On motion of Mr. Guthrie, the bill altering and prescribing the time at which certain elections shall be hereafter held in this State, was taken up and made the order of the day for Monday next.

The House then adjourned until to-morrow morning, ten o'clock.
Mr. Mendenhall presented a resolution for the relief of Thomas Faison and others. Said resolution was read, adopted, and ordered to be engrossed.

Mr. Winston, from the Committee on the Judiciary, asked that the committee be discharged from the further consideration of the resolution, referring to them so much of the Governor's message as relates to the location of the Judges of the Superior Courts. The question on discharging the committee, was determined in the affirmative.

On motion of Mr. Mills,

Resolved, That the Committee on the Judiciary, inquire if any, and what further legislation is necessary to supply the records of courts and other valuable public papers destroyed by fire or other accidents—and that they report by bill or otherwise.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the resolutions in favor of the sheriffs of the counties of Columbus, Chatham, Duplin, Macon, Nash and Washington.

Ordered. On motion of Mr. Guthrie, that the report and resolutions be laid on the table.

On motion of Mr. Moore,

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of requiring the same securities in the execution of written wills of personality, as are required in the execution in wills of realty; and if the committee be of the opinion that any alteration of the existing law upon the subject is necessary, to report a bill in conformity with their opinion.

The bill giving longer time to Register grants of land in this State, deeds of mesne conveyance, powers of attorney, was read the third time, amended on motion of Mr. Patton and passed, and ordered to be engrossed.

A message from the Senate, concurrence in the proposition of this House to vote this day, at 11 o'clock, for Solicitor of the first Judicial Circuit—and informing that
Messrs. Moye and Houlder form their branch of the committee to superintend the election.

Ordered, That Messrs. Wilson and Proctor form said committee on the part of this House.

On motion of Mr. H. C. Jones, the name of David Outlaw was put in nomination for this solicitorship, and the Senate so informed.

Mr. Robards moved that a message be sent to the Senate, proposing to rescind the above named joint order of voting this day at 11.

On motion of Mr. Boyden,

Ordered, That the motion of Mr. Robards lie upon the table.

The House then proceeded to vote as follows:

FOR DAVID OUTLAW,

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

Mr. Wilson, from the committee appointed to conduct this election, reported that David Outlaw had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The resolution assigning the rooms in the capitol and for other purpose, was taken up and considered, and, on motion of Mr. Moore,

Ordered, That it be re-committed to the same committee, and that a message be sent to the Senate, proposing that said committee be increased by 3 members, on the part of each House.

Mr. Hill called up for consideration, the bill heretofore, on his motion, laid on the table, entitled a bill concerning pilots and Commissioners of navigation for Cape Fear River.

Mr. Reid moved that said bill be referred to the Committee on Propositions and Grievances. The motion was lost.

On motion of Mr. Hoke,

Ordered, That the bill be referred to a select committee. Said committee consists of Messrs. Hill, McLaughlin, J. T. Miller, Reid, Graham.

The bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, was called up, and, on Mr. Hoke's motion, referred to the Committee on the Judiciary.

The House then adjourned until Monday morning, ten o'clock.
The bill to establish a county by the name of Clevelan
dland, was read the second time, and on motion of Mr.
Moore, laid on the table.
A message from the Senate, concurring in the adoption
of the resolution reported by the joint select committee
appointed to make the arrangements, and prescribe the
time for the assembling of the two Houses to compare the
votes given at the late election for Governor of the State.
A message from the Senate, concurring in the proposition
of this House, to refer the bill entitled a bill, to pre-
vent the obstruction of fish passing up the Cashie and
Roanoke rivers and their waters, to a joint select commit-
tee composed of the representatives in both Houses, from
the counties of Halifax, Northampton, Bertie, Martin,
Chowan, Washington, Perquimons, Pasquotank, Currit-
tuck, Camden, Gates and Hertford.
A message from the Senate, concurring in the proposition
of this House, to vote on Tuesday next, at 11 o'clock,
for Attorney General, and informing that the name of
Hugh McQueen is in nomination for the appointment.
On motion of Mr. Spruill,
Ordered, That the Senate be informed, that James Ire-
dell is in nomination for the appointment; and
On motion of Mr. Biggs, the name of J. R. J. Daniel
was added to the nomination.
Mr. Hill, from the select committee to whom was re-
ferred the bill concerning Pilots and Commissioners of
Navigation for Cape Fear river, reported the same with
an amendment; the amendment was concurred in, and
the bill as amended, read the second time and passed.
Mr. Mills, from the committee on Private Bills, report-
ed without amendment the bill to amend an act, entitled
an act, to authorize A. R. S. Hunter, of Cherokee coun-
ty, to remove his bridge, passed at the session of 1838.
The said bill was thereupon read the second time and
passed.
A message from the Senate, informing that they have
passed the engrossed bill to prevent the cutting of timber
into the rivers of Cherokee county, and asking the con-
currence of this House. The said bill was read first time
and passed.
On motion of Mr. Barringer,

Resolved, That the use of the Commons Hall be allowed to Mr. J. Orville Taylor this evening, and on Wednesday evening at candle light, for the purpose of delivering two lectures on the subject of Education.

On motion of Mr. Brogden,

Ordered, That a message be sent to the Senate, proposing that the two houses vote immediately for Solicitor of the seventh circuit.

A message from the Senate, concurring in this proposition, and informing that the name of B. S. Gaiter is withdrawn from the nomination, and that Worth and Hill form their branch to superintend the election.

Ordered, That the Senate be informed, that the name of Wm. E. Mills is withdrawn from the nomination, and that Messrs. Brumell and Stallings are appointed superintendents on behalf of the Commons.

The House then voted as follows:

FOR J. G. BYNUM;

Speaker, Guyther, McLaurin,
Adams, Hill, Neal,
Allen, Holt, Paine,
Barringer, Huggins, Patton,
Boyden, Hyman, Pemberton,
Beall, Jacobs, Poindexter;
Brannock, Jefferson, Pope,
Brower, Joiner, Proctor,
Brumell, Keener, Siler,
Bryan, King, Smith,
Burns, W. B. Lane, Spruill,
Carson, Lilly, J. W. Taylor,
Clegg, W. J. T. Miller, Thompson,
J. W. Covington, Mills, Wadsworth,
J. M. Covington, Moore, J. O'K. Williams
Doak, Morris, F. Williams,
Foreman, Murchison, Winston,
Franklin, McCleese, Withers,
Graham, McClenehan, Young,
Grandy, McCollum, Wilson,
Gray, McLaughlin, Ziglar.
FOR J. W. GUINN,

Messrs.
Baker,  Graves,  Monday,
Baurnerman, Guthrie,  Morrow,
J. Barnes,  Hawkins,  Munroe,
E. Barnes,  Hoke,  Powell,
Boyd,  Holland,  Ragan,
Brogden,  J. B. Jones,  Rand,
G. W. Caldwell,  C. Jones,  Reid,
Cardwell,  R. Jones,  Robards,
Chambers,  Kerr,  Sullivan,
Davis,  Killain,  Stallings,
Dickson,  I. W. Lane,  F. Taylor,
Eaton,  Mangum,  Tomlinson,
Ennett,  Massey,  L. Walker,
Fleming,  J. T. Miller,  J. Walker.

FOR THOS. W. WILSON,

Messrs.
J. P. Caldwell,  Mendenhall,

FOR H. L. ROBARDS,

Mr. Russell.

Mr. Brummell, from the committee appointed to conduct this election, reported that John G. Bynum had received a majority of the whole number of votes, and was duly elected.

The report was concurred in.

Mr. Spruill introduced the following resolution; which was read the first time and passed:

Resolved, That the Clerk of this House employ a small boy to act as Page to the House of Commons, while the House is in session.

Mr. Reid introduced a bill to incorporate the Cross Creek Manufacturing Company, in the county of Cumberland; which was read the first time and passed, and on Mr. Cardwell's motion, referred to the Committee on Private Bills.

Received from His Excellency Governor Dudley, by his Private Secretary, Mr. C. C. Battle, the following communication:
To the Honorable the General Assembly of North Carolina:

Gentlemen:

In obedience to an act of the General Assembly, (41st chapter of the Revised Statutes,) I lay before you the original returns of the votes given in the several counties in this State, on the 12th inst., for Electors to vote for President and Vice President of the United States, for the term of four years from the 4th of March, 1841; and to make known that, upon examination, as you will observe by the accompanying transcript, it appears that the following gentlemen have been chosen:

Charles McDowell, of Burke County
James Wellborn, of Wilkes
David Ramsour, of Lincoln
David F. Caldwell, of Rowan
James Mebane, of Caswell
John Kelly, of Moore
Abram Rencher, of Chatham
James S. Smith, of Orange
Charles Manly, of Wake
William L. Long, of Halifax
William W. Cherry, of Bertie
Thos. F. Jones, of Perquimons
Josiah Collins, of Washington
James W. Bryan, of Carteret
Dan'l B. Baker, of N. Hanover

I have the honor to be, very respectfully,
Your obedient servant,

ED. B. DUDLEY.

Executive Dept. Nov. 28, 1840.

Received from the Senate a message, 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 causes of the suspension of the Banks of the State; their operations during suspension; and when they intend to resume specie payments; and informing that Messrs. Gaither, Hawkins, Dockery, Pasteur, Albright form their branch of the committee.

Ordered, That Messrs. Hoke, Moore, J. P. Caldwell,
Levi Walker and Wadsworth form said committee on the part of the Commons.

Mr. Moore introduced the following resolution:

Resolved, That the Clerk of this House procure for its use, one large map of the United States, and two of this State, and cause the same to be hung up in the Commons Hall at convenient places.

The said resolution was read first, second, third times and passed.

On the passage of the bill * the third reading, Mr. F. Taylor demanded the yeas and nays, and the vote was yeas 83, nays 24.

Those who voted in the affirmative, were

Messrs.


Guthrie, Guyther, Hill, Holt, Huggins, Hyman, Jacobs, Jefferson, Joiner, J. B. Jones, C. Jones, Keener, King, W. B. Lane, Mangum, Massey, Mendenhall, E. P. Miller, J. T. Miller, W. J. T. Miller, Mills, Moore, Morris, Munroe, Murchison, McCleese, McClenehan, McCollum,


* Resolution?—Pr.
Those who voted in the negative, were

Messrs.

Bannerman,  Franklin,  Morrow,
E. Barnes,  Hawkins,  Powell,
Brogden,  Holland,  Ragan,
G. W. Caldwell,  R. Jones,  Rand,
Cardwell,  Kerr,  Sullivan,
Chambers,  Killian,  F. Taylor,
Davis,  I. W. Lane,  Tomlinson,
Dickson,  Munday,  J. Walker.

Mr. Neal introduced a bill regulating the number of jurors in the Superior Courts of Burke; which was read the first time and passed.

Mr. Mills, from the Committee on Private Bills, reported the bill to incorporate Little River Manufacturing Company, with an amendment.

Ordered, on motion of Mr. J. P. Caldwell, that said report and bill be laid upon the table.

Mr. Boyden introduced a bill concerning last wills and testaments, which was read the first time and passed, and referred, on Mr. Boyden's motion, to the Committee on the Judiciary.

Mr. J. B. Barnes introduced a bill authorising the several County Courts to provide for compensation to the wardens of the poor; which was read the first time and passed.

Mr. Mills, from the Committee on Private Bills, reported unfavorably on the petition of Henry Patterson, for the emancipation of his wife Emeline; and, Mr. Guthrie, on behalf of the minority of the committee introduced a counter report; which said reports, on motion of Mr. Moore were laid upon the table.

Mr. Hoke introduced a bill to emancipate Emeline Patterson; which was read the first time and passed.

The Speaker laid before the House a communication from his Excellency, Governor Dudley, transmitting the report of the board of Internal Improvement, together with sundry documents and exhibits accompanying the same.

Ordered, On motion of Mr. Boyden, that they be referred to the Committee on Internal Improvement.

Mr. J. R. Gilliam introduced the following resolution:
Resolved, That the Committee on the Judiciary be instructed to take into consideration and report upon the expediency and justice of paying Talismen the same per diem compensation allowed Jurors of the original panel.

The said resolution was read and rejected.

The House then proceeded to the order of the day, and took up the bill altering and prescribing the time at which certain elections shall hereafter be held in this State.

Mr. Winston moved to strike out the words first Thursday in August, and insert the second Thursday in August.

And Mr. Boyden moved to amend the amendment by inserting in lieu of the second Thursday in August, the last Thursday in July.

The question on Mr. Boyden’s motion, was determined in the affirmative—yeas 57—nays 54. Yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

MESSRS.

Boyd,               R. Jones,               McLaurin,
Brower,            Keener,               Patton,
Brumnell,         Kerr,                Pemberton,
J. P. Caldwell,   Killian,              Poindexter,
G. W. Caldwell,   King,                Powell,
Cardwell,         I. W. Lane,          Ragan,
Chambers,         Lilly,               Rand,
J. W. Covington,  Mangum,            Reid,
J. M. Covington,  Massey,             Siler,
Davis,            Mendenhall,         Sullivan,
Dickson,          Mills,              Stallings,
Franklin,         Monday,            Tomlinson,
Graham,           Morris,              L. Walker,
Graves,           Morrow,            J. Walker,
Hoek,             Munroe,             Winston,
Holland,          Murchison,         Wilson,
Holt,             McClum,              Young,
C. Jones,         McLaughlin,       Zигlar.

The question then recurring on adopting the amendment as amended, was determined in the negative.

Ordered, On motion of Mr. Biggs, that the bill lie on the table.

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

TUESDAY, DEC. 1, 1840.

The House proceeded to execute the joint order hertofore agreed on, and voted for an Attorney General as follows:

FOR HUGH McQUEEN,

MESSRS.
Adams,           Grady,               McClenehan,
Allen,           Gray,              McCollum,
Barringer,      Guthrie,           McLaughlin,
Beall,           Holt,           McLaurin,
| Boyden,          | Huggins,          | McMillan,        |
| Brannock,       | Hyman,           | Neal,            |
| Brower,         | Jefferson,       | Patton,          |
| Brummell,       | H. C. Jones,     | Patton,          |
| Bryan,          | Keener,          | Proctor,         |
| J. P. Caldwell, | King,            | Reid,            |
| Carson,         | W. B. Lane,      | Russell,         |
| Clegg,          | Lilly,           | Siler,           |
| J. M. Covington,| W. J. T. Miller, | J. W. Taylor,    |
| Doak,           | Mills,           | Whitehurst,      |
| Farrow,         | Morris,          | F. Williams,     |
| Fleming,        | Munroe,          | Withers,         |
| Franklin,       | Murchison,       | Young,           |
| Graham,         | Mc Cleese,       |                  |

FOR JOHN R. J. DANIEL,

| Baker,          | Hawkins,         | Patterson,       |
| Bannerman,      | Hoke,            | Powell,          |
| J. Barnes,      | Holland,         | Ragan,           |
| E. Barnes,      | Howerton,        | Rand,            |
| Biggs,          | J. B. Jones,     | Robards,         |
| Boyd,           | R. Jones,        | Sullivan,        |
| G. W. Caldwell, | Kerr,            | Stallings,       |
| Cardwell,       | Killian,         | F. Taylor,       |
| Chambers,       | J. W. Lane,      | Tomlinson,       |
| Davis,          | Mangum,          | Wadsworth,       |
| Dickson,        | Massey,          | J. Walker,       |
| Eaton,          | Monday,          | L. Walker,       |
| Ennett,         | Morrow,          | Ziglar,          |
| Graves,         | Brogden,         |                  |

FOR JAMES IREDELL,

| Speaker,        | Jacobs,          | Smith,           |
| Burns,          | Mendenhall,      | Spruill,         |
| J. M. Covington,| E. P. Miller,    | Thompson,        |
| Gee,            | Moore,           | J. O'K. Williams,|
| J. R. Gilliam,  | Paine,           | Winston,         |
| Guyther,        | Pope,            | Wilson,          |

FOR BAT. F. MOORE,

| Foreman,        | Hill,            | Joiner,          |
FOR MICHAEL HOKE,
Mr. J. T. Miller.

Mr. McClenehan, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The bill to lay off and establish a county by the name of Stanly, was called up by Mr. Lilly, and read the second time, and the question, shall the said bill pass the second reading? was determined in the affirmative—yeas 63, nays 50. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs.

Hoke, Holland, Holt, Huggins, Jefferson, H. C. Jones, Keener, Killian, King, W. B. Lane, Lilly, Mendenhall, E. P. Miller, W. J. T. Miller, Mills, Monday, Morrow, Morris, Munroe, Murchison, McClenehan,


Those who voted in the negative, were

Messrs.
Adams, Allen, Baker, J. Barnes, J. R. Gilliam, Grandy, Gyther, Hawkins,

McCleese, Patterson, Pope, Powell,
Mr. Grandy introduced a bill to change the time for holding the Courts of Pleas and Quarter Sessions for the county of Camden; which was read the first time and passed.

Mr. Moore called up for consideration, the bill yesterday laid upon the table, entitled a bill altering and prescribing the times at which certain elections shall hereafter be held in this State.

Mr. Mendenhall moved to re-consider the vote of yesterday, by which the House refused to strike out the words first Thursday in August, and insert the words last Thursday in July.

Ordered, on motion of Mr. Moore, that the motion to reconsider be laid on the table.

The bill for the more convenient administration of justice in the county of Burke, was read the second time, and on motion of Mr. Patton, laid on the table.

The Speaker laid before the House a communication from Robert W. Haywood, Adjutant General, on the state of the militia of the State of North Carolina; which, on motion of Mr. Robards, was ordered to be sent to the Senate, with a proposition that it be printed and referred to the Joint Select Committee on Military Affairs.

The Speaker laid before the House a communication from Samuel F. Patterson, President of the Raleigh and Gaston Rail Road Company, transmitting, in pursuance of the charter, a statement of the receipts and expenditures of said company; which was read, and on motion of Mr. Boyd, Ordered, That it be sent to the Senate, with a proposition that it be printed.
A message from the Senate, concurring in the proposition of this House to re-commit the resolutions reported by the Joint Select Committee raised to assign the rooms in the capitol; and that the committee be enlarged by adding three members from each House, and informing that Messrs. Morehead, Bond and Melvin are added to the committee on the part of the Senate.

Ordered, That Messrs. Moore, Spruill and Eaton be added to said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to locate the Judges of the Superior Courts within the several Judicial Circuits, and asking the concurrence of this House. The said bill was read the first time and passed, and, on motion of Mr. Guthrie, made the order of the day for Friday next.

A message from the Senate, informing that they had passed the engrossed resolution directing the Librarian to prepare a catalogue, and asking the concurrence of this House. The said resolution was read and adopted, and ordered to be enrolled.

The bill to lay off and establish a county by the name of Union, was read, and, on motion of Mr. Winston, laid on the table.

A message from the Senate, concurring in the proposition of this House to print the message of His Excellency the Governor, and the documents transmitted therewith, as a Report from the President and Directors of the Literary Fund, and agreeing to the proposition to refer them to a Joint Select Committee of five on the part of each House; and that the Joint Select Committee of two on the part of each House, heretofore raised on the subject of the States' title to the swamp lands, form a part of said committee, and informing that Messrs. Arrington, Puryear and Hill form the additional members of said committee on behalf of the Senate.

Ordered, That Messrs. Allen, Mills and Monday be added to the committee on behalf of the Commons.

A message from the Senate, proposing to vote again immediately for Attorney General. The proposition was concurred in; and Messrs. Brower and Howerton appointed to superintend the election.

A message from the Senate, informing that Messrs. Reid and Williams form their branch of said committee.

The House then voted as follows:
FOR HUGH McQUEEN,

Messrs.

FOR JOHN R. J. DANIEL,

Messrs.

FOR JAMES IREDELL,

Messrs.
Speaker, Boyden, Jacobs, C. Jones, Robards, Smith,
Mr. Brower, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. H. C. Jones presented the following resolution:

Resolved, That when this House adjourns this day, it shall be adjourned to meet at 10 o'clock on Thursday next; and that the use of this Hall be tendered to the College of Electors of President and Vice President of the United States.

Ordered, on motion of Mr. Wilson, that said resolution lie on the table.

A message from the Senate, proposing to vote again immediately for Attorney General. The proposition was concurred in, and Messrs. Jacobs and J. Walker appointed superintendents.

A message from the Senate, informing that Messrs. Moye and Pollock form their branch of said committee.

The House then proceeded to vote as follows:

FOR HUGH McQUEEN,

Messrs.

Adams, Allen, Barringer, Beall, Brannock, Brower, Brummell, Bryan, Carson, Guthrie, Holt, Huggins, Hyman, Jefferson, H. C. Jones, Keener, King, W. B. Lane, McLaughlin, McLaurin, McMillan, Neal, Patton, Pemberton, Proctor, Reid, Russell,

FOR JOHN R. J. DANIEL,

Messrs.


FOR JAMES IREDELL,

Messrs.


FOR B. F. MOORE,

Messrs.

Boyden, J. P. Caldwell, Hill, Mills.
Mr. J. Walker, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The resignation of Isaac Satterfield, a Justice of the Peace of the county of Person, received from the Senate, was read and accepted.

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

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**Wednesday, Dec. 2, 1840.**

Mr. Reid presented the petition of Isaac Hunter, a free man of color, with a petition from many citizens of the city of Raleigh, praying an amelioration of the laws in his favor regulating free negroes, together with a resolution in favor of Isaac Hunter. The petition and resolution were read, and, on motion of Mr. Reid, referred to the Committee on Propositions and Grievances.

Mr. Paine called up for consideration the resolution of Mr. H. C. Jones, yesterday laid upon the table, when Mr. Robards moved to strike out the whole thereof after the word resolved, and insert the following:

That the hall of the House of Commons be, and the same is hereby tendered to the College of Electors, about to assemble this day in the Capitol, for the purpose of casting the votes of the State N. C. for President and Vice President of the United States; and that a committee be appointed to announce to the College this decision; and that this House do now adjourn until to-morrow morning, at ten o'clock.

The resolution was adopted, and Messrs. Paine, Robards and Hoke were appointed the committee therein referred to, and the House then adjourned until to-morrow morning, at 10 o'clock,
Thursday, Dec. 3, 1840.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, who were instructed to inquire into the expediency of restoring to the several courts jurisdiction of pleas where the same has heretofore been abolished, reported against the alteration of the law, in that particular, 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, reported without amendment the resolution in favor of Nathaniel Potter, Clerk of the county of Brunswick, when, on motion of Mr. Hill, the said resolution was laid on the table.

Mr. Graves, from the same committee, reported a resolution in favor of Philip Hodnett, late Entry Taker for the county of Caswell; which was read the first time and passed.

Mr. J. P. Caldwell, from the same committee, reported the resolution in favor of Robert Woodsides, sheriff of the county of Brunswick.

On motion of Mr. Hill, the resolution was amended, and read the first, second and third times and passed, and ordered to be engrossed.

Mr. J. T. Miller presented a memorial from the Wilmington and Raleigh Rail Road Company, praying the aid of the State; which was read, and, on motion of Mr. Miller, referred to the Committee on Internal Improvement.

Mr. H. C. Jones, from the Committee on the Judiciary, to whom was referred the resolution concerning the election of members of Congress, reported that it is inexpedient to legislate in the manner proposed. The report was concurred in.

On motion of Mr. Biggs the following resolution was adopted:

Resolved, That the Public Treasurer be directed to report to this House the whole amount of stock held by the State in incorporated companies, specifying the amount in each company, and the fund to which it belongs, with the market value of the same, as nearly as it can be ascertained: Also, the several sums or debts due the State, (the Cherokee bonds to be included in one item,) specifying the fund to which they
belong, and whether the collection of the same, or any part thereof be, in his opinion, doubtful.

Mr. H. C. Jones, from the joint select committee on that subject, reported resolutions concerning the apartments in the capitol.

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

Mr. H. C. Jones, from the same committee, reported a bill to amend an act entitled an act concerning the seat of Government and public buildings; which was read the first time and passed.

The bill to amend an act entitled an act to amend an act passed in the year, 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes, was read, amended on the several motions of Messrs. Bannerman, I. W. Lane and Dickson, and referred, on motion of Mr. Guthrie to the committee on private bills.

Mr. Moore presented a bill to expedite legal process.

Mr. McLaughlin, a bill to amend an act passed in the year, 1829, entitled an act to authorise the Justices of the Peace of Iredell county, to purchase a tract of land for the purpose of erecting thereon a poor house, for the accommodation of the poor of said county and for other purposes. These bills were read the first time and passed.

The bill to establish a county by the name of Cleaveland was read the second time and passed.

The bill to incorporate the Little River Manufacturing Company, was taken up and considered, and on motion of Mr. Barringer, laid on the table.

On motion of Mr. C. Jones,

Resolved, That a message be sent to the Senate, proposing that the standing committees on education, of each House be made a joint committee.

On motion of Mr. McLaughlin,

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the expediency of passing a law increasing the penalty imposed upon persons voting or attempting to vote illegally in any election; and that the said committee be instructed to report by bill or otherwise.
On motion of Mr. Hawkins,
Ordered, That a message be sent to the Senate, proposing that the two Houses, at half past ten o'clock to-morrow, go into an election of Colonel Commandant of Cavalry attached to the 16th brigade of the militia, and to supply the vacancy occasioned by the resignation of C. R. Eaton, and informing that Horace L. Robards is in nomination for the appointment.

Mr. Spruill presented the following resolution, which was read, and on Mr. Robards's motion, laid on the table:

Resolved, That a message be sent to the Senate, proposing that this General Assembly adjourn on the 24th of December.

Mr. H. C. Jones presented a memorial from John Lewis Beall, administrator of Peter Faust, asking payment of a certificate for forty pounds, granted by the State to said Peter Faust, in the year 1780.

Ordered, on motion of Mr. Jones, that the memorial and accompanying documents be referred to the committee on claims.

Mr. Guthrie presented a resolution in favor of James S. Smith; which was read the first time and passed, and referred to the committee on claims.

M. Fleming presented a bill concerning jurors in Yancy county; which was read the first time and passed.

Mr. Eaton presented a bill to provide for the more convenient administration of justice in the county of Warren; which was read the first time and passed.

Mr. Robards presented an account in favor of John J. Briggs, for certain work done by order of the Legislature; which was referred to the committee on claims.

Mr. F. Taylor introduced a bill concerning the collection of debts by the banks of this State; which was read the first time and passed.

Mr. Fleming introduced a petition from many citizens of the county of Yancy, praying Legislative action on their remote condition from market towns; which was referred to the committee on Internal Improvement.

Mr. Bryan introduced a bill in favor of poor debtors; which was read the first time and passed, and referred, on Mr. Bryan's motion, to the committee on the Judiciary.

Mr. J. Walker presented a bill to prevent the selling of unmatured crops; which was read the first time and passed,
and referred, on Mr. Boyden's motion, to the committee on the Judiciary.

The bill to provide for the more convenient administration of Justice in the county of Warren, was read the second and third times, amended, on motion of Mr. Patterson, and passed, and ordered to be engrossed.

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

The Speaker appointed Messrs. Mendenhall and Reid, on behalf of the Commons, to form the joint select committee to superintend the making a list of votes given for Governor.

Mr. J. T. Miller presented a memorial from sundry citizens of the town of Wilmington, on the subject of the Inspection Laws.

Ordered, On motion of of Mr. Miller, that it be referred to the committee on propositions and grievances.

On motion of Mr. Barringer,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to inquire into the necessity of holding an extra session of the General Assembly, to legislate on the subject of the apportionment of the representation in the General Assembly, under the amended constitution of this State, and that they be instructed to report by resolution.

Mr. Patton presented a bill respecting the act relating to the public road in Buncombe county. Said bill was read the first and second times and passed.

The bill to fix the location of the town of Hendersonville, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that Mr. Spruill is appointed teller on the part of the Senate to make a list of votes given for Governor, under the joint order of the two Houses.

The bill altering and prescribing the times at which certain elections shall hereafter be held in this State, was taken up.

Mr. Winston withdrew the amendment heretofore proposed by him; and the question was on the passage of the bill the second reading.

Mr. Moore moved to strike out the words first Thursday in August, and insert the words last Thursday in Ju-
The question on this amendment was decided in the negative—yeas 53, nays 55. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs.

Allen, Baker, Barringer Biggs, Boyden, Brogden, Brummett, Bryan, Burns, Carson, Eaton, Ennett, Farrow, Foreman, Gee, J. R. Gilliam, Grandy, Gray,

Hawkins, Hill, Hoke, Howerton, Huggins, Jacobs, Jefferson, Joiner, H. C. Jones, J. B. Jones, W. B. Lane, Lilly, E. P. Miller, J. T. Miller, Monday, Moore, McCleese, J. P. Caldwell,


Those who voted in the negative, were

Messrs.

Adams, Bannerman, Beall, Boyd, Brannock, Brower, G. W. Caldwell, Cardwell, Chambers, Clegg, J. W. Covington, J. M. Covington, Davis, Doak, Franklin,

Holland, Holt, C. Jones, R. Jones, Keener, Killian, King, I. W. Lane, Mangum, Massey, Mendenhall, W. J. T. Miller, Mills, Morris, Morrow,

The question again recurring on the passage of the bill the second reading, was decided in the affirmative.

**Ordered**, on motion of Mr. Guthrie, that the said bill be referred to the committee on the judiciary.

Received a message from the Senate, agreeing to the proposition of this House to vote again for Attorney General, and informing that Messrs. Faison and Pollock are appointed their superintendents of the voting.

**Ordered**, That Messrs. Thompson and Russell superintend said election on the part of the Commons.

The House then voted as follows:

**FOR HUGH McQUEEN,**

Messrs.

Adams, Barringer, Beall, Boyden, Brannock, Brower, Brummell, Bryan, Burns, J. P. Caldwell, Carson, Clegg, J. M. Covington, Doak, Farrow, Fleming, Franklin, Graham, Grandy,

FOR JOHN R. J. DANIEL,

Messrs.

Baker, Bannerman,
Mr. Thompson, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The House then adjourned until to-morrow morning, 10 o'clock.
sion of the Legislature; and that they also inquire into the expediency of making a further appropriation, and report by bill or otherwise.

Mr. Wilson presented a petition from sundry citizens of the county of Perquimons, praying that William Jackson, of said county, be restored to the rights of citizenship; which was read and laid on the table.

Received from his Excellency, Governor Dudley, by his Private Secretary, a message transmitting a report from George E. Badger, Esq., on certain suits lately pending in the Circuit and Superior Courts of the United States, in which the State of North Carolina is interested, and in which Mr. Badger appeared as council for the State.

Ordered, On motion of Mr. Hoke, that the message and report be sent to the Senate, with a proposition to refer them to a joint select committee of four on the part of each House.

On motion of Mr. Whitehurst,

Resolved, That so much of the message of the Governor as relates to a Rail Road from Raleigh to Waynesborough, be referred to the Committee on Internal Improvement, and that they report by bill or otherwise.

On motion of Mr. Cardwell,

Resolved, That the Committee on Public Buildings and rebuilding the Capitol, be instructed to report to this House all the fixtures and articles of furniture purchased on behalf of the State, for furnishing the Capitol, specifying each article, and the cost of the same.

Mr. J. B. Jones presented a petition from sundry citizens of Currituck county, praying that a law be passed permitting them to fish and hunt on the unenclosed marshes of said county.

Ordered. That the petition be referred to the committee on Propositions and Grievances.

Mr. Mendenhall presented a memorial from the Raleigh and Gaston Rail Road Company, praying the aid of the Legislature; which was, on Mr. Mendenhall's motion, referred to the Committee on Internal Improvement.

Mr. Adams presented the following resolutions:
Whereas we believe from the political history of our country, that the term for which the Federal Executive is eligible, should be constitutionally defined: We, therefore, as the representatives of the free people of North Carolina, consider it our bounden duty to express our decided approbation of the following amendment of the Constitution of the United States.

Resolved, That the constitution of the United States be so amended that the President shall not be eligible more than four years in any term of eight years.

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

The foregoing resolutions were read, and on motion of Mr. Biggs, laid upon the table.

On motion of Mr. Patterson,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the law respecting vagrants; that thereafter white men shall not be sold; and that they report by bill or otherwise.

Mr. Boyd presented a memorial from a court martial of the militia officers of Rockingham county, praying the passage of a law that the people be compelled to muster six times in each and every year.

Ordered, on Mr. Boyd's motion, that it be referred to the committee on military affairs.

Mr. Hoke presented a bill declaring and explaining the law on the subject of gifts and settlements; which was read the first time and passed, and referred, on Mr. Hoke's motion, to the Committee on the Judiciary.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was read, and on motion of Mr. Reid, laid on the table.

Received a message from the Senate, informing that they had passed the engrossed bill to prevent betting on elections; and the engrossed resolution in favor of Priscilla Goodwin; and asking the concurrence of the Commons.
The bill and resolution were each read the first time and passed.

The resignation of Christian Sink, a Justice of the Peace of the county of Davidson, was presented, read and accepted.

A message from the Senate, concurring in the proposition of this House to vote to-day for a Colonel of Cavalry attached to the 16th brigade of the militia, and informing that Messrs. Johnson and Kerr form their branch of the committee to superintend the election.

Ordered, That Messrs. Morris and Farrow form said committee on behalf of the Commons.

The House then voted as follows:

FOR HORACE L. ROBARDS,

Messrs.

Speaker, Speaker,
Adams, Adams,
Allen, Allen,
Baker, Baker,
Bannerman, Bannerman,
J. Barnes, J. Barnes,
E. Barnes, E. Barnes,
Barringer, Barringer,
Beall, Beall,
Biggs, Biggs,
Boyd, Boyd,
Boyden, Boyden,
Brannock, Brannock,
Bryan, Bryan,
J. P. Caldwell, J. P. Caldwell,
Cardwell, Cardwell,
Carson, Carson,
Clegg, Clegg,
J. W. Covington, J. W. Covington,
J. M. Covington, J. M. Covington,
Davis, Davis,
Doak, Doak,
Eaton, Eaton,
Ennett, Ennett,
Farrow, Farrow,
Fleming, Fleming,
Foreman, Foreman,
Brogden, Brogden,

Guyther, Guyther,
Herring, Herring,
Hill, Hill,
Hoke, Hoke,
Holt, Holt,
Howerton, Howerton,
Huggins, Huggins,
Hyman, Hyman,
Jacobs, Jacobs,
Jefferson, Jefferson,
Joiner, Joiner,
H. C. Jones, H. C. Jones,
J. B. Jones, J. B. Jones,
Keener, Keener,
Kerr, Kerr,
Killian, Killian,
King, King,
I. W. Lane, I. W. Lane,
W. B. Lane, W. B. Lane,
Lilly, Lilly,
Mangum, Mangum,
Massey, Massey,
Mendenhall, Mendenhall,
E. P. Miller, E. P. Miller,
J. T. Miller, J. T. Miller,
W. J. T. Miller, W. J. T. Miller,
Mills, Mills,
Brower, Brower,
McCleese, McCleese,
McClenehan, McClenehan,
McCollum, McCollum,
McLaurin, McLaurin,
McMillan, McMillan,
Neal, Neal,
Paine, Paine,
Patton, Patton,
Patterson, Patterson,
Pemberton, Pemberton,
Poindexter, Poindexter,
Proctor, Proctor,
Ragan, Ragan,
Reid, Reid,
Russell, Russell,
Siler, Siler,
Smith, Smith,
Spruill, Spruill,
Stallings, Stallings,
J. W. Taylor, J. W. Taylor,
F. Taylor, F. Taylor,
Thompson, Thompson,
Tomlinson, Tomlinson,
Wadsworth, Wadsworth,
J. Walker, J. Walker,
Whitehurst, Whitehurst,
J. O'K. Williams, J. O'K. Williams,
Brummell, Brummell,
FOR T. W. OWEN,

Messrs.

G. W. Caldwell, R. Jones, Sullivan,
Chambers, McLaughlin, L. Walker.
Dickson, Powell, Ziglar.
Graves,

Mr. Morris, from the committee raised to superintend this election, reported that Horace L. Robards had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Received a message from the Senate, proposing that another vote be had immediately for Attorney General.—The proposition was agreed to; and Messrs. Clegg and Killian appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Gaither and Reid form their branch of said committee.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.

Speaker, Grandy, McClenehan,
Adams, Gray, McCollum,
Allen, Guthrie, McLaughlin,
Barringer, Holt, McLaurin,
Beall, Huggins, McMillan,
Brannock, Hyman, Neal,
Brower, Jefferson, Patton,
Brumell, Joiner, Pemberton,
Bryan, H. C. Jones, Proctor,
Burns, Keener, Reid,
Carson, King, Robards,
Clegg, W. B. Lane, Russell,
J. M. Covington, Lilly, Siler,
Mr. Clegg, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message was 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 examining and comparing the returns of the votes given by the people at the last election for Governor of the State, according to the joint order of the two Houses.

The two Houses thereupon assembled in General Convention in the Commons Hall, Mr. Speaker Joiner, of the Senate, in the chair, and the Clerks of the two Houses, in presence of the Tellers, viz, H. G. Spruill, of the Senate, and Messrs. Mondenhall and Reid, of the Commons, 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:

<p>| County       | Anson | Ashe | Beaufort | Bertie | Bladen | Brunswick | Buncombe | Burke | Cabarrus | Camden | Carteret | Caswell | Chatham | Cherokee | Chowan | Columbus | Craven | Cumberland | Currituck | Davidson | Duplin | Edgecomb | Franklin | Gates | Granville | Greene | Guilford | Halifax | Haywood | Hertford | Hyde |
|--------------|-------|------|----------|--------|--------|-----------|----------|-------|----------|--------|----------|---------|---------|----------|--------|----------|--------|------------|----------|----------|--------|-----------|--------|---------|--------|---------|---------|-------|
|              | 1,100 | 501  | 846      | 483    | 329    | 352       | 1335     | 1555  | 840      | 520    | 442      | 270     | 1075    | 292      | 292    | 242      | 671    | 621        | 90      | 1409     | 234    | 111       | 383    | 381     | 873    | 308     | 2211    | 622    | 433     | 394    | 485     |
|              |       |      |          |        |        |           |          |       |          |        |          |         |         |          |        |          |        |            |         |          |        |          |        |         |        |         |         |        |         |        |         |        |</p>
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<td>Tyrrell</td>
<td>422</td>
<td>44</td>
<td>Wake</td>
<td>1030</td>
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<td>Wake</td>
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<td>1157</td>
<td>Warren</td>
<td>88</td>
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<td>Warren</td>
<td>88</td>
<td>705</td>
<td>Washington</td>
<td>379</td>
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<td>Washington</td>
<td>379</td>
<td>95</td>
<td>Wayne</td>
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<td>Wayne</td>
<td>262</td>
<td>777</td>
<td>Wilkes</td>
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<td>Wilkes</td>
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<td>128</td>
<td>Yancy</td>
<td>392</td>
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<tr>
<td>Yancy</td>
<td>392</td>
<td>417</td>
<td>Majority for Morehead</td>
<td>8,581</td>
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</table>

| Total Votes     | 44,484| | Majority for Morehead | 8,581 |

Majority for Morehead, 8,581.
Whereupon, the President of the General Convention, announced the result as follows:

Gentlemen of the Senate
and of the House of Commons:

The returns of votes given at the late election for Governor of this State, have been opened and published according to law, in the presence of a majority of the members of both Houses of the General Assembly.

The tellers appointed by both Houses to examine the returns and make a list of the votes, have reported that forty-four thousand four hundred and eighty-four votes were given for John M. Morehead, of the county of Guilford, being the highest number given for any person; that thirty-five thousand nine hundred and three votes were given for Romulus M. Saunders, and that five hundred and twenty-five votes were given in the county of Currituck, for R. M. Sanderson.

No objection having been made to the said report, I declare that John M. Morehead, is duly elected Governor of the State of North Carolina, for two years from the first of January next.

4th December, 1840.

A. JOYNER.

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

Saturday, Dec. 5, 1840.

Mr. Siler presented a bill giving to the County Court of Cherokee jurisdiction over the State roads in said county: which was read the first time and passed.

Mr. Winston, from the committee on the judiciary, to whom the subject was referred, reported a bill providing for restoring to the rights of citizenship persons convicted of infamous crimes; which was read the first time and passed.

On motion of Mr. Fleming,
Resolved, That the committee on education, be instructed to enquire into the expediency of dividing the annual income of the Literary Fund among the several counties in this State, in proportion to their federal population—and that they report by bill or otherwise.

On motion of Mr. Graves,

Resolved, That the committee on the judiciary be instructed to inquire whether or not the law of usury of this State needs amendment—and that they report by bill or otherwise.

Mr. Young presented a petition from sundry citizens of the counties of Iredell, Mecklenburg and Lincoln, together with a bill to carry their prayer into effect, entitled a bill to lay off and establish a county by the name of Graham; which was read the first time and passed, and referred, on motion of Mr. Young, to the committee on propositions and grievances.

Mr. Winston, from the committee on the judiciary, to whom was referred the bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, reported the same with sundry amendments; which were read and concurred in.

The bill was further amended, on motion of Mr. H. C. Jones, by adding the following provision.

Provided, That at no time shall the said agent hold in his hands bonds to the amount beyond the penalty of his bond.

On motion of Mr. Siler, the bill was further amended by striking out fifty thousand, and inserting one hundred thousand, as the penalty of the agent's bond.

The question shall the said bill pass the second reading as amended? was decided in the affirmative—yeas 83—nays 27. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

MESSRS.

Allen, J. R. Gilliam, Murchison,
Baker, Graham, McCleese,
Bannerman, Gray, McClenehan,
J. Barnes, Guthrie, McCollum,
E. Barnes, Guyther, McMillan,
Barringer, Hill, Neal,
Beall, Hoke, Paine,
Biggs, Holt, Patton,
Boyd, Howerton, Patterson,
Boyden, Huggins, Pemberton,
Brancock, Hyman, Poindexter,
Brower, Jacobs, Pope,
Brannock, Jefferson, Proctor,
Bryans, Joiner, Rand,
Brummell, H. C. Jones, Siler,
Bryan, J. B. Jones, Smith,
Burns, Keener, Spruill,
Carson, King, J. W. Taylor,
Clegg, J. M. Covington, W. B. Lane, F. Taylor,
Covington, J. W. Covington, Lilly, Thompson,
Doak, Meendenhall, Wadsworth,
Dickson, E. P. Miller, Whitehurst,
Eaton, J. T. Miller, J. O'K. Williams,
Enneti, W. J. T. Miller, F. Williams,
Farrow, Mills, Winston,
Fleming, Moore, Wilson,
Foreman, Morris, Withers,
Franklin, Young.

Those who voted in the negative, were
Messrs.

Brogden, Kerr, McLaurin,
J. P. Caldwell, Killian, Powell,
G. W. Caldwell, J. W. Lane, Ragan,
Cardwell, Mangum, Reid,
Chambers, Massey, Sullivan,
Graundy, Monday, Stallings,
Graves, Morrow, L. Walker,
Holland, Munroe, J. Walker,
R. Jones, McLaughlin, Ziglar.

On motion of Mr. Spruill,
Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for Attorney General.

A message from the Senate, concurring in this proposition, and informing that Messrs. Mitchell and Arrington form their branch of the committee to conduct this election.

Ordered, That Messrs. J. O'K. Williams and Brannock form said committee on the part of the Commons.
The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.


FOR JOHN R. J. DANIEL,

Messrs.


FOR JAMES IREDELL,

Messrs.

Boyden,  Brannock,  C. Jones,  Mendenhall,  Smith,  Spruill.
Mr. J. O'K. Williams, from the committee raised on the subject, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The bill to repeal an act entitled an act concerning the processioning of lands, and the bill to lay off and establish a county by the name of Union, were read the second time and passed.

The resolution directing the employment of a small boy as messenger to the House of Commons, was read, and on motion of Mr. Cardwell, indefinitely postponed.

The engrossed bill to locate the Judges of the Superior Courts within the several Judicial Circuits was, on motion of Mr. J. P. Caldwell, made the order of the day for Monday next.

The engrossed bill to prevent the cutting of timber into the rivers of Cherokee county, was read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to purchase a Library; which was read the first time and passed.

A message from the Senate, proposing that a Joint Select Committee of one on the part of the Senate, and two on the part of the Commons, be appointed to inform John M. Morehead of his election as Governor of the State for two years from the first of January next; and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly and take the oaths of office.

The proposition was agreed to, and Messrs. Brummell and C. Jones were appointed the committee on the part of this House.

A message from the Senate, proposing to refer to a joint select committee of three on the part of each House, a letter from the Hon. William Gaston, therewith trans-
mitted, upon the subject of repairing the statue of Washington.

The proposition was concurred in, and Messrs. H. C. Jones, Guthrie and Proctor appointed said committee on the part of the Commons.

The bill to change the time of holding Courts of Pleas and Quarter Sessions of Camden county, was read the second time and passed.

The bill regulating the number of jurors in the Superior Courts of Burke county was read, and on motion of Mr. Neal, laid on the table.

The bill to secure to the free white men of the State the right of voting for the Representatives in the Senate of the General Assembly, was read, and on motion of Mr. G. W. Caldwell, laid on the table.

The bill authorising the several county courts to provide for compensation to the Wardens of the poor, was read the second time.

Mr. Paine moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 34, nays 71. The yeas and nays demanded by Mr. Paine.

Those who voted in the affirmative, were

Messrs.

Adams,
Bannerman,
Bryan,
G. W. Caldwell,
Chambers,
Davis,
Dickson,
Eaton,
Ennett,
J. R. Gilliam,
Grandy,
Graves,
Guyther,
Hill,
Hoke,
Huggins,
C. Jones,
R. Jones,
Kerr,
Mangum,
Massey,
E. P. Miller,
J. T. Miller,
McLaughlin,
McLaurin,
Paine,
Powell,
Ragan,
Sullivan,
Stallings,
Wadsworth,
J. Walker,
L. Walker,
J. O'K. Williams.

Those who voted in the negative, were

Messrs.

Allen,
Baker,
J. Barnes,
E. Barnes,
Gee,
Graham,
Guthrie,
Herring,
Morrow,
Munroe,
Murchison,
McCleese,
The question shall the said bill pass the second reading, was determined in the affirmative.

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 determined in the affirmative—yeas 62—nays 46.

Those who voted in the affirmative, were

Messrs.

Ordered, That said bill be engrossed.

The bill to establish a county by the name of Cleveland, was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 58, nays 51. Yeas and nays demanded by Mr. Sullivan.

Those who voted in the affirmative, were

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Barringer,</th>
<th>Guthrie,</th>
<th>Munroe,</th>
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<tr>
<td></td>
<td>Beall,</td>
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<td>Brummell,</td>
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<td>Bryan,</td>
<td>Jefferson,</td>
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<tr>
<td>J. P. Caldwell</td>
<td>H. C. Jones,</td>
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Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of Caldwell, was read the second time and rejected—yeas 42, noes 67. The yeas and nays demanded by Mr. Sullivan.

Those who voted in the affirmative, were

Messrs.
Barringer, Jefferson, McLaurin,
Boyden, Keener, McMillan,
Brower,  
Brumwell,  
J. P. Caldwell,  
G. W. Caldwell,  
Carson,  
J. W. Covington,  
Fleming,  
Franklin,  
Graham,  
Hill,  
Holland,  
Holt,  
Killian,  
King,  
W. B. Lane,  
Lilly,  
E. P. Miller,  
W. J. T. Miller,  
Mills,  
Morris,  
Morrow,  
McClehan,  
McCullum,  
McLaughlin,  
Neal,  
Paine,  
Patton,  
Pemberton,  
Poindexter,  
Reid,  
Siler,  
J. Walker,  
Whitehurst,  
F. Williams,  
Winston,  
Young.

Those who voted in the negative, were

Messrs.

Adams,  
Allen,  
Baker,  
Bannerman,  
J. Barnes,  
E. Barnes,  
Biggs,  
Boyd,  
Brannock,  
Brogdan,  
Burns,  
Cardwell,  
Chambers,  
Clegg,  
J. M. Covington,  
Davis,  
Dickson,  
Doak,  
Eaton,  
Ennett,  
Foreman,  
Gee,  
Gilliam,  

Grandy,  
Graves,  
Gray,  
Guthrie,  
Guyther,  
Herring,  
Hoke,  
Howerton,  
Huggins,  
Hyman,  
Jacobs,  
Joiner,  
J. B. Jones,  
C. Jones,  
R. Jones,  
Kerr,  
I. W. Lane,  
Mangum,  
Massey,  
Mendenhall,  
J. T. Miller,  
Monday,  
Moore,  
Munroe,  
McCleese,  
Patterson,  
Pope,  
Powell,  
Proctor,  
Ragan,  
Rand,  
Smith,  
Spruill,  
Sullivan,  
Stallings,  
F. Taylor,  
Tomlinson,  
Thompson,  
Wadsworth,  
L. Walker,  
J. O'K. Williams,  
Wilson,  
Withers,  
Ziglar.

Received a message from the Senate, proposing that the two Houses vote again immediately for Attorney General. The proposition was agreed to, and Messrs J. W. Covington and Herring appointed a committee to superintend the voting.
A message from the Senate, informing that Messrs. Speed and Hill form said committee on their part.

The House then proceeded to vote as follows:

**FOR HUGH McQUEEN,**

<table>
<thead>
<tr>
<th>Messrs.</th>
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<tbody>
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<td>Adams,</td>
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<td>Allen,</td>
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<td>Brower,</td>
<td>Jefferson,</td>
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<td>Brummell,</td>
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<td>Bryan,</td>
<td>King,</td>
<td>Pemberton,</td>
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<td>Carson,</td>
<td>W. B. Lane,</td>
<td>Poindexter,</td>
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<td>Clegg,</td>
<td>Lilly,</td>
<td>Reid,</td>
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<tr>
<td>J. W. Covington,</td>
<td>W. J. T. Miller,</td>
<td>Siler,</td>
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<tr>
<td>J. M. Covington,</td>
<td>Mills,</td>
<td>J. W. Taylor,</td>
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<td>Doak,</td>
<td>Morris,</td>
<td>Whitehurst,</td>
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<td>Farrow,</td>
<td>Munroe,</td>
<td>J. O'K. Williams,</td>
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<td>Fleming,</td>
<td>Murchison,</td>
<td>F. Williams,</td>
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<td>Franklin,</td>
<td>McCleese,</td>
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<td>Graham,</td>
<td>McClenehan,</td>
<td>Young.</td>
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<td>Grandy,</td>
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**FOR JOHN R. J. DANIEL,**

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<th>Messrs.</th>
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<tr>
<td>Baker,</td>
<td>Foreman,</td>
<td>J. T. Miller.</td>
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<td>Bannerman,</td>
<td>Graves,</td>
<td>Monday,</td>
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<tr>
<td>J. Barnes,</td>
<td>Guthrie,</td>
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<td>E. Barnes,</td>
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<td>Howerton,</td>
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<td>J. P. Caldwell,</td>
<td>J. B. Jones,</td>
<td>Sullivan,</td>
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<td>G. W. Caldwell,</td>
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<td>Cardwell,</td>
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<td>Davis,</td>
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<td>Massey,</td>
<td>Ziglar.</td>
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Mr. J. W. Covington, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

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

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Monday, Dec. 7, 1840.

Mr. Boyden introduced a bill for the establishment and better regulation of Common Schools; which was read the first time and passed.

James Graham, the member elect from the county of Orange, to fill the vacancy occasioned by the resignation of William A. Graham, appeared, exhibited his credentials, and was qualified according to law.

Received a message from the Senate, concurring in the proposition of this House, that the Standing Committees of the two Houses on Education, be made a joint committee.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee.
A bill to incorporate the Concord Manufacturing Company.

And a bill to compel militia officers to hold their commissions three years; and asking the concurrence of this House.

The said bills were read the first time and passed.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of five on the part of each House, to inquire into the necessity of holding an extra session of the Legislature, and informing that Messrs. Shepard, Orr, Dockery, Clingman and Pasteur constitute their branch of said committee.

Ordered, That Messrs. Barringer, Graves, Hyman; Thompson and Spruill form said committee on the part of this House.

A message from the Senate, informing that Mr. Spruill is appointed on behalf of the Senate to join the committee on the part of the Commons, to inform John M. Morehead of his election as Governor of the State.

The Speaker laid before the House statements made by the Bank of the State of N. C., and by the Bank of Cape Fear, exhibiting the state and condition of those institutions, in pursuance of the requisitions of their respective charters.

Ordered, That these exhibits be sent to the Senate, and be printed and referred to the Joint Select Committee on Banks.

Mr. McClenehan presented a petition from Lunsford Lane, a man of color, together with a petition from sundry citizens of Raleigh in his behalf, praying an amelioration in his favor of the laws regulating free negroes and slaves.

Ordered, on motion of Mr. McClenehan, that these papers be referred to the Committee on Propositions and Grievances.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of providing that a record be made of the appointment and qualification of deputy sheriffs, reported that it is not expedient to legislate as proposed, and asked to be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Hoke,

The question by which the bill to lay off and establish...
a county by the name of Caldwell, was, on Saturday last rejected, was now re-considered, and on motion of Mr. E. P. Miller,

Ordered, That the said bill be made the order of the day for Friday next.

Mr. Wadsworth presented a bill to regulate the measurement of ton and square timber and saw-mill lumber; which was read the first time and passed, and on motion of Mr. Wadsworth, referred to the committee on propositions and grievances.

Mr. Siler presented a memorial from the board of superintendents of Common Schools, for Macon county; which was, on motion of Mr. Siler, referred to the committee on education.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported unfavorably on the bill to lay off and establish a county by the name of McDowell.

Said bill was, on motion of Mr. Neal, made the order of the day for Thursday next.

The resolution in favor of Sam'l Terry, sheriff of Richmond county, was read the third time, passed, and ordered to be engrossed.

The bill concerning pilots and commissioners of navigation for Cape Fear river, was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 74—nays 32.

The yeas and nays demanded by Mr. Kerr.

Those who voted in the affirmative, were

MESSRS.


Those who voted in the negative, were

Messrs.


Ordered, That said bill be engrossed.

The bill to incorporate Little River Manufacturing Company, was taken up and considered, and after discussion, on motion of Mr. Boyden, laid upon the table.

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

Tuesday, Dec. 8, 1840.

On motion of Mr. Hoke,

Resolved, That a message be sent to the Senate, proposing to authorize the chairman of the joint select committee on the banks of the State, to employ a Secretary.
Mr. Poindexter, from the committee on claims, reported the resolution in favor of the executors of Beverly Daniel, without amendment, when the said resolution was read the second time and passed.

Mr. Poindexter, from the same committee, reported unfavorably on the resolution in favor of Jas. S. Smith, when, on motion of Mr. J. P. Caldwell, the said resolution was laid upon the table.

On motion of Mr. Mendenhall,
Orderd, That the bill for the establishment and better regulation of common schools, yesterday introduced by Mr. Boyden, be printed.

Mr. J. P. Caldwell presented a petition from sundry citizens of Iredell county, suggesting that the road laws are defective, and require amendment.

Orderd, On Mr. Caldwell's motion, that it be referred to the Committee on Internal Improvement.

Mr. Mills introduced a bill to authorize the laying off and establishing a Turnpike Road from Laxton Linch's, in Rutherford county, to the Widow Sails's, in Buncombe county. The said bill was read the first time and passed, and, on motion of Mr. Mills, referred to the Committee on Internal Improvement.

The bill authorizing the Governor to appoint an agent in the county of Macon or Cherokee, was read the third time.

Mr. F. Taylor moved to amend the bill by striking out the word 3 per cent. as the compensation to the agents, and insert 2¼ per cent. The question then was decided in the negative—yeas 43, nays 69. The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were

Messrs.
Baker, Hawkins, Morrow,
Bannerman, Herring, Munroe,
J. Barnes, Holland, Patterson,
E. Barnes, Howerton, Powell,
Boyd, H. C. Jones, Ragan,
Brogden, J. B. Jones, Rand,
G. W. Caldwell, Jefferson, Reid,
Cardwell, R. Jones, Sullivan,
Chambers, Kerr, Stallings,
Dickson, Killian, F. Taylor,
Mr. Brogden moved to amend the bill so as to exclude the reception of the notes of Georgia banks, in payment of Cherokee bonds; the question thereon was determined in the negative.

Mr. Guthrie moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 48, nays 65. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Adams, Graves, Morrow,
Baker, Guthrie, Munroe,
The question, shall the said bill pass the third reading? was determined in the affirmative—yeas 62, nays 51. The yeas and nays demanded by Mr. R. Jones.
Those who voted in the affirmative, were

Messrs.

Allen,
Barringer,
Boyden,
Brannock,
Brower,
Brumell,
Bryan,
Burns,
J. P. Caldwell,
Carson,
Clegg,
J. M. Covington,
J. W. Covington,
Doak,
Eaton,
Fleming,
Franklin,
Foreman,
Gee,
J. R. Gilliam,
J. Graham,

Gray,
Hill,
Holt,
Huggins,
Hyman,
Jacobs,
Joiner,
H. C. Jones,
Keener,
King,
Lilly,
Mendenhall,
E. P. Miller,
W. J. T. Miller,
Mills,
Moore,
Morris,
Murchison,
McClenelian,
McCollum,
McLaughlin,

McMillan,
Neal,
Patton,
Patterson,
Pemberton,
Poindexter,
Pope,
Proctor,
Robards,
Russell,
Siler,
Thompson,
Wadsworth,
Whitehurst,
J. O’K. Williams,
P. Williams,
Winston,
Wilson,
Withers,
Young.

Those who voted in the negative, were

Messrs.

Adams,
Baker,
Bannerman,
E. Barnes,
J. Barnes,
Biggs,
Boyd,
Brogden,
G. W. Caldwell,
Cardwell,
Chambers,
Davis,
Dickson,
Eunett,
Farrow,
D. A. Graham,
Grandy,

Graves,
Guthrie,
Guyther,
Hawkins,
Herring,
Holland,
Howerton,
Jefferson,
J. B. Jones,
C. Jones,
R. Jones,
Kerr,
Killian,
I. W. Lane,
Mangum,
Massey,
J. T. Miller,

Monday,
Morrow,
Munroe,
McCleese,
McLaurin,
Powell,
Ragan,
Rand,
Reid,
Smith,
Sullivan,
Stallings,
F. Taylor,
Tomlinson,
J. Walker.
L. Walker,
Ziglar.
Ordered, That said bill be engrossed.

The resignation of William Robards, as Trustee of the University of North Carolina, was presented, read and accepted.

Mr. Mills, from the Committee on Private Bills, reported without amendment the bill to amend an act entitled an act to amend an act passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; when the said bill was read the second time and passed.

Mr. Barringer presented a bill to amend the Revised Statutes, entitled an act concerning sheriffs; which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Brummell, from the Joint Select Committee raised for the purpose, reported that, after a conference with the Hon. John M. Morehead, he was instructed to say that he would, on the first day of January next, attend the two Houses of the Assembly, and take the oaths prescribed for the qualification of Chief Executive Magistrate of the State.

Mr. Fleming introduced a bill to amend an act passed in the year 1833, for laying off a road from Burnsville, Yancey county, to the Tennessee line; and Mr. Brummell a bill to authorize the construction of the Fayetteville and Salisbury Turnpike Roads. These bills were read the first time and passed.

On motion of Mr. Guyther,

Resolved, That the Committee on Public Buildings be instructed to make a report of all the appropriations and expenditures since the year 1832; and be further instructed to designate the appropriations and expenditures for each year.

On motion of Mr. Beall,

Ordered, That the bill for the establishment and better regulation of Common Schools, yesterday introduced by Mr. Boyden, be referred to the Committee on Education.

On motion of Mr. Withers,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the pub-
lic execution of criminals in capital cases; also, to inquire into the expediency of preventing by law the public infliction of corporal punishment; and that they report by bill or otherwise.

Mr. J. T. Miller presented a memorial from the officers of the 30th regiment of militia, praying that laws be passed to improve the condition of the militia of the State; which, on Mr. Miller's motion, was referred to the Committee on Military Affairs.

On motion of Mr. J. B. Jones,

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of providing that the cavalry companies be furnished with swords and pistols at the expense of the State.

Mr. Murchison introduced a bill to regulate the time of holding the Superior Court of Moore at its next ensuing term. Said bill was read the first time and passed, and on Mr. Murchison's motion, referred to the Committee on the Judiciary.

Mr. Winston, from the Committee on the Judiciary, reported a bill to amend an act entitled an act to amend the 58th chapter of the Revised Statutes, entitled Insolvent Debtors; which was read the first time and passed.

Mr. Winston introduced a bill to amend the Revised Statutes, entitled an act for the prevention of frauds and fraudulent conveyances, and to repeal the third section thereof; which was read the first time and passed, and referred, on Mr. Winston's motion, to the Committee on the Judiciary.

A bill repealing the act relating to the public roads in Buncombe county; and the bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session 1838, were each read the third time, passed and ordered to be engrossed.

The bill to locate the Judges of the Superior Courts within the several Judicial Circuits, was, on motion of Mr. H. C. Jones, made the order of the day for to-morrow.

Mr. Holland presented the following resolution; which was read and laid upon the table:

Resolved, That this House hold evening sessions from and after Monday next.
The House then adjourned until to-morrow morning ten o'clock.

Wednesday, Dec. 9, 1840.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the bill to lay off and establish a county by the name of Graham. The said bill was read the second time and rejected.

Received from the Senate a message, informing that they do not concur in the proposition of this House to authorize the joint select committee on the banks of this State, to employ a Secretary.

A message from the Senate, concurring in the proposition of this House that the statements and exhibits of the bank of the State and of bank of Cape Fear, be referred to the joint select committee on banks, and that they be printed.

A message from the Senate, concurring in the proposition that the communication of George E. Badger on the subject of State suits, and the message from his Excellency the Governor, transmitting the same, be referred to a joint select committee of four on the part of each House, and informing that Messrs. Mendenhall, Arrington, Clingman and Hill form their branch of said committee.

Ordered, That Messrs. Hoke, Hill, Pope and J. B. Jones form said committee on the part of this House.

A message from the Senate, transmitting the report of the Committee on Finance, and proposing that the report be printed. The proposition was concurred in.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of John L. Beard, administrator of Peter Faust; which was read the first time and passed.

On motion of Mr. Winston,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the benefit of the Insolvent Debtor's law to persons confined in jail by virtue of judgments in action for injuries to the person or property of others; and that they report by bill or otherwise.
On motion of Mr. McLaughlin,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the bastardy law that a man imprisoned under its provisions, may be permitted to take the benefit of the oath of insolvency.

A message from the Senate, informing that Messrs. Shepard, Moore, Kerr form their branch of the Joint Select Committee to whom is referred the communication of the Honorable William Gaston upon the subject of repairing the statue of Washington. Messrs. H. C. Jones, Guthrie, Proctor form said committee on the part of the Commons.

On motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for a Public Treasurer, and informing that Charles L. Hinton, the present incumbent, is in nomination for the appointment.

A message was received from the Senate, concurring in the proposition of this House, and informing that Messrs. Puryear and Pollock form their branch of the committee to superintend the election.

Ordered, That Messrs. Franklin and J. Barnes form said committee on the part of this House.

The House then proceeded to vote viva voce; and Mr. J. Barnes, from the committee appointed to conduct the election, reported that the whole number of votes given, except one, had been received by Charles L. Hinton, and that he was duly elected. The report was concurred in.

Mr. Hoke presented a petition from sundry citizens of the counties of Lincoln, Burke, Wilkes and Iredell, praying the establishment of a new county. Said petition was read, and on motion of Mr. E. P. Miller, postponed indefinitely.

Mr. Reid, from the Committee on Propositions and Grievances, reported the resolution in favor of Isaac Hunter, with sundry amendments. The amendments were read and concurred in.

Mr. Robards moved that said resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 30, nays 74.

The yeas and nays called for by Mr. Hawkins.
Those who voted in the affirmative, were

Messrs.
Baker, Franklin, Massey,
Banuerman, Gee, E. P. Miller,
E. Barnes, Gray, Morrow,
Boyd, Hawkins, McCleese,
G. W. Caldwell, Herring, Neal,
Cardwell, Holt, Powell,
Chambers, J. B. Jones, Ragan,
Dickson, Kerr, Robards,
Ennet, I. W. Lane, Taylor,
Foreman, Mangum, Thompson.

Those who voted in the negative, were

Messrs.
Allen, Hill, McCallum,
Adams, Hoke, McLaughlin,
J. Barnes, Holland, McLaughlin,
Barringer, Howerton, McLaurin,
Boyden, Huggins, Patton,
Brancock, Hyman, Patterson,
Brogden, Jacobs, Pemberton,
Brower, Joiner, Poindexter,
Brumnell, H. C. Jones, Proctor,
Bryan, C. Jones, Rand,
Burns, R. Jones, Reid,
J. P. Caldwell, Keener, Russell,
Carson, Killian, Siler,
Clegg, King, Smith,
J. W. Covington, Lilly, Stallings,
J. M. Covington, Mendenhall, Wadsworth,
Doak, J. T. Miller, L. Walker,
Eaton, W. J. T. Miller, J. Walker,
Farrow, Mills, Whitehurst,
Fleming, Monday, J. O'K. Williams,
D. A. Graham, Moore, F. Williams,
J. Graham, Morris, Wilson,
Grandy, Munroe, Withers,
Graves, Murchison, Young,
Guyther, McClenehan, Ziglar.

The resolution was further amended on motion of Mr. Reid, and the question shall the said resolution be adopted? was decided in the affirmative—yeas 58, nays 46.
The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.


Those who voted in negative, were

Messrs.

Ordered, That said resolution be engrossed.

The engrossed bill to locate the Judges of the Superior Courts within their several judicial circuits, was taken up and considered, and, on motion of Mr. Moore, made the special order of the day for to-morrow.

The resignations of John C. Wilson of Duplin, and of Leonard Daniel of Halifax county, justices of the peace, were presented, read and accepted.

The resolution in favor of Philip Hodnett, late entry taker for the county of Caswell, was read the second and third times and passed, and ordered to be engrossed.

The bill to lay off and establish a county by the name of Union, was read, and, on motion of Mr. Winston, laid on the table.

On motion of Mr. Moore,

Ordered, That a message be sent to the Senate proposing that the two Houses at eleven o'clock to-morrow, vote for a Comptroller of public accounts.

The bill to repeal an act, entitled an act concerning the processioning of lands, was read the third time, and, on motion of Mr. E. P. Miller, postponed indefinitely.

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

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Thursday, Dec. 10, 1840.

Mr. Winston called up for consideration the bill to lay off and establish a county by the name of Union, when 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 56, nays 44. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs.

Barringer, Beall, Boyden, Brannock, Hill, Hoke, Holland, Holt, McColllum, McLaughlin, McLaurin, McMillan,
Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of McDowell, was read the second time and rejected—yeas 52, nays 57. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer, Hill, McClenehan,
Beall, Hoke, Murchison,
Brannock,
Mr. Russell presented a petition from sundry citizens of the county of Granville, praying the passing of an act of incorporation for the town of Henderson. Said petition was, on motion of Mr. Russell, referred to the committee on private bills.

Mr. I. W. Lane presented a bill to amend the patrol law...
of the State; which was read the first time and passed, and referred, on Mr. Lane's motion, to the Committee on the Judiciary.

Mr. Holt presented a resolution in favor of Mark H. Hill; which was read the first time and passed.

On motion of Mr. Boyden,

Ordered, That the resolution relating to an apportionment of assets pro rata among the creditors of persons dying intestate and insolvent, be made the order of the day for Monday next.

On motion of Mr. Biggs,

Resolved, That the Committee on Finance be instructed to inquire whether the warrants paid by the Treasurer, and now on file in the Comptroller's Office, for clerk's hire in selling the Cherokee lands; for $625, compensation to S. F. Patterson, for 125 day's service; for Lunsford Lane's services as a servant in the Executive Office; for salaries of agents to obtain subscription to the Fayetteville and Western Rail Road, were drawn in conformity to, and by authority of, law; and whether the bills for postage and stationary are reasonable; and that they report thereon to the General Assembly, annexing to their report the bills for stationary and postage.

Mr. Smith presented a petition from sundry citizens of Hertford County, upon the subject of the fisheries, together with a bill to amend an act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie Rivers and their waters. Said bill was read the first time and passed, and on motion of Mr. Smith, referred to the joint select committee on the fisheries.

Mr. Barringer, from the Committee on Internal Improvement, reported a bill for the relief of the Wilmington and Raleigh Rail Road Company; which was read the first time and passed, and on motion of Mr. J. P. Caldwell, ordered to be printed.

Mr. Barringer, from the same committee, reported a bill to lay off and establish a road down the Blue Ridge from the line of the county of Yancey, to Turkey Cove Creek, in Burke county; which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House to vote this day at 11 o'clock for Comptroller of Public Accounts, and informing that the name
of George Little is in nomination for the appointment.

Ordered, That the Senate be informed that William F. Collins, the present incumbent, is also in nomination; that Messrs. Holt and Whitehurst form the committee of superintendence on the part of the Commons; and that the House is now ready to proceed to vote:

The House then voted as follows:

FOR WILLIAM F. COLLINS,

Messrs.

Speaker,
Adams,
Allen,
Baker,
J. Barnes,
Barringer,
Beall,
Biggs,
Boyd,
Boydén,
Brannock,
Brower,
Brunnmeil,
Bryan,
Burns,
J. P. Caldwell,
Cardwell,
Carson,
Clegg,
Chambers,
J. W. Covington,
J. M. Covington,
Dickson,
Doak,
Parrow,
Flaming,
Franklin,
Gee,
D. A. Graham,
J. Graham,
Grundy,
Graves,
Gray,

Guthrie,
Guyther,
Herring,
Holland,
Holt,
Höwerton,
Huggins,
Hyman,
Jacobs,
Jefferson,
Joiner,
H. C. Jones,
J. B. Jones,
C. Jones,
R. Jones,
Keener,
Kilian,
King,
W. B. Lane,
I. W. Lane,
Lilly,
Mangum,
Massey,
Mendenhall,
E. P. Miller,
J. T. Miller,
W. J. T. Miller,
Mills,
Monday,
Moore,
Morris,
Munroe,

Murchison,
McCleese,
McClenehan,
McCollum,
McLaughlin,
McLaughrín,
McMillan,
Neal,
Paine,
Patton,
Patterson,
Pemberton,
Poindexter,
Pope,
Powell,
Proctor,
Ragan,
Reid,
Robards,
Russell,
Siler,
Sullivan,
Tomlinson,
Wadsworth,
L. Walker,
J. O'K. Williams,
F. Williams,
Wilson,
Winston,
Withers,
Young,
Ziglar.
FOR GEORGE LITTLE,

Messrs.
E. Barnes, J. R. Gilliam, Smith,
Brogden, Hill, Spruill,
Eaton, Kerr, F. Taylor,
Ennett, Morrow, Whitehurst.
Foreman, Rand,

FOR MR. MUNROE,

Mr. G. W. Caldwell.

FOR MR. MARSTELLER,

Mr. Hawkins.

Mr. Whitehurst, from the committee appointed to superintend this election, reported that William F. Collins, had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

A message from the Senate, proposing to vote immediately for Attorney General; the proposition was agreed to, and Messrs. Holt and Tomlinson appointed a committee to superintend the election.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.
Adams, Grandy, McElveenan,
Allen, Gray, McColman,
Barringer, Guthrie, McLaughlin,
Beall, Gayther, McLaurin,
Brannock, Huggins, McMillan,
Brower, Hynan, Patton,
Brumnell, Jefferson, Pemberton,
Bryan, Joiner, Proctor,
Carson, Keener, Russell,
Clegg, King, Silver,
J. W. Covington, W. B. Lane, Wadsworth,
J. M. Covington, Lilly, Whitehurst,
Doak, E. P. Miller, J. O'K. Williams,
Ennett, W. J. T. Miller, F. Williams,
Farrow, Mills, Wilson,
Mr. G. W. Caldwell moved that the House adjourn until to-morrow morning, ten o'clock. The question thereon was decided in the affirmative—yeas 25, nays 19.

The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.
J. Barnes, Hill, McCollum, McCleese,
Bryan, Howerton, McLaughlin,
G. W. Caldwell, Huggins, Neal,
Mr. Holland moved that the House do now consider a resolution offered by him for holding evening sessions of this House. The question on now considering the resolution was decided in the negative.

Mr. Guthrie moved that the House do re-consider their vote of yesterday, by which the bill to lay off and establish a county by the name of McDowell, was rejected.

The House agreed to reconsider, when, on motion of Mr. Neal, the said bill was laid upon the table.

Mr. Reid presented a certificate from the County Court of Cumberland, in favor of the heirs of Ann Morrison for the pension heretofore allowed their mother.

Ordered, on motion of Mr. Reid, that the certificate be referred to the Committee on Claims.

On motion of Mr. E. P. Miller, the House agreed to reconsider their vote postponing indefinitely the petition of sundry citizens of the counties of Lincoln, Burke, Wilkes and Iredell, praying the establishment of a new county by the name of Catawba; when, on motion of Mr. Hoke, the said petition was referred to the Committee on Propositions and Grievances.
On motion of Mr. Wilson,

Resolved, That Saturday the 19th inst. be set apart for the purpose of recommending Justices of the Peace for the several counties.

Mr. Moore, from the Committee on the Judiciary, reported a bill to amend the Revised Statutes, entitled an act concerning last wills and testaments; which was read the first time and passed, and on motion of Mr. Mendenhall,

Ordered, That the said bill and the report of the committee be printed.

Mr. Keener presented a resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road; which was read the first time and passed, and on motion of Mr. Keener, referred to the committee on claims.

Mr. Siler presented a resolution in favor of William Young, of Macon county; which was read the first time and passed, and on motion of Mr. Hill, referred to the committee on claims.

Mr. Burns, from the committee appointed yesterday to superintend the election of Attorney General, 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. Wilson,

Ordered, That a message be sent to the Senate, proposing that another vote for this officer be had immediately.

A message was received from the Senate, agreeing to this proposition, and informing that Messrs. Myers and Reid form their branch of the committee to superintend the voting.

Ordered, That Messrs. McClenchon and Morrow form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR HUGH McQUEEN,

Messrs.

Adams, Allen, Barringer, Beall, Boyden, Brannock, Brower, Guthrie, Guyther, Holt, Huggins, Hyman, Jefferson, Joiner, McCollum, McLaughlin, McLaurin, McMillan, Neal, Patton, Pemberton,
FOR JOHN R. J. DANIEL,

Messrs.
Baker, Graves, Monday,
Bannerman, Hawkins, Morrow,
J. Barnes, Herring, Patterson,
Biggs, Hoke, Powell,
Boyd, Holland, Ragan,
Brogden, Howerton, Rand,
J. P. Caldwell, J. B. Jones, Sullivan,
G. W. Caldwell, R. Jones, Stallings,
Cardwell, Kerr, F. Taylor,
Eaton, Killian, Tomlinson,
Ennett, Mangum, L. Walker,
Foreman, Massey, J. Walker,
J. R. Gilliam, J. T. Miller, Ziglar,
E. Barnes,
perintend this election, reported that Hugh MeQueen had received a majority of the whole number of votes, and that he was duly elected Attorney General of the State. The report was concurred in.

Mr. Winston, from the Committee on the Judiciary, reported the bill to regulate the time of holding the Superior Court of Moore at its ensuing term, with an amendment. The said amendment was concurred in; and the bill read the second time and passed.

Mr Spruill presented a petition from sundry citizens residing on Roanoke river, praying the establishment of lay days on the fisheries at and about the mouth of said river. The said petition was read, and, on Mr. Spruill's motion, laid upon the table.

The engrossed bill to locate the Judges of the Superior Courts within their several judicial circuits, was read the second time, and the question shall the said bill pass the second reading? was determined in the negative, yeas 50, nays 62. Yeas and nays demanded by Mr. Morrow.

Those who voted in the affirmative, were:

MESSRS.


Those who voted in the negative, were:

MESSRS.

Baker, Barringer, D. A. Graham, J. Graliam, Morris, Morrow.
Beall, Graves, McClenchan, 
Boyd, Gray, McCollum, 
Boyden, Guthrie, McLaughlin, 
Braanock, Hawkins, McLaurin, 
Brower, Holt, McMillan, 
Brummell, Hoke, Patton, 
Bryan, Jefferson, Patterson, 
Burns, H. C. Jones, Pemberton, 
J. P. Caldwell, C. Jones, Poindexter, 
G. W. Caldwell, King, Rand, 
Cardwell, W. B. Lane, Robards, 
Carson, Lilly, Russell, 
Chambers, Massey, L. Walker, 
J. M. Covington, Mendenhall, F. Williams, 
J. W. Covington, E. P. Miller, Winston, 
Doak, W. J. T. Miller, Withers, 
Eaton, Mills, Young, 
Foreman, Monday, Ziglar, 
Franklin, Moore, 

On motion of Mr. Spruill, 

Ordered, That a message be sent to the Senate, proposing that the two Houses on Tuesday next, at 12 o'clock, go into an election for a Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of Romulus Saunders, and informing that Edward Hall and Matthias E. Manly are in nomination for the office. 

Mr. Mills presented a petition from John Moore, of Rutherford county, praying to have refunded to him the purchase money of a certain tract of land granted by the State to the petitioner. Said petition was, on motion of Mr. Mills, referred to the Committee on Claims. 

Received from the Senate a message, informing that they had passed the engrossed resolution concerning the Public Treasurer; and asking the concurrence of this House. 

The said resolution was read and adopted. 

A message from the Senate, informing that they had passed the engrossed resolution concerning the Governor, and asking the concurrence of the House. 

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

The bill to emancipate Emeline Patterson was read the second time and rejected—yeas 29, nays 82. The yeas and nays demanded by Mr. Spruill.
Those who voted in the affirmative, were

Messrs.

Barringer, Doak, Munroe,
Hoke, Guthrie, Patterson,
McClenahan, Holland, Poindexter,
Boyden, H. C. Jones, Rand,
Brannen, Keener, Reid,
Brower, Killian, Russell,
Brummell, W. B. Lane, Siler,
Bryan, Lilly, J. O'K. Williams,
J. W. Covington, Meudenhall, Withers,
J. M. Covington, Monday,

Those who voted in the negative, were

Messrs.

Adams, Gray, McLaughlin,
Allen, Guyther, McLaurin,
Baker, Hawkins, McMillan,
Bannerman, Herring, Neal,
J. Barnes, Hill, Paine,
E. Barnes, Holt, Patton,
Beall, Howerton, Pope,
Biggs, Huggins, Powell,
Boyd, Hyman, Proctor,
Brogden, Jacobs, Ragan,
Burns, Jefferson, Robards,
J. P. Caldwell, Joiner, Smith,
G. W. Caldwell, J. B. Jones, Spruill,
Cardwell, C. Jones, Sullivan,
Carson, R. Jones, Stallings,
Chambers, Kerr, F. Taylor,
Dickson, King, Thompson,
Eaton, Mangum, Tomlinson,
Ennett, Massey, Wadsorth,
Farrow, E. P. Miller, L. Walker,
Fleming, W. J. T. Miller, J. Walker,
Foreman, Mills, Whitehurst,
Franklin, Moore, F. Williams,
Gilliam, Morris, Winston,
D. A. Graham, Morrow, Wilson,
J. Graham, McCleese, Young,
Grandy, McCollum, Ziglar,
Graves,
The House then adjourned until to-morrow morning, 10 o'clock.

Saturday, Dec. 12, 1840.

Received a message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller.

A bill concerning the collection of fines and costs from free negroes and free persons of color.

And a bill to secure title and grant jurisdiction over a tract of land on Body's Island to the United States, and asking the concurrence of this House.

The said bills were each read the first time and passed.

The Speaker laid before the House a communication from the Public Treasurer, in answer to a call of the House for certain information respecting the stocks owned and held by the State and the value thereof.

Ordered, on motion of Mr. Patton, that the communication be printed.

Received from his excellency Governor Dudley, by his Private Secretary, a message relating to certain suits pending against the purchasers of Cherokee Lands, transmitting certain resolutions of the Legislature of Vermont, for amending the Constitution of the United States, and relating also to repairs necessary to be made to the Governor's residence.

Ordered, on motion of Mr. J. P. Caldwell, that so much of said message as relates to the suits for Cherokee Lands be referred to the Joint Select Committee on Cherokee lands.

That so much thereof as relates to the Vermont Resolutions, be referred to a Joint Select Committee.

And that so much thereof as relates to the Governor's residence, be referred to a Joint Select Committee.

And that said message be transmitted to the Senate, asking their concurrence therein.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill to protect the interest of lessors.
A bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State.

And the engrossed resolution in favor of the Public Treasurer; and asking the concurrence of this House.

The said bills and resolution were each read the first time and passed.

A message from the Senate, transmitting the report from the joint select committee on Lunatic Asylums, and proposing that the same be printed. The proposition was concurred in.

Mr. J. O'K. Williams presented a bill to incorporate Orr Lodge, at Washington, in the county of Beaufort; which was read the first time and passed.

Mr. Patton presented a petition from sundry citizens of Buncombe county, praying that a law be passed allowing Wm. B. Hammons, a colored man, to preach in public.

The petition was, on motion of Mr. Patton, referred to the Committee on Propositions and Grievances.

Mr. Patton presented a petition from sundry citizens of Buncombe and Henderson counties, praying that compensation be made to Thomas J. Clarke and John Clarke, for their discovery of a gold mine on the lands of the State. The petition was, on motion of Mr. Patton, referred to the Committee on Propositions and Grievances.

A message from the Senate, informing that they had passed the engrossed resolutions concerning the apartments in the capitol, with sundry amendments, and asking the concurrence of this House. The amendments were disagreed to, and the Senate so informed.

On motion of Mr. Hoke,

Ordered, That a message be sent to the Senate, proposing that the two Houses go into an election on Tuesday next for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer.

On motion of Mr. Moore, the name of William H. Battle was nominated for the office.

On motion of Mr. Paine,

Ordered, That the Senate be informed that the name of Augustus Moore is added to the nomination for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

On motion of Mr. Hill,

Ordered, That a message be sent to the Senate, propos-
ing that the two Houses, on Monday next, go into an election for eight Trustees of the University, to fill vacancies now existing in that Board.

The following persons were put in nomination:


On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, proposing to vote for Counsellors of State on Wednesday next.

The following persons were put in nomination, viz:


On motion of Mr. Barringer,

Ordered, That the report of the President and Directors of the Board of Internal Improvement, with the accompanying documents, be printed.

Mr. Barringer, from the Committee on the Judiciary, reported the bill to amend the Revised Statutes, entitled an act concerning sheriffs, with an amendment.

The amendment was read and adopted, and the bill passed the second reading.

Mr. Reid presented a bill to emancipate Joseph together with a petition from sundry citizens of the county of Cumberland, praying its passage. Said bill was read the first time, and on motion of Mr. Stallings, rejected.

On motion of Mr. Boyden,

Resolved, That the Treasurer of this State furnish this House with a statement of all the expenditures made on behalf of the State for Internal Improvement, including therein expenditures for draining the Swamp Lands, specifying in such statement the objects for which such expenditures have been made.

Mr. Robards presented a petition from sundry citizens of Wake county, against further legislation on the subject of free negroes.

The petition was read and ordered to be sent to the Senate.

The bill to amend an act passed in the year 1829, entitled an act to authorise the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of
erecting thereon a Poor House for the accommodation of
the poor of said county and for other purposes; and the
bill concerning jurors in Yancey county, were read the se-
cond and third times, passed, and ordered to be engrossed.

The bill to amend an act entitled an act to amend an
act passed in the year 1818, entitled an act to elect a ma-
gistrate for the town of Wilmington, and for other pur-
poses; the bill to change the time of holding the Courts
of Pleas and Quarter Sessions of Camden county; and
the resolution in favor of the executors of Beverly Daniel,
were each read the third time, passed, and ordered to be
engrossed.

The engrossed bill to prevent the cutting of timber into
the rivers of Cherokee county, was read the third time
and passed; and the engrossed resolution in favor of Pris-
cilla Goodwin, was read the second and third times and
passed.

Ordered, That said bill and resolution be enrolled.

On motion of Mr. Jefferson,

Ordered, That the Door-Keeper of this House be di-
rected to procure a suitable table to be placed immedia-
tely in front of the Clerk's desk, on which to place news-
papers and letters belonging to members of the House.

Mr. Barringer presented a resolution directing the
Secretary of State to deposit certain documents in the
Library of the University; which was read the first time
and passed.

On motion of Mr. Thompson,

Ordered, that a message be sent to the Senate, propos-
ing to elect on Monday next a Colonel of Cavalry, attach-
ed to the 5th brigade and 7th division of militia, to fill the
vacancy occasioned by the death of Mathew Calvert—
and informing that Samuel B. Spruill is nominated for
the appointment.

The resolution relating to Evening Sessions was taken
up and considered, and, on motion of Mr. Cardwell, laid
on the table.

Mr. Winston, from the Committee on the Judiciary,
reported unfavorably on the resolution relating to a re-
peal of the Usury Laws.

Ordered, That the report be laid on the table.

The bill to regulate the time of holding the Superior
Court of Moore at its next ensuing term, was read, and,
on motion of Mr. Keener, laid on the table.
The bill to expedite legal process, and the bill to amend an act entitled an act concerning the Seat of Government and Public Buildings, were each read the second time and passed.

The resignations of Jeremiah Pearsall, of Duplin; of T. Hampton, of Lincoln county; of Charles T. Hunter, of Edgecombe county; and of Young Brisentine, of Rutherford county, Justices of the Peace, were presented, read and accepted.

The bill authorising the several County Courts to provide for compensation to the wardens of the poor, was read, and, on motion of Mr. J. T. Miller, indefinitely postponed—yeas 76, nays 23.

The yeas and nays demanded by Mr. J. B. Jones.

Those who voted in the affirmative, were

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<th>Messrs.</th>
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<td>Adams</td>
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Those who voted in negative, were

Messrs.

Allen, Gray, Moore,
Baker, Herring, McClenehan,
J. Barnes, Holland, McMillan,
E. Barnes, Howerton, Patton,
Biggs, Huggins, Patterson,
Boyden, Hyman, Pope,
Brannock, Jacobs, Rand,
Burns, Keener, Spruill,
Doak, Killian, Whitehurst.

Mr. W. J. T. Miller offered the following resolution:

Resolved, That a message be sent to the Senate, proposing that this Legislature adjourn sine die on Monday, the 4th day of January next.

Mr. C. Jones moved that said resolution be laid on the table. The question thereon was determined in the affirmative—yeas 80, nays 26. The yeas and nays demanded by Mr. W. J. T. Miller.

Those who voted in the affirmative, were

Messrs.

Adams, Gnyther, Paine,
Allen, Hill, Patton,
Baker, Howerton, Patterson,
J. Barnes, Huggins, Pemberton,
Barriinger, Hyman, Poindexter,
Biggs, Jacobs, Pope,
Boyd, Joiner, Proctor,
Boyden, H. C. Jones, Rand,
Brannock, C. Jones, Reid,
Brower, Keener, Robards,
Bryan, Killain, Siler,
Burns, King, Smith,
Cardwell, Lilly, Spruill,
Carson, Mangum, Stallings,
Chambers, Massey, F. Taylor,
J. W. Covington, Mendenhall, Tomlison,
J. M. Covington, E. P. Miller, Wadsworth,

Those who voted in the negative, were

Messrs.


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

Monday, Dec. 14, 1840.

Mr. Baker withdrew the name of H. I. Toole from the nomination for Counsellors of State, and added the same to the nomination for Trustees of the University.

On motion of Mr. J. P. Caldwell, the name of Michael Holt was added to the nomination for Counsellors of State.

On motion of Mr. Jefferson, the name of John McIntyre was added to the nomination for Counsellors of the State.

And on motion of Mr. Mills, the name of B. S. Gaither, was added to the list of nominations for Trustees of the University.

The bill to lay off and establish a county by the name of
Caldwell, was read the second time and passed by the casting vote of the Speaker—yeas 50—nays 50.

The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Barringer
Beall,
Boyden,
Brower,
Brumwell,
Bryan,
Burns,
J. P. Caldwell,
G. W. Caldwell,
Carson,
J. W. Covington,
J. M. Covington,
Doak,
Farrow,
Fleming,
Franklin,
D. A. Graham,
J. Graham,
Guthrie,
Hill,
Hoke,
Holt,
Huggins,
Hyman,
Jefferson,
H. C. Jones,
Keener,
W. B. Lane,
Lilly,
Mendenhall,
E. P. Miller,
W. J. T. Miller,
Mills,
Morrow,
Munroe,
McLaughlin,
McMillan,
McLaurin,
Neal,
Paine,
Patton,
Pemberton,
Reid,
Robards,
Russell,
Siler,
J. Walker,
F. Williams,
Winston,
Young.

Those who voted in the negative, were

Messrs.

Adams,
Allen,
Baker,
Bannerman,
J. Barnes,
Biggs,
Boyd,
Brannock,
Brogden,
Cardwell,
Chambers,
Dickson,
Eaton,
Foreman,
J. R. Gilliam,
Grandy,
Graves,
Gray,
Gnyther,
Hawkins,
Herring,
Holland,
Jacobs,
Joiner,
J. B. Jones,
C. Jones,
R. Jones,
Kerr,
Massey,
J. T. Miller,
Monday,
Moore,
McCleese,
Patterson,
Poindexter,
Pope,
Proctor,
Ragan,
Smith,
Sullivan,
Stallings,
F. Taylor,
Thompson,
Wadsworth,
L. Walker,
Whitehurst,
J. O'K. Williams,
Wilson,
Withers,
Ziglar.
Mr. Moore, from the committee on the judiciary, to whom was referred the bill altering and prescribing the times at which certain elections shall hereafter be held in this State, reported two bills; one entitled a bill to amend the revised statutes, entitled an act providing for the appointment of electors to vote for President and Vice President of the U. States.

And the other entitled a bill to make elections uniform throughout the State, and amendatory of the revised statutes; concerning the General Assembly of the State; concerning the mode of choosing Representatives in the Congress of the United States; concerning the Governor of the State; concerning sheriffs; and concerning clerks of the County and Superior Courts.

These bills were read the first time and passed, and on motion of Mr. Moore, made the order of the day for Wednesday next, and ordered to be printed.

Received a message from the Senate, agreeing to the proposition of this House, to vote to-day for eight Trustees of the University, and informing that Messrs. W. J. T. Orr and Mitchell form their branch of the committee to superintend the voting.

Ordered, That Messrs. Pope and Huggins, form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR MATTHEW R. MOORE,

MESSRS.

Speaker, 
Beall,  
Boydren,  
Brummell,  
Bryan,  
J. M. Covington,  
Franklin,  
Gray,  
Hyman,  
Jefferson,  

Joiner,  
Keener,  
W. B. Lane,  
Mills,  
Murchison,  
McCollum,  
McLaughlin,  
McLaughrin,  
McMillan,  
Neal,  

Patton,  
Patterson,  
Pemberton,  
Poindexter,  
Rand,  
Russell,  
Siler,  
Withers,  
Young,  

FOR BAT. F. MOORE,

MESSRS.

Speaker,  
Adams,  

Guthrie,  
Guyther,  

Paine,  
Patton,  

FOR WESTON R. GALES,

Messrs.

J. M. Covington, J. M. Covington, Mills, Mills,  
Eaton, W. J. T. Miller, Tomlinson, 
Franklin, Munday, Wadsworth,  
D. A. Graham, Munday, Whitehurst,  
J. Graham, Munday, J. O'K. Williams,  
Grandy, Munday, Thompson,  
Gray, Moore, F. Williams,  
Guthrie, Mendenhall, Winston,  
Guyther, Murchison, Wilson,  
Hill, McClenehan, Withers,  
Hoke, McCollum, Young,  
Holt, McLaughlin, Farrow,  
McLaughlin, McMillan, Foreman.  
FOR GEORGE C. MENDENHALL,  
Messrs. Hawkins, McCollum,  
Adams, Herring, McLaughlin,  
Barringer, Hawkins, McLaurin,  
Beall, Hoke, McCleese,  
Boyden, Huggins, Neal,  
Brogden, Killian, Paine,  
Brummell, Lilly, Patton,  
Bryan, Massey, Patterson,  
Burns, E. P. Miller, Poindexter,  
G. W. Caldwell, Moore, Pope,  
Carson, Mendenhall, Reid,  
J. W. Covington, McClenehan, Robards,  
Eaton, McLaurin, Russell,  
Ennett, Paine, Tomlinson,  
Fleming,  
FOR GEORGE C. MENDENHALL,  
Messrs. Hawkins, McCollum,  
Adams, Herring, McLaughlin,  
Baker, Hill, McLaurin,  
Bannerman, Hoke, McCleese,  
J. Barnes, Holland, Neal,  
Barringer, Holt, Paine,  
Beall, Huggins, Patton,  
Boyden, Jacobs, Patton,
FOR PATRICK H. WINSTON,

Messrs.

Speaker, Huggins, McLaurin,
Allen, Hyman, McMillan,
Baker, Jacobs, Paine,
Bannerman, Joiner, Patton,
Beall, H. C. Jones, Pemberton,
Brower, J. B. Jones, Poindexter,
Brummell, R. Jones, Pope,
Bryan, C. Jones, Powell,
Burns, W. B. Lane, Proctor,
J. P. Caldwell, Lilly, Ragan,
G. W. Caldwell, Killian, Rand,
Carson, W. B. Lane, Reid,
J. W. Covington, Lilly, Robards,
J. M. Covington, Mangum, Russell,
Dickson, Massey, Siler,
Doak, E. P. Miller, Stallings,
Eaton, J. T. Miller, Tomlinson,
Ennett, W. J. T. Miller, J. Walker,
Fleming, Mills, Whitehurst,
Franklin, Monday, J. O'K. Williams,
Foreman, Moore, Thompson,
J. Graham, Morris, F. Williams,
Grandy, Morrow, Wilson,
Graves, Munroe, Winston,
Gray, Murchison, Withers,
Guyther,

J. Walker,
Huggins,
Hyman,
Jacobs,
Joiner,
H. C. Jones,
J. B. Jones,
R. Jones,
C. Jones,
W. B. Lane,
Lilly,
Massey,
E. P. Miller,
W. J. T. Miller,
Mills,
Monday,
Moore,
Munroe,
Murchison,
Franklin,
D. A. Graham,
J. Graham,
Grandy,
Graves,
Gray,
Hoke,
Holt;

Morris,
Morrow,
Munroe,
Murchison,
McCleese,
McCollum,
McLaughlin,

FOR JOHN C. WILLIAMS,

Messrs.

Allen,
Baker,
Bannerman,
J. Barnes,
Barringer,
Beall,
Biggs,
Boyd,
Broden,
Brower,
Burns,
G. W. Caldwell,
Cardwell,
Carson,
Chambers,
D. A. Graham,
J. Graham,
Grandy,

Guthrie,
Hawkins,
Herring,
M. Jones,
R. Jones,
Keener,
Kerr,
Killian,
Lilly,
Mangum,
Massy,
J. T. Miller,
Mills,
Monday,
Morris,

Munroe,
Murchison,
McCleese,
Neal,
Patterson,
Pemberton,
Powell,
Ragan,
Rand,
Reid,
Siler,
Spuill,
Sullivan,
Stallings,
Tomlinson,
Wadsworth,
L. Walker,
J. O'K. Williams
Thompson,
Winston,
Withers,
Young.

FOR BURGESS S. GAITHER,

Messrs.

Allen,
J. Barnes,
Barringer,
Biggs,
Boyden,

Hyman,
Jefferson,
H. C. Jones,
J. B. Jones,
C. Jones,

Neal,
Paine,
Patton,
Pemberton,
Poindexter,
FOR JONATHAN WORTH,

Messrs.

FOR CADWALLADER JONES, Jr.,

Messrs.

Speaker, 
Adams, 
Baker, 
Bannerman, 
J. Barnes, 
Barringer, 
Biggs, 
Boyd, 
Brogden, 
Burns, 
J. P. Caldwell, 
G. W. Caldwell, 
Cardwell, 
Chambers, 
J. W. Covington, 
Dickson, 
Eaton, 
Ennett, 
Fleming, 
Graves, 

Hawkins, 
Herring, 
Hill, 
Hoke, 
Holland, 
Huggins, 
H. C. Jones, 
J. B. Jones, 
R. Jones, 
Keener, 
Kerr, 
Killian, 
Mangum, 
Massey, 
J. T. Miller, 
W. J. T. Miller, 
Munday, 
Mendenhall, 
Morrow, 

Munroe, 
Pope, 
Powell, 
Proctor, 
Ragan, 
Rand, 
Robards, 
Russell, 
Siler, 
Spruill, 
Stallings, 
Tomlinson, 
Wadsworth, 
L. Walker, 
J. Walker, 
Whitehurst, 
Thompson, 
Farrow, 
Foreman.

FOR HENRY I. TOOLE,

Messrs.

Adams, 
Allen, 
Baker, 
Bannerman, 
J. Barnes, 
Biggs, 
Boyden, 
G. W. Caldwell, 
Cardwell, 
Chambers, 
Carson, 
Dickson, 
Eaton, 
Ennett, 
Grandy, 
Graves, 
Guthrie, 

Guyther, 
Hawkins, 
Herring, 
Holland, 
Joiner, 
J. B. Jones, 
C. Jones, 
R. Jones, 
Kerr, 
Killian, 
Mangum, 
Massey, 
J. T. Miller, 
W. J. T. Miller, 
Munday, 
Moore, 
Morrow, 

Munroe, 
Patterson, 
Pope, 
Powell, 
Ragan, 
Rand, 
Reid, 
Siler, 
Sullivan, 
Stallings, 
Tomlinson, 
Wadsworth, 
L. Walker, 
J. Walker, 
J. O'K. Williams, 
Foreman.
FOR RICHARD HINES,

Messrs.

Allen,
Adams,
Biggs,
Dickson,
Grandy,
Guthrie,
Hawkins,
Hill,
Holt,
Huggins,
Hyman,
Jacobs,
Jefferson,
Joiner,
C. Jones,
R. Jones,
Keener,
Killain,
Mangum,
E. P. Miller,
Mills,
W. J. T. Miller,
Moore,
Morris,
Munroe,
McCleenehan,
McCollum,
McMillan,
McCleese,
Neal,
Paine,
Patterson,

Pope,
Proctor,
Kagan,
Reid,
Robards,
Smith,
Spruill,
Wadsworth,
Whitehurst,
J. O'K. Williams,
Thompson,
Smith,
Wilson,
Farrow,
Foreman.

FOR JOHN H. HAUGHTON,

Messrs.

Adams,
Bannerman,
J. Barnes,
Biggs,
Fleming,
Graves,
Herring,
Hill,

Jacobs,
McCleenehan,
McCollum,
Spruill.

FOR WM. H. HARDIN,

Messrs.

Allen,
Baker,
J. P. Caldwell,
G. W. Caldwell,
Cardwell,
J. M. Covington,
Franklin,
Guthrie,
Guythier,
Hill,
Jacobs,
C. Jones,
Killian,
W. B. Lane,
Moore,
Murchison,

McCleenehan,
McMillan,
McCleese,
Patterson,
Pemberton,
Poindexter,
Young,
Farrow.

FOR MAURICE Q. WADDELL,

Messrs.

Boyden,
Brower,
W. B. Lane,
Patterson,

E. P. Miller,
Smith,
D. A. Graham, 
J. Graham, 
Guthrie, 
Hyman, 

J. T. Miller, 
McLaughlin, 
McLaurin, 

Stallings, 
Wadsworth, 
F. Williams.

FOR WM. A. WRIGHT,

Messrs. 
Bannerman, 
Biggs, 
Burns, 
Chambers, 
Dickson, 
Ennett, 

Herring, 
Hill, 
C. Jones, 
R. Jones, 
Kerr, 
J. T. Miller, 

Morrow, 
Powell, 
Ragan, 
Sullivan, 
L. Walker, 
J. Walker.

FOR MR. KERR,

Mr. Boyd.

FOR W. N. EDWARDS,

Mr. Boyd.

FOR J. W. WILLIAMS,

Mr. Boyd.

FOR THOMAS WARD,

Messrs. 
Boyd, 

Sullivan.

FOR W. J. T. ORR,

Messrs. 
Boyd, 

Holland.

FOR ASA BIGGS,

Messrs. 
Boyd, 

Holland.

FOR SAMUEL ARRINGTON,

Messrs. 
Boyd, 

Herring, 
Sullivan.
FOR JOHN A. MEBANE,

Messrs.
Brannock, Doak, D. A. Graham.

FOR A. HARGRAVE,

Mr. Brannock.

FOR J. A. GILMER,

Messrs.
Brannock, Doak, Gray.

FOR GILES W. PEARSON,

Messrs.
Brannock, Doak.

FOR ED. DEBERRY,

Messrs.
Brannock, Doak.

FOR J. WHITE,

Mr. Brannock.

FOR WM. W. CHERRY,

Messrs.
Fleming, Proctor, Smith.

FOR H. L. ROBARDS,

Messrs;
Brogden, Mendenhall.

FOR JOHN H. HAWKINS,

Messrs.
Cardwell, Mangum, Sullivan,
Chambers, Morrow, L. Walker,
Dickson, Powell, J. Walker.

FOR P. C. POPE,

Messrs.
Hawkins, Sullivan.
Mr. Holt presented a petition from many citizens of the county of Orange, together with a bill to carry their prayer into effect, entitled a bill to lay off and establish a county by the name of Allemanee. The said bill was read the first time and passed.

Mr. J. P. Caldwell presented a petition from sundry citizens of Iredell county, praying that a law be passed to prevent the felling of timber in Fifth Creek, in said county. Referred to the Committee on Propositions & Grievances.

Mr. J. P. Caldwell presented also a counter petition on the same subject, from citizens of Iredell county; which was likewise referred to the same committee.

Mr. Boyden presented a bill to prevent frauds in the execution of Deeds of Trust; Mr. J. W. Covington a bill to repeal an act, entitled an act to appoint a committee of finance, for the county of Richmond, passed at the session 1829-'30; and Mr. Sullivan a bill to secure to Mary Sandlin, of Duplin county, such property as she may hereafter acquire. These bills were read the first time and passed.

Received a message from the Senate, concurring in the proposition of this House, that Saturday the 19th inst. be set apart for the purpose of recommending justices of the peace for the several counties.

A message from the Senate, concurring in the proposition to vote on Tuesday next at 12 o'clock, for a Judge of the Superior Courts, in the place of R. M. Saunders, resigned—and informing that Messrs. Hellen and Pasteur form their branch of the committee to superintend the election.
A message from the Senate, concurring in the proposition of this House to vote on Wednesday next for Counsellors of State—and informing that Messrs. Faison and Sloan form their branch of the committee to superintend the voting.

A message from the Senate, transmitting the report of the joint select committee on Public Buildings, and proposing that it be printed. The proposition was concurred in.

Mr. Mendenhall presented a resolution in favor of George Hoover, of Randolph county; which was read the first time and passed, and referred to the Committee on Claims.

Mr. Siler presented a resolution in favor of Travia Elmore; which was read, and on motion of Mr. Siler, referred to the Committee on Cherokee lands.

Mr. Smith presented a bill to repeal the several acts therein named, relating to the town of Murfreesborough; which was read the first time and passed, and, on motion of Mr. Smith, referred to the Committee on Private Bills.

Mr. J. B. Jones, from the joint select committee on the Fisheries, reported unfavorably on the bill to prevent the passage of Fish of Roanoke and Cashie rivers. The report was read, and, on motion of Mr. Spruill, laid on the table; and, on the motion of Mr. Paine, made the order of the day for Thursday next.

The bill to expedite legal process, was read the third time, passed, and ordered to be engrossed.

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

Tuesday, Dec. 15, 1840.

Mr. Neal called up for consideration the bill to lay off and establish a county by the name of McDowell; when the said bill was read the second time and passed—yeas 55, nays 50.

The yeas and nays demanded by Mr. Bannerman,
Those who voted in the affirmative, were

Messrs.

Barringer, 
Boyden, 
Brannock, 
Brower, 
Brumwell, 
Bryan, 
Burns, 
G. W. Caldwell, 
Carson, 
J. M. Covington, 
J. W. Covington, 
Doak, 
Fleming, 
Franklin, 
J. R. Gilliam, 
D. A. Graham, 
J. Graham, 
Gray, 
Hill, 
Hoke, 
Holland, 
Holt, 
Jefferson, 
H. C. Jones, 
Keener, 
Killian, 
W. B. Lane, 
Lilly, 
Mendenhall, 
E. P. Miller, 
W. J. T. Miller, 
Mills, 
Monday, 
Morris, 
Morrow, 
Munroe, 
Murchison, 
McCollum, 
McLaughlin, 
McLaurin, 
McMillan, 
Neat; 
Paine, 
Patton, 
Pemberton, 
Poindexter, 
Reid, 
Robards, 
Russell, 
Siler, 
J. Walker, 
F. Williams, 
Winston, 
Withers, 
Young.

Those who voted in the negative, were

Messrs.

Adams, 
Allen, 
Baker, 
Bannerman, 
J. Barnes, 
Biggs, 
Boyd, 
Brogden, 
Cardwell, 
Chambers, 
Clegg, 
Dickson, 
Eaton, 
Eunett, 
Farrow, 
Foreman, 
Gee, 
Grandy, 
Graves, 
Guyther, 
Hawkins, 
Herring, 
Huggins, 
Hyman, 
Jacobs, 
Joiner, 
J. B. Jones, 
C. Jones, 
R. Jones, 
Kerr, 
Mangum, 
Massey, 
Moore, 
McCleese, 
Patterson, 
Powell, 
Proctor, 
Ragan, 
Rand, 
Smith, 
Sullivan, 
Stallings, 
F. Taylor, 
Tomlinson, 
Wadsworth, 
L. Walker, 
Whitehurst, 
J. O'K. Williams, 
Wilson, 
Ziglar.

Mr. Reid called up for consideration, the bill to regu-
late the time of holding the Superior Court of Moors at its next ensuing term; when the said bill was read the third time, passed, and ordered to be engrossed.

Mr. Pope, from the committee appointed to superintend the election of eight Trustees of the University, reported that Burgess S. Gaither, George C. Mendenhall, John C. Williams, Bartholomew F. Moore, Weston R. Gales, Jonathan Worth, Cadwallader Jones, jr., and Patrick H. Winston, had each received a majority of the whole number of votes, and that they were duly elected. The report was concurred in.

A message from the Senate, concurring in the proposition of this House to refer so much of the late communication from the Governor as relates to Cherokee Lands, to the joint select committee heretofore raised on that subject.

Mr. Boyden moved that the bill to incorporate the Little River Manufacturing Company, be referred to a joint select committee, with instructions to inquire into the expediency of passing a general law for security of the creditors of incorporated companies, and that a message be sent to the Senate, asking their concurrence therein.—The question on this motion was decided in the affirmative.

Mr. John B. Jones, from the committee on the fisheries, reported unfavorably on the bill to amend an act, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters; and Mr. Smith, on behalf of the minority of said committee, made a counter report, proposing sundry amendments to the bill, when the said bill and reports were, on motion of Mr. Smith, laid on the table.

Mr. Reid presented a bill for the better regulation of the County Courts of Cumberland; which was read the first time and passed.

Mr. J. Walker presented a memorial from sundry officers in the militia of the county of Mecklenburg, praying the passage of a law, compelling the commanding officers of said regiments to drill the commissioned and non-commissioned officers under their command at least three days in each year.

The said paper was read and referred to the committee on military affairs.

Mr. Boyden presented a bill to provide for the distribution of the proceeds of lands sold for partition in certain cases; which was read the first time and passed.
Mr. Patterson presented a bill to alter the laws respecting auction sales; which was read the first time and passed, and referred, on Mr. Patterson's motion, to the Committee on the Judiciary.

The bill to amend an act entitled an act concerning the seat of government and public buildings, was read the third time, passed, and ordered to be engrossed.

The bill concerning the collection of debts by the Banks of this State, was read, and on motion of Mr. J. P. Caldwell, laid on the table.

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 repair of the Governor's residence to a Joint Select Committee, and informing that Messrs. Mitchell, Hawkins and Moore form their branch of the Committee.

Ordered, That Messrs. Patton, Reid, J. Graham, Fleming and Young form said committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to refer so much of the late communication from His Excellency the Governor as relates to the resolutions from Vermont to a Joint Select Committee, and informing that Messrs. Waddell, Edwards and Parks form their branch of said committee.

Ordered, That Messrs. Paine, McClenehan, Stallings, McCollum, G. W. Caldwell form said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to amend the law concerning the fees of coroners; and the engrossed resolution in favor of Mark H. Hill, and asking the concurrence of this House.

The said bill and resolution were each read the first time and passed.

Mr. Poiudexter, from the Committee on Claims, reported without amendment the resolution in favor of Wm. Young, and recommended its passage. The said resolution was thereupon read and adopted, and ordered to be engrossed.

The House now proceeded to the execution of the Joint Order, and voted for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Romulus M. Saunders—Messrs. W. B. Lane and Bryan being superintendents of the election.
FOR EDWARD HALL,

Messrs.

Speaker, 
Baker, 
J. Barnes, 
Biggs, 
Burns, 
G. W. Caldwell, 
Carson, 
Chambers, 
Clegg, 
Eaton, 
Foreman, 
Gee,

Hawkins, 
Hill, 
Hoke, 
Holt, 
Jacobs, 
Jefferson, 
Killian, 
Mangum, 
Massey, 
Mills, 
Moore,

McClenehan, 
McMillan, 
Neal, 
Patterson, 
Pope, 
Rand, 
Robards, 
Russell, 
Spruill, 
Tompson, 
Winston.

FOR MATTHIAS E. MANLY,

Messrs.

Adams, 
Allen, 
Banuerman, 
Barringer, 
Boyden, 
Brannock, 
Broden, 
Brower, 
Brumell, 
Bryan, 
J. W. Covington, 
Dickson, 
Doak, 
Ennett, 
Farrow,

Graves, 
Gray, 
Guthrie, 
Herring, 
Huggins, 
Hyman, 
Joiner, 
H. C. Jones, 
Kerr, 
W. B. Lane, 
I. W. Lane, 
Lilly, 
E. P. Miller, 
W. J. T. Miller,

Munroe, 
Murchison, 
McCollum, 
McLaughlin, 
McLaurin, 
Powell, 
Ragan, 
Reid, 
Siler, 
Sullivan, 
Tomlinson, 
Wadsworth, 
Whitehurst, 
J. O'K. Williams.

FOR AUGUSTUS MOORE,

Messrs.

J. P. Caldwell, 
J. M. Covington, 
Fleming, 
Franklin, 
J. R. Gilliam, 
D. A. Graham, 
J. Graham,

Keener, 
Mendenhall, 
Monday, 
Morris, 
McCleese, 
Paine, 
Patton,

Smith, 
Stallings, 
L. Walker, 
J. Walker, 
F. Williams, 
Wilson, 
Withers,
Mr. W. B. Lane, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing to vote again immediately for this officer. The proposition was agreed to, and Messrs. Guyther and Jefferson appointed a committee to superintend the election.

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

The House then proceeded to vote as follows:

FOR EDWARD HALL,

Messrs.

Speaker, Graves, McCollum,
Baker, Hawkins, Neal,
Bannerman, Hill, Patterson,
J. Barnes, Holland, Pope,
Burns, Holt, Rand,
G. W. Caldwell, Jacobs, Robards,
Chambers, Killian, Russell,
Clegg, Mangum, Spruill,
Eaton, Massey, F. Taylor,
FOR MATTHIAS E. MANLY,

Messrs.


FOR AUGUSTUS MOORE,

Messrs.


FOR ROBERT STRANGE,

Mr. Boyd.

FOR WM. H. HAYWOOD, JR.

Mr. Cardwell.

Mr. Jefferson from the Committee appointed to con-
duct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing to vote again immediately for this officer. The proposition was concurred in, and Messrs. Holt and Doak appointed a committee to conduct this election.

A message from the Senate, informing that Messrs. Albright and Orr, form said committee on the part of the Senate. The House then voted as follows:

FOR EDWARD HALL,

Messrs.

Speaker, Baker, J. Barnes, G. W. Caldwell, Chambers, Clegg, Eaton, Foreman, Gee, J. Graham, Graves, Hawkins, Hill, Holland, Holt, Jacobs, Killian, W. B. Lane, Mangum, Massey, J. T. Miller, Mills, Moore, McClenehan, McCollum, Neal, Patterson, Pope, Rand, Robards, Russell, Spruill, F. Taylor, Thompson,

FOR MATTHIAS E. MANLY,

Messrs.

Mr. Holt, from the committee of superintendence, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. Biggs presented a bill concerning Deputy Sheriffs, and Mr. Keener a bill to encourage the destruction of Wolves in the county of Haywood. These bills were read the first time and passed.

Mr. Winston from the Committee on the Judiciary, reported unfavorably on the bill to amend the Patrol Laws of the State, when said bill was read, and on motion of Mr. Withers, postponed indefinitely.

The bill to amend the several Revised Statutes, entitled an act concerning Sheriffs, an act concerning the Clerks of the County and Superior Courts, and an act concerning Constables, was read the third time, amended and passed, and ordered to be engrossed.

The engrossed bill to prevent betting on Elections, was read the second time.
Mr. Boyden moved that said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 55, nays 56.

The yeas and nays demanded by Mr. Brannock.

Those who voted in the affirmative, were

Messrs.

Allen, Gray, McClenehan,
Bannerman, Guthrie, McLaughlin,
Boyden, Guyther, Neal,
Boyden, Hawkins, Patton,
Brogden, Herring, Pope,
Brummell, Holland, P'well,
Bryan, H. C. Jones, Proctor,
G. W. Caldwell, C. Jones, Ragan,
Chambers, R. Jones, Rand,
Clegg, Keener, Robards,
Dickson, Killian, Russell,
Eaton, I. W. Lane, Spruill,
Eunett, Mangum, Sullivan,
Fleming, Massey, Stallings,
Franklin, E. P. Miller, F. Taylor,
Gee, J. T. Miller,
J. R. Gilliam, Morrow,
J. Graham, Mutchison,
Graudy, Those who voted in the negative, were

Messrs.

Adams, Holt, McMillan,
Baker, Huggins, Patterson,
J. Barnes, Hyman, Pemberton,
Beall, Jacobs, Poindexter,
Biggs, Jefferson, Reid,
Brannock, Joiner, Siler,
Brower, J. B. Jones, Smith,
Burns, Kerr, Thompson,
J. P. Caldwell, W. B. Lane, Wadsworth,
Cardwell, Lilly, J. Walker,
Carson, Mendenhall, L. Walker,
J. W. Covington; W. J. T. Miller, Whitehurst,
J. M. Covington; Mills, J. O'K. Williams,
Doak, Monday, F. Williams,
Foreman, Moore, Winston,
D. A. Graham, Morris, Withers,
Graves, Munroe, Barringer,
Hill, McCollum, Young,
Hoke, McLaurin, 

The question recurring on the passage of the bill the second reading, on motion, the House adjourned until tomorrow morning, ten o'clock.

WEDNESDAY, Dec. 16, 1840.

Mr. Murchison presented a bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore; which was read the first time and passed.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of passing a law to supply the records of Courts, and other public papers destroyed by fire, reported that it is not expedient to pass any general law upon the subject, and prayed to be discharged from the further consideration of the subject.

Mr. Winston, from the same committee, to whom was referred the bill to prevent the selling of unmatured crops, reported unfavorably thereon. The said bill was read the second time and passed.

Mr. Robards presented a petition from sundry citizens of the town of Henderson, praying the establishment of a Bank at that place. The said petition was, on motion of Mr. Robards, ordered to be sent to the Senate, with a proposition that it be referred to a Joint Select Committee of five on the part of each House.

Mr. Poindexter, from the Committee on Claims, reported the resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road, with an amendment. The said resolution was read the second time, amended and passed.

Received a message from the Senate, proposing that the two Houses do vote again immediately for a Judge of the
Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

The proposition was concurred in, and Messrs. King and Withers appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Puryear and Pollock form their branch of said committee.

The House then proceeded to vote as follows:

FOR EDWARD HALL,

Messrs.

Speaker,
Baker,
J. Barnes,
Beall,
Biggs,
Brannock,
Carson,
Clegg,
J. M. Covington,
Doak,
Eaton,
Foreman,
Gee,
J. Graham,
Hawkins,
Hill,
Holland,
Holt,
Jacobs,
Killian,
Mangum,
Massey,
Mills,
Monday,

FOR MATTHIAS E. MANLY,

Messrs.

Adams,
Allen,
Bannerman,
Barringer,
Boyden,
Brogden,
Brower,
Bryan,
J. W. Covington,
Davis,
Dickson,
Ennett,
Farrow,
Franklin,
Graves,
Gray,
Guthrie,
Herring,
Huggins,
Hyman,
Joiner,
H. C. Jones;
Kerr,
King,
W. B. Lane,
I. W. Lane,
Lilly,
E. P. Miller,
W. J. T. Miller,
Morris,

Moore,
McClennan,
McMillan,
Neal,
Patterson,
Pope,
Rand,
Robards,
Russell,
Spruill,
F. Taylor,
Thompson.

Munroe,
Murchison,
McCollum,
McLaughlin,
Peabertou,
Powell,
Reid,
Siler,
Sullivan,
J. W. Taylor,
Tomlinson,
Wadsworth,
Whitehurst,
J. O'K. Williams
Withers.

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FOR AUGUSTUS MOORE,

Messrs.

Brummell, J. B. Jones, Proctor,
Burns, R. Jones, Smith,
J. P. Caldwell, Keener, Stallings,
Fleming, J. T. Miller, L. Walker,
J. R. Gilliam, McClence, J. Walker,
D. A. Graham, McLaurin, F. Williams,
Grundy, Paine, Winston,
Gnyther, Pattou, Wilson,
Hoke, Poindexter, Young.

FOR MICHAEL HOKE,

Messrs.

Boyd, Cardwell, O. Jones,
G. W. Caldwell, Jefferson, Mendenhall.

FOR ROBERT STRANGE,

Mr. Morrow.

FOR GEORGE C. MENDENHALL,

Mr. Ziglar.

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

Received a message from the Senate, proposing to vote on to-morrow, at 11 o'clock, for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer. Said message was, on motion of Mr. Spruill, laid on the table.

A message from the Senate, transmitting a bill to alter the times of holding the Fall Term of the Superior Courts of Law and Equity, for the counties of Hyde, Beaufort, Lenoir, Greene; and proposing that said bill be referred to a joint select committee consisting of the members of both Houses from the second Judicial Circuit.

Received from his Excellency the Governor, by his Private Secretary, a message transmitting the annual report of the Treasurer of the Trustees of the University, together with the report of the committee of said board, raised to audit and settle the accounts of the Treasurer.
Ordered, On motion of Mr. Barringer, that the message be sent to the Senate, with a proposition that the message and accompanying documents be printed.

The resignation of Louis D. Wilson, as a Trustee of the University of North Carolina, was presented, read and accepted.

The bill to lay off and establish a county by the name of Caldwell, was read the third time, passed, and ordered to be engrossed.

Mr. McLaurin presented a bill to abolish the Fair at or near Laurel Hill, in the county of Richmond. Said bill was read the first time and passed, and referred on Mr. McLaurin's motion, to the Committee on Propositions and Grievances.

A message from the Senate, informing that Messrs. Gaither and Wilson form on their part the joint select committee on enrolled bills.

Ordered, That Messrs. Burns, Biggs, Murchison and Baker form said committee on behalf of the Commons.

Mr. Barringer, from the Committee on Internal Improvements, reported the bill to authorise the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford county, to the widow Sails's, in Buncombe, with an amendment.

Ordered, on motion of Mr. Mills, that the report and bill be laid on the table.

The engrossed bill to purchase a library was read the second time and rejected.

A message from the Senate, informing that they had passed the engrossed bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c., with an amendment, and asking concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they insist on their amendments to the engrossed resolutions concerning the apartments in the capitol.

Mr. Guthrie moved that the House do recede from their disagreement to said amendments. This question was decided in the negative; and thereupon, on motion of Mr. Hill,

Ordered, That a message be sent to the Senate, informing that this House do insist likewise on their disagreement to the said amendments of the Senate, and proposing that a Committee of Conference, consisting of three on
the part of each House, be raised on the subject of said disagreement.

Mr. Poindexter, from the Committee on Claims, presented a resolution in favour of the heirs of Ann Morrison; which was read the first time and passed.

A message from the Senate, proposing that another vote be had immediately for a Judge of the Superior Courts, in the place of R. M. Saunders resigned. The proposition was agreed to; and Messrs. McMillan and Carson appointed a committee to superintend the election.

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

The House then voted as follows:

FOR EDWARD HALL,

Messrs.


FOR MATTHIAS E. MANLY,

Messrs.

The bill for the relief of the Wilmington and Raleigh Rail Road Company was read the second time.

Mr. Biggs moved to amend the bill, by striking out the 11th section, and inserting the following, viz:

That the General Assembly may, at any time, appoint a committee to examine into the situation of the said company, may direct the mortgage to be foreclosed according to the provisions heretofore prescribed, whenever they think proper; and the General Assembly shall have power at any time, if the stockholders of the said company accept the relief herein before provided, to alter, modify or repeal the charter of said company.

Mr. Barringer moved to amend the amendment, by striking out all after the words whenever they think proper. The question on Mr. Barringer's motion, was determined in the affirmative—yeas 62, nays 45.

The yeas and nays demanded by Mr. Biggs.
Those who voted in the affirmative, were

Messrs.

Barringer,  Guthrie,  McMillan,
Beall,      Hill,      Neal,
Brannock,   Huggins,  Paine,
Brower,     Hyman,     Patton,
Brummell,   Jacobs,    Pemberton,
Bryan,      Jefferson, Pope,
Burns,      Joiner,    Reid,
J. P. Caldwell,  H. C. Jones,  Russell,
Cardwell,   Keener,    Siler,
Carson,     W. B. Lane,  Spruill,
Clegg,      Lilly,      J. W. Taylor,
J. W. Covington,  Mendenhall,  Thompson,
J. M. Covington,  E. P. Miller,  Wadsworth,
Doak,       W. J. T. Miller,  Whitehurst,
Foreman,    Mills,      J. O'K. Williams,
Franklin,   Morris,     F. Williams,
Gee,        Murchison,  Wilson,
J. R. Gilliam,  McClenehan,  Winston,
D. A. Graham,  McCollum,  Withers,
Graves,     McLaughlin,  Young,
Gray,       McLaurin,

Those who voted in the negative, were

Messrs.

Adams,      Kerr,      Hawkins,
Allen,      Killian,   Herring,
Baker,      King,      Holland,
G. W. Caldwell,  Biggs,    J. W. Lane,
Davis,      Boyd,      Mangum,
Dickson,    Brogden,   Massey,
Eunett,     Munro,     J. T. Miller,
Farrow,     McCleese,  Monday,
Fleming,    Patterson,  Morrow,
Baumerman,  Powell,    Stallings,
J. Barnes,  Ragan,     F. Taylor,
E. Barnes,  Rand,      Tomlinson,
J. B. Jones,  J. Graham,  L. Walker,
C. Jones,    Grandy,    J. Walker,
R. Jones,    Guyther,   Ziglar.

On motion of Mr. Brogden, ordered that the bill and amendment be laid on the table.
The bill to lay off and establish a new county by the name of McDowell, was read the third time, and the question shall the said bill pass the third reading, was determined in the affirmative—yeas 54, nays 43. The yeas and nays demanded by Mr. Kerr.

Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.

Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of Caldwell, was read the third time, passed, and ordered to be engrossed.

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

THURSDAY, DEC. 17, 1840:

Mr. McMillan from the committee appointed yesterday to superintend the election of a Judge of the Superior Courts to fill the vacancy occasioned by the resignation of R. M. Saunderson, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. Barringer from the committee on Internal Improvements, reported unfavorably on the petition from Iredell, praying an alteration in the road laws, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mangum presented a resolution for distributing the Revised Statutes, which was read the first time and passed.

Mr. Reid from the committee on Propositions and Grievances, reported unfavorably on the petitions from Iredell county, relative to the felling of timber in Fifth Creek, & asked to be discharged from the further consideration of the subject. The report was concurred in.

Received a message from the Senate, proposing to vote again immediately for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunderson. The proposition was concurred in, and Messrs. Wilson and Mangum appointed a committee to superintend the election on the part of this House.

A message from the Senate, informing that Messrs. Moye and Ward form their branch of said committee.
Mr. J. R. Gilliam withdrew from the nomination Augustus Moore.

The House then proceeded to vote as follows:

FOR EDWARD HALL,

Messrs.

Speaker, Jefferson, Patterson,
Baker, C. Jones, Pope,
J. Barnes, R. Jones, Rand,
Biggs, Killian, Robards,
Boyd, Mangum, Russell,
G. W. Caldwell, Massey, Smith,
Eaton, Mills, Spruill,
Foreman, Monday, Stallings,
Gee, Moore, F. Taylor,
Hawkins, Morrow, Thompson,
Hill, McCleese, Winston,
Holland, Neal, Ziglar,
Jacobs,

FOR MATTHIAS E. MANLY,

Messrs.

Adams, D. A. Graham, McCollum,
Allen, Graves, McLaughlin,
Bannerman, Gray, McLaurin,
E. Barnes, Guyther, McMillan,
Barringer, Herring; Patton,
Beall, Holt, Pemberton,
Boyden, Huggins, Poindexter;
Brannock, Hyman, Powell,
Brummell, Joiner, Ragan,
Bryan, Kerr, Reid,
Burns, King, Siler,
J. P. Caldwell, W. B. Lane, Sullivan,
Cardwell, I. W. Lane, J. W. Taylor;
Carson, Lilly, Tomlinson,
Clegg, Mendenhall, Wadsworth,
J. M. Covington, E. P. Miller, L. Walker,
J. W. Covington, W. J. T. Miller, J. Walker,
Davis, Morris, Whitehurst,
Dickson, Munroe, J. O'K. Williams,
Doak,
Ennett, F. Williams,

Wilson,
Mr. Wilson, from the committee appointed to superintend the election, reported that Matthias E. Manly had received a majority of the whole number of votes, and that he was duly elected a Judge of the Superior Courts of Law and Equity for this State. The report was concurred in.

Mr. Eaton presented a petition from George Little, praying to be reimbursed for a certain sum of money paid into the Public Treasury, for a lot of ground purchased by him from the State, the title to which was defective. Said petition was, on motion of Mr. Eaton, referred to the Committee on Claims.

Mr. Spruill moved that the House do now reconsider their vote of yesterday, whereby was rejected the bill to purchase a library. The question thereon was decided in the affirmative; and, on motion of Mr. Mendenhall, Ordered, That said bill be laid on the table.

Mr. Moore presented a bill to amend the Revised Statutes, entitled an act concerning Registers; which was read the first time and passed, and referred, on Mr. Moore’s motion, to the Committee on the Judiciary.

Mr. McLaurin presented a petition from sundry citizens of Richmond and Robeson counties, asking an appropriation of money for the improvement of Lumber River.
Ordered, on Mr. McLaurin's motion, that the petition be referred to the Committee on Internal Improvements.

Mr. J. P. Caldwell introduced a bill to amend an act passed in the session of 1838, entitled an act to divide the counties into school districts and for other purposes; which was read the first time and passed, and on motion of Mr. Withers,

Ordered, That the bill be printed.

A message from the Senate, concurring in the proposition of this House to refer the bill to incorporate the Little River Manufacturing Company to a joint select committee, and informing that Messrs. Dockery, Myers, Hel- len, Whitfield and Sloan, form their branch of said committee.

Ordered, That Messrs. Boyden, Hoke, Moore, Morris and Reid, form said committee on behalf of the Commons.

A message from the Senate, concurring in the proposition of this House to refer the memorials from the citizens of Henderson on the subject of establishing a Bank at that place, to a Joint Select Committee of five on the part of each House, and informing that Messrs. Gaither, Hawkins, Johnson, Orr and Ribelin form their branch of said committee.

Ordered, That Messrs. Robards, Mendenhall, W. J. T. Miller, R. Jones and Withers form said committee on behalf of the Commons.

Mr. Barringer called up for consideration the engrossed resolution calling upon the Governor for information relating to the state and condition of the University of North Carolina; when said resolution was read and adopted.

A message was sent to the Senate, proposing that the two Houses do vote immediately for Counsellors of State.

The proposition was concurred in by the Senate, and the House informed that Messrs. Myers and Arrington formed on the part of the Senate their branch of the committee to superintend the election.

Ordered, That Messrs. W. J. T. Miller and Powell form said committee on behalf of this House.

The House then voted as follows:

FOR LOUIS D. WILSON,

Messrs.

Baker, Hoke, J. T. Miller,
Bannerman, Holland, Morrow,
Boyd, Cardwell, Davis, Dickson, Hawkins, Herring, Kerr, R. Jones, I. W. Lane, Mangum, Massey, Munroe, Patterson, Powell, Reid, L. Walker.

FOR GREENE W. CALDWELL,
Messrs.
Bannerman, Herring, Massey, Holland, Morrow, Kerr, Powell, I. W. Lane, Reid, Mangum, J. Walker.

FOR WM. S. ASHE,
Messrs.
Bannerman, Kerr, Morrow, J. Barnes, Holland, Patterson, Davis, Kerr, Powell, Dickson, I. W. Lane, Reid, Hawkins, Mangum, J. Walker, Herring, J. T. Miller, Holland, J. Walker.

FOR JAMES B. WHITFIELD,
Messrs.
Bannerman, Holland, J. T. Miller, Davis, Kerr, Morrow, Dickson, I. W. Lane, Patterson, Hawkins, Mangum, Powell, Herring, Massey, J. Walker, Hoke.

FOR JAMES WATT,
Messrs.
Baker, Chambers, Munroe, Boyd, R. Jones, L. Walker, Cardwell, EOR WYAT MOYE, Mr. J. Barnes.
FOR GEO. WILLIAMSON,

Messrs.

Baker, Cardwell, L. Walker.
Boyd, Eaton,

FOR BURTON CRAIGE,

Messrs.

Baker, Hoke, J. T. Miller,
Bannerman, Holland, Morrow.
Cardwell, R. Jones, Munroe.
Davis, Kerr, Patterson,
Dickson, I. W. Lane, Powell,
Hawkins, Mangum, Reid,
Herring, Massey, J. Walker.

FOR ALLEN ROGERS, SEN.,

Messrs.

Baker, Eaton, Mangum,
Boyd, Hawkins, Massey,
Bannerman, Herring, Patterson,
Cardwell, Holland, Powell,
Chambers, R. Jones, Reid,
Davis, I. W. Lane, J. Walker.
Dickson,

FOR LOUIS D. HENRY,

Messrs.

Baker, Hawkins, J. T. Miller,
Bannerman, Herring, Morrow,
J. Barnes, Holland, Munroe,
Boyd, R. Jones, Patterson,
Cardwell, Kerr, Powell,
Chambers, I. W. Lane, Reid,
Davis, Mangum, J. Walker,
Dickson, Massey, L. Walker,
Eaton,

FOR P. H. BUSBEE,

Messrs.

Kerr, J. T. Miller.
FOR W. F. LEAKE,

Messrs.

Baker, Cardwell, J. T. Miller,
Boyd, R. Jones, L. Walker.

FOR HENRY I. TOOLE,

Messrs.

J. Barnes, Ennett.

FOR JOHN A. MEBANE,

Mr. Carson.

FOR JOHN B. TROY,

Messrs.

J. Barnes, Doak, Mendenhall,
E. Barnes, Farrow, E. P. Miller,
Barringer, Gee, Morris,
Beall, Guthrie, Moore,
Brannock, Guyther, Marchison,
Brower, Holt, McLaurin,
Brummell, Joiner, McCollum,
Burns, Keener, Paine,
Carson, King, Pemberton,
Chambers, W. B. Lane, Siler,

FOR C. H. JORDAN,

Messrs.

Boyd, R. Jones, Munroe,
Chambers, King, L. Walker.

FOR NAT. BOYDEN,

Mr. Brogden.

FOR BAT. F. MOORE,

Mr. Brogden.

FOR RUFUS REID,

Mr. McLaughlin.
FOR D. M. BARRINGER,
Mr. Brogden.

FOR J. P. CALDWELL,
Mr. Brogden.

FOR JOHN McINTIRE,
Messrs.
Jefferson, W. J. T. Miller.

FOR J. W. THOMAS,
Mr. Joiner.

FOR WM. DICKSON,
Messrs.
E. P. Miller, J. O'K. Williams.

FOR M. Q. WADDELL,
Messrs.
Brower, Joiner.

FOR FREDERICK J. HILL,
Mr. Brogden.

FOR BLOUNT COLEMAN,
Messrs.
Brower, Joiner, Mendenhall.
Foreman,

FOR H. L. ROBARDS,
Mr. Brogden.

FOR JOSIAH COLLINS,
Mr. Allen.

FOR A. H. DAVIS,
Mr. Eaton.

FOR E. SHOBER,
Messrs.
Holt, Murchison.
FOR GEORGE C. MENDENHALL,
Messrs.
J. Barnes, Brogden, Brower.

FOR WM. W. CHERRY,
Messrs.
Brannock, Doak.

FOR CHARLES E. JOHNSON,
Mr. Eaton.

FOR THOMAS HALL,
Mr. Eaton.

FOR W. G. JONES,
Mr. Eaton.

FOR JOHN A. ANDERSON,
Messrs.

Speaker, Allen, Adams, Beall, Biggs, Boyden, Brumell, Burns,
J. P. Caldwell, Clegg,
J. M. Covington, Ennett, Farrow,
Foreman, Franklin, Gee,
D. A. Graham;
Grandy, Graves, Gray,
Guyther,

Hyman, Jacobs, Jefferson, Joiner,
H. C. Jones, J. B. Jones, Keener,
King, W. B. Lane, Lilly,
Mendenhall, E. P. Miller, W. J. T. Miller,
Moore, Morris, Munroe,
McClenchan, McClure, McLaurin;
McMillan, McCollum,
FOR MICHAEL HOLT,

Messrs.


FOR E. B. FREEMAN,

Mr. Tomlinson.

FOR CHARLES MANLY,

Mr. Tomlinson.

FOR WILIE PERRY,

Messrs.

FGR THOMAS McGEHEE,

Messrs.


FOR JOHNSON BUSBEE,

Messrs.

For Isaac Avery,

FOR JAMES T. LEAKE,

Messrs.

FOR ALLEN GOODWIN,

Messrs.
Mr. W. J. T. Miller, from the committee appointed to superintend the voting, reported that John A. Anderson, Willie Perry, Thomas McGhee, Johnson Busbee, Isaac T. Avery, and James T. Leake had each received a majority of the whole number of votes, and were duly elected Counsellors of State, and that no other person had received a majority. The report was concurred in.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported the bill to abolish the Fair at or near Laurel Hill, in the county of Richmond, without amendment. The said bill was read the second and third times, passed, and ordered to be engrossed.

Mr. J. P. Caldwell, from the same committee, asked that the committee be discharged from the further consideration of the petition from the county of Buncombe, praying that Wm. Hammond, a free man of color, may be allowed to preach and exhort. The committee was discharged.

Mr. Siler, from the Committee on Cherokee Lands, reported the resolution in favor of Travis Elmore, of Macon county, without amendment. The said resolution was read and adopted, and ordered to be engrossed.

Mr. Reid introduced a bill to incorporate the Raleigh Mechanic's Association; which was read the first time and passed.

Received a message from the Senate, proposing that the two Houses do vote immediately for a Judge of the Superior Court, to fill the vacancy occasioned by the resignation of John D. Toomer. The proposition was concurred in—and Messrs. Adams and Holland appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Hellen and Melvin form their branch of said committee.

The House then proceeded to vote as follows:

FOR WM. H. BATTLE,

Messrs.

Speaker, Gray, McLaughlin,
Adams, Guthrie, McLaurin,
Allen, Guyther, Paine,
Barringer, Hill, Patton,
Beall, Holt, Patterson,
Branuuck, Joiner, Pope,
Brumwell, H. C. Jones, Proctor,
Burns, King, Robards,
Carson, Meudenhall, Russell,
Clegg, E. P. Miller, Spruill,
J. M. Covington, Mills, J. W. Taylor,
J. W. Covington, Moore, Whitehurst,
Doak, Morris, J. O’K. Williams,
Farrow, Murchison, Winston,
Foreman, McClleese, Wilson,
Gee, McClenehan, Withers;
Grandy, McCollum, Young.

FOR ROMULUS M. SAUNDERS,

Messrs.
Baker, Fleming, Monday,
Bannerman, Fleming, Morrow,
J. Barnes, Graves, Monroe,
E. Barnes, Herring, Neal,
Biggs, Holland, Powell,
Boyd, Jacobs, Ragan,
Brogden, C. Jones, Rand,
Bryan, R. Jones, Reid,
J. P. Caldwell, Kerr, Sullivan,
G. W. Caldwell, Killian, Stallings,
Cardwell, I. W. Lane, F. Taylor,
Chambers, Lilly, Tomlinson,
Davis, Mangum, L. Walker,
Dickson, Massey, J. Walker,
Ennett, J. T. Miller, Ziglar.

FOR EDWARD HALL,

Messrs.
Eaton, Smith, Thompson.
Hawkins,

FOR DAVID L. SWAIN,

Messrs.
Huggins, Keener, Wadsworth,
Hyman,
Mr. Holland, from the committee appointed to superintend the voting, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The engrossed bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island, to the United States, was read the second and third time, passed, and ordered to be enrolled.

The bill providing for restoring to the rights of citizenship persons convicted of infamous crimes; and the bill to give the County Court of Cherokee jurisdiction over the State Road in said county, were each read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill giving to the county of Henderson a Superior Court of Law and Equity.

And a bill giving to the county of Cherokee a Superior Court of Law and Equity; and asking the concurrence of this House.

The said bills were read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.
Mr. J. P. Caldwell, from the Joint Select Committee on Military Affairs, reported a bill to compel the militia officers of Mecklenburg county to drill three days in each and every year. The said bill was read the first time and passed.

On motion of Mr. Holt,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote again immediately for a Judge of the Superior Courts, in place of John D. Toomer, resigned.

A message from the Senate, agreeing to this proposition, and informing that Messrs. Clingman and Orr form their branch of the committee to superintend the election.

Ordered, That Messrs. L. Walker and Pemberton form said committee on behalf of the Commons.

The House then voted as follows:

FOR WILLIAM H. BATTLE,

Messrs.
Speaker, Speaker,
Adams, Adams,
Allen, Allen,
Barringer, Barringer,
Beall, Beall,
Boyden, Boyden,
Braunock, Braunock,
Brower, Brower,
Brummell, Brummell,
Burns, Burns,
Carson, Carson,
Clegg, Clegg,
J. M. Covington, J. M. Covington,
J. W. Covington, J. W. Covington,
Doak, Doak,
Farrow, Farrow,
Foreman, Foreman,
Franklin, Franklin,
Gee, Gee,
D. A. Graham, D. A. Graham,
J. Graham, J. Graham,
Grandy, Grandy,
Gray, Gray,
Guthrie, Guthrie,
Guyther, Guyther,
Hill, Hill,
Holt, Holt,
Huggins, Huggins,
Hyman, Hyman,
Jacobs, Jacobs,
Jefferson, Jefferson,
Joiner, Joiner,
H. C. Jones, H. C. Jones,
Keener, Keener,
King, King,
Lilly, Lilly,
Mendenhall, Mendenhall,
Mills, Mills,
Moore, Moore,
Morris, Morris,
Murchison, Murchison,
McCleese, McCleese,
McClenahan, McClenahan,
McCollum, McCollum,
McLaughlin, McLaughlin,
McLaurin, McLaurin,
Paine, Paine,
Pattou, Pattou,
Patterson, Patterson,
Pemberton, Pemberton,
Poindexter, Poindexter,
Pope, Pope,
Proctor, Proctor,
Robards, Robards,
Russell, Russell,
Siler, Siler,
Smith, Smith,
Spruill, Spruill,
J. W. Taylor, J. W. Taylor,
Whitehurst, Whitehurst,
J. O’K. Williams, J. O’K. Williams,
F. Williams, F. Williams,
Winston, Winston,
Wilson, Wilson,
Withers, Withers,
Young, Young.
FOR ROMULUS M. SAUNDERS,

Messrs.

Baker, Graves, Monday,
Bannerman, Herring, Morrow,
J. Barnes, Holland, Powell,
E. Barnes, J. B. Jones, Ragan,
Biggs, R. Jones, Rand,
Boyd, C. Jones, Reid,
Brogden, Kerr, Sullivan,
J. P. Caldwell, Killian, Stallings,
Cardwell, I. W. Lane, F. Taylor,
G. W. Caldwell, Mangum, Tomlinson,
Davis, Massey, L. Walker,
Dickson, J. T. Miller, J. Walker,
Ennett, W. J. T. Miller, Ziglar,
Fleming,

FOR ANDERSON MITCHELL,

Messrs.

Bryan, E. P. Miller, McMillan,
W. B. Lane,

FOR EDWARD HALL,

Messrs.

Eaton, Hawkins, Thompson,

FOR DAVID L. SWAIN,

Mr. Wadsworth.

FOR A. MOORE,

Mr. J. R. Gilliam.

Mr. L. Walker, from the committee appointed to conduct this election, reported that Wm. H. Bailie had received a majority of the whole number of votes, and that he was duly elected a Judge of the Superior Courts of Law and Equity for this State. The report was concurred in.

Mr. Mendenhall, from the joint select committee, reported a bill upon the subject of a Penitentiary; 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 Hopewell Academy, and the engrossed resolution in favor of Thomas L. West, asking the concurrence of this House. Said bill and resolution was read the first time and passed.

Mr. Barringer, from the committee on Internal Improvements, who were instructed to inquire into the expediency of constructing a railroad from Raleigh to Waynesboro', reported against the expediency of the State's undertaking the said work at this time, and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Guthrie, 
Ordered, That a message be sent to the Senate, proposing that the two Houses do go into an election for one Counsellor of State yet to be elected.

The names of Michael Holt and John B. Troy were withdrawn from the nomination.

Received a message from the Senate, agreeing to the proposition, and informing that Messrs. Spiers and Montgomery form their branch of the committee to conduct the election.

Ordered, That Messrs. F. Williams and J. W. Taylor form said committee on behalf of the Commons.

The House then voted as follows:

**FOR ALLEN GOODWIN,**

**Messrs.**

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<th>Clegg,</th>
<th>Lilly</th>
<th>J. W. Taylor,</th>
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<td>J. M. Covington,</td>
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<td>J. W. Covington,</td>
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<td>Farrow,</td>
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<td>Franklin,</td>
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<td>D. A. Graham,</td>
<td>McLaughlin,</td>
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<td>J. Graham,</td>
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FOR JOHN McINTIRE,

Messrs.

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<th>J. P. Caldwell,</th>
<th>Hoke,</th>
<th>Mills,</th>
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<td>Fleming,</td>
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<td>J. R. Gilliam,</td>
<td>Jefferson,</td>
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<td>Gray,</td>
<td>W. J. T. Miller,</td>
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FOR W. F. LEAKE,

Messrs.

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<tr>
<th>Baker,</th>
<th>Cardwell,</th>
<th>R. Jones.</th>
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FOR WM. S. ASHE,

Messrs.

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<th>Bannerman,</th>
<th>Powell.</th>
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FOR WYAT MOYE,

Mr. J. Barnes.

FOR CALVIN GRAVES,

Mr. Boyd.

FOR NEIL RAGAN,

Mr. Sullivan.

FOR BURTON CRAIGE,

Mr. Morrow.

FOR G. W. CALDWELL,

Messrs.

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<th>Davis,</th>
<th>Holland,</th>
<th>J. Walker.</th>
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<td>Dickson,</td>
<td>Kerr,</td>
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Mr. Hawkins.

FOR LOUIS D. HENRY,

Messrs.
I. W. Lane, J. T. Miller, L. Walker.

FOR NAT. G. RAND,

Messrs.
Mangum, Ziglar.

FOR WM. DICKSON,

Mr. E. P. Miller.

FOR D. M. BARRINGER,

Mr. Stallings.

FOR WM. H. HAYWOOD, jr.

Mr. F. Taylor.

Mr. from the committee appointed to conduct this election, reported that Allen Goodwin had received a majority of the whole number of votes and was duly elected. The report was concurred in.

Mr. Neal presented the following resolution:

Resolved, That this House hold evening sessions from and after the 28th instant.

The said resolution lies over one day under the rule.

On motion of Mr. Caldwell, the vote of yesterday, by which the bill to amend an act passed at the session of 1838, entitled an act to divide the counties into school districts, was ordered to be printed, was re-considered, and the said order to print was rescinded.

Mr. Patton presented a bill to incorporate the Asheville Female Academy, in the county of Buncombe and the Trustees thereof; which was read the first time and passed.

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

On motion of Mr. Reid,

Ordered, That the bill for the establishment and better regulation of common schools, be made the order of the day for Monday next, then to be considered in committee of the whole.

On motion of Mr. Biggs, the bill to prevent the passage of fish up Roanoke and Cashie Rivers, was made the order of the day for Tuesday next.

A message from the Senate, concurring in the proposition of this House to raise a committee of conference of three on the part of each House, on the disagreement of the two Houses on the amendment made by the Senate to the engrossed resolutions concerning the assignment of rooms in the capitol; and informing that Messrs. Spruill, Faison, Cooper form the Senate's branch of said committee.

Ordered, That said committee, on the part of the Commons, consist of Messrs. H. C. Jones, Brower, Mangum.

The bill for the relief of the Wilmington and Raleigh Rail Road Company, was taken up and considered; when the bill was again laid upon the table, on motion of Mr. Pope, by a vote of 72 yeas and 36 nays. The yeas and nays demanded by Mr. Wilson.

Those who voted in the affirmative, were

Messrs.


Mills, Morris, Murchison, McCollum, McClenehan, McLaurin, McMillan, Neal, Patton, Poindexter, Pope, Reid, Rand, Robards, Siler,
Those who voted in the negative, were

Messrs.

Allen,
Bannerman,
J. Barnes,
E. Barnes,
Burns,
Davis,
Dickson,
Ennett,
Farrow,
J. Graham,
Guyther,
Holland,
Holt,
Joiner,
R. Jones,
Mangum,
Massey,
E. P. Miller,
W. J. T. Miller,
Monday,
Morrow,
McCleese,
McLaughlin,
Patterson,
Pemberton,
Powell,
Ragan,
Russell,
Smith,
Spruill,
F. Taylor,
Tomlinson,
L. Walker,
J. Walker,
Wilson,
Young.

The bill concerning the collection of debts by the banks of this State, was taken up and discussed, and before any question taken thereon, the House, on motion, adjourned until to-morrow morning, 10 o’clock.

Saturday, Dec. 19, 1840.

The bill to incorporate Orr Lodge, at Washington, in the county of Beaufort, was read the second and third times and passed, and ordered to be engrossed.

A message from the Senate, concurring in the proposition of this House to print the message of his Excellency the Governor, and the report of the Treasurer of the University accompanying the same.
Mr. W. B. Lane presented a bill to repeal an act, entitled an act directing the County Courts to pay fees to certain officers therein named, so far as respects the county of Randolph; which was read the first time and passed.

The Speaker laid before the House a communication from the Public Treasurer, containing the information required by a resolution of the House, touching the expenditures made by the State for Internal Improvements, &c. &c.

Ordered, On motion of Mr. Barringer, that the communication be sent to the Senate, with a proposition that it be printed.

Mr. Patton presented a bill to incorporate the Stockholders of the Boarding House of the Asheville Female Seminary; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to expedite legal process, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. Patton presented a petition from sundry citizens, stockholders in the Buncombe Turnpike Company, praying a modification of a law, passed in the year 1835, relating to the said company. The petition was, on motion of Mr. Patton, referred to the Committee on the Judiciary.

The resignation of A. Myers, of Anson county; of Sol. Eford, of Montgomery; of Delany Harper, of Greene; of Thomas D. Wright, of Franklin, Justices of the Peace, were presented, read and accepted.

The resignation of John R. Brown, a justice of the peace for Randolph county, was read, and, on motion of Mr. G. W. Caldwell, laid on the table.

Mr. G. W. Caldwell presented the certificate of the County Court of Mecklenburg, in favor of Martha Thompson, a State pensioner, allowing her the usual sum of fifty dollars for the year 1839, and a like sum for the year 1840.

Ordered, On motion of Mr. G. W. Caldwell, that the certificate be signed by the Speaker of this House, and sent to the Senate.

On motion of Mr. Moore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law
prohibiting altogether the use of fire arms by free persons of color, or of regulating the same by such conditions as may be useful; and to report a bill, if any change of the law shall be deemed expedient.

Mr. McMillan presented a bill to divide the militia of Ashe county into three regiments; which was read the first time and passed.

The resolution in favor of George Hoover, of Randolph county, was read the second time and rejected.

The bill to authorize the laying off and establishing a Turnpike road from Laxton Lynch's, in Rutherford county to the widow Sails's in Buncombe county, was read the second time and amended.

Mr. Biggs moved to strike out so much of said bill as authorizes a subscription to the stock of the company by and on behalf of the State.

The question on this motion was decided in the negative—yeas 46, nays 62. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.

Barringer, Beall, Holland, Huggins, McClenehan, McCollum,
The question, shall the said bill pass the second reading, was determined in the affirmative.

The engrossed bill to prevent betting on elections, was read the second time, and on motion of Mr. Monday postponed indefinitely, yeas 62, nays 44.

Those who voted in the affirmative, were

Messrs.


Grandy, Mills, J. O'K. Williams, 
Gray, Monday, Wilson 
Guthrie, Morrow, Withers, 
Guyther, Murchison, Ziglar, 
Holland, McCleese, 

Those who voted in the negative, were 

Messrs.
Adams, Doak, Morris, 
Baker, Foreman, McCollum, 
J. Barnes, D. A. Graham, McLaurin, 
Barringer, J. Graham, Patterson, 
Beall, Graves, Pemberton, 
Biggs, Hill, Poindexter, 
Brannock, Howerton, Siler, 
Brover, Huggins, Smith, 
Burns, Joiner, Spruill, 
J. P. Caldwell, J. B. Jones, J. W. Taylor, 
Cardwell, Keener, Thompson, 
Carson, W. B. Lane, J. Walker, 
J. M. Covington, Mendenhall, Whitehurst, 
J. W. Covington, W. J. T. Miller, Young, 
Davis, Moore, 

On motion of Mr. Thompson, 

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Colonel, Lieutenant Colonel and Major of Cavalry attached to the 5th brigade and 7th division of militia. 

A message was received from the Senate, concurring in this proposition, and informing that Messrs. Exum and Selby form their branch of the committee to superintend the election. 

Ordered, That Messrs. D. A. Graham and Ziglar superintend the voting on the part of the Commons. 

The House then voted as follows: 

FOR SAM'L SPRUILL, as Colonel, 

FOR RALPH E. McNAIR, as Lieut. Colonel, 

FOR CHARLES HARRISON, as Major, 

Messrs.
Speaker, J. Graham, McCleese, 
Adams, Grandy, McClenehan, 

Mr. Guthrie voted for S. B. Spruill for Colonel, and for Charles Harrison as Major; and Mr. Robards voted for S. B. Spruill as Colonel, for R. E. McNair as Lieutenant Colonel, and for Curtis H. Brogden as Major.

The resignations of Casper Holsponsor, of Rowan county, and of Jordan Winston, of Perquimans county, Justices of the Peace, were presented, read and accepted.

Mr. Wilson presented a petition from sundry citizens of Perquimans county, praying that no restrictions may be laid on the Albemarle Fisheries. The said petition was read, and on Mr. Wilson's motion, laid on the table.

On motion of Mr. Adams, leave of absence from the ser-
vice of the House from this day until Friday next, was granted to Mr. J. O'K. Williams.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Thomas J. Clark and John Clark, praying compensation for discovering a gold mine on the lands of the State, and asked to be discharged from the further consideration of the subject.

The bill regulating the number of jurors in the Superior Courts of Burke county, was read the second time and passed.

Mr. D. A. Graham, from the committee appointed to superintend the election for cavalry officers, reported that Samuel B. Spruill was duly elected Colonel; Ralph E. McNair Lieutenant Colonel; and Charles Harrison Major. The report was concurred in.

The bill concerning the collection of debts by the Banks of this State, was read the second time, and Mr. F. Taylor moved that said bill be laid on the table. The question thereon was decided in the negative. Mr. Wilson moved that said bill be postponed indefinitely.

Pending this question, Mr. F. Taylor moved that the House adjourn until Monday morning ten o'clock, and demanded the yeas and nays. The question on adjournment was decided in the negative—yeas 32, nays 65.

Those who voted in the affirmative, were

Messrs,

E. Barnes, Graves, J. T. Miller,
Biggs, Guthrie, Murchison,
Boyden, Gnyther, McCleese,
Brogden, Hawkns, Reid,
Bryan, Hill, Robards,
Burns, Kerr, Russell,
Clegg, Killian, Stallings,
J. M. Covington, W. B. Lane, F. Taylor,
Eaton, Mangum, Wadsworth,
Ennett, Massey, L. Walker,
Foreman, Mendenhall, 

Those who voted in negative, were

Adams, Holland, McLaughlin,
Allen, Holt, McLaurin,
Baker, Huggins, McMillan,
The question again recurring on the indefinite postponement of the bill, Mr. F. Taylor again moved that the House adjourn until Monday morning ten o’clock; and called for the yeas and nays. The question on this motion was decided in the negative—yeas 20, nays 78.

Those who voted in the affirmative, were

Messrs.

E. Barnes, Fleming, Killian
Boyden, Grandy; W. B. Lane
Brogden, Graves, Smith
G. W. Caldwell, Guthrie, Stallings
Clegg, Guyther, F. Taylor
Ennett, Hawkins, L. Walker
Farrow, Kerr,

Those who voted in the negative, were

Messrs.

Adams, Holland, McCollum
Allen, Howerton, McLaughlin
Baker, Holt, McLaurin
Bannerman, Huggins, McMillan
J. Barnes, Hyman, Neal
Barringer, Jacobs, Patton
The question again recurring on the motion to postpone the bill indefinitely, was decided in the affirmative—yeas 67, nays 34.

The yeas and nays demanded by M. F. Taylor.

Those who voted in the affirmative, were

Messrs.

Adams, Guyther, McLaughlin,
Allen, Hill, McLaurin,
Barringer, Holt, McMillan,
Beall, Howerton, Neal,
Boyden, Huggins, Patton,
Brannock, Hyman, Patterson,
Brower, Jacobs, Pemberton,
Bryan, Jefferson, Poindexter,
Burns, Joiner, Pope,
J. P. Caldwell, H. C. Jones, Proctor,
Carson, *Keener, Reid,
Clegg, W. B. Lane, Robards,
J. M. Covington, Lilly, Russell,
J. W. Covington, Mendenhall, Siler,

*This must be an error in the copy, the same name appearing in both the yeas and nays.

[Printer.]
Doak, E. P. Miller, Smith,
Eaton, W. J. T. Miller, Thompson,
Fleming, Mills, Wadsworth,
Foreman, Moore, Whitehurst,
Franklin, Morris, J. O'K. Williams,
D. A. Graham, McCluskey, Wilson,
J. Graham, McClune, Withers,
Graves, McCollum, Young.
Gray,

Those who voted in the negative, were
Messrs.

Baker, Farrow, Monday,
Banerman, Grandy, Morrow,
J. Barnes, Guthrie, Murchison,
E. Barnes, Hawkins, Powell,
Biggs, Holland, Ragan,
Boyd, J. B. Jones, Stallings,
Brogden, C. Jones, J. W. Taylor,
G. W. Caldwell, R. Jones, F. Taylor,
Cardwell, *Keener, L. Walker,
Davis, Kerr, J. Walker,
Dickson, King, Ziglar,
Ennett,

Mr. Moore presented the following resolution, which was read and laid upon the table.

Resolved, That the 24th Rule of Order of this House be amended in respect to the motion to adjourn, and that no such motion shall be made within fifteen minutes after the question upon the same motion has been moved and decided.

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

Monday, Dec. 21, 1840.

Mr. J. P. Caldwell, from the committee on Propositions and Grievances, reported the bill to regulate the measurement of ton and square timber and saw mill lumber with amendments. The amendments were read and con-
curred in, and the bill as amended read the second time and passed.

Mr. Sullivan presented a bill to appoint commissioners for the town of Kenansville, in the county of Duplin; which was read the first time and passed.

Mr. Barringer presented a resolution in favor of Waller Freeman, together with a petition from many citizens of Raleigh and vicinity in his behalf.

Ordered, On motion of Mr. Barringer, that the resolution and petition be referred to the Committee on Propos- itions and Grievances.

Mr. Moore presented a bill to amend the revised statutes, entitled an act to drain the Swamp Lands of this State, and to create a fund for Common Schools; which was read the first time and passed.

Mr. Doak presented a bill to amend the 73d chapter of the revised statutes, entitled militia; which was read the first time and passed, and, on motion of Mr. Doak, referred to the Committee on Military Affairs.

Mr. Proctor presented a petition from sundry citizens of Pasquotank county, praying that restrictions may be imposed on the fisheries in Albemarle Sound and its waters. The petition was read and laid on the table.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported unfavorably on the petition of sundry citizens of Wilmington, praying an alteration in the mode of appointing inspectors, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Messrs. Russell, F. Williams, D. A. Graham and Bran- neck were appointed the Committee on Enrolled Bills for the present week.

Mr. Spruill presented a bill to amend the revised statutes, entitled an act concerning slaves and free persons of color; which was read the first time and passed, and referred to the Committee on the Judiciary.

The bill for the relief of the Wilmington and Raleigh Rail Road Company was read the second time.

Mr. Hoke moved to amend the bill in the first section, by striking out the words "and the amount of said bonds shall be made payable on the first of January, A. D. 1852, at such place as the President and Directors of said Com- pany and the parties may agree upon," and insert the fol- lowing, viz: "and the amount of said bonds shall be made payable as follows, to wit:
Fifty thousand dollars on the 1st day of January, 1843; fifty thousand on the 1st day of January, 1844; fifty thousand dollars on 1st January, 1845; fifty thousand dollars on 1st January, 1846; and fifty thousand dollars on 1st day of January, 1847."

The question thereon was decided in the affirmative unanimously, yeas 107. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs.

Mr. Guthrie moved to amend the bill by adding the following section:

"And be it further enacted, That it shall not be lawful for the Company, or its officers, to declare any dividend or bonus until the debts contracted by virtue of the provisions of this act are discharged.

Be it further enacted, That when the Company shall pay into the Treasury of the State the whole, or any part of the amount of debt created by this act, the Company shall immediately and forthwith be discharged and absolved from all further liability for such amount, and the same shall be paid to the bond-holders by the Treasurer of the State of North Carolina."

The question on the adoption of this amendment was decided in the negative—yeas 24, nays 84. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.
Allen, E. Barnes, Barringer, Beall, Boyd, Boyden, Graves, Gray, Guyther, Hill, Hoke, Holland, McCollum, McLaughlin, McLaurin, McMillan, Palue, Patton,
Mr. Guthrie here made a question of order, whether a stockholder in said rail road company, had a right under the 9th rule of order, to vote on any of the questions presented in said bill, and the Speaker, after stating the said rule in the following words, to-wit: "No person shall vote on any question in the event of which he is immediately and directly interested"—decided that no member who is a stockholder has such right to vote.

From this decision, Mr. Thompson appealed to the House, and the question shall the decision of the chair stand as the Judgment of the House? was decided in the affirmative.

Mr. Biggs presented the following amendment: "Be it further enacted, that in addition to the security hereinafore provided for the indemnity of the State, the private stockholders shall be liable as security to the State in their individual capacity in proportion to the amount of the stock held and owned by said stockholders; and before this act goes into operation there shall be a meeting of the stockholders who shall agree to accept the credit of the State on the terms proposed in this act; and private stockholders owning at least three-fourths of the amount of
stock subscribed for by individuals, shall agree to accept the same in said general meeting; and such agreement shall be officially made known to the Treasurer by the President of said company, accompanying the same with the names of the private stockholders and the amount of stock held by each who may accept the same."

The question on the adoption of this amendment was decided in the negative—yeas 45, nays 62. The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.
Adams,
Allen,
Bannerman,
J. Barnes,
E. Barnes,
Biggs,
Boyd,
Brodgen
G. W. Caldwell,
Cardwell,
Chambers,
Davis,
Dickson,
Ennett,
Farrow,
J. Graham,
Graves,
Guthrie,
Hawkins,
Herring,
Hoke,
Holland,
Jacobs,
J. B. Jones,
C. Jones,
R. Jones,
Killian,
I. W. Lane,
Mangum,
Massey,
Monday,
Morrow,
McClleese,
Powell,
Ragan,
Rand,
Russell,
Smith,
Stallings,
F. Taylor,
Tomlinson,
Wadsworth,
L. Walker,
J. Walker,
Ziglar.

Those who voted in the negative, were

Messrs.
Barringer,
Beall,
Boyden,
Brannock,
Brower,
Brummell,
Bryan,
Burns,
J. P. Caldwell,
Carson,
Clegg,
J. M. Covington,
Gray,
Guyther,
Holt,
Huggins,
Hyman,
Jefferson,
H. C. Jones,
Keener,
King,
W. B. Lane,
Lilly,
Mendenhall,
McMillan,
Neal,
Paine,
Patton,
Pemberton,
Poindexter,
Pope,
Proctor,
Reid,
Robards,
Siler,
Spruill,
The bill was further amended, on motion of Mr Brogden, and the question shall the said bill pass as amended the second reading? was decided in the affirmative—yeas 56, nays 52. The yeas and nays demanded by Mr. J. B. Jones.

Those who voted in the affirmative, were

Messrs.
Barringer, J. Graham, McMillan,
Beall, Grandy, Neal,
Boyden, Guthrie, Paine,
Brogden, Guyther, Patton,
Brannock, Hoke, Pemberton,
Brower, Huggins, Poindexter,
Brumwell, H. C. Jones, Pope,
Bryan, Keener, Proctor,
Burns, W. B. Lane, Rand,
J. P. Caldwell, Lilly, Siler,
Clegg, Mendenhall, Spruill,
J. M. Covington, W. J. T. Miller, Thompson,
J. W. Covington, Mills, Whitehurst,
Doak, Morris, F. Williams,
Fleming, Murchison, Winston,
Franklin, McClenehan, Wilson,
J. R. Gilliam, McLaughlin, Withers,
D. A. Graham, McLaurin, Young.

Those who voted in the negative, were

Messrs.
Adams, Hawkins, Monday,
Allen, Herring, Morrow,
Bannerman, Holland, McCleese,
Mr. J. P. Caldwell introduced a petition from sundry citizens of Iredell county, praying that a portion of said county be attached to the county of Wilkes; which was, on motion, referred to the members of the House of Commons representing the counties of Iredell and Wilkes.

On motion of Mr. McLaughlin,

Resolved, That the Committee on Military Affairs be instructed to inquire whether any further legislation be necessary to effect an election of general officers in the fifth division and fifth brigade of North Carolina Militia.

On motion of Mr. Monday,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the patrol law as to increase their pay; and that they report by bill or otherwise.

Mr. Davis presented a resolution in favor of John Davis, sheriff of Lenoir county, which was read the first time
and passed, and referred, on motion of Mr. Davis, to the Committee on Propositions and Grievances.

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

"Executive Department, D
December 21, 1840."

To the General Assembly of North Carolina:

Gentlemen:

I have the honor, at the request of several citizens of our State, to submit the within memorial to your consideration, on the subject of French Spoliations prior to 1801.

The accompanying documents of Congress, received from a different source, shews the favorable light of several committees of that body, the action of other States and other bodies on the subject matter of the memorial, as well as the number of sufferers and the deep interest of our State in the claims on the Federal Government, create a strong claim on your honorable body for assistance in such way as you may deem necessary and proper.

I am, very respectfully, your ob't servant,

ED. B. DUDLEY.

On motion of Mr. J. P. Caldwell,

Ordered, That the communication and accompanying documents be sent to the Senate, with a proposition that they be referred to a joint select committee of five on the part of each House.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of George Little; which was read the first time and passed.

Mr. H. C. Jones presented a petition from sundry citizens of the counties of Surry, Wilkes and Iredell, praying the erection of a new county out of portions of said counties.

Ordered, On motion of Mr. Boyden, that it be referred to the Committee on Propositions and Grievances.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported unfavorably on the petition from Currituck county, relating to hunting and fishing on the unenclosed marshes; and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Boyden presented a bill to amend the revised sta-
tates, entitled an act concerning the appointment of guardians and the management of orphans and their estates; which was read the first time and passed, and referred, on Mr. Bovden's motion, to the committee on the judiciary.

Mr. Farrow presented a bill concerning the Superior Court of the county of Hyde; which was read the first time and passed.

The bill to lay off and establish a road down the Blue Ridge, from the line of Yancey county to Turkey Cove Creek, in Burke county, was read the second time and passed.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of John J. Briggs; which was read the first time and passed.

Mr. Mendenhall presented a petition from the Trustees of Wake Forest College, asking a loan from the funds of the State, in aid of the funds of the College.—The petition was, on motion of Mr. Mendenhall, referred to the Joint Committee on Education.

The bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters, was taken up and considered; and on motion of Mr. Paine, postponed indefinitely.

Mr. Guthrie offered the following resolution, which was read and rejected:

Resolved, That when this House adjourns on Thursday next; it shall adjourn to meet on Monday at 10 o'clock.

Mr. Winston presented a bill to enlarge the limits of the town of Wadesborough, in Anson county; which was read the first time and passed, and on motion of Mr. Winston, referred to the committee on propositions and grievances.

Mr. Moore presented a bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes; which was read the first time and passed.

Mr. Boyden presented a bill to amend the Revised Statutes, entitled an act for restraining the taking of excessive usury.

Mr. E. P. Miller moved that the said bill be rejected.

The question thereon was decided in the negative, and the said bill was read the first time and passed, and referred to the Committee on the Judiciary.
On motion, leave of absence from the service of the House from Thursday next to Tuesday next, was granted to Messrs. Thompson and Eaton.

Mr. Winston, from the Committee on the Judiciary, reported a bill to amend the 58th chapter of the Revised Statutes, entitled Insolvent Debtors; which was read the first time and passed.

Mr. King presented a resolution in favor of James C. Turrentine; which was read the first time and passed, and on motion of Mr. King, referred to the Committee on propositions and grievances.

Mr. Jefferson presented a petition from certain citizens of Rutherford county, praying that Martin H. Hamrick of said county be appointed a Justice of the Peace.

Ordered, on motion of Mr. H. C. Jones, that the paper lie on the table.

Mr. J. P. Caldwell presented a petition from James Erwin, praying that he may be permitted to surrender to the State certain lands purchased by him at the Cherokee Land Sales.

Ordered, on motion of Mr. J. P. Caldwell, that it be referred to the Committee on Cherokee Lands.

Mr. Keener presented a petition from Jesse R. Siler, praying indulgence on behalf of the State on a judgment obtained against him for land sold by the State, the title of which is disputed, until a suit be tried to settle the title. Referred, on motion of Mr. Keener, to the committee on propositions and grievances.

The resignation of E. Joiner, of Wayne; of William Ray, of Cumberland; and of Robert T. Paine, of Chowan, Justices of the Peace, were presented, read and accepted.

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

Wednesday, Dec. 23, 1840.

Received from the Senate a message, proposing that the two Houses adjourn sine die on Monday, the 4th of January next.

The question on concurring in this proposition was de-
cided in the affirmative—yeas 58, nays 41. The yeas and nays demanded by Mr. I. W. Lane.

Those who voted in the affirmative, were

Messrs.
Adams, 
Baker, 
Bannerman, 
J. Barnes, 
E. Barnes, 
Biggs, 
Boyd, 
Brogden, 
G. W. Caldwell, 
J. P. Caldwell, 
Cardwell, 
Clegg, 
J. M. Covington, 
Davis, 
Dickson, 
Doak, 
Ennett, 
Farrow, 
Franklin, 
Kerr, 
Gee, 
J. R. Gilliam, 
Graves, 
Guyther, 
Herring, 
Holland, 
Holt, 
Huggins, 
Joiner, 
J. B. Jones, 
R. Jones, 
I. W. Lane, 
Mangum, 
E. P. Miller, 
J. T. Miller, 
W. J. T. Miller, 
Mills, 
Monday, 
Morris, 
Morrow, 
Monroe, 
McCleese, 
McCollam, 
McLaughlin, 
Neal, 
Powell, 
Ragan, 
Russell, 
Sprintl, 
Sullivan, 
Stallings, 
J. W. Taylor, 
F. Taylor, 
Tomlinson, 
L. Walker, 
J. Walker, 
Young, 
Ziglar.

Those who voted in the negative, were

Messrs.
Barringer, 
Beall, 
Boyden, 
Brannock, 
Browner, 
Brummell, 
Bryan, 
Burns, 
Carson, 
Chambers, 
J. W. Covington, 
Eaton, 
Fleming, 
D. A. Graham, 
J. Graham, 
Hill, 
Hyman, 
Jacobs, 
Jefferson, 
Keener, 
W. B. Lane, 
Lilly, 
Massey, 
Mendenhall, 
Moore, 
Murchison, 
McClehan, 
McLaurin, 
Patton, 
Patterson, 
Poindexter, 
Proctor, 
Rand, 
Reid, 
Robards, 
Siler, 
Smith, 
Wadsworth, 
Whitehurst, 
F. Williams, 
Withers, 

On motion of Mr. Jefferson,
Resolved, That this House hold evening sessions from and after Monday next.

Mr. Carson presented a bill to punish unlawful mining by indictment; which was read the first time and passed and referred, on Mr. Carson's motion, to the Committee on the Judiciary.

Mr. Moore presented a petition from sundry citizens of Halifax county, praying the passage of a law securing to every family in the State a "Homestead;" which was read and referred to the Committee on the Judiciary.

A message from the Senate, informing that they had passed the engrossed bill concerning jurors in Yancy county, with an amendment and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill authorising the Governor to appoint an agent in the county of Macon and Cherokee, with sundry amendments and asking the concurrence of this House. The amendments were read and concurred in.

Received from his Excellency Governor Dudley, by his private Secretary, a message transmitting the information required by a joint resolution of the two Houses of the General Assembly in relation to the affairs and condition of the University.

Ordered, On motion of Mr. Barringer, that the communication be transmitted to the Senate, with a proposition that it be printed.

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

The bill for the relief of the Wilmington and Raleigh Rail Road Company, was read the third time.

Mr. F. Taylor offered an amendment to said bill in the following words: "the individual property of the stockholders shall be bound as security to the State." The question on the adoption of the amendment was decided in the negative—yeas 42, nays 61. The yeas and nays demanded by Mr. E. Barnes.

Those who voted in the affirmative, were

Messrs.  Adams,          J. Graham,          W. J. T. Miller,

Those who voted in the negative, were

**Messrs.**

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<td>J. R. Gilliam,</td>
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<td>D. A. Graham,</td>
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The question now being on the passage of the bill the third reading, was decided in the affirmative—yeas 55, nays 50. The yeas and nays demanded by Mr. Biggs,
Those who voted in the affirmative, were

Messrs.

Barringer,
Beall,
Boyden,
Brogden,
Brannock,
Brower,
Brummell,
Bryan,
Burns,
J. P. Caldwell,
Carson,
Clegg,
J. M. Covington,
J. W. Covington,
Doak,
Fleming,
Franklin,
J. R. Gilliam,
D. A. Graham,

J. Graham,
Guthrie,
Guyther,
Hoke,
Huggins,
Jefferson,
H. C. Jones,
Keener,
W. B. Lane,
Lilly,
Mendenhall,
W. J. T. Miller,
Mills,
Murchison,
McClenehan,
McCollum,
McLaughlin,
McLaurin,

McMillan,
Neal,
Paine,
Patton,
Pemberton,
Poindexter,
Pope,
Proctor,
Rand,
Siler,
Spruill,
Thompson,
Whitehurst,
F. Williams,
Winston,
Wilson,
Withers,
Young.

Those who voted in the negative, were

Messrs.

Adams,
Allen,
Bannerman,
E. Barnes,
J. Barnes,
Biggs,
Boyd,
G. W. Caldwell,
Cardwell,
Chambers,
Davis,
Dickson,
Eaton,
Ennett,
Farrow,
Graves,
Gray,

Hawkins,
Holland,
Holt,
Howerton,
Hyman,
Jacobs,
Joiner,
J. B. Jones,
C. Jones,
R. Jones,
Killian,
I. W. Lane,
Mangum,
Massey,
E. P. Miller,
Monday,
Morris,

Morrow,
McCleese,
Patterson,
Powell,
Ragan,
Robards,
Russell,
Smith,
Stallings,
J. W. Taylor,
F. Taylor,
Tomlinson,
Wadsworth,
L. Walker,
J. Walker,
Ziglar.

Ordered, That said bill be engrossed.
Mr. Barringer presented a bill to enable the commissioners of Raleigh to appoint trustees of the Rex Hospital fund, and to erect such trustees into a body corporate, and for other purposes; which was read the first time and passed.

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

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition from Lincoln, Burke, Wilkes and Iredell, praying a new county to be erected out of their limits, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Winston, from the Committee on the Judiciary, reported a bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in the year 1824, authorizing the making a Turnpike Road in the county of Buncombe; which was read the first time and passed.

Mr. Winston, from the same committee, reported the bill to alter the laws respecting auction sales without amendment; when said bill was read the second time and passed.

On motion of Mr. Reid,

Resolved, That so much of the report of the Board of Internal Improvement as relates to the payment of Engineers for surveys of Fayetteville and Western Rail Road Company, be referred to the Committee on Claims.

Mr. Guthrie presented a bill concerning public bridges, which was read the first time and passed.

Mr. Hoke moved to amend the 19th rule of order so as to read "no member shall vote on any question who 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." The proposed substitute was read and laid over one day under the rule.

Mr. Munroe presented a memorial from the 34th regiment of militia, praying a repeal of so much of the militia laws as restricts company musters to two in a year.

The memorial was referred, on motion of Mr. Munroe, to the Committee on Military Affairs.

Mr. Poindexter presented a petition from sundry cits.
zens of Surry county, against the erection of a new county out of a portion of the limits of Surry, Iredell and Wilkes. Said petition was referred, on Mr. Poindexter's motion, to the committee on Propositions and Grievances.

Mr. Reid, from the Committee on Propositions and Grievances, reported a resolution in favor of Lunsford Lane; which was read, and, on motion of Mr. Spruill, postponed Indefinitely—yeas 73, nays 35.

The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Adams, Hawkins, McCollum,
Baker, Herring, McLaughlin,
Bannerman, Holt, McMillan,
J. Barnes, Hill, Neal,
E. Barnes, Howerton, Paine,
Biggs, Huggins, Patton,
Boyd, Jacobs, Pope,
Brogden, Jefferson, Powell,
G. W. Caldwell, Joiner, Ragan,
Cardwell, J. B. Jones, Rand,
Chambers, C. Jones, Robards,
Clegg, R. Jones, Russell,
Davis, Kerr, Smith,
Dickson, King, Spruill,
Eaton, Mangum, Sullivan,
Ennett, Massey, Stallings,
Farrow, E. P. Miller, J. W. Taylor,
Foreman, J. T. Miller, F. Taylor,
Franklin, Mills, Thompson,
D. A. Graham, Monday, Tomlinson,
J. Graham, Morris, Wadsworth,
Grandy, Morrow, L. Walker,
Graves, Munroe, Wilson,
Gray, McCleese, Withers,
Guyther,

Those who voted in the negative, were

Messrs.

Allen, Doak, Murchison,
Barringer, Hoke, McCluenhan,
Beall, Holland, McLaurin,
The bill to make elections uniform throughout the State, and amendatory of the Revised Statutes concerning the General Assembly of the State, concerning the Governor of the State, concerning the mode of choosing Representatives in the Congress of the United States, concerning sheriffs, and concerning Clerks of the County and Superior Courts, was read the second time.

Mr. Patton moved to amend the bill, by striking out the "last Thursday in July," and inserting the "first Thursday in August."

The question thereon was decided in the affirmative—yeas 81, nays 37. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.


Those who voted in negative, were Messrs.


The question, shall the said bill pass the second reading? was determined in the affirmative—yeas 93, nays 19. The yeas and nays demanded by Mr. Foreman.

Those who voted in the affirmative, were Messrs.

Adams, Baker, J. Barnes, E. Barnes, Barringer, Beall, Biggs, Boyd, Boyden, Brannock, Guthrie, Herring, Hill, Hoke, Holland, Holt, Howerton, Huggins, Hyman, Jacobs, Morrow, Munroe, McClenehan, McLaughlin, McLaurin, McMillan, Paine, Patton, Patterson, Pemberton;
Those who voted in the negative, were

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<th>Gray</th>
<th>McCollum</th>
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Mr. Hill moved that the said bill be again read the third time, and the House so ordered by a vote of 102 yeas, 8 nays. The yeas and nays demanded by Mr. Robards.

Those who voted in the affirmative, were

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Beall,    Howerton,    Neal,
Barringer,    Huggins,    Paine,
Biggs,    Hyman,    Patton,
Boyd,    Jacobs,    Patterson,
Boyden,    Jefferson,    Pemberton,
Broden,    Joiner,    Poindexter,
Brannock,    H. C. Jones,    Pcwell,
Brower,    J. B. Jones,    Proctor,
Brumwell,    C. Jones,    Ragin,
Bryan,    R. Jones,    Rand,
J. P. Caldwell,    Keener,    Reid,
Cardwell,    Kerr,    Siler,
Carson,    Killian,    Spruill,
Chambers,    King,    Sullivan,
Clegg,    W. B. Lane,    Stallings,
J. M. Covington,    I. W. Lane,    J. W. Taylor,
Davis,    Lilly,    F. Taylor,
Dickson,    Mangum,    Thompson,
Doak,    Massey,    Tomlinson,
Eaton,    Mendenhall,    Wadsworth,
Ennett,    E. P. Miller,    L. Walker,
Fleming,    J. T. Miller,    J. Walker,
Franklin,    W. J. T. Miller,    Whitehurst,
Gee,    Mills,    F. Williams,
D. A. Graham,    Monday,    Wilson,
J. Graham,    Morris,    Withers,
Grandy,    Morrow,    Young,
Graves,    Munroe,    Ziglar,
Gray,    Those who voted in the negative, were

Messrs.
Burns,    Foreman,    Russell,
J. W. Covington,    Guthrie,    Smith,
Farrow,    Robards,

Thereupon the said bill was read the third time and
passed and ordered to be engrossed.

The bill to amend the Revised Statutes, entitled an act
providing for the appointment of Electors to vote for Presi-
dent and Vice President of the United States, was read
the second and third times, passed, and ordered to be en-
grossed.

Mr. Moore moved that the House do re-consider the
vote of yesterday whereby the bill to prevent obstructions to the passage of fish up the Roanoke and Cashie Rivers was postponed indefinitely.

The question on this motion was decided in the affirmative; and the question again recurring on the indefinite postponement of the bill, was decided in the negative—yeas 51, nays 55. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.
Ordered, on motion of Mr. Wilson, that the said bill lie on the table.

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

\[\text{Thursday, Dec. 24, 1840.}\]

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

On motion of Mr. McLaughlin,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for Colonel, Lieutenant Colonel, and Major of Cavalry attached to the 15th brigade of the militia, and informing that Thomas A. Allison is nominated for Colonel; Amos Weaver for Lieutenant Colonel; and Edwin Falls as Major.

On motion of Mr. J. Barnes,

Resolved, That the Public Treasurer be instructed to report to this House when the bonds due to the State from the Raleigh and Gaston and the Wilmington and Raleigh R. Road Companies fall due, and what security has been taken from said Companies for the payment of the loans made to them, and the names of the several individuals and corporations who are indebted to the State, by loans from the Literary and Internal Improvement Funds; the several amounts due by each; when said debts fall due; and the security taken for their payment.

Mr. J. P. Caldwell, from the Committee on Military
Affairs, reported without amendment the bill to amend the 73rd chapter of the Revised Statutes, entitled an act concerning the militia: when the said bill was read the second and third times, passed, and ordered to be engrossed.

Mr. Mills presented a bill altering the mode of drawing jurors for the Superior Courts of Rutherford county; which was read the first time and passed.

The engrossed bill to compel the militia officers to hold their commissions three years, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing to vote immediately for Cavalry officers attached to the 15th Brigade as proposed by this House, and informing that Messrs. Hill and Worth form their branch of the committee to conduct this election.

Ordered, That Messrs. McLaughlin and Ennett form said committee on the part of this House.

The House then proceeded to vote as follows:

FOR THOMAS A. ALLISON, as Colonel,

FOR AMOS WEAVER, as Lient. Colonel,

FOR EDWIN FALLS, as Major,

Messrs.

Speaker,  Foreman,  W. J. T. Miller,
Adams,  Franklin,  Moore,
Allen,  J. R. Gilliam,  Morrow,
Bannerman,  D. A. Graham,  Murchison,
J. Barnes,  J. Graham,  McCleese,
E. Barnes,  Grandy,  McClenehan,
Barriuger,  Gray,  McLaurin,
Beall,  Guyther,  McLaughlin,
Biggs,  Hawkins,  McMillan,
Boyd,  Hill,  Neal,
Boyden,  Hoke,  Paine,
Brannock,  Holland,  Pemberton,
Brogden,  Holt,  Rand,
Brower,  Howerton,  Reid,
Brummell,  Huggins,  Robards,
Bryan,  Hyman,  Russell,
Burns,  Jacobs,  Spruill,
J. P. Caldwell,
Messrs.
Joiner, Mendenhall, Mills,
Young, Patton.

FOR J. P. CALDWELL, Colonel,
W. M. ALLISON, Lieut. Colonel,
FOR EDWIN FALLS, Major,

Mr. Pope.

Mr. McLaughlin, from the committee appointed to superintend the election, reported that Thomas A. Allison was duly elected Colonel, and Amos Weaver Lieutenant Colonel, Edwin Falls Major. The report was concurred in.

Mr. Boyden called up for consideration the resolutions heretofore submitted by him in the following words:

1. Resolved, As the opinion of this House, that in the payment of debts of deceased persons, all claims except funeral charges and debts due the State and the United States to be regarded as of equal dignity, and in case of a deficiency of assets, to receive a pro rata payment.

2. Resolved, As the opinion of this House, that real estate, in case of a deficiency of personal assets, ought to be made assets in the hands of the executors or administrators, for the payment of debts.
3. Resolved further, That the committee on the judiciary be instructed to bring in a bill embodying the principles of the foregoing resolutions.

Mr. E. P. Miller moved that the further consideration of these resolutions be postponed indefinitely; the question thereon was decided in the negative—yeas 47, nays 57. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.
Bannerman,
Boyd,
Brannock,
Brower,
J. P. Caldwell,
G. W. Caldwell,
Cardwell,
Chambers,
J. W. Covington,
Davis,
Dickson,
Fleming,
Foreman,
J. Graham,
Grandy,
Hawkins,
Herring,
Holland,
Holt,
Howerton,
J. B. Jones,
C. Jones,
R. Jones,
Kerr,
I. W. Lane,
Mangum,
Massey,
Mendenhall,
E. P. Miller,
Morrow,
Munroe,
McCleese,
McCollum,
McLaughlin,
McLaurin,
Paine,
Pemberton,
Powell,
Rand,
Reid,
Robards,
Sullivan,
Stallings,
J. W. Taylor,
J. Walker,
Winston,
Ziglar.

Those who voted in the negative, were

Messrs.
Adams,
Allen,
E. Barnes,
J. Barnes,
Barringer,
Beall,
Biggs,
Boyden,
Brogden,
Brummell,
Bryan,
Burns,
Clegg,
Gray,
Guthrie,
Guyther,
Hill,
Hoke,
Huggins,
Hyman,
Jacobs,
Jefferson,
Joiner,
H. C. Jones,
Killian,
King,
Morris,
Murchison,
McClenehan,
McMillan,
Neal,
Patton,
Patterson,
Proctor,
Russell,
Siler,
Smith,
F. Taylor,
Tomlinson,
Mr. Moore moved to strike out the first and third resolutions, and the House determined so to strike out; when, on motion of Mr. H. C. Jones, the second resolution was laid upon the table.

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

Mr. Barringer, from the Committee on Internal Improvement, reported a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, reported a bill to make real estate assets in certain cases; which was read the first time and passed, and ordered to be printed, and made the order of the day for Saturday next.

Mr. Paine presented resolutions respecting the re-opening of Roanoke Inlet; which were read and made the order of the day for Tuesday next.

The resolution in favour of the sheriffs of the counties of Chatham, Columbus, Duplin, Macon, Nash, Washington, was read, and on motion of Mr. Spruill, was postponed indefinitely—yeas 54, nays 49. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.
Bannerman, 
Boyd, 
Boyden, 
Brannock, 
Brower, 
Burns, 
J. P. Caldwell, 
Cardwell, 
Chambers, 

Hyman, 
Jacobs, 
Jefferson, 
Joiner, 
H. C. Jones, 
C. Jones, 
King, 
W. B. Lane, 
Mendenhall, 

McLaughlin; 
McLaurin, 
McMillan, 
Neal, 
Paine, 
Pemberton, 
Proctor, 
Reid, 
Spruill, 

Wadsworth, 
L. Walker, 
Whitehurst, 
F. Williams, 
Withers, 
Young.
J. W. Covington, E. P. Miller, Smith,
Fleming, W. J. T. Miller, J. W. Taylor,
Foreman, Mills, J. Walker,
Grandy, Moore, Whitehurst,
Hawkins, Morris, F. Williams,
Hill, Morrow, Winston,
Holt, Muncro, Withers,
Howerton, Murchison, Young,
Huggins, McCollum, Ziglar.

Those who voted in the negative, were

Messrs.

Adams, Franklin, J. T. Miller,
Allen, D. A. Graham, Monday,
J. Barnes, J. Graham, McCleese,
E. Barnes, Graves, Patton,
Beall, Gray, Patterson,
Biggs, Guthrie, Powell,
Brogdin, Herring, Robards,
Brummell, Hoke, Rand,
Bryan, Holland, Russell,
Carson, R. Jones, Siler,
Clegg, Kerr, Sullivan,
J. M. Covington, Killian, Stallings,
Davis, I. W. Lane, F. Taylor,
Dickson, Lilly, Tomlinson,
Doak, Mangum, L. Walker,
Ennett, Massey, Wadsworth,
Farrow,

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

Saturday, Dec. 26, 1840.

Mr. Patton presented a petition from sundry citizens of the counties of Buncombe and Yancey, praying that the County Courts of said counties be divested of the jurisdiction of jury cases; which was referred to the Committee on the Judiciary.
Mr. Patton presented a petition from sundry citizens of said counties, praying the erection of a new county out of a portion of said counties of Buncombe and Yancey. Said petition was referred to the committee on propositions and grievances.

Mr. Hill presented a bill for the establishment and regulation of Common Schools; which was read the first time and passed, and on motion of Mr. J. T. Miller, ordered to be printed.

Mr. Graves, from the committee on propositions and grievances, reported the resolution in favor of John Davis, sheriff of Lenoir county, without amendment, when the said resolution was, on motion of Mr. J. P. Caldwell, laid upon the table.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported the bill to enlarge the limits of the town of Wadesborough, in Anson county; when the said bill was read the second time and passed.

Mr. J. P. Caldwell, from the committee on military affairs, reported a bill to provide for the election of certain militia officers; which was read the first time and passed.

Mr. Proctor presented a resolution in favor of W. G. Lamb; which was read the first time and passed, and referred to the committee on claims, on motion of Mr. Proctor.

Mr. D. A. Graham presented a petition from sundry citizens of Richmond and Robeson counties, asking an appropriation for the clearing out of Lumber river. The petition was, on motion of Mr. Graham, referred to the Committee on Internal Improvements.

A message from the Senate, concurring in the proposition of this House to print the communication from his Excellency the Governor, in relation to the University.

Mr. Patton presented a bill to incorporate the town of Asheville, in the county of Buncombe, and to appoint commissioners thereof; which was read the first time and passed.

Mr. Bryan presented a petition from sundry citizens of Wilkes county, against the erection of a new county out of a portion of the counties of Iredell, Wilkes and Surry, as prayed for by certain other citizens; which was referred, on motion of Mr. Bryan, to the committee on propositions and grievances.
Mr. Jefferson moved that the House do re-consider their vote of Thursday last, adopting a resolution calling upon the Public Treasurer for the names of the debtors to the Literary and Internal Improvement Funds. The House agreed to re-consider the resolution, when, on motion of Mr. Lilly, the resolution was laid upon the table.

The resignation of Charles E. Johnson, of Chowan county, a Justice of the Peace, was presented, read and accepted.

Mr. Graves, from the committee on propositions and grievances, reported against the adoption of the resolution in favor of Waller Freeman. The report was concurred in.

On motion, leave of absence from the service of this House, from this day until Tuesday next, was granted to Mr. Spruill, and like leave was granted for this day to Mr. Patterson.

The engrossed bill directing the conveyance of the commons adjoining the town of Murphy, to the chairman of the county court of Cherokee, was read the second time, amended and passed.

On motion, 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 56, nays 36. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were:

Messrs.

Adams, Barringer, Beall, Biggs, Boyden, Brower, Brummell, Bryan, Burns, J. P. Caldwell, Carson, J. M. Covington, Doak, Ennett, Farrow,

Ordered, That the concurrence of the Senate be asked in the amendment made on the second reading of the bill.

Mr. Winston, from the committee on the judiciary, reported without amendment, the bill to amend the revised statutes entitled an act concerning registers; when the said bill was read the second and third times, passed, and ordered to be engrossed.

Mr. Barringer presented a petition from John L. Russwurm, as the heir of Wm. Russwurm, praying that a military land warrant be issued to him for the revolutionary service right of his said father.

Ordered, That the same be referred to the committee on claims.

The bill to amend an act of 1838, laying off a road from Burnsville, Yancy county, to the turnpike line, was read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding the county court of Lincoln.

Also the engrossed bill to incorporate the Greensboro Guards in the county of Guilford; and the engrossed bill to incorporate a light artillery company in the town of Newbern, 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 have passed the engrossed resolution in favor of J. R. Siler and D. R. Lowry, and asking the concurrence of this House. The said resolution was read, adopted and ordered to be enrolled.

The resolution directing the Secretary of State to deposit certain documents in the Library of the University, was read the second and third times, passed and ordered to be engrossed.

Mr. Wilson presented the following resolution; which was read and laid upon the table:

Resolved, That the House of Commons will not receive resolutions of any kind from and after Thursday next.

The resolution in favor of Peter Faust's administrator, was read the second and third times, passed, and ordered to be engrossed.

The resolution in favor of Mark H. Hill, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they have passed the following engrossed bills, viz:

A bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers.

And the bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes, and asking the concurrence of this House. The bills were read the first time, and passed.

And the last named bill was, on motion of Mr. Moore, referred to the committee on the judiciary.

The resignation of Green B. Palmer, as a justice of the peace of the county of Montgomery, was received from the Senate, read and accepted.

The engrossed bill to incorporate the Concord Manufacturing Company, was read, and, on motion of Mr. Barringer, laid upon the table.

The bill to amend an act, entitled an act to amend the 58th chapter of the revised statutes, entitled insolvent debtors, was read the second time and passed.

On motion of Mr. Biggs,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the
book debt law, so as to permit executors and administrators to prove the accounts of their testators or intestates, for work and labor done, as well as for articles delivered.

On motion of Mr. C. Jones,

Resolved, That an appropriation not exceeding two hundred dollars be made, for the purpose of rendering the passage leading to the roof of the Capitol fire-proof, and that the Public Treasurer be required to see this object early and effectually attended to.

Mr. Whitehurst presented a bill to alter the time of holding the Court of Pleas and Quarter Sessions of the county of Carteret; which was read the first time and passed.

Mr. Boyden, from the committee on education, reported unfavorably on the petition from sundry citizens of Iredell, on the subject of common schools, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Boyden, from the same committee, prayed to be discharged from the further consideration of the petition from sundry citizens of Waynesville, upon the same subject. The report was concurred in.

A message from the Senate, informing that they have passed the engrossed resolution in favor of Isaac Hunter, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

The engrossed bill to repeal in part the 9th section of the 23rd chapter of the revised statutes, concerning the comptroller, was read, and, on motion of Mr. J. T. Miller, postponed indefinitely, yeas 52, nays 34.

The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Allen,        Graves,        Murchison,
E. Barnes,    Gray,         McCleese,
Barringer,    Hill,         McLaughlin,
Beall,        Holt,         McLaurin,
Boyd,         Huggins,      Neal,
Branaock,     Hyman,        Paine,
Brogden,      Jefferson,    Pemberton,

Those who voted in the negative, were


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

Monday, Dec. 28, 1840.

Messrs. Gray, Dickson, Munroe, Holt, were appointed the committee on enrolled bills the present week.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of increasing the pay of patrols, reported against the alteration of the law in this particular, and asked to be discharged from the further consideration of the subject. The report was concurred in.
Mr. J. O’K. Williams presented the following Resolutions:

Whereas, the Congress of the United States, at its last session, set aside the Representatives from New Jersey, having the legal certificate of their election from the Executive of said State, given in accordance with the provisions of the Constitutions of the United States and the State of New Jersey, and admitted others to occupy their places, in violation of all parliamentary usage and of the rights and liberties of the people of New Jersey:

Therefore be it Resolved, That the act aforesaid was a palpable violation of that clause of the Constitution of the United States which declares that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

Resolved further, That the precedent is at variance with all the customs and laws established for the government of legislative bodies; and if carried out into practice hereafter, would be destructive of the fundamental principles of republican government, and of the rights and sovereignty of the States.

Resolved further, That it is the duty of the several Legislatures of the States composing the Union, indignantly to frown on this first attempt of a factions majority in Congress to trample on all laws and all precedents, to give power to fasten an odious measure upon the people, in obedience to Executive dictation.

Resolved further, That we will stand by our sister State, New Jersey, in the assertion of her rights; and we congratulate her on the brilliant victory she has achieved, and the withering rebuke she has thereby given to the tools and minions of Executive power.

Mr. G. W. Caldwell moved that said resolutions be laid upon the table. The question thereon was decided in the negative.

Ordered, on motion of Mr. J. O’K. Williams, that the said resolutions be referred to the select committee herefore raised on the subject matter embraced by said resolutions.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to punish unlawful mining by indictment; when the said bill was read the second time and rejected.
Mr. J. P. Caldwell, from the select committee raised upon the subject, reported a bill to attach a part of Iredell to the county of Wilkes. The said bill was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Siler,

Resolved, That the joint select committee on Cherokee lands be required to inquire into the expediency of appropriating a sufficient amount of Cherokee bonds to make a road across the Tusquittee Gap, in Macon and Cherokee counties; and that they report by bill or otherwise.

Mr. W. J. T. Miller offered the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of allowing Justices of the Peace a reasonable compensation for their official acts; and that they report by bill or otherwise.

The said resolution was read and rejected.

Mr. Paine presented a bill supplemental to an act entitled an act concerning the draining of low lands; and Mr. Reid a bill to incorporate the Franklin Library Society in the town of Fayetteville.

These bills were read the first time and passed.

Mr. Winston, from the Committee on the Judiciary, to whom was referred the petition from Halifax county, in relation to Homesteads, reported against legislating on the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Joseph P. Caldwell, from the Committee on Propositions and Grievances, reported against the expediency of legislating upon the memorial of Jesse R. Siler, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. H. C. Jones, from the Committee on the Judiciary, who were instructed to inquire into the expediency of altering and amending the law relating to vagrants, reported that in the opinion of the committee it was not expedient to legislate further upon the subject.

Mr. Bayden moved that the report be re-committed to the Judiciary Committee, with instructions to bring in a bill to repeal so much of the vagrant law as authorizes selling, hiring or whipping free white persons.
Mr. Guthrie moved that the report and Mr. Boyden's motion be laid upon the table.

The question on Mr. Guthrie's motion was determined in the negative—yeas 18, nays 90. Yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.

Allen, Beall, Burns, Fleming, Guthrie, Hoke, Joiner, Mendenhall, W. B. Lane, E. P. Miller, W. J. T. Miller, Mills, McCollum, McLaughlin, McLaurin, Neal, Reid, Whitehurst.

Those who voted in the negative, were

Messrs.


Mr. Withers moved that the further consideration of the report and motion be postponed indefinitely. The question on this motion was decided in the negative—yeas 27, nays 80. The yeas and nays demanded by Mr. Boyd.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.
The question now recurring on the motion of Mr. Boyden to re-commit the report with instructions, was decided in the affirmative.

Mr. Boyden presented a petition from sundry citizens of the county of Surry, together with a bill to carry their prayer into effect, entitled a bill to extend the jurisdiction of Justices of the Peace.

The said bill was read the first time and passed.

Mr. Spruill moved that the said bill be referred to the Committee on the Judiciary.

The question thereon was decided in the affirmative—yeas 71, nays 25. The yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Mr. J. B. Jones presented a petition from sundry citizens of the district of Edenton, calling the attention of the General Assembly to the subject of re-opening the Inlet at Nag's Head.

The said petition was read, and, on motion of Mr. J. B. Jones, referred to the committee on Internal Improvements.

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

THREE O'CLOCK, P. M.

The bill to prevent the selling unmatured crops, was read the third time and rejected.

Mr. Reid presented a bill to incorporate the Beaver Creek manufacturing company in the county of Cumberland; which was read the first time and passed.

The resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road, was read the third time, passed and ordered to be engrossed.

On motion of Mr. Robards,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of so amending the militia laws of this State, so as to make it the duty, under a proper penalty, of every citizen liable to do military duty in this State, who shall reside for thirty days within any Cap-
tains district without being enrolled, to report himself to the Captain of said district, to become enrolled therein; and that said committee report by bill or otherwise.

Mr. Mendenhall presented a bill to repeal a part of the 18th section of the Revised Statutes, entitled an act concerning the Supreme Court; which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House to refer the message of His Excellency the Governor, and the documents accompanying on the subject of French Spoliations, to a joint select committee, informing that Messrs. Shepard, Spruill, Hill, Hellen and Cooper form their branch of said committee.

Ordered, That Messers. J. O‘K. Williams, Guyther, Kerr, Smith and Farrow form said committee on behalf of the Commons.

Mr. Wilson presented a petition from certain citizens of Perquimons county, praying the passage of a law, suspending the collection of debts by execution. On motion of Mr. Patton, ordered that said bill be rejected.

Mr. D. A. Graham presented a bill to establish a Female Literary Institution in the county of Robeson; which was read the first time and passed.

The bill to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy to Turkey Cove Creek in Burke county, was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 59, nays 37. The yeas and nays demanded by Mr. Patterson.

Those who voted in the affirmative, were

Messrs.

J. W. Covington,  Mills,  Spruill,
Doak,  Moore,  L. Walker,
Farrov,  Morris,  Whitehurst,
Fleming,  Munroe,  F. Williams,
Franklin,  Murchison,  Winston,
D. A. Graham,  McCleese,  Withers,
J. Graham,  McClenehan,  Young,
 Graves,  McCollum,  Ziglar,
Gray,  McLaughlin,

Those who voted in the negative, were

Messrs.
Adams,  Gnyther,  Morrow,
Allen,  Herring,  Patterson,
E. Barnes,  Huggins,  Powell,
Biggs,  Hyman,  Rand,
Boyd,  Jacobs,  Russell,
Brodgin,  Joiner,  Sullivan,
G. W. Caldwell,  J. B. Jones,  Stallings,
Cardwell,  C. Jones,  J. W. Taylor,
Chambers,  Kerr,  Tomlinson,
Davis,  I. W. Lane,  J. Walker,
Dickson,  Mangum,  J. O'K. Williams,
Ermott,  Massey,  Wilson,
Grandy,

Ordered, That said bill be engrossed.

The bill giving the County Court jurisdiction over the State Road in Cherokee county, was read the third time, passed, and ordered to be engrossed.
The bill to empower the County Court of Burke to regulate the jury for the Superior and County Courts, was read the third time, amended, passed, and ordered to be engrossed.
A message from the Senate, informing that Messrs. Reid and Maye form their branch of the committee on enrolled bills the present week;
The bill to alter the laws respecting auction sales;
The bill providing for restoring to the rights of citizenship, persons convicted of infamous crimes;
The bill to amend an act, entitled an act to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors;
The bill to enlarge the limits of the town of Wadesboro town of Wadesboro, in Anson county;
And the bill to amend the act of 1838, laying off a road from Burnsville, in Yancy county, to the Turnpike line, were each read the third time and passed, and ordered to be engrossed.

The resignation of James McDowell, as a justice of the peace for the county of Burke, was presented, read and accepted.

A message from the Senate, informing that they have passed the following engrossed bills, viz:

A bill to amend the 102d chapter of the Revised Statutes, entitled revenue;
A bill to amend the 53d chapter of the Revised Statutes, concerning the Governor;
A bill to incorporate the Fairfield Academy, in the county of Orange;
A bill supplemental to an act passed A. D. 1839, chapter 30, entitled an act to amend the inspection laws;
A bill to incorporate the Nantahala Turnpike Company, in the counties of Macon and Cherokee;
And asking the concurrence of this House.

The said bills were read the first time and passed.

Mr. Boyden, from the Committee on Education, reported a resolution directing a loan of 10,000 dollars to be made to Wake Forest College. The said bill was read and adopted, and ordered to be engrossed.

The bill to authorize the laying off and establishing a Turnpike Road from Laxton Linch's, in Rutherford county, to the Widow Sails's, in Buncombe, was read the third time. Mr. Wilson moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 36, nays 67.

The yeas and nays demanded by Mr. Wilson.

Those who voted in the affirmative, were

Messrs.

Adams,              Grandy,          Morrow,       Patterson,  
Allen,              Guyther,         Patterson,    Pewell,      
Banuerman,         Herrington,     Rnssell,      Sullivan,   
J. Barnes,         Howerton,       Stallings,    
E. Barnes,         Hymom,          
Boyd,              Joiner,          
Brogden,           J. B. Jones,    J. W. Taylor,
Those who voted in the negative, were

Messrs.

Barringer, Guthrie, McCleese,
Beall, Hill, McCollum,
Biggs, Hoke, McLaughlin,
Boydlen, Holland, McLaurin,
Bryan, Holt, McMillan,
Brannock, Huggins, Neal,
Brower, Jacobs, Paine,
Burns, Jefferson, Patton,
J. P. Caldwell, H. C. Jones, Pemberton,
Carson, C. Jones, Poindexter,
Chambers, Keener, Proctor,
Clegg, W. B. Lane, Reid,
J. M. Covington, Mendenhall, Robards,
J. W. Covington, E. P. Miller, Siler,
Doak, J. T. Miller, Smith,
Farrow, W. J. T. Miller, S. Walker,
Fleming, Mills, Whitehurst,
Franklin, Monday, F. Williams,
J. R. Gilliam, Moore, Winston,
D. A. Graham, Morris, Withers,
J. Graham, Munroe, Young,
Graves, Murchison, Ziglar,
Gray,

The question on the passage of the bill the third reading was decided in the affirmative.

Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of Alamance, was read the second time.

Mr. C. Jones presented a counter petition from sundry citizens of Orange against the passage of the said bill.

Mr. Wilson moved that the further consideration of the bill be postponed indefinitely. The question thereon was decided in the negative. The question shall the said bill pass the second reading? was decided in the negative—
yeas 38, nays 63. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer, J. Graham, McLaughlin,
Beall, Gray, McLaurin,
Boyden, Hill, McMillan,
Brannock, Holt, Neal,
Brower, Jefferson, Patton,
Bryan, H. C. Jones, Pemberton,
Carson, Keener, Poindexter,
J. W. Covington, King, Robards,
J. M. Covington, Lilly, Russell,
Doak, E. P. Miller, F. Williams,
Fleming, Morris, Winston,
Franklin, Murchison, Young.

Those who voted in the negative, were

Messrs.

Adams, Guyther, McCleese,
Allen, Herring, Patterson,
Bannerman, Hoke, Pope,
J. Barnes, Holland, Powell,
E. Barnes, Huggins, Proctor,
Biggs, Jacobs, Rand,
Boyd, Joiner, Reid,
Brogden, J. B. Jones, Smith,
Burns, C. Jones, Spruill,
G. W. Caldwell, R. Jones, Sullivan,
J. P. Caldwell, Kerr, Stallings,
Cardwell, Killian, J. W. Taylor,
Chambers, I. W. Lane, F. Taylor,
Clegg, Mangum, Thompson,
Davis, Massey, L. Walker,
Dickson, Mendenhall, J. Walker,
Ennett, J. T. Miller, Whitehurst,
Farrow, Mills, J. O'K. Williams,
J. R. Gilliam, Monday, Wilson,
Grandy, Morrow, Withers,
Graves, Munroe, Ziglar.
On motion of Mr. Barringer,

Resolved, That the use of the Commons Hall be allowed, on Wednesday evening next, at 7 o'clock, for a meeting to form and organize the Literary and Historical Society of North Carolina.

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

Tuesday, Dec. 29, 1840.

The Speaker laid before the House a communication from one George Templeman, of Georgetown, containing proposals for furnishing the State with books.

Ordered, on motion of Mr. Mills, that the communication be referred to the Joint Select Committee on the Library.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition to establish a new county out of portions of the counties of Wilkes, Surry and Iredell, and prayed to be discharged from the further consideration of the subject.

Mr. Winston, from the Committee on the Judiciary, reported a bill to amend the Revised Statutes, entitled an act for preventing frauds and fraudulent conveyances, and to repeal the third section thereof, without amendment, and recommended its passage. The said bill was read the second time and passed.

Mr. Winston, from the same committee, reported the bill declaring and explaining the law on the subject of gifts and settlements, without amendment, and moved that the bill be laid upon the table. This motion prevailed.

Mr. Winston, from the same committee, reported unfavorably on the bill to amend the Revised Statutes, entitled an act concerning slaves and free persons of color.

The said bill was read the second time, and the question shall the said bill pass the second reading? was determined in the negative—yeas 42, nays 61. Yeas and nays demanded by Mr. Spruill.
Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.

Mr. Moore, from the Joint Select Committee, to whom was referred the bill to incorporate Little River Manu-
facturing Company, reported the bill with sundry amendments. The first question being on the adoption of the amendments proposed by the Committee on Private Bills, to whom the bill had been heretofore committed.

Mr. Winston moved to amend the said amendment, by striking out the whole thereof after the enacting clause, and inserting the following, viz:

"That each stockholder shall be liable to the creditors of the corporation in such sum as is equal to the stock subscribed or owned by him; and each creditor may have an action of debt against all or any of the stockholders."

The question on receiving this amendment to the amendment was decided in the affirmative.

Mr. Cad. Jones moved a further amendment in the following words:

"And provided further, That if any stockholder shall assign his stock, or any part of it, after such liability has been incurred, and the assignee shall not be able to comply with the provisions of the above section, the assignor shall be liable for the space of 12 months, in the same manner as if he had not made the assignment, so far as regards the debts or liabilities incurred before such assignment."

The question on this motion was decided in the negative.

Mr. Barringer moved as a substitute to the amendment already adopted, the following:

"And be it further enacted, That in case of failure on the part of said corporation, the private or individual property of the stockholders therein shall be subject in an action of debt, before any jurisdiction having cognizance thereof, to the payment of the debts of the corporation, after the property of the company is first exhausted, in proportion to the amount of stock severally owned by them at the time of such failure, and not otherwise."

This amendment was also rejected; and the question being on adopting the amended amendment, as proposed by Mr. Winston, was decided in the affirmative—yeas 60, nays 50. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.
Adams, Grandy, Morrow,
Baker,  Graves,  Munroe,  
Bannerman,  Guthrie,  McCleese,  
J. Barnes,  Guyther,  McLaughlin,  
E. Barnes,  Herring,  McLaurin,  
Biggs,  Hoke,  Powell,  
Boyd,  Holland,  Proctor,  
Brogdan,  Holt,  Ragan,  
G. W. Caldwell,  J. B. Jones,  Rand,  
Cardwell,  C. Jones,  Robards,  
Chambers,  R. Jones,  Russell,  
Davis,  Kerr,  Sullivan,  
Dickson,  Killian,  Stallings,  
Eaton,  King,  J. W. Taylor,  
Ennett,  I. W. Lane,  P. Taylor,  
Farrow,  Mangum,  Tomlinson,  
Fleming,  Massey,  L. Walker,  
Gee,  J. T. Miller,  J. Walker,  
J. R. Gilliam,  W. J. T. Miller,  Winston,  
J. Graham,  Monday,  Ziglar.

Those who voted in the negative, were

Messrs.

Allen,  Hill,  McMillan,  
Barringer,  Huggins,  Neal,  
Beall,  Hyman,  Paine,  
Boyden,  Jacobs,  Patton,  
Branock,  Jefferson,  Patterson,  
Brower,  Joiner,  Pemberton,  
Brummell,  H. C. Jones,  Poindexter,  
Bryan,  Keener,  Pope,  
Burns,  Lilly,  Siler,  
J. P. Caldwell,  Mendenhall,  Wadsworth,  
Clegg,  E. P. Miller,  Whitehurst,  
J. M. Covington,  Mills,  F. Williams,  
J. W. Covington,  Moore,  J. O'K. Williams,  
Doak,  Morris,  Wilson,  
Franklin,  Murchison,  Withers,  
D. A. Graham,  McClenehan,  Young,  
Gray,  McCollum,  

The House then, on motion, adjourned until 3 o'clock P. M.
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THREE O'CLOCK, P. M.

The House resumed the consideration of the bill to incorporate Little River Manufacturing Company. The question being on the passage of the bill the second reading as amended, when, on motion of Mr. Reid, the said bill was postponed indefinitely.

On motion of Mr. Boyden,

Resolved, That a message be sent to the Senate, proposing to instruct the joint select committee on so much of the Governor's message as relates to banks and the increase of the banking capital of this State, to report forthwith, and for that purpose, that the said committee have leave to sit during the sitting of the two Houses.

Mr. C. Jones introduced a resolution relating to furniture in the office of the Secretary of State; which was read the first time and passed.

Mr. Spruill presented a bill to prevent free persons of color from carrying fire arms; which was read the first time and passed.

And Mr. Moore presented a petition from sundry citizens of Halifax county on the same subject, which was read.

A message from the Senate, informing that they have passed the following engrossed bills, viz:

A bill making an appropriation for completing the Capitol of this State, and for other purposes;

A bill concerning jurors in Cherokee county;

And a bill to amend an act, passed at the last session of the General Assembly, entitled an act to authorize the making a Turnpike Road in Haywood county;

And asking the concurrence of this House;

The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of R. B. Davis and others—and asking the concurrence of this House.

Mr. Spruill moved that the resolution be postponed indefinitely. The question thereon was decided in the negative—yeas 52, nays 58.

The yeas and nays demanded by Mr. Spruill.
Those who voted in the affirmative, were

Messrs.
Baker,
Barringer,
Boyd,
Boydin,
Brannock,
Brower,
J. P. Caldwell,
G. W. Caldwell,
Cardwell,
J. W. Covington,
Eaton,
Gee,
D. A. Graham,
Hawkins,
Hill,
Holt,
Howerton,
Hyman,

Huggins,
Jacobs,
Jefferson,
Joiner,
H. C. Jones,
C. Jones,
Lilly,
Mendenhall,
E. P. Miller,
W. J. T. Miller,
Mills,
Moore,
Morris,
Morrow,
Munroe,
Murchison,
McCullam,
McLaughlin,
McLaurin,
McMillan,
Neal,
Pemberton,
Proctor,
Rand,
Reid,
Smith,
Spruill,
Tomlinson,
J. Walker,
Whitehurst,
Winston,
Withers,
Young,
Ziglar.

Those who voted in the negative, were

Messrs.
Adams,
Allen,
Bannerman,
J. Barnes,
E. Barnes,
Beall,
Bigs,
Brogden,
Brummell,
Burns,
J. M. Covington,
Chambers,
Clegg,
Davis,
Dickson,
Doak,
Ennett,
Farrow,
Franklin,
J. R. Gilliam,

Grandy,
Graves,
Gray,
Guthrie,
Guyther,
Herring,
Hoke,
Holland,
J. B. Jones,
R. Jones,
Keener,
Kerr,
Killian,
I. W. Lane,
Mangum,
Massey,
J. T. Miller,
Monday,
McCleese,
McCleeanan.

Paine,
Patten,
Patterson,
Poindexter,
Pope,
Powell,
Ragan,
Robards,
Russell,
Siler,
Sullivan,
Stallings,
J. W. Taylor,
F. Taylor,
Wadsworth.
L. Walker,
J. O'K. Williams,
F. Williams,
Wilson.
The question recurring on the adoption of the said resolution, was decided in the affirmative.

Ordered, That said resolution be enrolled,

Mr. Mills, from the committee on private bills, presented a bill to incorporate the town of Hendersonville in the county of Granville. The said bill was read the first, second and third times, passed, and ordered to be engrossed.

The resignation of John R. Brown, as a justice of the peace of the county of Randolph, heretofore laid upon table, was read and accepted.

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

Wednesday, Dec. 30, 1840.

On motion, leave of absence from the service of the House, from and after this day, for the residue of the session, was granted to Mr. Hoke.

Mr. Barringer, from the committee on Internal Improvements, reported a bill to amend the 22d section of the revised statutes chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation; which was read the first time and passed.

Mr. J. P. Caldwell presented a memorial from the agricultural association of Iredell county, praying that an order be passed for a Mineralogical and Geological survey of the State.

Ordered, That the memorial be referred to the committee on Agriculture.

The engrossed bill to purchase a library was, on motion of Mr. C. Jones, referred to the joint select committee on the Library.

The resolutions respecting the re-opening of Roanoke Inlet were, on motion of Mr. Paine, made the order of the day for to-morrow.

Mr. F. Taylor presented the following resolution:
Resolved, That the committee on Finance be instructed to report a bill to this House to amend the revenue law of this State so as to reduce the tax on real estate, from six to four cents on the hundred dollars' worth of land, and to reduce the tax on the poll, from 20 to 15 cents.

Ordered, On motion of Mr. Eaton, that said resolution be laid upon the table.

Mr. Grave, from the committee on Finance, who were instructed to inquire whether certain warrants paid by the Treasurer, were drawn and paid by authority of law, made a report which, on motion of Mr. Biggs, was ordered to be sent to the Senate with a proposition that it be printed.

Mr. Mendenhall presented a resolution in favor of the door-keepers; which was read the first time and passed.

The resignation of A. Polk, as a justice of the peace of the county of Anson, was presented, read and accepted.

On motion of Mr. Cardwell, the House now resolved itself into a committee of the whole, Mr. Mills in the chair, and took up for consideration, the bill for the support and establishment of Common Schools, and after some time spent therein, the Speaker resumed the chair, and the chairman reported progress, and asked leave to sit again. Leave was granted.

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

Three O'clock, P. M.

Mr. Hoke introduced sundry resolutions relating to Common Schools.

The resolutions were read, and on motion of Mr. Boyden, referred to the committee of the whole, to whom are referred certain bills on the same subject.

Mr. Reid presented a bill to extend the time of holding the next term of the Superior Court of Cumberland county; which was read the first time and passed.

The bill to amend an act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie rivers, and their waters, was read the second time, amended, on motion of Mr. Smith, and the question shall the bill pass the second reading as amended? was decided in the affirmative.
Mr. Poindexter, from the Committee on Claims, to whom was referred so much of the Report of the Board of Internal Improvement as relates to the payment of Engineers for surveys of the Fayetteville and Western Rail Road, reported that a majority of said committee instructed him to ask that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Poindexter presented a resolution to pay for surveys for Fayetteville and Western Rail Road Company; which was read the first time and passed.

Mr. Morris presented a bill to authorise the making a Turnpike Road in the county of Henderson; which was read the first time and passed.

Mr. Bryan presented a bill to appropriate $400 to the improvement of Lewis Fork Road; which was read the first time and passed.

Mr. Siler, from the Committee on Cherokee Lands, who were instructed to inquire into the expediency of making an appropriation for a road in Macon and Cherokee, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Siler presented a petition from the Tennessee River Turnpike Company, praying an alteration of the laws in certain particulars therein specified. Referred, on motion of Mr. Siler, to the Committee on the Judiciary.

Mr. Siler, from the Committee on Cherokee Lands, reported a resolution in favor of James Erwin; which was read, adopted, and ordered to be engrossed.

Mr. Poindexter, from the Committee on Claims, reported the resolution in favor of W. G. Lamb, without amendment; when the said resolution was read the second and third times, passed and ordered to be engrossed.

Mr. Mills presented a petition from sundry citizens of Rutherford county, praying to be exempted from working on certain roads. The petition was, on motion of Mr. Jefferson, laid upon the table.

Mr. Siler, from the Committee on Cherokee Lands, asked that the committee be discharged from the further consideration of that part of the Governor’s communication relating to the States’ employing counsel to defend certain suits brought against purchasers of Cherokee Lands, for
reasons stated in the report. The report was concurred in and the committee discharged.

The resignation of Edward Nelson, of Craven county, and of Stephen Woodard, of Wayne county, Justices of the Peace, were presented, read and accepted.

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

THURSDAY, Dec. 31, 1840.

The resolution in favor of John Davis, sheriff of Lenoir county, was read and adopted, and ordered to be engrossed.

Mr. J. O'K. Williams, from the Joint Select Committee raised upon the subject, reported resolutions in favor of claimants for French spoliations. Said resolutions were read and adopted, and ordered to be engrossed.

Mr. Graves, from the Committee on Propositions and Grievances, to whom was referred the resolution in favor of James C. Turrentine, sheriff of Orange county, reported the same without amendment; when the said resolution was read the second and third time, passed, and ordered to be engrossed.

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

EXECUTIVE OFFICE,  
Dec. 30, 1840.

To the General Assembly

of the State of North Carolina:

GENTLEMEN:

I have the honor to transmit the enclosed communication from the Hon. Edward Stanly, tendering to the Legislature the present of certain valuable books therein mentioned.

I am, most respectfully, your obedient servant,

EDWARD B. DUDLEY.

Ordered, on motion of Mr. Russell, that the message
and letter of Mr. Stanly be referred to the Joint Select Committee on the Library.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition from Buncombe and Yancy for the erection of a new county, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Received from the Senate a message, informing that they had rejected the engrossed resolution in favor of Peter Fausts' representative.

A message from the Senate, informing that they had passed the engrossed bill fixing the time at which the Superior Courts of Law and Courts of Equity shall be held hereafter in the several counties composing the Seventh Judicial Circuit, 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 do not concur in the amendment made by the House of Commons to the engrossed bill entitled a bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee.

Ordered, on motion of Mr. Moore, that the House insist on their said amendments, and propose that a Committee of Conference of three on the part of each House be raised, to whom the said bill shall be committed.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill in favor of the Princess Anne and Kempsville Canal Companies;

A bill supplementary to an act passed at the present session of the General Assembly, authorizing the Governor to appoint an agent to collect the Cherokee Bonds;

And a resolution concerning the Statue of Washington: And asking the concurrence of this House. The said bills and resolution were read the first time and passed.

The bill for the relief of the Raleigh and Gaston Rail Road Company was read and amended, on motion of Mr. H. C. Jones, and made the order of the day, on Mr. Neal's motion, for Saturday next.

Mr. Hill presented the following resolutions:

WHEREAS, we believe that each of the United States being a party to the National compact, possesses an interest in
the public domain 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; and we see, with regret, that by the introduction of bills called Pre-emption bills, and other measures, into the Congress of the United States, manifest injustice is intended to the older members of the Confederacy:

*Be it therefore resolved,* That this General Assembly do condemn, in the most decided manner, any act by the Congress of the United States, whatever title it may bear, which contemplates a disposition of the proceeds of the sales of the Public Lands otherwise than as set forth in the deeds of cession from the several States.

*Resolved further,* That our Senators and Representatives in the Congress of the United States, be requested to use their best exertions to procure the passage of a bill, directing the division of the proceeds of the sales of the public domain among the States in an equitable ratio, to be used by the States for Internal Improvement, Education, or any other purpose, as may be deemed expedient by the several States receiving said distribution.

*Resolved,* That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, with the request that they lay them before their respective bodies.

And Mr. Boyden offered the following additional resolution, viz:

*Resolved further,* That Congress ought at once to pass a law, ceding to the old States for the promotion of education, such portions of the public domain as shall correspond, in a just degree, with that already ceded to the new States for the same object.

Said resolutions were read.

Mr. Graves moved that they be laid on the table. The question thereon was decided in the negative.

On motion of Mr. Boyden,

*Ordered,* That they be printed, and made the order of the day for to-morrow.

The resolutions respecting the re-opening of Roanoke Inlet, were taken up and considered.

Mr. Stallings moved to insert after the word "*requested,*" the words "*and instructed,*" which was rejected.
Mr. G. W. Caldwell moved to strike out the word "request" where it occurs in the resolutions, and to insert the word "instruct;" and Mr. Robards called for a division. The question then being on striking out the word "request," was decided in the negative—yeas 43, nays 68.

The yeas and nays demanded by Mr. G. W. Caldwell:

Those who voted in the affirmative, were

Messrs.

Baker, Herring, Munroe,
Bannerman, Holland, Patterson,
J. Barnes, Howerton; Powell,
E. Barnes, J. B. Jones, Ragan,
Biggs, C. Jones, Rand,
Boyd, R. Jones, Reid,
Brogdan, Kerr, Sullivan,
G. W. Caldwell, Killian, Stallings,
Cardwell, I. W. Lane, F. Taylor,
Chambers, Mangum, Tomlinson,
Davis, Massey, Wadsworth;
Dickson, J. T. Miller, J. Walker,
Ennett, Monday, L. Walker;
Farrow, Morrow, Ziglar.

Those who voted in the negative, were

Messrs.

Adams, Guyther; McLaurin,
Allen, Hill; McMillan,
Barringer, Holt; Neal,
Beall, Huggins, Paine,
Boyden, Hyman, Patton,
Brannock, Jacobs, Pemberton,
Brower, Jefferson, Poindexter;
Brummell, Joiner, Pope,
Bryan, H. C. Jones, Proctor,
Burns, Keener, Robards,
J. P. Caldwell, King, Russell,
Carson, W. B. Lane, Siler,
Clegg, Lilly, Smith,
J. M. Covington, Mendenhall, Spruill,
J. W. Covington, E. P. Miller, J. W. Taylor,

The question recurring on the adoption of said resolutions, was decided in the affirmative—yeas 77, nays 32. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative, were Messrs.


Baker,  Ennett,  Munroe.
Ordered, That said resolutions be engrossed.

The bill to extend the jurisdiction of Justices of the Peace, was read the second time, and on motion of Mr. Wilson, postponed indefinitely—yeas 93, nays 16. The yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Allen, Gray, Munroe,
Baker, Guyther, McClenehan,
Bannerman, Guthrie, McCollum,
J. Barnes, Hawkins, McLaughlin,
E. Barnes, Herring, McLaurin,
Barringer, Hill, McMillan,
Beall, Holland,
Biggs, Holt,
Boyd, Howerton,
Brannock, Huggins,
Brogden, Hymans,
Brower, Jacobs,
Brumnell, Joiner,
Bryan, J. B. Jones,
Burns, C. Jones,
G. W. Caldwell, R. Jones,
Cardwell, Kerr,
Carson, W. B. Lane,
Clegg, I. W. Lane,
J. W. Covington, Lilly
Davis, Mangum,
Dickson, Mendenhall,
Doak, E. P. Miller,
Eaton, J. T. Miller,
Ennitt, W. J. T. Miller,
Farrow, Mills, J. Walker,
Gee, Monday, Whitehurst,
D. A. Graham, Moore, Winston,
J. Graham, Morris, Wilson,
Grandy, Morrow, Withers,
Graves, McCleese, Young.

Those who voted in the negative, were

Messrs.

Boyden, Keener, Russell,
J. P. Caldwell, Killian, F. Williams,
J. M. Covington, King, J. O’K. Williams,
Franklin, Poindexter, F. Taylor,
J. R. Gilliam, Robards, Ziglar.
Jefferson

Mr. Winston, from the Committee on the Judiciary, to whom was referred a resolution directing them to inquire into the expediency of amending the Book Debt Law, reported that it is not expedient to alter it as proposed. The report was concurred in.

A message from the Senate, proposing to raise a Joint Select Committee of four on the part of each House, to make the necessary arrangements for the qualification of the Governor elect, on to-morrow.

The proposition was agreed to; and Messrs. Mendenhall, Biggs, J. B. Jones and Russell appointed the committee on the part of the Commons.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill in favor of poor debtors. The said bill was thereupon put on its passage.

On motion of Messrs. Boyden, Spruill and Biggs, the bill was amended.

Pending the consideration of the bill, Mr. W. J. T. Miller moved that the House adjourn until to-morrow morning, at ten o’clock. The question on this motion was decided in the negative—yeas 8, nays 99. The yeas and nays demanded by Mr. Miller.

Those who voted in the affirmative, were

Messrs.

Burns, Gee, W. J. T. Miller,
Farrow, J. R. Gilliam, Tomlinson.
Fleming, E. P. Miller,
Those who voted in the negative, were

Messrs.


Mr. McCleese moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 8, nays 103. The yeas and nays demanded by Mr. Withers.

Those who voted in the affirmative, were

Messrs.

Biggs, Fleming, McCollum,
Those who voted in negative, were

Messrs.


The question recurring on the passage of the bill the second reading,

Mr. E. P. Miller moved that the House adjourn until
to-morrow morning 10 o'clock. The question thereon was decided in the negative—yeas 9, nays 101. The yeas and nays demanded by Mr Miller.

Those who voted in the affirmative, were

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<tr>
<th>Messrs.</th>
<th>Kerr,</th>
<th>W. J. T. Miller,</th>
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<tr>
<td>Fleming,</td>
<td>Mendenhall,</td>
<td>Rand,</td>
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<td>J. R. Gilliam,</td>
<td>E. P. Miller,</td>
<td>Whitchurst.</td>
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<tr>
<td>D. A. Graham,</td>
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Those who voted in the negative, were

The question shall the said bill pass the second reading? was decided in the affirmative—yeas 104, nays 5.—The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.


Graves, McClenehan, Ziglar.
Guthrie, McCollum,

Those who voted in the negative, were

Messrs:
Baker, Fleming, Lilly.
Eaton, Gray,

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

FRIDAY, JAN. 1, 1841.

Mr. Robards, from the Joint Select Committee, to whom was referred the petition of sundry citizens of the town of Henderson, reported a bill to establish the Tobacco Planters' Bank of Henderson. The said bill was read the first time, and Mr. G. W. Caldwell moved that the bill be rejected. The question on this motion was decided in the negative—yeas 44, nays 59. The yeas and nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.
Baker, Holland, Powell,
Bannerman, Howerton, Ragan,
J. Barnes, Huggins, Reid,
E. Barnes, Hyman, Siler,
Biggs, Joiner, Smith,
Boyd, C. Jones, Sullivan,
G. W. Caldwell, Keener, Stallings,
Cardwell, Killian, J. W. Taylor,
Davis, I. W. Lane, F. Taylor,
Dickson, J. T. Miller, Tomlinson,
Ennett, Morrow, Wadsworth,
Farrow, Munroe, L. Walker,
Graves, McCleese, J. Walker,
Hawkins, McLaughlin, Kerr.
Herring, Patterson,
Those who voted in the negative, were

MESSRS.

Adams, Grandy, McMillan,
Allen, Gray, Neal,
Barringer, Guyther, Patton,
Beall, Hill, Pemberton,
Boyden, Holt, Pindexter,
Brannock, Jacobs, Pope,
Brogden, Jefferson, Proctor,
Brower, H. C. Jones; Rand,
Brummell, R. Jones, Robards,
Burns, King, Russell,
J. P. Caldwell, Mangum, Spruill,
Clegg, Mendenhall, Whitehurst,
J. M. Covington, E. P. Miller, F. Williams,
J. W. Covington, W. J. T. Miller, J. O'K. Williams,
Doak, Mills, Winston,
Eaton, Monday, Wilson,
Franklin, Moore, Withers,
Gee, Morris, Young,
D. A. Graham, McClenehan, Ziglar,
J. Graham, McLaurin,

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

Mr. Guthrie presented a bill to provide a copy of the "North Carolina Justice" for each and every magistrate in the State:

And Mr. Rand presented a bill founded on a petition of certain citizens of the City of Raleigh, entitled a bill to extend and enlarge the boundaries of the City of Raleigh. The said bills were read the first time and passed.

A message from the Senate, informing that Messrs. Gaither, Wilson, Waddell and Ward form their branch of the committee to make arrangements for the inauguration of the Governor elect.

A message from the Senate, concurring in the proposition of the House to print the late report from the Committee on Finance.

Mr. Boyden, from the Committee on the Judiciary, reported without amendment the bill to amend the Revised Statutes, entitled an act concerning the appointment of guardians and the management of orphans and their es-
tates; when the said bill was read the second time, amended and passed.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of John S. Russwurm; which was read and adopted and ordered to be engrossed.

On motion, leave of absence from the service of the House, from and after Monday next, for the residue of the session, was granted to Mr. E. P. Miller.

Mr. L. Walker presented a memorial from certain cavalry officers belonging to the 16th brigade, in relation to the appointment of Colonel Commandant of Cavalry attached to said brigade.

Ordered, on motion of Mr. L. Walker, that said memorial be referred to the Committee on Military Affairs.

Mr. Burns presented a bill to alter the mode of appointing constables in the State of North Carolina. The said bill was read the first time, and on motion of Mr. J. Barnes, rejected.

Mr. Barringer presented a petition from the officers of the 62nd Regiment and 11th Brigade of No. Ca. militia, praying the passage of a law increasing company musters to four in a year, and granting certain privileges and immunities to military officers, after a certain term of service. The petition was read, and on motion of Mr. Barringer, referred to the Committee on Military Affairs.

Mr. King presented the petition of Ezekiel Brewer, of Orange County, praying a grant of bounty land for his services in the Revolution.

Ordered, on motion of Mr. King, that it be referred to the Committee on Claims.

Mr. Winston, from the Committee on the Judiciary, to whom the subject was referred, reported a bill relating to vagrants; which said bill was read the first and second times and passed.

Received from the Senate a message, transmitting the report of the Joint Select Committee, making arrangements for the qualification of Governor elect; and the appointed hour having arrived, John M. Morehead, accompanied by the late Gov. Edward B. Dudley and the Judges of the Supreme Court of the State, and 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 qualifications of the Governor.
of the State—the oaths having been administered by Hon: Chief Justice Ruffin.

A message from the Senate, proposing that the resolution adopted by the two Houses to adjourn sine die on Monday next, be rescinded. The question on concurring in the proposition of the Senate, was decided in the affirmative—yeas 73, nays 36. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Allen, Guthrie, McLaurin,
Barringer, Guyther, McMillan,
Beall, Hill, Neal,
Boyden, Holt, Patton,
Brannock, Howerton, Patterson,
Brower, Huggins, Pemberton,
Brummell, Hyman, Poindexter,
Bryan, Jacobs, Pope,
Burns, H. C. Jones, Proctor,
J. P. Caldwell, C. Jones, Rand,
Carson, Keener, Reid,
Clegg, Killian, Robards,
J. M. Covington, King, Russell,
J. W. Covington, W. B. Lane, Siler,
Doak, Lilly, Smith,
Eat-ton, Mangum, Spruill,
Fleming, Mendenhall, Wadsworth,
Franklin, J. T. Miller, L. Walker,
Gee, Mills, Whitehurst,
J. R. Gilliam, Moore, F. Williams,
D. A. Graham, Morris, J. O'K. Williams,
J. Graham, Munroe, Wilson,
Grandy, McCleese, Withers,
Graves, McClenehan, Young.

Those who voted in the negative, were

Messrs.

Adams, Ennett, Monday,
Baker, Farrow, Morrow,
Bannerman, Hawkins, McCollum,
J. Barnes, Herring, McLaughlin,
Mr. W. J. T. Miller offered the following Resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn sine die on Thursday, the 7th instant.

Ordered, on motion of Mr. Brummell, that the Resolution lie on the table.

Mr. McCollum presented the following Resolution:

Resolved, That no new bills be received in this House from and after this day.

And Mr. Neal presented the following Resolution:

Resolved, That so much of the 50th Rule of Order as provides that no bill shall be read more than once on the same day, be rescinded.

These resolutions lie on the table for one day.

The House now resolved itself into a Committee of the Whole, Mr. Mills in the Chair, and resumed the consideration of the several bills referred to them relating to the establishment and support of Common Schools; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the Committee had made progress in the consideration of the subject; but had not completed the same; and asked leave to sit again. Leave was granted.

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

Three O'clock, P. M.

Mr. G. W. Caldwell, from the Committee on Privileges and Elections, who were instructed to inquire into the expediency of increasing the penalty upon persons voting il-
legally, reported that it is not expedient to increase the penalty as proposed. The report was concurred in.

Mr. Holt presented a petition from Wm. Burson of Orange county, praying the General Assembly to pass a law, exonerating him from a fine imposed upon him by a militia court martial. The petition was, on motion of Mr. Holt, referred to the committee on military affairs.

The engrossed bill, to amend an act in the revised statutes, entitled an act to provide for the collection and management of a revenue for this State, was read, and, on motion of Mr. Boyd, laid on the table.

The engrossed bill concerning the collection of fines and costs, from free negroes and free persons of color; and the engrossed bill to amend the 53d chapter of the revised statutes concerning the Governor, were each, read the second time and passed.

The bill to make real estate assets in certain cases, was read the second time.

Mr. Biggs moved to amend the bill by adding the following proviso:

Provided however, That in cases where there may be a deficiency of assets to pay all the debts, the proceeds arising from the sale of real estate under this act, shall be paid to the creditors pro rata; and the Superior Court, on application of the administrator, may make such rules as said Court may direct, requiring creditors who wish to claim a portion of said assets, to present their claims within a certain time, not exceeding the term of two years from the qualification of the administrator; and may therefore make a decree for the distribution and payment of said assets, which shall be a protection to the administrator upon a compliance therewith.

Pending this question on this amendment, Mr. Sullivan moved that said bill be indefinitely postponed. The question on this motion was decided in the negative—yeas 53, nays 57. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Baker, Herring, McCleese,
Bannerman, Holland, McCollum,
E. Barnes, Holt, McLaurin,

Those who voted in the negative, were

Messrs.


The question now recurring on the adoption of the amendment proposed by Mr. Biggs, was decided in the negative.

Mr. Barringer offered the following amendment:
Provided further, When in the opinion of the court it may be necessary to have an issue, to try whether the condition of the estate requires the sale of any portion of the real estate, for the payment of the debts of the deceased debtor, such issue may be submitted to a jury, under the direction of the court.

The question on receiving this amendment was decided in the negative.

The question again recurring shall this bill pass its second reading? was decided in the negative—yeas 53, nays 56. The yeas and nays demanded by Mr. Farrow.

Those who voted in the affirmative, were

Messrs:

Those who voted in the negative, were

Messrs:
Baker, Bannerman, E. Barnes, Birs, Boyd, Brannock, Brogden, Hawkins, Herring, Hill, Holland, Holt, Howerton, Hyman, Morrow, Munroe, McCleese, McCollum, McLaurn, Paine, Powell,
The House then adjourned until to-morrow morning; 10 o'clock.

Saturday, Jan. 2, 1841.

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

The resolution offered yesterday by Mr. Neal for rescinding the 50th Rule of Order, was taken up, and, on motion, rejected:

Mr. Biggs called up for consideration the bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters.

The House agreed to consider the bill, and the question being on the adoption of the amendment proposed by Mr. Biggs, was decided in the negative—yeas 50, nays 55. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were:

Messrs.

Adams, Graves, Monday,
Baker, Gray, Morris,
Bannerman, Guyther, Morrow,
J. Barnes, Hawkins, Munroe,
E. Barnes, Herring, McCollum,
Beall, Holland, Neal,
Those who voted in the negative, were

Messrs.
Allen,  Holt,  Patton,
Barringer,  Huggins,  Pemberton,
Boyden,  Joiner,  Proctor,
Brannock,  H. C. Jones,  Ragan,
Brumwell,  J. B. Jones,  Rand,
Burns,  C. Jones,  Reid,
J. P. Caldwell,  Keener,  Robards,
G. W. Caldwell,  W. B. Lane,  Russell,
Carson,  Lilly,  Smith,
J. M. Covington,  Mendenhall,  Stallings,
J. W. Covington,  J. T. Miller,  Thompson,
Doak,  Mills,  Whitehurst,
Eaton,  Moore,  J. O’K. Williams,
Farrow,  McCleese,  F. Williams,
Franklin,  McLaughlin,  Winston,
J. R. Gilliam,  McLaurin,  Wilson,
D. A. Graham,  McMillan,  Withers,
Grandy,  Paine,  Young.
Hill,

Mr. Withers moved that said bill be postponed indefinitely. The question thereon was decided in the affirmative—yeas 58, nays 51. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.
Barringer,  Hill;  Poindexter,
Boyd,  Holt,  Proctor,

Those who voted in the negative, were

Messrs.


The House, on motion of Mr. Robards, now proceeded to the consideration of the special order of the day, being the bill for the relief of the Raleigh and Gaston Rail Road Company. The said bill was read the second time and amended on motion of Mr. Patton, by adding the following at the end of the seventh section, viz:
"And unless the list of the names filed with the Public Treasurer does shew stock represented to the amount of four hundred thousand dollars, no aid shall be extended by this act to the Raleigh and Gaston Rail Road Company."

Mr. Cardwell moved further to amend the bill, by adding at the end of the eighth section the following proviso:

Provided, That before any of the said bonds are delivered to the President and Directors of said company, the stockholders in the same holding at least three fourths of the stock, shall enter into a bond payable to the State of North Carolina, covenanting and binding each and every one of the obligors therein, to pay and satisfy to the said State a part proportionate to the number of shares of each one's stock, in any loss or damage that may come to the State, in consequence of such endorsement of the said bonds and insufficiency of the real and personal estate and property of said company to discharge the same: And provided further, that before any of said bonds are delivered as aforesaid, the Governor shall inquire into the standing and ability of said obligors; and shall certify to the Treasurer that in his opinion said obligors are sufficient to make good at least three fourths of the amount for which the Treasurer shall endorse."

The question on adopting this amendment was decided in the affirmative—yeas 59, nays 53. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Adams, Herring, Munroe,
Allen, Holland, McCleese,
Baker, Huggins, McLaughlin,
Bannerman, Hyman, Pope,
E. Barnes, Jacobs, Powell,
J. Barnes, Jefferson, Ragan,
Biggs, J. B. Jones; Reid,
Boyd, C. Jones, Russell,
Brogden, R. Jones, Smith,
G. W. Caldwell, Kerr, Sullivan,
Cardwell, Killian, Stallings,
Chambers, Mangum, E. Taylor,
J. M. Covington,  
Dickson,  
Eunett,  
Farrow,  
Fleming,  
Gee,  
Graves,  
Guyther,  
Massey,  
J. T. Miller,  
W. J. T. Miller,  
Monday,  
Moore,  
Morris,  
Morrow,  
Thompson,  
Tomlinson,  
Wadsworth,  
L. Walker,  
J. Walker,  
J. O'K. Williams,  
Ziglar.

Those who voted in the negative, were
Messrs.

Barringer,  
Boyden,  
Brannock,  
Brower,  
Brummell,  
Bryan,  
Burns,  
J. P. Caldwell,  
Carson,  
Clegg,  
J. W. Covington,  
Doak,  
Eaton,  
Franklin,  
J. R. Gilliam,  
D. A. Graham,  
Grandy,  
Gray,  
J. Graham,  
Guthrie,  
Hawkins,  
Hill,  
Holt,  
Hoverton,  
Joiner,  
H. C. Jones,  
Keener,  
King,  
W. B. Lane,  
Lilly,  
Mendenhall,  
E. P. Miller,  
Mills,  
McClenehan,  
McCollum,  
McMillan,  
McLaurin,  
Neal,  
Paine,  
Patton,  
Patterson,  
Pemberton,  
Poindexter,  
Rand,  
Robards,  
Siler,  
J. W. Taylor,  
Whitehurst,  
F. Williams,  
Winston,  
Wilson,  
Withers,  
Young.

The question shall the said bill pass the second reading, as amended? was decided in the negative—yeas 52, nays 58. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were
Messrs.

Barringer,  
Boyden,  
Brannock,  
Brower,  
Brummell,  
Bryan,  
Burns,  
Carson,  
Guthrie,  
Guyther,  
Hawkins,  
Jefferson,  
H. C. Jones,  
Keener,  
W. B. Lane,  
Lilly,  
McCollum,  
McLaurin,  
McMillan,  
Neal,  
Patton,  
Pemberton,  
Poindexter,  
Rand,
Mr. Paine, upon the calling of his name, asked to be excused from voting on this question. The House refused to excuse him; and he voted in the negative, as above mentioned.

After the House had voted, and before the result was announced, Mr. Spruill demanded the right to vote, declaring at the same time that he was a stockholder in said Company. The Speaker decided that he had no right to vote, according to the Rules of Order; and the name of Mr. Spruill was not called.
On motion, the House then adjourned until Monday morning, ten o'clock.

MONDAY, JAN. 4, 1841.

Received a message from the Senate, informing that they had passed the engrossed bill to lay off and establish a road down the Blue Ridge, from the line of the county of Yancey, to Turkey Cove Creek, in Burke county, with amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Messrs. Pope, McMillan, J. W. Covington and Pemberton were appointed a committee on enrolled bills for the present week.

Mr. Poindexter, from the Committee on Claims, reported unfavorably on the petition of Ezekiel Brewer, and asked to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate, concurring in the proposition of this House to raise a Committee of Conference on the disagreeing votes of the two Houses, on the bill directing the conveyance of the Commons adjoining the town of Murphy—and informing that Messrs. Clingman, Bynum and Bond form their branch of said committee.

Ordered, That the committee on the part of the Commons consist of Messrs. Reid, Moore and McClanahan.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz:
- A bill to incorporate the town of Rutherfordton;
- A bill concerning jurors in Burke county;
- And a resolution concerning Lumber River;
- And asking the concurrence of this House.

Said bills and resolution were each read the first time and passed.

Mr. Siler presented a resolution concerning the bonds given for lands, at the Cherokee land sales. The said resolution was read the first time and passed, and, on motion of Mr. Cardwell, referred to the Committee on Cherokee Lands.

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

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

The engrossed resolution in favor of Thomas L. West, was read the second and third times, passed, and ordered to be enrolled.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was, on motion of Mr. Reid, made the order of the day for to-morrow.

The bill to incorporate the Concord Manufacturing Company, was, on motion of Barringer, taken up and made the order of the day for to-morrow.

Mr. Moore, from the Committee of Conference on the disagreeing votes of the two Houses on the bill directing the conveyance of the Commons adjoining the town of Murphy, to the Chairman of the County Court of Cherokee, made a report; which was read and concurred in.

The bill to repeal an act entitled an act to appoint a Committee of Finance for the county of Richmond, passed at the session of 1829-'30, was read the second and third time, passed, and ordered to be engrossed.

Mr. J. P. Caldwell moved that the House do now re-consider their vote of Saturday last, by which was rejected the bill for the relief of the Raleigh and Gaston Rail Road Company. The question on this motion was decided in the affirmative—yeas 61, nays 49. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Mr. Reid moved to strike out the proviso inserted at the end of the eighth section, on the motion of Mr. Cardwell, on Saturday last.

Pending the motion to strike out, the said proviso was amended, on Mr. Cardwell's motion, by striking out the words, "and every"; also, by inserting the word "severally," after the word "therein."

The question then recurring on Mr. Reid's motion to strike out the proviso, as thus amended, was decided in the negative—yeas 52, nays 59.
Those who voted in the affirmative, were

Messrs.

Barringer, Guthrie, McLaurin,
Beall, Hawkins, Neal,
Brannock, Hill, Paine,
Brumwell, Holt, Patton,
Bryan, Howerton, Patterson,
Burns, Huggins, Poindexter,
J. P. Caldwell, Jefferson, Proctor,
Carson, H. C. Jones, Rand,
Clegg, Keener, Reid,
J. W. Covington, King, Robards,
J. M. Covington, W. B. Lane, Siler,
Doak, Lilly, Whitehurst,
Eaton, Mangum, F. Williams,
Franklin, Massey, Winston,
J. R. Gilliam, Mendenhall, Withers,
D. A. Graham, E. P. Miller, Young,
J. Graham, McClenehan,
Gray, McCollum,
Mr. Paine moved that the bill lie on the table. The question thereon was decided in the negative—yeas 9—nays 100.

Those who voted in the affirmative, were

Messrs.

J. R. Gilliam, Jacobs, Paine,
Allen, King, Pope,
Hyman, Moore, Wadsworth.

Those who voted in the negative, were

Messrs.

Adams, Gray, McCollum,
Baker, Guthrie, McLaughlin,
Bannerman, Hawkins, McLaurin,
J. Barnes, Herring, McMillan,
E. Barnes, Hill, Neal,
Barringer, Holland, Patton,
Beall, Holt, Patterson,
Biggs, Howerton, Pemberton,
Boyd, Huggins, Poindexter,
Boyden, Jefferson, Powell,
Brannock, Joiner, Proctor,
Briggend, H. C. Jones, Ragan,
Brower, J. B. Jones, Rand,
Brummitt, C. Jones, Reid,
Bryan, R. Jones, Robards,
Burns, Keener, Russell,
J. P. Caldwell, Kerr, Siler,
G. W. Caldwell, Killian, Smith,
Cardwell, W. B. Lane, Sullivan,
Carson, I. W. Lane, Stallings,
Clegg, Lilly, J. W. Taylor,
J. M. Covington, Massey, F. Taylor,
J. W. Covington, E. P. Miller, Tomlison,
Dickson, J. T. Miller, J. Walker,
Doak, W. J. T. Miller, L. Walker,
Eunett, Mendenhall, Whitehurst,
Eaton, Mills, J. O'K. Williams,
Farrow, Monday, F. Williams,
Franklin, Morris, Winston,
Fleming, Morrow, Wilson,
Gee, Munroe, Withers,
Mr. Cad. Jones moved that the bill be referred to a Select Committee, with directions to inquire into the condition of the Raleigh and Gaston Rail Road Company, and into the extent of the liability of the State under the act of 1838, and how far it is practicable to provide for the more effectual security of the State against loss upon the endorsements of Rail Road notes, and how far it is practicable to relieve said Road; and that the committee have leave to report by bill or otherwise. The question on this motion was decided in the negative.

Ordered, on motion of Mr. Robards, that a message be sent to the Senate, proposing that said bill be referred to a Joint Select Committee of five on the part of each House.

Mr. Cardwell offered the following resolution; which was read and adopted:

Resolved, That the President of the Raleigh and Gaston Rail Road Company be requested to inform this House what amount of stock is owned in said company by non-residents of this State.

Mr. Barringer presented a bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Cabarrus and Mecklenburg; and Mr. Grandy a bill to revive an act passed in 1835, authorizing David T. Sawyer to lay off and construct a road, and for other purposes. These bills were read the first time and passed.

The bill giving to the county of Cherokee a Superior Court of Law and Equity;

The bill to incorporate the Trustees of the Asheville Female Academy, in Buncombe county;

The bill concerning Deputy Sheriffs;

The bill to encourage the destruction of wolves in the county of Haywood;

The bill to incorporate the Raleigh Mechanics' Association;

The bill to amend the laws concerning the fees of Coroners;

The bill for the better regulation of the County Courts of Cumberland;

The resolution for distributing the Revised Statutes;
And the resolution in favor of B. and A. Morrison, were each read the second time and passed.

The bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore; and the bill to amend the 22nd section of the Revised Statutes, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation, were each read the second and third times, passed and ordered to be engrossed.

The engrossed resolution in favor of the Public Treasurer, and the engrossed resolution in favor of Mark H. Hill, were each read the second and third times, passed, and ordered to be enrolled.

The bill to provide for the distribution of the proceeds of land sold for partition in certain cases, was, on motion of Mr. Winston, referred to the Committee on the Judiciary.

Mr. Barringer, from the Joint Select Committee, who were instructed to inquire into the expediency of an extra session of the General Assembly, made a report and asked to be discharged from the further consideration of the subject. The report was, on motion of Mr. Winston, laid upon the table.

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

Three O'clock, P. M.

Mr. Whitemhurst presented a bill to alter the rate of pilotage over Ocracoke Bar and the Swashes; which was read the first time and passed, and referred, on Mr. Wadsworth's motion, to the Committee on Propositions and Grievances.

Mr. Boyden presented a bill in addition to the Revised Statutes, entitled an act for the prevention of frauds and fraudulent conveyances; which was read the first time and passed, and referred, on Mr. Boyden's motion, to the Committee on the Judiciary.

Mr. presented a bill in regard to the duties of Public Registers of this State; which was read the first time and passed, and referred, on motion of Mr. Winston, to the Committee on the Judiciary.

The engrossed bill giving to the county of Henderson a Superior Court of Law and Equity, was read the second time, amended and passed.
The bill to compel the militia officers of Mecklenburg county to drill three days in each and every year; and the bill to repeal an act entitled an act directing the County Courts to pay fees to certain officers therein named, as far as respects the county of Randolph, were each read the second time and passed.

The resolution in favor of John Moore was read, and on motion of Mr. Patton, postponed indefinitely.

The bill to secure to Mary Sandlin, of Duplin county, such property as she may hereafter acquire, was, on motion of Mr. Winston, postponed indefinitely.

The bill upon the subject of a Penitentiary was read the second time.

Mr. Spruill moved that said bill be postponed indefinitely. The motion was lost; and the question shall said bill pass the second reading? was determined in the affirmative—yeas 77, nays 31. Yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Adams, Gray, McLaurin,
Bannerman, Herring, McMillan,
J. Barnes, Hill, Neal,
E. Barnes, Holland, Patton,
Barringer, Holt, Patterson,
Beall, Howerton, Poindexter,
Biggs, Hyman, Pope,
Boyd, Jacobs, Powell,
Brannock, J. B. Jones, Proctor,
Brogden, C. Jones, Ragan,
Brower, R. Jones, Rand,
Brumwell, Kerr, Siler,
Bryan, Killian, Sullivan,
G. W. Caldwell, W. B. Lane, J. W. Taylor,
Chambers, Mangum, F. Taylor,
Clegg, Massey, Thompson,
J. W. Covington, Mendenhall, Tomlinson,
J. M. Covington, E. P. Miller, Wadsworth,
Dickson, W. J. T. Miller, L. Walker,
Doak, Monday, J. Walker,
Eunett, Moore, Whitehurst,
Fleming, Morrow, J. O'K. Williams,
Resolved, That a message be sent to the Senate, proposing that both Houses of the General Assembly adjourn sine die, on Friday the 8th of January, 1841.

Mr. Brummell moved that said resolution lie on the table. The question thereon was decided in the affirmative—yeas 56, nays 48. The yeas and nays demanded by Mr. Holt.

Those who voted in the affirmative, were

Messrs.

F. Barnes, Graves, Moore,
Barringer, Gray, Munroe,
Beall, Guthrie, McClenehan,
Boyd, Hawkins, McLaurin,
Boyden, Hill, McMillan,
Bannock, Howerton, Patton,
Brower, Hyman, Patterson,
Brummell, Jacobs, Poindexter,
Bryan, Jefferson, Rand,
Burns, Joiner, Reid,
Chambers, H. C. Jones, Siler,
J. M. Covington, C. Jones, Smith,
Mr. Jefferson offered the following resolution; which was read, and on Mr. Winston's motion, laid upon the table, viz:

Resolved, That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn on Monday next, until the first day of January, A. D. 1842.

A message from the Senate, concurred in the proposition of this House to refer the bill for the relief of the Raleigh and Gaston Rail Road Company to a Joint Select Committee of five on the part of each House, and informing that Messrs. Edwards, Waddell, Shepard, Mitchell & Kerr form their branch of said committee.

Ordered, That Messrs. Barringer, C. Jones, Rand, McClenehan and Eaton form said committee on the part of this House.
The resignation of David Hendrick as a Justice of the Peace for the county of Stokes, was read and accepted.

A bill to prevent frauds in the execution of deeds of trust, was read; and on motion of Mr. Holt, indefinitely postponed—yeas 62, nays 39. Yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Adams, Holland, Munroe,
E. Barnes, Holt, McClenahan,
Boyd, Howerton, McCollum,
Brannock, Jacobs, Paine,
Brower, Jefferson, Pope,
Burns, Joiner, Proctor,
J. P. Caldwell, J. B. Jones; Ragan,
Cardwell, R. Jones, Rand,
Clegg, C. Jones, Smith,
J. M. Covington, Keener, Spruill,
J. W. Covington, Killian, Sullivan,
Dickson, King, Stallings,
Doak, W. B. Lane, Thompson,
Ennett, I. W. Lane, Tomlinson,
Farrow, Mangum, Wadsworth,
Gee, Massey, L. Walker,
J. Graham, Keener, J. O'K. Williams,
Grandy, Killian, Winston,
Graves, King, Wilson,
Hawkins, Mendenhall, Ziglar,
Hill, Moore,

Those who voted in the negative, were

Messrs.

Allen, Franklin, Neal,
Baker, D. A. Graham, Patton,
Bannerman, Gray, Patterson,
J. Barnes, Guthrie, Pemberton,
Barringer, Huggins, Poindexter,
Beall, Hyman, Powell,
Biggs, H. C. Jones, Russell,
Brogden, Kerr, J. W. Taylor,
Boyden, Mills, J. Walker,
Brummell, Monday, Whitehurst,
Mr. Boyden called up for consideration the resolutions relating to the Public Domain.

Mr. Cardwell offered the following amendment as an additional resolution:

Resolved further, That under the present pecuniary embarrassment of the country, 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.

The question on the adoption of this amendment was decided in the negative—yeas 43, nays 63.

Those who voted in the affirmative, were:

Messrs.

Adams, Guthrie, Monday,
Banherman, Hawkins, Morrow,
J. Barnes, Herring, Munroe,
E. Barnes, Holland, Neal,
Biggs, Howerton, Patterson,
Boyd, Jacobs, Powell,
Brogden, J. B. Jones, Ragan,
G. W. Caldwell, C. Jones, Rand,
Cardwell, R. Jones, Reid,
Chambers, Kerr, Sullivan,
Dickson, Killian, Stallings,
Eaton, I. W. Lane, F. Taylor,
Eunett, Mangum, Tomlinson,
Fleming, Massey, L. Walker,
J. Graham, J. T. Miller, J. Walker,
Graves, W. J. T. Miller, Ziglar.

Those who voted in the negative, were

Messrs.

Allen, Gray, McLaurin,
Barringer, Hill, McMillan,
Beall, Holt, Paine,
Boyden, Huggins, Patton,
Mr. Patterson moved that the House adjourn until tomorrow 10 o'clock. The question thereon was decided in the negative—yeas 4, nays 102. The yeas and nays demanded by Mr. Patterson.

Those who voted in the affirmative, were

Messrs.

Mangum, Rand, Winston.
Patterson,

Those who voted in the negative, were

Messrs.

Adams, Grandy, Murchison,
Allen, Graves, McClenehan,
Jaker, Gray, McCollum,
Baunerman, Hawkins, McLaurin,
J. Barnes, Herring, McLaurlin,
E. Barnes, Hill, McMillan,
Barringer, Holland, Neal,
Reell, Holt, Payne,
Biggs, Howerton, Patton,
Boyd, Huggins, Pemberton,
Boydlen, Hyman, Pindexter,
Brannock, Jacobs, Pope,
The question now being on the adoption of the resolution, the House agreed, on motion of Mr. Cardwell, to take the question on each separately. And the question then was on the adoption of the first resolution in the following words, viz:

*Be it therefore resolved, That this General Assembly do condemn in the most decided manner, any act by the Congress of the United States, whatever title it may bear, which contemplates a disposition of the proceeds of the sales of the public lands, otherwise than as set forth in the deeds of cession from the several States.*

The question on the adoption of this resolution was decided in the affirmative—yeas 103, nay 1.

Those who voted in the affirmative, were

Messrs.

Adams,
Allen,
Baker,
Bannerman,  
Brogden,  
Brower,  
Brummell,  
Bryan,  
Burns,  
J. P. Caldwell,  
G. W. Caldwell,  
Cardwell,  
Carson,  
Chambers,  
Clegg,  
J. M. Covington,  
J. W. Covington,  
Dickson,  
Dook,  
Eaton,  
Ennett,  
Fleming,  
Franklin,  
Gee,  
D. A. Graham,  
J. Graham,  
Jefferson,  
Joiner,  
H. C. Jones,  
J. B. Jones,  
R. Jones,  
Keener,  
Kerr,  
King,  
W. B. Lane,  
I. W. Lane,  
Lilly,  
Massey,  
Mendenhall,  
E. P. Miller,  
J. T. Miller,  
W. J. T. Miller,  
Mills,  
Monday,  
Moore,  
Morris,  
Morrow,  
Monroe,  
Powell,  
Proctor,  
Ragan,  
Reid,  
Robards,  
Smith,  
Spruill,  
Stallings,  
J. W. Taylor,  
F. Taylor,  
Thompson,  
Tomlinson,  
Wadsworth,  
J. Walker,  
L. Walker,  
Whitehurst,  
J. O’K. Williams,  
F. Williams,  
Wilson,  
Withers,  
Young,  
Ziglar.
Mr. Ennett voted in the negative.

The second resolution was in the words following, viz:

1. Resolved further, That our Senators and Representatives in the Congress of the United States be requested to use their best exertions to procure the passage of a bill directing the division of the proceeds of the sales of the public domain among the States in an equitable ratio, to be used by the States for Internal Improvement, Education, or any other purpose as may be deemed expedient by the several States receiving said distribution.
The question on adopting this resolution, was decided in the affirmative—yes 68; nays 40.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.
Baker, Bannerman, J. Barnes, E. Barnes, Biggs, Boyd, Brogden, G. W. Caldwell, Cardwell, Chambers, Dickson, Graves, Hawkins, Herring, Holland, Howerton, J. B. Jones, R. Jones, Kerr, Killain, L. W. Lane, Mangum, Morrow, Monroe, Patterson, Powell, Ragan, Rand, Reid, Stallings, Tomlinson, L. Walker, J. Walker,
The third resolution was in the words following, viz:

Resolved, That the Governor of this State 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 resolution was decided in the affirmative—yeas 68, nays 39.

Those who voted in the affirmative, were

Messrs.
Adams, Hill, McLaurin,
Allen, Holt, McMillan,
Barringer, Huggins, Neal,
Beall, Hynan, Paine,
Boyden, Jacobs, Patton,
Brannock, Jefferson, Penber-ton,
Brower, Joiner, Poindexter,
Brumwell, H. C. Jones, Pope,
Bryan, Keener, Proctor,
Burns, King, Robards,
J. P. Caldwell, W. B. Lane, Siler,
Carson, Lilly, Smith,
Clegg, Mendenhall, Spruill,
J. W. Covington, E. P. Miller, Taylor,
J. M. Covington, W. J. T. Miller, Thompson,
Doak, Mills, Wadsorth,
Franklin, Moore, Whitehurst,
Gee, Morris, J. O'K. Williams,
J. R. Gilliam, Murchison, F. Williams,
D. A. Graham, McCleese, Wilson,
J. Graham, McClenehan, Withers,
Graudy, McCollum, Young,
Gray, McLaughlin,

Those who voted in negative, were

Messrs.
Baker, Fleming, J. T. Miller,
Bannerman, Graves, Monday,
Mr. Eaton called for a division of the question on the Preamble; and the question on receiving the first clause thereof in the following words, viz: "Whereas, we believe that each of the United States, being a party to the national compact, possesses an interest in the public domain 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 expenditures," was decided in the affirmative—yeas 107, nays 1.

Those who voted in the affirmative, were

Messrs.

Adams, Gray,  McClenehan,
Allen, Hawkins,  McCollum,
Baker, Herring,  McLaughlin,
Bannerman, Hill,  McLaurin,
E. Barnes, Holland,  McMillan,
J. Barnes, Holt,  Neal,
Barringer, Howerton,  Paine,
Beall, Huggins,  Patton,
Biggs, Hyman,  Patterson,
Boyd, Jacobs,  Pemberton,
Boyden, Jefferson,  Poindexter,
Brannock, Joiner,  Pope,
Broden, H. C. Jones,  Powell,
Brower, J. B. Jones,  Proctor,
Brummell, R. Jones,  Ragan,
Bryan, Keener,  Reid,
Burns, Kerr,  Robards,
J. P. Caldwell, Killian,  Siler,
G. W. Caldwell, King,  Smith,
Cardwell, W. B. Lane,
Mr. Ennett alone voted in the negative.

The question on the adoption of the second branch of the Preamble, in the words following, viz: "And we see with regret that by the introduction of bills called Pre-emption Bills, Graduation Bills, and other measures into the Congress of the United States, manifest injustice is intended to the older members of the Confederacy," was decided in the affirmative—yeas 70, nays 39.

Those who voted in the affirmative, were

Messrs.

Adams, Hill, McMillan;  
Allen, Holt, Neal;  
Barringer, Huggins, Paine;  
Beall, Hyman, Patton;  
Boyden, Jacobs, Pemberton;  
Brannock, Jefferson, Poindexter;  
Brower, H. C. Jones, Pope;  
Brummell, Mendenhall, Proctor;  
Bryan, E. P. Miller, Robards;  
Burns, W. J. T. Miller, Siler;  
J. P. Caldwell, Mills, Smith;  
Carson, Moore, Spruill;  
Clegg, Morris, J. W. Taylor;  
J. W. Covington, Murchison, Thompson;  
J. M. Covington, McCleese, Tomlinson;  
D. A. Graham,
Those who voted in the negative, were

Messrs.
Baker, Graves, Monday,
Bannerman, Hawkins, Morrow,
J. Barnes, Herring, Munroe,
E. Barnes, Holland, Patterson,
Biggs, Howerton, Powell,
Boyd, J. B. Jones, Ragan,
Brogden, R. Jones, Rand,
G. W. Caldwell, Kerr, Reid,
Cardwell, Killian, Sullivan,
Dickson, I. W. Lane, Stallings,
Eaton, Mangum, L. Walker,
Ennett, Massey, J. Walker,
Fleming, J. T. Miller, Ziglar.

Ordered, That said Preamble and Resolutions be engrossed.

The House then adjourned until to-morrow morning, ten o'clock.
zens of the county of Onslow, I recommend the following Persons to the appointment of Justices of the Peace in said county, viz: David W. Saunders, Edward W. Montford, Owen Huggins and Isaac N. Saunders.

Signed         F. J. HILL,
Commoner for the county of Brunswick."

On motion of Mr. Ennett,

Ordered, That the further consideration of the same be postponed indefinitely.

On motion of Mr. Winston, the House took up for consideration the report of the Joint Select Committee on the expediency of an extra session of the General Assembly, when the report of the committee was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Paine presented a bill to incorporate the Light Infantry Company, in the town of Edenton; which was read the first time and passed.

Mr. Reid presented a resolution to pay certain contingent expenses of this General Assembly; which was read the first time and passed, and referred, on Mr. Reid's motion, to the Committee on Claims.

Mr. Siler, from the Committee on Cherokee Lands, reported the resolution concerning the bonds given for land at the Cherokee Land Sales without amendment.—The said resolution was read and amended, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

Mr. J. P. Caldwell, from the Committee on Military Affairs, asked to be discharged from the further consideration of so much of the Governor's message as relates to Uniform Voluntary Companies of Militia. The report was concurred in.

On motion of Mr. J. Barnes, the House took up for consideration the resolution by him introduced on the 24th of December ultimo, calling upon the Public Treasurer for certain information relating to the public fund.

On motion of Mr. Barringer, the said resolution was amended by adding the following:

"And that a committee of five be appointed to inquire into the loans made by the Board of Internal Improvement and Literary Fund; that they examine into the solvency of the borrowers, and report to this House."
The question on adopting this resolution, as thus amended, was decided in the affirmative—yeas 99, nays 11. The yeas and nays demanded by Mr. J Barnes.

Those who voted in the affirmative, were

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Those who voted in the negative, were

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<th>Monday</th>
<th>McLaughlin</th>
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<td>Gee</td>
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Mr. J. P. Caldwell, from the Committee on Military Affairs, reported unfavorably on the resolution upon the subject of amending the militia laws of this State; and asked to be discharged from the further consideration of the subject. The report was concurred in.

The bill to amend the Revised Statutes, entitled an act concerning the appointment of guardians and the management of orphans and their estates; and the bill to regulate the measurement of ton and square timber and saw mill lumber, were each read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate the Trustees of Hopewell Academy, near Stantonburgh, in Edgecomb county, was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Withers,

Resolved, That the bill to establish and regulate Common Schools throughout the State, be the order of the day, beginning to-morrow at 11 o'clock, and every subsequent day, beginning at the hour of eleven, until disposed of; and shall have precedence of all other matters.

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

THREE O'CLOCK, P. M.

The bill to amend the Revised Statutes, entitled an act for preventing of frauds and fraudulent conveyances;

The bill for the better government and regulation of the town of Murfreesborough, in Hertford county;

And the bill in favor of poor debtors, were each read the third time, passed, and ordered to be engrossed.

The bill to amend an act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie Rivers and their waters, was read, and on motion of Mr. Smith, laid on the table.

Mr. Robards, from the Committee on Military Affairs, to whom was referred the petition of the officers of the 67th regiment of militia, praying the passage of a law
compelling the militia to muster six times a year, reported unfavorably thereon. The report was concurred in.

The bill to compel the militia officers of Mecklenburg county to drill three days in each and every year;

And the bill to repeal an act entitled an act directing the County Courts to pay fees to certain officers therein named, so far as relates to the county of Randolph, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill giving to the county of Henderson a Superior Court of Law and Equity, was read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment made on the second reading of the bill.

Mr. Barringer offered the following Resolution:

Resolved, That the operation of the 31st Rule of Order be suspended for the residue of the session.

Said resolution was read and laid upon the table.

The bill upon the subject of a Penitentiary, was read the third time.

Mr. Spruill moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 29, nays 73. The yeas and nays demanded by Mr. L. Walker.

Those who voted in the affirmative, were

Messrs.

Boyd, Hawkins, Pemberton,
Boydhen, Jefferson, Poindexter,
Burns, H. C. Jones, Reid,
J. P. Caldwell, Kerr, Spruill,
Clegg, Lilly, Sullivan,
Dickson, E. P. Miller, Stallings,
Eaton, J. T. Miller, F. Williams,
Eunett, Mills, Withers,
Farrow, Moore, Young,
Guthrie, Murchison,

Those who voted in the negative, were

Messrs.

Adams, Graves, McLaurin,
On motion of Mr. Moore,

Ordered, That said bill lie on the table—yeas 56, nays 53. The yeas and nays demanded by Mr. Cad. Jones.

Those who voted in the affirmative, were

Messrs.

Adams
Allen
Bannerman
F. Barnes
Biggs
Boyd
Boydcn
Brogden
Burns
J. P. Caldwell
Cardwell
Carson
Clegg

Gray
Guyther
Holland
Holt
Howerton
Huggins
Hyman
Jacobs
Joiner
J. B. Jones
R. Jones
Keener
Killian
King
W. B. Lane
Mangum
Massey
W. J. T. Miller
Morris
Morrow
Munroe
McClenehan
McCollum
McLaughlin

McMillan
Pope
 Patton
Proctor
Ragan
Rand
Robards
Russell
Siler
Smith
J. W. Taylor
F. Taylor
Thompson
Tomlinson
Wadsworth
J. Walker
L. Walker
Whitehurst
J. O.K. Williams
Winston
Wilson
Ziglar

Pemberton
Poindexter
Pope
Ragan
Reid
Robards
Russell
Smith
Spruill
Sullivan
Stallings
J. W. Taylor
F. Taylor
Dickson, J. T. Miller, Thompson,
Eaton, Mills, Tomlinson,
Farrow, Moore, F. Williams,
Foreman, Munroe, Withers,
Gee, Murchison, Young,
Grandy, Paine,

Those who voted in the negative, were Messrs.
J. Barnes, Graves, Morrow,
Barringer, Guyther, McClenehan,
Beall, Hill, McCollum,
Brannock, Holland, McLaughlin,
Brower, Howerton, McLaurin,
Brummell, Holt, McMillan,
Bryan, Huggins, Neal,
G. W. Caldwell, Hyman, Patton,
Chambers, Jacobs, Patterson,
J. W. Covington, J. B. Jones, Proctor,
J. M. Covington, C. Jones, Siler,
Doak, Keener, Wadsworth,
Eunett, King, L. Walker,
Fleming, Mangum, J. Walker,
Franklin, Mendenhall, Whitehurst,
J. R. Gilliam, E. P. Miller, J. O'K. Williams,
D. A. Graham, W. J. T. Miller, Wilson,
J. Graham, Morris,

The bill relating to vagrants was read the third time, passed, and ordered to be engrossed.

Mr. Mendenhall offered a bill to improve the State Roads from Reddies River, to the Tennessee line, by way of Jefferson, in Ashe county; which was read the first time and passed.

A message from the Senate, informing that Messrs. Mitchell and Orr form their branch of the committee on enrolled bills the present week.

The Speaker appointed Messrs. J. Barnes, G. W. Caldwell, Pope, Fleming and Lilly to complete the select committee raised this day on the resolution of Mr. J. Barnes relating to the funds under the direction of the boards of Internal Improvement and Literary Fund.

Mr. Smith called up for consideration the bill to amend and act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie rivers and their waters.
Mr. Spruill moved to amend the bill by inserting after the words Cashie rivers and its waters, the words Albemarle Sound and its waters. The question on this amendment, was decided in the negative—yeas 33, nays 74.—The yeas and nays demanded by Mr. Guyther.

Those who voted in the affirmative, were

Messrs.

Bannerman,  Gee;  W. J. T. Miller;
J. Barnes,  Gray;  Neal,
E. Barnes,  Guyther;  Patterson;
Biggs,  Herring;  Pope,
Boyd,  Holland;  Powell,
Boydien,  Jacobs;  Spruill,
Brogden,  Jefferson;  Sullivan,
Brower,  Joiner;  F. Taylor;
Bryan,  R. Jones;  L. Walker;
Clegg,  I. W. Lane;  J. Walker;
Dickson,  E. P. Miller;  Ziglar.

Those who voted in the negative, were

Messrs.

Adams,  Hill;  McLaurin;
Allen,  Holt;  McMillan;
Barringer,  Huggins;  Paine;
Beall,  Hyman;  Patton;
Brannock,  H. C. Jones;  Pemberton;
Brumnell,  C. Jones;  Poindexter;
Burns,  J. B. Jones;  Proctor;
J. P. Caldwell,  Keener;  Ragan;
G. W. Caldwell,  Kerr;  Rand;
Cardwell,  King;  Reid;
Carson,  W. B. Lane;  Robards;
J. M. Covington,  Lilly;  Russell;
J. W. Covington,  Mangum;  Siler;
Doak,  Massey;  Smith;
Eatou,  Mendenhall;  Stallings;
Ennett,  J. T. Miller;  Thompson;
Farrow,  Mills;  Tomlinson;
Fleming,  Monday;  Wadsworth;
Foreman,  Morrow;  Whitehurst;
Franklin,  Morris;  J. O'K. Williams;
D. A. Graham,  Munroe;  F. Williams,
Ordered, on motion of Mr. Biggs, that the said bill be postponed indefinitely.

The engrossed bill concerning the collection of fines and costs from free negroes and free persons of color, was read the third time. Mr. Guyther moved that the further consideration of the bill be postponed indefinitely. The question thereon was decided in the negative—yeas 16, nays 89. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

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Those who voted in the negative, were

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Carson,       Keener,       Russell,
Clegg,       Kerr,         Spruill,
J. M. Covington, Killian,     Stallings,
J. W. Covington, King,         F. Taylor,
Doak,        I. W. Lane,   Thompson,
Eaton,       Lilly,         Tomlinson,
Ennett,      Mangum,       Wadsworth,
Farrow,      Massey,       L. Walker,
Foreman,     J. T. Miller, J. Walker,
Franklin,    W. J. T. Miller, Wilson,
Gee,         Mills,         Young,
D. A. Graham, Monday,       Ziglar,
J. Graham,   Morris,

The question shall said bill pass the third reading? was determined in the affirmative.

Ordered, that said bill be enrolled.

Mr. H. C. Jones submitted the following Protest in behalf of himself and the co-signors, viz:

The undersigned submit the following as their protest to the amendment offered by the Committee on Private Bills to the bill to incorporate Little River Manufacturing Company, which said amendment was adopted by the House, (the undersigned voting in the minority.)

The view which we have taken of corporations as instruments applied to effect great public works, or to aid and assist private enterprise, leads us to the conclusion that a distinction may well be drawn between such corporation as the public by common consent requires, and such as only have a tendency to benefit the country by increasing individual wealth, and thereby augmenting, to a limited degree the resources of the State. In both, it is true private capital must be tempted to leave its present employment, but in the former, as a larger amount is required, the temptation usually must be greater than in the latter. This circumstance, united with a higher public demand for the corporation, introduces a very proper distinction between the privileges granted to different kinds of chartered companies. Every corporation involves the idea of additional privileges, but it is deceptive to affirm that every additional privilege is exclusive, when it is so much a matter of course as with us to grant corporate privileges to every association of men which desires them, in order to pursue any branch of industry; and where the existence of a company furnishes no rea-
son to withhold the like privileges from a rival company.—
The corporate privileges granted, can, in no view, be said to be exclusive.

Nothing but a sense of the public interest, which is always paramount to private indulgences, ought to confer an exclusive privilege on a company. And nothing but a sense of the same public interest ought ever to exclude another company from participating in similar privileges. The illustration is easy and familiar. The welfare of the State depends essentially on the quantity of its currency. The quantity of the currency depends upon the amount of bank capital employed. The State must therefore regulate the amount.

Now, if the State, after settling the amount of capital necessary for the purposes of currency, deem it good policy to invite individuals to take it, as a matter of course she must refuse to allow its extension when asked, upon the mere ground that other individuals also desire to invest their capital in like manner.

Corporations are mere creatures of legislative policy, and should always be designed to effect some public good. Not unfrequently, however, when they are applied for, the enquiry of public good, is satisfied by the conviction that they will do no harm; so that, to some extent, they have become instruments to effect purposes as purely private as the cultivation of a farm, or the trade of merchandize. This consideration we believe to be authority, for the opinion that the separate property of the corporators should be bound for the debts of the corporations—an opinion which, if it was well founded in respect to corporations of such private character, would be ill applicable to corporations whose success vitally affects the public welfare. Where, from experience, the profitableness of any particular pursuit of industry is well established, capitalists will venture without fear. But in such, this extended liability is the less necessary; for, in proportion, as the hazard of capital is small, so will be the hazard to the creditors of the corporations thus engaged.—In all those pursuits, as to which experience may not have solved the question of profit, capitalists, except in times of mad speculation, are very wary and distrustful; the hope of gain may tempt some to the enterprize, but the fear of loss will warn more against the doubtful experiment; and few will venture where their entire fortune is made by law to depend upon a chance as uncertain in its issue as is the stake of a gamester upon the throw of his dice. As to cor-
porations, whose pursuit is for the most part profitable, and whose failure may generally be traced to mismanagement, it would be cruel to visit their culpability, on those who, by the very constitution of the artificial creature are excluded from controlling its action; whose position as mere members affords them little more opportunity to know their situation than is afforded to the world at large. Shall, then, such corporations exist without responsibility somewhere? Such tolerance would, in many cases, be equally cruel to the creditor.

To strike that mean which on the one hand secures the creditor from imposition, and on the other does not drive capital from the field of enterprise, which protects the innocent creditor as well as the innocent corporation, is a desideratum which liberal institutions like ours are in continual search of. The very nature of a corporation requires that its function should be performed by a few, and its transactions are, for the most part, withdrawn from the scrutiny of many of its members. This circumstance, if no other existed, would restrain men from venturing their whole estate, while they might be well disposed to risk a part of it.

To bind the separate property of the corporators to an unlimited extent for corporate debts, involves the hazard of utter bankruptcy. If these remarks are true of corporations engaged in business, which is usually productive of profit, how self-evident do they become when applied to companies which undertake untried enterprises. The profits of capital must depend on the skill with which labor is directed—and experience is the great producer of skill. The skill required is not unfrequently the dear bought lesson of many disappointments and failures: if these disasters should be attended with the danger of utter poverty, men of moderate fortunes would seldom invest a farthing, and the spirit of enterprise, checked where it is most commonly found, would languish altogether, or be indulged (where only it could be safely indulged) by the overgrown wealth of rich capitalists. Few men may every where be found who are willing to risk the tenth part of their estate in an enterprise where no one of them would risk his all. If this be granted, the important enquiry arises, is it promotive of the public welfare that associations of men should be encouraged by the grant of corporate powers and immunities?

The answer to this question must depend on the character of the pursuit in which such corporations are engaged; if their tendency is to improve the face of the country, to facili-
tate commercial and agricultural exchanges, to develop its resources, to impel its industry, to increase the production of the raw material or to manufacture it; the answer is already given.

Although the whole State is much interested in this question, yet the western part is peculiarly so. Remote from navigable waters, and thereby obstructed in the procurement of articles of prime necessity, which are manufactured abroad, self-interest and the presence of abundant water power and raw material serve but to double the stimulus. The natural fruit of the peculiar position of the western half of the State, is already disclosing itself in factories for the fabrication of yarn and cloth; while the local riches of its mines are becoming daily the subjects of attention and industrious enterprise, through the operations of combined capital, united under the advantages of corporate powers. But capital is scarce; and where it exists, it is found in small quantities, and disseminated among many. Our policy is, to collect it and give it an useful direction. In this way, the moderate and equal fortunes of republican citizens are made sufficient to accomplish the greatest and most desirable objects—able to compete in power with the largest individual wealth—and thus to free the country from its monopolizing tendency and domineering influences. Corporations are emphatically the offspring of liberal government, and the handmaids of the arts, the sciences and civilization. It is a remarkable fact, and worthy of our consideration, at least, that the first use of a corporation was, to protect the weak and indigent from the oppressions of power and wealth. By the most intelligent foreigners, astonished at the gigantic stride which has distinguished our march as a nation, corporations are regarded as the powerful instruments with which a democratic people of small individual fortunes, have accomplished what elsewhere required the accumulated wealth of centuries and all the patronage of wealth and honor to effect. M. De Toqueville, the most distinguished foreign observer of our institutions, has lately given to the world the result of his reflections on the interesting subject of corporations. In a work universally popular for its sound philosophy and liberal principles, he speaks as follows:

"I met with several kinds of associations in America, of which I confess I had no previous notion; and I have often admired the extreme skill with which the inhabitants of the United States succeed in proposing a common object to the exertions of a great many men, and in getting them volun-
ri ly to pursue it. I have since travelled over England, whence the Americans have taken some of their laws and many of their customs; and it seemed to me that the principle of association was by no means so constantly or adroitly used as in that country. The English often perform great things singly; whereas the Americans form associations for the smallest undertakings. It is evident that the former people consider association as a powerful means of action; but the latter seem to regard it as the only means of action.

"Thus the most democratic country on the face of the earth is that in which men have, in our time, carried to the highest perfection the art of pursuing in common the object of their common desires, and have applied this new science to the greatest number of purposes. Is this the result of accident? Or is there, in reality, any necessary connection between the principle of association and that of equality?"

"Aristocratic communities always contain, among a multitude of persons who, by themselves, are powerless, a small number of wealthy and powerful citizens, each of whom can achieve great undertakings single-handed. In aristocratic societies, men do not need to combine, in order to act, because they are strongly held together. Every wealthy and powerful citizen constitutes the head of a permanent and compulsory association, composed of all those who are dependent upon him, or whom he makes subservient to his designs."

These are the sentiments of our own enlightened statesmen, and now the common opinion of the statesmen of Europe, who do not hesitate to declare that corporations are the means by which we have scaled our mountains and controlled our most rapid floods—by which we have built up our cities and peopled our domain. Hitherto corporations have proved themselves to be the benefactors of mankind; and this might seem a strong argument against altering their character in the slightest degree, lest we might injure their acknowledged utility. We do not wish to alter their original character, but to preserve it—to restore it, where it is lost. We are therefore willing to engrave on this bill other provisions which, in our opinion, become necessary, because, as is the case with almost all human institutions designed for the good of the State, they have been, and are capable of being, perverted to effect frauds, and to promote pure speculation, unmixed with any purpose of industry. But, while we would adopt these wholesome restraints, which are calculated to curb vicious propensities and check fraudulent speculation, we would avoid, with much carefulness, the imposition of
such restraints as would expel capital and destroy enterprise.

The following are our reasons, in part, for protesting against the vote by which the amendment offered by the committee on private bills, was adopted: This amendment provides that each corporator shall be bound individually for the corporate debts, to the amount of his stock subscribed.

In the first place, the amendment does not determine what stockholder is to be bound, whether the stockholder, at the time of the contraction of the debt, or the stockholder at the time of suit, or at the rendition of judgment, or at the issuing of execution. Now it is manifest, that no one of these can be selected without great injustice in many cases. Take the first—him who is stockholder at the time of contracting the debt: It may be that, at that time, the corporation was in a flourishing condition, well managed, and the debt may not have been the tythe of its means. The corporator sells out his share, and a year after, through mismanagement which he has no power to prevent, or through the accident of fire or flood, the corporate property is swept away. Is it just that he should be made to answer the debt?

Take the second—the stockholder at the time of suit.—The suit may be pending for a great length of time, during which a bona fide transfer of stock may be made. When the Judgment is rendered, through the same causes, the corporation may have become insolvent. Is it just that he should be bound? If it is intended that the amendment shall apply only to the corporator who was a stockholder at the time of the rendition of judgment, or the issuing of execution, then it will be easy for the corporator, who was such at the contraction of the debt, or at the institution of the suit, to avoid liability by assigning his interest to an insolvent man.

But the principle of the amendment is unjust, not only to different corporations, but to individuals of the same corporation. It is unjust to different corporations, because the security provided for creditors is a mere paper security. A, B, and C, are incorporated with the same readiness as D, E, and F. The former may be worth only the capital subscribed; and the latter may be worth thousands besides.

The former may be foreigners; and the latter may be citizens; so that the only risk which the former incur, in fact, is the capital subscribed; while the risk of the latter is double such capital.

It is unjust to individuals of the same corporation, because some may be wealthy and others poor. Corporators cannot select their associates, as partners may; and corporators may
assign their interest without consent; but partners may not.

If then, there be ten corporators of an insolvent institution, with equal stock each, and the deficiency should be fifty per cent., it will rise to one hundred per cent., if half the corporators should be worth only the capital subscribed.

It is clear, then, that with this amendment, there can be no practical equality between different corporations, nor between individuals of the same corporations.

Moreover, whenever such a provision may exist, it will lie in the power of rich corporators to depress the price of stock owned by their less powerful fellows. If they assign to men who are worth nothing but the stock assigned, the hazard of the other corporators is increased in proportion as is diminished the ability of the new corporators to answer their share of insolvencies; just as in the case of a copartnership, if the shares were assignable at pleasure the transfer of a wealthy partner to an indigent one would augment the risk of the other partners, by making him, in case of loss, the only real responsible partner.

But the amendment is wrong in another point of view. If its purpose is to follow (except with such priority as an execution ordinarily gives) the property of any corporator, it establishes contrary to the policy of our law, a secret lien, not only unregistered, but unwritten, unproclaimed and unknown.

But this amendment is wrong in a still more interesting point of view. It proposes to avoid a fraud; but it really perpetrates one. It looks but with one eye. It protects one class of creditors; but sacrifices another. In its great zeal to save the creditors of the corporation, it overlooks the creditors of the members of the corporation.

The debts of the corporation may be, and generally are, unknown, save to the debtor and creditor. The largest portion of the corporator's neighbors are ignorant of his owning stock, even when the corporate property is at hand, and necessarily must be so, if the business of the corporation is managed at a distance. Besides, suits against corporations may be prosecuted to a termination without the knowledge of one-tenth part of its members; much less, therefore, without the knowledge of mere creditors of the individual corporators. Under this amendment, the contractor with the corporation trusts not only to the corporate property, but the property of the individual corporator. The creditors of individual corporators rely almost solely upon their separate estates; for it is a common knowledge that corporate property cannot be ta-
ken to satisfy the personal debts of the members, until after the payment of the corporate obligations. Now, the operation of this amendment is, to give to the corporate creditor, first and before all creditors of members, the corporate fund; and if that be insufficient, to allow him to seize the individual property of the members of the corporation, and to leave the residue, if any, to the creditors of the members. Thus the natural and exclusive fund of the corporate creditor, which is the property of the corporation, is first devoted, without division, to the corporate creditor; and he is then authorized to absorb all the individual property of the members, in exclusion of the creditors of the individuals composing the body. This preference, to our minds, is unjust, impolitic and fraudulent. What are the characteristics that properly belong to every perfect corporation? The fact that it is an artificial body, endowed with all the functions necessary to mere business, at once suggests the idea of a type. Between the individual capitalist, operating with a given sum, and the corporate artificial capitalist, there should be little difference—none, indeed, except what public policy requires. The only essential difference consists in the profits of the investment. With them the individual capitalist enlarges his private fortune, while the corporate capitalist delivers them over to others. The former grows richer, and thereby secures more amply his creditors. The latter remains as it was created, and leaves its creditors to rely on the amount of the original fund.

This difference is demanded by both private interest and public policy. First, because if it were not so, the corporate members could never be benefited by their investment, and millions of wealth would be then a forbidden treasure. Secondly, because such an accumulation of wealth, indivisible by law, and growing every day for ages, would become dangerous to free institutions, by having all men its debtors, its tenants, or its operatives. Jealousy of overgrown wealth and immense capital, is hardly entertained by those who would forbid the division of the profits of capital, upon the pretence of securing the creditor. Clear then it is that the profits cannot be permitted to accumulate, in a country where every corporation is limited in the amount of its capital, by the fear of a monied aristocracy.

It has already been shown that the general stockholder cannot be pursued in his present estate, without great injustice. What remedy can be safely applied? We would be willing to engraft upon the bill three main and principal restraints,
which, we would remark, do not alter the true and ancient character of corporations; but only to prevent their occasional tendency to throw off that responsibility which good faith requires them now, and always has required them to observe.

The three chief violations of good faith, by chartered companies, are,

First. The stock subscribed is not paid in, as it should be; in consequence of which, the artificial creature begins the world without manhood, weak in strength, and is soon overburdened with debt.

Second. Dividends are declared while its debts exist; and this serves the double purpose of robbing the artificial creature of its only and exclusive resources, and giving to it a false and deceptive credit.

Third. Debts are contracted beyond the amount of the capital, whereby, even if the stock be all paid in, and the profits honestly applied to the expenses of the company, it may still become insolvent. By preventing these violations, the artificial capitalist will present a fair comparison with the natural capitalist. In the first place, then, in companies of the character proposed to be chartered, let all the capital be paid in, and what is not paid be secured by all the stockholders.

In the second place, let no company of such a character declare a dividend, while there is a debt due from it.

In the third place, make the President and Directors responsible for all debts beyond the amount of capital paid in or well secured.

By the first provision, the artificial creature, so far as creditors are concerned, will be of free growth, and of such strength as the Legislature intended to demand, and will commence its career, if not full handed, at least strongly backed.

By the second provision, it will never be robbed of its profits, while they are necessary to fulfil its obligations.

By the third provision, excessive credit will be checked, and the creditor secured from imposition by the personal danger of the impostor.

It will be observed that these provisions, to some extent, and as to some liabilities, involve the simple stockholder; but he is never made responsible, except when he acts in concert with co-stockholders, in violating the faith which the company should keep with the public.

The corporation cannot begin business without the consent of the individual members; and if they will set it a go-
ing before it has acquired the requisite ability, it is but just that they should be surety for that ability. After the corporation is fully organized, it acts by its directory, and as their officers are, in general, the only members particularly concomitant of its condition, and as it is their duty to be informed minutely upon the subject of its indebtedness, it is just that they alone should be responsible for any contracts beyond the amount of the capital stock. And, in order to give publicity to the community, where individual stockholders may cease to be personally responsible for the debts of the corporation, a certain mode of information should be provided, of early and easy access to all.

We were therefore ready, with amendments, to meet these various cases; but as, without these, this obnoxious feature has been engrafted, we do hereby most solemnly and earnestly Protest, viz:

HAMILTON C. JONES, of Rowan.
BARTHOLOMEW F. MOORE, of Halifax.
DAVID REID, of Cumberland.
FREDERICK J. HILL, of Brunswick.
GEORGE C. MENDENHALL, of Guilford.
JOSEPH P. CALDWELL, of Iredell.
J. O'K. WILLIAMS, of Beaufort.
ELISHA P. MILLER, of Burke.
JOSEPH KEENER, of Haywood.
I. BURNS, of Rowan.
FRANCIS WILLIAMS, of Davie.
JAMES BRANNOCK, of Guilford.
WILLIAM DOAK, of Guilford.
SPENCE McCLENEHAN, of Chatham.
A. B. Mc MILLAN, of Ashe.

WEDNESDAY, JAN. 6, 1840.

On motion, leave was granted to Mr. Wilson to withdraw from the files of this House, the petitions presented by him on the subject of fisheries.

Received a message from the Senate, proposing that the report of the joint select committee on that part of
the Governor's message relating to a bank of the United States be printed. The report was concurred in.

A message from the Senate, informing that they had passed the engrossed bill, supplemental to an act entitled an act to lay off and establish a county by the name of Stanly;

And a bill to authorize the making a Turnpike Road from Gatesville, to the Chowan river, and asked the concurrence of this House. The said bills were read the first time and passed, and on motion of Mr. Lilly the bill relating to the county of Stanly, was read the second and third times, passed, and ordered to be enrolled.

Mr. Russell offered the following resolutions; which were read, and on his motion, laid on the table, viz:

Resolved, That the following amendments ought to be made in the Constitution of the United States:

1. No person shall be eligible to the office of President of the United States a second time.

2. Members of the Senate and the House of Representatives shall be incapable of holding any other office under the Government of the United States, or any department thereof, during the time for which they shall have been elected and for two years thereafter.

3. That this General Assembly do hereby instruct our Senators in Congress to use all proper and reasonable means to obtain a ratification of the foregoing amendments in the manner provided by the fifth article of the said Constitution.

Mr. Barringer, from the joint select committee raised upon the subject, reported the bill concerning the Raleigh and Gaston Rail Road Company, with sundry amendments.

Ordered, on motion of Mr. Barringer, that the bill and amendments be laid on the table.

Mr. J. P. Caldwell, from the committee on Military Affairs, to whom was referred the communications from the cavalry officers attached to the sixteenth brigade, made a report, which was read and laid on the table.

On motion, leave of absence from the service of the House from and after this day to the end of the session, was granted to Michael W. Holt.
A message from the Senate, informing that they had passed the engrossed bill for the establishment and better regulation of common schools, and asking the concurrence of this House. The said bill was read the first time and passed. By common consent the said bill was again read the second time. Mr. Boyden moved to amend the bill by striking out from the first section, the words "exclusive of monies arising from swamp lands." The question on this amendment was decided in the negative—yeas 52, nays 58. The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.
Barringer,          Graves,          Munroe,          Murchison,
Boyd,              Gray,            McCollum,        McLaughlin,
Boyden,            Holland,         McMillan,        Neal,
Brannock,          Jefferson,       Patton,          Pemberton,
Brower,            H. C. Jones,     Reid,            Robards,
Brummell,          R. Jones,        Siler,           L. Walker,
Bryan,             Keener,          F. Williams,     Withers,
Burns,             Killian,         Young,           Ziglar,
J. P. Caldwell,    King,            
G. W. Caldwell,    W. B. Lane,      
Cardwell,          Mangum,          
Carson,            Massey,          
Chambers,          Mendenhall,      
Clegg,             W. J. T. Miller,   
J. M. Covington,   Mills,           
Doak,              Monday,          
Franklin,          Morris,          
J. Graham,         Morrow,          

Those who voted in negative, were

Messrs.
Adams,             Guyther,         Patterson,       
Allen,             Hawkins,         Pope,            
Baker,             Herring,         Powell,          
Bannerman,         Hill,            Proctor,         
J. Barnes,         Howerton,        Ragan,           
E. Barues,         Huggins,         Rand,            
Beall,             Hynan,           Russell,         
Biggs,             Jacobs,          Smith,           
Brogden,           Joiner,          Spruill,         

Mr. Cardwell moved to strike out of the bill wherever it bears the term "federal population." The question on this motion was decided in the negative—yeas 52, nays 62. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.

Adams, Allen, Baker, Guyther, Hawkins, Herring, Paine, Patterson, Pope,
The House then adjourned until 3 o'clock, P. M.

THREE O’CLOCK, P. M.

The House resumed the consideration of the Senate’s School Bill; when, on motion of Mr. Moore, the said bill was laid on the table.

Leave of absence from the service of the House from and after this day for the residue of the session, was granted to Mr. Lilly.

The Speaker laid before the House a letter from S. F. Patterson, President of the Raleigh and Gaston Rail Road Company, containing the information sought by a resolution of this House of the 4th inst., relating to the now resident stockholders in said Company.

A message from the Senate, concurring in the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill directing a conveyance of the Commons, adjoining the town of Murphey, to the Chairman of the County Court of Cherokee.

Ordered, That said bill be enrolled.

On motion, the 24th Rule of Order was amended, as heretofore proposed.

According to notice given on the 5th inst., the 31st
Rule of Order was rescinded for the residue of the session.

Mr. Mendenhall introduced a resolution in favor of Edward Benson; which was read the first time and passed.

The engrossed bill to amend the law concerning the fees of coroners; and the engrossed bill to amend the 53d chapter of the Revised Statutes concerning the Governor, were each read the third time and passed, and ordered to be enrolled.

The bill for the better regulation of the County Courts of Cumberland;

- The bill to encourage the destruction of Wolves in the county of Haywood;
- And the bill to incorporate the Raleigh Mechanic's Association, were each read the third time and passed, and ordered to be engrossed.

Mr. Moore, from the committee raised on banks and Bank suspensions, made a report.

Ordered, on motion of Mr. Winston, that said report and the documents therein referred to, be transmitted to the Senate, with a proposition that they be printed.

The bill to incorporate the Trustees of the Asheville Female Academy, in Buncombe county;

- The resolution for distributing the Revised Statutes;
- And the resolution in favor of B. and A. Morrison, were each read the third time, passed, and ordered to be engrossed.

The bill concerning deputy sheriffs was read, and on motion of Mr. Moore, postponed indefinitely.

The bill to divide the militia of Ashe county into three regiments, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to give the county of Cherokee a Superior Court of Law and Equity, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State, was read, and on motion of Mr. Spruill, postponed indefinitely.

The bill to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate and for other purposes, was read the second time and passed.

The bill to incorporate the stockholders of the boarding house of the Asheville Female Academy;
The bill to appoint commissioners for the town of Kenansville, in the county of Duplin;
And a resolution in favor of John J. Briggs, were each read the second time and passed.
The bill concerning the Superior Court for Hyde county was read the second time, amended, on the motion of Mr. Spruill, and Mr. H. C. Jones, and passed.
The engrossed bill to incorporate a Light Artillery Company in the town of Newbern, was read the second time and passed.
The resolution in favor of George Little; and the bill to authorize the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes, were each read the second time and passed.
The bill to amend the 58th chapter Revised Statutes, entitled insolvent debtors, was read the second time and passed.
The bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in 1824, authorizing the making a Turnpike Road in the county of Buncombe, was read the second time.
Mr. Morris moved that said bill be postponed indefinitely. The question thereon was decided in the negative.
On motion of Mr. Fleming, the bill was amended, by adding a proviso exempting from the operations of the bill the citizens of Yancy county.
The question shall the said bill pass the second reading as amended? was decided in the affirmative—yeas 68, nays 36. The yeas and nays demanded by Mr. Morris.

Those who voted in the affirmative, were

Messrs.
Allen, Barringer, Beall, Biggs, Boyden, Brannock, Brower, Bryan, Burns, J. P. Caldwell, Carson, Graves, Gray, Guthrie, Hawkins, Hill, Howerton, Huggins, Hyman, Jacobs, Joiner, H. C. Jones, Paine, Patterson, Pemberton, Pope, Proctor, Reid, Robards, Russell, Siler, Smith, Spruill,
The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, Jan. 7, 1841.

A message from the Senate, concurring in the amendment to the bill giving to the county of Henderson a Superior Court of Law and Court of Equity.

Ordered, That said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed resolutions in favor of George E. Badger and David L. Swain, and asking the concurrence
of this House. The said resolutions were read the first time and passed.

A message from the Senate, concurring in the proposition of this House to print the report of the Joint Select Committee on the state and condition of the Banks and the accompanying documents.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the bill to alter the rate of pilotage over Ocracoke Bar and Swashes; when, on motion of Mr. J. B. Jones, the said bill was postponed indefinitely.

Mr. Reid, from the Joint Select Committee raised on the subject, reported certain resolutions for repairing the Governor’s residence and for additional furniture; which were read the first time and passed.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions in the county of Carteret, was read the second time, amended, on motion of Mr. Whitehurst, and passed.

The bill concerning public bridges, was read the second time and rejected.

The engrossed bill to alter the time of holding the County Court of Lincoln, was read the second and third times, passed, and ordered to be enrolled.

The bill altering the mode of drawing jurors for the Superior Courts of Rutherford county;

The bill to incorporate the Greensborough Guards, in the county of Guilford;

And the bill to protect the interest of lessors, were each read the second time and passed.

The bill for the establishment and regulation of Common Schools was read, and on motion of Mr. Hill, laid on the table.

Mr. Barringer called up for consideration the bill concerning the Raleigh and Gaston Rail Road Company.

Mr. G. W. Caldwell moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 49, nays 61. The yeas and nays demanded by Mr. G. W. Caldwell.

Those who voted in the affirmative, were

Messrs.
Adams, Guyther, Pope,
Allen, Herring, Powell,
Baker, Holland, Ragan,  
Bannerman, Huggins, Reid,  
J. Barnes, Hyman, Smith,  
E. Barnes, Jacobs, Stallings,  
Biggs, Joiner, J. W. Taylor,  
Boyd, J. B. Jones, F. Taylor,  
Brogden, Kerr, Thompson,  
G. W. Caldwell, Killian, Tomlinson,  
Cardwell, L. W. Lane, Wadsworth,  
Dickson, J. T. Miller, J. Walker,  
Ennett, Monday, L. Walker,  
Farrow, Morrow, J. O’K. Williams,  
Foreman, Munroe, Ziglar.  
Gee, McCleese,  
Graves, McLaughlin,  

Those who voted in the negative, were

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The House then adjourned until 3 o’clock, P. M.
The House resumed the consideration of the subject in which it was last engaged, being the bill concerning the Raleigh and Gaston Rail Road Company, when on motion of Mr. Moore, the said bill was laid on the table.

On motion, leave of absence from the service of the House was granted to G. W. Caldwell, from and after tomorrow for the residue of the session.

A message from the Senate, informing that they had passed the bill to authorise the laying off and establishing a Turnpike Road from Laxton Lynch's in Rutherford county, to the widow Sails's in Buncombe county, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

The bill to provide for the election of certain militia officers, was read the second and third times, passed, and ordered to be engrossed.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was read the second time, amended on Mr. Reid's motion, and passed.

The engrossed bill to incorporate the Concord Manufacturing Company, was read the second time, and amended on motion of Mr. Barringer, and passed.

On motion of Mr. Barringer, the said bill was again read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to repeal in part an act, entitled an act concerning Bills, Bonds and Promissory Notes. Said bill was read the second time and passed.

The bill in regard to the duties of Public Registers in this State, was read the second time and passed.

The bill to authorise the construction of the Fayetteville and Salisbury Turnpike Road, was read the second time and amended, on motion of Mr. Brummell.

The said bill was further amended on Mr. Reid's motion, by adding to the third section the following proviso:

"Provided further, That the amount of fifty thousand dollars of the capital stock of said road be subscribed by individuals."

The question shall the said bill pass the second time as amended? was decided in the negative—yeas 40, nays 63.
Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.


The bill to incorporate the town of Asheville, was read the second time and passed.
Mr. C. Jones presented sundry memorials from citizens of Orange county, against the division of said county.—Said memorials were, on motion of Mr. C. Jones, laid on the table.

On motion of Mr. F. Taylor,

Resolved, That the Secretary of State be directed to take charge of the Maps belonging to the Legislature, until the next session of the General Assembly.

Received a message from the Senate, proposing that the two Houses of this Legislature adjourn sine die on Monday next, the 11th inst.

Mr. Spruill moved that said message lie on the table. The question thereon was decided in the negative—yeas 23, nays 84. The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.

Bryan, Keener, Pope,
Burns, Mendenhall, Rand,
D. A. Graham, Mills, Smith,
Guthrie, Moore, Spruill,
Hill, Murchison, Whitehurst,
Jacobs, McClenehan, F. Williams,
Jefferson, Paine, Winston,
H. C. Jones, Patterson,

Those who voted in the negative, were

Messrs.

Adams, Franklin, Munroe,
Baker, Gee, McCleese,
Bannerman, J. Graham, McCollum,
E. Barnes, Grandy, McLaughlin,
J. Barnes, Graves, McLaurin,
Barringer, Gray, McMillan,
Beall, Guyther, Neal,
Biggs, Hawkins, Patton,
Boyd, Herring, Pemberton,
Boyden, Holland, Powell,
Brannock, Hovertons, Proctor,
Brogden, Huggins, Ragan.
Mr. Guthrie moved to strike out Monday, the 11th inst., and insert Saturday the 9th inst. The question on this motion was decided in the negative. The question will this House concur in the proposition of the Senate, was decided in the affirmative.

The bill to repeal a part of the 18th section of the revised statutes, entitled an act concerning the Supreme Court, was read the second time, and amended. Mr. Rand moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 36, nays 67. The yeas and nays demanded by Mr. Massey.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.

Allen, Guyther, McMillan,
Barringer, Hill, Paine;
Beall, Howerton, Patton,
Biggs, Huggins, Patterson,
Boyden, Hyman, Pemberton,
Brannock, Jacobs, Proctor,
Brower, Jefferson, Russell,
Brunnell, Joiner, Siler,
Bryan, H. C. Jones, Smith,
J. P. Caldwell, Keener, Spruill,
Carson, W. B. Lane, J. W. Taylor,
Clegg, Mendenhall, Thompson,
J. M. Covington, E. P. Miller, Wadsworth,
Doak, J. T. Miller, L. Walker,
Farrow, W. J. T. Miller, Whitehurst,
Foreman, Mills, J. O'K. Williams,
Franklin, Moore, F. Williams,
Gee, Morris, Winston,
D. A. Graham, Murchison, Withers,
J. Graham, McClene, Young,
Grandy, McCollum, Ziglar,
Gray, McLaughlin,
Graves, McLaurin,

The question shall the said bill pass the second reading, as amended, was decided in the affirmative.

The bill supplemental to an act entitled an act concerning the draining of low lands, was read the second time and passed.

The resolution in favor of Edward Benson was read the second and third time, passed, and ordered to be engrossed.

The engrossed bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up Pedee and Main Yadkin Rivers, was read the second and third time, passed and ordered to be enrolled.

The bill altering the mode of drawing jurors for the Superior Courts of Rutherford county;

The bill to alter the time of holding the Superior Court of Law and Equity and the Court of Pleas and Quarter Sessions for the county of Carteret;
The bill to amend the 88th chapter of the Revised Statutes, entitled insolvent debtors;

The bill to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate, and for other purposes;

The bill to incorporate the stockholders of the boarding house of the Asheville Female Academy;

The bill to appoint commissioners for the town of Kenansville, in the county of Duplin;

The bill concerning the Superior Court of the counties of Hyde, Northampton and Davie;

The bill to authorize the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes;

The bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in 1824, authorizing the making a Turnpike Road in the county of Buncombe;

The bill to incorporate the town of Asheville;

The resolution in favor of George Little;

And the resolution in favor of John J. Briggs, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes;

The engrossed bill to protect the interest of lessors;

The bill to incorporate a light artillery Company in the town of Newbern;

And the engrossed bill to incorporate the Greensboro Guards, in the county of Guilford, were each read the third time, passed, and ordered to be enrolled.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was read the third time, passed, and ordered to be engrossed.

The resolution to pay for surveys for the Fayetteville and Western Rail Road Company, was read, and on motion of Mr. Guyther, indefinitely postponed—yeas 90, nays 15. The yeas and nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.

Adams, Graves, McCleese,
Baker, Grandy, McCollum,
J. Barnes, Gray, McLaughlin,
E. Barnes,       Guthrie,       Neal,  
Barringer,       Guyther,       Patton,  
Beall,          Hawkins,       Patterson,  
Biggs,          Herring,       Pemberton,  
Boyd,           Holland,       Pope,    
Boyden,         Howerton,      Powell,  
Brannock,       Huggins,       Proctor,  
Brodden,        Hyman,         Rand,    
Brower,         Jacobs,        Robards, 
Bryan,          Jefferson,     Russell, 
Burns,          Joiner,        Smith,   
J. P. Caldwell,  J. B. Jones,  Spruill,  
G. W. Caldwell,  C. Jones,     Stallings,  
Cardwell,       R. Jones,      J. W. Taylor, 
Carson,         Keener,        F. Taylor, 
Chambers,       Kerr,          Thompson, 
Clegg,          King,          Tomlinson, 
J. M. Covington, I. W. Lane,   Wadsworth, 
J. W. Covington, Lilly,         L. Walker, 
Dickson,        Mangum,        J. Walker,  
Doak,           Massey,        J. O'K. Williams,  
Ennett,         E. P. Miller,  F. Williams, 
Farrow,         J. T. Miller,  Wilson,  
Fleming,        Mills,         Winston,  
Foreman,        Munday,       Withers,  
Franklin,       Morris,        Young,    
Gee,            Morrow,       Ziglar.  

Those who voted in the negative, were

Messrs.
Allen,        Mendenhall,  McMillan, 
Brummell,     Monroe,      Paine,  
D. A. Graham,  Marchison,  Ragan,  
Killian,      McClenehan,  Reid,  
W. B. Lane,    McLaurin,    Whitehurst.

The bill to alter the time of holding the Superior Court of Law and Equity for the counties of Cabarrus and Mecklenburg, was read the second and third time, passed, and ordered to be engrossed.

The bill in regard to the duties of Public Registers of this State was read, and on motion of Mr. Stallings, postponed indefinitely.
Mr. Barringer, from the Committee on Internal Improvements, to whom was referred a resolution and sundry memorials on the subject of opening and improving the navigation of Lumber River, reported that it is not expedient to make the proposed improvements at this time. The report was concurred in.

The engrossed resolution concerning Lumber River was read the second time. Mr. Biggs moved that the said resolution be postponed indefinitely. The question thereon was determined in the negative—yeas 41, nays 65. The yeas and nays demanded by Mr. E. Barnes.

Those who voted in the affirmative, were

Messrs.
Adams, Graves, Pope,
Baker, Hawkins, Rand,
J. Barnes, Holland, Russell,
E. Barnes, Huggins, Smith,
Biggs, J. B. Jones, Stalling,
Boyd, C. Jones, J. W. Taylor,
Brogden, R. Jones, F. Taylor,
G. W. Caldwell, Kerr, Thompson,
Cardwell, I. W. Lane, Tomlinson,
Dickson, Mangum, Wadsworth,
Ennett, Massey, L. Walker,
Farrow, Morrow, J. Walker,
Foreman, McCleese, Ziglar,
Grandy, Patterson,

Those who voted in the negative, were

Messrs.
Allen, Guyther, McLaughlin,
Bannerman, Herring, McLaurin,
Barringer, Hill, McMillan,
Beall, Howerton, Neal,
Boyden, Hyman, Paine,
Brannock, Jacobs, Patton,
Brower, Jefferson, Pemberton,
Brum Mell, Joiner, Powell,
Bryan, Keener, Proctor,
Burns, Killian, Ragan,
J. P. Caldwell, King, Reid,
Carson, Mendenhall, Robards,
The question shall the said resolution pass the second reading, was decided in the negative—yeas 49—nays 54. The yeas and nays demanded by Mr. Massey.

Those who voted in the affirmative, were

Messrs.

Barringer, Guthrie, McMillan, 
Beall, Hill, Neal, 
Boyden, Jefferson, Paine, 
Brannock, Keener, Patton, 
Brower, Killian, Pemberton, 
Brumwell, W. B. Lane, Powell, 
Bryan, Mendenhall, Proctor, 
Burns, E. P. Miller, Ragan, 
J. P. Caldwell, J. T. Miller, Robards, 
Carson, Mills, Siler, 
Clegg, Morars, Whitehurst, 
J. M. Covington, Munroe, J. O'K. Williams, 
J. W. Covington, Murchison, F. Williams, 
Doak, McClenehan, Winston, 
Franklin, McCollum, Young, 
D. A. Graham, 
Gray, 

Those who voted in the negative, were

Messrs.

Allen, Herring, Patterson, 
Adams, Holland, Pope, 
Baker, Howerton, Rand, 
J. Barnes, Huggins, Reid, 
E. Barnes, Hyman, Russell, 
Biggs, Jacobs, Smith,
Mr. J. Barnes, from the select committee, made the following report:

"The committee, to whom was referred a resolution instructing them to inquire into loans made by the Internal Improvement and Literary Board, and into the solvency of the borrowers, have made the enquiry; and report that they have examined the bonds alluded to, and find that there is loaned from the Literary Funds the sum of $140,000, to the Raleigh and Gaston Rail Road. Upon bonds guaranteed by the State to the Wilmington and Raleigh Rail Road, the sum of $85,000, which your committee are informed is secured by a mortgage on the road. To individuals the sum of $154,587 50-100. From the Internal Improvement fund to individuals, the sum of $30,738 30-100. The loans to individuals are secured by personal securities. Your committee are entirely unacquainted with a large portion of the debtors; but from the representations of the public officers, they have no reason to doubt their solvency. As the resolution annexed to the one referred to your committee, instructs the Public Treasurer to report the names of the several debtors, and the amount due from each, your committee did not consider it their duty, and therefore have taken no list..."
thereof; and your committee ask to be discharged from the further consideration of the subject.

JOSHUA BARNES, Chairman."

The report was, on motion of Mr. Wilson, laid on the table.

The Speaker laid before the House a communication from the Public Treasurer, in answer to the call of the House, referred to in the preceding report. The communication was read and laid on the table.

Mr. Poindexter, from the Committee on Claims, reported without amendment the resolution to pay certain contingent expenses of the General Assembly; when said resolution was read the second time and passed.

On motion of Mr. McClenehan, the House took up for consideration, the bill relative to the Raleigh and Gaston Rail Road Company. The question being on the adoption of the amendment proposed by the select committee, was decided in the negative—yeas 19, nays 91. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.
Barringer, H. C. Jones, Paine,
Brannock, Keener, Rand,
Doak, Mendenhall, Robards,
Graves, Murchison, L. Walker,
Guthrie, McClenehan, Whitehurst,
Hill, McMillan,
Howerton, Neal,

Those who voted in the negative, were

Messrs.
Adams, J. Graham, McCleese,
Allen, Grandy, McCol'um,
Baker, Gray, McLaughlin,
Banerman, Guyther, McLaurin,
J. Barnes, Hawkins, Patton,
E. Barnes, Herring, Patterson,
Beall, Holland, Pemberton,
Biggs, Huggins, Poindexter,
Boyd, Hyman, Pope,

The question now being on the passing of the bill the second reading, was decided in the negative—yeas 54, nays 57. The yeas and nays demanded by Mr. E. Barnes.

Those who voted in the affirmative, were

Messrs.

Eaton, Murchison, Wilson,
Fleming, McClenehan, Withers,
J. R. Gilliam, McCollum, Young.

Those who voted in the negative, were

Messrs.
Adams, Holland, Munroe,
Allen, Howerton, McCleese,
Baker, Huggins, McLaughlin,
Bannerman, Hyman, Patterson,
E. Barnes, Jacobs, Pope,
J. Barnes, Joiner, Powell,
Biggs, J. B. Jones, Ragan,
Boyd, C. Jones, Reid,
Brogden, R. Jones, Smith,
Cardwell, Kerr, Stallings,
Dickson, Killian, J. W. Taylor,
Ennett, King, F. Taylor,
Farrow, I. W. Lane, Thompson,
Foreman, Mangum, Tomlinson,
Franklin, Massey, Wadsworth,
Gee, J. T. Miller, L. Walker,
Graves, Monday, J. Walker,
Guyther, Morris, J. O'K. Williams,
Herring, Morrow, Ziglar.

On motion, Mr. Neal obtained leave of absence from the service of the House from and after to-morrow.

Mr. J. P. Caldwell, from the Committee on Military Affairs, reported unfavorably on the case of Wm. Benson, of Orange; and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Boyd, from the Committee on the Judiciary, reported the bill to amend the Revised Statutes, entitled an act for restraining the taking of excessive usury, with amendments. The amendments were read and concurred in; and on motion of Mr. Biggs, the bill as amended was laid on the table.

Mr. Reid moved that the House do reconsider their vote of yesterday, whereby was rejected the resolutions concerning Lumber River. The question will the House so re-consider? was decided in the affirmative—yeas 59, nays 42. The yeas and nays demanded by Mr. Patterson.
JOURNAL OF THE HOUSE OF COMMONS. [1841.

Those who voted in the affirmative, were

Messrs.
Bannerman, 
Barringer, 
Beall, 
Boyden, 
Brannock, 
Brover, 
Brumnell, 
Bryan, 
Burns, 
J. P. Caldwell, 
Chambers, 
Clegg, 
J. M. Covington, 
J. W. Covington, 
Doak, 
Fleming, 
Franklin, 
J. R. Gilliam, 
D. A. Graham, 
Gray, 
Hill, 
Jefferson, 
H. C. Jones, 
Kerr, 
King, 
W. B. Lane, 
I. W. Lane, 
Mendenhall, 
E. P. Miller, 
J. T. Miller, 
W. J. T. Miller, 
Mills, 
Morris, 
Munroe, 
Murchison, 
McClenehan, 
McCollum, 
McLaurin, 
McMillan, 
Paine, 
Patton, 
Peemberton, 
Poindexter, 
Pope, 
Powell, 
Reagan, 
Reid, 
Robards, 
Siler, 
Russell, 
Smith, 
Spruill, 
Whitehurst, 
J. O'K. Williams, 
F. Williams, 
Winston, 
Withers, 
Young.

Those who voted in negative, were

Messrs.
Adams, 
Allen, 
Baker, 
J. Barnes, 
E. Barnes, 
Biggs, 
Brodgen, 
Cardwell, 
Dickson, 
Eunett, 
Farrow, 
Foreman, 
Gee, 
Grandy, 
Graves, 
Guyther, 
Hawkins, 
Holland, 
Howerton, 
Huggins, 
Hyman, 
Jacobs, 
Joiner, 
J. B. Jones, 
C. Jones, 
R. Jones, 
Keeuer, 
Killian, 
Mangum, 
Massey, 
Monday, 
McCleese, 
Patterson, 
Stallings, 
J. W. Taylor, 
F. Taylor, 
Tomlinson, 
Wadsworth, 
J. Walker, 
L. Walker, 
Wilson, 
Ziglar.

The said resolution was thereupon read the second time.

Mr. Wilson moved to amend it by the following addition, viz:
That the further sum of two thousand dollars be appropriated for the improvement of Perquimons River, from the Float Bridge across said river, to Nixon's Point, on said river; and that said sum be expended for the purpose aforesaid, under the direction of the County Court of said county.

The question on adopting this amendment was decided in the negative.

Mr. Tomlinson offered the following amendment:

Resolved further, That the sum of one thousand dollars be appropriated to cut out a road from Stallings's Mills, in Johnston county, to Black Creek, at or near Burwell Barber's on the Fayetteville Road.

This amendment was rejected.

The question then recurring on passing the resolution the second time, was decided in the affirmative—yeas 59, nays 41. The yeas and nays demanded by Mr. Farrow.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.

Adams, Gee, Massey,
Allen, Grandy, Morrow,
Baker, Graves, Patterson,
J. Barnes, Guyther, Pope,
E. Barnes, Hawkins, Reid,
Biggs, Holland, Stallings,
Boyd, Howerton, F. Taylor,
Brogden, Hyman, Tomlinson,
Cardwell, Jacobs, Wadsworth,
Chambers, Joiner, J. Walker,
Dickson, J. B. Jones, L. Walker,
Ennett, R. Jones, Wilson,
Farrow, I. W. Lane, Ziglar,
Foreman, Mangum,

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

Three O'clock, P. M.

Mr. Hill gave notice that he should, on to-morrow, move a suspension for the residue of the session, of the 50th Rule of Order.

The House resumed the consideration of the bill for the establishment and regulation of Common Schools.

Mr. D. A. Graham moved to strike out the first section of the bill, and insert the following:

"That the nett annual proceeds arising from the Literary Fund, (except that arising from the sale of the Swamp Lands,) shall annually be distributed among the several counties of the State as follows, viz: The 1220th part of one half of said proceeds shall be given to each district of six miles square, or in that ratio. The other half of said proceeds to be distributed in ratio of the white population."

Mr. Robards called a division of the question; and the first question being on striking out the first section, as proposed, was decided in the negative—yeas 53, nays 58.
Those who voted in the affirmative, were

Messrs.

Barringer,
Beall,
Boyd,
Boyden,
Brannock,
Brower,
Brummell,
Bryan,
Burns,
J. P. Caldwell,
Cardwell,
Carson,
Chambers,
Clegg,
J. M. Covington,
Doak,
Fleming,
Franklin,

D. A. Graham,
J. Graham,
Graves,
Gray,
Holland,
Jefferson,
H. C. Jones,
C. Jones,
Keener,
Killian,
King,
W. B. Lane,
Mundenhall,
E. P. Miller,
W. J. T. Miller,
Mills,
Monday,
Morrow,
Morris,
Murchison,
McCullom,
McLaughlin,
McMillan,
Neal,
Patton,
Pemberton,
Robards,
Siler,
J. Walker,
L. Walker,
F. Williams,
Winston,
Withers,
Young,
Ziglar.

Those who voted in the negative, were

Messrs.

Adams,
Allen,
Baker,
Bannerman,
J. Barnes,
E. Barnes,
Biggs,
Biogden,
J. W. Covington,
Dickson,
Eaton,
Eunett,
Farrow,
Foreman,
Gee,
J. R. Gilliam,
Grandy,
Guthrie,
Guyther,
Hawkins,

Herring,
Hill,
Howerton,
Huggins,
Hyman,
Jacobs,
Joiner,
J. B. Jones,
R. Jones,
Kerr,
I. W. Lane,
Mangum,
Massey,
J. T. Miller,
Moore,
Munroe,
McCleese,
McLaurin,
Paine,
Patterson,

Pope,
Powell,
Proctor,
Ragan,
Rand,
Reid,
Russell,
Smith,
Spruill,
Stallings,
J. W. Taylor,
F. Taylor,
Thompson,
Tomlinson,
Wadsworth,
Whitehurst,
J. O'K. Williams,
Wilson.
Mr. Rohards moved to strike out the sixth section, directing the county Court to levy a tax. The question on this motion, was decided in the negative—yeas 42, nays 69.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.
Mr. Boyden moved to strike out the second section, and demanded the yeas and nays. The question on striking out, was decided in the negative—yeas 14, nays 94.

Those who voted in the affirmative, were

Messrs.
Boyden,
Burns,
J. P. Caldwell,
Franklin,
Gray,

Jefferson,
H. C. Jones,
Keener,
King,
E. P. Miller,

Those who voted in the negative, were

Messrs.
Adams,
Allen,
Baker,
Bannerman,
J. Barnes,
E. Barnes,
Barringer,
Beall,
Biggs,
Boyd,
Brannock,
Brogden,
Brower,
Brummett,
Bryan,
Cardwell,
Carson,
Chambers,
Clegg,
J. W. Covington,
J. M. Covington,
Dickson,
Doak,

Grandy,
Graves,
Guyther,
Hawkins,
Herring,
Hill,
Holland,
Howerton,
Huggins,
Hyman,
Jacobs,
Joiner,
J. B. Jones,
C. Jones,
R. Jones,
Kerr,
W. B. Lane,
I. W. Lane,
Mangum,
Massey,
Mendenhall,
W. J. T. Miller,

McLaurin,
Paine,
Patton,
Patterson,
Pope,
Powell,
Proctor,
Ragan,
Reid,
Rand,
Robards,
Russell,
Siler,
Smith,
Spruill,
Stallings,
J. W. Taylor,
P. Taylor,
Thompson,
Tomlinson,
Wadsworth,
J. Walker,
J. Walker,
Eaton, Mills, Whitehurst,
Ennett, Monday, J. O'K. Williams,
Farrow, Moore, Winston,
Fleming, Morris, Wilson,
Foreman, Morrow, Withers,
Gee, Munroe, Young,
J. R. Gilliam, McCleese, Ziglar,
D. A. Graham, McCollum,
J. Graham, McLaughlin,

Mr. Mills moved to amend the bill by adding the following section:

"Be it further enacted, That it shall be the duty of the sheriffs of the several counties in this State, when they advertise the next election for members of Congress, to give notice at the same time, by public advertisement, in every election precinct, that an election will be held, in order to ascertain the voice of the people in relation to the ratio in which the literary fund shall be distributed among the several counties in this State, for the purpose of education; and all who are in favor of distributing said fund, according to white population, will deposit their votes with the words White Population written on it. Those opposed to it, will vote Federal Population upon their ticket. And it shall be the duty of the sheriffs to hold said elections, and make a return to the Secretary of State of the number of votes given under the same rules and regulations now required in the Governor's election."

The question on the adoption of this amendment was decided in the negative—yeas 33, nays 76.

Those who voted in the affirmative, were

Messrs.
Beall, Holland, McLaughlin,
Boyden, Jefferson, McMillan,
Brunnell, Keener, Neal,
Bryan, Killain, Pemberton,
Burns, King, Siler,
J. P. Caldwell, E. P. Miller, L. Walker,
Carson, W. J. T. Miller, J. Walker,
J. M. Covington, Mills, Whitehurst,
Fleming, Monday, F. Williams,
Franklin, Morris, Withers,
Gray, Murchison, Young.
Those who voted in the negative, were

Messrs.

Adams, Adams
Allen, Guyther
Baker, Hovkins
Bannerman, Herring
J. Barnes, Hill
E. Barnes, Howerton
Barringer, Huggins
Biggs, Hymen
Boyd, Jacobs
Brannock, Joiner
Brogden, H. C. Jones
Brower, J. B. Jones
Cardwell, C. Jones
Chambers, R. Jones
Clegg, Kerr
J. W. Covington, W. B. Lane
Dickson, I. W. Lane
Doak, Manguin
Ennett, Massey
Farrow, Mendenhall
Foreman, J. T. Miller
Gee, Moore
D. A. Graham, Morrow
J. Graham, Munroe
Grandy, McCleese
Graves, McCollum

McLaurin, Paine
Patterson, Paine
Patton, Powell
Patterson, Proctor
Pope, Ragan
Powell, Rand
Proctor, Reid
Robards, Russell
Smith, Spruill
Stallings, Smith
J. W. Taylor, Spruill
F. Taylor, Stallings
Thompson, Stallings
Tomlinson, Stallings
Wadsworth, Stallings
J. O'K. Williams, Stallings
Winston, Williamson
Wilson, Ziglar

Mr. Barringer moved to amend the bill by striking out the 8th section and inserting the following, viz:

"That the free white men of the several school districts, who are entitled to vote for members of the House of Commons, on the first Monday after the expiration of one month after the said school districts shall have been laid off as herein before directed, shall vote by ballot for three men, to be entitled the school committee—who shall hold their appointments for one year, and until others are chosen; and that said election shall be held at such convenient place in the school districts severally, as the said superintendents may designate: and the three persons having the highest number of votes at such elections, shall be declared elected as the school committee of their respective districts."
The question on adopting this amendment, was decided in the affirmative—yeas 57, nays 50.

Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.

Mr. Patterson moved to amend the second section, by providing that the said board of superintendents shall appoint a clerk, &c. This was negatived.

Mr. McCollum moved to amend the 20th section by striking out 5 per cent., and inserting 2½ per cent. This was negatived.

Mr. H C. Jones moved to amend said section by striking out 6 per cent., and inserting 3 per cent. The question on this motion was decided in the negative—yeas 50, nays 53.

Those who voted in the affirmative, were

Messrs.
Barringer, Hawkins, Patton,
Beall, Holland, Pemberton,
Boyd, Jefferson, Powell,
Boyden, H. C. Jones, Reid,
Braimock, Keener, Robards,
Brummell, Killian, Russell,
Bryan, King, Siler,
Burns, E. P. Miller, Tomlinson,
J. P. Caldwell, W. J. T. Miller, L. Walker,
Cardwell, Mills, J. Walker,
Carson, Monday, J. O'K. Williams,
J. M. Covington, Morris, F. Williams,
J. W. Covington, Morrow, Winston,
Franklin, Murchison, Withers,
J. Graham, McCollum, Young,
Graves, McLaughlin, Ziglar,
Gray, McMillan,

Those who voted in the negative, were

Messrs.
Adams, Guthrie, McCleese,
Allen, Guyther, McCleese,
Baker, Herring, McClenahan,
J. Barnes, Hill, McLaurin,
E. Barnes, Howerton, Paine,
Biggs, Huggins, Patterson,
Brogden, Hyman, Pope,


The question shall the said bill pass the first reading, as amended, was decided in the affirmative—yeas 77, nays 33. The yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, viz:

A bill supplemental to an act passed by this General Assembly, entitled an act to lay off and establish a county by the name of Caldwell;

A bill supplemental to an act passed at this General Assembly, entitled an act to lay off and establish a county by the name of Cleveland;

A bill to incorporate the Hembric Turnpike Company;

A bill to incorporate the North Carolina Land and Mining Company;

A bill to incorporate the Trustees of the Union Institute Academy;

A bill to incorporate the Union Institute Library Society;

A bill to protect Churches;

A bill to prevent transportation of slaves upon Rail Roads, Steam Boats or Stage Coaches, without a written permission from their owners;

And a resolution to authorize the Governor to employ counsel to defend the titles of the purchasers of lands in Cherokee county.

These bills and resolutions were severally read the first time and passed.
A message from the Senate, informing that they had passed the engrossed resolutions concerning certain bonds in the Treasury Office, and asking the concurrence of the House. The said resolutions were read and adopted, and ordered to be enrolled.

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to incorporate the Concord Manufacturing Company.

Ordered, That said bill be enrolled.

A message from the Senate, informing that they have passed the engrossed resolution in favor of William Stronach, and the resolution relating to the Comptroller; and asking the concurrence of this House. Said resolutions were read, 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 incorporate the North Carolina Central Rail Road Company, and engrossed resolutions relating to the Raleigh and Gaston Rail Road; and asking the concurrence of this House. The said bill and resolutions were read the first time and passed; and the said resolutions were, on motion of Mr. Spruill, laid upon the table.

The bill to prevent free persons of color from carrying fire arms, was read the second and third times, passed, and ordered to be engrossed.

The bill to repeal a part of the 18th section of the Revised Statutes, entitled an act concerning Supreme Court, was read the third time, amended and passed, and ordered to be engrossed.

The bill to establish a Female Literary Institution in the county of Robeson, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill supplemental to an act passed A. D. 1839, chapter 30, entitled an act to amend the inspection laws, was read the second and third time, passed, and ordered to be enrolled.

The engrossed 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 Caldwell, was read the second and third time, passed, and ordered to be enrolled.

The resignations of John R. Gilliam, of Bertie county, and of Valentine S. Jordan, of Pitt, Justices of the Peace, were presented, read and accepted.
The resolutions in favor of George E. Badger and David L. Swain, were read the second and third time, passed, and ordered to be enrolled.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill in addition to the Revised Statutes, entitled an act for the prevention of frauds or fraudulent conveyances; when said bill was, on motion of Mr. Cardwell, postponed indefinitely.

The engrossed 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 Cleaveland, was read the second and third time, amended and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

Mr. Paine, from the Joint Select Committee on the Library, reported a resolution accepting from Hon. Edward Stanley a donation of certain books. Said resolution was read and adopted, and ordered to be engrossed.

Mr. Paine, from the same committee, reported the engrossed bill to purchase a Library, with amendments, which were concurred in, and the bill as amended, was read the third time and passed.

Ordered, That a concurrence of the Senate be asked in the amendment.

Mr. Paine, from the same committee, recommended that the communications from George Templeman on the subject of books, be referred to the States' agent for purchasing a Library.

The engrossed bill to amend an act passed at the last session of the General Assembly, entitled an act to authorize the making a Turnpike Road in Haywood county;

And the engrossed bill in favor of the Princess Ann and Kempsville Canal Companies, were each read the second and third times, passed, and ordered to be enrolled.

The bill to authorize the making a Turnpike Road in the county of Henderson;

And the resolutions relating to the Secretary of State's Office, were each read the second and third time, passed, and ordered to be engrossed.

Mr. Wilson, from the Committee on the Judiciary, reported unfavorably on the bill to provide for the distribution of the proceeds of land sold for partition in certain cases; when said bill was, on motion of Mr. E. P. Miller, postponed indefinitely.
The bill to incorporate the Franklin Library Society, in the town of Fayetteville;
The bill to incorporate the Beaver Creek Manufacturing Company, in the county of Cumberland;
And the resolution for the Public Treasurer, were each read the second time and passed.
The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JAN. 9, 1841.

The engrossed bill making an appropriation for completing the Capitol of the State, and for other purposes, was read the second time.
Mr. Stallings moved to strike out the third section of the bill, and called for the yeas and nays. The question on striking out was decided in the negative—yeas 24, nays 80.

Those who voted in the affirmative, were

Messrs.

Adams, 
Baker, 
Bannerman, 
J. Barues, 
E. Barnes, 
Brogden, 
J. P. Caldwell, 
Cardwell, 
Dickson, 
Ennett, 
Fleming, 
Foreman, 
Gray, 
Guyther, 
Hawkins, 
Herring, 
R. Jones, 
Killian, 
I. W. Lane, 
Munroe, 
Powell, 
Stallings, 
F. Taylor, 
Tomlinson, 
Withers, 
Ziglar.

Those who voted in the negative, were

Messrs.

Allen, 
Barringer, 
Beall, 
Boyd, 
Boyden, 
Brannaock, 
Hyman, 
Jacobs, 
Jefferson, 
Joiner, 
H. C. Jones, 
C. Jones, 
McMillan, 
Paine, 
Pattou, 
Patterson, 
Pemberton, 
Pope,
Brower, Keener, Proctor,  
Brummel, Kerr,  
Bryan, King,  
Burns, W. B. Lane,  
Carson, Mangum,  
Clegg, Massey,  
J. M. Covington, Mendenhall,  
J. W. Covington, E. P. Miller,  
Doak, J. T. Miller,  
Farrow, W. J. T. Miller,  
Franklin, Mills,  
Gee, Monday,  
J. R. Gilliam, Moore,  
J. Graham, Morris,  
D. A. Graham, Morrow,  
Grandy, Murchison,  
Graves, McCleese,  
Guthrie, McClenahan,  
Hill, McCollum,  
Holland, McLoughlin,  
Huggins, McLaurin,  

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

Mr. Cardwell moved to strike out so much of said bill as authorises the payment of interest to the Bank on the loans made to the State. The question on this motion was decided in the negative.

On motion, the said bill was again read the third time and passed, and ordered to be enrolled.

On motion, leave of absence from the service of the House was granted to Messrs. Young and McCollum after to-day; and to Messrs. W. J. T. Miller, Farrow; Morrow, Hawkins and E. Barnes, from and after to-morrow.

The House proceeded to the order of the day, and resumed the consideration of the engrossed bill for the establishment and better regulation of Common Schools.

Mr. Boyden moved to amend the first section, by striking out the ratio of distribution proposed therein, and inserting the words one half in the ratio of white population, and the other half in the ratio of federal population.

Mr. Paine called a division of the question; and the question being, will the House strike out as proposed? was decided in the negative—yeas 49, nays 63.
Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.

Mr. Mills moved to amend the bill by striking out the 6th section, and inserting the following, viz:

"That the citizens of each school district shall raise by subscription, taxation, or otherwise, as a majority of the legal voters of the district may direct, a sum not less than one half the amount to which said district shall be entitled to receive from the Literary Fund, under the provisions of this act, and that no district shall be entitled to receive a portion of the Literary Fund in any year, until they have raised the amount as above, for said year."

Mr. Moore called for a division of the question, and the first question being on striking out, as proposed, was decided in the negative—yeas 37, nays 74.

Those who voted in the affirmative, were

Messrs.

Barringer, Beall, Boyden, Brumnell, Bryan, J. P. Caldwell, Cardwell, Carson, J. M. Covington, Franklin, D. A. Graham, Gray, Holland,

Jefferson, H. C. Jones, Keener, Killian, King, E. P. Miller, W. J. T. Miller, Mills, Morris, Morrow, Munroe, Murchison, McLaughlin,

McMillan, Pemberton, Poindexter, Reid, Robards, Russell, J. Walker, L. Walker, F. Williams, Withers, Young.

Those who voted in negative, were

Messrs.

Adams, Allen, Baker, Bannerman, J. Barnes, E. Barnes, Biggs, Boyd, Brannock,

Graves, Guthrie, Guyther, Herring, Hawkins, Hill, Howerton, Huggins, Hyman,

McLaurin, Paine, Patton, Patterson, Pope, Powell, Proctor, Ragan, Rand,
Mr. Mills moved to strike out the proviso at the end of the 5th section. The question thereon was decided in the negative. The bill was further amended on motion of Mr. Barringer, and the question shall the said bill pass the second reading? was decided in the affirmative—yeas 72, nays 37. The yeas and nays demanded by Mr. J. P. Caldwell.

Those who voted in the affirmative, were

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Those who voted in the negative, were

Messrs.


On motion, the said bill was read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendments.

The resolutions to pay certain contingent expenses of the General Assembly, were read the third time and passed, and ordered to be engrossed.

The bill to incorporate the Salisbury Manufacturing Company;
And the resolution in favor of the door-keepers, were each read the second and third times, passed, and ordered to be engrossed.

The bill fixing the time at which the Superior Courts of Law and Courts of Equity shall be held hereafter in the several counties composing the Seventh Judicial Circuit, was read the second and third time, passed, and ordered to be enrolled.

A message from the Senate, concurring in the amendments to the engrossed bill supplemental to an act passed
at the present General Assembly, entitled an act to lay off and establish a new county by the name of Cleveland.

Ordered, That said bill be enrolled.

A message from the Senate, concurring in the amendments to the bill for the establishment and better regulation of Common Schools, made in this House.

Ordered, That said bill be enrolled.

Mr. Clegg introduced a resolution in favor of J. N. Crosby; which was read the first time and passed, and on Mr. Cardwell's motion, referred to the Committee on Claims.

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

**Three O'clock, P. M.**

Messrs. King and Biggs obtained leave of absence from the service of the House after to-day; and Mr. Morris, after to-morrow, for the residue of the session.

On motion of Mr. Winston,

Resolved, That a message be sent to the Senate, proposing, to raise a Joint Select Committee, consisting of three members from each House, for the purpose of examining what measures shall be taken by the State, in case the Raleigh and Gaston Rail Road Company shall fail to pay the interest on the loan guaranteed by the State by virtue of the act of 1838; also, to examine whether the said company be insolvent; and that they have leave to sit during the session of the House.

Mr. Keener presented sundry petitions from citizens of Haywood; one in relation to the granting certain rights and immunities to the Cherokee Indians residing in said county; another in relation to the culture of silk.

Ordered, That said petitions lie on the table.

Mr. Boyden, from the Joint Select Committee, to whom was referred certain resolutions relating to the action of the House of Representatives of the United States on the contested election from the State of New Jersey, reported said resolutions without amendment.

Ordered, on motion of Mr. Patton, that they lie on the table.

Received from his Excellency, John M. Morehead, by
his Private Secretary, James T. Littlejohn, the following communication:

"EXECUTIVE OFFICE,
9th January, 1841.

To the Honorable the General
Assembly of North Carolina.

GENTLEMEN,

I herewith transmit to your honorable body a communication, this day received from the Public Treasurer, to which I invite your immediate attention. Upon reference to the act passed at the last session of the Legislature, entitled an act for the relief of the Raleigh and Gaston Rail Road, I do not perceive that the Legislature contemplated the happening of the event apprehended by the Treasurer, viz: the discontinuance of operations upon the road; and consequently made no provision for such an event.

Should the corporation cease their operations, the power of sequestration, given in the 9th section of that act, will be altogether nugatory; consequently, your Honorable Body will necessarily have to provide the Public Treasurer with the necessary means to meet the accruing interest as it falls due, according to the provisions of the 5th section of said act, or a violation of the pledge of the credit and faith of the State must ensue—a violation that no Department of this Government will permit, if it can be avoided.

This corporation is yet in its infancy, and struggling for existence. The last Legislature extended a fostering hand to it, and backed its credit by that of the State, whereby the State is deeply involved on its account.

The success of this enterprise cannot be well ascertained until it has more time for its development; and should it now be abandoned, and its operation cease, the event will be one greatly to be deplored, as it will be one not anticipated by the last Legislature, and will involve the State in deep pecuniary embarrassment, and will require some action on the part of your Honorable Body to protect the interest of the State.

I therefore respectfully call your attention to the act aforesaid, and to the event apprehended by the Treasurer, and suggest the propriety of some prospective Legislation to meet such a contingency.

This course may save you the trouble of again assembling,
and the State the expense of your again meeting, if legisla-
tive action should be required before the next regular session
of the Legislature.

I am very respectfully,

Your obedient servant,

JOHN M. MOREHEAD.

On motion,

Ordered, That the communication of the Governor,
and the letter of the Public Treasurer therein referred to, he committed to the Joint Select Committee contempl-
ated in the resolution this day adopted on Mr. Win-
ston's motion upon this subject.

Received a message from the Senate, agreeing to raise
a joint select committee of three, on the part of each
House, on the affairs and condition of the Raleigh and
Gaston Rail Road Company—and informing that Messrs.
Worth, Bynum and Pasteur form their branch of said
committee.

Ordered, That Messrs. J. P. Caldwell, Thompson and
J. B. Jones form said Committee on behalf of the Com-
mons.

A message from the Senate, informing that they had
passed the engrossed bill to authorize the Weldon Toll
Bridge Company to subscribe their stock to the Port-
smouth and Roanoke Rail Road Company and for other
purposes, with amendments, and asking the concurrence
of this House. The amendments were read and concur-
red in.

A message from the Senate, informing that they had
passed the engrossed bill to regulate the measurement of
ton and square timber and saw mill lumber, with amend-
ments, and asking the concurrence of this House. The
amendments were read and concurred in.

On motion of Mr. Barringter, leave was granted to Wal-
er Freeman to withdraw his petition from the files of the
House.

The bill to establish the Tobacco Planter's Bank of
Henderson was read, and on motion of Mr. Reid, laid on
the table.

The bill to appropriate $400 to the improvement of the
Lewis Fork Road, was read the second time and rejected.

The bill to amend the Revised Statutes, entitled an act
to drain the swamp lands of this State, and to create a
fund for common schools;
The bill to incorporate the light infantry company in the town of Edenton;
And the resolution in favor of John B. Love, were each read the second and third time, passed, and ordered to be engrossed.

On motion of Mr. Barringer,

Ordered, that the act for the establishment and better regulation of Common Schools, as passed by both Houses, be printed, ten copies for each member of the General Assembly; and that a message be sent to the Senate, asking their concurrence herein.

On motion of Mr. Reid, the report of the Committee of Conference on the resolutions concerning the apartments in the Capitol, was laid on the table.

The resolutions for repairing the Governor's residence, and for procuring furniture, were read the second time, amended, on Mr. Moore's motion, and passed.

The said resolutions were again read the third time. Mr. F. Taylor moved to strike out 'one thousand' from the second resolution, and to insert 'five hundred.' The question on adopting this amendment was decided in the negative—yeas 35, nays 48. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were:

Messrs.


Those who voted in the negative, were:

Messrs.

The question shall the said resolutions pass the third reading, was determined in the affirmative.

Ordered, That said resolutions be engrossed.

The bill to provide a copy of the N. C. Justice, for each and every magistrate of the State, was read the second time, amended on Mr. Moore’s motion, by striking out “two dollars,” and inserting “one dollar and fifty cents,” and passed—yeas 50, nays 45. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.

Adams, Adams, Dickson, Dickson, Massey,
Allen, Allen, Eaton, Eaton, J. T. Miller,
Baker, J. Graham, J. Graham, Mills,
Bannerman, Graves, Graves, Munroe,
E. Barnes, Gray, Gray, Patterson,
J. Barnes, Guyther, Guyther, Reid,
Boyden, Hawkins, Hawkins, Robards,
Boyd, Jacobs, Jacobs, Smith,
Brannock, J. B. Jones, J. B. Jones, F. Taylor,
Brogden, C. Jones, C. Jones, Wadsworth,
Bryan, R. Jones, R. Jones, L. Walker,
Cardwell, Kerr, Kerr, J. O.K. Williams,
Carson, Killian, Killian, Winston,
Chambers, I. W. Lane, I. W. Lane, Tomlinson,
J. M. Covington, Mangum, Mangum, Ziglar.

On motion, 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 56, nays 34. The yeas
and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Allen, Gray, Gray, McLaurin,
Barringer, Guthrie, Guthrie, McMillan,
Brogden, Herring, Herring, Paine,
Brower, Holland, Holland, Patton,
Brummell, Huggins, Huggins, Pemberton,
Bryan, Jefferson, Jefferson, Pope,
Burns, Joiner, Joiner, Powell,
Carson, H. C. Jones, H. C. Jones, Proctor,
Clegg, Keener, Keener, Ragan,
J. W. Covington, W. B. Lane, W. B. Lane, Russell,
J. M. Covington, Mendenhall, Mendenhall, Siler,
Doak, W. J. T. Miller, W. J. T. Miller, Stallings,
Ennett, Monday, Monday, J. W. Taylor,
Fleming, Moore, Moore, J. Walker,
Foreman, Morris, Morris, Whitehurst,
Franklin, Morrow, Morrow, F. Williams,
Gee, Muñro, Muñro, Wilson,
D. A. Graham, Murchison, Young.
Grandy, McCleese,

Those who voted in the negative, were

Messrs.
Adams, J. Graham, J. T. Miller,
Baker, Graves, Patterson,
Bannerman, Guyther, Robards,
J. Barnes, Hawkins, Smith,
Biggs, Hill, Spruill,
Boyd, Hyman, Tomlinson,
Boyden, Jacobs; Wadsworth,
Brannock, C. Jones, L. Walker,
Cardwell, R. Jones, J. O’K. Williams,
Chambers, Kerr, Ziglar,
Dickson, Killian,
Eaton, I. W. Lane,

Ordered, That said bill be engrossed.

A message from the Senate, concurring in the proposition of this House to print ten copies of the act relating to the establishment of common schools, for each member of the General Assembly.

The bill to amend the Revised Statutes, concerning last wills and testaments;

The bill to revive an act passed in 1835, authorizing David T. Sawyer to lay off and construct a road, and for other purposes;

The bill to extend the time of holding the next term of the Superior Court for Cumberland county;

And the Resolution in favor of J. N. Crosby, were each read the second time and passed.

Mr. Mendenhall presented a resolution in favor of the commissioners for superintending the building of the Capitol, and a resolution in favor of Lunsford Lane. These resolutions were read the first time and passed.

The bill to extend and enlarge the boundaries of the city of Raleigh, was read the second time, and, on motion of Mr. Boyden, indefinitely postponed.

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

The engrossed bill to incorporate the Little River Man-
manufacturing Company, was read the second time. Mr. Cardwell moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 8, nays 74. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.
E. Barnes, Holland, J. Walker,
Cardwell, I. W. Lane, Ziglar,
Fleming, F. Taylor,

Those who voted in the negative, were

Messrs.
Adams, Grandy, Morrow,
Allen, Graves, Mauvoe,
Baker, Gray, Murchison,
Bannerman, Guthrie, McClenehou,
J. Barnes, Hawkint, McLaughlin,
Beall, Howerton, McLaurin,
Boyd, Huggins, McMillan,
Boyden, Hyma, Patton,
Braunock, Jefferson, Patterson,
Brogdan, Joiner, Pemberton,
Brower, H. C. Jones, Pope,
Brummmell, C. Jones, Proctor,
Bryan, R. Jones, Ragan,
Burns, Kerr, Robards,
Chambers, Kilian, Russell,
Cleag, W. B. Lane, Siler,
J. W. Covington, Mangum, Smith,
J. M. Covington, Massey, Spruill,
Dickson, Mendenhall, J. W. Taylor,
Doak, E. P. Miller, L. Walker,
Foreman, J. T. Miller, Whitehurst,
Franklin, Mills, J. O'K. Williams,
Gee, Monday, F. Williams,
D. A. Graham, Moore, Wilson,
J. Graham, Morris,
Be it further enacted, That the individual property of the stockholders shall be bound in their individual capacity for the whole amount of the debts, contracts and liabilities of the company, in proportion to the amount of stock owned by each individual.

The question on the adoption of this amendment was decided in the negative—yeas 16, nays 73. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

J. Barnes, Hawkins, Ragan,
E. Barnes, Holland, Smith,
Boyd, Killian, F. Taylor,
Cardwell, I. W. Lane, Tomlinson,
Chambers, Morrow, Winston,
Guthrie, Powell,

Those who voted in the negative, were

Messrs.

Adams, Grandy, Murchison,
Allen, Graves, McCleese,
Baker, Gray, McClenehan,
Bannerman, Hill, McLaurin,
Barringer, Howerton, McMillan,
Beall, Huggins, Paine,
Boyden, Hyman, Patton,
Brannock, Jacobs, Patterson,
Brogden, Joiner, Pemberton,
Brower, Jefferson, Poindexter,
Brummell, H. C. Jones, Pope,
Bryan, C. Jones, Proctor,
Burns, Keener, Robards,
J. M. Covington, Kerr, Russell,
J. W. Covington, W. B. Lane, Siler,
Dickson, Mangum, Smith,
Doak, Massey, J. W. Taylor,
Ennett, Mendenhall, Wadsworth,
Farrow, E. P. Miller, L. Walker,
Fleming, J. T. Miller, J. Walker,
Franklin, Mills, Whitehurst,
Gee, Monday, J. O'K. Williams,
The question, shall the said bill pass the third reading? was decided in the affirmative.

Ordered, That said bill be enrolled.

The bill supplemental to an act entitled an act concerning the draining of low lands;

The bill to incorporate the Franklin Library Society, in the town of Fayetteville;

And the resolution for the Public Treasurer, were each read the third time, passed, and ordered to be engrossed.

The Speaker laid before the House a communication from the Public Treasurer, suggesting a probable deficiency in the public revenue to meet the expenditures the current year.

Ordered, on motion of Mr. Robards, that the communication be transmitted to the Senate, with a proposition that it be referred to a Joint Select Committee of three members from each House.

The bill to amend the Revised Statutes concerning last wills and testaments;

The bill to revive an act passed in 1835, authorizing David T. Sawyer to lay off and construct a road, and for other purposes;

And the bill to extend the time of holding the next term of the Superior Court for Cumberland county;

And the resolution in favor of J. N. Crosby, were each read the third time, passed, and ordered to be engrossed.

On motion of Mr. H. C. Jones,

Resolved, That the Principal Clerks of the two Houses be authorized to employ such additional aid for the engrossing and enrollment of bills, as may be necessary.

Mr. Boyden presented the following Resolutions:

Whereas, it is manifest that nearly the entire circulating medium of the country must continue to be Bank paper; and whereas, it is also manifest that State Bank paper, created for local and limited circulation, can never answer the purpose of a general national circulating medium, so essential in the transaction of the business and commerce of the country, between remote places; and whereas, it has been repeatedly de-
cided, by the proper tribunals appointed under the Constitu-
tion to make the decision, that Congress possesses the power
to create a National Bank:

*Resolved therefore,* as the opinion of this General Assem-
by, that the establishment of a National Bank is not only
constitutional, but highly expedient and necessary, as well
for administering the financial operations of the government
of the United States, as for equalizing exchanges and af-
fording other facilities to trade and commerce among the
people, so important to their prosperity and happiness.

*Resolved further,* That our Senators and Representatives
in Congress be requested to use their best exertions to pro-
cure the establishment of a National Bank.

*Ordered, on motion of Mr. Reid,* that said resolutions
be laid on the table.

Mr. Cardwell offered the following resolution:

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

*Ordered, on motion of Mr. Robards,* that said resolu-
tion be laid on the table:

The engrossed resolution to purchase a Library, was
read the third time, amended and passed.

*Ordered,* That the concurrence of the Senate be asked
in the amendment.

On motion, leave of absence from the service of the
House from and after Monday next, was granted to Mr.
Wilson.

The bill to incorporate the Beaver Creek Manufactur-
ing Company, in the county of Cumberland, was read the
third time and passed, and ordered to be engrossed.

A message from the Senate, concurring in the propo-
sition of this House to refer the late communication from
the Public Treasurer to a joint select committee of three
on the part of each House—and informing that Messrs.
Mitchell, Hawkins and Albright form their branch of the
committee.
Ordered, That Messrs. Robards, McLaughlin and Patterson form said Committee on the part of the Commons.

Mr. J. O'K. Williams moved that the vote of this House, whereby was rejected the bill concerning the Raleigh and Gaston Rail Road Company, be re-considered.

Ordered, on motion of Mr. Barringer, that the motion of Mr. Williams be laid on the table.

The engrossed bill to amend the 102nd chapter of the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State, was read the second time and passed.

The bill to incorporate the Fairfield Academy, in the county of Orange, was read the third time, passed, and ordered to be enrolled.

The engrossed resolution concerning Lumber River, was read the third time, and on motion of Mr. Morrow, laid on the table.

The resolution in favor of Lunsford Lane was read the second time and rejected.

On motion of Mr. Guyther, the House agreed to reconsider their vote by which was rejected the last named resolution.

The question then recurring on the passage of the resolution in favor of Lunsford Lane the second reading, was decided in the affirmative—yeas 62, nays 34. The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

**Messrs.**

- Adams, Graves, Powell,
- Baker, Hawkins, Ragan,
- Bannerman, Holland, Reid,
- J. Barnes, Howerton, Robards,
- E. Barnes, Jacobs, Stallings,
- Biggs, R. Jones, F. Taylor,
- Boyd, Kerr, Tomlinson,
- Brogden, I. W. Lane, L. Walker,
- Cardwell, Massey, J. Walker,
- Chambers, Monday, Ziglar,
- Dickson, Morrow, "
- Ennett, Munroe, "

On motion, the said resolution was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Nantahala Turnpike Company, of the counties of Macon and Cherokee, was read the second time, and the question shall the said bill pass the second reading, was determined in the affirmative—yeas 58, nays 37. The yeas and nays demanded by Mr. Guyther.

Those who voted in the affirmative, were

**Messrs.**

- Allen, Howerton, Pemberton,
- Barringer, Huggins, Pope,
- Beall, Hyman, Proctor,
- Boyden, Jacobs, Robards,
- Brannock, Joiner, Russell,
- Brower, Jefferson, Siler,
- Bryan, H. C. Jones, Smith,
- Burns, Keener, Spruill,
- J. P. Caldwell, Kerr, J. W. Taylor,
Clegg, W. B. Lane, F. Taylor,
J. M. Covington, J. T. Miller, Thompson,
J. W. Covington, Mills, Wadsworth,
Doak, Morris, L. Walker,
Franklin, McClenehan, Whitehurst,
Gee, McLaurin, J. O'K. Williams,
Grandy, McMillan, F. Williams,
Graves, Paine, Winston,
Gray, Patton, Wilson,
Hill, Patterson,
Holland,

Those who voted in the negative, were

Messrs.

Adams, Farrow, E. P. Miller,
Baker, Fleming, Monday,
Bannerman, J. Graham, Munroe,
J. Barnes, Guthrie, Morrow,
E. Barnes, Guyther, Marchison,
Biggs, Hawkins, Pcwell,
Boyd, J. B. Jones, Ragan,
Brogden, R. Jones, Reid,
Cardwell, Killian, Stallings,
Chambers, I. W. Lane, Tomlinson,
Dickson, Mangum, J. Walker,
Eaton, Massey, Ziglar,
Ennett, Mendenhall,

Mr. J. P Caldwell, from the Joint Select Committee to whom was referred the communication of his Excellency, Governor Morehead, in relation to the affairs and condition of the Raleigh and Gaston Rail Road Company, made a report accompanied by a resolution authorising the public Treasurer to borrow money.

Ordered, on motion of Mr. J. P. Caldwell, that the report and resolution be laid on the table.

The House then adjourned until Monday morning, at 8 o'clock.
Monday, Jan. 11, 1841.

The engrossed bill concerning Jurors in Burke county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill concerning Jurors in Cherokee county, was read the second and third times, passed, and ordered to be enrolled.

Messrs. Holland, Carson, W. B. Lane, Beall and Pemberton, obtained leave of absence from the service of the House, from and after to-day.

Mr. Mendenhall called up for consideration, the engrossed resolution concerning Lumber river, when the said resolution was read the third time, and rejected—yeas 40, nays 42.

Those who voted in the affirmative, were

Messrs.

Barringer, Hill, McMillan,
Beall, H. C. Jones, Paine,
Brancock, Jefferson, Pemberton,
Brower, Keener, Powell,
Brumnell, Kerr, Proctor,
Bryan, W. B. Lane, Ragan,
Burns, Mendenhall, Robards,
J. P. Caldwell, J. T. Miller, Russell,
Clegg, Munroe, Siler,
J. M. Covington, Murchison, Whitehurst,
J. W. Covington, McCleese, J. O'K. Williams,
Doak, McClenehan, F. Williams,
D. A. Graham, McLaurin, Winston,
Guthrie,

Those who voted in the negative, were

Messrs.

Adams, Gee, Mangum,
Allen, J. Graham, Massey,
Baker, Gray, Mills,
J. Barnes, Guyther, McLaughlin,
Birgs, Herring, Patton,
Boyd, Howerton, Patterson,
Boyden, Huggins, Poindexter,
Brogden, Hyman, Rand,
Chambers, Jacobs, Reid,
Dickson, J. B. Jones, Stallings,
Ennett, C. Jones, Tomlinson,
Fleming, R. Jones, Wadsworth,
Foreman, Killian, L. Walker,
Franklin, I. W. Lane, J. Walker,

The engrossed bill supplemental to an act passed at the present session of the General Assembly, authorising the Governor to appoint an agent to collect the Cherokee bonds, was read the second and third times, passed, and ordered to be enrolled.

Ordered, That a message be sent to the Senate, proposing to enlarge the joint committee on enrolled bills.

Mr. Robards, from the joint select committee raised on the 9th inst., on the communication of the Public Treasurer, suggesting a probable deficiency of revenue to meet the appropriations and current expenses of the State, made a report accompanied by a resolution, authorising the public Treasurer, upon certain contingencies, to borrow money from the banks.

Ordered, on motion of Mr. Boyden, that the report and resolution lie on the table.

Mr. Baker offered the following resolution:

Resolved, That the report of the joint select committee on the communication of the public Treasurer relating to the finances be printed; and in case the printing of said report cannot be completed before the adjournment of this Legislature, that the printer be directed to forward, through the mail, one copy to each member of the Legislature. The said resolution was rejected.

On motion of Mr. McClenehan, leave was granted to Lunsford Lane to withdraw his petition and papers from the files of this House.

The engrossed resolution concerning the statue of Washington, was read the second time, amended on motion of Mr. C. Jones, and passed.

On motion, the said resolution was again read the third time, and the question shall the said resolution pass the third reading? was decided in the affirmative—yeas 40, nays 39. The yeas and nays demanded by Mr. F. Taylor.
Those who voted in the affirmative, were

**Messrs.**


Those who voted in the negative, were

**Messrs.**


A message from the Senate, concurring in the amendments by this House made to the engrossed bill to purchase a Library.

Ordered, That said bill be enrolled.

The engrossed bill to amend the 102nd chapter of the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State, was read the third time, passed, and ordered to be enrolled.

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


The engrossed bill to incorporate the town of Rutherfordton, was read the second and third times, passed, and ordered to be enrolled.

The bill to improve the State Road from Reddie's river to the Tennessee line, by way of Jefferson, in Ashe county, was read the second time, and, on motion of Mr. Adams, postponed indefinitely—yeas 41, nays 27. The yeas and nays demanded by Mr. Adams.

Those who voted in the affirmative, were

Messrs.


Those who voted in the negative, were

Messrs.

The engrossed resolution in favor of William Stronach, and the engrossed bill to authorise the making of a Turnpike Road from Gatesville to Chowan River, and to incorporate a Company for that purpose, were each read the second and third times, passed, and ordered to be enrolled.

Mr. Winston presented the following Protest:

I protest against the passage of an act, entitled "an act in favor of Princess Ann and Kempsville Canal Companies," because the bill gives exclusive power to certain persons in this State to navigate the Currituck Sound—the said Sound communicating with the ocean.

A State cannot give exclusive power to any corporation or natural person to navigate any water which can be used for the purposes of Commerce with other States—it being contrary to the third clause of the eighth section of the first article of the Constitution of the United States, which provides that Congress shall have power, &c., to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes.

(Signed) PATRICK H. WINSTON.

Received a message from the Senate, informing that they had passed the engrossed bill to repeal an act entitled an act to repeal in part the 13th section of the act passed in 1824, authorizing the making a Turnpike Road in Buncombe county, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

Mr. J. P. Caldwell, from the Joint Select Committee raised on the letter of his Excellency Governor Morehead, reported certain resolutions relating to the Raleigh and Gaston Rail Road Company.

Mr. J. R. Gilliam offered the following as an amendment to the said resolutions:

"That the Treasurer further provide the means to pay the amount for the assessment made to individuals for the condemned land over which the road runs."

The question on adopting this amendment was decided in the negative—yeas 22, nays 61. The yeas and nays demanded by Mr. Adams.
Those who voted in the affirmative, were

**Messrs.**

Clegg, Eaton, J. R. Gilliam, D. A. Graham, J. Graham, Hill, C. Jones, Howerton,

Mangum, Massey, Moore, Paine, Patton, Pemberton, Rand,

Robards, Russell, Siler, Smith, Thompson, Whitehurst, Winston.

Those who voted in the negative, were

**Messrs.**


Franklin, Gee, Grandy, Gray, Gnyther, Huggins, Hyman, Jacobs, Joiner, H. C. Jones, J. B. Jones, R. Jones, Kerr, Killian, I. W. Lane; Mcqueenhall, J. T. Miller, Monday, Morris, Murchison,


Mr. Reid moved to strike out the last clause of the last resolution in the following words, viz:

"But should said sale not produce one fourth of the par value of each share of said stock, the Treasurer is hereby directed to purchase the same for the State."

The motion prevailed—yeas 57, nays 31. The yeas and nays demanded by Mr. Killian.
Those who voted in the affirmative, were

Messrs.

Adams, Gray, Patterson,
Allen, Guyther, Pope,
Baker, Hill, Powell,
Bannerman, Holland, Ragan,
J. Barnes, Huggins, Rand,
Barringer, Hynian, Reid,
Boyd, Jacobs, Russell,
Brogden, Joiner, Smith,
Brower, J. B. Jones, Stallings,
Bryan, R. Jones, J. W. Taylor,
Burns, Kerr, F. Taylor,
J. P. Caldwell, Killian, Thompson,
Cardwell, I. W. Lane, Tomlinson,
J. M. Covington, Mangum, Wadsworth,
J. W. Covington, Massey, J. Walker,
Ennett, J. T. Miller, L. Walker,
Farrow, Muirroe, J. O'K. Williams,
J. Graham, McCleese, Winston,
Grandy, McLaurin, Ziglar.

Those who voted in negative, were

Messrs.

Boyden, D. A. Graham, McClenehan,
Brumnell, Guthrie, McLaughlin,
Brannock, Howerton, Paine,
Chambers, H. C. Jones, Patton,
Clegg, C. Jones, Peinberton,
Doak, Mendenhall, Poindexter,
Eaton, Mills, Siler,
Fleming, Monday, Whitehurst,
Foreman, Moore, F. Williams,
Franklin, Morris,
J. R. Gilliam, Murchison,

Ordered, on motion of Mr. J. B. Jones, that said resolutions lie on the table.

The engrossed bills to incorporate the Hembrie Turnpike Company, in the county of Cherokee;

The bill to incorporate the Union Institute Library Society;
The bill to prevent the transportation of slaves upon rail roads, steam boats or stage coaches, without written permission from their owners;
The bill to protect Churches;
The bill to incorporate the North Carolina Land and Mining Companies;
The bill to amend an act entitled an act to incorporate the North Carolina Central Rail Road;
The bill to incorporate the Trustees of the Union Institute Academy;
And the engrossed resolution to authorize the Governor to employ counsel to defend the titles of purchasers of lands in Cherokee county, were each read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to regulate the time for holding the Courts in Rutherford and Cleaveland counties; and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed resolution authorizing the Private Secretary of the Governor to employ a servant for the Governor's office; and asking the concurrence of this House. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they do not concur in the amendment made by this House to the engrossed resolution concerning the statue of Washington.

Ordered, on motion, that this House do recede from their said amendment; and

Ordered, That said bill be enrolled.

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

Three O'clock, P. M.

The engrossed bill to incorporate the Nantahala Turnpike Company, was read the third time, amended on motion Messrs. Fleming and Siler and passed.

Ordered, That the concurrence of the Senate be asked in the amendments.
Mr. Boyden called up for consideration the resolution this day introduced by the joint select committee, authorising the public Treasurer to borrow money under certain contingencies, when on motion of Mr. Boyden, the said resolution was amended by striking out the whole thereof, after the word resolved, and inserting the substitute by him proposed.

Mr. Patterson moved that the House do now reconsider the vote of Saturday last, whereby the bill to enlarge the boundaries of the city of Raleigh, was indefinitely postponed. The House agreed to reconsider, when on motion of Mr. Pope, the said bill was again postponed indefinitely.

Received a message from the Senate, proposing that the joint resolution of the two Houses to adjourn this day be rescinded, and that the two Houses adjourn sine die on to-morrow the 12th inst.

The question on concurring in this proposition of the Senate, was decided in the affirmative—yeas 67, nays 25. The yeas and nays demanded by Mr. J. W. Taylor.

Those who voted in the affirmative, were

Messrs,

Allen, Gray, Paine,
Barringer, Guyther, Patton,
Boyden, Hill, Patterson,
Brannock, Howerton, Pemberton,
Brogden, Huggins, Poindexter,
Brower, Hyman, Pope,
Brumnell, Jacobs, Proctor,
Bryan, Jefferson, Rand,
Burns, Joiner, Reid,
J. P. Caldwell, C. Jones, Robards,
Chambers, Keener, Siler,
Clegg, Killian, Stallings,
J. W. Covington, Mangum, F. Taylor,
J. M. Covington, Massey, Wadsworth,
Dickson, Mendenhall, L. Walker,
Doak, Mills, J. Walker,
Eaton, Monday, Whitehurst,
Franklin, Muñroe, J. O'K. Williams,
J. R. Gilliam, Murchison, F. Williams,
D. A. Graham, McCleese, Winston,
A message from the Senate, concurring in the amendments made by this House to the engrossed bill to incorporate the Nantahala Turnpike Company.

Ordered, That said bill be enrolled.

Received a message from the Senate, informing that they had passed the engrossed bill to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same, and asking the concurrence of this House. The said bill was read the first time and passed. On motion, the said bill was again read the second time, and the question shall the said bill pass the second reading? was decided in the affirmative—yeas 53, nays 42. The yeas and nays demanded by Mr. Adams.

Those who voted in the affirmative, were

Messrs.

Those who voted in the negative, were

Messrs.
On motion, the said bill was again read the third time, passed, and ordered to be enrolled.

Mr. Fleming moved that the House do now re-consider their vote by which was rejected the resolution concerning the improvement of Lumber River. The question, will the House re-consider their vote? was decided in the negative—yeas 38, nays 44. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Bannerman, J. R. Gilliam, McMillan,
Barringer, D. A. Graham, Painie,
Boyden, J. Graham, Powell,
Brannock, Grandy, Proctor,
Brower, Guthrie, Ragam,
Brummell, Hill, Robards,

Those who voted in the negative were

Messrs.


On motion, Mr. J. P. Caldwell obtained leave to withdraw from the files of the House the memorial of the Agricultural Association for the county of Iredell.

The House then adjourned until to-morrow morning at 7 o’clock.

Tuesday, Jan. 12, 1841.

Received a message from the Senate, informing that they had passed the engrossed bill for the benefit of the Raleigh and Gaston Rail Road Company; and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled.