At a General Assembly, begun and held in the City of Raleigh, on Monday, the seventeenth day of November, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America: It being the first Session of this General Assembly.

The Returning Officers of the several Counties, certified that the following persons were duly elected to represent the Counties in the Senate, respectively, to wit:


On motion of Mr. Cameron, Bartlett Yancey, Esquire, the member of this House from the county of Caswell, was unanimously chosen Speaker of the Senate, and conducted to the Chair accordingly.

On motion of Mr. Speight, Benjamin H. Covington, was appointed Clerk of the Senate, and James W. Clark, Clerk Assistant.

On motion of Mr. Vanhook, Thomas B. Wheeler and Robert Ray were appointed Door-keepers of the Senate.

On motion of Mr. Wellborn, a message was sent to the House of Commons, informing them of the organization of the Senate, by the appointment of Bartlett Yancey, Esquire, Speaker, Benjamin H. Covington, Clerk, and James W. Clark, Clerk Assistant, Thomas B. Wheeler and Robert Ray, Door-keepers, and of their readiness to commence their public duties.

On motion of Mr. Wellborn, it is ordered, that a committee, consisting of five members, be appointed to draw Rules of Decorum for the government of the Senate; and Messrs. Wellborn, Cameron, Hill, Sneed, and Gray, were appointed to compose the said committee.

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

Tuesday, November 18, 1823.

The Senate met agreeably to adjournment.

On motion of Mr. Wellborn, it is ordered, that the Rules of Decorum, adopted for the government of the Senate, at the last session of the Legislature, be adopted for the present session, until the committee appointed for this purpose shall make their report.

Received from the House of Commons, a message, stating the due organization of that House, by the appointment of the Honorable Alfred Massie, Speaker, Pleasant Henderson, Clerk, and William
B. Lockhart, Clerk Assistant, and John Lumsden and Richard Roberts Door-keepers; and that they are also ready to proceed to the dispatch of public business.

Received from the House of Commons, a message, proposing that a joint select committee be appointed to wait on His Excellency the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any communications which he may think proper to make to them; and appointing Messrs. Alston, Leonard, and Baker, as a committee on the part of that House, which proposition was read and agreed to; and Messrs. Love, Gavin, and Baker, were appointed to form the said committee on the part of the Senate.

Mr. Seawell presented the following resolution:

Resolved, That Joseph Gales & Son, be permitted to report the proceedings of the Senate, during the present session of the General Assembly, in the character of Stenographers; and for that purpose, a suitable situation be assigned them by the Speaker.

Which resolution was agreed to.

Received from the House of Commons, a message, proposing that a joint select committee be appointed to prepare joint rules for the government of the two Houses; and appointing on the part of that House, Messrs. Fisher, Mann, and Strange, which proposition was agreed to; and Messrs. Cameron, Seawell, and Hatch, of Jones, were appointed to form the committee on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot immediately, for three Engrossing Clerks, and nominating Thomas T. Armstrong, Charles G. Rose, Isaac Newbery, Samuel F. Patterson, David Mock, John Vanhook, David Tate, Joshua E. Lumsden, Joseph Ramsay, Charles Hunter, Thomas Hearne, Benjamin D. Roussaville, Thomas G. Stone, George Mordecai, William M. White, Donald R. McLeod, James Campbell, and John C. Ehringhaus, which proposition was read and agreed to, and Mr. Wall and Mr. Outlaw, were appointed superintendents of the balloting on the part of the Senate.

Mr. Love, from the committee appointed to wait on His Excellency the Governor, reported, that the committee were authorised by His Excellency to state, that he would make a communication to the Legislature at 12 o'clock to-morrow.

Received from the House of Commons, a message, stating that Mr. Ward and Mr. Williamson attend the Senate as a committee on the part of that House, to superintend the balloting for three Engrossing Clerks.

Mr. Outlaw, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported, that Samuel F. Patterson was duly elected, and that no other person in nomination had a majority of votes; which report was concurred in.
Mr. Wilson presented the resignation of William Hill, Justice of the Peace of Carteret county.

Mr. Wellborn presented the resignation of Samuel Johnson, Justice of the Peace for the county of Wilkes; and

Mr. Vanhook presented the resignation of John Day, Colonel Commandant of the militia of Person county; which resignations were severally read and accepted by the Senate, and sent to the House of Commons.

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

Wednesday, November 19, 1823.

The Senate met agreeably to adjournment.

Mr. Sneed presented the resignation of James H. Harris, a Justice of the Peace for the county of Granville; and

Mr. Frink presented the resignations of Elisha Sellers and John Gore, as Justices of the Peace for the county of Columbus; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Wilson, a message was sent to the House of Commons, proposing to ballot immediately for two Engrossing Clerks, yet to be elected.

Received from the House of Commons, a message, consenting to ballot immediately for two Engrossing Clerks, as proposed by the Senate; and stating that the name of Charles G. Rose is withdrawn from the nomination, and that Mr. Clancy and Mr. Sellers are appointed a committee to conduct the balloting, on the part of that House.

Whereupon Mr. Sumner, and Mr. Hatch, of Jones, were appointed superintendents of the balloting, on the part of the Senate.

Mr. Sumner, from the committee appointed to conduct the balloting for two Engrossing Clerks, yet to be elected, reported that no person in nomination had a majority of the votes.

On motion of Mr. Callaway, a message was sent to the House of Commons, proposing that a further balloting for the Engrossing Clerks, immediately take place, and stating that the name of David Mock is withdrawn from the nomination; and a message was received from the House of Commons, in answer thereto, stating their agreement to ballot immediately for the two Engrossing Clerks, yet to be elected; that the names of Thomas Hearne and George Mordecai are withdrawn from the nomination, and that Mr. Robert A. Jones and Mr. M. W. Campbell, attend on their part to receive the ballots. Thereupon Mr. Graves and Mr. Hawkins, were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, a message from His Excellency the Governor, indorsed in that House, read, and ordered to
be printed; which being read in the Senate was also ordered to be printed.

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

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Thursday, November 20, 1823.

The Senate met agreeably to adjournment.

Mr. Graves, from the committee appointed to conduct the balloting for two Engrossing Clerks, yet to be elected, reported that no person in nomination had received a majority of the votes.

John H. Bryan, the Senator from the county of Craven, and Edward Ward, the Senator from the county of Onslow, appeared, produced the certificates of their election, were qualified, and took their seats.

Mr. Wellborn, from the committee appointed to draw up rules of order for the government of the Senate, reported the following, to wit:

I. When the Speaker takes the Chair, each member shall take his seat, and on the appearance of a quorum, the journal of the preceding day shall be read.

II. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question without leave of the House; and when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing or passing between him and the Chair.

III. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

IV. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it, to commit it, to let it lie on the table, or to adjourn.

V. Questions on bills and resolutions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "As many as are of opinion, that (as the case may be) say Aye;" and after the affirmative voice is expressed, "as many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speak-
er shall call on those in the affirmative of the question to rise from
their seats, and afterwards, those in the negative. If the Speaker
still doubt, or a count be required, the Speaker shall name two mem-
bers, one from each side, to tell the number in the affirmative,
which being reported, he shall then name two others, one from each
side, to tell those in the negative, which being reported, he shall state
the division to the House and announce its decision. No member
shall be permitted to enter his yea or nay unless he be within the bar
of the Senate at the time the question is put from the Chair, unless
by leave of the Senate.

VI. When any member shall make a motion which is not of course,
he shall reduce the same to writing if required.

VII. In all cases of ballot, by the House, the Speaker shall vote;
and when, on a division, there shall be an equal number of votes, the
Speaker shall decide the question; in no other case shall he vote,
unless his vote, if given to the minority, will make the division equal,
and when an equal division is produced by the Speaker’s vote, the
question shall be lost.

VIII. No member shall depart the service of the House without
leave, or receive pay as a member for the time he is absent.

IX. Petitions, memorials; and other papers, addressed to the
House, shall be presented by the Speaker, or by a member in his
place; a brief statement of the contents thereof shall verbally be
made by the introducer; and the petition, memorial, or other paper,
shall not be read unless so ordered by the House.

X. A bill or resolution for the appropriation of public money,
shall be read the first time for information, and upon this reading,
shall not be subject to amendment, but may be amended on the se-
cond or third reading.

XI. All bills of a public nature, when ready for the second hear-
ing, shall be noted to be read at least one day previous thereto; and
then shall first be read for information, and afterwards, paragraph
by paragraph, and held open for amendment.

XII. When a question has been once decided, it shall be in order
for any member of the majority to move for the reconsideration there-
of on the same, or succeeding day.

XIII. The Speaker shall examine and correct the journal before
it is read. He shall have the general direction of the Hall; he shall
designate the members who shall compose select committees, except
when otherwise ordered; and the select committees of this House
shall consist of five members; he shall also appoint the superintend-
ants on all balloting committees.

XIV. There shall be appointed by the Senate a committee of Pro-
positions and Grievances, a Committee of Privileges and Elections,
and a Committee of Claims, consisting of eight members, one to be
selected from each old Judiciary District.
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XV. When the House resolves itself into a committee of the whole, the Speaker shall leave the Chair and appoint a Chairman, and when, upon any other occasion, the Speaker wishes to leave the Chair, he shall appoint a Speaker pro tem.

XVI. When any petition, memorial, or other paper, addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

XVII. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the committee of the whole House, shall have power to have the same cleared.

XVIII. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State resident at the Seat of Government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the hall of the Senate.

XIX. Any member dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

XX. When the private interests of a member are concerned in a bill, question, or resolution, he is to withdraw, and he is not to be a member of the committee to which such bill, question, or resolution may be referred.

XXI. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

XXII. On motion for adjournment, the question shall be decided without debate.

The foregoing being read, it was resolved, that the Senate do concur therewith; and

On motion of Mr. Wellborn, it was ordered that the same be printed, one copy for each member of the Senate.

On motion of Mr. Wellborn, the Senate proceeded to the appointment of standing committees, which were made as follows:


On the Committee of Propositions and Grievances—Messrs. Forney, Graves, Peebles, Frink, Wall, Sumner, Sneed, and Williams.


Mr. Cameron presented the following resolutions, which were read and agreed to.

1. Resolved, that so much of the Governor's Message as relates to the Public Roads and Internal Improvements, be referred to a select committee.

2. That so much of the said message as relates to Agriculture, be referred to a select committee.
3. That so much of the said message as relates to the Criminal Laws, and the administration of them, be referred to a select committee.

4. That so much of the said Message as relates to the Public Lands acquired by treaty with the Cherokee Indians, be referred to a select committee.

Mr. Sneed presented the following resolution, to wit:

Resolved, that a select committee be appointed on Education.

Which was read and agreed to.

Received from the House of Commons, a message, proposing that a balloting immediately take place, for the two Engrossing Clerks, yet to be elected, and stating that Mr. Turner and Mr. J. A. Hill, wait on the Senate as a committee to conduct the balloting, on the part of that House; which proposition, was agreed to, and Mr. Outlaw and Mr. Hawkins, were appointed superintendents of the balloting on the part of the Senate.

Mr. Hawkins, from the committee appointed to conduct the balloting, for two Engrossing Clerks, reported that no person in nomination had received a majority of the votes. Thereupon,

On motion of Mr. Love, a message was sent to the House of Commons, proposing that a further balloting immediately take place, and a message was received from that House in answer thereto, consenting to ballot immediately, as proposed by the Senate, and appointing Mr. Wilkins and Mr. Webb a committee to conduct the balloting on their part—and stating that the names of Isaac Newberry, John Vanhook, William M. White, Joseph Ramsay, and Charles Hunter, are withdrawn from the nomination; and the foregoing being read, Mr. Hill and Mr. Pearsall were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, the Report of the joint committee appointed to prepare and report Joint Rules for the Government of the two Houses, which was concurred with in that House, and are as follows:

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

2. In any case of amendment of a bill or resolution, agreed to in one House, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer; such committee shall consist of an equal number of members of each House, and shall, at a convenient time and place to be agreed on, meet and state to each other, the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing, to their respective Houses, of the result of their conference.

3. Messages from one House to the other, shall be sent by the Clerk Assistant of such House, unless otherwise ordered.
IV. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the Door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

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

VI. After a bill shall have passed both Houses, it shall be duly enrolled on suitable paper, by the Engrossing Clerks, before it shall be presented for ratification.

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

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

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

X. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

XI. The committee in each House, shall, in all cases make a statement of facts on which their report is founded, which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

XII. The committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former Judicial districts.

XIII. The Library committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

XIV. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: one copy thereof to each Member of the General Assembly; one copy to the Clerk of each House, for the use thereof; and ten copies shall be deposited in the Public Library.

The foregoing being read, Mr. McLeod moved to strike out the first Rule thereof; and the question thereon was determined in the negative. The question then recurred on the adoption of the Rules, and the same were agreed to: And,
On motion of Mr. Vanhook, ordered to be printed.

Received from the House of Commons, the following resignations, which were read and accepted in that House, to wit: the resignations of Henry Carter, Hyder A. Rogers, William Ward, and Samuel Welsh, Justices of the Peace of Stokes county; also, the resignations of J. Taylor, of Nash county, Wm Weathers, of Granville county, Demarcus Palmer, of Montgomery county, Thomas A. Word, of Surry county, and Andrew Duke, of Currituck county, Justices of the Peace; also, the resignation of K. Montgomery, Lieutenant Colonel of the Militia of Hertford county, which were severally read and accepted by the Senate.

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

Friday, November 21, 1823.

The Senate met agreeably to adjournment.

Mr. Hill, of Stokes, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported, that Thomas T. Armstrong was duly elected, and that no other person in nomination had received a majority of the votes; which report was concurred in: and,

On motion of Mr. Hill, of Stokes, a message was sent to the House of Commons, proposing that a further balloting immediately take place, for one Engrossing Clerk yet to be elected, and stating that the name of David Tate is withdrawn from the nomination.

Mr. Cameron presented the following resolution, to wit:

Whereas, the Honorable Wm. Norwood, Esquire, one of the Judges of the Superior Courts of Law and Equity of this State, was prevented, by extreme illness, from holding all the Courts in the Circuit to which he was allotted, this fall:

Resolved, that the Public Treasurer be, and he is hereby authorised and required to pay to the said Wm. Norwood, the full sum he would have been entitled to receive from the Public Treasury, in like manner as if he had held all the Courts in the Circuit assigned to him; and for so doing this shall be his warrant.

Which resolution was read the first, second, and third time, and passed, and ordered to be engrossed.

Mr. Graves presented the following resolution, to wit:

Resolved, that a select committee of this House, be appointed on the militia laws and the public arms of the State.

Which was agreed to; and Messrs. Graves, Brittain, Williams, M'Leary and Ward, were appointed to compose the said committee.

Received from the House of Commons, a message, consenting to ballot for one Engrossing Clerk, as proposed by the Senate; and stating that the name of Benjamin D. Rounsaville is withdrawn from the nomination, and that Mr. Graham and Mr. Shepherd are appointed superintendents of the balloting on the part of that House. And thereupon, Mr. Hatch, of Wayne, and Mr. M'Dowell, were appointed superintendents of the balloting on the part of the Senate.
On motion of Mr. Callaway, a message was sent to the House of Commons, proposing to ballot at the meeting of the two Houses, to-morrow morning, for a Public Printer, and nominating for that appointment, Joseph Gales & Son.

The following persons were appointed on the several select committees, ordered on the message of the Governor.

On Internal Improvement—Messrs. Cameron, Burgess, Legrand, Caldecleugh, and Hatch, of Wayne.


On the Cherokee Lands—Messrs. Seawell, Love, Forney, M'Leod, and Brittain.

And pursuant to the resolution presented by Mr. Sneed,

On Education—Messrs. Sneed, Hill, of Franklin, Whitfield, Ward, and Hill, of Stokes. And,

On the Library Committee—Messrs. Forney, Bryan, and Bullock.

Mr. M'Dowell, from the committee appointed to conduct the balloting for one Engrossing Clerk, yet to be chosen, reported, that no person in nomination had received a majority of the votes.

Received from the House of Commons, a message, proposing a further balloting for one Engrossing Clerk, yet to be chosen, which was agreed to, and Mr. Brittain and Mr. Pearsall, were appointed superintendants of the balloting on the part of the Senate.

On motion of Mr. Wellborn, the name of James Campbell was withdrawn from the nomination for Engrossing Clerk; and the House of Commons, was informed thereof by message.

Received from the House of Commons, a message, stating that Mr. Leonard and Mr. Smith attend the Senate as superintendants of the balloting for one Engrossing Clerk yet to be chosen; also a message stating that they do not agree to ballot to-morrow for Public Printer, as proposed by the Senate.

Mr. Pearsall, from the committee appointed to conduct the balloting for one Engrossing Clerk yet to be elected, reported that John C. Ehringhaus was duly elected; which report was concurred in.

Mr. Gray presented the petition of Jane Wilborn, of the county of Randolph, praying the passage of a law securing to her such estate as she may hereafter acquire; and

Mr. Baker presented the petition of sundry inhabitants of the county of Brunswick, in favor of John Clevis.

Which were referred to the Committee of Propositions and Grievances.

Mr. Shipman presented the resignations of Aaron Lewis, James Campbell, and James Swindal, Justices of the Peace of Bladen county.

Mr. Baker presented the resignation of John Grissett, Justice of the Peace of Brunswick county; and

Mr. Love presented the resignation of David Russell, as a Justice of the Peace of Haywood county.

Which were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning o'clock.
Saturday, November 22, 1823.

The Senate met agreeably to adjournment.

Received from the House of Commons, a message, stating that they have, agreeably to the provisions of the joint rules, for the government of the two Houses, appointed a committee of Finance, to join the committee to be appointed by the Senate, consisting of Messrs. Carson, Shepherd, Taylor, Turner, S. A. Bryan, Stanly, Leonard, and Howell, and that they have also appointed, in accordance with the said rules, a committee on the Public Library, consisting of Messrs. Fisher, T. N. Mann and Brodnax.

The foregoing being read, a message was sent to the House of Commons, stating that the Senate, according to the joint rules of the two Houses, have appointed the following persons on the committee of Finance, to wit: Messrs. Hatch, of Jones, Bullock, Flow- ers, Marshall, Ward, Gray, Martin, and Wellborn; and also a committee on the Public Library, consisting of Messrs. Forney, Bryan, and Bullock.

Received from the House of Commons, a certificate of an allowance, made by the County Court of Cumberland, in favour of Isabell Campbell, widow of James Campbell, a soldier in the continental line of this State, in the revolutionary war; which was endorsed, read, and countersigned by the Speaker of that House; and

On motion of Mr. Bethune, the same was countersigned by the Speaker of the Senate.

Mr. Brittain presented the resignation of Jonathan Tipton, Justice of the Peace of the county of Buncombe, and the resignation of William Orr, Lieutenant-Colonel of the first regiment of said county; and Mr. Alexander presented the resignation of Andrew Hudlow, Colonel Commandant of the first regiment of militia of Rut- herford county; which were severally read and accepted by the Senate, and sent to the House of Commons.

Received from the House of Commons, the following resignations, to-wit: the resignations of J. Berryman, of Rowan county, John Crowal, of Mecklenberg county, and J. Cherry, of Pitt county, Justices of the Peace; also the resignations of Ninian Edmonston, Lieutenant Colonel of the militia of Haywood county, Andrew Hemphill, Lieutenant Colonel of the third regiment of the militia of Burke county, and I. Daniel, Major of the first regiment of the militia of Edgcombe county; which were endorsed in that House, read, and accepted, and the same were severally read and accepted by the Senate.

The Senate adjourned until Monday morning at 10 o'clock.

Monday, November 24, 1823.

The Senate met agreeably to adjournment.

Charles A. Hill, the Senator from the county of Franklin, Tho- mas Burges, the Senator from the county of Halifax, and Thomas
Cox, the Senator from the county of Washington, appeared, produced the certificates of their election, were qualified, and took their seats.

Mr. Martin moved to adopt the following, as one of the rules for the government of the Senate, the present session, to-wit:

When the yeas and nays are called for on any question put, and if seconded and the question shall be decided by the yeas and nays, the names of members shall be called in alphabetical order.

Which was not agreed to.

Received from the House of Commons, the following resolution, to-wit:

That all resolutions, the object of which is to draw money from the Public Treasury, be read three times in each House.

And the same being read was concurred in by the Senate.

That a joint select committee be appointed to enquire whether the Public Printing cannot be done with more economy than under the existing laws, either by special contract or otherwise, and appointing on the part of this House, Messrs. Stanley, Blackledge, Mebane, Shepherd, and Strange, to form the said committee.

Which was read and concurred in by the Senate, and a committee was appointed consisting of Messrs. Cameron, Gray, Wellborn, Phifer, and Burges, and the House of Commons was informed thereof by message.

Received from the House of Commons, the Report of the Public Treasurer, endorsed in that House, read and referred to the committee of Finance, and ordered to be printed; which reference and order were agreed to by the Senate.

Received from the House of Commons, the following resolution, which was adopted by that House, to-wit:

That a joint select committee be appointed to enquire into the state and condition of the several incorporated Banks of this State, whether their notes are at this time redeemed agreeably to their charters, with specie; and if not, to ascertain when the said Banks will be ready to resume specie payments; and also to enquire whether the notes of said corporations, or any of them, have depreciated from their extrinsic value; and if they have so depreciated, to investigate and report the means, if any, of improving and sustaining the credit of said notes.

Which resolution was read and concurred in by the Senate, and a committee was appointed consisting of Messrs. Seawell, Vanhook, Phifer, Scales, and Sneed, on the part of this House.

Mr. Bryan moved for and obtained leave to withdraw the petition of John Rhem and others, with the accompanying documents, from the files of the Senate.

Mr. Baker presented a bill "to regulate the time of holding the Superior Courts of Law and Equity, in the fifth Judicial Circuit," which was read the first time and passed, and made the order of the day for to-morrow.

Mr. M'Leary presented a certificate of an allowance made by the County Court of Mecklenburg, to Leah Beaty, widow of John Beaty, a soldier in the revolutionary war, which was read and countersigned by the Speaker of the Senate, and sent to the House of Commons.
Mr. Sneed presented a bill to consolidate and amend the several laws of this State, relative to the processioning of land; which was read the first time and passed; and

On motion of Mr. Hill of Stokes, ordered that the same be printed.

Mr. Callaway presented a bill to appoint Commissioners to superintend the building of two bridges on the great stage road in the counties of Wilkes and Ashe, which was read the first time and passed; and

On motion of Mr. Callaway, referred to the committee on Internal Improvements.

Mr. Hill, of Stokes, presented the petition of Wm. Welsh and others, of the county of Stokes, praying for authority to erect gates on a public road therein mentioned.

Mr. Torrence presented the petition of Joseph Byars, of Iredell county, praying for authority to keep up a gate across a public road therein mentioned, free from the payment of a tax for the same; and

Mr. Love presented the petition of sundry inhabitants of the county of Haywood, on the subject of the Cherokee lands.

The two petitions first abovementioned, were referred to the committee of Propositions and Grievances, and the last mentioned petition was referred to the committee on that part of the Governor's message which relates to the Cherokee lands.

Mr. Callaway presented the resignation of John Long, a Justice of the Peace for the county of Ashe, and received from the House of Commons the resignation of J. Willie, Colonel Commandant of the militia of Cabarrus county; which were severally read and accepted by the Senate.

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

Tuesday, November 25, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favour of Judge Norwood, in which they ask the concurrence of that House.

Mr. Wellborn presented the petition of sundry inhabitants of Wilkes county, praying for the passage of a law to restore to credit Amos Harmon; which was referred to the committee on that part of the Governor's message which relates to the Criminal Law.

The certificate of the Court of Pleas and Quarter Sessions of Mecklenburg county, in favour of Leah Beaty, was returned from the House of Commons, endorsed, read, and countersigned by the Speaker of that House.

Mr. Beasley presented a bill to alter the times of holding the Court of Pleas and Quarter Sessions in Tyrrell county; also a bill to exempt certain citizens in Tyrrell county from public duty; and also a bill making compensation to Jurors of the Superior and County
Courts of Tyrrell county; which bills were severally read the first time and passed.

Received from the House of Commons, the Report of the Public Treasurer on the subject of the Banks of this State; which was endorsed in that House, read and referred to the joint select committee appointed to enquire into the state of the Banks; which reference was agreed to by the Senate.

Mr. Peebles presented the petition of Wm. Deloatch of Northampton county, praying the passage of a law to alter the name and legitimate Elizabeth Wade; and Mr. Gray presented the petition of Elizabeth Barker, praying that the property she now has, or may hereafter acquire, be secured to her; which were referred to the committee of Propositions and Grievances.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions in Tyrrell county, was read the second and third time and passed, and ordered to be engrossed.

The bill to exempt certain citizens in Tyrrell county from public duty, was read the second time and passed; and

On motion of Mr. Phifer, it was ordered that the further consideration thereof be postponed until to-morrow.

The bill making compensation to Jurors of the Superior and County Courts of Tyrrell county, was read the second time and passed; and the same being read the third time, it was,

On motion of Mr. Sneed, ordered that the further consideration thereof be postponed until to-morrow.

Received from the House of Commons, a message, proposing to ballot at the meeting of the two Houses to-morrow morning, for a Major-General of the fourth division of the militia of this State, and nominating for that appointment Brigadiers-General George Lee-Davidson and Michael M'Leary; which proposition was agreed to by the Senate.

The Senate entered upon the order of the day, when the bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, was read the second time; and,

On motion of Mr. Wellborn, referred to the committee on that part of the Governor's message which relates to the Criminal Law.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the county of Brunswick, in favor of John Clewis, reported a bill to restore to credit John Clewis of Brunswick county; which was read the first and second time, and passed; and

On motion of Mr. Baker, ordered to lie on the table until to-morrow.

Received from the House of Commons, the resignation of Samuel W. Davidson, Colonel-Commandant of the second regiment of the militia of Buncombe county; Jesse M'Cuistin, Major of the first
regiment of militia of Guilford county; and G. Hehner, Justice of
the Peace of Buncombe county; which were endorsed in that House,
read and accepted; and the same were severally read and accepted
by the Senate.

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

**Wednesday, November 26, 1823.**

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the
Senate have passed a bill to alter the time of holding the Court of
Pleas and Quarter Sessions of Tyrrell county, in which they ask
the concurrence of that House.

Mr. Brittain presented the petition of sundry inhabitants of Bun-
combe county, praying that a company be incorporated for the pur-
pose of making a turnpike road from Asheville, by the Warm Springs,
to the Tennessee line; and also a bill to carry the prayer of the pe-
titioners into effect; which was read the first time and passed; and,

On motion of Mr. Brittain, the said bill and petition were referred
to the committee on Internal Improvements.

Mr. Hawkins presented a certificate of an allowance made by the
County Court of Warren, in favor of Elizabeth Harris, widow of
Burwell Harris, a soldier in the revolutionary war; which was read;
and,

On motion, countersigned by the Speaker of the Senate, and sent
to the House of Commons.

On motion of Mr. Williams, a message was sent to the House of
Commons, proposing to ballot immediately for a Brigadier-General
of the second brigade and eighth division of the militia of this State,
and nominating for that appointment Colonel Jesse Speight.

Mr. Hill, of Franklin, presented the following resolution:

That a select joint committee be appointed to enquire into the expediency of
amending the Judiciary system, so far as relates to the Circuit Courts of this State; and
that they have leave to report by bill or otherwise.

Which was agreed to—and Messrs. Hill, (of Franklin) Martin,
Seawell, Cameron and Wellborn were appointed the said committee
on the part of the Senate, and sent to the House of Commons for
their concurrence.

On motion of Mr. Cameron, a committee was appointed on En-
rolled Bills, consisting of Messrs. Burges and Hatch, of Jones.

Received from the House of Commons, a message, stating that
Mr. Clancey and Mr. Brodnax are appointed a committee to wait
on the Senate, to receive the ballots for a Major-General of the fourth
division of the militia; and, thereupon, Mr. Cox and Mr. Alexan-
der were appointed superintendents of the balloting on the part of
the Senate.
The bill to exempt certain citizens in Tyrrell county from public duty; the bill making compensation to Jurors of the Superior and County Courts of Tyrrell county; and the bill to restore to credit John Clewis, of Brunswick county, were severally read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, an engrossed bill to incorporate the Trustees of the Bertie Union Academy; which was read the first and second time, and passed.

Received from the House of Commons, a message, agreeing to ballot immediately, as proposed by the Senate, for a Brigadier-General of the second brigade, in the eighth division of the militia, and stating that the name of John J. Pasteur is added to the nomination; and that Mr. Worth and Mr. Gary attend the Senate as a committee, on the part of that House, to conduct the balloting.

Thereupon, Mr. Whitfield and Mr. Beasley were appointed superintendents of the ballotting, on the part of the Senate.

Mr. Cox, from the committee appointed to conduct the ballotting for a Major-General of the fourth division of the militia, reported that Michael M'Leary was duly elected; which report was concurred in.

Mr. Forney presented a bill to incorporate the Lincoln Agricultural Society; which was read the first and second time, and passed; and the same being read the third time, was,

On motion of Mr. Wellborn, referred to the committee on Agriculture.

Mr. Gray presented the petition of William Lyttle, of the State of Tennessee, praying that the purchase money which he has paid to the State of North-Carolina, for certain lands therein mentioned, may be refunded to him; which was referred to the committee of Claims; and

Mr. M'Dowell presented the petition of Elizabeth Wilkins, of Burke county, praying to be divorced from her husband William Wilkins; which was referred to the committee of Propositions and Grievances.

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

Thursday, November 27, 1823.

The Senate met agreeably to adjournment.

A message was sent to House of Commons, stating that the Senate have passed a bill making compensation to the Jurors of the Superior and County Courts of Tyrrell county; also a bill to exempt certain citizens of Tyrrell county from public duty; and also a bill to restore to credit John Clewis of Brunswick county—in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have appointed a committee to join the committee appointed by
the Senate to enquire into the expediency of amending the Judiciary system, so far as relates to the Circuit Courts of this State, consisting of Messrs. Stanly, Iredell, Strange, Thomas N. Mann and Taylor.

Received from the House of Commons, a message, stating that they have passed a bill concerning Michael Rymer, of Rowan county; also a bill to repeal in part the fourth section of an act, passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen;" also a bill to repeal an act, passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Burke," and asking the concurrence of the Senate.

Thereupon, the said bills were severally read the first time and passed; and the bill first abovementioned was,

On motion of Mr. Forney, referred to the Committee of Propositions and Grievances.

The engrossed bill to incorporate the Trustees of the Bertie Union Academy, was read the third time and passed, and ordered to be enrolled.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of Elizabeth Barker of Randolph county, made a report unfavourable to the prayer of the petitioner; which report was concurred in.

The following bills were presented, to wit: By Mr. Sneed, a bill further to amend an act, entitled "an act concerning proving wills and granting letters of administration, and to prevent fraud in the management of intestate's estates," passed in 1715.

By Mr. Baker, a bill to authorise a certain number of the Justices of the Peace for the county of Brunswick, to appropriate the county monies; and,

By Mr. Outlaw, a bill for the better regulation of the town of Windsor, in Bertie county, which were severally read the first time and passed.

Mr. Wellborn presented the following resolution, to wit:

That the committee on Criminal Law, be instructed to enquire into the expediency of repealing an act of the General Assembly passed in 1819, directing the County Courts to pay fees to certain officers therein named, in certain cases, with leave to report by bill or otherwise.

Which was agreed to.

Mr. Speight presented the following resolution:

Whereas a resolution was adopted at the last session of the General Assembly of this State, requiring the Board of Internal Improvement to dispose of one half, or any part of the services of the Civil Engineer, during the present year, to any of the adjoining States, in such manner as might, in their opinion, best suit the interest of the
State; and whereas, it appears that the said board have (for reasons yet unknown to the good people of the State) failed to comply with the requisitions of the said resolutions,

Resolved, therefore, That the said Board of Internal Improvements, &c., and they are hereby required to lay before this General Assembly, the reasons why they have not complied with the said resolution, and whether or not it will be to the interest of the State to retain the said Engineer in the service of the State any longer; and if retained, whether it is not expedient to reduce his salary to a sum not exceeding thousand dollars.

Which, on motion of Mr. Cameron, was ordered to lie on the table.

Mr. Sneed presented a bill to alter the names of Charles Alexander Williams and others, and to legitimate them; which was read the first time and passed; and,

On motion of Mr. Sneed, was referred to the committee of Propositions and Grievances.

The bill to authorise a certain number of the Justices of the Peace, for the county of Brunswick, to appropriate the county moneys, was read the second and third time and passed and ordered to be engrossed.

The bill for the better regulation of the town of Windsor, in Bertie county, was read the second time and passed.

Mr. Martin presented the petition of sundry inhabitants of Rowan county, praying the repeal of an act for the removal of obstructions to the passage of fish up the Yadkin and Pedee river, so far as the same relates to the south fork of the Yadkin; and,

Mr. Cameron presented the counter petition of Eliza Pearson and others, on the same subject; which were referred to the Committee of Propositions and Grievances.

The Senate entered upon the orders of the day, and took into consideration the bill to consolidate and amend the several laws of this State, relative to the processioning of land; when,

On motion of Mr. Sneed, the same was referred to a select committee, consisting of Messrs. Sneed, Burges, Phifer, Love and Bryan.

Received from the House of Commons, the resignations of James Marler, Major of the first regiment of militia of Burke county, and Henry W. Garcey, Major of militia of Northampton county; which were endorsed in that House, read and accepted, and the same were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock to-morrow morning.

Friday, November 28, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise a certain number of the Justices of the Peace, for the county of Brunswick, to appropriate the county moneys, in which they ask the concurrence of that House.
Mr. Pearsall presented the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of altering the inspection laws of this State, and that they have leave to report by bill or otherwise.

Which was agreed to, and a committee was appointed consisting of Messrs. Pearsall, Burges, Baker, Cox and Beasley.

Mr. Burges presented the petition of sundry inhabitants of Halifax county, on the subject of building a toll-bridge over the Roanoke river, at the town of Halifax; also a bill to carry the prayer of the petitioners into effect, which bill was read the first time and passed.

Mr. Graves presented the petition of Sarah Pennix of Surry county, praying that the property she now has, or hereafter may acquire, be secured to her; which was referred to the Committee of Propositions and Grievances.

On motion, Mr. Cameron, the Senator from the county of Orange, obtained leave of absence from the services of this House, from and after this day until Monday next.

Mr. Whitfield presented the following resolution:

Resolved, That the Board of Internal Improvement, instruct our State Engineer to survey and lay off the way for a canal from the falls of Neuse river to Swift creek bridge, on any point on or near the said creek or river, or any intersecting stream, and make out a plan and estimate of the probable cost, and the practicability of cutting the same, and report to the next General Assembly; and to report the practicability and expense of rendering the river navigable by locks and dams, with the views of the Engineer upon both projects.

Which, on motion of Mr. M'Leod, was ordered to lie on the table.

Mr. Bryan presented a bill to amend an act, entitled "An act to provide for children born after the making of their parents' will," which was read the first time and passed; and, on motion of Mr. Bryan, referred to a select committee; which consists of Messrs. Bryan, Burges, Gibbs, Albritton, and Callaway.

Mr. Wilson presented the following resolution:

That the committee of Claims take under their consideration certain claims of a portion of the militia of Carteret county, that were called into the service of the State, in the year 1821, agreeably to an act of Assembly in that case provided; and that said committee report by bill or otherwise.

Which was agreed to.

Mr. Wilson presented the petition of John H. Hill, Colonel of the Carteret militia, praying an allowance for services rendered in the year 1821, in a detachment of the militia of Carteret county, called out to suppress a number of slaves and free persons of colour, who were armed and travelling through the county, committing thefts and alarming the inhabitants; which was referred to the committee of Claims.

On motion of Mr. Love, a message was sent to the House of Commons, proposing to ballot at the meeting of the two Houses to-morrow morning, for a Treasurer, Comptroller, and Secretary of State.
and nominating John Haywood, for Treasurer, Joseph Hawkins, for Comptroller, and William Hill, for Secretary of State.

Received from the House of Commons, a message from the Governor, together with sundry documents on the claim of Mr. Appleton, American Consul at Leghorn. Accompanying which, is a message from the House of Commons, proposing that the same be referred to a select committee, consisting on the part of that House, of Messrs. Fisher, Mebane, Stanly, Alston and Iredell, which proposition was agreed to; and Messrs. Burges, Hatch, of Jones, Martin, Sneed and Hill, of Stokes, were appointed the said committee on the part of the Senate.

The engrossed bill, to repeal in part the fourth section of an act passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen," was read the second and third time and passed.

On motion of Mr. Seawell, the same was amended, by striking out the words, "page 1101" in the title of the bill; and a message was sent to the House of Commons, asking their concurrence in the said amendment.

Received from the House of Commons, a message, proposing to ballot immediately for a Solicitor of the Sixth Judicial Circuit, and nominating for that appointment, Joseph Wilson and Hugh M. Stokes.

The foregoing proposition being read, was not agreed to; and a message was sent to the House of Commons, stating that the Senate do not agree to ballot for a Solicitor of the Sixth Judicial Circuit on this day; but propose to ballot for that officer on Monday next, at the meeting of the two Houses.

Received from the House of Commons, a message, agreeing to ballot for a Treasurer, Comptroller of Public Accounts, and Secretary of State, at the time proposed by the Senate.

The bill "for the better regulation of the town of Windsor, in Bertie county," was read the third time and passed, and ordered to be engrossed.

The bill further to amend an act, entitled "an act concerning proving wills and granting letters of administration, and to prevent frauds in the management of intestates' estates," passed in 1815, was read the second time, and the question on the passage of the said bill, was determined in the negative.

The bill authorising the building of a toll-bridge, over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose, was read the second time and passed.

The certificate of the Court of Pleas and Quarter Sessions of Warren county, in favour of Elizabeth Harris, widow of Burwell Harris, a soldier in the Revolutionary war, was returned from the House
of Commons, endorsed "read and countersigned by the Speaker of that House."

The following bills were presented, to-wit:

By Mr. Seamwell, "a bill to regulate the practice in the several Courts of Equity in this State."

By Mr. Phifer, "a bill directing in what manner the laws of our sister states shall be received in evidence in this State;" and

By Mr. Harrell, a bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp," which bills were severally read the first time and passed, and made the order of the day for to-morrow.

Received from the House of Commons, a message, stating that they have passed a bill for the relief of Edward Owen, of Person county, and asking the concurrence of the Senate. Thereupon, the said bill was read the first time and passed.

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

Saturday, November 29, 1822.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill for the better regulation of the town of Windsor, in Bertie county, in which they ask the concurrence of that House.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred an engrossed bill concerning Michael Rymer, of Rowan county, reported the said bill without amendment. Thereupon, the same was read the second time, and the question on the passage of the said bill, was determined in the affirmative; and on motion of Mr. Graves, the further consideration thereof was postponed until Monday next.

Mr. Forney, from the committee, to whom was referred the petition of Elizabeth Wilkins, of Burke county, reported a bill to divorce Elizabeth Wilkins, of Burke county, from her husband William Wilkins; which was read the first time and passed.

Received from the House of Commons, a message, stating that Mr. Ward and Mr. Henderson attend the Senate as a committee on the part of that House, to superintend the balloting for a Treasurer, Comptroller of the public accounts and Secretary of State; and thereupon, Mr. Legrand and Mr. Bullock were appointed superintendents of the balloting, on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot immediately for a Governor of the State for the ensuing year, and nominating for that appointment, His Excellency Gabriel Holmes, which proposition was agreed to; and Mr. Williams and Mr. Alexander, were appointed superintendents of the balloting on the part of the Senate.
Received from the House of Commons, a message, proposing that a joint select committee be appointed, to be styled "a Committee of Superintendents of Public Buildings, and the expenditure of appropriations thereon," and appointing on the part of that House, Messrs. Taylor, Clancy, McLean, Sellers and Martin, of Rockingham; which proposition was agreed to: and the said committee on the part of the Senate, consists of Messrs. Cox, Wall, Speight, Marsh and Marshall.

On motion, Mr. Peebles, the Senator from the county of Northampton, obtained leave of absence from the services of this House, from and after this day until Thursday next.

Received from the House of Commons a message, stating that Mr. Blackledge and Mr. Williamson, are appointed a committee on the part of that House, to superintend the balloting for a Governor of this State for the ensuing year.

Mr. Hill, of Franklin, to whom was referred the resolution of the Senate of the 30th inst. relative to an amendment of the Judiciary, so far as regards the Circuit Courts, reported in part a bill to amend and extend an act passed in the year 1806, entitled "an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may so accumulate that they cannot be tried at the regular terms of those Courts," which was read the first time and passed.

The bill authorising the building of a toll-bridge over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose, was read the third time and passed, & ordered to be engrossed.

Received from the House of Commons a message, stating that they have appointed a committee to examine the Enrolled Bills, consisting of Messrs. Fisher, Henderson, Williamson and Blackledge.

The bill for the relief of Edward Owen, of Person county, was read the second time; and, on motion of Mr. Seawell, the further consideration thereof was postponed until Monday next.

The following bills being orders of the day, were read the second time, to-wit: A bill to regulate the practice in the several Courts of Equity in this State—A bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp,"—and a bill directing in what manner the laws of our sister states shall be received in evidence in this State; which bills severally passed the second reading, and the last mentioned bill was amended, on motion of Mr. Phifer, by filling up the blank in the second section, with the words "twenty cents for every copy sheet."

The bill to divorce Elizabeth Wilkins from her husband William Wilkins, was read the second time, and the question on the passage of the said bill, was determined in the affirmative.

The Senate adjourned until Monday morning 10 o'clock.
Monday, December 1, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorize the building of a toll-bridge over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose; in which they ask the concurrence of that House.

Mr. Williams, from the committee appointed to conduct the balloting for a Governor of this State for the ensuing year, reported that Gabriel Holmes, Esq. was duly elected, which report was concurred in.

Mr. Legrand, from the committee appointed to conduct the balloting for a Treasurer, Comptroller of the Public Accounts, and Secretary of State, reported that John Haywood was duly elected Treasurer, Joseph Hawkins, Comptroller, and William Hill, Secretary of State, which report was concurred in.

Mr. Cameron presented the memorial of Levi Whithead, surviving executor of the last will and testament of John Whithead, dec'd, praying the emancipation of certain slaves, which was referred to the committee of Propositions and Grievances.

Received from the House of Commons, a message, proposing that a joint select committee be appointed to wait on His Excellency Gabriel Holmes, Esq. and inform him of his election as Governor of this State for the ensuing year, and stating that Mr. Croom and Mr. Blackledge are appointed the committee on the part of that House, which proposition was agreed to; and Mr. Seawell and Mr. Forney were appointed the committee on the part of the Senate.

The following bills were presented, to wit:

By Mr. Wellborn, a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line, so far as respects the appointment of commissioners and other purposes."

By Mr. Wilson, a bill to exempt from taxation, improvements made on lands by the erection of salt works thereon; and

By Mr. M'Leod, a bill to repeal the latter clause of the 8th section, and the whole of the 9th, 10th and 11th sections of an act passed by the last General Assembly, entitled "an act to promote agriculture and family domestic manufactures within this state," and the whole of an act passed at the same time, supplemental to the aforesaid act, which bills were severally read the first time and passed; and the bill last named, was, on motion of Mr. Forney, referred to the committee on Agriculture.

The bill directing in what manner the laws of our sister states shall be received in evidence in this state—the bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp"—the bill to
regulate the practice in the several Courts of Equity in this State—
And the bill to divorce Elizabeth Wilkins from her husband Wm.
Wilkins, were severally read the third time and passed, and ordered
to be engrossed.

The engrossed bill, for the relief of Edward Owen, of Person
county, was read the second time.

Mr. Seawell moved to amend the same, by adding the following
section, to-wit:

And be it further enacted, that all and every person heretofore convicted of the crime
of petit larceny in this state, be and is hereby restored to credit, in the same manner as
if he, she or they, had never been convicted of any crime whatever.

Which was not agreed to.

The Yeas and Nays on the adoption of the said amendment, being
required by Mr. Speight, are as follows.

For the amendment,
YEAS—Messrs. Seawell and Forney—2.

Against the amendment,
NAYS—Messrs. Albritten, Alexander, Baker, Britain, Bullock, Bryan, Belune,
Burgess, Bowers, Beasley, Callaway, Caldeleugh, Cameron, Cox, Devane, Frink, Flower,
es, Fereebe, Gibbs, Gray, Gavin, Graves, Hatch, of Jones, Hatch, of Wayne, Hill, of
Franklin, Hill, of Stokes, Jackson, Love, Legrand, Marshall, M'Dowell, Marsin, McLeod, M'Leary, Murphey, Martin, Outlaw, Phifer, Perkins, Pearsall, Parker, Pool,
Riddick, Shipman, Sneed, Speight, Summer, Scales, Torrence, Vanhook, Williams,
Wilson, Ward, Wall, and Wellborn—55.

The question then recurred on the passage of the said bill the
second time, which was determined in the affirmative; and thereupon
the said bill was read the third time and passed and ordered to
be enrolled.

The engrossed bill concerning Michael Rymer of Rowan county,
was read the third time and passed, and ordered to be enrolled.

Mr. Williams presented the petition of sundry inhabitants of
Beaufort county, residing near Blount's creek, relative to fisheries;
which was referred to the Committee of Propositions and Grievances.

The Senate entered on the order of the day, and the following
bill was read, to-wit: A bill to amend and extend an act passed in
1806, entitled “an act for the more convenient administration of
justice within this State, by providing relief for the counties in
which suits in their Superior Courts of Law and Courts of Equity,
have or may so accumulate, that they cannot be tried at the regular
terms of those courts.”

Mr. Seawell moved that the further consideration of the said bill
be postponed until to-morrow, and that the same be printed, which
was agreed to.

Mr. Wellborn presented a bill to amend an act, entitled “an
act to appoint Commissioners to view and lay off the road leading
across the mountains, from the town of Wilkesborough to Mrs. Bo-
gle's, Iredell county,” which was read the first time and passed; and,

On motion of Mr. Wellborn, was referred to the Committee on
Internal Improvement.
On motion of Mr. M'Dowell, the bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke," was referred to a select committee; which committee consists of Messrs. M'Dowell, Forney, Graves, Frink and Bowers.

Mr. Hill of Stokes, presented a bill to legitimate and alter the name of Sally Smith, of Stokes county; and,

Mr. Martin presented a bill to compel an executor or executrix, to give security in certain cases; which were severally read the first time and passed, and the last mentioned bill was,

On motion of Mr. Sneed, referred to the Committee on Criminal Law.

Mr. Hill of Stokes, presented the resignation of Michael M'Leary, Brigadier General of the 11th brigade of the militia of this State, which was read and accepted and sent to the House of Commons.

Received from the House of Commons, the resignation of Richard Russell of Warren county, D. Patterson of Orange county, and Isaac Williams of Johnston county, Justices of the Peace; also the resignation of James Scotten, as Lieutenant Colonel of the second regiment of militia of Randolph county; which were endorsed in that House, read and accepted, and the same were read and accepted by the Senate.

The Senate adjourned to 10 o'clock to-morrow morning.

Tuesday, December 2, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp:" a bill to regulate the practice in the several Courts of Equity in this State; a bill directing in what manner the laws of our sister States shall be received in evidence in this State; and a bill to divorce Elizabeth Wilkins, of the county of Burke, from her husband William Wilkins, in which they ask the concurrence of that House.

Received from the House of Commons, a message, proposing to ballot immediately for a Solicitor of the sixth Judicial Circuit, and stating that the name of Hugh M. Stokes is withdrawn from the nomination, which proposition was agreed to; and Mr. Forney and Mr. Outlaw were appointed superintendents of the ballotting on the part of the Senate.

Mr. Forney, from the committee appointed to wait on Gabriel Holmes, Esquire, and inform him of his election to the office of Governor of this State, and to know of him when he will attend to take the oaths prescribed by law, reported that they are authorised to state that he will attend for that purpose in the Hall of the House of Commons, at 12 o'clock on Saturday next.
Received from the House of Commons, a message, stating that Mr. Clancy and Mr. Sellers are appointed a committee on the part of that House, to receive the ballots for a Solicitor of the sixth Judicial Circuit.

Mr. M'Dowell from the Select Committee, to whom was referred the bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke," reported the same, with an amendment to strike out the word "two," and insert "one," in the title of the bill; which amendment was agreed to, and the said bill was thereupon, read the second time and passed.

Mr. Bryan, from the Select Committee, to whom was referred the bill to amend an act, entitled "an act to provide for children born after the making of their parents will," reported the said bill with an amendment, recommending that the whole be stricken out except the words "a bill," and substituting the amendment accompanying the same; which was agreed to.

Mr. Wellborn presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to examine and report to this House, the expediency of so altering the present law, that a ca. va. shall not issue against the body of any person while he is possessed of real or personal estate sufficient to satisfy the plaintiff's demand, and report by bill or otherwise.

Which was, on motion of Mr. Wellborn, referred to the Committee on Criminal Law.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of William Welsh and others, of the county of Stokes, praying for authority to erect gates; reported a bill empowering the Courts of Pleas and Quarter Sessions to grant leave for the erection of gates across public roads in their respective counties, which was read the first time and passed.

Mr. Forney, from the same committee, to whom was referred the petition of Joseph Byers of Iredell county, praying authority to erect a gate on a road therein mentioned free from the payment of a tax for the same, made a report unfavorable to the prayer of the petitioner, which was concurred in.

Mr. Forney, from the committee appointed to conduct the balloting for a Solicitor in the sixth Judicial Circuit, reported that Joseph Wilson was duly elected; which report was concurred in.

Received from the House of Commons, a message, proposing to ballot immediately for a Public Printer for the ensuing year, and stating that the names of Bell & Lawrence are added to the nomination; which proposition was agreed to by the Senate.

Received from the House of Commons, a message, proposing to ballot immediately for a Brigadier-General of the 17th brigade of the militia, and stating the name of Henry Blount is in nomination; which proposition was agreed to, and Mr. Speight and Mr. Beasley were appointed superintendents of the balloting on the part of the Senate.
Mr. Cameron, from the Committee on Internal Improvement, to whom was referred a bill to authorise the making of a turnpike road from Ashville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose, reported the said bill with sundry amendments, which were agreed to; and the same being read,

On motion of Mr. Love, the further consideration thereof was postponed until Thursday next.

Received from the House of Commons, a message, stating that Mr. Williamson and Mr. Croom attend the Senate as superintendents of the ballotting for a Brigadier-General of the 17th brigade of militia, on the part of that House.

Received from the House of Commons, a message, stating that they have passed a bill to incorporate a Light Infantry Company in the town of Edenton; and a bill to emancipate Sally Zimmerman, a slave belonging to the estate of Andrew Caldeleh, dec'd, of Rowan county, and asking the concurrence of the Senate.

Thereupon, the bill first abovementioned was read the first time and passed, and the same being read the second time, it was, on motion, resolved by the Senate, that this bill shall not pass; and the last mentioned bill was read the first, second and third times and passed, and ordered to be enrolled.

The Senate entered upon the orders of the day, and the following bills were read, to-wit: A bill to exempt from taxation improvements made on lands, by the erection of salt-works thereon; and a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of commissioners, and other purposes; which bills severally passed the second time; and the last mentioned bill was amended, on motion of Mr. Callaway, by adding the following provision, to-wit: Provided always, that nothing herein contained shall affect or repeal any act of the last General Assembly, so far as respects the great State Road leading from Wilkesborough to the Tennessee line, by way of the town of Jefferson.

The Senate continued on the orders of the day, when the following bill was read, to-wit: A bill to amend and extend an act, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may so accumulate that they cannot be tried at their regular terms of those Courts."

Mr. Seawell moved an amendment, by adding the following as the seventh section, to-wit:

"And be it further enacted, That whenever any Judge of the Superior Courts of this State shall, through sickness or other accident, be unable to hold any of the Courts within the circuit he is appointed to preside, it shall be the duty of such Judge to appoint some convenient time, in recess of the Courts, in such circuit, for holding Courts
in such counties as the said Judge was prevented from holding at the regular terms; and the said Judge shall cause public notification thereof; and the Clerks of the Inferior Courts respectively, under the superintendence of three Justices of the Peace, shall draw the necessary number of Jurors, who shall, on the proper certificate of the Clerk, be summoned to attend accordingly: And the terms of such Courts, so appointed, shall be held by the said Judge, who shall, as to all matters, civil and criminal, have and possess the same jurisdiction, in all respects, as if such term had been a regular term of such Courts, or appointed by law."

Which amendment was agreed to.

Mr. Cameron moved further to amend the said bill by inserting the following, as the eighth section:

"And be it further enacted by the authority of the same, That all juries and witnesses duly summoned and attending the Courts authorized by this act, shall receive the same compensation, and be subject to the same penalties for not attending the said Courts, as are now by law allowed or incurred for attending or not attending the regular terms of the Superior Courts of Law."

Which amendment was agreed to.

Thereupon, the said bill, on motion of Mr. Sneed, was committed to a committee of the whole, and made the order of the day for Thursday next.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate to the bill to repeal in part the 4th section of an act, passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen."

Thereupon, the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating that Mr. Pugh and Mr. Barrow attend the Senate as a committee on the part of that House to superintend the balloting for Public Printer for the ensuing year. Thereupon, Mr. Graves and Mr. Alexander were appointed superintendents of the balloting, on the part of the Senate.

The bill to legitimate and alter the name of Sally Smith, of Stokes county, was read the second time and passed.

The following bills were presented, to-wit:

By Mr. Cameron, a bill to amend an act, passed in 1818, entitled "an act concerning the Supreme Courts."

By Mr. Hill, of Franklin, a bill for the relief of Jordan Denson, late Sheriff of Franklin; and

By Mr. Callaway, a bill to alter and amend the laws now in force relative to the Supreme Courts of North-Carolina.

Which bills were severally read the first time and passed; and the last mentioned bill was,

On motion of Mr. Callaway, referred to the Committee on Criminal Law.

Received from the House of Commons, the resignations of M. Pettaway, Lieutenant-Colonel of the Onslow militia, and John M. Bryan, Lieutenant-Colonel of the Craven militia, which were ex-
dorsed in that House, read and accepted;” and the same were read and accepted by the Senate.

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

Wednesday, December 3, 1823.

The Senate met agreeably to adjournment.

Mr. Graves, from the committee appointed to conduct the ballot-
ing for a Public Printer, for the ensuing year, reported that Joseph Gales & Son were duly elected; which report was concurred in.

Mr. Beasley, from the committee appointed to conduct the ballot-
ing for a Brigadier-General of the 17th brigade of the militia of this State, reported that Henry Blount was duly elected; which report was concurred in.

Received from the House of Commons, a message, proposing to ballot at the meeting of the two Houses, to-morrow morning, for a Brigadier General of the sixth brigade and third division of the militia of this State; which proposition was agreed to.

Received from the House of Commons, a message, stating that they have passed a bill incorporating Morganton Academy; a bill to incorporate the Sandy Creek Library Society; a bill for the better regulation of Statesville, in Iredell county; a bill to amend an act passed in the year 1822, entitled “an act supplemental to an act passed in the year 1784, entitled an act to appoint Commissioners, and to establish the town of Morganton, in Burke county, and for other purposes;” a bill to repeal the 5th and 6th sections of an act passed in the year 1820, entitled “an act concerning the mar-
riage of Infant Females,” and a resolution in favour of Arthur Hutchins; which bills and resolution were severally read the first time and passed by the Senate, and the said resolution was ordered to be enrolled.

Mr. Bowers presented the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of reducing the tax laid on trading vessels, on navigable streams, and that they have leave to report by bill or otherwise;

And the same being read was amended on motion of Mr. Well-born, by inserting the words “and on Pedlars,” after the word “streams.”

On motion of Mr. Cameron, the same was further amended by striking out the words “a select committee be appointed,” and inserting the words “the committee of Finance be instructed,” which resolu-
tion as amended was agreed to.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Wm. Deloatch of Northampton county, reported the following resolution, to-wit:

Resolved, That the prayer of the petitioner ought to be granted.

Which was concurred in.

Mr. Forney from the same committee, to whom was referred a bill to alter the names of Charles Alexander Williams and others,
and to legitimize them, reported the said bill without amendment; and thereupon the same was read the second time and passed.

Mr. Martin, from the Committee on Criminal Law, to whom was referred the bill to compel an executor or an executrix to give security in certain cases, reported the said bill with sundry amendments which were agreed to; and,

On motion of Mr. Sneed, the same was ordered to be printed.

Mr. Martin, from the same committee, to whom was referred the petition of Amos Harmon and others, of Wilkes county, reported a bill for the relief of Amos Harmon, which was read the first time and passed.

The engrossed bill to repeal an act passed in the year 1822, entitled "An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke, was read the third time and passed with an amendment to strike out "two," and insert "one," in the title of the bill, and a message was sent to the House of Commons asking their concurrence.

The Senate entered on the orders of the day, and the bill to amend an act, entitled "An act to provide for children born after the making of their parents will," was read.

Mr. Bryan moved an amendment by inserting in the sixth line of the first section, after the word "executor," the words "executor or administrator, with the will annexed," which amendment was agreed to; and the question on the passage of the said bill the second time, was determined in the affirmative.

The bill for the relief of Jordan Denson, late Sheriff of Franklin, was read the second and third times and passed, and amended on motion of Mr. Seawell, by inserting the following:

Provided nevertheless, That no collection of taxes shall be made under this act, from the estates of persons who have died since the said taxes are due, or from such persons as have moved from the county, or as will make affidavit that they have paid said taxes and lost their receipts.

Thereupon the said bill was ordered to be engrossed.

Mr. Peasall presented the following resolution:

Whereas, many of the good citizens of this State, sustain great inconvenience and insecurity from liberties given to slaves on days of musters and elections, within the several counties of this State, to attend the same—therefore,

Resolved, That the Committee of Propositions and Grievances, be instructed to enquire into the expediency of passing an act to prevent all slaves from attending musters and elections in this State, under proper restrictions; and that they report by bill or otherwise.

Which was agreed to.

The bill empowering the Courts of Pleas and Quarter Sessions, to grant leave for the erection of gates across public roads in their respective counties, was read the second time.

Mr. Forney moved to amend the same by striking out the words "public inconvenience, or an injury to any individual," which was not agreed to.

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Mr. Hatch of Jones, moved to amend the said bill by inserting the following, to wit:

Provided, That nothing herein contained shall extend to the county of Jones.

And Mr. Callaway moved that the bill and amendment be indefinitely postponed; and the question thereon was determined in the affirmative.

Received from the House of Commons, a message, agreeing to the amendment made by the Senate to the engrossed bill, to repeal an act passed in the year 1822, entitled "An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke; thereupon the said bill was ordered to be enrolled.

Mr. Seawell presented a bill to repeal so much of the several acts of Assembly in this State, as requires persons who complain of injury done to the health of their families, to petition to the County Courts; and a bill to amend the militia laws of this State; which were severally read the first time and passed, and the last mentioned bill was,

On motion of Mr. Seawell, referred to the committee on the militia.

The bill to amend an act, entitled "An act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of Commissioners, and for other purposes; the bill to legitimate and alter the name of Sally Smith of Stokes county; and the bill to exempt from taxation improvements made on lands, by the erection of salt works thereon, were severally read the third time and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to amend an act passed in the year 1822, entitled "An act supplemental to an act passed in the year 1784, entitled an act to appoint Commissioners, and to establish the town of Morganton, in Burke county, and for other purposes;" a bill for the better regulation of the town of Statesville, in Iredell county; a bill to incorporate Sandy Creek Library Society; and a bill incorporating Morganton Academy, were severally read the second time and passed.

Mr. Bryan presented the following resolution:

Resolved, That the committee of the whole House, to whom was committed a bill to amend the act of 1806, for the more convenient administration of justice, be instructed to inquire into the expediency of dividing the state into districts, composed of two or more counties each, for the purpose of holding a Superior Court of Law and Equity in each of said districts, at some convenient place therein; and that they report thereon.

Which was agreed to.

The bill for the relief of Amos Harmon was read the second time and passed.

The Senate adjourned to 10 o'clock to-morrow morning.

Thursday, December 4, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled "an act to ex-
tend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of commissioners, and for other purposes; a bill to exempt from taxation improvements made on lands by the erection of salt-works thereon; a bill for the relief of Jordan Denson, late Sheriff of Franklin; and a bill to legitimate and alter the name of Sally Smith, of Stokes county—in which they ask the concurrence of that House.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Jane Wellborn, of Randolph county, reported a bill securing to Jane Wellborn the property she may hereafter acquire; which was read the first time and passed.

Mr. Wellborn presented the petition of sundry inhabitants of Wilkes county, praying authority to raise a volunteer company of riflemen; which was referred to the Committee on the Militia.

The following engrossed bills, to-wit: a bill to amend an act, passed in the year 1822, entitled "an act supplemental to an act, passed in the year 1784, entitled an act to appoint commissioners and to establish the town of Morganton, in Burke county, and for other purposes;" a bill for the better regulation of the town of Statesville, in Iredell county; a bill incorporating Morganton Academy; and a bill to incorporate Sandy Creek Library Society, were severally read the third time and passed, and ordered to be enrolled.

The bill to amend an act, entitled "an act to provide for children born after the making of their parent's will, was read the third time and amended, on motion of Mr. Seawell, by inserting the word "devised" in the fourth line of the third section; and the question on the passage of the said bill, was determined in the affirmative. Thereupon, the said was ordered to be engrossed.

Received from the House of Commons, a message, stating that Mr. Fox and Mr. Thompson attend the Senate as a committee on the part of that House, to conduct the balloting for a Brigadier-General of the sixth brigade and third division of the militia of this State. Thereupon, Mr. Brittain and Mr. M'Lecod were appointed superintendents of the balloting, on the part of the Senate.

The bill for the relief of Amos Harmon, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun'r deceased, to remove off a certain building erected on the four hundred acres of public land in the Cherokee Purchase, reserved for the future disposition of the Legislature; a bill to repeal an act, passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank and Camden;" a bill for the better regulation of elections in Guilford county; a bill to amend an act, passed in 1819, entitled
"an act relative to the apprehension of runaway slaves; a bill for the relief of David Blalock, of Orange county; a bill concerning the commissioners of the town of Greenville, in Pitt county; a bill to regulate the Courts of Pleas and Quarter Sessions in Richmond county; a bill concerning the public lands in the county of Haywood; a bill to amend the laws making provision for widows; and a bill to amend an act, passed in the year 1777, entitled "an act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for and pay the same, and for other purposes;" which bills were severally read the first time and passed by the Senate.

Mr. Bullock presented a bill to alter the name of Joseph Scott and to legitimate him; which was read the first time and passed.

The Senate entered upon the orders of the day, and the engrossed bill to repeal the fifth and sixth sections of an act, passed in the year 1820, entitled "an act concerning the marriage of infant females," being read the second time, it was resolved by the Senate, that this bill shall not pass; and the House of Commons was informed thereof by message.

The Senate continued on the orders of the day, and resolved itself into a committee of the whole, Mr. Forney in the Chair, on the bill to amend and extend an act, passed in the year 1806, entitled "an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may, so accumulate that they cannot be tried at the regular terms of those Courts;" and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

The Senate adjourned to 10 o'clock to-morrow morning.

Friday, December 5, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled "an act to provide for children born after the making of their parent's will," passed in the year 1808; and a bill for the relief of Amos Harman—in which they ask the concurrence of that House.

Mr. Brittain, from the committee appointed to conduct the balloting for a Brigadier-General of the sixth brigade and third division of militia, reported that John J. Carrington was duly elected; which report was concurred in.

The following engrossed bills, to-wit: a bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county; a bill for the better regulation of elections in Guilford county; and a bill concerning the commissioners of the town of Greenville, in Pitt county, were severally read the second time and passed.
Received from the House of Commons, a communication from the Governor, transmitting the annual return of the Adjutant-General; which,

On motion of Mr. M'Leod, was referred, together with the accompanying documents, to the Committee on the Militia.

Received from the House of Commons, a message, stating that they have passed a resolution, directing the Public Printer to attach to the laws to be published for the year 1823, the returns of the different Sheriffs and Clerks of this State agreeably to the Comptroller's Report—in which they ask the concurrence of the Senate.

Thereupon, the said resolution was read and amended, on motion of Mr. Philley, by striking out the words "the returns of the different Sheriffs and Clerks of this State agreeably to the Comptroller's Report," and inserting the words "a statement of the nett amount of that part of the revenue of the State which is receivable by the Sheriffs and Clerks in the several counties;" and the question on the adoption of the said resolution was determined in the affirmative, and a message was sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Whitfield, the resolution submitted by him on the 28th ultimo, and subsequently modified, was taken into consideration, and the same being read, Mr. Hill, of Franklin, moved that the same be indefinitely postponed; which was not agreed to. The question then recurs on the adoption of the resolution, and the question thereon was determined in the affirmative.

The bill to alter the name of Joseph Scott, and to legitimate him, was read the second time and passed.

Mr. Wilson presented a bill to repeal an act, passed in the year 1814, entitled "an act allowing compensation to the Sheriff, or returning officer who shall hold the poll for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for Electors to vote for President and Vice-President of the United States;" which was read the first time and passed.

Mr. Pearsall presented the resignation of B. Bourden, of Duplin county; Mr. Wellborn presented the resignation of John Adams, of Wilkes county. Justices of the Peace; and Mr. M'Dowell presented the resignation of Benjamin Burgin, Major of the third regiment of the Burke Militia; which were read and accepted by the Senate.

The Senate entered upon the orders of the day, and resolved itself into a committee of the whole, Mr. Forney in the Chair, on the unfinished business of yesterday, and resumed the consideration of the bill to amend and extend an act, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may so ac-
cumulate that they cannot be tried at the regular terms of those Courts;" and after some time spent therein, the committee rose and reported the said bill with an amendment, to strike out the first section thereof. Thereupon,

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

Saturday, December 6, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a resolution, requiring the Board of Internal Improvements, if they deem it expedient, to instruct our State Engineer to survey and lay off the route for a canal from some point on Neuse river at or near Smithfield, to Swift Creek Bridge in Craven county, or any point on or near the said creek or river, or any tributary stream, &c. &c. in which they ask the concurrence of that House.

Mr. Wellborn presented the petition of sundry inhabitants of Wilkes county, on the subject of laying out a road passing by the Elk-spur of the Blue Ridge, which was referred to the committee on Internal Improvements.

Mr. Boddie presented the following resolution:

Resolved, that the Public Treasurer be authorised to pay to Samuel W. W. Vick, sheriff of Nash county, the sum of eight dollars and sixty cents, for forty-three insolvencies for 1822, and that he be allowed the same in the settlement of his public accounts.

Which passed the first time; and

On motion of Mr. Boddie, was referred, together with the accompanying documents, to the committee of Claims.

Mr. Seawell, from the committee on the Cherokee Lands, reported a bill for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State, which was read the first time and passed.

Received from the House of Commons, a message, stating that in consequence of the resignation of Wm. B. Lockhart, the Clerk Assistant of that House, they have appointed Charles Manly to fill the vacancy.—Also, a message, stating that they have rejected the engrossed bill for the relief of Amos Harmon—And also, a message, stating that they do not concur in the amendment proposed by the Senate, to the engrossed resolution requiring the Public Printer to attach to the laws of 1823, the returns of the sheriffs and clergymen in this State. Thereupon,

On the motion of Mr. Forney, the Senate receded from their amendment, and the said resolution was agreed to and ordered to be enrolled.

The following engrossed bills, to-wit: A bill concerning the commissioners of the town of Greeneville in Pitt county—A bill to alter the name of Joseph Scott and to legitimize him—And a bill for the
better regulation of elections in Guilford county, were severally read the third time and passed, and ordered to be enrolled.

Mr. Cameron presented a bill concerning a light infantry company in the town of Edenton, which was read the first time and passed.

Received from the House of Commons, a message, proposing to appoint a joint committee to wait on His Excellency the Governor, and to conduct him into the Commons Hall, for the purpose of his qualification as Governor, for the ensuing year; and stating that Mr. Mebane and Mr. R. H. Jones, form the said committee on the part of that House, which proposition was agreed to; and Mr. Seawell and Mr. Forney, were appointed the committee on the part of the Senate.

The following engrossed bills, to-wit: A bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun. dec. to remove off a certain building, erected on the four hundred acres of public land in the Cherokee purchase, reserved for the future disposition of the Legislature—A bill concerning the public lands in the county of Haywood—A bill to amend an act passed in the year 1819, entitled an act relative to the apprehension of runaway slaves—And a bill to repeal an act passed in the year 1822; entitled an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank and Camden, were severally read the second time and passed; and the last mentioned bill was amended by striking the words "Randolph, Brunswick and Sampson," in the title of the bill, and also the same words in the 6th line of the first section.

The bill to repeal an act passed in the year 1814, entitled an act allowing compensation to the sheriff or returning officer who shall hold the poll for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for electors to vote for President and Vice-President of the United States, was read the second time and passed.

Mr. Hawkins presented the resignation of Ransom Walker, Lieutenant Colonel of the Militia of Warren county, which was read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignation of Wm. Benton, Major of the Militia; and John McCallum, Justice of the Peace of Montgomery county; and the resignation of Wm. M'Cain, Lieutenant Colonel of the Guilford Militia, which were severally endorsed in that House, "read and accepted."—And the same were also read and accepted by the Senate.

Received from the House of Commons, a message, stating that the hour having arrived that the Governor intimated he would attend the Legislature for the purpose of his qualification as Governor of the State for the ensuing year, the House of Commons is in readiness to receive the Senate on the occasion.
Thereupon, the two Houses convened in the Hall of the House of Commons, when the necessary oaths prescribed by law, were administered to the Governor by the Hon. John L. Taylor, Chief-Justice of the Supreme Court of this State. After which, the Senate returned to their chamber for the purpose of legislation.

The Senate resumed the consideration of the unfinished business of yesterday, being the report of the committee of the whole, on the bill to amend and extend an act passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have or may so accumulate, that they cannot be tried at the regular terms of those Courts, with an amendment thereto, to strike out the first section of the bill, and the question on concurring in the report of the committee of the whole, was determined in the negative.

The Senate having refused to strike out the first section,

Mr. Martin moved to strike out the whole of the said bill, except the first section, with a view to amend the same. And

Mr. Cameron moved to refer the bill to a select committee, which reference was agreed to, and the said committee consists of Messrs. Cameron, Martin, Scawell, Hill of Franklin, and Wellborn.

The Senate continued on the orders of the day; and the bill to authorise the making of a turnpike road from Asheville by the Warm Springs to the Tennessee line, and to incorporate a company for that purpose, was read the second time, and amended on motion of Mr. Brittain, by inserting, in the 5th line of the 5th section, after the word "Asheville," the following, "at which time and place there shall be annually an election of a President and Directors;"—also to strike out the 7th section, and insert the following:

And be it further enacted, that the said turnpike road hereby authorised, shall be made by the President and Directors thirty feet in width, clear of obstructions, except in such places as shall require the whole width to be made by side cutting, where it shall be twenty feet wide; and where it may be necessary to carry it around precipitous promontaries, it shall be ten feet wide, clear of all drains and breast works. The inclinations of said road shall not exceed from one foot perpendicular to ten feet horizontal; and recourse shall be had to this steepness as seldom as it shall be possible to avoid it. And so soon as the said road shall be completed as aforesaid, the President and Directors shall give public notice thereof.

Also by adding a proviso, "that the said Company shall not erect toll-gates on the said road, within seven miles of the town of Asheville." The question then recurred on the passage of the said bill the second time, which question was determined in the affirmative.

The Senate continued on the orders of the day; and the bill to compel an executor or an executrix to give security in certain cases, was read the second time;

Mr. Scawell moved to amend the same by inserting in the 11th line of the first section, the words "and all others interest-
ed as legatees or distributees, who are minors, femes covert, or reside beyond the limits of the State," and in the 13th line, the words "according to the provisions of his or her bond,"—Which amendments were agreed to.

Mr. Martin moved to further amend the same, by adding in the 18th line thereof, the following: "Who shall enter into bond with security in the same way, and be liable to the claims of creditors and all others, in like manner as an administrator with the will annexed, is now required to give bond and security, and is now liable to the claims of creditors and others;" which was agreed to.

Mr. Martin moved to further amend the said bill by inserting the following words in the 20th line, "or that advertisement has been made in the manner hereinafter prescribed;" which was agreed to.

Mr. Martin moved to further amend the same by inserting in the third line of the third section, after the word "served," the following words: "and where it is stated in any petition on oath, that the defendant or defendants has or have removed from this State, or where a return of non est inventus has been made by the returning officer, any of the said Courts shall be authorised to order notice of said petition to be advertised in some newspaper, and upon such advertisement being made, any of the said Courts shall be authorised to proceed thereon in the same way as if a copy of such petition had been served;" which was agreed to.

The question then recurred on the passage of the said bill, the second time, as amended, and the question thereon was determined in the affirmative.

The Senate continued on the orders of the day, and the bill to amend the laws making provision for widows, was read the second time.

Mr. Martin moved to amend the same by inserting in the eleventh line of the first section, the following words, after the word "furniture," "and such portion of the household and kitchen furniture as in the opinion of the Commissioners appointed to lay off her year's provision, may be deemed necessary for her comfort and convenience," and also the same words in the 17th line of the second section; which amendments were agreed to.

Mr. Seawell moved to further amend the same, by inserting another section in the following words, to wit: And be it further enacted, That whenever any widow of a deceased person shall file her petition for her year's support, together with the articles allowed by this act, and the same shall be granted, it shall not be lawful to tax any costs against such petitioner.

Which was agreed to.

The question then recurred on the passage of the said bill the second time, as amended, and the same was determined in the affirmative.

The bill to repeal so much of the several acts of Assembly of this State, as requires persons who complain of injury done to the health
of their families, to petition to their County Courts, was read the second time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to amend an act, entitled "An act to extend and improve the two roads leading from Wilkesborough to the Tennessee line, so far as respects the appointment of Commissioners, and for other purposes;" with an amendment to strike out the word "five," in the first line of the second sheet, and insert the word "three," and asking the concurrence of the Senate; which was read and agreed to, and sent to the House of Commons.

The engrossed bill to amend an act passed in the year 1777, entitled "An act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for and pay the same, and for other purposes," was read the second time and passed.

Mr. Seawell presented a bill to regulate the practice in the Circuit Courts of this State, which was read the first time and passed.

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

Monday, December 8, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to alter the name of Joseph Scott and to legitimate him, in which they ask the concurrence of that House.

Received from the House of Commons, the Report of the Board of Internal Improvement, accompanying which is a message from that House, proposing that it be printed, four copies for each member; which proposition was agreed to, and a message was sent to the House of Commons, proposing that the Report be referred to the committee of the two Houses, on Internal Improvement.

Received from the House of Commons, a message, stating that they have passed a bill to secure the rights of landlords against tenants, holding over after the expiration of their terms; which was read the first time and passed.

The bill to authorize the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose, was read the third time.

Mr. Seawell moved to amend the same in the 11th line of the 3d section, by inserting after the word "State," the following: "And for the payment of which the other subscribers of stock, shall be jointly and severally bound in their individual capacity."

Mr. Cameron moved to amend the amendment, by striking out so much thereof, as binds the other subscribers of stock jointly and severally, in their individual capacity, and to insert the words, "the funds and property of the corporation hereby created, shall be liable;" which was not agreed to.
The question then recurred on the adoption of the amendment offered by Mr. Seawell, and the same was determined in the affirmative.

On the adoption of this amendment, the yeas and nays were demanded by Mr. Williams, which were as follows:

For the amendment are,


Against the amendment, are


Mr. Love moved further to amend the said bill, by striking out the word "seven," and inserting "six," in the third section, which was agreed to; thereupon the same as amended, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend the laws making provision for widows, was read the third time.

Mr. M'Dowell moved to strike out the words "household," and, Mr. Hill of Franklin, moved that the said bill be referred to a select committee, which was agreed to; and the said committee consists of Messrs. Hill of Franklin, Seawell, Martin, Bryan and M'Dowell.

The bill to compel an executor or an executrix to give security in certain cases, was read the third time and amended, on motion of Mr. Martin, by adding the fifth section, to-wit:

"And be it further enacted, That the security taken under the authority of this act shall have relief against the principal in like manner as the security of an administrator or executor, living out of the state, now has."

Thereupon, the said bill passed the third time, and was ordered to be engrossed.

The bill concerning a light infantry company, in the town of Edenton, was read the second time. Mr. Riddick moved to amend the same, by extending the provisions thereof to a light infantry company in the county of Perquimons; and Mr. Hill, of Stokes, moved that the said bill, with the amendment, be referred to the Committee on the Militia Laws; which was agreed to.

The engrossed bill to repeal an act, passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank and Camden," was read the third time and amended, on motion of Mr. Cameron—to strike out the words of the title, in the last line, after the word "as," and insert "relates to certain counties therein named;" and the said bill, as amended, passed the third time, and a message was sent to the House of Commons, asking their concurrence in the amendment.
The bill to repeal so much of the several acts of Assembly of this State, as requires persons who complain of injury done to the health of their families, to petition to the County Courts, was read the third time. Mr. Hill, of Stokes, moved that the said bill be indefinitely postponed. There being twenty-seven in the affirmative and twenty-six in the negative, thereupon, the Speaker of the Senate voted in the negative, and the motion was lost. The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative, and the said bill was ordered to be engrossed.

The bill to regulate the practice in the Circuit Courts of this State, was read the second time.—Mr. Cameron moved to amend the same, by striking out the word "required," in the 8th line, and inserting the word "authorised;" which was not agreed to. Mr. Cameron then moved that the said bill lie on the table; which was agreed to.

The following engrossed bills, to-wit: a bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun'r, deceased, to remove off a certain building erected on the four hundred acres of public land in the Cherokee Purchase, reserved for the future disposition of the Legislature; a bill to amend an act, passed in the year 1777, entitled "an act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for, and pay the same, and for other purposes;" a bill to amend an act, passed in the year 1819, entitled "an act relating to the apprehension of runaway slaves;" and a bill concerning the public land in the county of Haywood, were severally read the third time and passed, and ordered to be enrolled.

Mr. Callaway presented a bill to repeal an act, passed in the year 1822, entitled "an act supplemental to an act, passed at the last session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick." so far as relates to the county of Ashe; which was read the first time and passed.

Mr. Ferebee presented the resignation of Thomas Jarvis, a Justice of the Peace of Currituck county; which was read and accepted.

The Senate adjourned to 10 o'clock to-morrow morning.

Tuesday, December 9, 1823.

The Senate met agreeably to adjournment.

Mr. Torrence presented the petition of sundry inhabitants of Iredell county, praying that the militia of said county be divided into two regiments, accompanied with a bill to carry into effect the prayer of the petitioners; which bill was read the first time and passed; and,

On motion of Mr. Torrence, were referred to the Committee on the Militia Laws.
Mr. M'Leary presented the petition of Thomas Elliot, of Mecklenburg county, a pensioner of this State, praying for an additional allowance; which was referred to the Committee of Propositions and Grievances.

Mr. Love, from the committee of Claims, to whom was referred the petition of William Lyttle, of the state of Tennessee, reported the following resolution:

Resolved, That the Public Treasurer be, and he is hereby directed to pay to William Lyttle, of the county of Rutherford and State of Tennessee, the sum of three hundred and sixty-one pounds seven shillings and sixpence, in remuneration for lands which the said William purchased in the county of Randolph and State of North-Carolina, as confiscated property, which have been recovered from him by a grant from the State to Richard Sears; and that the Treasurer be allowed for the same in the settlement of his public account.

Which was read the first time and passed.

Mr. Brittain presented the petition of James Kirkindale, on the subject of a turnpike road; which was referred to the Committee on Internal Improvement.

Mr. Peebles presented the following resolution:

Resolved, That William Drew, Esq. Attorney-General, be allowed the compensation fixed by law for the counties of Johnston, Warren, Halifax and Northampton, which Courts of said counties he was, from severe illness, prevented from attending.

Which was read the first time and passed.

Mr. Gray presented the following resolution:

Resolved, That the committee to whom was referred that part of the Governor's message which relates to the Criminal Law of this State, be instructed to enquire into the expediency of establishing a Penitentiary in this State; and whereas, it is believed that the monies paid by the several counties in this State, under existing laws, for the conviction and punishment of felons, would, in a few years, amount to a sum sufficient to erect a Penitentiary,

Resolved, That the said committee be instructed to adopt such measures as they may deem most advisable, for the purpose of obtaining and laying before our next Legislature an estimate of the sums paid by the several counties in this State for the years 1822 and 1823, on convictions and punishments, under our present Criminal Code.

Which was agreed to.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorize the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose; a bill to repeal so much of the several acts of Assembly of this State as requires persons who complain of injury done to the health of their families, to petition to the County Court; and a bill to compel an executor or executrix to give security in certain cases—in which they ask the concurrence of that House.

Mr. Parker presented a bill to amend an act, passed in the year 1822, to limit the term of office of certain persons therein named; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to add a part of Currituck county to the county of Hyde; and a resolution in favor of the Trustees of the Uni-
versity. Thereupon, the said bill was read the first time and passed; and the resolution was adopted and ordered to be enrolled.

The Senate entered upon the orders of the day, and the bill for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State, was read the second time. Mr. Love moved that the further consideration of the said bill be postponed until Thursday next; which was agreed to; and,

On motion of Mr. Cameron, the same was ordered to be printed.

The Senate continued on the orders of the day, and the bill to secure the rights of landlords against tenants holding over after the expiration of their terms, was read the second time and passed.

The engrossed bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county, was read the third time and passed, and ordered to be enrolled.

The bill to repeal an act, passed in the year 1822, entitled an act supplemental to an act, passed at the last session of the General Assembly, entitled "an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick," so far as relates to the county of Ashe, was read the second and third time and passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of Alexander Nicholson, Colonel Commandant of the militia of Richmond county, endorsed in that House, read and accepted; which was also read and accepted by the Senate.

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

Wednesday, December 10, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act passed in the year 1822, entitled "an act supplemental to an act passed at the last session of the General Assembly, entitled "an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick," so far as relates to the county of Ashe, in which they ask the concurrence of that House.

Mr. Legrand presented the petition of John Christian and Tho. Kirk, of the county of Montgomery, praying the repeal or modification of an act passed at the last session of the General Assembly, establishing a free ferry in said county.

Mr. Cameron presented the counter petition of Josiah Turner and William Turner, of Orange county, remonstrating against the emancipation of certain slaves—which were severally referred to the committee of Propositions and Grievances.

Mr. Cox presented the petition of sundry inhabitants of Washington county, concerning the erection of the public buildings of said county at Plymouth—And also a bill to carry into effect the prayer of the petitioners, which bill was read the first time and passed.
Mr. Love, from the committee of Claims, to whom was referred the petition of John H. Hill, Colonel of the Carteret county militia, reported the following resolution:

Resolved, that the Treasurer, Comptroller, and Secretary of State, be and they are hereby appointed to audit and liquidate the claims of the officers and men composing a detachment of the militia of Carteret county, ordered out under the command of Col. John H. Hill, to suppress a number of slaves and free people of colour, collected together in arms in said county, in the year 1821, and to allow to each individual the sum to which they are entitled under the laws then in force.

Resolved further, that when the claims aforesaid shall be thus liquidated, the Public Treasurer be and he is hereby directed to pay to each individual, their agent, or attorney, the sum thus allowed them respectively, and that he be allowed the same in the settlement of his accounts.

Which was read the first time and passed.

Mr. Hatch, of Jones, presented the following resolution:

Resolved, that the Committee of Claims enquire into the propriety of allowing the claims of the militia of Jones county, for services in suppressing outrages of slaves and other persons of colour, in the year 1821.

Which was agreed to.

Mr. Pearsall, from the committee appointed pursuant to a resolution of the Senate, directing an enquiry on the subject of the inspection laws, reported a bill to amend the inspection laws of this state, so far as respects turpentine, which was read the first time and passed.

The resolution in favour of Wm. Drew, Esq. Attorney-General, was read the second time, and on motion, it was resolved by the Senate, that the same shall not pass.

Received from the House of Commons, a message, stating their agreement that the Report of the Board of Internal Improvement, be referred to the joint committee on Internal Improvement, as proposed by the Senate. And also, a message, stating that the House of Commons, accede to the amendments made by the Senate, in the bill to repeal an act passed in the year 1822, entitled an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank & Camden.

Thereupon, the said bill was ordered to be enrolled.

Mr. Brittain presented a bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe, which was read the first time and passed.

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

Thursday, December 11, 1823.

The Senate met agreeably to adjournment.

Mr. Boddie presented the petition of sundry inhabitants of the county of Nash, praying authority to remove certain public buildings in the town of Nashville, which was referred to the committee of Propositions and Grievances.
Mr. Sneed, from the select committee to whom was referred the bill to consolidate and amend the several laws of this state, relative to the processioning of land, reported the said bill with sundry amendments, which were agreed to; and thereupon, on motion of Mr. Sneed, the same was made the order of the day for Monday next.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of Sarah Pinnix, of Surry county, reported the following resolution:

Resolved, that the prayer of the petitioner ought to be granted.

Which was agreed to.

Mr. Cameron, from the select committee to whom was referred the bill to amend and extend an act passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity, have or may so accumulate that they cannot be tried at the regular terms of those Courts, reported the said bill with an amendment to strike out the whole of the bill to them referred, except the words "a bill," and recommending the adoption of the amendment submitted, which was agreed to; and

On motion of Mr. Phifer, the same was ordered to be printed, and made the order of the day for Monday next.

Mr. Phifer presented the following resolution:

Resolved, that a message be sent to the House of Commons, proposing that Saturday evening next be set apart for the purpose of appointing Justices of the Peace and Militia Officers;

Which message was sent accordingly.

Mr. Seawell presented the petition of Samuel Carpenter, praying for a military land warrant, for services rendered by Jonathan Carpenter in the revolutionary war, which was referred to the committee of Propositions and Grievances.

The bill to repeal an act passed in the year 1814, entitled an act allowing compensation to the sheriff or returning officer, who shall hold the poll for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for electors to vote for a President and Vice-President of the United States, was read the third time; and, on motion, it was resolved by the Senate, that this bill shall not pass.

The bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe, was read the second time, and the question on the passage of the said bill, was determined in the affirmative.

Mr. Wellborn presented a bill to amend an act passed in the year 1795, entitled an act for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon, a courthouse, prison and stocks. And
Mr. Baker presented a bill to amend an act passed in the year 1813, entitled an act to exempt vessels, under sixty tons burden, entering the Cape-Fear river, from paying pilotage;

Which bills were severally read the first time and passed.
The Senate adjourned until to-morrow morning, 10 o'clock.

Friday, December 12, 1823.
The Senate met agreeably to adjournment.
Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Thomas Elliott, of the county of Mecklenburg, reported the following resolution:

Resolved, that the Public Treasurer be and he is hereby authorised to pay to Thomas Elliott, of Mecklenburg county, who was placed on the pension roll of this State in the year 1819, the further sum of twenty-five dollars annually, in addition to the sum now allowed by law.

Which was read the first time and passed.
Mr. Williams presented the petition of sundry inhabitants of Long Acre District, in the county of Beaufort, praying an amendment to the act of 1820, for the better organization of the militia of Beaufort county, and a bill to carry the prayer of the petitioners into effect; which bill was read the first time and passed.

Mr. Graves presented a bill to amend an act passed in 1821, entitled an act to compel the Clerks of the Superior and County Courts of Surry, to keep their office at the court-house in the town of Rockford; and Mr. Wall presented a bill to establish a light infantry or volunteer company in the county of Richmond; which bills were severally read the first time and passed.

The engrossed bill to secure the rights of landlords against tenants holding after the expiration of their terms, was read the third time and passed, with the following proviso, offered by Mr. Seawell:

Provided nevertheless, that it shall be competent for the defendant or tenant in possession, to rebut by his or her affidavit, the facts set forth in the affidavit offered on the part of the lessor of the Plaintiff, and the Court in such cases shall decide thereon, and may, in its discretion, allow the affidavits on either side to be corroborated by other affidavits, or evidence.

And a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to alter the names of Charles Alexander Williams and others, and to legitimate them, was read the third time and passed; and amended, on motion of Mr. Forney, by adding the second section, to wit:

And be it further enacted, That the name of Elizabeth Wade of Northampton county, be, and the same is hereby altered to that of Elizabeth DeLoach, and she is hereby legitimated and made capable to inherit and enjoy any estate, either real or personal, in as full and ample a manner as if she had been born in actual wedlock.

Thereupon the said bill was ordered to be engrossed.
The bill securing to Jane Wellborn, of Randolph county, the property she may hereafter acquire, was read the third time and amended on motion of Mr. Forney, by extending the provisions of the said bill to the relief of Sarah Pennix, of Surry county; thereupon the said bill was passed and ordered to be engrossed.

Received from the House of Commons, a message, proposing that a balloting take place this morning, for a Brigadier-General of the 11th brigade of the militia, and nominating for that appointment Thomas G. Polk, John N. Phifer and John Bargam; which proposition was agreed to, and Mr. McDowell and Mr. Hatch of Wayne, were appointed superintendents of the balloting on the part of the Senate, and a message was received from the House of Commons, stating that Mr. Hunter and Mr. Sellers were appointed superintendents of the balloting on the part of that House.

Thereupon the said bill was read the first time and passed, and the resolutions were severally read and adopted, and ordered to be enrolled.

The bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill directing a Court of Oyer and Terminer to be held for the county of Wake; a resolution in favour of Job Gorges, and a resolution in favour of John S. Russell; and asking the concurrence of the Senate.

Thereupon the said bill was read the first time and passed, and the resolutions were severally read and adopted, and ordered to be enrolled.

The bill to amend an act passed in the year 1795, entitled “an act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a Court-house, Prison, and Stocks,” was read the second time and passed, and amended on motion of Mr. Wellborn, by filling up the several blanks therein; and thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Hatch, of Wayne, from the committee appointed to conduct the balloting for a Brigadier-General of the 11th brigade, reported that no person in nomination had received a majority of the votes.

The bill to authorize the erection of the Public Buildings of Washington county, at Plymouth, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act passed in the year 1813, entitled “an act to exempt vessels under sixty tons burden, entering Cape Fear River, from paying pilotage,” was read the second time and passed; and,

On motion of Mr. Cox, the same was amended by adding the following provision:
Provided, That this act shall not apply to vessels owned and commanded by any of the citizens of this State.

Received from the House of Commons, a message, proposing that a balloting immediately take place for a Brigadier-General of the 11th brigade of militia, and stating that the name of John Dargan is withdrawn from the nomination; which proposition was agreed to, and Mr. Alexander and Mr. Legrand were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate to the bill to secure the rights of landlords against tenants holding over after the expiration of their terms; thereupon the said bill was ordered to be engrossed.

The bill to amend an act passed in the year 1821, entitled "an act to compel the Clerks of the Superior and County Courts of Surry, to keep their office at the Court-House in the town of Rockford;" a bill to amend an act passed in the year 1820, for the better organization of the militia of Beaufort county; a bill to establish a Light Infantry Company, in the county of Richmond; and a resolution in favour of Thomas Elliott of Mecklenburg county, were severally read the second and third times, and passed and ordered to be engrossed.

The bill to amend an act passed in the year 1822, to limit the term of office of certain persons therein named, was read the second time, and it was resolved by the Senate that this bill shall not pass.

Received from the House of Commons, a message, stating that Mr. Bain and Mr. Lamon, attend the Senate as superintendents of the balloting for a Brigadier-General of the 11th brigade of militia.

The engrossed bill to add a part of Currituck county to Hyde county, was read the second and third time and ordered to be enrolled.

The bill to amend the Inspection Laws of this State, so far as respects Turpentine, was read the second time and passed.

On motion of Mr. Cameron, the Senate proceeded to the consideration of the bill to regulate the practice in the Circuit Courts of this State; which was read the second time and passed.

Mr. Martin presented a bill to authorize Alexander Long to erect and keep up a gate across the road in Rowan county; which was read the first time and passed.

Received from the House of Commons, the resignations of David McCracken of Randolph county, and A. Carraway of Anson county, Justices of the Peace, and Shubal Gardner, Colonel Commandant of the Cavalry attached to the 6th brigade of the militia; which were endorsed in that House, read and accepted, and the same were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock to-morrow morning.
Saturday, December 13, 1823.

The Senate met agreeably to adjournment.

Mr. Legrand, from the committee appointed to conduct the balloting for a Brigadier-General of the 11th brigade of the militia, reported that no person in nomination had received a majority of the votes.

Mr. Williams presented a bill to legitimate Helen Godley, Mehala Godley and Benjamin Godley, which was read the first time and passed.

Mr. Wall presented the petition of Hugh M'Carn of Richmond county, praying that certain money which he has paid into the Treasury for land, be refunded to him; which was referred to the Committee of Claims.

Received from the House of Commons, a message, proposing to ballot immediately for a Brigadier-General of the 11th brigade of the militia of this State, and stating that Mr. Pugh and Mr. Thompson are appointed superintendents of the balloting on the part of that House; which proposition was agreed to, and Mr. Wall and Mr. M'Dowell were appointed superintendents of the balloting on the part of the Senate.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Hall and Fraly of Rowan county, and the counter memorial of Eliza Pearson and others, of said county, reported the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Which was agreed to.

Mr. Hatch of Jones, from the Committee on Agriculture, to whom was referred the bill to repeal the latter clause of the 8th section, and the whole of the 9th, 10th and 11th sections of an act passed by the last General Assembly, entitled "an act to promote Agriculture and Family Domestic Manufactures in this State," reported the said bill without amendment; thereupon Mr. Forney moved that the said bill be indefinitely postponed; and the question thereon was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. M'Dowell, and are as follows:

For the indefinite postponement are,


Against the indefinite postponement are,


On motion of Mr. Scales, a message was sent to the House of
Commons, proposing that the two Houses ballot immediately, for a Board of Internal Improvement, for the ensuing year, and nominating for the appointment, M. Stokes, D. Cameron, Thomas Turner, D. Hatch, J. Owen, and J. D. Hawkins.

Mr. Beasley presented the memorial of Joseph and Ann Wynne, of Tyrrell county, praying provision for the payment of certain costs; which was referred to the Committee of Propositions and Grievances.

Mr. M'Dowell, from the committee appointed to conduct the balloting for a Brigadier-General of the 11th brigade, reported that John N. Phifer was duly elected; which report was concurred in.

Received from the House of Commons, a message, stating that they have passed a bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation; and a bill to amend an act passed at the last session of the General Assembly, entitled "an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county;" and asking the concurrence of the Senate.

Thereupon the said bills were read the first time and passed.

The bill to regulate the practice in the Circuit Courts of this State, was read the third time and amended on motion of Mr. Seawell, by striking out the words "Circuit Courts," in the title of the bill, and also the same words in the enacting clause, and to insert "Superior Courts of Law."

The question then recurred on the passage of the said bill the third time; and the question thereon was determined in the negative.

On this question the yeas and nays were demanded by Mr. Pearsell, and are as follows:

For the passage of the bill, are


Against the passage of the bill are,


Received from the House of Commons, a message, stating that they have rejected the engrossed bill to repeal so much of the several acts of the General Assembly of this State, as requires persons who complain of injury done to the health of their families, to petition to the County Court.

Mr. Pearsall presented the resignation of Stephen Miller, sen'r.

Colonel Commandant of the militia of Duplin county; which was read and accepted and sent to the House of Commons.

The Senate adjourned to 10 o'clock, Monday morning.
The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act passed in 1821, entitled "an act to compel the Clerks of the Superior and County Courts of Surry, to keep their offices at the Court-House in the town of Rockford"—A bill to amend an act passed in the year 1793, entitled "an act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a Court-House, Prison, and Stocks"—A bill to amend an act passed in the year 1820, for the better organization of the militia of Beaufort county—A bill securing to Jane Wellborn of Randolph county, and Sarah Pennix of Surry county, the property they may hereafter acquire”—A bill to authorise the erection of the Public Buildings of Washington county at Plymouth—A bill for the regulation of the Courts of Pleas and Quarter Sessions of Buncombe county—A bill to establish a light infantry or volunteer company, in the county of Richmond—A bill to alter the names of Charles Alexander Williams and others, and to legitimate them; and a resolution in favour of Thomas Elliott of Mecklenburg county, in which they ask the concurrence of that House.

Mr. Graves, from the Committee on the Militia Laws, to whom was referred the bill concerning a Light Infantry Company, in the town of Edenton, reported the said bill without amendment; thereupon the same was read the second time, and it was resolved by the Senate that this bill shall not pass.

Mr. Graves, from the same committee to whom was referred the bill to divide the militia of Iredell county into two regiments, reported the said bill without amendment, which was read the second time and passed.

Mr. Legrand presented a bill to authorise Parham Kirk to collect the arrears of taxes due him, for the years therein mentioned.

Mr. M'LcLeod presented a bill to authorise and empower the Commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes.

Mr. M'Dowell presented a bill to allow commissions to constables on all sums above sixty dollars.

Mr. M'Lcary presented a bill concerning the estates of persons non compos mentis.

Mr. Seawell presented a bill respecting the marriage of infants who belong to any seminary of learning within this State.

Which were severally read the first time and passed.

The engrossed bill to amend an act, passed at the last General Assembly, entitled "an act supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county," was read and amended, on motion of Mr. Martin, with the
following proviso: "Provided, that nothing in this act contained is intended in any way to affect the dividing line heretofore established between Rowan and Davidson." Thereupon, the said bill was passed the second and third time; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend the inspection laws of this State, so far as respects turpentine, was read the third time and passed; and amended, on motion of Mr. Pearsall, by adding the words "returned and," in the third line of the second section; and, thereupon, the same was ordered to be engrossed.

The bill to legitimate Helen Godley, Mehalah Godley and Benjamin Godley; and the bill to authorise Alexander Long to erect and keep up a gate across the road in Rowan county, were severally read the second and third time and passed, and ordered to be engrossed.

Mr. M'Dowell moved to reconsider the bill which was rejected by the Senate, on Saturday last, to regulate the practice in the Superior Courts of Law of this State. There being an equal number for and against this motion, the Speaker of the Senate voted in the affirmative; and the said bill being reconsidered, on motion of Mr. M'Dowell, the further consideration thereof was postponed until to-morrow.

Mr. Cameron, from the joint committee on Internal Improvement, reported a bill concerning the Roanoke Navigation Company; and a bill concerning the Clubfoot and Harlow's Creek Canal Company; which bills were severally read the first time and passed.

The bill to amend an act, passed in the year 1813, entitled "an act to exempt vessels under sixty tons burden, entering the Cape-Fear river, from paying pilotage," was read the third time and passed, and ordered to be engrossed.

The Senate entered upon the orders of the day, and the bill to amend an act, passed in the year 1806, entitled "an act for the more uniform and convenient administration of justice within this State, was read the second time. Mr. Hill, of Franklin, moved to amend the bill, by striking out the the tenth section, and to insert the following:

"Be it further enacted, That so much of the several acts of Assembly heretofore passed, establishing Superior Courts of Law and Courts of Equity, be and the same are hereby repealed; and that the Courts appointed and established by this act, shall be held by seven Judges, to be elected by joint ballot of both Houses of the present General Assembly, and commissioned by the Governor."

Mr. Callaway moved that the bill, with the amendment under consideration, be indefinitely postponed; which was not agreed to. The question then recurred on the adoption of the amendment offered by Mr. Hill, of Franklin, and the question thereon was determined in the negative.
The yeas and nays on this question being demanded by Mr. Bethune, are as follows:

For the amendment is,
YEAS—Mr. (ill), of Franklin—1.
Against the amendment are,

The said bill being still under consideration, Mr. Pearsall moved to strike out the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th sections; which was not agreed to.

Mr. Seawell moved to amend the bill, by adding the following proviso to the 15th section, to wit: "Provided always, that no special Courts shall be ordered by the Governor, except in instances where the failure to determine all the cases in the Courts pending, arises from the accumulation of business;" which was agreed to. The question then recurred on the passage of the said bill the second time; which was determined in the affirmative.

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

Tuesday, December 16, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, passed in the year 1813, entitled "an act to exempt vessels under sixty tons burden, entering the Cape-Fear river, from paying pilotage;" a bill to authorise Alexander Long to erect and keep up a gate on the road leading by his lower ferry on the Yadkin river; a bill to amend the inspection laws of this State, so far as respects turpentine; and a bill to legitimate Helen Godley, Mehala Godley and Benjamin Godley—in which they ask the concurrence of that House.

The bill to authorise Parham Kirk, late Sheriff of Montgomery, to collect the arrears of taxes due him for the years therein mentioned, was read. Mr. Williams moved to amend the said bill, by adding the second section, to-wit:

"And be it further enacted, That Allen Grist, of Beaufort county, be, and he is hereby authorised to collect the arreargages of taxes for said county, for the years 1819 and 1820, under the same regulations and restrictions as other public taxes are collected in this State."

Which was agreed to; and

The said bill was further amended, by extending the same authority to Robert Vanhook, late Sheriff of Person county, the representatives of Alexander Frohock, late Sheriff of Rowan county, and Henry Alexander, Sheriff of Tyrrell county.
The question then recurred on the passage of the said bill the second time, as amended, and the same was determined in the affirmative. Thereupon, the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Cameron, from the joint committee on Internal Improvements, reported a bill concerning the Cape-Fear Navigation Company; which was read the first time and passed.

The bill to authorize and empower the Commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes, was read the second and third time and passed, and ordered to be engrossed.

The bill to divide the militia of Iredell county into two regiments, was read the third time and passed, and ordered to be engrossed.

Mr. Jackson presented a bill to amend an act, passed in the year 1822, entitled "an act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Moore; and a bill to repeal an act, passed in the year 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as the same relates to the county of Moore.

Mr. M'Dowell presented a bill supplemental to an act, passed this session of the General Assembly, entitled "an act incorporating Morganton Academy."

Mr. Baker presented a bill to amend an act, passed in the year 1816, entitled "an act respecting the academy and town of Smithville, in Brunswick county;" and

Mr. Callaway presented a bill creating a permanent fund for Internal Improvements, and to consolidate the several acts of Assembly creating funds for that purpose.

Which were severally read the first time and passed.

Mr. Cameron, from the joint select committee on Internal Improvements, to whom was referred a bill to amend an act, entitled "an act to appoint commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough to Mrs. Bogle's, in Iredell county," reported the said bill without amendment. Thereupon, the said bill was read the second time and passed.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of the heirs of John Rice, deceased; and a resolution in favor of John Ray; and asking the concurrence of the Senate. Thereupon, the said resolutions were severally read and adopted, and ordered to be enrolled.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the memorial of Levi Whithead, executor of the last will and testament of John Whithead; and the counter memorial of Josiah Turner, of Orange county, administrator of Anne
Whithead, dec'd, relative to the emancipation of certain slaves, reported the following resolution:

Resolved, That the prayer of the memorialist ought not to be granted.

Which was agreed to.

The Senate entered upon the orders of the day, and the bill to consolidate and amend the several laws of this State relative to the procession of land, was read the second time; and after adopting sundry amendments offered by Mr. Sneed, and excluding from the provisions of the said bill the counties of Brunswick, Warren, Burke, Randolph, New-Hanover, Moore and Ashe, it was resolved by the Senate, that this bill shall not pass.

The Senate continued on the orders of the day, and the engrossed bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation, was read the second time. Mr. Cameron moved to strike out the words “joint ballot of both Houses of the Legislature,” and insert “the Governor of the State,” in the first section of the bill; which was agreed to; and,

On motion of Mr. Phifer, the further consideration thereof was postponed until to-morrow.

The Senate continued on the orders of the day; and the bill to amend an act passed in 1806, entitled an act for the more uniform and convenient administration of justice within this State, was read the third time, and on motion of Mr. Wellborn, referred to a select committee, which consists of Messrs. Wellborn, Forney, Torrence, Martin, Cameron, Vanhook, Bethune and Marshall.

The engrossed bill directing a Court of Oyer & Terminer to be held for the county of Wake, was read the second time, and on motion of Mr. Martin, the further consideration thereof was postponed until to-morrow.

Received from the House of Commons, a message, stating that they agree to the amendment made by the Senate to the bill to amend an act passed at the last session of the General Assembly, entitled an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county; thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, the resignation of Thomas G. Polk, Colonel Commandant of the Cavalry attached to the 11th brigade of Militia; Wm. Welch, Colonel Commandant of the Militia of Haywood county, and George E. Houston, Major of the Militia of Duplin county—Frederick J. Cox, of Lenoir county, Thomas G. Polk, of Mecklenburg county, and Sion Alford, of Robeson county, as Justices of the Peace, which were endorsed in that House “read and accepted;” and the same were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.
The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise and empower the commissioners of the town of Smithfield, to levy and collect additional taxes, and for other purposes, and a bill to authorise certain persons therein named, to collect arrears of taxes, in which they ask the concurrence of that House.

Received from the House of Commons, a message, proposing that the bill to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by way of Gap Civil, in Ashe county; the resolution instructing the committee on Internal Improvements to enquire into the expediency of retaining the services of the Civil Engineer; the petition of sundry persons of Sampson county; and the petition of the citizens of Fayetteville, be referred to the committees of both Houses on Internal Improvements, which was agreed to.

The bill to amend an act, entitled an act to appoint commissioners to view and lay off the road leading across the mountain from the town of Wilkesborough to Mrs. Bogle's, in Iredell county, and the bill to amend an act passed in the year 1822, entitled an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie, so far as the same relates to the county of Moore, were severally read, the first mentioned bill the third time, and the last mentioned bill the second and third time and passed, and ordered to be engrossed.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of Joseph and Ann Wynn, relative to the payment of certain costs, reported the following resolution:

Received, that the prayer of the petitioners ought not to be granted.

Mr. Seawell moved to amend the resolution, by striking out the word not—Which was agreed to.

Mr. McDowell moved that the resolution lie on the table—Which was not agreed to.

The said resolution was further amended, on motion of Mr. Seawell, by adding, "and that the Public Treasurer be, and he is hereby authorised to pay to the petitioners the sum of three hundred and fifty dollars and thirty-three cents." Thereupon, the same as amended, was read the first time and passed.

Received from the House of Commons, a message, proposing that appointments of Field Officers and Justices of the Peace, be made, this evening at 4 o'clock—Which was agreed to.

Mr. Cameron, from the committee on Internal Improvements, reported a bill authorising the making and improving a road from Asheville to Rutherfordton, which was read the first time and passed.

The bill to repeal an act passed in the year 1822, entitled an act
to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as the same relates to the county of Moore—and the bill supplemental to an act passed this session of the General Assembly, entitled an act incorporating Morganton Academy, were severally read the second and third time and passed, and ordered to be engrossed.

The bill to amend an act passed in the year 1816, entitled an act respecting the Academy and town of Smithville, in Brunswick county, was read the second time;

Mr. Cameron moved to strike out the second section of the bill—Which was not agreed to.

Mr. Phifer moved to add the third section, to-wit:

Be it further enacted, that the managers of said Lottery shall be bound in their personal property for the payment of the prizes in said Lottery, and shall be individually sueable therefor, within six months from the time the prizes are drawn.

Which was agreed to.

The question then recurred on the passage of the said bill, the second time, which was determined in the affirmative. Thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, the resignations of John Leach, of Johnston county, and A. R. Jones, of Rowan county, Justices of the Peace; and John Dargan, Major of the second regiment of the militia of Montgomery county, which were severally endorsed in that House, "read and accepted," and the same were read and accepted by the Senate.

Mr. Cameron, from the select committee to whom was referred the bill to amend an act passed in 1806, entitled an act for the more uniform and convenient administration of justice within this State, reported the said bill with sundry amendments; and the same being under consideration,

Mr. Hawkins moved that the bill, together with the amendments, be indefinitely postponed.—Which was not agreed to.

The amendments reported by the select committee, being agreed to, Mr. M'Leod moved to further amend the said bill, by adding the following after the 23d section:

And be it further enacted, that so much of this act as goes to provide for an additional Circuit Judge, and Solicitor, shall only continue in force years from and after the ratification of this act.

And on moving this amendment, Mr. M'Leod proposed to fill up the blank therein, with the word "two."—Which was not agreed to.

The question then recurred on the adoption of the amendment—Which was not agreed to.

Mr. Seawell then moved further to amend the said bill, by adding the following section;
And be it further enacted, that with a view of facilitating the progress of business in the said Courts, it shall be the duty of the Judges holding said Courts, to confine their charges to the Petit Jury, exclusively to matters of law.

Which was not agreed to.

The question then recurred on the passage of the bill the third time, which was determined in the affirmative, and the same was ordered to be engrossed.

On the passage of the said bill, the Yeas and Nays were demanded by Mr. Speight, which were as follows.

For the passage, are


Against the passage of the bill, are


Thereupon, the Senate adjourned to 4 o'clock, this evening.

Wednesday evening—4 o'clock.

The Senate met agreeably to adjournment.

The resolution in favour of Joseph and Ann Wynn, of Tyrrell county, was read the second and third time and passed, and ordered to be engrossed. On the passage of the said resolution the third time, the Yeas and Nays were demanded by Mr. Parker, and were as follows.

For the passage of the resolution, are


Against the resolution, are


The bill to allow commissions to constables on all sums above sixty dollars, was read the second time; and

On motion of Mr. Sneed, indefinitely postponed.

Received from the House of Commons, a message, proposing to ballot immediately for a Major of Cavalry attached to the 17th brigade of the militia, and stating that the name of Wm. Davis is in nomination—which was agreed to; and Mr. Williams and Mr. Hawkins were appointed superintendents of the ballotins on the part of the Senate.

The bill concerning the estates of persons non compos mentis, was read the second time and passed.
Received from the House of Commons, a message, stating that Mr. Leonard and Mr. Lewis attend the Senate as superintendents of the balloting for a Major of Cavalry attached to the 17th brigade of militia.

The Senate adjourned to 10 o'clock to-morrow morning.

_Thursday, December 18, 1823._

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret, and Bertie, so far as the same relates to the county of Moore."

A bill supplemental to an act passed this session of the General Assembly, entitled "an act incorporating Morganton Academy."

A bill to amend an act, entitled "An act to appoint Commissioners to view and lay off the road leading across the mountains from the town of Wilkesborough, to Mrs. Bogle's in Iredell county;" a bill to amend an act passed in the year 1816, entitled "an act respecting the Academy and town of Smithville, in Brunswick county; "a bill to divide the militia of Iredell county into two regiments, and the bill to amend an act passed in 1806, entitled "an act for the more uniform and convenient administration of justice within this State;" in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have rejected the following engrossed bills, to-wit:

A bill to authorise certain persons therein named, to collect arrearages of taxes; a bill to amend the Inspection laws of this State, so far as respects Turpentine, and a bill to amend an act passed in the year 1813, entitled "an act to exempt vessels under sixty tons burthen, entering the Cape Fear River, from paying pilotage."

Received from the House of Commons, a message, proposing that a balloting immediately take place for seven Councillors of State, for the ensuing year, and nominating William Davidson, Edmund Jones, Thomas Wynns, Gideon Alston, Theophilus Lacey, William Blackledge and David Gillaspie; which proposition was agreed to, and Mr. Bryan and Mr. Hatch of Wayne, were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that Allen Rogers and George W. Jeffreys are added to the nomination for Councillors of State, and that Mr. Brodnax and Mr. Brown are appointed to conduct the balloting on the part of that House.

Mr. Love, from the Committee of Claims, to whom was referred the resolution instructing them to enquire into the propriety of allowing claims of a detachment of the militia of Jones county, for services in suppressing outrages of slaves and other persons of colour in the year 1821, reported the following resolution:
Resolved, That the Treasurer, Comptroller and Secretary of State, be appointed a Board to audit and liquidate the claims of a detachment of the militia of Jones county, ordered out to suppress outrages of slaves and other persons of colour, in the year 1831.

Resolved further, That the Treasurer pay to the individuals respectively, or their agents or attorneys, such sums as may be allowed them by said Board, and that he be allowed the same in settlement of his accounts.

Which was read the first time and passed.

Mr. Love, from the same committee, to whom was referred a resolution of the Senate of the 6th inst. in favour of Samuel W. W. Vick, Sheriff of Nash county, reported the said resolution without amendment, which was read the second time; when it was determined by the Senate that the same should not pass.

Mr. Hawkins, from the committee appointed to conduct the balloting for a Major of Cavalry, attached to the 17th brigade of militia, reported that William Davis was duly elected; which report was concurred in.

Mr. Peebles presented a bill concerning usury, which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to facilitate the navigation of Neuse river, and asking the concurrence of the Senate; thereupon the said bill was read the third time and passed.

A message was sent to the House of Commons, stating that the Senate have accepted the recommendation from Duplin county, with an amendment to strike out the name of "John Miller, Lieutenant Colonel," and that they have rejected the recommendation for the county of Hertford, signed by James Copeland.

The bill concerning the estates of persons non compositis mentis, was read the third time and passed, and ordered to be engrossed.

Mr. Graves from the Committee on the Militia Laws, to whom was referred a bill to amend the militia laws of this State, reported the said bill without amendment; and the same being read the second time, Mr. Seawell moved an amendment, to strike out the words "company musters of the militia of this State be, and the same are hereby abolished," and insert "no company muster shall be held between the first day of April and the fifteenth day of August in each and every year; which was not agreed to.

The question then recurred on the passage of the bill, which was determined in the negative.

Mr. Alexander presented the resignation of Joshua Camp, a Justice of the Peace of the county of Rutherford, which was read, accepted and sent to the House of Commons.

Mr. Hatch of Wayne, from the committee appointed to conduct the balloting for Councillors of State, for the ensuing year, reported that William Davidson, Edmund Jones, Thomas Wynn, Gideon Alston, Theophilus Lacey, William Blackledge and David Gillaspie, were duly elected; which report was concurred in.
The Senate entered upon the orders of the day; and the bill respecting the marriage of Infants, who belong to any seminary of learning within this State, was read the second time and amended on motion of Mr. Seawell, by striking out of the second section from the word "if," in the first line, to the word "any," in the ninth line, and to add after the word "state," in the third line of the third section, the following words: "shall not be effectual to transfer to the husband any interest in the estate of the wife."

The question then recurred on the passage of the said bill the second time, as amended; which was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. Wellborn, and were as follows:

For the passage of the bill, are


Against the passage of the bill are


The Senate continued on the orders of the day, and the following bills were severally read, to-wit: A bill concerning the Roanoke Navigation Company; a bill authorising the making and improving a road from Asheville to Rutherfordton, and a bill concerning the Clubfoot and Harlow's Creek Canal Company; which bills were severally passed the second time, and the last mentioned bill was amended on motion of Mr. Cameron, by adding the second section, to-wit:

"And be it further enacted, That the President and Directors of the said Company, shall have a further term of five years to complete the works of said Company."

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favor of Joseph and Ann Wynn, in which they ask the concurrence of that House.

Mr. Murphey moved to reconsider a bill which was passed by the Senate, yesterday, the third time, entitled a bill to amend an act passed in 1806, entitled an act for the more convenient and uniform administration of justice within this State; and

Mr. Callaway moved an adjournment, which last motion prevailed; and

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

Friday, December 19, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act passed in the year 1822,
entitled an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as the same relates to the county of Moore, in which they ask the concurrence of that House.

Mr. Harrell presented the following resolution:

Resolved, that the committee on the military laws be instructed to enquire into the expediency of so amending the militia laws of this state, as to prohibit free persons of colour from performing military duty, and that they report by bill or otherwise.

Which was agreed to.

Mr. Shipman presented a bill to authorise the administrators of Wm Streety, late sheriff of Bladen county, to collect the arrears of taxes due said sheriff.

Mr. Pool presented a bill to legitimate Benjamin Franklin Jackson, son of Pemia West, dec'd. and Benjamin M. Jackson, of the county of Pasquotank.

And Mr. Hill, of Franklin, presented a bill for the relief of female debtors; which bills were severally read the first time and passed.

Mr. Cameron, from the joint committee on Internal Improvements, reported a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson, which was read the first time and passed.

On motion of Mr. Love, the Senate proceeded to the consideration of the bill for the relief of such persons as became purchasers of the Cherokee Lands, sold under the authority of this State, which was read the second and third time, amended, passed, and ordered to be engrossed.

The bill to regulate the practice in the Superior Courts of Law of this State, was read the third time and passed, and amended on motion of Mr. Bryan, by adding the following provision:

Provided always, that any person or persons, convicted by a verdict of a Jury, of the crimes of perjury, forgery, counterfeiting, or passing counterfeit money or bank notes, horse stealing, or of an assault with an intent to commit a rape, shall not have the benefit of the provisions of this act.

Thereupon the same was ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to authorise the payment of money to Clerks of Courts of Record in certain cases, and a bill to to amend an act, entitled an act regulating descents, passed in the year 1808, in which they ask the concurrence of the Senate.

Thereupon the said bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution in favour of Joseph Wynn and Ann Wynn, with the following amendments: to strike out from the word "Resolved" in the first line, to the word "that" in the third line—and to strike out the words "the petitioners" in the fifth line, and insert the words "Joseph Wynn and Anne Wynn," and
asking the concurrence of the Senate in the amendments—which were agreed to; and the House of Commons was informed thereof by message.

The bill concerning the Roanoke Navigation Company, was read, amended on motion of Mr. Scawell, by striking out the words "by the Public Treasurer," and to insert "out of the fund set apart for Internal Improvement."

On the adoption of this amendment, the Yeas and Nays were demanded by Mr. Hill, of Franklin, which were as follows.

For the amendment, are


Against the amendment, are


Thereupon Mr. Hatch, of Jones, moved that the said bill lie on the table—which was agreed to.

Mr. Baker presented the following resolution:

Resolved, that the Committee of Finance be instructed to enquire into the expediency of reducing the tax imposed by the revenue laws of this State on merchants of small capital, and that they have leave to report by bill or otherwise.

Which was agreed to.

Mr. Gavin presented the following resolution:

Resolved, that the Secretary of State be and he is hereby directed to issue to the heirs of Harmon Stricklen, a grant for 64 acres of land on a warrant issued by the entry-taker of Sampson county, No. 215, on the 5th November, 1804, and agreeably to the plats of survey accompanying the same; Provided it be made appear to the satisfaction of the Secretary of State, that the purchase money has been paid.

Which was read and adopted, and ordered to be engrossed.

Mr. Graves, from the committee on the militia laws, reported a bill to amend the militia laws of this state, relative to the cavalry, which was read the first time and passed.

The bill respecting the marriage of infants who belong to any seminary of learning in this state—the bill authorising the making and improving a road from Asheville to Rutherfordton—and the bill concerning the Clubfoot and Harlow's Creek Canal Company, were severally read the third time and passed, and ordered to be engrossed.

Mr. M'Dowell presented a bill to amend an act entitled an act, to appoint commissioners to extend the Fayetteville road from Morganton to the line of Tennessee, passed in the year 1818—Mr. Gavin presented a bill to amend the several acts of Assembly respecting weights and measures—and Mr. Bryan presented a bill, declaring the punishment of persons of colour in certain cases, which were severally read the first time and passed.
The bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee Nation, was read the second time and passed.

The bill concerning usury was read the second time, and on motion of Mr. Peebles, the further consideration thereof was postponed until Monday next.

Received from the House of Commons, a message, stating that they accede to the amendment made by the Senate in the recommendation from Duplin county.

The engrossed bill to facilitate the navigation of Neuse river, was read the second time and passed.

The bill concerning the Cape-Fear Navigation Company, was read the second time and passed.

Received from the House of Commons, the resignations of James H. Morrison, Justice of the Peace of Mecklenburg county; John N. Phifer, Lieutenant Col. of Cavalry in the 11th brigade of Militia; and Elisha Spence as Major of the 2d Regiment of Cumberland county, which were endorsed in that House, read and accepted, and the same were severally read and accepted by the Senate.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to repeal an act passed in the year 1812, entitled an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as relates to the county of Moore, with an amendment, to add the word "Montgomery" after the word "Moore," in the provisions of the bill, and to make the title thereof correspondent, and asking the concurrence of the Senate— to which amendment the Senate refused to accede, and the House of Commons was informed thereof by message.

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

Saturday, December 20, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill for the relief of such persons as became purchasers of the Cherokee Lands, sold under the authority of this State—a bill authorising the making and improving a road from Asheville to Rutherfordton—a bill concerning the Clubfoot and Harlow's Creek Canal Company—a bill concerning the estates of persons non compos mentis—a bill to regulate the practice in the Superior Courts of Law of this State—a bill respecting the marriage of infants who belong to any seminary of learning within this state— and a resolution in favour of the heirs of Harmon Stricklen, in which they ask the concurrence of that House.

Mr. Graves, from the committee on the militia laws, to whom was referred the petition of sundry inhabitants of the county of
Wilkes, praying to be established as a volunteer company, reported the following resolution:

Resolved, that the prayer of the petitioners be not allowed.

Which was concurred in.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Nash county, reported a bill for the better regulation of the town of Nashville, which bill was read the first time and passed.

Received from the House of Commons, a report of the committee on Internal Improvements, upon the resolution instructing them to enquire into the expediency of retaining in the employment of the State, the present Engineer, and the propriety of keeping up, and sustaining the Board of Internal Improvements—which report was ordered to be printed.

Received from the House of Commons, a recommendation of certain persons to be added to the commission of the Peace in Lenoir county, which was read, and amended on motion of Mr. Whitfield, by striking out the name of Joseph Pearce, and inserting the name of Parrot Mewborn. Thereupon the same was accepted by the Senate.

Received from the House of Commons, a message, stating that they have passed a bill to alter the names of William Riley Brewer, Daniel Putnam Brewer, and Hilliard Brewer, children of Benjamin Whitley, of Martin county, and to legitimate them—a bill to incorporate Greensborough Lodge, No. 76, in Guilford county—a bill to establish and incorporate Lumberton Academy, in the county of Robeson—a bill to legitimate Emmery Beazer Williams, and for other purposes—a bill to repeal an act passed in 1822, entitled an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Washington and New-Hanover—a bill to repeal in part an act passed in the year 1822, entitled an act to regulate the patrol of Richmond county—a bill to incorporate Charity Lodge, in Windsor, Bertie county—a bill to amend the 4th section of an act passed at the last General Assembly, entitled an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county—a bill to alter the mode of electing militia officers in the counties of Gates and Granville—a bill directing the manner in which constables shall be hereafter appointed in the county of Mecklenburg—a resolution in favour of Thomas D. Watts—and a resolution to establish a board to settle the claims of the Onslow militia, in which they ask the concurrence of the Senate.

Thereupon the said bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill supplemental to an act passed
this General Assembly, entitled an act incorporating Morganton Academy, with an amendment in the 10th line, after the word "acquire," add "adjoining the town of Morganton"—also stating that they have passed the bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a Company for that purpose, with an amendment to strike out from the word "state" in the 8th line of the third section, to the word "capacity" inclusive in the 10th line—And that they have passed the bill to authorise the erection of the public buildings of Washington county, at Plymouth, with the following amendment:

Provided however, that nothing in this act contained, shall be so construed as to authorise the Justices of the Court of Pleas and Quarter Sessions of said county of Washington, to lay any tax or taxes upon the people of said county, for the purpose of purchasing lots, or for the erection of the public buildings to be erected in the town of Plymouth.

Which amendments to the several bills above mentioned were agreed to by the Senate.

The bill to facilitate the navigation of Neuse river, was read the third time and passed, and ordered to be enrolled.

The bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation, was read the third time and passed, with an amendment to strike out the word "three" and insert "four," in the third line of the 4th section, also to strike out the words "joint ballot of both Houses of the Legislature," and insert "Governor of the State," and a message was sent to the House of Commons asking their concurrence in the amendments.

On the passage of the said bill the third time, the yeas and nays were demanded by Mr. Seawell, and are as follows:

For the passage of the bill are,


Against the passage of the bill are,


The Senate proceeded to the consideration of the bill concerning the Roanoke Navigation Company. Mr. Outlaw moved to reconsider the vote taken on the amendment made to the said bill to strike out the words "by the Public Treasurer," and to insert "the fund set apart for Internal Improvements;" which motion to reconsider was agreed to.

The question then recurred on the passage of the said bill the third time; which was determined in the affirmative, and the same was ordered to be engrossed.
On the passage of the said bill, the yeas and nays were demanded by Mr. Jackson, and are as follows:

For the passage are,

Against the passage of the bill are,

A message was received from the House of Commons, stating that they agree to the amendment made by the Senate in the recommendation of Justices for Lenoir county.

Mr. Love presented a bill to authorise John Patton, of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the public lands; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the bill to amend an act, passed in the year 1813, entitled "an act to exempt vessels under sixty tons burden, entering the Cape-Fear river, from paying pilotage," with the following amendments, viz. in the fifth line, to strike out the word "forty," and insert "fifty"—to strike out the whole of the proviso, and insert the following section:

"And be it further enacted, That no vessel coming in at either Inlet of the Cape-Fear river, with a view to the more convenient prosecution of her voyage, or to make a harbor, shall be subject to the payment of pilotage."

And the said amendments were agreed to by the Senate.

Received from the House of Commons, a message, stating that they insist on their amendments proposed in the bill to repeal an act, passed in 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as relates to the county of Moore; and a message was sent to the House of Commons, in answer thereto, stating that the Senate insist on their disagreement to the amendments proposed to the said bill by the House of Commons, and asking a conference thereon; and for this purpose, Mr. Legrand, and Mr. Hill, of Stokes, are appointed on the part of the Senate.

Received from the House of Commons, the resignations of A. M'Millan, Colonel-Commandant, James Maxwell, Lieutenant-Colonel, and Thomas Brown, Major of the militia of Ashe county; Duncan M'Phatter, Major of the 2d regiment of militia of Robeson county; and James B. Long, Major of Cavalry attached to the 14th brigade of the militia of this State; also Charles Steed, of Randolph county; Henry Tatum, of Guilford county; William Edwards, of Ashe county; Lemuel Hardy, of Greene county; and George Smith, of Da-
vidson county, Justices of the Peace; which were endorsed in that House, read and accepted—and the same were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock, Monday morning.

Monday, December 22, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill concerning the Roanoke Navigation Company; in which they ask the concurrence of that House.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Beaufort county, reported a bill to regulate seine fisheries on Blount's Creek, in Beaufort county; which was read the first time and passed.

Mr. Hill, of Franklin, from the select committee to whom was referred the engrossed bill to amend the laws making provision for widows, reported the said bill with sundry amendments; which were agreed to; and the said bill was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

Mr. Cameron, from the Committee on Internal Improvements, reported the following resolution:

Resolved, That the President of the Board for Internal Improvements be, and he is hereby instructed to transmit to each Senator and Representative in Congress from this State, a certified copy of an act of the last General Assembly, entitled "an act for improving the navigation of Cape Fear river, below Wilmington," accompanied by a memorial, praying the Congress of the United States will pass an act authorising the General Assembly of this State to lay and collect tolls not exceeding in amount the sum of twenty-thousand dollars, for the reimbursement of the expenditure authorised for the purposes mentioned in the act aforesaid.

Which was read and adopted, and ordered to be engrossed.

Mr. Wellborn, from the Committee of Finance, reported a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government; which bill was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill concerning the duty of Ferrymen across Albemarle sound and its waters; and a bill concerning the University of North-Carolina—in which they ask the concurrence of the Senate. Thereupon, the said bills were severally read the first time, and passed; also

Received a message, stating that the House of Commons have rejected the engrossed bill concerning the estates of persons non compos mentis.

The Senate proceeded to the consideration of the resolution reported from the committee of Claims, in favor of a detachment of
the militia of Carteret County, ordered out under the command of John H. Hill; and the same being read, was amended, on motion of Mr. Hatch, of Jones, by adding the following after the word "Hill," in the 7th line, to-wit: "and to audit and settle the claims of the officers and men composing a detachment of the militia of Jones county, ordered out under the command of Colonel Foscue." The question then recurred on the passage of the said resolution the second time as amended; and the same was determined in the affirmative.

Mr. Philp presented a bill to amend an act, passed the last session of the General Assembly, entitled "an act for the better regulation of the County Courts of Cabarrus, Moore and Montgomery," so far as relate to the county of Cabarrus; and

Mr. Cox presented a bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Washington.

Which bills were severally read the first time and passed.

The Senate entered upon the orders of the day, and the bill to amend the several acts of Assembly, respecting weights and measures, was read. Mr. M'Leod moved to add the words "and millers," after the word "profession," in the fifth line of the first section; which was agreed to; and the said bill, as amended, was passed the second time.

The Senate continued on the orders of the day, and the following bills were severally read the second and third times, and passed and ordered to be engrossed, to-wit:

A bill to amend the militia laws of this State relative to the Cavalry; a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson; a bill to amend an act, entitled "an act to appoint Commissioners to extend the Fayetteville road from Morganton to the line of Tennessee," passed in the year 1818; a bill to authorise John Patton of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the Public Lands; a bill declaring the punishment of persons of colour, in certain cases; and, a bill for the relief of Female Debtors.

The engrossed bill to repeal in part an act passed in the year 1822, entitled "an act to regulate the patrol of Richmond county," was read the second and third time and passed, with an amendment, adopted on motion of Mr. Wall, to strike out the whole of the said bill except the words "a bill," and to insert the amendment accompanying the same, and a message was sent to the House of Commons asking their concurrence.

The bill for the better regulation of the town of Nashville, was read the second time and amended on motion of Mr. Boddie, by adding the second section:

And be it further enacted, That upon the death, removal, or refusal to act, of any of the aforesaid Commissioners, those that remain, or a majority of them, shall have
power to elect new ones, to supply the places of those who remove, die, or refuse to act; and those when so elected as aforesaid, shall be vested with the same power and authority as those appointed by this act.

The question then recurred on the passage of the said bill the second time as amended, and the same was determined in the affirmative; thereupon the said bill was read the third time and passed, and ordered to be engrossed.

The engrossed bill to alter the mode of electing militia officers in the counties of Gates and Granville, was read the second and third time and passed, and amended on motion of Mr. Sneed, by excluding from the provisions of the said bill, the county of Granville; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they have passed a resolution in favour of the heirs of Dancy Penticost, and asking the concurrence of the Senate; thereupon the said resolution was read and adopted, and ordered to be enrolled.

The bill to amend the several acts of Assembly respecting weights and measures, was read the third time and passed, and ordered to be engrossed.

The following engrossed bills, to-wit: a bill to incorporate Charity Lodge, in Windsor, Bertie county; a bill to authorise the payment of money to Clerks of Courts of Record, in certain cases; a bill to incorporate Greensborough Lodge, No. 76, in Guilford county; a bill directing the manner in which constables shall hereafter be appointed in the county of Mecklenburg; a bill to repeal an act passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of New-Hanover and Washington; a bill to amend the 4th section of an act passed at the last General Assembly, entitled "an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county; a bill to alter the names of William Riley Brewer, Daniel Putnam Brewer and Hilliard Brewer, children of Benjamin Whtley of Martin County, and to legitimate them; a bill to legitimate Emmery Beazor Williams, and for other purposes; a bill to establish and incorporate Lumberton Academy, in the county of Robeson; and a resolution in favour of Thomas D. Watts; were severally read the second and third time and passed, and ordered to be enrolled.

The following bills were severally read the second and third time and passed, and ordered to be engrossed, to wit:

A bill to authorise William Streety, late Sheriff of Bladen county, to collect the arrears of taxes due said Sheriff; a bill to regulate Seine Fisheries on Blount's Creek in Beaufort county; a bill to amend an act passed the last session of the General Assembly, entitled "an act for the better regulation of the County Courts of Ca-
barrus, Moore and Montgomery," so far as relates to the county of Cabarrus; a bill to legitimate Benjamin Franklin Jackson, son of Pemia West, deceased, and Benjamin M. Jackson, of the county of Pasquotank; and a bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Washington.

The bill concerning usury, was read the second time, and amended on motion of Mr. Seawell, by striking out the whole of the bill from the word "same" in the third line of the first section, and to insert the following: "that so much of the act of Assembly passed in the year 1741, as enables any person to bring an action to recover double the amount lent or forborne, upon excessive usury, be, and the same is hereby repealed;" the question then occurred on the passage of the said bill the second time, which was determined in the affirmative.

On the passage of the said bill the yeas and nays were demanded by Mr. Wellborn, and are as follows:

For the passage are,


Against the passage of the bill, are


Mr. Forney presented the resignation of John B. Harry, Major of the second regiment of Lincoln militia; which was read and accepted and sent to the House of Commons.

The Senate adjourned to 10 o'clock to morrow morning.

Tuesday, December 23, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled "an act to appoint Commissioners to extend the Fayetteville road from Morgan to the line of Tennessee," passed in the year 1818; a bill to amend the several acts of Assembly respecting weights and measures; a bill to authorise John Patton of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the Public Lands; a bill to legitimate Benjamin Franklin Jackson, son of Pemia West, deceased, and Benjamin M. Jackson of the county of Pasquotank; a bill declaring the punishment of persons of colour, in certain cases; a bill for the relief of Female debtors; a bill to authorise the administrator of William Streety, late Sheriff of Bladen county, to collect the arrears of taxes due said Sheriff; a bill to alter the times of holding the Courts of Pleas and Quarter Sessions.
for the county of Washington; a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson; a bill to amend the militia laws of this State, relative to the Cavalry; a bill to regulate Seine Fisheries on Blount's Creek in Beaufort county; a bill for the better regulation of the town of Nashville; a bill to amend an act sassed at the last session of the General Assembly, entitled "an act for the better regulation of the County Courts of Cabarrus, Moore and Montgomery," so far as relates to the county of Cabarrus; and a resolution instructing the President of the Board of Internal Improvements, &c. in which they ask the concurrence of that House.

Mr. Hatch of Wayne, presented the following resolution:

Resolved, That the Military Committee be instructed to enquire into the expediency of paying the officers and witnesses of a Court Martial, ordered by the Brigadier-General of the third brigade in the year 1822, to try the Colonel Commandant of the Duplin regiment of militia, for charges preferred against said Colonel; and that they report by bill or otherwise.

Which was agreed to.

Mr. Seawell moved that the Committee of Propositions and Grievances be discharged from the consideration of the petition to them referred, in favor of Samuel Carpenter; which was agreed to; and the said petition being read, Mr. Seawell, for the purpose of carrying into effect the prayer of the petitioner, presented the following resolution:

Resolved, That the Secretary of State issue a military land warrant to the heirs of Samuel Carpenter, a first lieutenant in the third regiment of the North-Carolina line in the revolutionary war.

Which was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, proposing to ballot on this morning for four Trustees of the University of North-Carolina, to supply the vacancies in the said board; which proposition, to ballot on this morning, was not agreed to; but a message was sent to the House of Commons, proposing that the said balloting take place on to-morrow morning; and stating that the names of John H. Bryan, James Martin and Daniel M. Forney are nominated as Trustees.

Received from the House of Commons, a message, stating that they have passed a bill supplemental to an act, passed this General Assembly, incorporating Morganton Academy; a bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a Committee of Finance; a bill to appoint Commissioners for the better regulation of Elizabeth Town, in Bladen county; a bill to establish the mode of elections in future in the county of Wayne; a bill to prevent any person or persons from falling timber into the Tennessee river, and the Sugar Fork thereof, within the county of Haywood; a bill for the relief of Annis Blackman, of Sampson county; a bill to amend an act, passed in 1817, entitled "an act for the better protection of the health of the inhabitants of
the town of Smithville and its vicinity, in Brunswick county;" a bill to repeal an act, passed in 1718, entitled "an act to repeal the first section of the 26th chapter of the acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston," so far as relates to the counties of Robeson and Richmond; a bill to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire; and a bill to legitimate James Smith, Milly Smith, Unice Smith, and for other purposes; which bills were severally read the first time and passed, except the bill above mentioned, entitled "a bill to establish the mode of elections in future in the county of Wayne; which, on motion of Mr. Bryan, was indefinitely postponed.

Received from the House of Commons, a message, stating they agree to the amendments made by the Senate in the bill respecting reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation; and also, that they agree to the amendments made by the Senate in the bill to alter the mode of electing militia officers in the counties of Granville and Gates; and to the amendments in the bill to repeal in part an act, passed in the year 1822, entitled "an act to regulate the patrol of Richmond county.

Received from the House of Commons, a message, agreeing to the proposition of the Senate for a conference upon the disagreeing votes of the two Houses, on the bill to repeal an act, passed in 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as relates to the county of Moore; and appointing Mr. Dargan and Mr. Seawell on the part of that House.

Mr. Wall moved that the Committee of Claims be discharged from the consideration of the petition of Hugh M'Arn, of Richmond county, which was referred to them on the 13th instant; and the same was agreed to; and the said petition being read, Mr. Wall (for the purpose of carrying into effect the prayer of the petitioner) presented the following resolution:

Resolved, That the Public Treasurer pay to Hugh M'Arn twelve dollars and fifty cents, the amount of the purchase money for a tract of land granted by the State, where the said lands had been previously granted to John Fontaine."

And the resolution being read, it was resolved by the Senate, that the same shall not pass.

Mr. Wellborn, from the Committee of Finance, to whom was referred the resolution of the Senate, instructing them to enquire into the expediency of reducing the tax imposed by the revenue laws of this State on merchants of small capital, reported that it would not be expedient to reduce the said tax; which was concurred in.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to regulate the practice in the Superior Courts of Law in this State; and that they have indefinite-
ly postponed the engrossed bill respecting the marriage of infants who belong to any seminary of learning within this State.

Mr. Graves presented the following resolution:

Resolved, That the select Committee on Agriculture be instructed to enquire into the expediency of so amending the several acts of the General Assembly for the promotion of agriculture and domestic manufactures in this State, that the several Clerks mentioned in said acts shall be compelled, under proper penalties, to make their returns, as required by said acts; and that they report by bill or otherwise.

Which resolution was agreed to.

Mr. Jackson presented a bill to legitimate Nancy Johnson, and others, of Moore county.

Mr. Graves presented a bill to amend the first section of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaks ville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough.

Mr. Alexander presented a bill to establish a poor-house in the county of Rutherford.

Mr. Williams presented a bill to amend the inspection laws of this State, and for other purposes.

Which were severally read the first time and passed; and the last mentioned bill was,

On motion of Mr. Williams, referred to a select committee; which committee consists of Messrs. Williams, Albirton, Bowers, Baker and Bryan.

The engrossed resolution to establish a board to settle the claims of the Onslow militia, was read the second time and passed.

The resolution relative to the claims of a detachment of the militia of Carteret and Jones county, ordered out under the command of Colonels Hill and Foscue, was read. Mr. Baker moved to amend the said resolution by adding, after the word "Foscue," the following, to-wit: "and to audit and settle the claims of the officers and men composing a detachment of the militia of Bladen county, ordered out under the command of Colonel Samuel B. Andrews;" which was not agreed to.

The question then recurred on the passage of the said resolution the second time; and the same was determined in the negative.

On this question the yeas and nays were demanded by Mr. Sewell, and are as follows:

For the passage of the resolution are,


Against the said resolution are,

The bill to establish a poor-house in the county of Rutherford; and the bill to legitimate Nancy Johnson and others, of Moore county, were severally read the second and third time and passed, and ordered to be engrossed; and the last mentioned bill was amended, on motion of Mr. Sneed, by striking out the second section, to-wit:

"And be it further enacted, That this act shall be in force from and after the ratification thereof."

The bill to amend the first section of an act, passed in the year 1818, entitled "an act directing a road to be laid out and opened from the town of Leaks ville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough, was read the second and third time and passed, and ordered to be engrossed.

The engrossed bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a committee of Finance—and the bill to appoint commissioners for the better regulation of Elizabethtown, in Bladen county, were severally read the third time and passed; the first mentioned bill was amended on motion of Mr. M'Leod, by extending the provisions of the said bill to the county of Johnston; and the last mentioned bill was amended on motion of Mr. Shipman, by adding the name of Robert Plummer as a commissioner; and a message was sent to the House of Commons asking their concurrence in the amendments.

The following engrossed bills, to-wit, a bill for the relief of Annis Blackman, of Sampson county—a bill to legitimate James Smith, Milly Smith and Unice Smith, and for other purposes—a bill to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire—a bill concerning the University of North-Carolina—a bill concerning the duty of ferrymen across Albemarle Sound and its waters—a bill supplemental to an act passed this General Assembly, incorporating Morganton Academy—and a bill to prevent any person or persons from falling timber into the Tennessee river, and Sugar-town Fork thereof, within the county of Haywood, were severally read the second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, the engrossed resolution in favour of William Drew, which was read the first time and passed; thereupon the same was read the second time, and it was resolved by the Senate that the same shall not pass.

Received from the House of Commons, the engrossed bill to amend an act passed in the year 1822, entitled "an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river in Hyde county, to the town of Plymouth in Washington county;" also a resolution making compensation to the Superintendent of Public Buildings; and a resolution in favour of John Taylor, sen. The above mentioned bill was read the first time and
passed, and the two resolutions last mentioned, were read and adopted, and ordered to be enrolled.

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

Wednesday, December 24, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend the first section of an act passed in 1818, entitled, "an act directing a road to be laid out and opened from the town of Leaksville in Rockingham county, by Rockford in Surry county, to the town of Wilkesborough;" a bill to legitimate Nancy Johnson and others, of Moore county; a bill to establish a Poor-House in the county of Rutherford, and a resolution in favour of the heirs of Samuel Carpenter; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that Mr. Pugh and Mr. Lamon wait on the Senate as a Committee on the part of that House to superintend the balloting for four trustees of the University of North Carolina, and stating that the names of William Hooper and Charles A. Hill, are added to the nomination; thereupon Mr. Wall and Mr. Pearsall were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, the Report of the Public Treasurer, containing a statement of the number of shares which this State owns in the respective navigation companies and turnpike roads, and the sums which have been paid on account of such shares, accompanied with a proposition from that House, that the same be printed; which proposition was agreed to by the Senate.

Mr. Love presented the petitions of Felix Walker and Francis Henry, praying that money may be refunded to them, which they have paid into the Treasury, for certain lands in Buncombe county—referred to the Committee of Propositions and Grievances.

Received from the House of Commons, a message, stating that they have postponed indefinitely, the bill to authorise the administrators of William Streety, late Sheriff of Bladen county, to collect arrears of taxes due said Sheriff, and stating that they have passed a bill to amend an act passed in 1817, entitled "an act directing a road to be laid out, and opened from the town of Fayetteville to Morganton;" a bill to alter the time of holding certain terms of the Courts therein mentioned; a bill to amend the laws respecting wrecks and wreck property; a bill to divorce Daniel Noomcaser of Davidson county, from his wife Catharine; a bill to legitimate and alter the names of Emereldy Thomas, Elias Thomas and Ellis Thomas, children of Elias Taft of Pitt county; a bill to repeal an act passed in 1822, entitled "an act directing the manner of appointing patrollers in the county of Davidson;" a bill to appoint Com-
missioners for the town of Swansborough in Onslow county; a bill to incorporate Friendship Academy in Duplin county; a bill to amend an act passed in the year 1813, entitled "an act to alter and regulate the annual elections in Hyde county;" a bill prescribing the manner in which the Sheriff of Buncombe county, shall pay over the tax laid for building a Court-House, in said county; and a bill to authorise William Neal and Isaac Word of Rowan county, to erect gates on their own lands on the road leading through their plantations in said county, and asking the concurrence of the Senate; thereupon the said bills were severally read the first time and passed.

Mr. Wellborn moved to suspend the 12th rule of the Senate, which requires that a motion made to reconsider a question, shall be made on the same or succeeding day, for the purpose of reconsidering the Report of the Committee of Finance, on the subject of reducing the tax on Pedlars; which was not agreed to.

Mr. Gray presented a bill to legalize and render valid certain grants therein mentioned; and Mr. Williams presented a bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard; which were severally read the first time and passed.

The engrossed bills, to-wit: A bill to repeal an act passed in the year 1818, entitled "an act to repeal the first section of the 26th chapter of the Acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston," so far as relates to the counties of Robeson and Richmond; and the bill to amend an act passed in the year 1817, entitled "an act for the better protection of the health of the inhabitants of the town of Smithville, and its vicinity, in Brunswick county;" were severally read the second and third time and passed, and ordered to be enrolled.

The bill to amend an act passed at the last session of the General Assembly, entitled "an act to provide a revenue for the payment of the civil list, and contingent charges of government," was read the second and third time and passed.

The engrossed bill to amend an act, entitled "an act regulating descents passed in the year 1808," was read the second time: Mr. Gray moved to strike out "twelve" and insert "ten," in the 10th line of the first section, and Mr. Seawell moved an amendment, to strike out the first section from the word "same" in the 4th line, and to insert "that in case any lands or tenements shall descend to any person or persons who at the time of such descent are the only heirs, and such heirs or either of them shall sell or dispose of, for a valuable consideration, such estate or any part thereof, the said conveyance shall be held and deemed effectual in law, against the claim of any after born heir, except such heir as shall be born within ten months after the happening of the first descent;" which was not agreed to. The question then recurred on the amendment pro-
posed by Mr. Gray, which was agreed to, and thereupon the said bill passed the second time; and

On motion of Mr. Hatch of Jones, the further consideration thereof was postponed until to-morrow.

Mr. Martin moved to reconsider the engrossed resolution in favour of William Drew, rejected by the Senate on yesterday, which motion to reconsider was agreed to, and the same being reconsidered, and amended, on motion of Mr. Martin, to strike out he words, "he failed to attend owing to the indisposition of himself and the Judge," and to insert "he attended and for the attendance of which he obtained no certificates from the Clerk, because the Judge who was to hold the Court, was prevented from doing so by sickness;" thereupon the same was read the second and third time and passed, and a message was sent to the House of Commons asking their concurrence in the amendment.

On motion of Mr. Love, a message was sent to the House of Commons, proposing to ballot immediately for a Colonel of Cavalry attached to the 15th brigade of the militia, and nominating for the appointment Wm. M'Gimpsey.

The engrossed bill to amend an act, passed in the year 1822, entitled "an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river in Hyde county, to the town of Plymouth in Washington county," was read the second time and amended on motion of Mr. Cox, by adding the following proviso:

Provided nevertheless, That no part of the sum hereby appropriated, shall be paid until the like sum of two thousand five hundred dollars, shall have been subscribed and paid by individuals, or secured to be paid by individual subscribers for the stock of said Company, to the satisfaction of the Treasurer.

Thereupon the said bill passed the second and third time, and a message was sent to the House of Commons asking their concurrence in the amendment.

Mr. Cox, the Senator from the county of Washington, obtained leave of absence from the services of this House, from and after this day, until the end of the session.

The bill concerning usury was read the third time; Mr. Hill of Franklin moved that the said bill be indefinitely postponed, which was not agreed to.

On this question the yeas and nays were demanded by Mr. Hill of Franklin, and are as follows:

For the indefinite postponement are,

Against the indefinite postponement are,


Mr. Hill, of Franklin, moved to amend the sail bill, by adding the following section:

"Be it further enacted, That if, in any action brought, the defendant shall file an affidavit that the contract upon which the action is brought is usurious, and the Plaintiff shall not deny the facts to that point, by counter affidavit, then, and in that case, there shall be judgment rendered by the Court in favor of the Defendant.

Which amendment was not agreed to.

Mr. Martin then moved the following amendment:

"And be it further enacted, In all suits hereafter brought, upon any contract, the Defendant shall be authorized to file his affidavit at the time of pleading in the cause; and in case it shall be stated in the said affidavit, that more than six per cent has been taken or reserved for the forbearance of the payment of one hundred dollars, for one year, and in the same proportion for a longer or a shorter time, the said affidavit shall be taken as prima facia evidence of the fact so stated, unless the Plaintiff in said suit shall file a counter affidavit, denying the truth of the said statement; and wherever it shall appear that any person has exacted a greater rate of interest than above mentioned, he shall not recover in any Court of justice more than the original sum loaned, and the costs of suit: Provided, this act shall not extend to suits instituted for and on behalf of the estate of any deceased person."

Which amendment was not agreed to.

The question then recurred on the passage of the said bill the third time; and the question thereon was determined in the negative.

The resolution to establish a board to settle the claims of the Onslow Militia, was read the third time; and it was resolved by the Senate, that the same shall not pass.

On this question the yeas and nays were demanded by Mr. Scawell, and are as follows:

For the passage of the resolution are,


Against the passage of the resolution are,


The engrossed bills, to-wit: "a bill to amend an act, passed in the year 1813, entitled an act to alter and regulate the annual elections in Hyde county;" and the bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-House in said county, were severally read the second and third time and passed—the first mentioned bill with an amendment, on motion of Mr. Gibbs, by adding the following:
"And be it further enacted, That an election for members of Assembly and members of Congress shall be held at the house of Parroh Farrow, at Kenekut; and at the house of Charles Foster, at or near the Cape in Hyde county, on the Friday preceding the day by law appointed for such elections in the other parts of Hyde county; and the election of President and Vice President of the United States shall be held at the same places, on the day by law appointed; all which elections shall be held under the same laws, rules and regulations as are or may be prescribed, any law or usage to the contrary notwithstanding."

And the last mentioned bill was amended, on motion of Mr. Brittain, by adding in the seventh line of the first section "by direction of the Commissioners appointed to superintend the building of a Court-House;" and a message was sent to the House of Commons, asking their concurrence in the said amendments.

The bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard, was read the second and third time and passed, and ordered to be engrossed.

The following engrossed bills, to-wit: a bill to incorporate Friendship Academy, in Duplin county; a bill to appoint Commissioners for the town of Swansborough, in Onslow county; a bill to repeal an act, passed in the year 1822, entitled "an act directing the manner of appointing patrollers in the county of Davidson;" a bill to divorce Daniel Noomcaser, of Davidson county, from his wife Catharine; a bill to legitimize and alter the names of Emeraldy Thomas, Elias Thomas and Ellis Thomas, children of Elias Taft, of Pitt county; a bill to amend an act, passed in 1817, entitled "an act directing a road to be laid out and opened from the town of Fayetteville to Morganton;" a bill to alter the time of holding certain terms of the Courts therein mentioned; and a bill to authorise Wm. Neal and Isaac Word, of Rowan county, to erect gates on their own lands, on the road leading through their plantations, in said county, were severally read the second and third time and passed, and ordered to be enrolled.

Mr. Pearsall, from the committee appointed to conduct the balloting for Trustees of the University of this State, reported that John H. Bryan, Daniel M. Forney and James Martin were duly elected, and that no other person had received a majority of the votes; which report was concurred in.

The resignation of Z. Herndon, Justice of the Peace of Orange county, was received from the House of Commons, endorsed in that House, read and accepted, and the same was read and accepted by the Senate.

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

Thursday, December 25, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed an act passed at the last session of the General
Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government—and a bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard, in which they ask the concurrence of that House.

On motion of Mr. Pearsall, a message was sent to the House of Commons, proposing that a balloting immediately take place for a Trustee of the University of North-Carolina, yet to be elected.

Mr. Hill, of Stokes, from the Committee of Conference on the part of the Senate, on the disagreeing votes of the two Houses, on the amendment proposed by the House of Commons, to insert the county of Montgomery in the bill to repeal an act passed in 1822, entitled an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as respects the county of Moore, reported that they met the Committee of Conference on the part of the House of Commons, and stated the reasons of the two Houses on their disagreement, but were unable to agree.

Received from the House of Commons, a message, stating that they have postponed indefinitely the engrossed bill to compel an executor or executrix to give security in certain cases—also a message stating that they agree to the amendment made by the Senate, to the resolution in favour of William Drew. Thereupon the said resolution was ordered to be enrolled.

Received from the House of Commons, a message, stating that they do not concur in the amendment made by the Senate to the bill to authorise the Court of Pleas and Quarter Sessions of Washington county, to appoint a committee of finance; but that they concur in the amendment made in the bill to appoint commissioners for the better regulation of Elizabethtown, in Bladen county. Thereupon the last mentioned bill was ordered to be enrolled.

On motion of Mr. Wall, a message was sent to the House of Commons, proposing to ballot immediately for a Major of Cavalry attached to the 14th brigade of militia, and nominating for that appointment, Joseph White.

Mr. Hatch, of Jones, from the committee of Agriculture, to whom was referred the bill to incorporate the Lincoln Agricultural Society, reported the said bill without amendment; thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Hatch, of Jones, from the same committee, to whom was referred the resolution of the Senate, directing an enquiry into the propriety of compelling, under proper penalties, the several clerks in this state to perform the duties required of them under the several acts of the General Assembly, for the promotion of agriculture and domestic manufactures within this state, reported a bill to amend the 9th, 10th and 11th sections of an act, entitled an act to promote agriculture and family domestic manufactures within this state, which was read the first time and passed.
Received from the House of Commons, a message, stating that Mr. L. Cherry and Mr. Melvin attend the Senate as a committee on the part of that House, to conduct the balloting for Lieutenant-Colonel of Cavalry attached to the 15th brigade of the militia, and that the name of Edwin Poor is added to the nomination. Thereupon Mr. Pearsall and Mr. M'Dowell were appointed superintendents of the balloting on the part of the Senate.

Mr. Wellborn presented a bill to authorise certain persons hereafter named, to raise by way of lottery, five hundred and fifty dollars, for building a bridge across the South Yadkin, which was read the first time and passed.

Mr. Speight presented the following resolution:

Whereas, there is a contract now existing between the Board of Internal Improvement on behalf of the State of North-Carolina, on the one part, and Hamilton Fulton, Esq. Civil Engineer, on the other part; And whereas it is the opinion of this General Assembly, that the sums of money hitherto advanced by the State to the said Hamilton Fulton, as well for salary as contingent expenses, are oppressive and unjust:

Resolved therefore, that the said Hamilton Fulton be allowed a sum per annum, not exceeding two thousand five hundred dollars, including his contingent expenses.

Which was ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the engrossed bill for the relief of such persons as became purchasers of the Cherokee Lands sold under the authority of this State, with the following amendment:

And be it further enacted, that any purchaser of any tract of said land, or the heirs of such purchaser, may assign, and transfer his or her right under the certificate of his purchase granted by the Commissioners to such purchaser, by deed for good and valuable consideration, and such deed being proved, or acknowledged and recorded as other deeds of land are by law required to be proved or acknowledged and recorded; and such deed being filed in the office of the Secretary of State, and certificate from the Treasurer of the State that the purchase money of said land has been paid to the State, it shall be lawful for the Secretary of State to issue a grant for such land to the assignee aforesaid, expressing in such grant that the said grant is made to the said grantee, by virtue of the assignment from the original purchase.

Which amendment was agreed to by the Senate.

Mr. M'Dowell, from the committee appointed to conduct the balloting for a Lieutenant Colonel of Cavalry attached to the 15th brigade of militia, reported that no person in nomination had received a majority of the votes.

Received from the House of Commons, a message, consenting to ballot immediately for a Major of Cavalry attached to the 14th brigade, and stating that Mr. Lamon and Mr. Williamson, of Person, attend the Senate to receive the ballots. Thereupon Mr. Wall and Mr. Hatch, of Wayne, were appointed superintendents on the part of the Senate.

Received also a message, proposing to ballot immediately for a Lieutenant Colonel of Cavalry, attached to the 10th brigade of militia, and nominating for that appointment, John Zimmerman; which proposition was agreed to, and Mr. Alexander and Mr. Wil-
son were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to alter the names of, and legitimate Sally Ann Woolard and Emeline Woolard, with an amendment to add the letter s to the name Cruther, where it appears in the bill; which amendment was agreed to by the Senate.

Received also a message, stating that the House of Commons agree to the amendment made by the Senate to the bill to amend an act passed in the year 1822, entitled an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county. Thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating that Mr. Holland and Mr. Pugh attend the Senate as a committee on the part of that House to conduct the balloting for a Lieutenant Colonel of Cavalry attached to the 10th brigade of militia.

The bill to authorise certain persons hereafter named, to raise by way of Lottery, five hundred and fifty dollars for building a bridge across the South Yadkin, was read the second time. Mr. Gray moved that the said bill be indefinitely postponed; which was not agreed to. The question then recurred on the passage of the said bill, which was determined in the affirmative; and thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Caldecleugh presented a bill to establish a Superior Court of Law and Equity in the county of Davidson; and Mr. M'Dowell presented a bill to authorise the making and improving the road from Morganton to the Tennessee line, which were severally read the first time and passed.

The engrossed bill to amend the laws respecting wrecks and wrecked property, was read the second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the bill to authorise and direct the sheriff of Davidson county to pay over the taxes collected for the public buildings, to the commissioners of public buildings for said county; a bill to alter the names and legitimate Milbry Stokes and Charlotte Stokes; a bill to alter part of the line dividing the two regiments of militia in Surry county; a bill concerning the sheriff of Cumberland county, and the special justices of the town of Fayetteville; a bill to authorise the county Court of Robeson to appoint a committee of finance; a bill for improving the navigation of Crane's creek, in the county of Cumberland; and a bill to remove obstructions in Pungo creek and for other purposes, which bills were severally read the
first, second, and third time and passed, and ordered to be enrolled.

Received from the House of Commons, the resignations of R. Williams, Col. Commandant of the militia of Franklin county, and Wm Durham, Major of the first regiment of the militia of Stokes county, endorsed in that House "read and accepted," and the same were read and accepted by the Senate.

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

Friday, December 26, 1823.

The Senate met agreeably to adjournment.

Mr. Hatch, from the committee appointed to conduct the ballotting for a Major of Cavalry attached to the 14th brigade of militia, reported that Joseph White was duly elected; which report was concurred in.

Mr. Wilson, from the committee appointed to conduct the ballotting for a Lieutenant Colonel of Cavalry attached to the 10th brigade of militia, reported that John Zimmerman was duly elected; which report was concurred in.

Mr. Wellborn presented the following resolution, to-wit:

Whereas it appears from the sale books, now in the office of the Treasurer, that Wm. Siler, of Haywood county, in the year 1821, purchased two hundred and twenty-seven and an half acres of the public lands commonly called the Cherokee lands, at the price of four dollars per acre, making in amount the sum of nine hundred and ten dollars: And whereas it appears, that by a mistake in the clerk that drafted the three bonds for the three last instalments, that the sum as mentioned in each of said bonds, is two hundred and thirty-seven dollars and fifty cents; instead of the sum of two hundred and twenty-seven dollars and fifty cents each, making a mistake in the three bonds of thirty dollars, as will appear by said sale book, and also by the cash paid down, and the bond given for the first instalment of the purchase money of said land, which said first instalment, when added to the money promptly paid, was equal to one-fourth of the whole sum, and amounts to two hundred and twenty-seven dollars and fifty cents; And whereas it appears by the said mistake, the sum of one hundred and eighteen dollars and seventy-five cents was collected on the note given for the second instalment of said purchase, it being the one-eighth part thereof, when only the sum of one hundred and thirteen dollars seventy-five cents was due thereon.

Be it therefore resolved, that the Public Treasurer be authorised to correct the mistake made in the amount of each of the bonds given for the three last instalments of the purchase money of said land, by entering a credit on each of said bonds to the amount of such mistake; And be it resolved further, that the Public Treasurer of the State refund to said Wm. Siler, the sum of five dollars, that was in consequence of said mistake of the clerk aforesaid, collected from him.

Which was read the first time and passed.

A message was sent to the House of Commons, stating that the Senate have passed a bill to incorporate the Lincoln Agricultural Society, and the bill to authorise certain persons hereafter named, to raise by way of Lottery five hundred and fifty dollars, for building a bridge across the South Yadkin, in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have passed a bill to exempt certain citizens of the county of
Beaufort, from certain duties; a bill to repeal the 7th section of an act passed in the year 1822, authorising certain counties therein mentioned, to appoint a Committee of Finance, so far as respects the county of Anson; a bill to repeal part of the tenth section of an act of the General Assembly, passed in the year 1784; a bill to repeal an act, entitled “an act to establish a Court of Probate in the county of Cumberland, and for other purposes”; a bill to repeal the 44th section of an act passed in the year 1741, entitled “an act concerning servants and slaves”; a bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; a bill to authorise Daniel Dougherty of Lenoir county, to erect a bridge across Neuse river; a bill to amend an act passed in the year 1821, entitled “an act to amend an act passed in the year 1810, entitled an act to amend an act, passed in the year 1809, entitled an act to amend the several acts heretofore passed, relative to the removal of obstructions to the passage of fish up the several rivers within this State, so far as relates to the Pedee and Yadkin rivers”; a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Rockingham; a bill to establish a poor-house in the county of Chowan; a bill making compensation to the Jurors of the Superior and County Courts of Hertford and Gates; a bill concerning the Courts of Pleas and Quarter Sessions of Moore and Sampson Counties, and a bill to establish Town Creek Academy in Edgecombe county, and to incorporate the Trustees thereof; also a resolution in favour of the Protestant Episcopal Church in Raleigh, and asking the concurrence of the Senate; thereupon the said bills were severally read the first time and passed; and the resolution was adopted and ordered to be enrolled.

Mr. Cameron, from the Committee on Internal Improvements, to whom was referred a bill to appoint Commissioners to superintend the building of two bridges on the great stage road in the counties of Wilkes and Ashe, reported the said bill recommending an amendment to strike out the whole of said bill, except the words “a bill.” and to adopt the one by him submitted; which was agreed to, and the same as amended was read the second time and passed.

Mr. Fornay moved that the bill concerning the Cape-Fear Navigation Company, and the resolution relative to the salary of the Civil Engineer, be committed to a committee of the whole House, and made the order of the day for to-morrow; which was agreed to.

The Senate entered upon the orders of the day, and the bill to authorise the making and improving a road from Morganton to the Tennessee line, was read the second time; Mr. Wilson moved that the said bill be indefinitely postponed, and the question thereon was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. Wilson, and are as follows:
For the indefinite postponement, are


Against the indefinite postponement, are


The Senate continued on the orders of the day, and the bill to amend the 9th, 10th and 11th sections of an act, entitled "an act to promote agriculture and family domestic manufactures, within this State," was read the second time and amended in the title, on motion of Mr. Hatch of Jones, by striking out the words "the 9th, 10th and 11th sections," and inserting the words "and extend the provisions."

Mr. M'Dowell moved that the said bill be indefinitely postponed, which was not agreed to; the question then recurred on the passage of the said bill the second time, and the same was determined in the affirmative.

The Senate continued on the orders of the day, and the bill to establish a Superior Court of Law and Equity in the county of Davidson, was read the second time and passed.

The bill to legalize and render valid certain grants therein named, was read the second time; Mr. Gray moved to strike out "are only," in the seventh line of the enacting clause, and insert "may have been," which was agreed to.

Mr. Sneed moved to further amend the said bill by adding the following proviso:

Provided, That nothing in this act shall be construed to, or to affect any grants where there may have been a grant or grants for the same lands, under a regular certificate signed by the surveyor.

Which was not agreed to.

Mr. Cameron then moved to add the following proviso:

Provided, That nothing contained in this act, shall be construed to affect the titles of any land for which suit is now pending in any of the Courts of this State.

Which was agreed to.

The question then recurred on the passage of the said bill the second time, and the same was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. Sneed, and are as follows:

For the passage of the bill are,

Against the passage of the said bill are,

NAYS—Messrs. Brittain, Hill, of Franklin, Hill, of Stokes, Jackson, Murphy, Sneed, Sumner, Scales, Ward—9.

Mr. Graves, from the Committee on the Militia Laws, to whom was referred the resolution of the Senate of the 19th instant, instructing them to enquire into the expediency of so amending the militia laws of this State, as to prohibit free persons of colour from performing military duty, reported a bill to amend and explain the sixth section of an act passed in 1814, entitled "an act for the more perfect organization of the militia of this State," which was read the first time and passed.

The resolution in favour of William Siler of Haywood county, was read the second and third time and passed, and ordered to be engrossed.

The bill to repeal the 44th section of an act, passed in the year 1741, entitled "an act concerning servants and slaves," and the bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, were severally read the second time and passed.

The engrossed bill making compensation to the jurors of the Superior and County Courts of Hertford and Gates, was read the second time, and on motion of Mr. Sumner, was indefinitely postponed.

The engrossed bill to authorise Daniel Dougherty of Lenoir county, to erect a bridge across Neuse river, was read the second time, and amended on motion of Mr. Hatch, of Jones, by adding the following proviso:

Provided, That one arch of said bridge, covering the deepest water in the river, shall be at least thirty feet wide.

The question then recurred on the passage of the said bill the second time, which was determined in the affirmative; thereupon the said bill was read the third time and passed—a message was sent to the House of Commons asking their concurrence in the amendment.

The engrossed bill relative to the removal of obstructions to the passage of fish up the several rivers within this State, so far as relates to the Pedee and Yadkin rivers, was read; Mr. Martin moved to amend the same by striking out the whole of the bill from the word "same," in the third line of the enacting clause, and inserting "that the several acts of Assembly, heretofore passed, creating penalties for the obstruction of the passage of fish up the South Yadkin river, be and the same are hereby repealed."

Mr. Cameron moved that the bill, together with the amendment, under consideration, lie on the table; which was agreed to.

On motion, a message was sent to the House of Commons, stating the Senate insist on their amendment to the engrossed bill to
authorise the Court of Pleas and Quarter Sessions of Washington county, to appoint a Committee of Finance.

The following engrossed bills, to-wit: A bill for the more convenient administration of Justice in the Court of Pleas and Quarter Sessions of the county of Rockingham; a bill to repeal the 7th section of an act passed in the year 1822, authorising certain counties therein mentioned, to appoint a Committee of Finance, so far as respects the county of Anson; a bill to repeal an act, entitled "an act to establish a Court of Probate in the county of Cumberland, and for other purposes;" a bill to exempt certain citizens of the county of Beaufort from certain duties; a bill to establish Town Creek Academy in Edgcombe county, and to incorporate the trustees thereof; a bill to repeal part of the 10th section of an act of the General Assembly passed in the year 1784; a bill to establish a poor-house in the county of Chowan, and a bill concerning the Courts of Pleas and Quarter Sessions of Moore and Sampson counties, were severally read the second and third time and passed, and ordered to be enrolled.

On motion of Mr. Hawkins, the bill creating a permanent fund for Internal Improvements, and to consolidate the several acts of Assembly creating funds for that purpose, was taken into consideration and read the second time.

Mr. Hawkins moved that the said bill be indefinitely postponed; and the question thereon was determined in the affirmative.

On this question, the Yeas and Nays were demanded by Mr. Hawkins, and are as follows.

For the indefinite postponement, are:


Against the indefinite postponement, are:


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

Saturday, December 27, 1823.

The Senate met agreeably to adjournment.

A message was received from the House of Commons, stating that the Senate have passed a resolution in favour of Wm Silar, of Haywood county, and asking the concurrence of that House.

On motion, Mr. Gray, the Senator from the county of Randolph, and Mr. Phifer, the Senator from the county of Cabarrus, obtained leave of absence from the services of this House from after this day until the end of the session.
Mr. Cameron presented the following resolution:

Resolved, that the Public Treasurer pay to each of the door keepers of the two Houses of this General Assembly the sum of twenty-five dollars, being the usual allowance for the employment of hands for cutting and carrying wood and water during the present session.

Resolved further, that the joint rule which requires all resolutions for the appropriation of money, to be read three times in each House, be dispensed with, so far as relates to this resolution.

Which was read and adopted, and ordered to be engrossed.

Mr. Williams, from the select committee to whom was referred a bill to amend the inspection laws of this state, and for other purposes, reported the said bill without amendment, and the same being read, was on motion, indefinitely postponed.

Mr. Bryan, from the Committee on the Criminal Law, who were instructed to enquire into the expediency of establishing a Penitentiary, &c. made a detailed report on the subject: and stating that they are not prepared to say that it is expedient at this time to introduce this fundamental change into the Criminal Code of the State; which being read, on motion of Mr. Bryan, the committee was discharged from the further consideration of the subject.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Felix Walker, of Haywood county, reported the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Which was agreed to.

Mr. Martin, from the Committee on Criminal Law, to whom was referred a bill to regulate the time of holding the Superior Courts of Law and Equity in the 5th Judicial Circuit, reported the said bill, with an amendment, to strike out the second section; which was not agreed to; and, thereupon, the said bill was read the second time and passed.

Mr. Martin, from the same committee, reported a bill to alter the punishment of the crime of perjury; and

Mr. Gavin presented a bill relative to company musters of the militia.

Which were severally read the first time and passed.

On motion, Mr. Pearsall, the Senator from the county of Duplin, obtained leave of absence from the services of this House, from and after this day, until the end of the session.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to authorise and empower the Commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes, with an amendment to insert the words "fifty cents," after the word "dollars," in the fourteenth line; which amendment was agreed to by the Senate.

Received from the House of Commons, a message, stating that they concur in the amendment made by the Senate to the engrossed
bill to authorise Daniel Dougherty, of Lenoir county, to erect a bridge across Neuse river, and to the amendments made by the Senate in the several bills, entitled an “act to amend an act, passed in the year 1815, entitled an act to alter and regulate the annual elections in Hyde county;” and a bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-House in said county; and that they recede from their amendment made in the bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a Committee of Finance. Thereupon, the said bills were severally ordered to be enrolled.

Received from the House of Commons, a message, proposing to ballot immediately for a Board of Internal Improvements; which proposition was agreed to, and Messrs. Hill, of Stokes, and Hatch, of Wayne, were appointed superintendents of the ballot on the part of the Senate.

Received from the House of Commons, a message, proposing that a ballotting take place for the remaining Trustee of the University of North-Carolina yet to be elected; and stating that the names of Bishop Ravenscroft and John A. Cameron are withdrawn from the nomination; and that Mr. Pugh and Mr. Bynum attend the Senate as superintendents of the ballotting on the part of that House; which proposition to ballot was agreed to, and the name of Joseph Hawkins added to the nomination; and Mr. M'Dowel and Mr. Speight were appointed superintendents of the ballotting on the part of the Senate.

The engrossed bills, to-wit: a bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; and a bill to repeal the 44th section of an act, passed in the year 1741, entitled “an act concerning servants and slaves,” were severally read the third time and passed, and ordered to be enrolled.

Mr. Speight, from the committee appointed to conduct the ballotting for a Trustee of the University, reported that no person was elected.

Received from the House of Commons, a message, proposing to postpone ballotting this session for one Trustee of the University; which proposition was agreed to.

Received from the House of Commons, a message, stating that Mr. Blackledge and Mr. Ashe attend the Senate as a committee on the part of that House to conduct the ballotting for a Board of Internal Improvements.

Also a message, stating that they have passed the following bills, to-wit: a bill to provide for the paying of Jurors of the county of Wayne; a bill to incorporate the Milton Male Academy, in the county of Caswell; a bill to keep open Goose Creek, in Craven
county; a bill to amend and continue in force an act, passed in the year 1820, entitled "an act appointing Commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes;" a bill to regulate the Courts of Pleas and Quarter Sessions of Duplin county; a bill to regulate the seine fisheries on Tranter's Creek; a bill for the relief of Elizabeth Hoggatt, of the county of Guilford; a bill to divorce Jacob Johnston, of Chatham county, from his wife Hannah; a bill authorising the Court of Pleas and Quarter Sessions of Rowan county to levy a tax and appoint Commissioners to build a bridge across the South Yadkin River; a bill directing the appointment and time of holding the Board of Appeals for Washington county, and for other purposes; a bill to incorporate New Providence Library Company; a bill to increase constables' fees in the county of New-Hanover; a bill to amend an act, passed in the year 1812, entitled "an act directing the time and manner of appointing overseers in Richmond county;" a bill to repeal an act, passed in the year 1819, entitled "an act authorising the wardens of the poor of Wake, Craven and Jones counties to lay such tax as may be necessary for the support of the poor of said counties," so far as respects Craven county; a bill to amend an act, entitled "an act directing the time and place of sales of land and slaves under execution; and a bill to establish a poor and workhouse in the county of Duplin; also a resolution in favor of Richard T. Brownrigg, late Colonel of the Chowan regiment of militia; and a resolution in favor of John Barnett, Sheriff of Person county; and asking the concurrence of the Senate.

Thereupon, the said bills and resolutions were severally read the first time and passed.

The engrossed bill to amend an act, entitled "an act regulating descents," passed in the year 1808, was read the third time, and the amendment offered by Mr. Seawell being under consideration, to-wit: to strike out the whole of the bill from the word "same," in the 4th line of the enacting clause, and insert "that in case any lands or tenements shall descend to any person or persons who at the time of such descent are the only heirs, and such heirs or either of them shall sell or dispose of, for a valuable consideration, such estate or any part thereof, the said conveyance shall be held and deemed effectual in law, against the claim of any after born heir, except such heir as shall be born within ten months after the happening of the first descent;" which amendment was not agreed to. The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative; and a message was sent to the House of Commons, asking their concurrence in an amendment made on the second reading of the said bill, on motion of Mr. Gray, to strike out "twelve," and insert "ten."
Mr. Hatch, of Wayne, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that Duncan Cameron, Durant Hatch, Jr., Montfort Stokes, John D. Hawkins, Thomas Turner and John Owen were duly elected; which report was concurred in.

The bill authorising the erection of a public bridge over New River, in Ashe county, was read the third time. Mr. Phifer moved to strike out so much of the second section of the bill as relates to the appropriation of two hundred dollars; which was not agreed to.

Mr. Hill, of Franklin, moved to amend the said bill, by adding the following section:

"And be it further enacted, That the Board of Internal Improvement shall, from the unappropriated funds set apart for purposes of Internal Improvement, cause good and efficient bridges to be built across Tar river and Neuse river, at the places where the main stage road of the United States crosses the said rivers, so soon hereafter as the present contracts for building and repairing the bridges at the aforesaid points shall expire.

Which amendment was not agreed to.

The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative; and the same was ordered to be engrossed.

Mr. Murphy presented a bill to amend an act, passed in the year 1810, entitled "an act to establish a separate regiment in the county of Robeson; which was read the first, second and third time and passed, and ordered to be engrossed.

Mr. M'Dowell presented a bill for the benefit of John B. Whitesides and Thomas Hughes; which was read the first, second and third time and passed, and ordered to be engrossed.

On motion, Mr. Calcdcleugh, the Senator from the county of Davidson obtained leave of absence from the services of this House, from and after to-day, until the end of the session.

The bill to legalize and render valid certain grants therein named, was read the third time and amended, on motion of Mr. Hill, of Franklin, by striking out the whole of the bill, from the word "same," in the third line, and insert "that all grants heretofore issued for lands, upon the certificate or certificates of any deputy surveyor, where the laws require that said certificate or certificates should have been signed by the surveyor himself, shall be as good and valid, to all intents and purposes, as if the said certificates had been signed by the surveyor, unless where there has been already issued a subsequent grant for the same land upon a certificate signed by the surveyor.

"And be it further enacted, That where any grant has heretofore issued upon any certificate of survey, signed by the deputy surveyor, no grant shall hereafter be issued for the lands embraced and designated by said deputy surveyor's certificate; any law to the contrary notwithstanding."

Thereupon, the said bill was read the third time and passed, and ordered to be engrossed.
Mr. Wall moved for, and obtained leave to withdraw the petition of Hugh M'Arn, of Richmond county, together with the accompanying papers.

The engrossed bill to provide for the paying of Jurors of the county of Wayne, was read the second time and amended, on motion of Mr. Hatch, of Wayne, to strike out the words "seventy-five cents," in the second line of the second section, and to insert the words "one dollar." Thereupon, the said bill passed the second and third time; and a message was sent to the House of Commons, asking their concurrence in the amendment.

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favor of the Door-Keepers of the two Houses, and asking the concurrence of that House.

The bill to amend an act passed in the year 1812, entitled an act directing the time and manner of appointing overseers in Richmond county, was read the second and third time and passed, and amended on the second reading, on motion of Mr. Wall, by adding the following proviso:

*Provided, that this act shall not take effect until after next January term.*

Also to add "of roads" in the title of the bill; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures within this state, was read the third time and passed, and ordered to be engrossed.

The bill to establish a Superior Court of Law and Equity in the county of Davidson, was read the third time and amended, on motion of Mr. Vanhook, by adding the following section:

*Be it further enacted, that after the next terms of the County Courts of Pleas and Quarter Sessions of the counties of Person, Guilford and Rockingham, they shall be held for the county of Person on the third Monday in May, August, November and February; for the county of Guilford, on the fourth Monday of May, August, November and February; and for the county of Rockingham, on the first Monday of June, September, December, and March, in each and every year; and to which times all the process and proceedings of the said Courts respectively shall be made returnable.*

And the said bill was further amended, on motion of Mr. Cameron, by adding in the title of the bill, the words,

"and to alter the time of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Court of Stokes and the County Courts of Person."

And the said bill was further amended, on motion of Mr. Caldwell, by adding the 7th section:

*And be it further enacted, that the court of pleas and quarter sessions of the county of Davidson, shall be opened and held on the third Monday of March, June, September and December, in each and every year; to which times all the process and other proceedings of said Court shall be made returnable: Provided, that this act shall not be in force until after the next session of the court of pleas and quarter sessions for said county.
The question then recurred on the passage of the said bill the third
time, and the question thereon, was determined in the affirmative,
and ordered to be engrossed.

The bill to amend and explain the sixth section of an act, passed
in 1814, entitled "an act for the more perfect organization of the
militia of this state," was read the third time and passed, and or-
dered to be engrossed.

The engrossed bill to incorporate the Milton Male Academy, in
the county of Caswell; a bill to regulate the courts of pleas and
quarter sessions of Duplin county; a bill to amend and continue in
force an act passed in the year 1820, entitled an act appointing
commissioners for fixing on a suitable place for the public buildings
in Hyde county, and for other purposes; a bill to keep open Goose
creek, in Craven county; a bill to regulate the seine fisheries on
Tranter's creek; a bill for the relief of Elizabeth Hoggatt, of the
county of Guilford; a bill to divorce Jacob Johnson, of Chatham
county, from his wife Hannah; a bill authorising the court of pleas
and quarter sessions of Rowan county to levy a tax and appoint
commissioners to build a bridge across the South Yadkin river; a
bill to increase constables fees in the county of New-Hanover; a
bill directing the appointment and time of holding the board of ap-
peals for Washington county, and for other purposes; a bill to in-
corporate New Providence Library Company; a bill to repeal an
act passed in the year 1819, entitled an act authorising the wardens
of the poor of Wake, Craven and Jones counties to lay such tax as
may be necessary for the support of the poor of said counties, so far
as respects Craven county; a bill to establish a poor and work-
house in the county of Duplin; and a bill to amend an act, entitled
"an act directing the time and place of sales of lands and slaves un-
der execution;" also a resolution in favour of John Barnett, sheriff
of Person county; and a resolution in favour of Richard T. Brown-
rigg, late Colonel of the Chowan regiment of militia, were sever-
ally read the second and third time, and ordered to be enrolled.

Mr. Graves presented the following resolution:

Resolved, that the Adjutant General of this State, under the direction of the Gover-
nor, be requested to procure a full and complete description of the uniform of the ar-
my of the United States, and publish the same as public orders, forthwith requiring
the several officers of the militia of this state to observe a strict conformity thereto.

Resolved further, that the Adjutant-General furnish to the several returning officers
of the militia of this state, proper blank returns for their future returns.

And Mr. Hill, of Franklin, presented the following resolution:

Resolved, that the Treasurer of the State of North-Carolina, be required to with-
hold the payment of any further sum as an instalment on the shares subscribed for by
the Treasurer, in behalf of the State in the Tar River Navigation Company, until he
shall have ascertained, whether said Company has been duly and legally organized:
and until it shall be also ascertained whether the subscribers for stock in said Compa-
ny are bound by Law to pay the instalments required by said Company.

Which resolutions were ordered to lie on the table.
The engrossed bill to amend an act passed in the year 1821, entitled an act to amend an act passed in the year 1810, entitled an act to amend an act passed in the year 1809, entitled an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this state, so far as relates to the Pee Dee and Yadkin rivers, was read the second time, and on motion of Mr. Torrence, was indefinitely postponed.

Received from the House of Commons, the resignation of Wm. P. Waugh, Colonel Commandant of the Cavalry attached to the 9th brigade of militia, which was endorsed in that House, read and accepted, and the same was read and accepted by the Senate.

On motion of Mr. Wellborn, the Senate resolved itself into a committee of the whole, Mr. Seawell in the chair, on the bill concerning the Cape Fear Navigation Company, and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

The Senate adjourned to 10 o'clock, on Monday morning.

Monday, December 29, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend and explain the 6th section of an act passed in 1814, entitled "an act for the more perfect organization of the militia of this State;" a bill to establish a Superior Court of Law and Equity in the county of Davidson, and to alter the time of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Court of Stokes, and the County Courts of Person; a bill to amend and extend the provisions of an act, entitled "an act to promote Agriculture and Family Domestic Manufactures, within this State;" a bill authorising the erection of a public bridge over New River, in Ashe county; a bill to legalize and render valid certain grants therein named; a bill to amend an act passed in the year 1810, entitled "an act to establish a separate regiment in the county of Robeson," and a bill for the benefit of John B. Whiteside and Thomas Hughes, in which they ask the concurrence of this House.

On motion, Mr. Perkins, the member of the Senate from the county of Camden, obtained leave of absence from the services of this House, from and after this day until the end of the session.

Mr. Martin, from the Committee on Criminal Law, to whom was referred a bill to amend and alter the laws now in force relative to the Supreme Court of North Carolina, reported the said bill without amendment; thereupon the same, on motion of Mr. Martin, was indefinitely postponed.
Mr. Wellborn, from the Committee of Finance, reported that the committee had examined the vouchers in the Comptroller’s office, and found them to correspond with the statement made and exhibited by that officer to the General Assembly, and that there is now in the Treasurer’s office five thousand six hundred and ninety-six dollars and twenty-five cents in Treasury notes, unfit for circulation, and recommending the adoption of the following resolution:

Resolved, That the Committee of Finance be instructed to have burnt, the sum of five thousand six hundred and ninety-six dollars and twenty-five cents of Treasury Notes, unfit for circulation, and that the Treasurer have credit for the above sum in the settlement of his accounts.

Which was agreed to.

Received from the House of Commons, a memorial of the Trustees of the University of this State; accompanying which is a message proposing that the same be referred to a select joint-committee, and appointing Messrs. Mebane, Iredell and Stanly, the committee on the part of that House; which proposal was agreed to, and Messrs. Phifer, Bryan and Sneed, were appointed on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed a resolution to burn Treasury Notes, and asking the concurrence of the Senate; thereupon the same was read and adopted and ordered to be enrolled.

Received from the House of Commons, a communication from the Governor, of the date of the 27th instant, enclosing resolutions of the General Assembly of the State of Tennessee, accompanying which is a message from the House of Commons, proposing that the communication be printed, one copy for each member of the General Assembly; which proposition being read, Mr. Seawell moved that the further consideration of the proposition to print the message, be indefinitely postponed.

On this question the yeas and nays were demanded by Mr. Martin, and are as follows:

For the indefinite postponement, are


Against the indefinite postponement, are


There being an equal number of votes for and against this motion; the Speaker of the Senate thereupon, voted in the affirmative, and the motion for the indefinite postponement prevailed, and the House of Commons was informed thereof by message.
Mr. M'Dowell presented a bill to amend an act, entitled "an act to encourage agriculture and family domestic manufactures within this State; which was read, and on motion of Mr. Hatch of Jones, indefinitely postponed.

The bill to alter the punishment for the crime of perjury, was read the second time; and on motion it was resolved by the Senate that the bill shall not pass.

The bill relative to company musters of the militia, was read the second time; Mr. Jackson moved an amendment, to strike out the whole of the bill from the word "same," in the third line of the enacting clause, and insert the following: "that in future it shall not be lawful for any Captain of the militia, in any county, to order a company muster between the 15th of May and the 15th of August, in each and every year;" which was not agreed to—Mr. Wilson moved that the said bill be indefinitely postponed, which was not agreed to; Mr. Phifer moved an amendment, to strike out the word "October," in the 9th line, and insert "March," which was agreed to; Mr. Callaway moved a proviso, "that nothing contained in this act, shall affect the county of Ashe," which was not agreed to.

The question then recurred on the passage of the said bill the second time, and the same was determined in the negative.

On this question the yeas and nays were demanded by Mr. Callaway, and are as follows:

For the passage of the bill, are


Against the passage of the bill, are


Received from the House of Commons, a message, stating that they have passed a resolution concerning the Civil Engineer, and asking the concurrence of the Senate; and the same, on motion of Mr. Forney, was committed to a Committee of the whole House, to whom was referred a resolution of the Senate on the same subject, and the bill concerning the Cape-Fear Navigation Company; thereupon,

On motion of Mr. Forney, the Senate resolved itself into a Committee of the whole, Mr. Hatch, of Jones, in the Chair, on the subjects abovementioned, and after some time spent therein, the Committee rose, the Speaker resumed the Chair, and Mr. Hatch, of Jones, from the Committee of the whole, reported the several sub-
objects with amendments: First, to the resolution received from the House of Commons, to strike out all the resolution after the word "resolved," and insert "that it is inexpedient to make any further provision, as to the employment of the Civil Engineer, than such as now exists by law."

Mr. Forney moved that the further consideration of the resolution and amendment, be indefinitely postponed; which was agreed to.

To the resolution of the Senate on the subject of the salary of the Civil Engineer, the Committee of the whole proposed an amendment, to strike out the whole of the resolution after the word "resolve," and to insert "that it is inexpedient to make any further provision as to the employment of the Civil Engineer, than such as now exists by law."

Mr. Forney moved to postpone the said resolution and amendment, indefinitely; which was agreed to.

The Senate then proceeded to the consideration of the amendment proposed to the bill concerning the Cape-Fear Navigation Company, when Mr. Speight moved to postpone indefinitely the bill and amendment; which was not agreed to.

On this question the yeas and nays were demanded by Mr. Speight, and are as follows:

For the indefinite postponement are,


Against the indefinite postponement are,


The question then recurred on the adoption of the amendment, which was agreed to; and thereupon the said bill passed the third time, and ordered to be engrossed.

Mr. Boddie presented a bill to alter the names and legitimate John Hunt and others, which was read the first, second and third time, and passed and ordered to be engrossed.

The Senate adjourned to 10 o'clock to-morrow morning.

Tuesday, December 30, 1823.

The Senate met agreeably to adjournment.

On motion, Mr. Hatch of Wayne, obtained leave of absence from the services of the Senate, from and after this day, until the end of this session.

Received from the House of Commons, a message, stating that the Senate have passed the engrossed bill, concerning the Roanoke Navigation Company, with the following amendments: to insert "if
they deem it expedient," after the word "shall," in the 4th line of the first section, and to add the following proviso after the first section:

Provided, That it shall be a condition of such subscription, made by the Public Treasurer with the Directors of the Roanoke Navigation Company, that the said money shall be applicable only to the expense of locking down from the basin at Weldon's orchard, into the river.

And asking the concurrence of the Senate in the said amendments; thereupon the same were agreed to, with an amendment to the amendment, on motion of Mr. Scawell, to strike out the words "Public Treasurer," and to insert "Board of Internal Improvements;" and a message was sent to the House of Commons asking their concurrence.

Received from the House of Commons, a resolution in favour of John Gray Blount, which being read, Mr. Cameron moved to strike out the whole of the resolution from the word "resolved," and insert the following: "that the Secretary of State issue to John Bullock, or his heirs at law, a duplicate military land warrant, for two hundred and twenty-eight acres of land; and that he also issue to Amos Lewis, or his heirs at law, a military warrant for two hundred and twenty-eight acres of land," which was not agreed to. The question then recurred on the adoption of the resolution, and the same was determined in the affirmative, and ordered to be enrolled.

The bill to regulate the time of holding the Superior Courts of Law and Equity in the 5th Judicial Circuit, was read the third time and passed, and ordered to be engrossed.

The engrossed resolution directing the Secretary of State to purchase stationary, and the resolution directing the Board of Internal Improvements to cause a survey to be made of the north-east branch of the Cape-Fear river, were read and adopted and ordered to be enrolled.

Received from the House of Commons, the engrossed bill to authorise the issuing of Treasury Notes, which was read the first time and passed.

Received from the House of Commons, a message, stating that they agree to the several amendments made by the Senate to the bill to amend an act, entitled "an act regulating descents," passed in 1808; the bill to amend an act passed in the year 1812, entitled "an act directing the time and manner of appointing overseers of roads, in Richmond county;" and the bill to provide for the paying of Jurors of the county of Wayne. Thereupon the said bills were severally ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate have passed a bill to alter the names and legitimate John Hunt and others; and a bill concerning the Cape-Fear Navigation, and asking the concurrence of that House.
On motion of Mr. M'Leod, it was resolved by the Senate, that the 31st rule for the government of this House, requiring "that all bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto," be suspended for the remaining part of this session.

On motion of Mr. M'Leod, a message was sent the House of Commons, proposing that the two Houses adjourn on to-morrow at twelve o'clock, without day.

The resolution instructing the Public Treasurer respecting the Tar River Navigation Company, was read, and amended, on motion of Mr. Seawell, by striking out the whole of the resolution from the "word organized," and to add, "and until it shall appear to the satisfaction of the said Public Treasurer that the subscriptions for stock in the said corporation by individuals were made in conformity to law; and until also the said corporation put themselves under the management of the Board of Internal Improvement."—
The question then recurred on the adoption of the resolution; and the same was determined in the affirmative, and ordered to be engrossed.

The engrossed bill directing a Court of Oyer and Terminer to be held for the county of Wake, was read the second time, and on motion, it was resolved by the Senate, that this bill shall not pass.

A message was sent to the House of Commons, stating that the Senate have passed a resolution instructing the Public Treasurer respecting the Tar River Navigation Company, in which they ask the concurrence of that House.

The engrossed bill to authorise the issuing of Treasury Notes, was read the second time. Mr. Seawell moved that the said bill be indefinitely postponed; and the question thereon was determined in the negative.

On this question the Yeas and Nays were demanded by Mr. Marsh, and are as follows.

For the indefinite postponement, are


Against the indefinite postponement, are


Mr. Hill, of Franklin, then moved an amendment to strike out the words "one hundred," in the 5th line of the 1st section, and to insert the word "fifty"—Which was not agreed to.

Mr. Love moved an amendment, to add the following section:
And be it further enacted, that the Public Treasurer shall be allowed the same compensation, according to the amount of the Treasury Notes issued in virtue of this act, that he was allowed by the General Assembly heretofore for the like services.

Which was agreed to.

The question then recurred on the passage of the said bill the second time, and the same was determined in the affirmative.

Thereupon the said bill was read the third time and passed; and a message was sent to the House of Commons asking their concurrence in the amendment.

On the passage of the said bill, the Yeas and Nays were demanded by Mr. Cameron, and are as follows:

For the passage of the said bill are,


Against the passage of the said bill, are


Mr. Callaway presented a bill to appoint commissioners to lay off the state road from John Lyles’ to Absalom Bowers’ old place, and for other purposes, which was read the first, second and third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the bill authorising the building of a toll-bridge over Roanoke river at the town of Halifax, and to incorporate a company for that purpose, with sundry amendments therein stated, and asking the concurrence of the Senate; which amendments were severally read and agreed to.

A message was sent to the House of Commons, stating that the Senate have passed a bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit; and a bill to appoint commissioners to lay off the state road from John Lyles’ to Absalom Bowers’ old place, and for other purposes, and asking the concurrence of that House.

On motion, Mr. Hill, of Franklin, and Mr. Hawkins, of Warren, obtained leave of absence from the services of this House, from and after this day until the end of this session.

The Senate adjourned to 9 o’clock, to-morrow morning.

Wednesday, December 31, 1823.

The Senate met agreeably to adjournment.

Mr. Graves, from the committee on the militia laws, to whom was referred a resolution of the Senate, directing them to enquire into the expediency of allowing compensation to a court-martial, ordered to try the Colonel of the Duplin regiment of
militia, reported the following resolution: "Resolved, that it is inexpedient to pay the said court-martial."—Which was agreed to.

Mr. Wilson moved for, and obtained leave to withdraw the petition from Carteret county, praying that compensation be made to a detachment of the militia of said county.

Received from the House of Commons, a message, proposing that a joint resolution of both houses be passed, in the ninth month, 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as relates to the county of Moore;" thereupon the same was ordered to be engrossed.

Mr. Forney presented a bill to appoint commissioners to view and lay out a road from Salisbury to Brattie's Ford on the Catawba—Which was read the first time and passed.

Mr. Cameron presented the following resolution:

Resolved by the General Assembly of the State of North-Carolina, that the Public Treasurer be directed to pay to Joseph Gales and Son, one hundred and ninety-six dollars, for printing an extra number of copies of the Report of the Board for Internal Improvements at the present session, for the use of the members of Assembly; and that the joint rule which requires all resolutions for the payment of money, to be read three times in each House, be, as regards this resolution, dispensed with.

Which was adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to reduce the salary of the Supreme Court Judges of this State, and asking the concurrence of the Senate.—Thereupon the said bill was read, and

On motion of Mr. Wilson, was indefinitely postponed. On this question, the Yeas and Nays were demanded by Mr. Torrence, and are as follows:

For the indefinite postponement of the bill, are


Against the indefinite postponement of this bill, are


Received from the House of Commons, a message, stating that they have postponed indefinitely the bill to amend an act passed in 1806, entitled "an act for the more uniform and convenient administration of justice within this State."

Also received a message, stating that the House of Commons concur in the amendment made by the Senate to the bill to authorise the
issuing of Treasury Notes; thereupon the same was ordered to be enrolled.

The engrossed resolution in favour of Joseph Medley, sheriff of Anson county, was read the first, second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, with an amendment, to insert after the word "Judge" the words "and Solicitor," and strike out the whole of the 2d section after the word "pay," and insert "in proportion to the additional time," and the same being read, a message was sent to the House of Commons, stating the agreement of the Senate to the amendment first above mentioned; but that they do not agree to the other amendment.

The bill to appoint commissioners to view and lay out a road from Salisbury to Beattie's Ford on the Catawba, was read the second and third time, and passed, and a message was sent to the House of Commons, asking their concurrence.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution instructing the Public Treasurer respecting the Tar River Navigation Company, with an amendment in the 7th line of the first section after the word "river" to insert the words "and Neuse river," and to make the other parts of the resolution correspondent, which amendments were agreed to.

The engrossed resolution in favour of the door-keepers of the House of Commons, was read and adopted, and ordered to be enrolled.

Received from the House of Commons, the resignation of Francis L. Hawks, Colonel of Cavalry of Craven county, which is endorsed "read and accepted," and the same was read and accepted by the Senate.

Received from the House of Commons, a message, stating that they have have passed a bill to explain the second section of an act passed in the year 1806, entitled "an act to revise the militia laws of this state relative to the infantry;" and a bill to repeal the 5th section of an act passed in 1812, entitled "an act to amend the militia laws of this state," and asking the concurrence of the Senate. Thereupon the first mentioned bill was read the first, second and third time and passed; and ordered to be enrolled; and the last mentioned bill was read the first time, and passed; and the same being read the second time; Mr. McLeod moved that the bill be indefinitely postponed, and the question thereon was determined in the affirmative.

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favour of Joseph Gales and Son, in which they ask the concurrence of that House.
On motion of Mr. Graves, the Senate proceeded to the consideration of the resolution presented by him on the 27th instant, relative to the militia of this state; and the same being read, Mr. Callaway moved that the resolution be amended, by adding the following proviso: "Provided that nothing contained in this resolution shall extend to any officer of the militia below the grade of a general officer;" which was not agreed to. Mr. Callaway then moved that the further consideration of the resolution be postponed indefinitely, and the question thereon was determined in the affirmative.

Received from the House of Commons, a message, stating that they have postponed indefinitely the bill to authorise John Patton, of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the public lands; and also the bill authorising the improvement of Great Cohara Swamp, in the county of Sampson.

Mr. Love moved to reconsider the vote on the resolution relative to the militia, with a view to amend the same; which was agreed to; and the same was amended, on motion of Mr. Brittain, by striking out the whole of the first resolution, after the word "same," in the fifth line; and the resolution being further amended, on motion of Mr. Cameron, by striking out the preamble, it was thereupon adopted and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to provide for revising and consolidating the acts of the General Assembly concerning executors and administrators; and a bill to extend the time within which Commissioners were authorised to receive subscriptions to build a toll-bridge over Dan river, in the county of Caswell, near Milton, and to continue in force an act, passed at the last session of the General Assembly, incorporating a company for that purpose; and asking the concurrence of the Senate.

Thereupon, the first mentioned bill was read the first time and passed; and the same being read the second time, was, on motion of Mr. Seawell, indefinitely postponed; and the last mentioned bill was read the first, second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed a bill to provide a uniform system for the government of Courts Martial on the trial of officers under arrest; and asking the concurrence of the Senate. Thereupon, the said bill was read the first time and passed; and the same being read the second time, was, on motion of Mr. Seawell, indefinitely postponed.

The Senate adjourned to 3 o'clock, this afternoon.

Wednesday afternoon, 3 o'clock.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the
Senate have passed a resolution concerning the militia of this state; in which they ask the concurrence of that House.

On motion, Mr. Brasley, the Senator from the county of Tyrrell obtained leave of absence from the services of this House, from after this day, until the end of the present session.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to amend and extend the provisions of an act, entitled "an act to promote agriculture and family domestic manufactures within this State," with sundry amendments; which were severally read and agreed to by the Senate; and the House of Commons was informed thereof by message.

Mr. Wellborn, from the Committee of Finance, who was charged with the duty of counting and burning the worn and defaced treasury notes, reported, that in executing the duties assigned them, they have burnt and destroyed the sum of five thousand six hundred and ninety-six dollars and twenty-five cents of treasury notes, issued by this State, which were judged unfit for further use or circulation; and thereupon, submitted the following resolution:

Resolved, That the Public Treasurer have credit in his account with the State, for the above mentioned sum of five thousand six hundred and ninety-six dollars and twenty-five cents, being the amount of the treasury notes burnt and destroyed; and that the Comptroller credit him accordingly.

Which was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill further to mitigate the severity of executions, and asking the concurrence of the Senate. Thereupon, the said bill was read the first time and passed; which being read the second time, Mr. Bryan moved to amend the same by adding the words "together with so much of the crop, stock, and provisions as will suffice for the support of the family for six months." Mr. Frink moved that the said bill, together with the amendment, be indefinitely postponed; and the question thereon was determined in the affirmative.

The engrossed bill to repeal the 9th section of an act, passed in 1815, entitled "an act to amend the militia laws of this State, and for other purposes," was read the first time and passed; and the same being read the second time, it was resolved by the Senate, that the same shall not pass.

Received from the House of Commons, a message, stating that they have indefinitely postponed the recommendation of the members of Beaufort, in relation to the appointment of sundry persons to the commission of the Peace.

Received also a message, stating that the House of Commons agree to the amendments made by the Senate to the bill to amend the laws making provision for widows. Thereupon, the same was ordered to be enrolled.
The engrossed resolution in favor of Mr. Appleton, was read the first, second and third time and passed, and amended, on the second reading, on motion of Mr. Hatch, to strike out the words "five hundred," in the second line, and to insert "one thousand;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

The following engrossed bills, to-wit: a bill securing to the widows of intestates the surplus of the personal estate of their deceased husbands where no kindred claims the same; a bill to authorize the distribution of the militia laws of this State; a bill directing a geological and mineralogical survey to be made of the State of North Carolina; and a bill authorising certain limitations of slaves by deed or writing, were severally read the first, second and third time and passed, and ordered to be enrolled.

Mr. Cameron moved to reconsider the vote taken on the last mentioned bill, with a view to amend the same; which was agreed to; and the said bill being reconsidered, Mr. Cameron moved an amendment, to insert after the word "deed," in the second section, the words "or writing;" which was agreed to. The question then recurred on the passage of the said bill as amended, and the same was determined in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they do not agree to the amendment made by the Senate to the resolution in favor of Mr. Appleton. Thereupon, the Senate receded from their amendment, and the House of Commons was informed thereof by message.

The engrossed bill to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by way of Gap Civil, in Ashe county, was read the first, second and third time and passed, and ordered to be enrolled.

The engrossed resolutions, appropriating money for the completion of the State-House, was read and adopted, and ordered to be enrolled.

The Senate adjourned to 7 o'clock to-morrow morning.

Thursday, January 1, 1824.

The Senate met agreeably to adjournment.

Received from the House of Commons, a resolution retaining the State Engineer; which was read the first time. Mr. Wellborn moved to strike out the word "three," in the 10th line, and to insert "one;" which was not agreed to. Thereupon, the said resolution, on motion of Mr. Hill, of Stokes, was indefinitely postponed.

Mr. Love presented the following resolution:

Resolved, That the Treasurer, Secretary and Comptroller constitute a Board for the superintending the application of the fund set apart for the completion of the Capitol, and the procurement of the necessary furniture; and
Resolved further, That the services of the State Architect be henceforth dispensed with.

Which was read and adopted, and sent to the House of Commons for their concurrence.

Received from the House of Commons, a resolution in favour of Bell & Lawrence, and a resolution requesting the Governor to address a memorial to the Congress of the United States, on the subject of making provisions for satisfying, out of the lands ceded by this State to the United States, such claims as have been adjudged valid by this State; which were severally read and agreed to, and ordered to be enrolled.

Mr. Cameron presented a bill concerning entries in John Armstrong's office, and military land warrants, which was read the first time and passed, and the same being read the second time, it was resolved by the Senate that the bill shall not pass.

Received from the House of Commons, a message, stating that they have completed the whole of the business before them and now propose that the two Houses of this General Assembly adjourn immediately without day.

Mr. Wellborn presented the following resolution:

Resolved unanimously, That the thanks of the Senate be given to the Honorable Bartlett Yancy, for the able, dignified and impartial manner, in which he has discharged the duties of the Chair, during the present session.

Which being read, the question was put by the Clerk: "Will the Senate adopt this resolution?" And the same was unanimously adopted accordingly.

Thereupon the Speaker delivered an appropriate address to the Senate, and adjourned the same without day.

By order,

BARTLETT YANCY, Speaker of the Senate.

By order,

B. H. COVINGTON, Clerk of the Senate.