At a General Assembly, begun and held in the city of Raleigh, on Monday, the 17th day of November, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America, it being the first Session of this Assembly:

On which day, being appointed by law for the meeting of the General Assembly, the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, to wit:


A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Mathews, the Senate proceeded to the choice of a Speaker. Whereupon, Mr. Mathews nominated for that appointment Jesse Speight, the Senator from the county of Greene; on motion of Mr. Miller, the name of Richard D. Spaight, the Senator from the county of Craven, was added to the nomination; on motion of Mr. Riddick, the name of James Wellborn, the Senator from the county of Wilkes, was also added to the nomination; and, on motion of Mr. Scott, the name of William Davidson, the Senator from the county of Mecklenburg, was likewise added to the nomination. An election by ballot thereupon took place, Messrs. Baily and Shober being appointed superintendents.

Mr. Shober, from the ballotting committee for Speaker, reported that no person in nomination had a majority of votes.
On motion of Mr. Love, another balloting took place immediately, and Messrs. Shofer and Baily were appointed to conduct it.

Mr. Shofer, from the committee appointed to superintend the ballot for Speaker, reported that no person in nomination had received a majority of votes.

On motion of Mr. Williams, of Martin, the Senate adjourned until tomorrow, 10 o'clock.

Tuesday, November 18, 1828.

Lawson H. Alexander, the Senator from the county of Cabarrus, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Williams, of Martin, the Senate proceeded to ballot for Speaker. On motion of Mr. Brodnax, the name of Louis D. Wilson, the Senator from the county of Edgecomb, was added to the nomination, and Messrs. Beasly, and Askew of Bertie, were appointed to superintend the ballot.

Mr. Beasly, from the committee to superintend the ballot for Speaker, reported that no person in nomination had received a majority of votes. On motion of Mr. Burns, another ballot immediately took place for Speaker; the name of James Wellborn, on motion of Mr. Riddick, being withdrawn from the nomination, and Messrs. Williams of Martin, and Melbane were appointed to conduct the ballot.

Mr. Williams, of Martin, from the committee to conduct the ballot for Speaker, reported that Jesse Speight, the Senator from the county of Greene, was duly elected Speaker; in which report the Senate concurred. Whereupon, Mr. Speight, of Greene, was conducted to the Speaker's Chair by Mr. Mathews; after which, he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Love, James W. Clark was appointed Clerk of the Senate, and Samuel E. Patterson Clerk Assistant.

On motion of Mr. Gray, Thomas B. Wheeler was appointed Door-keeper, and Robert Ray Assistant Door-keeper of the Senate.

On motion of Mr. Miller, ordered that a writ of election issue to the Sheriff of Caswell county, commanding him to hold an election at the several places now prescribed by law in said county on the 24th instant, for the purpose of electing some person, qualified to fill the vacancy in the Senate, occasioned by the death of Bartlett Yancey, Esq.

On motion of Mr. Gray, a message was sent to the House of Commons, informing that House that the Senate is duly organized, and ready to proceed on public business, having appointed Jesse Speight, Esquire, Speaker; James W. Clark, Clerk; and Samuel F. Patterson, Clerk Assistant; and Thomas B. Wheeler and Robert Ray Door-keepers.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, by the appointment of Thomas Settle, Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant; John Lumsden, Door-keeper; and Richard Roberts, Assistant Door-keeper.

Mr. Scott moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the Rules and Orders of the Senate; and the question being taken thereon, it was determined in the negative.
On motion of Mr. Wellborn, a message was sent to the House of Commons, proposing to appoint a select joint committee, consisting of five persons on the part of each House, to inquire into the expediency of altering or amending the Joint Rules for the government of the intercourse between the two Houses; and naming of the committee on the part of the Senate Messrs. Wellborn, Mebane, Spaight, Miller and Ward.

A message was received from the House of Commons, proposing to appoint a select joint committee to wait upon his Excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication he may think proper to make; and appointing Messrs. Wheeler and Graham of the committee on the part of that House; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Gray and Matthews of the committee on the part of the Senate.

A message was received from the House of Commons, proposing that the two Houses proceed immediately to the election of three Engrossing Clerks; and nominating for the appointment William J. Cowan, Thomas G. Stone, Thomas Dews, Benjamin W. Milner, Richard D. Fortune, Nathaniel J. Palmer, Edwin Drake and John G. Wilson; which proposition was agreed to, and a message was sent to the House of Commons, informing them thereof; and that the name of Henry Wilks is added to the nomination; and stating that Messrs. Askew of Bertie and Beasly are appointed superintendents of the ballot on the part of the Senate. Whereupon a message was received from the House of Commons, appointing Messrs. Sneedman and Simpson to conduct the ballot on their part.

A message was received from the House of Commons, agreeing to the proposition of the Senate to appoint a select joint committee to inquire into the expediency of altering or amending the Joint Rules for the government of the intercourse between the two Houses; and appointing of the committee, on the part of that House, Messrs. Swain, Ruffin, Newland, Allison and Hellen.

Mr. Miller moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the Rules and Orders of the Senate; and the question being taken thereon, it was determined in the negative.

Mr. Gray, from the committee appointed to wait on the Governor, reported that the committee were authorised to state, that he would make a communication to the Legislature at half after 12 o'clock this day.

Mr. Beasly, from the committee appointed to conduct the ballot for three Engrossing Clerks, reported that William J. Cowan, Thomas Dews and Thomas G. Stone are duly elected; in which report the Senate concurred.

Mr. Boddie presented the resignation of Samuel Williams, a Justice of the Peace for the county of Nash; which was read and accepted, and sent to the House of Commons.

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

WEDNESDAY, NOVEMBER 19, 1828.

Mr. Wellborn, from the select joint committee instructed to inquire into the expediency of altering or amending the Joint Rules for the govern-
ment of the intercourse between the two Houses, reported that it is inexpedient to make any alteration in the existing Rules; and the question being stated on agreeing to the report, on motion of Mr. Shoher, the further consideration thereof was postponed until to-morrow.

Mr. Mebane presented the following resolution, to wit:

Resolved, That a committee be appointed, consisting of two members, to report Rules for the government of this House; and that until such report, the Rules of last session govern the deliberations thereof.

Which being read, the Speaker decided that the resolution was not in order. From this decision of the Chair, an appeal was moved to the Senate by Mr. Mebane; and on the question "Is the decision of the Chair correct?" it was determined in the negative. The question then recurred on the adoption of the resolution, and it passed in the affirmative.

Messrs. Mebane and Wilson were appointed of the committee.

Received from the House of Commons a message from the Governor, accompanied with a proposition from that House, that the message be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Hinton presented, from the "Virginia Annual Conference, held in the city of Raleigh, North Carolina, March the seventh, 1828," the following resolution, to wit:

"It was resolved, that the thanks of this Conference be presented to the Senate of North-Carolina, at their next session, for the use of their commodious Chamber."

Which was read and ordered to lie on the table.

The Speaker presented a communication from the Hon. Nathaniel Macon, tendering the resignation of his appointment of Senator to the Senate of the United States, that of Trustee of the University of the State, and of a Justice of the Peace for the county of Warren; which was read and accepted and sent to the House of Commons.

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

Thursday, November 20, 1828.

On motion of Mr. Shoher, the Senate proceeded to consider the report of the select joint committee instructed to inquire into the expediency of altering or amending the Joint Rules for the government of the intercourse between the two Houses; and the report being read, and the question taken on agreeing thereto, it passed in the affirmative, and the report was sent to the House of Commons for concurrence.

Mr. Mebane, from the committee appointed to report rules of order and decorum for the government of the Senate, reported that they have examined the rules of the last session, and recommend their adoption, &c. The rules of order and decorum for the present session, with the following amendment, to wit: strike out in the 23d rule these words: "and the rules now adopted shall be and remain the permanent rules of this House hereafter, until otherwise ordered." And the question being taken on agreeing to the report, it was decided in the affirmative. Ordered that the rules of order and decorum be printed, one copy for each member of the Legislature.

Received from the House of Commons, a message, proposing to refer a certain bill therein named to a select joint committee of five members from
each House, and naming on the part of the House of Commons, Messrs. Potter, Swain, Newland, Edmonston and Battle to form the committee; and the question being taken on agreeing thereto, it was determined in the negative, and the House of Commons informed thereof by message.

A further message was received from that House, transmitting the annual report of the Public Treasurer, accompanied with a proposition that the report be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Shober submitted sundry resolutions, to wit:
1. Resolved, That so much of the Governor's Message as relates to the Tariff, and certain resolutions relating thereto, passed by the States of South Carolina, Georgia, Ohio and Vermont, be referred to a select committee.
2. Resolved, That so much of said message as relates to the internal improvement of the State, and the draining of the swamp lands, be referred to a select committee.
3. Resolved, That so much of the Governor's message as relates to the circulating medium, and the Banks of the State, be referred to a select committee.
4. Resolved, That so much of said message as relates to the Judiciary, be referred to a select committee.
5. Resolved, That so much of said message as relates to sundry resolutions adopted by the States of Georgia, Ohio, South Carolina and Vermont, be referred to a select committee.

Mr. Alexander moved to strike out the 5th resolution. On motion of Mr. Davidson, ordered that the resolutions be laid on the table.

On motion of Mr. Askew, of Bertie, 
Resolved, That the Speaker of the Senate assign suitable places, for one or more stenographers, in the Senate Chamber for this Session.

On motion of Mr. Davidson,
Resolved, That the Senate do now proceed to the appointment of the standing committees, pursuant to the rules and orders of the Senate. Whereupon,

A committee of Finance, on the part of the Senate, was appointed, consisting of Messrs. M'Dowell, Davidson, M'Farland, Ward, Croom, Baily, Wilson and Gray, and a message sent to the House of Commons, informing them thereof.

A committee of Claims was appointed, consisting of Messrs. Love, Alexander, M'Dearmid, Sherard, Meares, Askew of Hertford, Boddie and Hinton.

A committee of Propositions and Grievances was appointed, consisting of Messrs. Reinhardt, Shober, Marshall, M'Innis, Pugh, Askew of Bertie, Williams of Martin, and Smith of Person.

A committee of Privileges and Elections was appointed, consisting of Messrs. Shuford, Franklin of Iredell, M'Neill, Miller, Joiner, Riddick, Mathews and Ramsey.

The Speaker laid before the Senate, a communication from Nathaniel Macon, in relation to certain documents sent by him for distribution, by the Speakers of the two houses; which being read, on motion of Mr. Wellborn, ordered that a message be sent to the House of Commons, proposing to appoint a joint select committee to consist of two members from each House, with instructions to report what disposition should be made of the documents referred to in said communication.

On motion of Mr. Alexander, the Senate proceeded to consider the resolutions presented by Mr. Shober, and laid on the table to-day on motion of Mr. Davidson, and the resolutions being read, Mr. Alexander moved an
amendment thereto, by striking out the 5th resolution, viz: "Resolved, that so much of said message as relates to sundry resolutions adopted by the States of Georgia, South Carolina, Ohio and Vermont, be referred to a select committee," and inserting as follows, to wit:

5. Resolved, That so much of said message as relates to certain reports of committees and resolutions adopted by the Legislatures of Georgia, South Carolina, Ohio and Vermont, on the subject of African Colonization, be referred to a select committee.

6. Resolved, That so much of said message as relates to certain reports of committees and resolutions adopted by the States of Georgia, South Carolina, Ohio and Vermont, as regards the powers claimed by the General Government, in relation to Internal Improvements, be referred to a select committee.

7. Resolved, That so much of the Governor's message, as relates to proposed amendments of the Constitution of the United States, from the States of Georgia, Ohio, Vermont and South Carolina, be referred to a select committee.

And the question being taken on said amendment, it passed in the affirmative. The question then recurred on the adoption of the resolutions as amended, and was determined in the affirmative.

On motion of Mr. Davidson, ordered that a committee be appointed, to be styled the "committee on Public Roads." Messrs. Davidson, Joiner, Deberry, Burgin and Pugh were appointed of the committee.

Mr. M'Eachin moved that a committee of Divorce and Alimony be now appointed, and the question being taken, it was decided in the negative.

On motion of Mr. Gray, ordered that a committee be appointed, to be styled the "committee on Agriculture." The committee consists of Messrs. Gray, Boddie, Davis, Sherard and Scott.

On motion of Mr. Mebane, ordered that a committee be appointed, to be styled the "committee on Education." Messrs. Mebane, Ruffin, Croom, Hunt and Franklin of Iredell, compose the committee.

The following petitions were presented, to wit: By Mr. Davidson, the petition of John Millwee, of the county of Mecklenburg, a soldier in the militia of the revolutionary war, praying to be placed on the pension list; by Mr. Bailey, the petition of Joseph Banks, of Pasquotank county, a soldier of the continental line in the revolutionary war, stating the loss of his land warrant by fraudulent means, and praying such aid and assistance as the Legislature may think proper to extend to him. Ordered that the said petitions, with the accompanying documents, be referred to the committee of Propositions and Grievances.

Mr. Parker presented the petition of Sarah Wooters, of Guilford county, praying that a law may be passed, securing to her such property as she may hereafter acquire. Mr. Parker moved the reference of the petition to the committee of Propositions and Grievances, and the question being taken, it was determined in the negative. On motion of Mr. Parker, ordered that the petition lie on the table.

The following resignations were presented, to wit: By Mr. M'Dowell, the resignation of Michael Reinhardt, as Colonel Commandant of Cavalry attached to the 10th brigade of North Carolina militia; and by Mr. Wellborn, the resignation of B. H. Brown, as a justice of the peace for the county of Wilkes; which were read and accepted, and sent to the House of Commons.

Received from the House of Commons, the following resignations, to wit: The resignation of Joseph Walk, of the county of Davidson; the resignation of Heartwell Hayes, of the county of Wilkes; and the resignation of
Thomas Speller, of the county of Bertie, justices of the peace for their respective counties; also the resignation of J. Broom, of the county of Pitt, as Colonel Commandant of the regiment of Pitt; and the resignation of Henry Best, Lieutenant Colonel of the county of Columbus; which were read and accepted.

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

Friday, November 21, 1828.

William B. Meares, the Senator from the county of New-Hanover, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Mathews, a message was sent to the House of Commons, proposing that a ballot be had at the meeting of the two Houses on Monday next, for a Senator, to serve in the Congress of the United States for six years from and after the 4th day of March next; and nominating for that appointment John Branch.

Mr. Williams, of Martin, moved that a committee, to be styled the "Committee on Alimony," be appointed, and the question being taken, it was decided in the negative.

On motion of Mr. Williams, of Beaufort, ordered that a committee be appointed, to be styled the "committee on the Militia Laws and Public Arms." Messrs. Williams of Beaufort, Ward, McDowell, Wilson and M'Eachin, were appointed of the committee.

Mr. Mebane presented the petition of John B. Ogg, of the borough of Norfolk, and State of Virginia, praying that certain military certificates be allowed him. Ordered that the said petition be referred to the committee of Claims.

Mr. M'Farland presented the following bills, to wit: a bill to repeal an act, passed in the year 1823, entitled "an act to regulate the Court of Pleas and Quarter Sessions of Richmond county," and a bill for the education of the poor children of the State of North Carolina; which bills were read the first time and passed; and the last named bill was, on motion of Mr. M'Farland, referred to the committee on Education, and, on motion of Mr. Alexander, ordered to be printed, one copy for each member of the Legislature.

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee to take into consideration, and report what disposition shall be made of certain documents presented by Mr. Macon, and naming Messrs. Alexander and Borden of the committee on their part. Whereupon, a message was sent to the House of Commons, stating that Messrs. Wellborn and Shober are appointed of the committee on the part of the Senate.

On motion of Mr. Croom, Resolved, That a select committee of five persons be appointed to enquire into, and report upon the expediency of reducing the damages now given by law on bills of Exchange. Messrs. Croom, Hinton, Franklin of Surry, Brodnax, and Williams of Martin, form the committee.

On motion of Mr. Mebane, Resolved, That so much of the Governor's message as relates to a petition of sundry citizens of the county of Haywood, relative to suits brought against them in the Federal Court by individuals claiming their lands, under a grant issued by the State in the year 1796, be referred to the committee on the Judiciary.
Mr. Davis presented the certificate of allowance made by the County
Court of Warren, in favor of Elizabeth Harris, the widow of Burwell
Harris, a soldier in the continental line of this State; which, on motion of
Mr. Davis, was ordered to be countersigned by the Speaker of the Senate,
and it was accordingly done, and the certificate sent to the House of
Commons.

Received from the House of Commons, a message, agreeing to the pro-
position of the Senate, to ballot on Monday next for a Senator in the Sen-
ate of the United States, to serve six years from and after the fourth of
March next.

Received from the House of Commons the report of the committee on
the joint rules of the two Houses, endorsed in that House, "read and con-
curred in."

Received from the House of Commons, a message, proposing that the
accompanying report of the superintendent of public buildings, be referred
to a joint select committee of two persons from each House, and naming
of the committee on their part, Messrs. Jones of Wake, and Hampton.
Whereupon, a message was sent to the House of Commons, agreeing to
their proposition, and appointing of the committee on the part of the Se-
nate, Messrs. Hinton and Davidson.

Received from the House of Commons, a message, proposing that the
accompanying documents, transmitted by the Governor, be referred to a
joint select committee; and that the report of the commissioner, Romulus
M. Saunders, be printed, one copy for each member of the Legislature,
and appointing of the committee on their part, Messrs. Fisher, Shipp, Ga-
ry, Newland and Stedman. The proposition was agreed to by the Senate,
and a message sent, informing the House of Commons thereof; and nam-
ing of the committee on the part of the Senate, Messrs. Mebane, Love,
Smith of Davidson, M'Daniel and Parker.

On motion of Mr. Wellborn,
Resolved, That a joint select committee be appointed, to take into consideration the expe-
diency of reducing the price of vacant and unappropriated lands.

The committee on the part of the Senate consists of Messrs. Wellborn,
Meares. Franklin of Surry, M'Dearmid and M'Neill.

A message was received from the House of Commons, proposing that the
two Houses proceed on Monday next to ballot for a Solicitor of the first
Judicial circuit; and nominating for the appointment John L. Baily. The
proposition was agreed to, and the House of Commons informed thereof
by message.

On motion of Mr. Wilson, a message was sent to the House of Com-
mons, proposing to refer the report of the Public Treasurer to the com-
mittee of Finance.

Received from the House of Commons, the following resignations, to
wit: The resignation of Reddick Cross, of the county of Hertford; the re-
signation of Joseph Ellis, of the county of Greene; the resignation of Ben-
jamin Durham, of the county of Rutherford; and the resignation of John
Hufham, of the county of Duplin, justices of the peace for their respective
counties; also the resignation of James Carraway, as major of the 32d re-
giment, and 3d brigade of militia; and the resignation of Jesse Sullers, of
the county of Rutherford, as a justice of the peace.

Received from the House of Commons, a message, stating that they have

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

SATURDAY, NOVEMBER 22, 1828.

James Burney, the Senator from the county of Columbus, appeared, produced his credentials, was qualified and took his seat.

Mr. M'Dearmid presented the certificate of allowance made by the County Court of Cumberland in favor of Sherwood Fort a pensioner of the State; which, on motion of Mr. M'Dearmid, was ordered to be countersigned by the Speaker of the Senate, which was accordingly done, and the certificate sent to the House of Commons.

The bill to repeal an act passed in the year 1823, entitled "an act to regulate the Court of Pleas and Quarter Sessions of Richmond county," was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to establish Bethel Academy, in the county of Duplin, and to incorporate the Trustees thereof;" a bill appointing commissioners for the town of Snow Hill, in Greene county; and "a bill to encourage the raising of sheep and for the destruction of Wolves, in the county of Ashe;" in which they ask the concurrence of the Senate. Thereupon the said bills were read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that the name of Mathias B. Palmer, is added to the nomination for Solicitor in the first Judicial Circuit; and a further message was received, adding to the nomination for the said appointment, the names of James H. Jones and Jesse Wilson.

Received from the House of Commons, the certificate of allowance, made by the County Court of Warren, in favor of Elizabeth Harris, endorsed in that House, "read and ordered to be countersigned by the Speaker."

A message was received from the House of Commons, proposing that the report accompanying the message of the surviving Commissioner, William Roberts, appointed to superintend the sale of the property of the late Treasurer, John Haywood, be referred to the committee of Finance, and that it be printed; which proposition was agreed to, and a message sent informing the House of Commons thereof.

Received from the House of Commons, the resolution appointing a select joint committee, to take into consideration the expediency of reducing the price of vacant and unappropriated lands, endorsed in that House "read and concurred in; and Messrs. Clayton, Gregory, Blackledge, Alexander and Brittain of Haywood appointed on said committee."

On motion of Mr. Marshall, a message was sent to the House of Commons, informing them of the appointment on the part of the Senate, of a committee on Enrolled Bills. Messrs. Marshall and Bailey form the committee.

The following bills were presented, to wit: by Mr. M'Innis, a "bill for the inspection of steam mill timber;" and by Mr. Reinhardt, a "bill giving compensation to Patrollers;" which bills were read the first time and passed, and the last mentioned bill, on motion of Mr. Reinhardt, ordered to be referred to the committee on the Judiciary.
Mr. Bailey presented the resignation of James S. Relfe, as Lieutenant Colonel of Pasquotank Militia; which was read and accepted and sent to the House of Commons.

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

MONDAY, NOVEMBER 24, 1823.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to repeal an act, passed in the year 1823, entitled "an act to regulate the Court of Pleas and Quarter Sessions of Richmond county;" in which they ask the concurrence of that House.

On motion of Mr. Wilson,
Resolved, That a message be sent to the House of Commons, proposing that the select committee raised on so much of the Governor's Message as relates to the Banks and circulating medium of the State, be a Joint Select committee, to which all matters relating to that subject shall be referred; and that the said committee consist of nine members on the part of each House.

Mr. Wellborn presented the following resolution, to wit:
Resolved, That a joint select committee be appointed by the two Houses of this Legislature, to take into consideration the expediency of instructing our Senators, and requesting our Representatives in the Congress of the United States, to obtain for this State a proportionable part of the public funds for the purpose of internal improvement.

And the said resolution being read, on motion of Mr. Spaight, ordered that the resolution be laid on the table.

The following bills were presented, to wit: By Mr. Boddie, a bill concerning the County Courts of Nash county; by Mr. Franklin, of Iredell county, a bill to authorize the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and by Mr. Pugh, a bill to provide for the draining of Mattamuskeet Lake; which bills were read the first time and passed, and the last mentioned bill referred, on motion of Mr. Pugh, to the committee on Internal Improvements, and, on motion of Mr. Love, ordered to be printed.

On motion of Mr. Shober, a message was sent to the House of Commons, proposing that the two Houses proceed, on Friday next, to ballot for Attorney General; and stating that Romulus M. Saunders and Charles Manly are in nomination for the appointment.

On motion of Mr. Ruffin,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of altering or amending the existing laws in relation to mortgages and deeds in trust, so as to prevent their being used for purposes of partiality and fraud; and that they report by bill or otherwise.

Received from the House of Commons the certificate of allowance made by the County Court of Cumberland in favor of Sherwood Fort, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Mr. Sherard presented the petition of George Jernigan, of Wayne county, praying the Legislature to restore him to credit. Ordered that the petition be referred to the committee of Propositions and Grievances.

A message was sent to the House of Commons, stating that Messrs. Mathews and Joiner are appointed of the committee of superintendence to conduct the ballot, heretofore agreed on, for a Senator in the Congress
of the United States, to serve for six years from and after the fourth day of March next; and a message was received from that House, stating that Messrs. Gaston and Ruffin attend the Senate, to conduct the ballot on the part of the House of Commons.

On motion of Mr. Love, a message was sent to the House of Commons, proposing to ballot on to-morrow for a Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Honorable Nathaniel Macon; and nominating for the appointment Montfort Stokes.

On motion of Mr. Hinton, ordered that so much of the Governor's message as relates to the acts of Congress, be referred to a select committee. The committee consists of Messrs. Hinton, Wellborn, Bell, Harrell and Royal.

The following bills, to wit: A bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and a bill concerning the County Courts of Nash county, were read the second and third times and passed, and ordered to be engrossed.

A message was sent to the House of Commons, stating that Messrs. Beasley and Davenport attend the House to conduct the ballot, as heretofore agreed on, for a Solicitor in the first Judicial Circuit; and a message was received from that House, appointing Messrs. Mhoon and Alexander the ballotting committee on their part; and stating that the name of Samuel T. Sawyer is added to the nomination for Solicitor for the first Judicial Circuit.

Mr. Mathews, from the committee to superintend the ballot for a Senator in the Congress of the United States, to serve for six years from and after the fourth day of March next, reported that John Branch, having received a majority of the whole number of votes, was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the Senate raise a select joint committee of nine members, to be added to the committee already raised by that House, on so much of the Governor's message as relates to the Banks; and that the said committee, so united, be a joint committee of both houses on that subject, and be clothed with the same powers as are now committed to the select committee of that house on that subject; and asking the concurrence of the Senate in the accompanying resolution, defining the powers of said committee, to wit:

Whereas the large interest which the State of North Carolina has vested in the several Banks of the State, renders it necessary that the representatives of the people should thoroughly investigate the conduct and condition of said Banks; and whereas the charters of the present Banks will expire on the first day of January, 1835; and experience and prudence advise us, before the termination of said charters, to procure correct information upon which the Legislature may act understandingly in discontinuing or extending the charters of the present Banks, or in establishing such other institutions as the good sense and best interest of the people may require.

Therefore Resolved, That the committee, to whom so much of the Governor's message as relates to the Banks is referred, be authorised and empowered to send for such persons and papers as may be necessary to a full investigation of the subject matter committed to their charge.

Whereupon the proposition contained in the message, together with the
accompanying resolution, were agreed to, and the House of Commons were informed thereof by message.

Mr. Beasley, from the committee appointed to conduct the ballot for a Solicitor in the first Judicial Circuit, reported that John L. Bailey was duly elected; in which report the Senate concurred.

A message was sent to the House of Commons, stating the agreement of the Senate to their proposition to raise a joint select committee of nine members, to be added to the committee already raised by that house on so much of the Governor's message as relates to the Banks; and also of the agreement of the Senate to the resolution accompanying their message, authorising and empowering the committee to send for persons and papers; and stating that Messrs. Wilson, Croom Meares, Wellborn, M'Farland, Sherard, Leonard and M'Dearmid, form the committee on the part of the Senate.

A message was received from the House of Commons, agreeing to ballot, as proposed by the Senate, on Friday next, for Attorney General; and stating that the names of Priestly H. Mangum, Thomas P. Devereux and Thomas Blackledge, are added to the nomination.

The following persons were appointed on the several select committees, ordered on the message of the Governor, in pursuance of Mr. Shober's resolutions; and the amendment of Mr. Alexander thereto, to wit:

On the first resolution, Messrs. Brodnax, Williams of Beaufort, Reinhardt, Shuford and Askew of Bertie.

On the second resolution, Messrs. Mebane, Burns, Pugh, Franklin of Surry and Bury.


On the fifth resolution, Messrs. Alexander, Parker, M'Eachin, Askew of Hertford and Walton.

On the sixth resolution, Messrs. Spaight, Williams of Martin, Ward, Riddick and Smith of Person.

On the seventh resolution, Messrs. Davidson, Patterson, Franklin of Iredell, Scott and Ramsey.

Received from the House of Commons the following resignations, to wit: The resignation of Thomas Rice, of the county of Johnston; the resignation of John Ritch, of Mecklenburg county; and the resignation of Robert Gillaspie, of the county of Rowan, justices of the peace for their respective counties.

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

Tuesday, November 23, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and a bill concerning the County Courts of Nash county; in which they ask the concurrence of that House.

The following bills were presented, to wit: By Mr. Deberry, a bill to amend an act, passed in 1815, entitled "an act to provide for the removal of the public buildings in the county of Montgomery;" and by Mr. Mebane, a bill to authorise the Treasurer of this State to purchase stock in the Cape Fear Navigation Company; which bills were read the first time and passed, and the last named bill, on motion of Mr. Mebane, order to be referred to the committee on Internal Improvement.
On motion of Mr. Parker, the Senate proceeded to consider the petition of Sarah Wooters, of Guilford county, which, on motion of Mr. Parker, was laid on the table on the 20th instant; and the petition being read, Mr. Parker presented a bill to secure to Sarah Wooters such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. Parker, referred to the committee of Propositions and Grievances.

On motion of Mr. Riddick, a message was sent to the House of Commons, stating that the name of James Iredell is added to the nomination for a Senator, to supply the vacancy occasioned by the resignation of Nathaniel Macon; and also a message, on motion of Mr. Deberry, adding the name of Robert H. Jones to the nomination for Attorney General.

Mr. Love presented the petition of sundry inhabitants of the south-western part of Haywood county, praying of the Legislature to pass a law forming all that part of the south-western territory lately acquired by treaty from the Cherokee Indians, into a separate county; which being read, Mr. Love presented a bill to erect that section of country, commonly called the Cherokee purchase, into a separate county; which was read the first time and passed, and, on motion of Mr. Love, referred to a select committee. The committee consists of Messrs. Love, Brodnax, McNeill, Deberry and Hardin.

Mr. Burns presented a bill in aid of the Clubfoot and Harlows Creek Canal Company; which was read the first time and passed, and, on motion of Mr. Burns, ordered to be referred to the committee on Internal Improvements.

On motion of Mr. Shober,
Resolved, That the committee on Public Roads be instructed to inquire into the expediency of amending the laws, as far as regards the manner in which public roads are worked and kept in repair; and that they report by bill or otherwise.

The bill to amend an act, passed in 1815, entitled "an act to provide for the removal of the public buildings in the county of Montgomery," was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their disagreement to the proposition of the Senate to ballot on this day for a Senator in Congress, and proposing that the two Houses ballot for a Senator on Thursday next; which proposition was agreed to by the Senate, and a message sent, informing the House of Commons thereof.

Mr. Hardin presented the resignation of John Mast, of the county of Ashe, as a justice of the peace; which was read and accepted by the Senate, and sent to the House of Commons.

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

Wednesday, November 26, 1838.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to amend an act, passed in 1815, entitled 'an act to provide for the removal of the public buildings in the county of Montgomery,'" in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of George Jernigan, of Wayne county; which be-
ing read, Mr. Shober reported a bill to restore to credit George Jernigan, of Wayne county; which was read the first time and passed.

On motion of Mr. Ward,

Resolved, That the committee of Finance be authorised to burn such amount of the Treasury notes now in the Treasurer's office as they may deem unfit for circulation.

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

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to prevent the falling of timber in or obstructing the channels of Ularie river and Richland creek, in Randolph county; a bill to incorporate Line Lodge, No. 87, of Sampson county; and a bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, of Sampson county, and to legitimate them; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed.

Mr. Askew, of Bertie, presented a bill to alter the name of Andrew J. Perry, of Bertie county, and to legitimate him; which was read the first time and passed.

A message was received from the House of Commons, informing the Senate of the appointment, on their part, of a committee on Enrolled Bills, consisting of Messrs. Jones of Rowan, Gordon, Wheeler and Whitfield.

Received also from the House of Commons a message, proposing to raise a joint select committee to inquire into the expediency of electing sheriffs by the people; and that such committee be authorised to report by bill or otherwise; and stating that Messrs. Blackledge, Stedman, Hodges, Newland, Potter, Allison, Underwood and Gary compose said committee on their part; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and that Messrs. Spaight, Wellborn, Beasley, Davenport and Mathews are appointed of the committee on the part of the Senate.

A further message was received from the House of Commons, proposing that so much of the Governor's message as relates to a Penitentiary and Lunatic Asylum, be referred to a joint select committee, and naming Messrs. Williams of Davidson, Spruill, Gary, Bethell and Fisher, of the committee on their part. The proposition was agreed to, and a message sent, informing that House thereof, and appointing of the committee on the part of the Senate, Messrs. Spaight, Wilson, Davidson, Brodnax and Shober.

Mr. Speaker presented a communication from M. S. Clark, Clerk of the House of Representatives of the United States, addressed to the Clerk of the Senate, accompanied with a copy of the Land Laws of the United States; which being read, on motion of Mr. Wellborn, ordered that the communication be referred to the committee to whom was referred the documents transmitted by Nathaniel Macon.

The bill to alter the name of Andrew J. Perry, of Bertie county, and to legitimate him, was read the second time and passed; and being read the third time, on motion of Mr. Wilson, ordered that the bill be laid on the table.

The bill to restore to credit George Jernigan, of Wayne county, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Croom, a message was sent to the House of Com-
mons, proposing to raise a joint select committee, to be styled the "Library Committee," and informing that House that Messrs. Croom, Bailey and Askew of Bertie are appointed of the committee on the part of the Senate.

Received from the House of Commons, a message, accompanied with a bill to erect out of the counties of Burke and Buncombe a separate and distinct county, and proposing to refer the said bill to a joint select committee, and naming Messrs. Swain, Gaston, Nash, Hellen and Graham of the committee on their part; and the question being taken on agreeing to the reference as proposed by the House of Commons, it was determined in the negative, and the House of Commons informed thereof by message.

Mr. Wilson presented the report of the representatives on the part of the State, at the meeting of the stockholders of the Cape Fear Bank. held at Wilmington on the 7th day of January, 1828, with the accompanying documents; which were read. On motion of Mr. Alexander, ordered that the report and documents be printed, and referred to the committee on so much of the Governor's message as relates to the circulating medium and Banks of the State; and a message was sent to the House of Commons, asking their concurrence.

Received from the House of Commons a message, proposing that the exhibits of the several Banks of this State to the Treasury office, since their organization, together with the Public Treasurer's report accompanying them, be referred to the select joint committee on the Banks; and that the several accounts and exhibits be printed; which propositions were agreed to, and the House of Commons informed thereof by message.

The engrossed bills, to wit: a bill to incorporate Line Lodge, No. 87, of Sampson county; and the bill to prevent the falling of timber in, or obstructing the channels of Ularie river and Richland Creek, in Randolph county, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, of Sampson county, and to legitimate them, was read the second time and passed; and being read the third time, Mr. Alexander moved that the bill be laid on the table; which was not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative, and was ordered to be enrolled.

Mr. Deberry presented the petition of William Ferrell, of Montgomery county, praying to be restored to the privileges of a citizen. Ordered that the petition be referred to the committee of Propositions and Grievances.

Mr. Harrell presented the resignation of Riddick Matthews, of Gates county, as Major of the 6th regiment of militia; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignation of Ezekiel Feague, as a justice of the peace for Davidson county; also the resignation of Samuel Williams, as Major of the 2d regiment of Cumberland militia.

On motion of Mr. Smith of Davidson, Alexander Gray, the Senator from the county of Randolph, had leave of absence from and after this day.

And the Senate adjourned till to-morrow, 10 o'clock.
have passed the following engrossed bill to wit: a bill to restore to credit George Jernigan, of Wayne county; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the bill to secure to Sarah Wooters such property as she may hereafter acquire, together with the accompanying documents, reported the bill without amendment; and thereupon the bill was read the second time and passed; and being read the third time, Mr. Alexander moved to postpone the further consideration of the bill until to-morrow; and the question being taken, there were 27 yeas and 27 noes. There being an equal number of votes on this question, the Speaker of the Senate voted in the affirmative, and the further consideration of the bill was postponed till to-morrow.

A message was received from the House of Commons, stating that they have passed the engrossed bill to alter the time and places of holding the election in the county of Greene; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from the Governor, together with the memorial of the Tuscarora nation of Indians, with a proposition that they be referred to a select joint committee, and naming of the committee on the part of that house, Messrs. Gary, Bynum, Spruill, Mhoon and Pierce; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate; and naming of the committee on their part, Messrs. Williams of Martin, Matthews, Joiner, Bell and Boddie.

Mr. Meares presented a bill to regulate the emancipation of slaves; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

The engrossed bill to alter the time and place of holding the election in the county of Greene, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Burgin, a message was sent to the House of Commons, stating that Messrs. Miller and Rutfin attend to conduct the ballot, as heretofore agreed on, for a Senator in the Congress of the United States. Whereupon a message was received from that House, naming Messrs. Gary and Mendenhall of the committee on their part.

On motion of Mr. M'Dearmid,

Resolved, That the committee on vacant and unappropriated lands be instructed to inquire into the expediency of so amending and altering the existing law concerning the entry of vacant swamp and marsh lands in this State, as to authorize entry takers to receive entries where there is not a greater quantity than 640 acres vacant in any one swamp; and that they report by bill or otherwise.

Mr. Miller, from the committee appointed to conduct the ballot for a Senator in the Congress of the United States, reported that no person in nomination had received a majority of votes.

On motion of Mr. Meares, a message was sent to the House of Commons, proposing to ballot again immediately for a Senator in the Congress of the United States.

Received from the House of Commons the resolution authorising the committee of Finance to burn such Treasury notes now in the Treasurer's office as they may deem unfit for circulation, endorsed in that house as read and agreed to:
Received from the House of Commons a message, stating their concurrence in the proposition of the Senate to raise a joint select committee on the Public Library, and naming of the committee on the part of that house, Messrs. Graham, Webb of Person and Cox.

Received from the House of Commons the following resignations, to wit: the resignation of A. M. Gatlin, as Colonel of the regiment of Chowan militia; and the resignation of John M’Millan, as justice of the peace for the county of Ashe; which were read and accepted.

And the Senate adjourned till to-morrow, 10 o’clock.

Friday, November 28, 1828.

Bedford Brown, the Senator from the county of Caswell, elected to fill the vacancy occasioned by the death of Bartlett Yancy, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Shoher, a message was sent to the House of Commons, stating that Messrs. Brodnax and Hinton attend to conduct, on the part of the Senate, the ballot heretofore agreed on for Attorney General; and a message was received from that House, naming Messrs. Montgomery and Bethel of the ballots committee on their part.

On motion of Mr. Spaight, ordered that Thomas T. Hunt, the Senator from the county of Granville, have leave of absence from this day until Tuesday next.

On motion of Mr. Wellborn, the name of Montfort Stokes was withdrawn from the nomination for Senator in the Congress of the United States; and a message was sent to the House of Commons, informing them thereof.

Mr. Love, from the select committee to whom was referred the bill to erect that section of country, commonly called the Cherokee Purchase, into a separate county, reported the bill without amendment. Ordered that the bill be committed to a committee of the whole House, and made the order of the day for Monday next; and that it be printed, together with the report of the committee.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal in part an act, passed in the year 1826, entitled “an act to prohibit the Justices of the County Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore from allowing extra service money to the county officers;” also a bill to amend an act, passed in 1800, entitled “an act concerning wrecks;” and a bill concerning certain lands purchased at the sales of the commissioners in Haywood county; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

On motion of Mr. Beasly,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of making a road through that part of the land owned by the State, that lies between Lake Phelps and that of Cahoons, and report by bill or otherwise.

Received from the House of Commons a message, proposing that the select committees of both Houses on so much of the Governor’s message as relates to the Tariff, he considered a joint select committee; and that the papers referred to the select committees of the two Houses on that subject,
shall be considered as referred to the joint committee, and acted on accordingly; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Hinton, from the committee to conduct the ballot for Attorney General, reported that Romulus M. Saunders having received a majority of all the votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the report of the Representatives in behalf of the State at a meeting of the Stockholders of the Cape Fear Bank, held at Wilmington on the 7th day of January, 1828, and the accompanying documents, to the committee on so much of the Governor's message as relates to the circulating medium and the Banks of the State; and that they be printed.

Received from the House of Commons, a message of the date of yesterday, stating that they do not agree to the proposition of the Senate to ballot immediately for a Senator in Congress; but propose that the two Houses ballot for that officer on to-morrow morning; which proposition was not agreed to, and a message was sent, informing the House of Commons thereof, and proposing that the two Houses proceed on Monday next to ballot for a person to fill that appointment.

Mr. Ward presented the following resolution, to wit:

Whereas the multiplicity of business in the Treasurer's and Comptroller's Departments render it very inconvenient to make their monthly settlements, as prescribed by the act of the General Assembly of 1827, during the sitting of the Legislature;

Therefore be it resolved, That the monthly settlements of the Treasurer and Comptroller, as required by the act of 1827, be suspended during the sitting of the Legislature.

And the resolution being read, on motion of Mr. Wilson, it was ordered to be laid on the table.

On motion of Mr. Wilson, the Senate proceeded to consider the bill to alter the name of Andrew J. Perry, of Bertie county, and to legitimate him; and the bill being read, Mr. Wilson moved to amend the bill by inserting the words, "and Benjamin Farmer, of the county of Edgecomb, the illegitimate son of Arthur Farmer and Parma his wife, and Louis C. Pender, of said county, the illegitimate son of William Pender and Nelly his wife." Mr. Sherard moved to amend the amendment by adding thereto as follows, to wit: "And be it further enacted, that Benjamin Farmer, of the county of Edgecomb, the illegitimate son of Arthur Farmer and Parma his wife, and Louis C. Pender, of said county, the illegitimate son of William Pender and Nelly his wife, and Curtis Holland, of the county of Wayne, the illegitimate son of Curtis Holland and Nancy his wife, be, and they are hereby declared to be capable in law to take and inherit, as heirs at law of the aforesaid Arthur Farmer, William Pender and Curtis Holland, in as full and ample a manner as if they had been born in lawful wedlock; any law to the contrary notwithstanding." The question being taken on the amendment to the amendment, it passed in the affirmative. The bill was then read as amended the third time and passed, and ordered to be engrossed.

On motion of Mr. M'Farland,

Resolved, That the committee on Internal Improvements be authorized to examine into the practicability of causing a survey for a Canal from the nearest and most convenient point of Lumber river to the nearest and most convenient point of Cape Fear...
which survey shall be made the ensuing year by the Civil Engineer of the State; and that he report the probable cost of said canal to our next Legislature; and that said committee report by bill or otherwise.

Mr. Miller presented the resignation of Thomas O. Larkins, as a justice of the peace for the county of Duplin; which was read and accepted, and sent to the House of Commons.

And the Senate adjourned till to-morrow, 10 o'clock.

Saturday, November 29, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, to wit: a bill to alter the name of Andrew J. Perry and others, and to legitimate them; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating their agreement to the proposition of the Senate to ballot on Monday next for a Senator in the Congress of the United States.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Millwee, of the county of Mecklenburg, made a report thereof; which was read, and the resolution therein contained, viz. "Resolved, that the prayer of the petitioner be not allowed," being read, on motion of Mr. Davidson, ordered that the report and resolution be laid on the table.

Mr. Shober, from the same committee, made a report on the petition of Joseph Banks, of the county of Pasquotank; which was read, and the resolution therein contained was concurred in by the Senate, as follows: "That the prayer of the petitioner be not allowed."

Mr. Shober, from the same committee, made a report on the petition of William Ferrell, of Montgomery county; which was read, when Mr. Shober reported a bill to restore William Ferrell, of Montgomery county, to credit; which was read the first time and passed.

Mr. Deberry presented a bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery; which was read the first time and passed.

Mr. Ward presented a bill to alter and amend an act, passed in the year 1827, entitled "an act concerning the Public Treasury;" which was read the first time and passed. Whereupon, on motion of Mr. Ward, the rule of the Senate, requiring that all bills of a public nature, when ready for a second hearing, shall be noted to be read at least one day previous thereto, was suspended so far as relates to the said bill; and the bill was read the second time and passed; and being read the third time, Mr. Scott moved to amend the bill by inserting in the 10th line of the enacting clause after the word "year" the words "and that the said officers bring up their accounts as settled monthly, bearing the date of the settlement;" which amendment was agreed to; and the bill as amended, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Parker,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending or explaining the laws regarding dower, so far as respects the amount of costs to be taxed, and by whom to be paid; and that they report by bill or otherwise.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to provide for the draining of Mattamuskeet Lake,
reported the bill without amendment, and the bill was made the order of the day for Monday next.

Mr. Hinton moved that the Senate reconsider the vote taken to-day on the third and last reading of the bill to alter and amend an act, passed in 1827, entitled "an act concerning the Public Treasury;" and the question, "will the Senate reconsider the said vote?" was decided in the affirmative. The bill being again before the Senate, after some discussion thereon, the question on the passage of the bill the third time passed in the affirmative, and the bill was ordered to be engrossed.

Mr. Marshall presented the petition of sundry citizens of Anson county, praying of the Legislature to pass a law vesting in the people of said county the right of electing sheriffs and field officers. Ordered that the said petition be referred to the joint select committee to whom was referred the resolution relative to the appointment of Sheriff.

Mr. Sherard presented the petition of James Daniel, of Wayne county, praying such compensation for revolutionary services therein stated as may seem just and equitable. Ordered that the petition be referred to the committee of Propositions and Grievances.

The bill to repeal in part an act, passed in the year 1826, entitled "an act to prohibit the justices of the Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore from allowing extra service money to the county officers," was read the second time, and, on motion of Mr. Leonard, was indefinitely postponed.

On motion of Mr. Wellborn,

Resolved, That a joint select committee be appointed to take into consideration the expediency of directing the State Engineer to examine and lay off a road the nearest and best way from Fayetteville to the town of Wilkesborough, in Wilkes county, or to a point on the Yadkin river, in a direct line between the two towns; and that the said committee have leave to report by bill or otherwise.

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

Mr. Hardin presented the following resolution, viz.

Resolved, That the Public Treasurer be instructed to pay to John Gambill, Sheriff of Ashe county, the sum of sixty dollars and sixty cents; and that he be allowed a credit for the same in the settlement of his public accounts.

Which was read the first time and passed, and, on motion of Mr. Hardin, ordered to be referred to the committee of Claims.

Received from the House of Commons a communication from the Governor, inclosing the official returns of votes for Electors of President and Vice President of the United States, received at the Executive Department of North Carolina. On motion of Mr. Brown, ordered that the communication be laid on the table.

And the Senate adjourned till Monday morning, 10 o'clock.

Monday, December 1, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to alter and amend an act, passed in the year 1827, entitled "an act concerning the Public Treasury;" in which they ask the concurrence of that House.

The following bills were presented, to wit: By Mr. Ramsey, a bill to legitimate Polly Matilda Stinson, of the county of Chatham; and by Mr. Groom, a bill to establish a separate election in the county of Lenoir; also
by Mr. Croom, a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; which bills were read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Hertford; a bill to restore Nathaniel Meechum, of Lincoln county, to credit; a bill amendatory of the law respecting dower; and a bill prescribing in what manner field officers shall be recommended to the General Assembly; in which they ask the concurrence of the Senate; which said bills were read the first time and passed, and, on motion of Mr. M'Eachin, ordered that the last named bill be referred to the committee on the Militia and Public Arms; and, on motion of Mr. Spaight, the bill amendatory of the law respecting dower was referred to the Judiciary committee.

On motion of Mr. Wellborn,
Resolved, That a joint select committee be appointed, to take into consideration the expediency of erecting some tribunal for the trial of all minor offences against the State, with leave to report by bill or otherwise.

On motion of Mr. Croom, a message was sent to the House of Commons, stating that Messrs. Ruffin and Miller attend the House to conduct the balloting for a Senator, as heretofore agreed on; and a message was received from the House of Commons, naming Messrs. Waddell and Gary to superintend the ballot on the part of that House.

On motion of Mr. Reinhardt,
Resolved, That the judiciary committee be instructed to inquire into the expediency of altering and amending the law compensating jurors, so far as regards the county of Lincoln.

Mr. Boddie presented the petition of sundry inhabitants residing in the extreme corners of the counties of Wayne, Edgecomb, Nash and Johnston, praying of the Legislature to pass an act erecting a new county out of the extreme corners of the aforesaid counties. Ordered that the petition be referred to the committee of Propositions and Grievances.

The Senate resolved itself into a committee of the Whole House, Mr. Wilson in the Chair, on the bill to erect that section of country, commonly called the Cherokee Purchase, into a separate county; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported that the committee had had the said bill under consideration, and made no amendment. Whereupon the bill was read the second time. Mr. Miller moved that the bill be laid on the table; which was not agreed to; and the question on the passage of the said bill at the second reading being taken, it passed in the affirmative—yeas 33, nays 26. The yeas and nays being demanded by Mr. Askew, of Hertford.


Whereupon, the bill was read the third time and passed, and ordered to be engrossed.

Mr. Miller, from the committee to conduct the ballot for Senator in the
Congress of the United States, to supply the vacancy occasioned by the resignation of Nathaniel Macon, reported that James Iredell is duly elected; in which report the Senate concurred.

On motion of Mr. Ward, a message was sent to the House of Commons, proposing that the two Houses proceed on Friday next to ballot for a Governor for the ensuing year, and nominating for that appointment Montfort Stokes and Richard Dobbs Spaight.

Received from the House of Commons the resignation of Henry Smith, as Lieutenant Colonel of the regiment of Martin county; which was read and accepted.

And the Senate adjourned until to-morrow, at 10 o'clocK.

Tuesday, December 2, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, to wit: a bill to erect that section of country, commonly called the Cherokee purchase, into a separate county; in which they ask the concurrence of that House.

A motion was made by Mr. Davis to reconsider the vote taken yesterday on the bill to erect that section of country, commonly called the Cherokee purchase, into a separate county, at its third and last reading; and on the question "will the Senate reconsider the said vote?" it was determined in the negative.

Mr. Marshall presented a bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson county, and to legitimate him; which was read the first time and passed.

Mr. Love presented the following petitions, to wit: the petition of Isaac A. Miller, of the county of Sevier, and State of Tennessee, praying of the Legislature to extend to him the privilege of practising as an attorney in the different courts in the counties of Buncombe and Haywood; and the petition of William H. Steelman, of the county of Habersham, and State of Georgia, praying to be admitted to the privileges of counsellor and attorney in the State of North-Carolina. Ordered that the said petitions be referred to the committee on the Judiciary.

The bill to legitimate Polly Matilda Stinson, of the county of Chatham, was read the second and third times and passed, and was ordered to be engrossed.

The engrossed bill to restore Nathaniel Meechum, of Lincoln county, to credit, was read the second time and passed; and being read the third time, Mr. Mebane moved to amend the bill by striking out from the words "convicted," in the 10th line of the enacting clause, the remainder of the clause, and to insert the words following, to wit: "of any crime whatever;" which amendment was agreed to, and the bill as amended was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Boddie presented the counter petition of sundry citizens of Nash county in relation to the establishment of a new county. Ordered that the petition be referred to the committee of Propositions and Grievances.

The following bills, to wit: a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; and a bill to alter the name of George Pinkney Cop-
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pedge, an illegitimate son of John Lee, of Anson, and to legitimate him; also a bill to establish a separate election in the county of Lenoir, were read the second and third times and passed, and ordered to be engrossed.

The bill to amend the laws regulating the sale of land and slaves, so far as respects the county of Montgomery, was read the second and third times and passed, and ordered to be engrossed.

Mr. M'Eachin presented a bill for the better regulation of retailing spirituous liquors; which was read the first time and passed, and, on motion of Mr. M'Eachin, ordered to be referred to the committee on the Judiciary.

Received from the House of Commons a message, transmitting a communication of the Governor, enclosing the annual report of the Board of Internal Improvements, with a proposition to print the report; which was agreed to, and a message sent to the House of Commons, informing them thereof.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act, passed in the year 1777, entitled "an act to encourage the building of public mills, and directing the duty of millers;" which was read the first time and passed.

On motion of Mr. Bell,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the inspection laws of this State, so as to create a penalty on those who sell fish without the proper dimension of barrels, as is now prescribed by law.

The engrossed bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Herkford, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Meares, the bill to provide for the draining of Mattamuskeet Lake, was ordered to be committed to a committee of the whole House, and made the order of the day for Thursday next.

Mr. Davidson presented the following preamble and resolution, to wit:

Whereas it appears from the books of the Comptroller's Office, that there is a large balance due from the United States to this State; Therefore
Resolved, That the claims of this State against the United States be referred to a joint select committee of three members from each House, to inquire into the demand, and report such measures as ought to be taken to obtain payment.

Which was agreed to, and the resolution sent to the House of Commons for their concurrence.

Received from the House of Commons a message, stating their agreement to the proposition of the Senate to ballot on Friday next for Governor of this State for the ensuing year.

Mr. Bouldie presented the following preamble and resolution, to wit:

Whereas there are various opinions among the people of this State, and many doubts exist, whether the commission of a Justice of the Peace, while acting as Sheriff, is suspended or entirely vacated or annulled thereby: Be it therefore
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law explaining the same, and that they report by bill or otherwise.

Which was agreed to.

Received from the House of Commons the resolution, proposing to raise a select joint committee to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough, endorsed in that House "read and agreed to."

Also received from the House of Commons the resolution, proposing to
raise a select joint committee to consider the expediency of creating some tribunal for the trial of all minor offences against the State, endorsed in that House "read and agreed to." Messrs. Wellborn, Meares, Alexander, Marshall and Baily compose the committee on the part of the Senate, and the House of Commons were informed thereof by message.

A message was sent to the House of Commons, stating that Messrs. Wellborn, M'Dearmid, M'Neil, Deberry and Royal are appointed of the committee on the part of the Senate on the resolution to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough.

The engrossed bill concerning certain lands purchased at the sales of the commissioners in Haywood county, was read the second and third times and passed, and ordered to be enrolled.

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

Wednesday, December 3, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to legitimate Polly Matilda Stinson, of the county of Charham; a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; a bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson, and to legitimate him; a bill to establish a separate election in the county of Lenoir; and a bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery; in which they ask the concurrence of that House.

On motion of Mr. Meares, a message was sent to the House of Commons, proposing that the documents accompanying the report of the Board of Internal Improvements be printed.

A message was sent to the House of Commons, stating that Messrs. Davidson, Matthews and Miller compose the committee on the part of the Senate on the resolution in relation to the balance due from the United States to this State.

Mr. Meares presented a bill to appropriate thousand hundred dollars for improving the navigation of the Cape Fear river below Wilmington; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to a select joint committee of four members of each house; and a message was sent to the House of Commons, asking their concurrence, and naming Messrs. Meares, Brodnax, Mebane and Burney of the committee on the part of the Senate.

Mr. Deberry presented a bill to provide for the final settlements of executors and administrators; which was read the first time and passed, and, on motion of Mr. Shober, ordered to be printed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Robeson," and a bill to restore to credit John A. Nuffer, of the county of Anson; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Brodnax presented the following resolution, viz.
Resolved, That the Senate do adjourn at 12 o'clock, and that the use of their chamber be tendered to the Electors of President and Vice President after that hour.

Resolved further, That the Clerk of this House notify the said Electors of this resolution.

Mr. Sherard moved to amend the last resolution, by striking out the word "Clerk," and insert in lieu thereof the word "Doorkeeper;" which amendment was not agreed to; and the question then recurred on the adoption of the resolution, and it passed in the affirmative.

Mr. Spaight presented the certificate of allowance made by the County Court of Craven in favor of Thomas Ewell and Christopher Baxley, pensioners; also the certificate of allowance by the County Court of Craven, in favor of Capt. John Rhem, a pensioner. On motion of Mr. Spaight ordered that the said certificates be countersigned by the Speaker of the Senate; which was accordingly done, and the certificates sent to the House of Commons.

Mr. Hinton presented the petition of Benjamin S. King, of the city of Raleigh, praying of the Legislature to grant him indulgence in the payment of a certain balance therein stated to be due the State, until the first day of January, 1829; and the petition being read, on motion of Hinton, Resolved, That the Treasurer be directed to order stay of execution in the case, "The Governor to the use of the State of North Carolina against Benjamin S. King," issued from the Court of Pleas and Quarter Sessions for the county of Wake, according to the prayer of said King's petition, until the first of Nov. 1829.

Mr. Hinton presented the petition of Stephen Pearson, praying to be relieved from the payment of a certain bond therein stated. Ordered that the said petition be referred to the committee of Claims.

On motion of Mr. Deberry, the Senate proceeded to consider the bill to restore William Ferrell, of Montgomery county, to credit; and the bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Meares, from the Judiciary committee, to whom was referred the bill to regulate the emancipation of slaves, reported the bill with an amendment; and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the engrossed bill amendatory of the law respecting dower, reported the same without amendment, and the bill was made the order of the day for to-morrow.

Mr. Smith, of Person, presented a bill to secure to Rachael Blackwell, of Person county, such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. Smith, of Person, ordered that the bill be referred to the committee of Propositions and Grievances.

Received from the House of Commons the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton, with a proposition from that House that the memorial be referred to a select joint committee of three members from each House; which proposition was agreed to, and a message sent, informing that House thereof; and that Messrs. Mebane, Brown and Meares form the committee on the part of the Senate.

The engrossed bill to repeal an act, passed at the last session of the General Assembly, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Robeson," was read the
second time. Mr. M'Eachin moved to amend the bill by striking out the word "same," in the fourth line of the enacting clause, and inserting the words "above recited act;" which amendment was agreed to, and the bill as amended was read the second and third times and passed; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Wellborn presented the petition of Joshua Pinion, of Wilkes county, praying to be restored to the privileges of a citizen. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Burney, a message was sent to the House of Commons, stating that the names of John Owen and Willis Alston are added to the nomination for Governor.

The following resignations were presented, to wit: By Mr. Burney, the resignation of Luke R. Simmons, of the county of Columbus; by Mr. Meares, the resignation of David Jones, of the county of New Hanover; and by Mr. Hardin, the resignation of Abraham Vanderpool, of the county of Ashe, justices of the peace in their respective counties; which were read and accepted and sent to the House of Commons.

The engrossed bill to restore to credit John A. Nuffer, of the county of Anson, was read the second and third times and passed, and ordered to be enrolled.

And the Senate adjourned till to-morrow, 10 o'clock.

**THURSDAY. DECEMBER 4, 1828.**

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to restore William Ferrell, of Montgomery county, to credit;" in which they ask the concurrence of that House; also the engrossed resolution in favor of Benjamin S. King; in which they ask the concurrence of that House.

A message was received from the House of Commons, transmitting a communication from the Governor, with accompanying documents and references, with a proposition that they be referred to the joint select committee on the Penitentiary and Lunatic Asylum; which proposition was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to wit: a bill to prevent the falling of timber in, or obstructing the run of the Yadkin river, in Wilkes county; also the engrossed resolution, directing the Comptroller of public accounts to have his statements hereafter printed in octavo, six copies for each member of the Legislature, &c. in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed, and was subsequently read the second time, and, on motion of Mr. Wellborn, ordered to lie on the table; and the resolution concerning the Comptroller's statement was read the first time and passed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate in the engrossed bill to restore to credit Nathaniel Meechum, of Lincoln county. Whereupon the bill was ordered to be enrolled.

Received from the House of Commons the resolution proposing the appointment of a select joint committee to inquire into the claims of this State against the United States, endorsed in that House "read and con-
surred in," and Messrs. Gaston, Spruill and Swain form the committee on the part of that House.

A message was received from the House of Commons, stating that the name of James Mebane is added to the nomination for Governor.

A message was received from the House of Commons, stating that Messrs. Fisher, Shipp, Eccles, Gordon and Allison form the committee on the part of that House to take into consideration the expediency of directing the State Engineer to survey and lay off a road from Fayetteville to Wilkesborough; also stating that Messrs. Spruill, Gary, Mitchell, Ruffin and Swain form the committee on the part of that House on the resolution to take into consideration the expediency of creating some tribunal for the trial of all minor offences against the State.

The Speaker presented the following resolutions, signed by Monfort Stokes, of Wilkes, President of the Electoral College:

Raleigh, Dec. 3d, 1828.

Resolved, That the thanks of the Electors of the Electoral College of North Carolina be presented to the Honorable Speaker of the Senate, and through him to the Senate of North Carolina, for their polite tender of the Senate Chamber for the use of the Electoral College.

Resolved, That the President of the Electoral College present these resolutions to the Honorable Speaker of the Senate, and request that he will present them to the Senate in the most acceptable manner.

And the resolutions being read, on motion of Mr. Wilson, ordered that the resolutions be laid on the table.

On motion of Mr. Wilson, the Senate proceeded to consider the resolution appointing a select joint committee to take into consideration the expediency of instructing our Senators and requesting our Representatives in Congress of the United States to obtain for this State a proportionable part of the public funds for the purpose of Internal Improvements; and the resolution being read, on motion of Mr. Spaight, ordered that the resolution be committed to a committee of the Whole House, and that it be made the order of the day for Monday next. Mr. Wilson presented the following as an amendment to the resolution now before the Senate on that subject viz:

Whereas by the tenth article of the amendment to the Constitution of the United States it is declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;"

Be it therefore resolved, as the opinion of this Legislature, that the right by the Congress of the United States to carry on Internal Improvement in the several States, or to appropriate the funds of the General Government for that purpose, is not contained in the granted powers of the Constitution of the United States, and is at variance with the rights reserved to the States, and not sanctioned by sound policy.

Which being read, on motion of Mr. Wilson, ordered that the resolution be referred to the committee of the Whole House to whom was referred heretofore a resolution on the same subject, and be made the order of the day for Monday next.

On motion of Mr. Patterson, ordered that Willis W. Boddie, the Senator from the county of Nash, have leave of absence from and after to day until Monday next.

A message was received from the House of Commons, stating their agreement to print the documents accompanying the report of the Board of Internal Improvements.

The Senate proceeded to the orders of the day, and resolved itself into a committee of the whole House, Mr. Davidson in the Chair, on the
bill to provide for the draining of Mattamuskeet Lake; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Davidson reported that the committee had, according to order, had the said bill under consideration, and had directed him to report the bill with sundry amendments; and the question being taken on concurring in the several amendments made in committee of the Whole, they were severally concurred in by the Senate. Mr. M'Dearmid moved to amend the bill, by inserting at the end of the second section the following proviso, to wit: "provided that contracts for the completion of the canal can be made for the sum hereby appropriated;" which was agreed to. Mr. M'Dearmid then moved to amend the bill by striking out in the fourth line of the first section the word "eight" and inserting the word "ten;" which amendment was not agreed to. Mr. Meares moved to amend the bill by adding to the proviso at the end of the second section of the bill the words following, to wit: "and that a tax of two cents per acre shall be paid on all lands lying within one half mile of said lake, to be collected by the Sheriff of the county of Hyde, and appropriated (in addition to the sum herein specified) for the purpose of making said canal." Mr. Beasley moved to amend the amendment by striking out the word "a" in the first line of the amendment, and inserting the words "an annual;" which amendment to the amendment was not agreed to, and the question being taken on the amendment of Mr. Meares, it passed in the affirmative. The bill as amended was read second time, and the question being taken on the passage of the bill, it was determined in the negative—yeas 26, nays 32: the yeas and nays being demanded by Mr. Davenport.


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

FRIDAY, DECEMBER 5, 1828.

A message was received from the House of Commons, stating their rejection of the engrossed bill to restore William Ferrell, of Montgomery county, to credit; and also stating their concurrence in the amendment made by the Senate in the engrossed bill to repeal an act, passed at the last General Assembly, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Robeson," Whereupon the said bill was ordered to be enrolled.

Mr. Ramsey presented a bill to amend an act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," passed in the year 1822; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Gaston, Walker of Wilmington, Smith of Chatham, and Mendenhall form the select joint committee on the part of that House, to whom the Senate proposed to refer the bill to appropriate thousand hundred dollars for the improvement of the river Cape-Fear below Wilmington;
and stating also that Messrs. Nash, Bethell, and Ward of Franklin form
the committee on the part of that House, to whom the memorial of John
D. Hawkins, Edward T. Brodnax and John R. Eaton, on behalf of the
Roanoke Navigation Company, was proposed to be referred.

Received from the House of Commons a message from the Governor,
transmitting to the General Assembly a communication from the Stock-
holders of the State Bank of North-Carolina; which was read, and, on
motion of Mr. Shober, ordered to be referred to the committee on the Banks;
and a message was sent to the House of Commons, asking their concur-
rence in the reference.

Received from the House of Commons a certificate of allowance made
by the County Court of Craven in favor of Thomas Ewell and Christopher
Bexley, pensioners, endorsed in that House, "read and ordered to be coun-
tersigned by the Speaker of the House of Commons, and returned to the
Senate;" also the certificate of allowance of the County Court of Craven
in favor of Captain John Rheem, a pensioner, endorsed in that House,
"read and ordered to be countersigned by the Speaker of the House of
Commons, and returned to the Senate."

Mr. Hinton, from the committee on the Public Buildings, made a de-
tailed report; when Mr. Hinton reported a bill to provide for the repair-
ing of the State House and railing round the Public Square; which was
read the first time and passed.

Mr. Meares presented a bill to amend the practice in Courts of Equity;
which was read the first time and passed, and, on motion of Mr. Meares,
ordered to be referred to the committee on the Judiciary.

Mr. Meares, from the Judiciary committee, to whom was referred the
resolution relating to mortgages and deeds in trust, made a report; which
was read, when Mr. Meares reported a bill to prevent frauds in the exec-
ution of mortgages and deeds in trust; which was read the first time and
passed, and, on motion of Mr. Shober, ordered to be printed, one copy
for each member of the Legislature.

The Speaker presented the report of the Adjutant General of the State.
On motion of Mr. Wilson, ordered that the report be referred to the com-
mittee on the Militia and Public Arms, and that it be printed.

Mr. Love, from the committee of Claims, to whom was referred the
petition of John B. Ogg, made a detailed report; which was read, and the
recommendation therein contained, as follows, viz. "that it is inexpedi-
ent to grant the prayer of the petitioner John B. Ogg," was concurred in
by the Senate.

Mr. Meares, from the Judiciary committee, to whom was referred the
bill giving compensation to patrollers, reported the bill with sundry amend-
ments, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the resolu-
tion in relation to the expediency of passing a law explanatory of the effect
produced on the commission of a justice of the peace by his appointment
to the office of Sheriff, reported that it is deemed unnecessary to pass any
law upon the subject; in which report the Senate concurred.

Mr. Shober, from the committee of Propositions and Grievances, to whom
was referred the petition of Joshua Pinion, of the county of Wilkes, made
a detailed report; which was read, when Mr. Shober reported a bill to re-
store Joshua Pinion, of Wilkes county, to credit; which was read the first
time and passed, and was subsequently read the second and third times and passed, and was ordered to be engrossed.

On motion of Mr. Alexander, the Senate proceeded to consider the bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; and the bill was read the third time and passed, and ordered to be engrossed.

Mr. M'Farland presented a bill prescribing the time jurors shall be paid for their services in the county of Richmond; which was read the first time and passed, and was subsequently read the second and third times and passed, and ordered to be engrossed.

The bill for the inspection of steam mill lumber, was read the second and third times and passed, and ordered to be engrossed.

The bill amendatory of the law respecting dower, was read the second time and passed, and being read the third time, on motion of Mr. Meares, the further consideration thereof was postponed until to-morrow.

On motion of Mr. Burns.

Resolved, That the committee on Internal Improvements inquire into the expediency of giving to Alanson Nash, State Engineer, compensation for certain services performed during the last session of the General Assembly.

Mr. M'Eachin presented the petition of Mary M'Eachin, of Robeson county, praying to have such property as she may hereafter acquire secured to her; which was read, when Mr. M'Eachin presented a bill to secure to Mary M'Eachin, of Robeson county, such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. M'Eachin, referred, with the petition, to the committee of Propositions and Grievances.

Mr. Shofer presented the petition of Susannah Mary Houser, of the county of Stokes, praying of the Legislature to secure to her such property as she may hereafter acquire. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Burns, a message was sent to the House of Commons, stating that Messrs. Burns and Bailey attend the House to conduct the ballot for Governor as heretofore agreed on; and a message was received from the House of Commons, naming Messrs. Walker of Wilmington and Clayton of the balloting committee on their part.

Mr. Burns, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

A message was received from the House of Commons, proposing to ballot again immediately for Governor; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Burns and Bailey are appointed of the committee to conduct the ballot on the part of the Senate; and a message was received from the House of Commons, naming Messrs. Walker of Wilmington and Clayton to conduct the ballot on their part.

The bill to amend an act, passed in the year 1800, entitled "an act concerning wrecks," was read the second time. Mr. Salley moved to amend the bill by adding an additional section, as follows, viz.

"And be it further enacted, That the provisions of this act shall not
extend to the county of Currituck, except that the commissioners who are already appointed, or who may hereafter be appointed, shall renew their bonds annually, beginning at the first County Court which shall be held for said county after the first day of January, 1829;" when, on motion of Mr. Meares, the further consideration of the bill, together with the amendment, was postponed until Monday next.

Mr. Burns, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

The following resignations were presented: by Mr. Royal, the resignation of Henry Dolwin, of Sampson county, as a justice of the peace; and by Mr. Reinhardt, the resignation of John Zimmerman, as adjutant, Colonel of cavalry of the 10th brigade of North Carolina militia; which were read and accepted, and sent to the House of Commons.

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

Saturday, December 6, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to restore Joshua Pinion, of Wilkes county, to credit; a bill to secure to Sarah Votiers, of the county of Guilford, such property as she may hereafter acquire; and a bill for the inspection of steam mill timber; in which they ask the concurrence of that House.

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

Resolved, That a joint select committee be appointed, to inquire into the expediency of changing the present mode of receiving lists of taxable property, and ascertaining the value of lands, and amending the revenue laws of this State; and that they report by bill or otherwise.

Resolved, That Messrs. Swain, Mitchell, Hall, Gregory and Simmons of Columbus form the committee on the part of this House.

Which resolutions were agreed to, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Ruffin, Matthews, Brown, Salyear and Bell form the committee on the part of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill for the taking of depositions; a bill more effectually to prescribe the duty of the County Trustee of Onslow county; a bill to repeal in part the third 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 to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; a bill concerning the grave lot in Greenville, in the county of Pitt; and a bill making it the duty of the Major General of the 3d division of the militia of North Carolina, to which the county of Orange is attached, to
review the militia at their usual muster grounds; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed, and the bill to repeal in part the 3d section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to infantry; and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; was, on motion of Mr. M'Eeachin, ordered to be referred to the committee on the Militia and Public Arms.

On motion of Mr. Askew, of Bertie, a message was sent to the House of Commons, proposing to ballot again for Governor, and stating that the name of Willis Alston is withdrawn from the nomination. Whereupon a message was received from the House of Commons, agreeing to the proposition of the Senate, and naming Messrs. Bainey and Wyche superintendents on their part; and a message was sent to the House of Commons, naming Messrs. Askew of Bertie and Leonard to conduct the ballot on the part of the Senate.

Received from the House of Commons a message, stating that they have rejected the engrossed resolution in favor of Benjamin S. King, and that they concur in the reference made in the Senate of the Governor's message and the report of the Stockholders of the State Bank to the joint select committee on the Banks.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relative to the expediency of amending the law regarding costs on petitions for dower, made a report; which was read, when Mr. Meares reported a bill to regulate costs on petitions for dower and partition; which was read the first time and passed, and made the order of the day for Monday next.

On motion of Mr. M'Eachin, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence for and during this day.

Mr. Wellborn, from the joint select committee to whom was referred the resolution relative to the expediency of reducing the price of vacant lands; and also the resolution relative to the entry of vacant swamp and marsh lands, made a detailed report; which was read, when Mr. Wellborn reported a bill fixing the price hereafter to be paid for vacant lands, and permitting the entry of certain swamp lands; which was read the first time and passed.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relative to altering and amending the law compensating the jurors of Lincoln county, made a report; which was read, when Mr. Meares reported a bill making provision for compensating jurors so far as regards the county of Lincoln; which was read the first time and passed, and being subsequently read the second time, was amended by adding after the word Lincoln, in the 6th line of the first section of the bill, the words "Moore, Rutherford and
Anson;" and the provisions of the bill and the title were amended so as to correspond thereto; and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

Mr. Leonard, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

The Senate entered on the orders of the day, and proceeded to consider the bill to provide for the repairing of the State House and railing round the Public Square; and the bill being read the second time, Mr. Meares moved to amend the bill by adding at the end of the bill the following proviso, to wit: "provided nevertheless, that no gate shall be erected, through which any horse or carriage can pass into the enclosure round the public square;" which amendment was agreed to. Mr. Wellborn moved to amend the bill by striking out the words "two thousand two hundred," in the 10th and 11th lines of the bill. Mr. Alexander moved to postpone the further consideration of the bill until Monday next, together with the proposed amendment; which was agreed to.

On motion of Mr. Love, the further orders of the day were postponed, and, on motion of Mr. Love, the name of Montfort Stokes was withdrawn from the nomination for Governor, and a message was sent to the House of Commons, informing them thereof.

A message was received from the House of Commons, proposing that another ballot take place immediately for Governor of the State; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof; and stating that Messrs. Leonard and Askew of Bertie are appointed to conduct the ballot on the part of the Senate; and a message was received from the House of Commons, naming Messrs. Alexander and Pierce to conduct the ballot on their part.

On motion of Mr. Burns, a message was sent to the House of Commons, proposing to ballot on Wednesday next for a Judge of the Superior Courts of Law and Equity, to supply the vacancy created by Judge Ruffin's resignation, and stating that Willie P. Mangum is nominated for the appointment.

Mr. Meares presented the following resolution, viz.:

Resolved, That the Treasurer pay to Louis D. Wilson, Isaac Wright and Frederick J. Hill (the commissioners appointed on behalf of the State to attend the meeting of the Stockholders of the Bank of Cape-Fear) the sum of ten cents per mile for travelling to and from their respective homes to Wilmington, and three dollars per day for the time they were actually engaged in performing their duty.

Which was read the first time and passed.

Mr. Askew, of Bertie, from the committee to superintend the ballot for Governor, reported that no person in nomination had received a majority of votes.

On motion of Mr. Brown, a message was sent to the House of Commons, proposing to ballot again immediately for Governor; and a message was received from that House, agreeing to the proposi-
tion of the Senate, and naming Messrs. Alexander and Pierce as superintendents of the ballot on their part. Whereupon a message was sent to the House of Commons, stating that Messrs. Leonard and Askew of Bertie attend to conduct the ballot on the part of the Senate.

Mr. Davenport moved that the committee to superintend the ballot for Governor be instructed to wait on the sick members at their chambers; which was not agreed to.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the Public Treasurer be, and he is hereby instructed to pay to William Martin the sum of fifteen dollars, for carrying writs of election to supply the vacancy occasioned in the representation from the county of Caswell, by the death of Bartlet Vance and Charles D. Donoho, Esquires.

Which was read the first time and passed. Whereupon Mr. Wilson moved that the rule of the Senate requiring 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 as far as regards this resolution; which was agreed to, and the resolution was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill concerning the grave lot in Greenville, in the county of Pitt, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill more effectually to prescribe the duty of the county trustee for the county of Onslow, was read the second time and passed.

Received from the House of Commons the resignation of Thomas Ruddin, of the office of a Judge of the Superior Courts of law and Equity; also the resignation of John Linn, of Rowan county, and the resignation of Joseph Mumford, of New Hanover county, justices of the peace in their respective counties; and the resignation of Frederick F. Robbins, as Lieutenant Colonel of the first regiment of Edgecombe militia; which were read and accepted by the Senate.

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

Monday, December 8, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill making provision for the compensation of jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson;" and the engrossed resolution in favor of William Martin; also the engrossed bill prescribing the time when jurors shall hereafter be paid for their services in the county of Richmond; in which they ask the concurrence of that House.

Mr. Leonard, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

Mr. Leonard moved that a message be sent to the House of Commons, proposing to ballot again immediately for Governor; which was not agreed to.
Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to amend an act, entitled an act to authorize the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services; a bill concerning the treasurer of public buildings and county trustee of Buncombe county; a bill to incorporate Chorazin Chapter, No. 13, of Royal Arch Masons, in the town of Greensboro, in the county of Guilford; and a bill to legitimate Joseph Smith and Mary Bently, illegitimate children of John Smith and Susannah Berry, of Burke county; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed.

Mr. Meares, from the Judiciary Committee, made a detailed report on the petition of William A Steelman, of the county of Habersham and State of Georgia; which was read, and the resolution therein contained, as follows, to wit: "Resolved, that the prayer of the petitioner be not allowed," was concurred in by the Senate.

Mr. Meares, from the same committee, made a report on the petition of Isaac A. Miller, of the county of Sevier and State of Tennessee; which was read, and the resolution therein contained, as follows, to wit: "Resolved, that the prayer of the petitioner be not allowed," was concurred in by the Senate.

Mr. Meares, from the same committee, reported the bill for the better regulation of retailing spirituous liquors, with sundry amendments; and the bill was made the order of the day for to-morrow.

The following bills were presented, to wit: By Mr. Williams, of Beaufort, a bill to incorporate Bellefont Cotton Manufacturing Company, in the county of Beaufort; by Mr. Croom, a bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof; by Mr. Burgin, a bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles within this State; which were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of James Daniel, of Wayne county; which was read, and the resolution therein contained, as follows, to wit: "Resolved, that the prayer of the petitioner be not allowed," being read, on motion of Mr. Sherard, ordered that the report and resolution be laid on the table.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to restore Joshua Pivion, of Wilkes county, to credit; and that they have rejected the engrossed bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire.

The bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, was read the second time and passed.
The bill to establish Mosely Hall Academy, in the county of Le-
oir, and to incorporate the trustees thereof, was read the second and
third times and passed, and ordered to be engrossed.

Mr. Mebane, from the committee on Education, to whom was re-
ferred a bill to provide for the education of the poor children of North
Carolina, reported the same without amendment, and the bill was
made the order of the day for to-morrow.

On motion of Mr. Shoobra,
Resolved, That the committee on the Militia Laws and Public Arms be instructed to
inquire into the expediency of appointing a suitable guard for the better protection
of the arsenal and public arms, and the public buildings generally; and that they re-
port by bill or otherwise.

Mr. Wellborn presented the petition of sundry citizens of the coun-
ties of Wilkes and Ashe, praying assistance from the Legislature to
keep up the stage road from Wilkesborough to the Tennessee line;
and, on motion of Mr. Wellborn, ordered that the petition be referred
to the select joint committee on the proposition to inquire into the
expediency of laying off a road from Fayetteville to Wilkesbo-
rough.

A message was received from the House of Commons, proposing
to ballot immediately for a Governor; which proposition was agreed to,
and a message was sent to the House of Commons, stating the a-
greement of the Senate, and naming Messrs. Wilson and Ruflin to con-
duct the ballot on their part; and a message was received from the
House of Commons, naming Messrs. Alexander and Bynum super-
intendents on their part.

Mr. Williams, of Martin, moved that a message be sent to the
House of Commons, proposing to instruct the balloting committee to
wait on the sick members at their chambers; and the question being
taken, there were 27 yeas, and 26 noes. The Speaker voted in the ne-
gative, which produced an equal division of the Senate, and the mo-
tion did not prevail.

Mr. Wellborn moved to reconsider the vote just taken on the pro-
position to the Commons to instruct the balloting committee to wait
on the sick members at their chambers; and on the question "will
the Senate reconsider the vote?" it was determined in the negative.

Mr. Wilson, from the balloting committee for a Governor for the
ensuing year, reported that John Owen was duly elected; in which
report the Senate concurred.

The following engrossed bills, to wit: a bill to amend an act, enti-
tled "An act to authorize the Court of Pleas and Quarter Sessions
of Craven and Cumberland counties to appoint special justices of the
peace, and making compensation to such justices for certain services;"
a bill to incorporate Thraxin Chapter, No. 13, of Royal Arch Mas-
sors, in the town of Greensborough, in the county of Guilford; a
bill to incorporate Joseph Smith and Mary Bently, illegitimate chil-
dren of John Smith and Susannah Berry, of Burke county; and the
bill concerning the Treasurer of Public Buildings and County Trustee of Buncombe county, were read the second and third times and passed, and ordered to be enrolled.

The Senate entered on the orders of the day, and proceeded to consider the bill to provide for the repairing of the State House and railing round the public square. The question before the Senate was on the motion of Mr. Wellborn on the 6th instant, to strike out the words "two thousand two hundred" in the 10th and 11th lines of the bill; and the question being taken, it passed in the affirmative. Mr. Wellborn moved to fill the blank with "two hundred." On motion of Mr. Wellborn, ordered that the further consideration of the bill be postponed until to-morrow.

The engrossed resolution concerning the Comptroller's statements, was read the second time. Mr. Wilson moved that the resolution be indefinitely postponed; when, on motion of Mr. Spaight, ordered that the resolution be laid on the table.

The bill to regulate the emancipation of slaves within the State of North Carolina, was read a second time, and the amendment proposed by the Judiciary committee, viz: to insert as an additional section, as follows, to wit: "be it further enacted, That it shall be the duty of grand jurors within this State to make presentment of all slaves who may hereafter be emancipated, who may violate the provisions of this act of Assembly; and upon such presentment, it shall be the duty of the prosecuting officer of the Court wherein the presentment may be made, to prosecute such slave as herein before provided," being read, and the question taken on agreeing thereto, it passed in the affirmative, and the bill, as amended, was read the second time and passed.

The resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill making it the duty of the Major General of the third division of the militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster grounds, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed in the year 1800, entitled an act concerning wrecks, was read the second time. The question before the Senate on the postponement of the further consideration of the bill on the 5th instant, was, on Mr. Salycar's motion, to amend the bill by adding the following section, to wit: "and be it further enacted, That the provisions of this act shall not extend to the county of Currituck; except that the commissioners already appointed shall renew their bonds annually, beginning at the first County Court which shall be held for said county after the first day of January, 1829;" and the amendment being read, the question on
agreeing thereto passed in the negative. Mr. Meares moved to amend the bill by adding as an additional section the following, to wit: "Be it further enacted, That whenever hereafter any property shall be found on board any vessel at sea, which has been wrecked or abandoned by the crew, which property is afterward brought into this State, it shall be the duty of the person in whose possession the same may be, to deliver it to the wreck master of the district into which said property may be brought, to be disposed of as stranded property is now directed to be; and any person who may hereafter embezzle or conceal or appropriate to his own use any such property, shall be liable to indictment, and, upon conviction, shall be whipped at the discretion of the court, not exceeding thirty-nine lashes;" and the question on agreeing to the amendment passed in the affirmative, and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to amend an act, entitled an act to encourage the building of public mills, and directing the duty of millers, was read the second time, and, on motion of Mr. Sherard, ordered to be indefinitely postponed, and the House of Commons were informed thereof by message.

The following resignations were presented: by Mr. Deberry, the resignation of John Crump, as Colonel Commandant of the first regiment of militia of the county of Montgomery; and by Mr. Shutford, the resignation of William Davis, as a justice of the peace for the county of Rutherford; which were read and accepted, and sent to the House of Commons.

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

TUESDAY, DECEMBER 9, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof;" also the engrossed resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing that a special messenger be forthwith appointed by the Speakers of the two houses, to inform John Owen, of Bladen county, of his election as Governor of the State, and to request his presence here as early as convenient, for the purpose of taking the oaths of office; which proposition was agreed to, and the House of Commons informed thereof by message.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: a bill to determine how surveys of lands shall be made to enable surveyors to ob-
tain grants from the State, and to confirm grants heretofore made to surveyors and deputy surveyors in certain cases; a bill to amend an act, passed in the year 1829, chapter 1045, entitled "an act to extend the jurisdiction of justices of the peace;" and a bill concerning the chairman of the County Court of Bertie; in which they ask the concurrence of the Senate.

The following bills were presented, to wit: By Mr. Smith, of Person, a bill to repeal an act, passed in the year 1815, entitled "An act to incorporate Person Library Society;" by Mr. Wilson, a bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing Creek; and by Mr. Gray, a bill to amend an act, passed in 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures in this State; which bills were read the first time and passed.

The Speaker laid before the Senate a communication from James Iredell, in relation to the period of time when the office of Governor expires; and the communication being read, on motion of Mr. Sho-ber, a message was sent to the House of Commons, proposing to refer the communication to a select joint committee, to consist of three members from each House; and stating that Messrs. Shober, Meares and Brown are appointed of the committee on the part of the Senate.

Received from the House of Commons the certificate of allowance made by the Court of Cumberland in favor of Isabella Campbell, widow of James Campbell, of the continental line of this State, endorsed in that House "read and ordered to be countersigned by the Speaker of this House, and sent to the Senate;" and the certificate being read, on motion of Mr. W'Dearmid, ordered that the certificate be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate sent to the House of Commons.

Mr. Spaight moved that the Senate reconsider the vote taken yesterday on the third and last reading of the bill to amend an act, passed in the year 1800, entitled an act concerning wrecks; and on the question "will the Senate reconsider the vote?" it passed in the affirmative; and the bill being again before the Senate on its third and last reading. Mr. Spaight moved to amend the bill by striking out the words "or appropriate to his own use," in the 11th line of the last section of the bill; and the question being taken on the amendment, it passed in the affirmative; and the bill, as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill concerning the Chairman of the County Court of Bertie, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Askew, of Bertie,
Resolved, That the committee of Claims be instructed to inquire into the expediency of
Mr. Joiner presented the petition of Richard Jordan, a revolutionary soldier, praying such relief as the Legislature may think proper to extend to him. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Matthews John H. Patterson, the Senator from the county of Northampton, had leave of absence from the service of the Senate from and after this day, to include Saturday next.

Mr. Shoebert presented the following resolutions, to wit:

1st. Resolved, That the best interest of the State requires that Agriculture and Domestic Manufactures should be protected.

2nd. Resolved, That the committee on Agriculture be instructed to inquire into the best means of promoting objects so essential.

3rd. Resolved, That the growing of wool is of primary importance; and that the said committee inquire if any measures can be adopted for its encouragement; and that they report by bill or otherwise.

And the resolutions being read, and the question taken on their adoption, it passed in the affirmative.

Received from the House of Commons the report of James Iredell, William Robards and William Hill, who were appointed by a resolution of the last General Assembly, to examine the accounts relating to the expenditures for the reception of General Lafayette in the year 1825, accompanied with a proposition from that House, that the report be referred to the committee of Finance; which proposition was agreed to, and the House of Commons informed thereof by message.

On motion of Mr. Burns,

Resolved, That a joint select committee of both Houses be appointed, to examine into and adjust the accounts of the President and Directors of the Clubfoot and Harlow Creek Canal Company, for the twelve thousand dollars loaned them by the State.

And a message was sent to the House of Commons, asking their concurrence, and stating that Messrs. Burns, Spaight and Miller form the committee on the part of the Senate.

Received from the House of Commons a message proposing that so much of the Governor’s communication accompanying the message as relates to a Penitentiary, be referred to the select joint committee on that subject; and that so much of the said communication as relates to the letter of the Hon. William Smith, also accompanying the message, be referred to the Library committee; which propositions were agreed to, and the House of Commons informed thereof by message.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House, Mr. Franklin of Surry in the Chair, and proceeded to consider the resolution presented by Mr. Wellborn on the 24th November, and the resolution presented by Mr. Wilson on the 4th instant; and, after some time spent therein, Mr. Franklin of Surry, reported that the committee had had the said resolutions under consideration, and made some progress therein; and not having time to go through the same, had directed him to ask leave to sit again. The question was then taken “shall the committee of the Whole House have leave to sit again on the said resolutions?” Ordered that the committee of the Whole House have leave to sit again on said resolutions on Thursday next.

Received from the House of Commons the resignation of Zachariah Eborn, of the county of Beaufort, as a Justice of the Peace; also the resig-
nation of Hardy Morgan, as Lieutenant Colonel of the first regiment of Montgomery militia, endorsed in that House "read and accepted;" which were also read and accepted by the Senate.

Mr. M'Dowell presented the resignation of L. H. Alexander, as a justice of the peace for the county of Cabarrus; which was read and accepted, and sent to the House of Commons.

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

WEDNESDAY, DECEMBER 10, 1828.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Susannah Mary Hauser, of Stokes county; which was read, when Mr. Shober reported a bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the petition of Mary M'Eachern, together with the bill to carry the prayer of the petitioner into effect, reported the bill without amendment. Whereupon the bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire, was read the second and third times and passed, and was ordered to be engrossed.

Mr. Shober, from the same committee, made a report on the petition of sundry citizens of the counties of Nash, Edgecomb, Wayne and Johnston; which was read, and the resolution therein contained, as follows, to wit: "Resolved, that the prayer of the petitioner be not allowed." being read, on motion of Mr. , ordered that the report and the resolution be laid on the table.

Mr. Shober, from the same committee, made a report on the petition of Richard Jordan, of Pitt county; which was read, and the resolution therein contained, as follows, to wit: "Resolved, that the prayer of the petitioner be not allowed," being read, on motion of Mr. Joiner, ordered that the report and resolution be laid on the table.

The following bills were presented, to wit: By Mr. Spaight, a bill to amend an act, passed in the year of our Lord one thousand eight hundred and twenty-one, entitled "an act to promote the administration of justice, by requiring the production of papers in certain cases;" by Mr. Love, a bill to alter and amend the act of 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;" by Mr. Gray, a bill authorising the Justices of the County Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties; by Mr. Croom: a bill concerning the County Courts of Lenoir; and by Mr. Davis, a bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of a part of the Public Square in the town of Warrenton; which bills were read the first time and passed, and the three last mentioned bills were subsequently read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to compel the Major General to review each regiment in the county of Davidson separately; which was read the first time and passed.
The bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, was read the third time. Mr. Wilson moved to amend the bill, by adding at the end of the 4th sec. an additional section, as follows, to wit: "And be it further enacted, that the company hereby established shall not engage in the business of banking, or business other than what exclusively belongs to manufacturing; and that said company shall not exist for a longer time than forty years," which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing creek, was read the second time. On motion of Mr. Boddie, ordered that the bill be laid on the table.

Received from the House of Commons a message, agreeing to ballot on this day, as heretofore proposed by the Senate, for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Thomas Ruffin, and stating that Messrs. Swain and Webb of Person form the committee on their part to conduct the ballot; and a message was sent to the House of Commons, naming Messrs. Askew of Berrie and Marshall as superintendents of the ballot on the part of the Senate.

Mr. Ward, from the committee of Finance, made a detailed report of the examinations which are directed to be made by the act of the General Assembly, by the committee of Finance, of the books and accounts of the Treasury office, and of the Comptroller's department, so far as respects the state of the Treasury department; which was read and ordered to be sent to the House of Commons.

Mr. Love presented the following preamble and resolution, to wit:

Whereas, it appears from the books of the Treasury that Thomas Brown has paid the full amount of the purchase money for a tract of land, sold by the commissioners appointed to sell the Cherokee lands, containing ninety-six acres; and that, according to the provisions of the act describing the manner in which the Secretary of State is to issue a grant to the said Thomas Brown, the said Thomas Brown cannot obtain a grant in consequence of having lost or mislaid the receipts for the second and third instalments: For remedy whereof,

Resolved, That upon the said Thomas Brown obtaining from the Public Treasurer a certificate that the second and third instalments have been paid, and filing the same in the office of the Secretary of State, together with the receipts for the first and fourth instalments, that the Secretary of State issue a grant to the said Thomas Brown, according to the acts of Assembly in such cases made and provided.

Which were read and agreed to, and ordered to be engrossed and sent to the House of Commons for concurrence.

Mr. Gray presented the petition of Lucinda Julian, of Randolph county, praying that such property as she may hereafter acquire may be secured to her. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. M'Eachin,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of paying to Gilbert Sellers, of Robeson county, the sum of dollars for work and labor done by him, in improving the navigation of Lumber river, out of any money remaining unappropriated in the hands of the commissioners of said river, appointed by the act of 1822, entitled "an act to facilitate the navigation of Lumber river," and that the committee report by bill or otherwise.
Mr. Love, from the committee of Claims, made a report on the petition of Stephen Pearson, of Wake county; which was read, and the resolution therein contained, as follows, to wit: "Resolved, that the surviving commissioner appointed to superintend the sale of the property of the late Treasurer, be instructed and required to return to Stephen Pearson of Wake county, a bond to the value of 206 dollars, being a bond given by said Pearson for the purchase of a negro boy named Jim Jordan, at the sale of the personal property of the late Treasurer, on the 29th February last, upon the said Pearson returning said boy to the commissioner," was read the first time and passed.

Mr. Askew, of Bertie, from the committee to conduct the ballot for a Judge of the Superior Courts of Law and Equity, reported that Willie P. Mangum was duly elected; in which report the Senate concurred.

The engrossed bill more effectually to prescribe the duty of the County Treasurer for Onslow county was read the third time. Mr. Ward moved to amend the bill, by adding at the end of the first section, the words following, to wit: "until such statement of all monies received and disbursements, as shall be satisfactory to said Court," which amendment was agreed to, and the bill, as amended, was read a third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

The following bills, to wit: a bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire; and the bill to repeal an act passed in the year 1815, entitled "An act to incorporate Person Library Company," were read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Weilborn, "Resolved, That the several joint select committees which have been appointed on the public documents transmitted to the Legislature by the Hon. Nathaniel Macon, and on the other public documents, be consolidated; and that the committee thus consolidated, examine all the documents, as well in the Library as in the Governor's Office or elsewhere, and report in what manner the public will be best benefited by them."

Ordered that the resolution be engrossed and sent to the House of Commons for concurrence.

Received from the House of Commons a message, stating their agreement to the amendment proposed by the Senate to the engrossed bill to amend an act, passed in the year 1800 entitled "an act concerning wrecks;" and the said bill was ordered to be enrolled.

Mr. Love presented the following preamble and resolution, to wit:

Whereas it appears from the books of the Treasury Office, that James Bryson, jr. has paid the full amount of his purchase of a tract of land of the State of North Carolina, sold by the commissioners appointed to sell the Cherokee lands; and that according to the provisions of the act describing the manner in which the Secretary of State is to issue a grant to the said James Bryson, jun. all of the receipts which have been given by the Public Treasurer for the first installment have been lost or mislaid:

Be it therefore resolved, That upon the said James Bryson, jr. obtaining from the Public Treasurer a certificate, that the first installment has been paid, and filing the same in the office of the Secretary of State, together with all the other receipts, that the Secretary of State issue a grant according to the acts of Assembly.

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

The engrossed bill to compel the Major General to review each regiment in the county of Davidson separately, was read the second time.
Mr. Smith, of Davidson, moved to amend the bill, by striking out the words "of two thirds," in the 12th and 13th lines of the bill; which amendment was agreed to. Mr. Sherard moved the indefinite postponement of the bill; and the question being taken, it was determined in the negative. Whereupon the bill as amended, was read the second time and passed; and being read the third time, Mr. Burgin moved to amend the bill, by inserting after the word "fourth," in the 6th line of the bill, the words "and fourth," also by inserting in the 9th line of the bill, after the word "Davidson," the words "and Burke;" which amendments were agreed to, and the bill, as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Love, from the committee of Claims, made a report on the resolution referred to them relative to John Gambill, Sheriff of Ashe county; which was read, and the resolution accompanying the report was made the order of the day for to-morrow.

On motion of Mr. Hinton, Edward Ward, the Senator from the county of Onslow, had leave of absence from the services of the Senate from this day, to include Saturday next.

The Senate entered on the orders of the day, and proceeded to consider the bill to prevent frauds in the execution of mortgages and deeds in trust. On motion of Mr. Ruffin, ordered that the bill be committed to a committee of the Whole House, and be made the order of the day for Friday next.

The bill to amend an act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," passed in the year 1822, was read the second time. Mr. Ramsey moved to fill the blank in the 13th and 14th lines of the first section with the words "one hundred." Mr. Meares moved that the bill, together with the amendment, be indefinitely postponed; and the question being taken, it passed in the affirmative.

The bill to provide for the final settlement of executors and administrators, was read the second time. Mr. Deberry moved to fill the blank in the fifth line of the first section with the words "first day of April," which amendment was agreed to. Mr. Matthews moved to amend the bill by striking out the word "seven," in the 6th line of the first section, and inserting the words "a majority of the," which was agreed to. Mr. Mebane moved further to amend the bill, by striking out in the third line of the 2d section, the words "within the time aforesaid;" which amendment was agreed to. Mr. Wellborn moved to amend the bill by striking out, in the 4th section, after the word "in," in the 5th line, the words "the city of Raleigh," and inserting "in any one public paper in the State." On motion of Mr. Meares, ordered that the further consideration of the bill, together with the amendment, be postponed; and that the bill be committed to a committee of the Whole House, and be made the order of the day for to-morrow.

The engrossed bill for the taking of depositions, was read the second time. Mr. Alexander moved to amend the bill, by inserting in the 5th line of the first section after the word "record," the words
following, to wit: "except in criminal cases;" and the question being taken thereon, it passed in the affirmative; and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill for the better regulation of retailing spirituous liquors, was read the second time, together with the amendments proposed by the Judiciary committee. On motion of Mr. Mebane, ordered that the further consideration of the bill and amendments be postponed until Monday next; and that they be printed.

Mr. Boddie presented the following resignations, to wit: The resignation of Baldy Sanders, as Colonel Commandant of the Johnston regiment of militia; also the resignation of Dy Harrison, as Lieutenant Colonel of the Nash regiment of militia; which were read and accepted, and sent to the House of Commons.

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

THURSDAY, DECEMBER 11, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire; a bill concerning the County Courts of Lenoir; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of a part of the public square in the town of Warrenton; a bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; a bill to repeal an act, passed in the year 1815, entitled "an act to incorporate the Person Library Company;" and a bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort; also the following engrossed resolutions, to wit: a resolution consolidating the joint select committees on public documents; a resolution in favor of James Bryson, jr. and a resolution in favor of Thomas Brown; in which they ask the concurrence of that House.

Received from the House of Commons, a message of the date of yesterday, proposing that the two Houses ballot immediately for a Public Printer for the ensuing year, and nominating for the appointment Lawrence & Lennay; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and naming Messrs. Hinton and Smith of Davidson to conduct the ballot on their part.

Received from the House of Commons a message of the date of yesterday, proposing to ballot at the meeting of the two Houses this morning for Counsellors of State; which proposition was not agreed to, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating that Messrs. Boykin and Bethell attend the Senate to conduct the ballot for Public Printer.

On motion of Mr. Matthews, a message was sent to the House of
Commons, proposing to ballot on Saturday next for a Treasurer and Comptroller of this State; and a message was received from that House, agreeing to ballot as proposed by the Senate, and nominating William Robards as Treasurer, and James Grant for Comptroller.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill requiring the county trustees of the counties of Davidson and Rowan to pay the jurors of said counties, and for other purposes; a bill concerning the appointment of Coopers for the town of Wilmington, and for other purposes; a bill to amend the 9th section of an act, passed in the year 1806, chap. 693, entitled "An act for the more convenient administration of justice within this State;" a bill to alter the time of holding certain terms therein named of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same; and a bill to establish White Oak Academy, in the county of Robeson, and to incorporate the trustees thereof; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Hinton, from the committee to conduct the ballot for Public Printer for the ensuing year, reported that Lawrence & Lemay were duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have indefinitely postponed the engrossed bill making provision for compensating jurors, so far as regards the counties of Lincoln, Rutherford and Anson.

Received from the House of Commons the communication of the Governor of the 9th instant, in relation to the expiration of his term of service, endorsed in that House, "read and concurred in, as proposed by the Senate;" and stating that Messrs. Graham, Spruill and Vail compose the committee on the part of that House.

The following bills were presented, to wit: By Mr. Gray, a bill to establish a Manufacturing Company in Randolph county; by Mr. Beasley, a bill to amend an act, passed 1823, ch. 1935, entitled an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a board for the government thereof; and by Mr. M'Eachin, a bill for the encouragement of clearing out obstructions in the navigation of Lumber river; which were read the first time and passed; and the last mentioned bill, on motion of Mr. M'Eachin, referred to the committee on Internal Improvements.

The following petitions were presented, to wit: By Mr. Deberry, the petition of William Harris and James Allen, of Montgomery county, praying of the Legislature to release them from the payment of a certain fine, with interest, therein named; and upon the conditions therein stated; by Mr. Miller, the petition of Isaac Weston, of Duplin county, praying to be restored to the privileges of a
citizen; by Mr. Davidson, the petition of Andrew Walker, of Mecklenburg county, praying of the Legislature to restore him to credit; by Mr. Miller, the petition of James Moore, of Duplin county, stating the loss of his military land warrant, and praying such relief as the Legislature may think proper to grant; and by Mr. Gray, the petition of William Begun, of the county of Randolph, praying to be renumerated for the loss he sustained in the purchase of a slave belonging to the estate of John Haywood, deceased. Ordered that the petitions be referred to the committee of Propositions and Grievances, except the last named petition, which was referred to the committee of Claims.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to authorize the Treasurer of this State to purchase stock in the Cape-Fear Navigation Company, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. Mebane, from the same committee, to whom was referred the bill in aid of the Clubfoot and Harlows Creek Canal Company, reported the bill without amendment, and the bill, on motion of Mr. Burns, was ordered to be committed to a committee of the whole House, and be made the order of the day for to-morrow.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution relative to the expediency of amending the inspection laws of this State, made a report; which was read, when Mr. Meares reported a bill to amend the inspection laws of this State; which was read the first time and passed.

The bill giving compensation to patrollers, was read the third time. Mr. Mebane moved the indefinite postponement of the bill. On motion of Mr. Love, ordered that the bill be laid on the table.

On motion of Mr. Reinhardt, a message was sent to the House of Commons, proposing to ballot immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the 10th brigade of the militia of this State, and nominating for the appointment of Colonel Commandant John Zimmerman, and Henry Fullenwider for Lieutenant Colonel.

Mr. Alexander presented the memorial of William T. Prestwood, praying of the Legislature to grant him compensation for services rendered in projecting a certain map, by way of per diem allowance. Ordered that the memorial be referred to the committee of Claims.

Mr. Spaight gave notice, in conformity with the 23rd rule of the Rules of Order for the government of the Senate, requiring one day's notice at least of any intended amendment or alteration of the Rules, that he should on to-morrow, or some future day, move certain amendments to the Rules of Order for the government of the Senate; which he read in his place.
Received from the House of Commons the following resolution, to wit:

Whereas there exists no history of events that transpired in this State subsequent to the year 1776; and whereas it is due to the character of the State, and to the memory of our patriotic ancestors, that their sacrifices and achievements in the cause of liberty should be authentically transmitted to posterity: therefore

Resolved, That a joint select committee be appointed, with instructions to inquire into the propriety of adopting some measure to encourage the publication of such a work; and that they report by bill or otherwise.

The resolution endorsed in that House "read and concurred with, and Messrs. Fisher, Montgomery and Potter appointed a committee on the subject on the part of this House," which was read and agreed to, and Messrs. Hunt, Wilson and Meares appointed of the committee on the part of the Senate, and the House of Commons informed thereof by message.

On motion of Mr. Hinton,

Resolved, That the committee of Internal Improvements be directed to inform this House upon what terms the Civil Engineer is employed; and whether the interest of the State requires that he should be any longer retained in its service.

On motion of Mr. Alexander.

Resolved, That the committee on Claims be instructed to inquire into the expediency of authorising the Secretary of State to issue a grant for seven acres of land, entered, surveyed for, and for which the entry money has been advanced by Isaiah Speares, of the county of Cabarrus; and that they report by bill or otherwise.

Mr. Smith, of Davidson, presented the resignation of David Cox, as a justice of the peace for the county of Davidson; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignation of Alexander Elliot, as Colonel of the first regiment of Cumberland militia; also the resignation of John Clemmons, as a justice of the peace for the county of Davidson; which were read and accepted by the Senate.

The Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Love in the Chair, on the resolution submitted by Mr. Wellborn, as follows, to wit:

Resolved, That a select joint committee be appointed by the two Houses of this Legislature, to take into consideration the expediency of instructing our Senators and requesting our Representatives in the Congress of the United States to obtain for this State a proportionable part of the public funds for the purpose of internal improvement.

And on the resolution submitted by Mr. Wilson, as an amendment thereof, as follows, to wit:

Whereas, by the tenth article of the amendments to the Constitution of the United States, it is declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people?"

Be it therefore resolved, As the opinion of this Legislature, that the right by the Congress of the United States to carry on Internal Improvements in the several States, or to appropriate the funds of the General Government for that purpose, is not contained in the granted powers of the Constitution of the United States, and is at variance with the rights reserved to the States, and not sanctioned by sound policy.
And, after some time spent therein, Mr. Love reported that the committee of the whole House had had the resolutions submitted to them under consideration, and instructed him to report the same with an amendment, to wit: to strike out the whole of the resolutions submitted, except the word "Resolved," and insert the amendment as follows, to wit: "That in the opinion of this Legislature, Congress have a right to create a fund for Internal Improvement and Education, to be appropriated among the States in proportion to their federal representation, and to be applied to such particular objects as each State may specify;" and on the question "will the Senate agree to the amendment of the committee of the Whole?" it passed in the affirmative—yeas 29, nays 27: the yeas and nays being demanded by Mr. Wilson.


Mr. Wellborn moved the postponement of the further consideration of the subject.

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

Friday, December 12, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill authorising the justices of the Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties;" in which they ask the concurrence of that House.

The Senate proceeded to consider the unfinished business of yesterday, and resumed the consideration of the question depending at the adjournment yesterday, to wit: to postpone the further consideration of the subject; and the question being stated, ordered that the report of the committee of the Whole be laid on the table.

Received from the House of Commons, a message, agreeing to ballot for Colonel and Lieutenant Colonel of Cavalry attached to the 10th brigade of militia, and naming Messrs. Newland and Hampton to conduct the ballot on the part of that House; and a message was sent to the House of Commons, stating that Messrs. Burgin and Davis attend to conduct the ballot on the part of the Senate.

Received from the House of Commons a message, proposing that a joint select committee of two persons on the part of each House be appointed, to wait upon John Owen, Esquire, and learn from him at what time it will be convenient for him to take the oaths of office; and naming Messrs. Waddell and Bynum of the committee on the part of that House. Whereupon a message was sent to the House of Commons, stating the agreement of the Senate to the proposition, and stating that Messrs. Bailey and Brodnax are appointed of the committee on the part of the Senate.
Mr. Brodnax, from the committee appointed to wait on the Governor elect, reported that he was authorized to state, that the Governor elect would attend the two Houses at 12 o'clock this day, for the purpose of taking the oaths of office.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to revive an act, passed in the year 1816, entitled "an act to appoint commissioners for the town of Jamestown, in the county of Guilford, and to incorporate it"; a bill supplemental to an act, passed in the year 1827, compelling the County Court of Gates to appoint a committee of Finance; a bill authorizing the Court of Pleas and Quarter Sessions of the county of Warren to appoint a patrol for the town of Warrenton in certain cases; and a bill to alter the law of suffrage for the town of Oxford, in which they ask the concurrence of the Senate. Whereupon the said bills were read and passed the first time, and were subsequently read the second and third times and passed, and ordered to be enrolled, except the bill to alter the law of suffrage for the town of Oxford, which, on motion of Mr. Hunt, was laid on the table.

The bill to establish a manufacturing company in Randolph county, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to alter the time of holding certain terms therein named of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same; a bill concerning the appointment of coopers for the town of Wilmington, and for other purposes; and the bill to establish White Oak Academy, in the county of Robeson, and to incorporate the trustees thereof; were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill requiring the county trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes, being read the second time, Mr. Scott moved to amend the bill by striking out the word "Rowan" in the fifth line of the first section; which was agreed to, and the provisions of the bill were amended in conformity thereto, so as to apply to Davidson county only; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The following bills were presented, to wit: by Mr. Davenport, a bill concerning coloured apprentices; by Mr. Miller, a bill to divorce Mary James from her husband Gabriel James; and by Mr. Sherard, a bill to reduce the tax on billiard tables; which bills were read the first time and passed.

Received from the House of Commons the resolution relative to the Clubfoot and Harlow Creek Canal Company, endorsed in that House "read and concurred in, and Messrs. Fisher, Gary and Borden appointed the committee on the part of this House."
Received from the House of Commons the report of the committee of Finance, endorsed in that House • read and ordered to be returned to the Senate."

Received from the House of Commons the resolution consolidating the select joint committees on the public documents, endorsed in that House • read and agreed to."

Received from the House of Commons the report of the President and Directors of the Literary Fund, accompanied with a proposition that it be referred to the committee on Education; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof.

Mr. Williams, of Beaufort, from the committee on the Militia and Public Arms, to whom was referred the bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly, reported the bill without amendment, and it was made the order of the day for to-morrow.

Mr. M'Daniel presented the petition of William Huggins, of Jones county, praying of the Legislature to authorise the Public Treasurer to refund to him the amount paid into the Public Treasury, for thirty-eight insolvent polls for the year 1826, and for thirty-four in the year 1827. Ordered that the petition be referred to the committee of Claims.

On motion of Mr. Hinton,

Resolved, That the committee on Internal Improvements be directed to inquire into the expediency of making an appropriation for the purpose of improving the navigation of Neuse river, from Smithfield to Cobbs' mills; and that they report by bill or otherwise.

Mr. Davis, from the committee to conduct the ballot for Colonel and Lieutenant Colonel of Cavalry attached to the 10th brigade of North Carolina, reported that John Zimmerman was duly elected Colonel, and Henry Fullenwider Lieutenant Colonel of Cavalry attached to the 10th brigade of militia; in which report the Senate concurred.

Received from the House of Commons a proposition, that a select joint committee of two persons on the part of each House be appointed to conduct the Governor elect into the House of Commons at 12 o'clock this day, for the purpose of taking the oaths of office; and that the Senate attend accordingly; and naming Messrs. Bynum and Waddell of the committee on the part of that House; and a message was sent, agreeing to the proposition, and naming Messrs. Brodnax and Bailey of the committee on the part of the Senate.

Received from the House of Commons, the resignation of Lewis Reaves, as a justice of the peace for the county of Granville; which was read and accepted by the Senate.

The hour designated by the Governor elect for his qualification having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two
Houses of the Legislature convened in the Commons Hall, where the oaths prescribed by law to be taken by the Governor, before entering on the duties of his appointment, were administered, in the presence of both branches of the Legislature, to John Owen, by John Louis Taylor, Chief Justice. Whereupon the Senate returned to their Chamber for the purpose of legislation.

The Senate entered on the orders of the day, and proceeded to consider the bill fixing the price hereafter to be paid for vacant land, and permitting the entry of certain swamp lands; and the bill being read, Mr. Mebane moved to strike out the 2d section of the bill; which amendment was agreed to. Mr. Davenport moved that the bill be indefinitely postponed, and the question being taken thereon, it passed in the affirmative, and the bill was indefinitely postponed.

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

Saturday, December 15, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to establish a manufacturing company in Randolph county;” in which they ask the concurrence of that House.

Ordered that Mr. Spaight be excused from serving from the select joint committee, to whom was referred to settle and adjust the accounts of the Clubfoot and Harlow Creek Canal Company. Ordered that Mr. Meares be appointed of said committee, in place of Mr. Spaight; and the House of Commons were informed thereof by message.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to appropriate thousand hundred dollars for improving the navigation of Cape Fear river below Wilmington, made a detailed report thereon; which was read, when Mr. Mebane reported the bill without amendment, and the bill was made the order of the day for Monday next. On motion of Mr. Meares, ordered that the report be printed.

Received from the House of Commons a message, stating that Messrs. Gary and Montgomery attend the Senate as a committee on the part of that House to superintend the balloting for Public Treasurer and Comptroller; and Messrs. Gray and Matthews were appointed the committee on the part of the Senate, and the House of Commons were informed thereof by message.

Received from the House a message, stating that they have passed the engrossed bill to appoint an additional place of public sale for the county of Rutherford; in which they ask the concurrence of the Senate; and the bill was read the first time and passed.

A message was received from the House of Commons, stating their concurrence in the amendment made by the Senate in the following engrossed bills, to wit: the bill more effectually to prescribe the duty of the county trustee of Onslow county; the bill for the taking of depositions; and the
bill to compel the Major General to review each regiment in the county of Davidson separately; and the said bills were ordered to be enrolled.

The bill giving compensation to patrollers, being read the third time, Mr. Love moved to amend the bill by striking out the remainder of the first section after the word "sum" in the 15th line, and inserting the words following, to wit: "Then and in that case they shall be exempt from attending all musters, as a remuneration for their services;" which amendment was agreed to, when, on motion of Mr. Mebane, the bill was indefinitely postponed.

The bill to divorce Mary James from her husband Gabriel James, was read the second time, and on the question "shall the bill pass its second readings?" it was determined in the negative; so the bill was rejected.

On motion of Mr. Love,

Resolved, That whereas John Leatherwood, at the sale of the Cherokee Lands by James Mebane and Jesse Franklin, Esquires, commissioners on the part of the State, became the purchaser of 167 1/2 acres of land, described as section No. 3, in the district No. 14; but, owing to the circumstance of said commissioners not having signed a certificate after it had, together with a plot of said land, been duly made out, the said John Leatherwood cannot obtain a grant for the same: for remedy whereof,

Resolved, That on said John Leatherwood's producing receipts from the public Treasurer, shewing that said lands have been duly paid for, the Secretary of State shall issue a grant to the said John Leatherwood for the same, agreeably to the act of Assembly in such cases made and provided.

Ordered that the resolution be engrossed.

Mr. M'Farland presented a bill to provide for poor persons who are desirous of becoming freeholders in this State; which was read the first time and passed.

Received from the House of Commons a communication from the Adjutant General, accompanied with a Roster of field officers of the militia for the present year, endorsed in that House, "read and ordered to be sent to the Senate, with a proposition to print the same;" which was read, and, on motion of Mr. Wilson, ordered to be laid on the table.

Mr. Croom, from the select committee to whom was referred the resolution relative to damages on protested bills of exchange, made a detailed report; which was read, when Mr. Croom reported a bill to regulate the damages on protested bills of exchange; which was read the first time and passed.

Mr. Matthews, from the committee to conduct the ballot for Public Treasurer and Comptroller, reported that William Robards was duly elected Treasurer, and James Grant Comptroller; in which report the Senate concurred.

The engrossed bill to appoint an additional place of public sale for the county of Rutherford, was read the second time. Mr. Shuford moved to amend the bill by inserting in the 14th line of the bill after the word "river" as follows, to wit: "and at Daniel Warlick's on the first Saturday in each and every month, and at William Davis's, on the main road from Lincolnton to Rutherford, on the third Saturday in each and every month;" which amendment was agreed to, and the bill, as amended, was read the second time and passed; and was subsequently read the third time and passed, and ordered to be sent to the House of Commons, asking their concurrence in the amendment.

The bill to regulate the emancipation of slaves, was read the third time-
Mr. Beasly moved to amend the bill by inserting in the 9th line of the 4th section after the word "county" the words following, to wit: "and to be applied by them to the support of the poor of said county," which amendment was agreed to. Mr. Joiner moved the indefinite postponement of the bill, and on the question being taken, it was determined in the negative. Mr. Deberry moved to amend the bill by adding at the end of the 5th section the following proviso, to wit: "Provided, that any slave, who shall be over fifty years of age when emancipated, may be emancipated without being compelled to leave the State, if upon the petition it be proved he has performed meritorious services;" which amendment was agreed to. Mr. Joiner moved that the bill be laid upon the table; which was not agreed to. And the bill being read the third time as amended, the question on its passage was decided in the affirmative—yeas 45, nays 10: the yeas and nays being demanded by Mr. Joiner.


Those who voted in the negative, are Messrs. Davidson, Deberry, Gray, Joiner, M'Daniel, Marshall, Parker, Ridbeck, Smith of Davidson, Williams of Beaufort.

Received from the House of Commons the following resignations, to wit: the resignation of John Teatham, as Colonel of the 2nd regiment of Haywood county militia, and the resignation of Neil Murphy, as a justice of the peace for the county of Robeson; which were read and accepted by the Senate.

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

Monday, December 15, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to regulate the emancipation of slaves," and the engrossed resolution in favor of John Leatherwood, of Haywood county; in which they ask the concurrence of that House.

On motion of Mr. Ruffin, Resolved, That whereas, under the existing state of embarrassment and scarcity of a circulating medium, incalculable sacrifices of property are likely to be made under execution sales:

Be it therefore resolved, That the committee on the Judiciary be instructed to inquire whether, by the enactment of what is called a valuation law, or whether any other, or if any, what means can be adopted to avert such a calamity; and that they report by bill or otherwise.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled "a bill to prevent frauds in deeds of trust and mortgages," also a resolution in favor of William Crisswell, and a resolution in favor of the Mexican Dwarf, Becenta Floras; in which they ask the concurrence of the Senate. Whereupon the resolution in favor of William Crisswell was read and agreed to, and ordered to be enrolled; and the resolution in favor of Becenta Floras, the Mexican Dwarf, was read the first time and passed; and the bill to prevent frauds in deeds of trusts and mortgages, was read the first time and passed, and, on motion of Mr. Ruffin, ordered to be committed to a committee of the whole
House to whom was committed a similar bill on the part of the Senate, and that it be made the order of the day for to-morrow.

On motion of Mr. Deherry,

Resolved, That the Secretary of State be, and is hereby authorised to issue a grant to Pleasant Catlicott for one hundred acres of land in Randolph county, on his entry No. 150, made the 8th day of February, 1809; it appearing from the Treasurer's receipt No. 1269, that the purchase money was paid to the State for the same in due time.

Ordered that the said resolution be engrossed.

The following bills were presented, to wit: by Mr. Gray, a bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; by Mr. M'Dowell, a bill to allow compensation to jurors of the original panel in the county of Buncombe; and by Mr. Gray, a bill to validate all grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820. Whereupon the two first named bills were read the first, second and third times and passed, and ordered to be engrossed; and the last mentioned bill was read the first time and passed, and made the order of the day for to-morrow.

Mr. Meares presented a bill concerning the action of replevin; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the resolution instructing them to inquire into the expediency of paying Gilbert Sellers, of Robeson county, a certain sum of money, reported that it is inexpedient to allow his claim; in which report the Senate concurred.

Mr. Riddick presented the petition of sundry citizens of Perquimons county, praying the appropriation of money to remove certain obstructions in Perquimons river. Ordered that the petition be referred to the committee on Internal Improvements.

Mr. Spaight presented the following resolution, to wit:

Resolved, That the order of conducting the business of the Senate shall be as follows, to wit: after the reading of the Journal, it shall be in order to present and dispose of petitions and resignations; then the reports of standing committees; thirdly, reports from select committees; fourthly, to receive bills and resolutions; fifthly, to dispose of private bills at their second and third reading, and messages and communications on the Speaker's table; sixthly, the orders of the day; and, after the orders of the day shall be disposed of, it shall be in order to receive petitions, bills, resolutions and resignations: Provided it shall always be in order to receive and act upon a message to ballot, or to receive a proposition to send a message to ballot.

The resolution being read, on motion of Mr. Spaight, ordered that it be laid on the table.

The Senate entered on the orders of the day, and the bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to land within this State," was read the second and third times and passed, and ordered to be engrossed.

The resolution in favor of John Gambill, Sheriff of Ashe county, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to determine how surveys of land shall be made, to enable surveyors to obtain grants from the State, and to confirm grants heretofore made by surveyors and deputy surveyors in certain cases; and the bill to amend an act passed in the year 1820, chapter 1045, entitled "an act to extend the jurisdiction of justices of the
peace," were read the second and third times and passed, and ordered to be enrolled.

The bill to alter and amend the act of 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," was read the second time and passed.

The resolution in favor of Stephen Pearson, was read the second time, and the question on the passage thereof was determined in the negative; so the resolution was rejected.

The Senate resolved itself into a committee of the Whole House, on the bill in aid of the Clubfoot and Harlow Creek Canal Company, Mr. Shober in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair and Mr. Shober reported that the committee had, according to order, had the said bill under consideration, and directed him to report sundry amendments thereto. Whereupon the Senate proceeded to consider the amendments reported by the Chairman of the committee of the Whole House to the bill in aid of the Clubfoot and Harlow Creek Canal Company; and the said amendments being read, Mr. Sherard moved that the bill, together with the amendments, be indefinitely postponed; and the question being taken, it was determined in the negative; ayes 10, noes 40; the ayes and noes being demanded by Mr. Sherard.

Those who voted in the affirmative, were Messrs. Askew of Bertie, Burgin, McNeill, Marshall, Matthews, Patterson, Salyers, Sherard, Shuford, Wilson.


The question then recurred on agreeing to the amendments proposed by the committee of the Whole, and they were concurred in by the Senate; and the bill, as amended, was read the second time and passed.

Mr. Spaight presented to the Senate the transfer to the State of North Carolina of one share held by him in the capital stock of the Clubfoot and Harlow Creek Canal Company; which was read and laid on the table.

The Senate continued on the orders of the day, and the bill to regulate costs in petitions for dower and partition, was read the second time. Mr. M'Dearmid moved to amend the bill by an additional section, as follows, to wit: "And be it further enacted, that it shall not be lawful for the Clerk of any County Court to tax in the bill of costs on any petition for dower a larger attorney's fee than four dollars;" which amendment was agreed to, and the bill, as amended, passed the second time, and was subsequently read the third time and passed, and ordered to be engrossed.

The bill to provide for the final settlements of executors and administrators, was read. On motion of Mr. Meares, ordered that the committee of the Whole House be discharged from the further consideration of this bill; and that it be referred to the committee on the Judiciary.

The bill to authorize the Treasurer of this State to purchase stock in the Cape Fear Navigation company, was read the second time, and, on motion of Mr. Brown, was indefinitely postponed.

The engrossed bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly, was read
the second time, and, on motion of Mr. Davidson, was indefinitely postponed.

The engrossed bill to amend the 9th section of an act, passed in the year 1806, chap. 693, entitled an act for the more convenient administration of justice in this State, was read the second time and passed; and, being subsequently read the third time, on motion of Mr. Hunt, ordered that the bill be laid on the table.

The following bills, to wit: a bill to amend an act, passed in the year of our Lord 1821, entitled "an act to promote the administration of justice by requiring the production of papers in certain cases;" and the bill to amend an act, passed in 1823, entitled "an act to amend and extend the provisions of an act, entitled 'an act to promote Agriculture and Family Domestic Manufactures in this State,'" were read the second and third times and passed, and ordered to be engrossed.

The bill concerning colored apprentices, was read the second time, and on the question shall the bill pass its second reading? it was determined in the negative; so the bill was rejected.

The bill to reduce the tax on billiard tables, being read the second time, Mr. Mebane moved to amend the bill by striking out the words "two hundred" and inserting "one thousand;" which was not agreed to; when, on motion of Mr. Deberry, ordered that the bill be indefinitely postponed.

And the further orders were postponed; and the Senate adjourned until to-morrow, 10 o'clock.

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TUESDAY, DECEMBER 16, 1823.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, viz. A bill to regulate costs in petitions for dower and partitions; a bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; a bill to amend an act, passed A. D. 1821, entitled "an act to promote the administration of justice in this State, by requiring the production of papers in certain cases;" a bill to amend an act, passed in 1823, entitled "an act to amend and extend the provisions of an act, entitled 'an act to promote agriculture and family domestic manufactures;'" a bill to extend the provisions of an act, passed in the year 1823, entitled "an act granting further time to perfect titles to land within this State;" and a bill to allow compensation to jurors of the original pannel in the county of Buncombe; also the engrossed resolution in favor of John Gambill, Sheriff of Ashe county; and the engrossed resolution in favor of Pleasant Callicott; in which they ask the concurrence of that House.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to amend an act, entitled "an act appointing commissioners to erect a building in the town of Lincolnton for the accommodation of jurors," passed in the year 1826; a bill regulating the mode of trial in the Superior, and appeal to the Supreme Court; a bill to amend an act, passed in the year 1827, ch. 72, entitled "an act to compel the County Court of Nash to appoint a committee of Finance;" a bill authorising Thomas Hancock, late sheriff of Randolph county, to collect the arrearages of taxes.
due him for the year 1826; a bill in addition to the acts respecting divorce and alimony; a bill to incorporate the town of Clinton, in Sampson county, and to extend the limits thereof; and a bill to incorporate the French Broad Bridge Company; in which they ask the concurrence of the Senate; and the said bills were read the first time and passed, and the bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, was, on motion of Mr. Miller, ordered to be referred to the committee on the Judiciary.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bills, to wit: the bill requiring the county trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes; and the bill to appoint an additional place of public sale for the county of Rutherford. Ordered that the said bills be enrolled.

Received from the House of Commons a certificate of allowance made by the County Court of Chowan in favor of Eleanor Truelove, endorsed in that House "read and countersigned by the Speaker of the House of Commons," and on motion of Mr. Wilson, ordered that the certificate be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate returned to the House of Commons.

The following bills were presented to wit: by Mr Walton, a bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan; by Mr. Miller, a bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and by Mr. Ramsey, a bill requiring the county trustee of Chatham county to pay the jurors of said county, and for other purposes; which bills were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of William Harris and James Allen, of the county of Montgomery; when Mr. Shober reported a resolution in favor of William Harris and James Allen, of Montgomery county; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred a bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire, reported the bill without amendment; and the bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Hinton moved that the Senate reconsider the vote taken yesterday on the second reading of the resolution in favor of Stephen Pearson; and, on the question "will the Senate reconsider the said vote?" it passed in the affirmative. Whereupon the resolution was read the second time and passed.

The following petitions were presented, to wit: by Mr. Gray, the petition of certain citizens of Randolph county, praying to be relieved from the payment of certain costs in the prosecution and conviction of Jesse Upton; by Mr. Williams, of Martin, the petition of Silas Bond, of Martin county, praying to be restored to credit; and by Mr. Beasley, the petition of sundry citizens of Tyrrell county, praying to be granted the privilege of making a turnpike road. Ordered that the said petitions be referred to the committee of Propositions and Grievances.
On motion of Mr. M'Farland, the Senate took up the report of the Adjudant General; and, on motion of Mr. M'Farland, ordered that the report be printed as proposed by the House of Commons; and that House was informed thereof by message.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the resolution relative to Alanson Nash, made a report; which was read, when Mr. Mebane reported the following resolution, to wit:

Resolved, That the Public Treasurer pay to Alanson Nash the sum of two hundred and thirty-five dollars and sixty-one cents, for his services during the last session of this General Assembly.

Which was read the first time and passed.

Mr. Mebane, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of making an appropriation for improving the navigation of Neuse river from Smithfield to Cobb's mills, made a detailed report; which was read, when Mr. Mebane reported a bill for the improvement of the navigation of Neuse river; which was read the first time and passed. On motion of Mr. Hinton, ordered that the report of the committee be printed.

Mr. Meares, from the select joint committee to whom was referred the accounts of the Clubfoot and Harlow Creek Canal Company, made a report; which was read and ordered to be sent to the House of Commons.

The bill to alter and amend the act of 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," was read the third time and passed, and ordered to be engrossed.

The following bills, to wit: A bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and the bill requiring the County Trustee of Chatham county to pay the jurors of said county, and for other purposes, were read the second and third times and passed, and ordered to be engrossed.

The bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan, was read the second time and passed.

The following engrossed bills, so wit: a bill authorising Thomas Hancock, late Sheriff of Robeson county, to collect the arrearages of taxes due him for the year 1826; a bill to amend an act, entitled "an act appointing commissioners to erect a building in the town of Lincoln for the accommodation of jurors" passed in the year 1826; a bill to incorporate the town of Clinton, in Sampson county, and to extend the limits thereof; and a bill to incorporate the French Broad Bridge Company, were severally read the second and third times and passed, and ordered to be enrolled.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House on the bill to prevent frauds in the execution of mortgages and deeds in trust; and also on the engrossed bill to prevent fraud in deeds of trust and mortgages, Mr. Miller in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Miller reported that the committee had, according to order, had the said bills under consideration, and had directed him to report the engrossed bill to prevent frauds in deeds of trust and mortgages, with an amendment, to wit: to strike out the whole of the bill except the words "a bill," and insert the amendment submitted; and that he was further instructed to
report the bill to prevent frauds in the execution of mortgages and deeds in trust, without amendment. The Senate proceeded to consider the amendment reported from the committee of the Whole House to the bill to prevent frauds in deeds of trust and mortgages; and the amendment being read, was concurred in by the Senate, and the bill, as amended, was read the second time and passed.

The engrossed resolution in favor of the Mexican Dwarf, Becentra Floras, was read the second time, and, on motion of Mr. Mebane, was indefinitely postponed—ayes 33, noes 20. The ayes and noes being demanded by Mr. Alexander.


And the Senate adjourned until to morrow, 10 o'clock.

**Wednesday, December 17, 1828.**

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire; a bill requiring the County Trustee of Chatham county to pay the jurors of said county, and for other purposes; a bill to alter and amend the act of 1819; entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;" and a bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in the county of Duplin;" in which they ask the concurrence of that House.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill concerning the hands liable to work on the Buncombe road; a bill to require the Sheriff of Hyde county to sell the old public buildings of said county; and a bill respecting the Newbern Academy; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Received from the House of Commons a communication from the Governor, with a proposition that so much thereof as relates to the guardianship of James N. Forsythe, be referred to the committee of Finance; and such part as relates to the letter of the President of the Dismal Swamp Canal Company, to the committee on Internal Improvements. Whereupon a message was sent to the House of Commons, stating the agreement of the Senate to the proposition to refer so much of the message as relates to the guardianship of James N. Forsythe to the committee of Finance; and that the Senate do not agree to the proposition of the Commons, to refer that part which relates to the letter of the President of the Dismal Swamp Canal
Company, to the committee of Internal Improvement; and, on motion of Mr. Croom, a message was sent to the House of Commons, proposing the reference of this part of the message to a joint select committee.

The following bills were presented, to wit: by Mr. Hinton, a bill to legitimate and alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay and Fadius H. Gay; by Mr. Buddie, a bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville; by Mr. Shuford, a bill to repeal an act, passed in the year 1826, chap. 145, entitled "an act to amend the sale law in Rutherford county;" and by Mr. M'Neil, a bill concerning the poor of Moore county; which bills were read the first time and passed.

Mr. Love, from the committee of Claims, made a report on the petition of William Hogan, of Randolph county, and asked leave to be discharged from the further consideration of the subject. Ordered that the committee of Claims be discharged from the further consideration of the petition of William Hogan.

Mr. Love, from the same committee, made a report on the petition of William Huggins, Sheriff of Jones county; which was read, when Mr. Love reported a resolution in favor of William Huggins, Sheriff of Jones county, as follows, to wit:

Resolved, That the Public Treasurer be directed to pay to William Huggins, Sheriff of Jones county, the sum of fourteen dollars and forty cents, being money paid by him into the Treasury for insolvent polls for the years 1825 and 1827.

Which was read the first time and passed.

Mr. Love, from the same committee, made a report on the resolution directing them to inquire into the expediency of the Secretary of State issuing a grant to Isaiah Spears, of the county of Cabarrus, for seven acres of land; which was read, when Mr. Love reported a resolution in favor of Isaiah Spears, of Cabarrus county; which was read and agreed to, and ordered to be engrossed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Lucinda Julin, of Randolph county; which was read, when Mr. Shober reported a bill to secure to Lucinda Julin, of Randolph county, such property as she may hereafter acquire; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Shober, from the same committee, made a report on the petition of Isaac Weston, of Duplin county; which was read, when Mr. Shober reported a bill to restore Isaac Weston, to credit, of Duplin county; which was read the first time and passed; and was subsequently read the second and third times and passed, and ordered to be engrossed.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the resolution relating to a survey between Lumber and Cape Fear rivers, made a report; which was read, and the resolution therein contained was concurred in, as follows, to wit: Resolved, That the Board of Internal Improvements, if in their discretion they should deem it advisable, be authorized to cause a survey to be made from the near
est and most convenient points between Lumber river and the Cape Fear, so as to ascertain the practicability of connecting these rivers by a navigable canal, and the probable expense thereof.

Ordered that the resolution be engrossed.

Mr. Mebane, from the same committee, to whom was referred the resolution relative to the terms on which the Civil Engineer is employed, and the expediency of continuing his services, made a report; which was read, and, on motion of Mr. Beasley, ordered to be laid on the table.

Mr. Mebane, from the select joint committee, to whom was referred the memorial of John D. Hawkins, Edward T. Brodnax and John R. Easton, on behalf of the Stockholders of the Roanoke Navigation Company, made a report; which was read, when Mr. Mebane reported the following resolution, to wit:

Resolved by the General Assembly of North Carolina, That they will, and hereby do relinquish, to the Roanoke Navigation Company, all the right heretofore reserved to the State of North Carolina to take any more Shares of Stock in the Capital Stock of said company.

Which resolution was agreed to, and ordered to be engrossed.

On motion of Mr. Wellborn, ordered that the select joint committee, to whom was referred the resolution to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough; and also the petition of sundry citizens of the counties of Wilkes and Ashe, praying assistance to keep open the stage road from Wilkesborough to the Tennessee line, be discharged from the further consideration thereof; and that the said resolution and petition be referred to the committee on Internal Improvements; and a message was sent to the House of Commons, asking their concurrence in the reference.

The following bills, to wit: a bill to repeal an act, passed in the year 1826, ch. 145, entitled "an act to amend the sale law in Rutherford county;" a bill to legitimate and alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay and Fadius H. Gay; a bill concerning the poor of Moore county; and a bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville, were read the second and third times and passed, and ordered to be engrossed.

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

The following engrossed bills, to wit: a bill respecting the Newbern Academy; a bill concerning the hands liable to work on the Buncombe Turnpike road; and the bill to require the Sheriff of Hyde county to sell the old public buildings of said county, were read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Spright, the Senate proceeded to consider the resolutions laid on the table at his motion on the 15th instant, amendatory of the rules of order for the government of the Senate; and the resolutions being read, and the question taken on the adoption thereof, it was determined in the negative.

On motion of Mr. Hinton, the Senate proceeded to consider the bill to provide for the repairing of the State House and road leading from the public Square; and the question before the Senate, when the bill was last under
consideration, being the motion of Mr. Wellborn, to fill the blank with the words "two hundred," being stated, Mr. Hinton moved that the Senate do now resolve itself into a committee of the Whole House, on the said bill; which was not agreed to. When upon Mr. Wellborn withdrew the motion to fill the blank with "two hundred." Mr. Hinton moved to fill the blank with "two thousand one hundred and fifty," which was not agreed to. Mr. Hinton then moved to fill the blank with "two hundred and thirty," which was agreed to, and the bill, as amended, was read the second time and passed.

Mr. Crow moved that the Senate reconsider the vote taken this day, on the third and last reading of the bill to restore Isaac Weston to credit, of Duplin county; and on the question will the Senate reconsider said vote, it passed in the affirmative. The bill being again before the Senate, on its third reading, and the question being taken on the passage thereof, it was determined in the negative; so the bill was rejected.

On motion of Mr. Burn, the Senate resolved itself into a committee of the Whole House on the bill in aid of the Clubfoot and Harlow Creek Canal Company; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shober reported that the committee had had the said bill under consideration, and instructed him to report an amendment thereon, to wit: to strike out the words "three thousand five hundred," in the enacting clause of the bill, and insert the words "six thousand," and the question being taken on concursing in said amendment, it passed in the affirmative, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Marshall,

Resolved, That the Judiciary committee be instructed to inquire into the practicability of so amending the criminal law, as to make the breaking and entering out houses, and taking goods therefrom, felony; and that they report by bill or otherwise.

The engrossed bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled "an act for the more convenient administration of justice within this State," was read the third time and passed, and ordered to be enrolled.

The bill to prevent frauds in deeds of trust and mortgages, was read the third time. Mr. Meares moved to amend the bill, by inserting in the 3d section after the word "thereof" in the 10th line, the words "and the property therein conveyed," which amendment was agreed to. Mr. M'Dearmid moved to amend the bill by adding an additional section in the words following, to wit: "Be it further enacted, that whenever any mortgage shall be drawn, having any specified time when the same shall be closed, and the mortgagor shall fail to comply with the conditions therein contained, and to close the same, the said mortgage shall vest in the bargainor or mortgagee an absolute right and interest in the property specified in the mortgage, on its being made to appear to the satisfaction of any Court of record in this State that the mortgagor has failed to comply with the condition therein contained," and the question being taken on agreeing to the amendment, it was decided in the negative. Mr. Bell moved to amend the bill, by striking out all the words of the bill from the word "and," in the 13th line of the 3d section, to the word "and," in the 17th line; which amendment was not agreed to, and the bill, as a-
mended, was read the third time, and the question on its passage was
decided in the negative; so the bill was rejected, and the House of Com-
mons were informed thereof by message.

The resolution in favor of Stephen Pearson, was read the third time,
and the question on the passage thereof was decided in the negative.

Mr. Gray presented the resignation of Hugh Walker, as Lieutenant
Colonel of the second regiment of militia of the county of Randolph;
which was read and accepted, and sent to the House of Commons.

And the Senate adjourned until to morrow, 10 o'clock.

THURSDAY DECEMBER 18, 1826.

A message was sent to the House of Commons, stating that the Senate
have passed the following engrossed bills, to wit: a bill to secure to Lu-
cinda John, of Randolph county, such property as she may hereafter ac-
quire; a bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary
G. Gay and Fadius H. Gay, of Wake county, and to legitimate them; a
bill to alter the time of holding the Court of Pleas and Quarter Sessions
for the county of Chowan; a bill to repeal an act, passed in the year
1826, chapter 145, entitled "an act to amend the said law in Rutherford
county; a bill to compel the Clerk of the Superior Court of Nash county
to keep his office at the Court House in said county, or within the town
of Nashville; a bill concerning the poor of Moore county; and a bill in
aid of the Clubfoot and Harlow Creek Canal Company; also the following
engrossed resolutions, to wit: a resolution surrendering the right of the
State of North Carolina to take shares in the Stock of the Roanoke Navi-
gation Company; a resolution directing a survey between Lumber and
Cape Fear rivers; and the resolution in favor of Isaiah Spears, of Cabarrus
county; in which they ask the concurrence of that House.

On motion of Mr. Sherard,

Resolved, That the committee of Propositions and Grievances be instructed to in-
quire into the expediency of discharging Calvin R. Blackman, Sheriff of Wayne
county, from the penalty and forfeiture incurred by him in consequence of not set-
tling with the Comptroller for the last fiscal year, within the time limited by law; and
that they report by bill or otherwise.

Mr. Hinton asked and obtained leave to withdraw the petition of Ste-
phen Pearson, of Wake county, together with the accompanying docu-
ments.

Received from the House of Commons a message, stating that they
have passed the engrossed resolution in favor of John Black, Sheriff of
Cumberland county; in which they ask the concurrence of the Senate; al-
so a message, stating that the House of Commons have rejected the en-
grossed bill to secure to Rachel Blackwell, of Person county, such prop-
erty as she may hereafter acquire.

The engrossed resolution in favor of John Black, Sheriff of Cumberland
county, was read the first time and passed.

The following bills were presented, to wit: by Mr. Sherard, a bill to al-
ter and amend an act, passed in the year 1777, entitled "an act to encou-
rage the building of water mills in this State, and directing the duty of
millers;" and by Mr. Reinhardt, a bill to amend the several acts of As-
sembly respecting the wardens of the poor; which bills were read the first:
time and passed, and the last named bill, on motion of Mr. Reinhardt, or-
dered to be referred to the committee on the Judiciary.
Mr. Love, from the committee of Claims, made a report on the resolution relative to Lewis Bond, Sheriff of Bertie; which was read, when, on motion of Mr. Love, ordered that the committee of Claims be discharged from the further consideration of the subject.

On motion of Mr. Davidson, the Senate considered the report of the committee of Propositions and Grievances, on the petition of John Millwee; and the report and accompanying resolution being read, Mr. Davidson moved to strike out the whole of the resolution after the word "resolved," and insert as follows, to wit: "That the Public Treasurer be instructed to pay annually to John Millwee, of Mecklenburg county, the sum of seventy-five dollars during his natural life, as a pensioner of the State; for which he shall be allowed in the settlement of his public accounts;" and the question being taken, the amendment was agreed to, and the resolution, as amended, was read the second time and passed.

The bill to provide for the repairing of the State House and railing round the Public Square, was read the third time and passed, and ordered to be engrossed.

The engrossed bill amendatory of the law respecting dower, was read the third time and passed, and ordered to be enrolled.

The Senate entered on the orders of the day, and, on motion of Mr. Meares, resolved itself into a committee of the Whole House on the bill to appropriate thousand hundred dollars for improving the navigation of Cape Fear river below Wilmington, Mr. Rufin in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Rufin reported that the committee of the Whole had, according to order, had the said bill under consideration, and instructed him to report the bill with amendments, to wit: to fill the blank in the 3d line of the bill with the word "eight," and the blanks in the 4th line with the word "nine" and the word "twenty;" and the question on concurring with the amendments of the committee of the Whole being stated, Mr. Williams, of Martin, moved the indefinite postponement of the bill, together with the amendments, and the question being taken, it was decided in the negative—ayes 22, noes 35: the ayes and noes being demanded by Mr. Williams, of Martin.


The question then recurred on agreeing to the amendments proposed to the bill by the committee of the Whole, and the question being taken, it passed in the affirmative; and the bill, as amended, was read the second time and passed; and was subsequently read the third time and passed, and ordered to be engrossed.

The Senate continued on the orders of the day, and the bill for the better regulation of retailing spirituous liquors, together with the amendment proposed thereto by the Judiciary committee, being read, the question was, "will the Senate agree to the amendment proposed by the Judiciary committee?" Mr. M'Dearmid moved to amend the amendment by striking
out the 2d section thereof, being the 3d section of the bill, and the amendment was agreed to. The question then recurred on agreeing to the amendment proposed by the Judiciary committee as amended, and the question thereon was determined in the negative. Mr. Wellborn moved to amend the bill by striking out the *proviso*, at the end of the first section. Whereupon Mr. Brown moved that the bill, together with the proposed amendment, be indefinitely postponed, and the question being taken, it passed in the affirmative.

Received from the House of Commons the following resignations, to wit: the resignation of Abram Brower, as Colonel Commandant of the second regiment of the militia of Randolph county; the resignation of Seymore Summersett, as a Justice of the Peace for the county of Columbus; and the resignation of William Moore, as a Justice of the Peace for the county of Stokes; which were read and accepted by the Senate.

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

FRIDAY, DECEMBER 19, 1838.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of Cape Fear river below Wilmington; and a bill to provide for the repairing of the State House and railing round the Public Square; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the resolution relative to Calvin R Blackman, Sheriff of Wayne county; which was read when Mr. Shober reported a resolution in favor of Calvin R Blackman, Sheriff of Wayne county; which was read and agreed to, and ordered to be engrossed.

Mr. Shober, from the same committee, made a report on the petition of sundry citizens of Tyrell county; which was read, and the resolution therein contained was concurred in by the Senate, as follows, to wit: "Resolved, that the prayer of the petitioners be not allowed."

Mr. Shober, from the same committee, made a report on the petition of sundry citizens of Randolph county; which was read, and the resolution therein contained was concurred in by the Senate as follows, to wit: "Resolved, that the prayer of the petitioners be not allowed."

Mr. Shober presented the petition of Leonard Aust, of Stokes county, praying the remission of a forfeiture therein set forth. Ordered that the petition be referred to the committee of Propositions and Grievances.

A message was received from the House of Commons, stating that they have passed the engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes; in which they ask the concurrence of the Senate; and the said bill was read the first time and passed.

Received from the House of Commons a message, proposing to ballot immediately for Major of Cavalry attached to the 8th brigade and 4th division, to supply the vacancy occasioned by the resignation of Nathan Wright, and nominating Allen Peeples for the appointment; which proposition was agreed to, and a message was sent, informing the House of Commons thereof; and naming Messrs. Shuford and Smith of Person to conduct the ballot on the part of the Senate. Whereupon a message
was received from the House of Commons, naming Mr. Mendenhall and Mr. Gar. as superintendents of the ballot on their part.

Received from the House of Commons the following message, to wit: "The House of Commons have rejected the engrossed bill to secure to Lucinda Julin, of Randolph county, such property as she may hereafter acquire; and the engrossed resolution directing a survey between Lumber and Cape Fear rivers. The House of Commons agree with your proposition to refer so much of the Governor's message as relates to the Dismal Swamp Canal Company to a select joint committee. The House of Commons agree that the joint select committee, to whom was referred the resolution instructing them to inquire into the expediency of having a route for a road land off from Fayetteville to Wilkesborough; and to whom was also referred the petition of sundry citizens of the counties of Wilkes and Ashe, praying assistance to keep open the stage road from Wilkesborough to the Tennessee line, be discharged from the further consideration of those subjects; and that they be referred to the committee on Internal Improvements." 

Received from the House of Commons a communication from the Governor, transmitting the account of the Private Secretary of Governor Iredell, with the accompanying documents, in relation to the appropriation for the purchase of furniture for the Government House, &c. endorsed in that House "read and ordered to be sent to the Senate, and referred to the committee of Finance." The communication being read, the reference of the House of Commons was agreed to, and a message sent, informing that House thereof.

Mr. Smith, of Person, from the committee to conduct the ballot for Major of Cavalry attached to the 8th brigade and 4th division, reported that Allen Peeples was duly elected; in which report the Senate concurred.

The following bills were presented, to wit: by Mr. Askew, of Hertford, a bill to repeal an act, passed in the year of our Lord 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted;" and by Mr. M'Dearmid, a bill appointing commissioners, to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; which bills were read the first time and passed, and the last named bill was subsequently read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Boddie, it was

Resolved, whereas agreeably to an act, passed in the year 1784, chapter 225, and an act, passed in the year 1789, chapter 399, heirs and devises have the right of selling the real estate which may have descended to the heirs, or devised to the devises of any deceased person, before the estate of such deceased person is settled, or before assign. is issued against the heirs or devises, (although the heirs or devises at the time may be insolvent,) to the great injury of honest creditors;

Therefore be it resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending said acts of 1784 and 1789, and report by bill or otherwise.

Mr. Melane, from the committee on Internal Improvements, made a report on the resolution relative to the expediency of making a road from Lake Phelps to Caimon's Lake; which was read, when Mr. Melane reported a bill to authorise the Board of Internal Improvements to have a
road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county; which was read the first time and passed.

The Senate entered on the orders of the day, and proceeded to consider the bill for the education of the poor children of the State of North Carolina; when, on motion of Mr. M'Dearmid, the Senate resolved itself into a committee of the Whole on said bill, Mr. Hinton in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hinton reported that the committee of the Whole House had instructed him to report the bill for the education of the poor children of the State of North Carolina, with an amendment, to wit: to strike out the first section of the bill. The Senate proceeded to consider the report of the committee of the Whole, and the question to concur in the proposed amendment being stated, on motion of Mr. Shoiber, the bill, together with the amendment of the committee of the Whole, was indefinitely postponed.

The Senate continued on the orders of the day, and considered the bill to amend the inspection laws of this State. The bill being read, Mr. Bell moved to amend the bill by striking out the whole of the bill after the word "contrary" in the 18th line, and inserting as follows, to wit: "shall forfeit and pay a penalty of five dollars per barrel, to be recovered by warrant before a justice of the peace by any person suing for the same in the proper county; one half to the use of the informer, and the other half to the use of the wardens of the poor of the county where the penalty is incurred," which amendment was agreed to. Mr. Williams, of Martin, moved the indefinite postponement of the bill, and the question thereon being taken, it passed in the affirmative—ayes 28, noes 19. The ayes and noes being demanded by Mr. Bell.


Those who voted in the negative, are Messrs. Bell, Davidson, Deberry, Hardin, Love, M'Dearmid, M'Eachin, M'Innis, Mathews, Melane, Patterson, Riddick, Royal, Scott, Smith of Person, Sherrod, Shoiber, Shuford, Wellborn.

The resolution in favor of William Harris and James Allen, of Montgomery county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill in addition to the acts respecting divorce and alimony, was read the second time. Mr. Mebane moved to amend the bill by striking out the words "and also" in the third line of the second section of the bill; which was agreed to. Mr. Askew of Bertie, moved to strike out the third section of the bill; which amendment was not agreed to. Mr. Wellborn moved to strike out the words "or spendthrift" in the second and third lines of the third section of the bill. The Speaker decided that the motion was not in order on the present reading of the bill: the Senate having previously determined not to strike out the section, was equivalent to retaining it in its present form. Mr. M'Dearmid moved to amend the bill by inserting at the end of the third section the following proviso, to wit: "Provided, nothing herein contained shall exempt any property, which he may then possess, from the payment of all just claims against him up to that period, when alimony shall be granted;" which amendment was agreed to, and the bill, as amended, was read the second
time and passed; and the bill being read the third time, Mr. Wellborn moved to amend the bill by striking out, in the second and third lines of the third section of the bill, the words "or spendthrift;" which amendment was not agreed to. Mr. Sherard moved to amend the bill, by inserting after the word "substance" in the third line of the third section the words "acquired by his wife;" which amendment was not agreed to. Mr. Alexander moved to amend the bill by striking out the word "or? in the second line of the third section, between the words "drunkard" and "spendthrift," and inserting the word "and;" which amendment was not agreed to; and the bill was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Melane presented the resignation of Andrew Hughes, as a justice of the peace for the county of Orange; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the following resignations, to wit: the resignation of Josiah Powell, as major of the militia of Columbus county; and the resignation of Wilson J. Hill, as a justice of the peace for the county of Rockingham; which were read and accepted by the Senate.

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

Saturday, December 20, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; also the engrossed resolution in favor of Calvin R. Blackman, Sheriff of Wayne county; and the engrossed resolution in favor of William Harris and James Allen, of Montgomery county; in which they ask the concurrence of that House.

The following bills were presented, to wit: by Mr. Bailey, a bill to amend an act, passed in the year 1821 entitled "an act to incorporate a company, entitled 'the Roanoke Inlet Company,' and for other purposes;" by Mr. Smith, of Person, a bill to authorize the County Court of Person to establish a poor house in said county; and by Mr. Meares, a bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover county in granting licenses to retail spirituous liquors; which bills were read the first time and passed, and the first named bill, on motion of Mr. Bailey, was referred to the committee on Internal Improvements.

The bill to authorize the County Court of Person to establish a poor house in said county, was read the second and third times and passed, and ordered to be engrossed.

The bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover county in granting licenses to retail spirituous liquors, was read the second time and passed, and being read the third time, Mr. Bell moved to amend the bill by inserting in the sixth line thereof, after the word "New Hanover," the word "Camden;" which was agreed to. Mr. Davenport moved to amend the bill by adding after the word "Camden," the word "Washington;" which was agreed to; and Mr. Spaight moved to amend the bill by adding, after the word "Washington" the word "Craven;" which amendment was also agreed to, and
the provisions of the bill, and the title thereof, were amended in conformity therewith; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

Mr. Meares, from the Judiciary committee, to whom was referred the bill concerning the action of replevin, reported the bill without amendment, and the bill was made the order of the day for Monday next.

Mr. Meares, from the same committee, made a report on the resolution relative to the expediency of the enactment of a valuation law; which was read, when, on motion of Mr. Meares, ordered that the Judiciary committee be discharged from the further consideration of the subject.

The Senate entered on the orders of the day, and the resolution in favor of Alanson Nash, being read the second time, and the question taken on the passage thereof, it was determined in the negative; so the resolution was rejected.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the second and third times and passed, and ordered to be engrossed.

The bill to alter and amend the act, passed in the year 1777, entitled "an act to encourage the building of water mills in this state, and directing the duty of millers," was read the second time, and, on motion of Mr. Mebane, was indefinitely postponed.

The bill to validate all grants issued by the Secretary of State on surveys, made and signed only by the deputy surveyors previous to the year 1820, was read the second time and passed.

The engrossed resolution in favor of John Black, Sheriff of Cumberland county, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes, was read the second time. Mr. Spright moved to insert, after the word "person" in the sixth line of the first section, the following words: "with his or her consent;" which amendment was agreed to. Mr. Smith, of Person, moved the indefinite postponement of the bill; which was not agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to regulate the damages on protested bills of exchange, being read the second time, Mr. Meares moved to amend the bill by striking out, in the first section of the bill, from the word "from" in the 20th line, to the word "demanded" in the 23d line, inclusive, and inserting the words "the date of the bill," which was not agreed to. Mr. Meares moved to strike out, in the 2d section, from the word "aforesaid," in the 8th line, to the end of the section; which amendment was not agreed to. Mr. Bailey moved to amend the bill by inserting, at the end of the first section, the following proviso: "Provided, that the provisions of this act shall not extend to bills of exchange, which shall be protested for non payment;" which amendment was not agreed to; and the question being taken on the passage of the bill the second time, it was determined in the negative; so the bill was rejected.

The bill to provide for poor persons who are desirous of coming freeholders in this state, being read the second time, Mr. M'Farland moved
that the Senate do now resolve itself into a committee of the Whole
House on said bill; which motion was not agreed to. Whereupon the bill
was read the second time, and, on motion of Mr. Scott, was indefinitely
postponed—ayes 55, noes 22. The ayes and noes being demanded by
Mr. M'Farland.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Bailey,
Beasley, Bell, Boddie, Brown, Groom, Daventry, Davidson, Davis, Deberry, Gray, Hunt,
Joiner, Leonard, M'Eachin, Marshall, Matthews, Melano, Miller, Parker, Patterson,
Pugh, Riddick, Ruffin, Salley, Scott, Smith of Davidson, Spaight, Walton, Ward, Wil-
liams of Benlfort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Brodnax, Burgin, Burney, Burns, Franklin
of Surry, Hardin, Hinton, Love, M'Daniel, M'Dearmid, M'Dowell, M'Farland, M'Neil,
Meares, Ramsey, Reinhart, Royal, Smith of Person, Sherrard, Shoiber, Shuford, Wellborn.

The bill to repeal an act passed in the year of our Lord, 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and
shingles shall hereafter be counted, was read the second time, and the
question on its passage decided in the negative; so the bill was rejected.

Mr. M'Dearmid moved that the remaining orders of the day be post-
poned; which was agreed to, when, on motion of Mr. M'Dearmid, a mes-
sage was sent to the House of Commons, proposing to ballot on Tuesday
next for a Brigadier General of the 4th Brigade, to supply the vacancy oc-
casioned by the death of General Person, of Moore county, and nominat-
ing for that appointment Maj. John A. Cameron.

Mr. Love presented a bill to regulate the payment of salaries to the offi-
cers of State; which was read the first time and passed.

Received from the House of Commons a message, stating that they
have passed the engrossed bill for the relief of sundry persons engaged in
surveying the Cherokee lands; in which they ask the concurrence of the
Senate; which was read the first time and passed.

Received from the House of Commons the resignation of Lunsford W.
Scott, as Major of the 2d regiment of the militia of Halifax county; which
was read and accepted by the Senate.

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

MONDAY, DECEMBER 22, 1828.

A message was sent to the House of Commons, stating that the Senate
have passed the following bills: a bill to authorise the County Court of
Person to establish a poor house in said county; and a bill to restrain the
justices of the Courts of Pleas and Quarter Sessions of New Hanover,
Camden, Washington and Craven counties, in granting licenses to re-
tail spirituous liquors; and the engrossed resolution in favor of William
Huggins, Sheriff of Jones county; in which they ask the concurrence of
that House.

Mr Royal presented a bill for improving the navigation of creeks and
rivers in the county of Sampson, and of Black river, as far as it is the di-
viding line between the counties of Sampson and Cumberland; which was
read the first time and passed, and made the order of the day for to-
morrow.

Mr Shoiber, from the committee of Propositions and Grievances, made
a detailed report on the petition of James Moore, of Duplin county; which
was read, together with the resolution therein contained, to wit: "Resol-
that the prayer of the petitioner be not allowed." On motion of Mr. Miller, ordered that the report and resolution be laid on the table.

The following bills were presented: by Mr. Askew, of Hertford, a bill to alter and amend an act, passed in the year 1771, chap. 121, declaring what fences shall be sufficient, and to provide a remedy for abuses; and by Mr. Shoher, a bill explanatory of an act, entitled "an act relating to bonds given by Sheriffs and Clerks of the Superior Courts and Courts of Pipes and Quarter Sessions," passed in the year 1810; which bills were read the first time and passed; and the last named bill, on motion of Mr. Shoher, referred to the committee on the Judiciary.

Mr. Mebane, from the committee on Internal Improvements, made a report on the petition of sundry citizens of Perquimans county; which was read, when Mr. Mebane reported a bill to improve the navigation of Perquimans river; which was read the first time and passed, and made the order of the day for to-morrow.

Mr. Mebane, from the same committee, to whom was referred a bill for the encouragement of clearing out obstructions in the navigation of Lumbee river, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. M'Nell presented the resignation of William Jackson, as Colonel Commandant of the 44th regiment, 4th brigade, and 2d division of North-Carolina militia; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Burgin, the Senate reconsidered the vote taken on the 20th instant on the second reading of the resolution in favor of Alanson Nash; and the resolution being again before the Senate, on its second reading, Mr. Mebane moved to amend the resolution, by striking out all the resolution after the word "resolved," and inserting as follows: "That the Board of Internal Improvements for the ensuing year be instructed to allow the State Engineer, so much as is reasonable, for his services during the last session of the Legislature; provided that the said allowance shall not exceed the sum of one hundred and twenty-nine dollars;" which amendment was agreed to, and the resolution, as amended, was read the second time and passed; and being read the third time, and the question taken on the passage thereof, it passed in the affirmative—ayes 33, noes 19.

The ayes and noes being demanded by Mr. Davis.


Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bell, Boddie, Davis, Gray, Joiner, M'Dowell, M'Nell, Marshall, Matthews, Parker, Patterson, Ramsey, Salley, Smith of Davidson, Shuford, Walton, Ward.

Mr. Ward, from the committee of Finance, made a report on the report of the surviving commissioner for the sale of the late Treasurer Haywood's property; which was read, when Mr. Ward reported a resolution confirming the purchase of a tract of land, made by the late James F. Taylor at the sale of Treasurer Haywood's property, and authorising the Governor to execute a conveyance for the same to the heirs at law of the said James F. Taylor; which was read, and, on motion of Mr. Shoher, ordered to lie on the table.
Mr. Smith, of Person, presented the following resolution:

Resolved, That the public Treasurer pay to John Barnett, late Sheriff of Person county, sixty dollars for mals for the years 1825, 1826, and 1827; and that the same be allowed him in the settlement of his public accounts.

Which was read the first time and passed, and, on motion of Mr. Smith of Person ordered to be referred to the committee on Claims.

Received from the House of Commons a message, stating their agreement to the proposition of the Senate to ballot on Tuesday next for Brigade General of the 4th brigade; and adding to the nomination for that appointment John B. Kelly.

Received from the House of Commons a message, stating the concurrence of that House in the amendments proposed by the Senate in the engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases; and also in the engrossed bill in addition to the acts respecting divorce and alimony. Ordered that the said bills be enrolled.

The bill to validate all grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820, was read the third time and passed, and ordered to be engrossed.

The Senate entered on the orders of the day, and the resolution in favor of John Millwee, of Mecklenburg county, being read the second time, Mr. Gray moved to amend the resolution by striking out "seventy-five," and inserting the word "fifty;" which amendment was not agreed to, and the resolution passed its second reading; and being subsequently read the third time, it passed, and was ordered to be engrossed.

The bill to authorize the Board of Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cannon's Lake, in Tyrrell county, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in 1823, chapter 1235, entitled "an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a Board for the government thereof," was read the second time. Mr. Burns moved to amend the bill, by striking out all the bill, after the word "same," in the fifth line of the bill, and inserting as follows: "that so much of the above recited act as authorizes the creation of a board, and the employment of an Engineer, be, and the same is hereby repealed;" and the question being taken on the amendment, it was determined in the negative; and the question recurring on the passage of the bill the second time, it passed in the affirmative; and the bill was subsequently read the third time and passed, and ordered to be engrossed.

Mr. Bailey moved to postpone the further orders of the day; which was not agreed to.

The bill for the improvement of the navigation of Neuse river, being read the second time, on motion of Mr. Mebane, ordered that the bill be committed to a committee of the whole House, and be made the order of the day for to-morrow.

The bill concerning the action of replevin, being read, Mr. Spaight moved that the further consideration thereof be postponed; and that the bill be printed. Mr. Brown called for a division of the question, and the question being first taken on the postponement of the consideration of the
Ijer, Shiiford, Ward, thereof.

The orders of the day having been disposed of, Mr. Bailey moved that the Senate reconsider the vote taken yesterday on the second reading of the bill to regulate damages on protested bills of exchange; and on the question will the Senate reconsider said vote? it passed in the affirmative.

The bill being again before the Senate on its second reading, Mr. Croom moved to amend the bill by striking out in the 20th and 21st lines of the first section, the words "notice of such protest shall have been given," and inserting as follows: "said bill is made payable;" which amendment was agreed to.

Mr. Bailey moved to amend the bill by inserting at the end of the 2nd section, the following proviso: "Provided, that on any bill protested for non-acceptance, the holder shall be entitled to receive damages at the rate of ten per centum; which amendment was not agreed to, and the bill, as amended, was read the second time and passed; and before the third time, the question on its passage was determined in the affirmative—yeas 33, noes 25: the ayes and noes being demanded by Mr. Hunt.


Ordered that the said bill be engrossed.

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

TUESDAY, DECEMBER 23, 1823.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to authorise the Board for Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Caboom's Lake, in Tyrrel county; a bill to amend an act, passed in 1823, chapter 1235, entitled "an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a board for the government thereof;" a bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors, previous to the year 1820; and a bill to regulate the damages on protested bills of exchange; also the following engrossed resolutions: a resolution in favor of John Millwee, of Mecklenburg county; and a resolution in favor of Alanson Nash; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing that the two Houses have an evening session this day, for the purpose of appointing field officers, and justices of the peace. The proposition was agreed to, and a message sent to the House of Commons informing them thereof.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill to amend an act, entitled "an act to prohibit the trading with slaves, except in the manner therein pre-
Passed.

Rutherford duty the county to for on. refined to and lime the estates a scribble;* a bill to declare the effect of a nulli prosequi upon an indictment; and a bill to amend the law with respect to the collection of debts from the estates of deceased persons; and the law in relation to the levying of executions issued by justices of the peace; which bills were read the first time and passed; and the last named bill was, on motion of Mr. Shober, referred to the committee on the Judiciary.

A message was sent to the House of Commons, stating that Messrs. M'Neil and M'Dearmid attend to conduct the ballot, heretofore agreed on. for Brigadier General of the 4th brigade.

The following bills were presented: by Mr. Shuford, a bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds; by Mr. M'Farland, a bill limiting the time within which executors of last wills and testaments shall be permitted to qualify; and by Mr. Wilson, a bill concerning the town of Tarborough; which were read the first time and passed.

Received from the House of Commons, the petition of the justices of Rutherford county, with a proposition from that House that the petition be referred to a select joint committee, to consist of three persons from each House, and stating that Messrs. Graham, Blackledge and Potter form the committee on the part of that House. The proposition was agreed to by the Senate, and a message sent, informing the House of Commons thereof; and naming Messrs Shuford, Williams of Beaufort, and Hunt, the committee on the part of the Senate.

On motion of Mr. Burgin,
Resolved, That the committee on Claims be instructed to inquire into the expediency of discontinuing the allowance made by the State for the education of Miss Udney M. Blackley, daughter of the late Captain Johnston Blackley; and that they report by bill or otherwise.

On motion of Mr. Wilson,
Resolved, That the committee of Propositions and Grievances be instructed to inquire into the expediency of exonerating Wyatt Mote, Sheriff of the county of Greene, from a fine by him incurred, in consequence of not making his return of the electoral vote of said county; and that they report by bill or otherwise.

A message was received from the House of Commons, stating that the name of Henry W. Ayre is added to the nomination for Brigadier General, to supply the vacancy occasioned by the death of General Person; and that Messrs. Eccles and Walker attend the Senate, as superintendents of the ballot on their part.

Received from the House of Commons the certificate of allowance made by the County Court of Cumberland, in favor of Ann Morrison, widow of Alexander Morrison, a revolutionary soldier; and also the certificate of allowance made by the same Court in favor of Lucy Shaw, the widow of Daniel Shaw, a militia soldier in the revolutionary war, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons." On motion of Mr. M'Dearmid, ordered that the certificates be countersigned by the Speaker of the Senate; which was accordingly done, and the certificates returned to the House of Commons.

Mr. Williams, of Beaufort, from the committee on the Militia and Public Arms, to whom was referred the engrossed bill to repeal in part the third section of an act, passed in the year 1806, entitled "an act to revise the Militia laws of this State relative to Infantry; and to repeal the 9th
and 10th sections of an act, passed in the year 1818, entitled "an act to amend the Militia Laws of this State, reported the bill without amendment, and it was made the order of the day for to-morrow.

Mr. Meares, from the committee on the Judiciary, made a report on the resolution instructing them to inquire into the expediency of amending the acts of 1784 and 1789, and asked leave to be discharged from the further consideration of the subject. On motion of Mr. Boddie, ordered that the report and resolution be laid on the table.

Mr. Meares, from the same committee, reported the bill to amend the practice in Courts of Equity, without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the engrossed bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. Mebane, from the committee of Internal Improvements, to whom was referred the bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes," reported the bill without amendment, and the bill was made the order of the day for to-morrow.

On motion of Mr. Joiner, the Senate proceeded to consider the report of the committee of Propositions and Grievances, on the petition of William Jordan; and the report and resolution therein contained being read, Mr. Joiner moved to amend the resolution, by striking out all the resolution except the word "resolved," and inserting as follows: "That the Treasurer pay to Richard Jordan, of Pitt county, in consideration of his services in the revolutionary war, the sum of seventy-five dollars per annum, for and during the life-time of said Jordan; and that he be allowed the same in the settlement of his accounts." And the question being taken on agreeing to the amendment, it was determined in the negative. The question then recurred on the adoption of the resolution contained in the report of the committee, and it passed in the affirmative.

Mr. Joiner asked and obtained leave to withdraw the petition and accompanying documents of Richard Jordan, of Pitt county.

On motion of Mr. Shober, the Senate proceeded to consider the report of the committee of the Whole House, laid on the table the 12th instant, on the resolutions submitted by Mr. Wellborn and Mr. Wilson, being an amendment in the following words: "That in the opinion of this Legislature Congress have a right to create a fund for Internal Improvements and Education, to be apportioned among the States in proportion to their Federal representation; and to be applied to such particular objects as each State may specify." Mr. Shober moved that the report be recommitted to a committee of the Whole House, and that the Senate do now resolve itself into a committee of the Whole House on said report. Mr. Wilson moved that the resolution be indefinitely postponed. The Speaker decided that the motion to commit to a committee of the Whole House had precedence of the motion to postpone indefinitely. The question then recurred on Mr. Shober's motion, that the resolution be committed to a committee of the Whole House, and that the Senate do now resolve itself into a committee of the Whole on said resolution; which was agreed to.
Whereupon the Senate resolved itself into a committee of the Whole House on said resolution, Mr. Davidson in the Chair; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Davidson reported that the committee had instructed him to report the resolution with an amendment, to strike out all the resolution except the word "resolved," and to insert as follows: "That it is the opinion of this Legislature that Congress does not possess the power of appropriating any portion of the lands of the General Government to making roads and canals through the different States of the Union;" and the question being stated on agreeing to the amendment proposed by the committee of the Whole, Mr. Hinton moved that the resolution, together with the amendment proposed by the committee of the Whole, be indefinitely postponed; and the question thereon passed in the affirmative—ayes 33, noes 27. The ayes and noes being demanded by Mr. Burns.


Received from the House of Commons the following resignations: The resignation of Gideon Seawell, as Major of the 44th regiment, 4th brigade, and 2nd division of North Carolina militia; also the resignation of Calvin R. Blackman, as Major of the militia of Wayne county; and the resignation of William Walker, as a justice of the peace of Rockingham county; which were read and accepted by the Senate.

And the Senate adjourned until 5 o'clock, this afternoon.

Tuesday Afternoon, December 23, 1822,

On motion of Mr. Gray, the Senate proceeded to consider the resolution confirming the purchase of a tract of land made by the late James F. Taylor at the sale of Treasurer Haywood's property, and authorising the Governor to execute a conveyance for the same to the heirs at law of the said James F. Taylor; when, on motion of Mr. Gray the resolution and report were re-committed to the committee of Finance.

The engrossed bill to amend an act, passed in the year 1827, chapter 72, entitled an act to compel the County Courts of Nash to appoint a committee of Finance, was taken up on motion of Mr. Boddie, and being read the third time, and the question taken on the passage thereof, it was determined in the negative; so the bill was rejected.

The bill concerning the town of Tarborough, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Boddie, the Senate proceeded to consider the bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing Creek; and the bill was read the second time and passed, and being read the third time, the question on the passage thereof was determined in the negative.

The bill making it the duty of the officers of the second regiment of mi-
litia of Rutherford county to hold their regimental musters at the house of John Reynolds, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Matthews, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from the services of the Senate from and after to-morrow, to include Saturday next.

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

**Wednesday, December 24, 1828.**

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill making it the duty of the officers of the second regiment of the militia of Rutherford county to hold their regimental musters at the house of John Reynolds; and a bill concerning the town of Tarborough; in which they ask the concurrence of that House.

Mr. M'Neill, from the committee to conduct the ballot for a Brigadier General of the 4th brigade of militia, reported that no person in nomination had received a majority of votes.

On motion of Mr. M'Neill, a message was sent to the House of Commons, proposing to ballot again immediately for a Brigadier General of the 4th brigade; and stating that the name of John A. Cameron is withdrawn from, and the name of Colonel Thomas Boykin is added to the nomination.

A message was received from the House of Commons, stating that the name of Thomas Boykin is added to the nomination for Brigadier General of the 4th brigade; and the name of Henry W. Ayre is withdrawn.

The following bills were presented: by Mr. Askew of Bertie, a bill to repeal an act, passed in the year 1827, entitled "an act to prevent the obstruction of fish passing up the Roanoke river," by Mr. Pugh, a bill concerning the payment of pilots in certain cases; and by Mr. Mebane, a bill in aid of the fund for Internal Improvements; which bills were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Silas Bond, of the county of Martin, made a report; which was read, when Mr. Shober reported a bill to restore Silas Bond, of Martin county, to credit; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the petition of Andrew Walker, of Mecklenburg county, made a report; which was read, when Mr. Shober reported a bill to restore Andrew Walker, of Mecklenburg county, to credit; which was read the first time and passed.

On motion of Mr. Burgin,

Resolved, That the committee on Claims be instructed to inquire into the expediency of refunding to David Mashburn, of Burke county, the sum of five dollars and fifty cents, overpaid by him to the State on a grant of land in said county.

Mr. Williams, of Martin, presented the petition of Alfred M. Slade, of the county of Martin, praying to be discharged from the payment of the sum of two hundred dollars, incurred by the Sheriff of said county, to whom said Slade was security. Ordered that the petition be referred to the committee of Propositions and Grievances.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill directing the manner in which
wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes; a bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity to keep their offices at the Court Houses; a bill to authorise James Bedford, of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek to Morganton; a bill to authorise the trustees of the Academy in the town of Edenton to dispose of certain lots in said town; a bill requiring the Major General of the 4th division to review the regiments of Rowan county at the usual places of their regimental musters; a bill appointing Solomon Graves commissioner to superintend building a Court House in Surry county; a bill to repeal an act, passed in 1824, regulating the mode of electing wardens of the poor, and directing their duty, so far as the same relates to the county of Buncombe; a bill for the better regulation of the town of Asheville, in Buncombe county; a bill to alter the time of holding the County Courts of Ashe county; and a bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county; also the engrossed resolutions, to wit: a resolution in favor of Thomas Phillips; a resolution in favor of Isaac Baxter, Sheriff of Currituck county; and a resolution in favor of William P. Martin; in which they ask the concurrence of the Senate. Whereupon the said bills and resolutions were read the first time and passed.

A message was received from the House of Commons, agreeing to the proposition of the Senate to ballot again immediately for a Brigadier General of the 4th brigade, and stating that Messrs. Montgomery and Bethel attend the Senate accordingly; and a message was sent to the House of Commons, naming Messrs. M'Neill and Royal to conduct the ballot on the part of the Senate.

Mr. M'Neill, from the committee to conduct the ballot for Brigadier General of the 4th brigade, reported that Thomas Boykin was duly elected; in which report the Senate concurred.

Mr. Meares, from the Judiciary committee, to whom was referred a bill to provide for the final settlements of executors and administrators, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Received from the House of Commons a message, stating that they have passed the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county, with an amendment, to wit: to add the words "the second section of," after the word "that," in the third line of the bill, in which they ask the concurrence of the Senate and the question being taken on the amendment, it passed in the affirmative.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House on the bill to improve the navigation of Neuse river; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Spaight reported that the committee of the Whole House had instructed him to report the bill with sundry amendments, and the question being taken on agreeing to the amendments proposed by the committee of the Whole, it passed in the affirmative. The bill being read,
as amended, the second time, the question on the passage thereof was decided in the negative; so the bill was rejected.

The bill to regulate the payment of salaries to the officers of State, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the relief of sundry persons engaged in surveying the Cherokee lands, was read the second and third times and passed, and was ordered to be enrolled.

The bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes," was read the second time. Mr. Brown moved to amend the bill, by striking out in the third section of the bill all the words after the word "act," in the 13th line, to the end of the section, as follows: "And that the said Governor further instruct our Senators and Representatives to solicit the aid of the General Government to effect the objects of the before recited act;" and the question on agreeing to the amendment was decided in the negative—ayes 22, noes 34. The ayes and noes being demanded by Mr. Alexander.


Those who voted in the negative, were Messrs. Alexander, Askew of Bertie, Askew of Bertford, Bailey, Bell, Brodnax, Burgin, Burney, Burns, Davenport, Davidson, Deberry, Franklin of Tryon, Hardin, Hinton, Love, M'Daniel, M'Dowell, M'Easchins, M'Farland, M'Innis, Moore, Mebane, Miller, Pugh, Ramsey, Ridick, Royal, Salley, Sherard, Shofer, Shuford, Walton, Wellborn.

The question then recurred on the passage of the bill the second time; and the question being taken, it passed in the affirmative, and the bill being read the third time, Mr. Askew, of Bertie, moved to amend the bill, by adding in the 14th line of the first section after the word "Holly," the words "John E. Wood;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and was ordered to be engrossed.

Mr. Ward moved that the further orders of the day be postponed; which was agreed to, when Mr. Ward moved that the Senate reconsider the vote taken this day on agreeing to the amendment proposed by the House of Commons to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and on the question, will the Senate reconsider said vote? it passed in the affirmative. The question then recurred on agreeing to the amendment proposed by the House of Commons, to add the words "the second section of;" after the word "that," in the 3d line of the bill, and the question on agreeing thereto being taken, it was decided in the negative; and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the engrossed bill in aid of the Clubfoot and Harlow Creek Canal Company, with an amendment to strike out from the word "dollars," in the 12th line of the bill, to the end of the section, and insert as follows: "And be it further enacted, that before the Treasurer shall pay the said sum, it shall be his duty to take bond and sufficient security, payable to the Governor, that the said sum of six thousand dollars shall be paid in
ten years, with interest from the date thereof;" and the question being taken on agreeing to the amendment, it was decided in the negative; and the House of Commons were informed thereof by message.

On motion of Mr. Davidson,

Resolved, That when this House shall adjourn on this day, it shall adjourn until Friday, ten o'clock.

On motion of Mr. Brown, the Senate proceeded to consider the engrossed resolution in favor of William P. Martin. Whereupon the said resolution was read the second and third times and passed, and was ordered to be enrolled.

And the Senate adjourned until Friday morning, 10 o'clock.

FRIDAY, DECEMBER 26, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes;" and a bill to regulate the payment of salaries to the officers of State; in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that they have passed the engrossed bill to erect that section of country commonly called the Cherokee purchase, into a separate county, with an amendment, to wit: to add an additional section, as follows: "And be it further enacted, that all lands within the county hereby created, which have been, or may be purchased from the State, but not granted, shall be deemed liable to taxation in the same manner as lands entered, but not granted, are by the laws of the State;" and the amendment being read, the question on agreeing thereto, passed in the affirmative, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating that they have passed the engrossed bill to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties; in which they ask the concurrence of the Senate, and the bill was read the first time and passed.

The following bills were presented: by Mr. Meares, a bill to authorize the commissioners of navigation of the port of Wilmington to regulate quarantine in said port; and by Mr. Shoher, a bill for the limitation of writs of error for matters of fact, and bills of review. The bills were read the first time and passed.

Mr. M'Dowell presented the petition of sundry citizens of Buncombe county, praying the appropriation of a sum of money to be expended on the Walnut Mountain road. Ordered that the petition be referred to the committee on Internal Improvement.

Mr. Meares, from the committee on the Judiciary, to whom was referred the bill explanatory of an act, entitled "An act relating to bonds given by Sheriffs, Clerks of the Superior Courts, and Courts of Pleas and Quarter Sessions," passed in the year 1810, reported the bill without amendment; and the bill was made the order of the day for to-morrow.

The following resignations were presented: by Mr. Burgin, the resignation of Joseph Neal, as Major of the third regiment of the militia of Burke; and by Mr. Burney, the resignation of James Blackman, as a justice of the peace for the county of Columbus; which were read and accepted, and sent to the House of Commons.
The bill to repeal an act, passed in the year 1827, entitled "an act to prevent the obstruction of fish passing up the Roanoke river," was read the second time, and the question on its passage was determined in the negative.

The bill to restore Andrew Walker, of Mecklenburg county, to credit, being read the second time, Mr. Miller moved to amend the bill, by inserting after the word "county," in the 5th line of the bill, the words "and Isaac Weston, of Duplin county," which amendment was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the negative.

The bill to restore Silas Bond, of Martin county, to credit, was read the second time. Mr. Miller moved to amend the bill, by inserting after the word "county," in the 4th line of the bill, the words "and Isaac Weston, of the county of Duplin;" which amendment was not agreed to. The question then recurred on the passage of the bill the second time, and the question being taken, it passed in the affirmative—a yeses 47, noes 4. The ayes and noes being demanded by Mr. Miller.


Those who voted in the negative, were Messrs. Askew of Hertford, Bailey, Spaight, Ward.

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

The engrossed bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county, being read the second time, Mr. Shober moved to amend the bill, by inserting in the 6th line of the bill, after the word "county," the words "and Wyatt Moye, Sheriff of Greene county;" which amendment was agreed to, and the provisions and title of the bill were amended to correspond therewith, and the bill, as amended, was read the second and third times and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to authorise the commissioners of navigation of the port of Wilmington, to regulate quarantine in said port, was read the second and third times and passed, and ordered to be engrossed.

The following bills were presented: by Mr. Parker, a bill supplementary to an act, passed in 1826, chapter 153, for the better regulation of the town of Greensborough, in Guilford county; and by Mr. Davenport, a bill to open a road from Lee's mills to the head of the New Lands, in Washington county; which bills were read the first time and passed, and the last named bill, on motion of Mr. Davenport, was ordered to be referred to the committee on Internal Improvements.

The bill supplementary to an act, passed in 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the better regulation of the town of Asheville, in Buncombe county, was read the second time, and, on motion of Mr. M'. Dowell, ordered to be laid on the table.
The following engrossed bills, to wit: a bill to repeal an act, passed in
the year 1824, regulating the mode of electing wardens of the poor, and
directing their duties, so far as the same relates to the county of Bun-
combe; a bill appointing Solomon Graves commissioner to superintend
building a Court House in Surry county; a bill to alter the times of hold-
ing the County Courts of Ashe county; a bill directing the manner in
which wardens of the poor in the county of Cumberland shall hereafter be
elected, and for other purposes; a bill to authorise James Bedford, of Burke
county, to erect two gates across the road leading from Rutherfordton, up
Cane creek, to Morganton; a bill to authorise the trustees of the Academy
in the town of Edenton to dispose of certain lots in said town; and a bill
requiring the Major General of the 4th division to review the regiments of
Rowan county, at the usual places of their regimental musters, were
read the second and third times, and were ordered to be enrolled.

Received from the House of Commons the following resignations: The
resignation of Nicholas Lee, of the county of Johnston; the resignation of
John Holliday, of the county of Greene; and the resignation of Thomas
N. S. Hargis, of the county of Orange, justices of the peace in their respec-
tive counties; also the resignation of Daniel Rogerson, as Colonel Com-
mandant of the first brigade, and fourth regiment of North Carolina mili-
tia; and the resignation of S. T. Sawyer, as Major of the militia of the
county of Chowan; which were read and accepted by the Senate.

The Senate entered on the orders of the day, and the bill for improving
the navigation of creeks and rivers in the county of Sampson, and of Black
river, as far as it is the dividing line between the counties of Sampson
and Cumberland, was read the second and third times and passed, and
ordered to be engrossed

The bill to alter and amend an act, passed in the year 1771, chapter
121 declaring what fences shall be sufficient, and to provide a remedy for
abuses, being read the second time, on motion of Mr. Meares, the further
consideration of the bill was postponed

The bill to improve the navigation of Perquimons river, was read the
second time and passed, and being read the third time, the question on its
passage was determined in the negative; so the bill was rejected.

The bill for the encouragement of clearing out obstructions in the navi-
gation of Lumber river, being read the second time, Mr. M'Eachin moved
to fill the blank with the words 'two hundred;' which was agreed to. Mr.
M'Eachin moved to fill the blank in the third section with the following
words: "Archibald Gilchrist, Samuel Watson and Willis Pope," which
was agreed to, and the bill, as amended, was read the second time, and
the question being taken on the passage thereof, it was determined in the
negative; so the bill was rejected.

The engrossed bill regulating the mode of trial in the Superior, and ap-
pel to the Supreme Court, was read the second time, and, on motion of
Mr. Meares, was indefinitely postponed, and a message sent to the House
of Commons, informing them thereof.

The engrossed bill to amend an act, entitled "an act to prohibit the
trading with slaves, except in the manner therein prescribed," was read the
second time. Mr Meares moved to amend the bill, by inserting in the 7th
line of the first section of the bill, after the word "any," the words "fire
arms," which amendment was agreed to. Mr. Meares moved further to amend the bill, by inserting in the 9th line of the first section, after the word "slaves," the following words: "or by the order of the owner, or the person having the management of the same;" which amendment was agreed to. Mr. Meares moved to amend the bill by striking out the word "and, in" the 15th line of the first section, and inserting the word "or;" which amendment was agreed to. Mr. Bailey moved to amend the bill, by striking out the word "free," in the 4th line of the first section; which amendment was agreed to. Mr. Brown moved to amend the bill, by striking out, in the 19th line of the first section, the words "or imprisonment;" which amendment was not agreed to. Mr. Ward moved to insert the word "lead," in the 7th line of the first section, after the word "powder;" which amendment was agreed to. Mr. Meares moved to amend the 2d section of the bill, by inserting the words "fire-arms," after the word "any," in the 4th line; which amendment was agreed to. Mr. Meares also moved to amend the bill by inserting in the 4th line of the 2d section, after the word "shot or lead," "except by the order of the owner, or manager of such slave;" which amendment was agreed to, and the bill, as amended, was read the second time and passed, and being read the third time, Mr. Williams, of Martin, moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that this act shall not take effect until after the first day of May next;" and the bill, as amended, was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State relative to infantry," and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "an act to amend the militia laws of this State," was read the second time. Mr. Ward moved that the bill be indefinitely postponed; which was not agreed to. The question then reoccurred on the passage of the bill the second time, and it passed in the affirmative.

The engrossed bill to declare the effect of a nolle prosequi upon an indictment, was read the second time, and the question on the passage thereof was determined in the negative.

On motion of Mr. Meares, the further orders of the day were postponed; when Mr. Davenport moved that the Senate reconsider the vote taken on to-day, on the second reading of the bill to declare the effect of a nolle prosequi on indictment, and, on the question, will the Senate reconsider said vote? it passed in the affirmative. The bill being again before the Senate on the second reading, some discussion was had thereon, and the question being taken on its passage the second time, it was determined in the negative; so the bill was rejected.

And the Senate adjourned until to-morrow, 10 o'clock

Saturday, December 27, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to authorise the commissioners of navigation of the port of Wilmington to regulate quarantine in said port; a bill supplementary to an act, passed in the year 1826, chapter
133, for the better regulation of the town of Greensborough, in Guilford county; a bill to restore Silas Bond, of Martin county, to credit; and a bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; in which they ask the concurrence of that House.

A message was sent to the House of Commons, stating that the Senate do not concur in the recommendation of Caleb R. Phillips, as a justice of the peace for the county of Ashe.

On motion of Mr. Ruffin, a message was sent to the House of Commons, proposing to ballot, at the meeting of the two Houses on Tuesday next, for Counsellors of State.

On motion of Mr. Weilborn,

Resolved, That the Board of Internal Improvements be directed to call on the President and Directors of the Yadkin Navigation Company, to know how, and in what manner, the twenty-five thousand dollars, subscribed by the State, together with the sums subscribed by individuals, and the sum paid by individual stockholders; and how the monies have been disposed of; and what sums the company have now on hand; and what number of stockholders are insolvent, and what outstanding debts there are now due; and that the said Board report to the next General Assembly.

Ordered that the resolution be engrossed.

The following bills were presented: by Mr. Smith, of Davidson, a bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; and by Mr. Love, a bill supplemental to the act erecting the county of Macon; which were read the first time and passed.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred to inquire into the expediency of opening a road from Fayetteville to Wilkesborough, made a report; which was read, when Mr. Mebane reported a bill to lay out and improve a road from Fayetteville to Wilkesborough; which was read the first time and passed.

Mr. Mebane, from the same committee, to whom was referred the bill to open a road from Lee's mills to the head of New Land, in Washington county, reported the bill without amendment, and the bill was made the order of the day for Monday next.

Mr. Love presented the petition of certain citizens of the State of Tennessee, relative to a mine recently discovered within the limits of the State of North Carolina, the minerals of which are stated to contain certain proportions of silver, antimony and lead. On motion of Mr. Love, ordered that the petition be referred to a select joint committee, consisting of three members of each House; and a message was sent to the House of Commons, asking their concurrence in the reference, and naming Messrs. Love, Hardin and Burgin, of the committee on the part of the Senate.

Mr. Ruffin moved that the Senate reconsider the vote taken yesterday, on the second reading of the bill to restore Andrew Walker, of Mecklenburg county, to credit, and the question, will the Senate reconsider said vote passed in the affirmative; and the bill being again before the Senate on its second reading, after some discussion thereon, was read the second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills: a bill to repeal an act, passed
in 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted," so far as respects the county of Perquimons; a bill directing the time and place of selling land under execution in the counties of Halifax, Northampton and Hertford; a bill establishing separate election grounds in the county of Person; a bill to incorporate Zebulon Chapter, No. 11, Edenton; a bill for the better regulation of the fisheries on Salmon creek, in Bertie county; and amendatory of an act, passed in 1822, concerning the same; and a bill for the better regulation of the town of Windsor; in which they ask the concurrence of the Senate, and the said bills were read the first time and passed.

Received from the House of Commons, a message, stating that Messrs. Wyche, Gary, Pierce, Nash and Spruill, are appointed of the select joint committee on their part, upon the subject of the memorial of the Disnall Swamp Canal Company; and a message was sent to that House, stating that Messrs. Bailey, Williams of Martin, Askew of Bertie, Walton and Riddick form the committee on that subject on the part of the Senate.

A message was received from the House of Commons, stating that the House of Commons adhere to their amendment in the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville," in Duplin county. On motion of Mr. Miller, a message was sent to the House of Commons, asking a conference on the disagreeing vote of the two Houses on the amendment proposed by the Senate to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county," and naming Messrs. Spaight, and Miller of the committee on the part of the Senate.

A message was received from the House of Commons, accompanied with the memorial of James Grant, Comptroller of Public Accounts, proposing to refer the memorial to a select joint committee; and naming Messrs. Montgomery, Fisher, John Walker and Mitchell, as the committee on the part of the House of Commons; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Matthews, Ruffin, Spaight and Hunt, as the committee on the part of the Senate.

Received from the House of Commons a message, stating that they recede from their amendment proposed to the engrossed bill in aid of the Chincoteague and Harlow Creek Canal Company.

On motion of Mr. Love, the Senate reconsidered the bill to improve the navigation of Perquimons river; and the bill being again before the Senate at its third reading, the question on the passage thereof was decided in the affirmative, and the bill was ordered to be engrossed.

On motion of Mr. Askew, of Bertie, the Senate reconsidered the vote taken on yesterday on the second reading of the bill for the encouragement of clearing out obstructions in the navigation of Lumber river; and the bill being again before the Senate at its second reading, the question on the passage thereof was decided in the negative; so the bill was rejected.

On motion of Mr. McFarland,

Resolved, That the Judiciary committee be instructed to inquire if the law relative to persons owning land in this State, where the dividing line of counties pass through
the same is sufficiently plain in intent and meaning, to compel any person or persons owning land situated as aforesaid, to list and pay the tax for the same, in the county in which he resides; and that they report by bill or otherwise.

Mr. Ward, from the committee of Finance, to whom was recommitted the resolution, confirming the purchase of a tract of land made by the late James F. Taylor, at the sale of Treasurer Haywood's property, and authorising the Governor to execute a conveyance for the same to the heirs at law of the said James F. Taylor, made a detailed report, and recommended that the resolution be amended by striking out after the word "resolved," and inserting as follows: "That the purchase made by the late James F. Taylor, one of the commissioners on the part of the State, to conduct the sale of the estate of the late Treasurer Haywood, of a tract of land belonging to said estate, be, and the same is hereby declared to be null and void; and that the Treasurer is hereby required to cancel and give up the bonds of the said Taylor to his lawful representatives, upon their giving up the certificate of purchase;" and the question being taken on agreeing to the amendment proposed by the committee, it passed in the affirmative, and the resolution, as amended, was agreed to, and ordered to be engrossed.

Mr. Mebane, from the committee on Internal Improvement, made a report on the petition of sundry citizens of Buncombe county; which was read, when Mr. Mebane reported a bill to provide for the construction of a road from the Tennessee line over the Walnut Mountain, to the head of the little Ivey, in Buncombe county; which was read the first time and passed.

Received from the House of Commons a communication from the Governor, transmitting a communication from the Governor of Virginia on the subject of an alleged nuisance to the Dismal Swamp Canal Company, by the erection of a bridge across Pasquotank river; and transmitting also, such information as has reached the Executive Department, under a resolution of the last General Assembly, relative to a Penitentiary and Lunatic Asylum, with a proposition from that House, that so much of the message as relates to the bridge across Pasquotank river, be referred to the joint select committee already raised on that subject; and so much as relates to a Penitentiary and Lunatic Asylum, be referred to the joint select committee on that subject. The proposition was agreed to, and the House of Commons informed thereof by message.

On motion of Mr. Spaight,

Resolved, That the committee on the Militia and Public Arms be instructed to inquire into the expediency of repealing all laws now in existence, requiring Captains and other subaltern officers to uniform themselves.

The following resignations were presented: by Mr. Royal, the resignation of Thomas Boykin, as Colonel Commandant of the 32d regiment of North Carolina Militia, and by Mr. Sherard, the resignation of S. Cogdel, as a Justice of the Peace of the county of Wayne; which were read and accepted, and sent to the House of Commons.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House, Mr. Mebane in the Chair, on the bill to provide for the final settlement of executors and administrators; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Mebane reported that the committee had considered the bill, and made some progress therein, and had instructed him to ask leave to sit again.
Ordered that the committee of the Whole House have leave to sit again on said bill on Monday next.

The bill to amend the practice in Courts of equity, was read the second time and passed.

The engrossed bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity, to keep their offices at the Court Houses, was read a second time. Mr. Patterson moved to add the word "Northampton," after the word "Onslow," in the proviso to the bill; which amendment was agreed to. Mr. Meares moved to strike out the words "and Clerks and Masters in Equity," in the 6th and 7th lines of the first section; which amendment was agreed to. Mr. Gray moved to amend the bill by striking out the word "Register," in the 4th line of the first section, when Mr. Meares moved the indefinite postponement of the bill and amendments, and the question being taken, it passed in the affirmative.

The bill limiting the time within which executors to last wills and testaments shall be permitted to qualify, was read a second time. Mr. Meares moved to amend the bill, by striking out the word "relinquishment," in the 10th line of the bill, and inserting "renunciation of record;" which amendment was agreed to, and the bill, as amended, was read the second time and passed.

The bill in aid of the fund for Internal Improvement, was read the second time and, on motion of Mr. Joiner, was indefinitely postponed—ayes 37, noes 17. The ayes and noes being demanded by Mr. Sherard.


Those who voted in the negative, are Messrs. Beasley, Brodnax, Burney, Burns, Brown, Davenport, Franklin of Surry, Harrell, Love, M'Innis, Meares, Mebane, Pugh, Ramsey, Smith of Person, Shober, Willsborn.

The bill concerning the payment of pilots in certain cases, was read the second time. Mr. Meares moved to amend the bill, by inserting in the 18th line after the word "detained," the words "by the negligence or omission of the Captain;" which was agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The bill explanatory of an act, entitled "An act relating to bonds given by Sheriffs, Clerks of the Superior Court, and Court of Pleas and Quarter Sessions," passed in the year 1810, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Isaac Baxter, Sheriff of Currituck county was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Thomas Phillips, was read the second and third times and passed, and ordered to be enrolled.

The orders of the day being disposed of, Mr. Williams, of Martin, pre-
sented a bill to amend an act, passed in 1784, concerning inspectors and unmerchantable commodities; which was read the first time and passed.

Mr. Croom presented the following resolutions:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to render any slave or slaves, who may attempt to poison any white person, guilty of felony without benefit of clergy; and that said committee report by bill or otherwise.

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law, as to render any legacy or distributive share belonging to any person not residing in the State, subject to attachment and execution in the hands of the executor or administrator; and that said committee report by bill or otherwise.

And the resolutions being read, were agreed to by the Senate.

Mr. Croom presented a bill to compel the County Court of Lenoir to appoint a committee of Finance; which was read the first time and passed.

On motion of Mr. Sherard, Richard Davis, the Senator from the county of Warren, had leave of absence from and after yesterday, until Monday next.

And the Senate adjourned until Monday morning next, 10 o'clock.

Monday, December 29, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill explanatory of an act relating to bonds given by Sheriffs, Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed A. D. 1810; a bill to restore Andrew Walker, of Mecklenburg county, to credit; a bill concerning the payment of pilots in certain cases; and a bill to improve the navigation of Perquimons river; also the engrossed resolution calling on the President and Directors of the Yadkin Navigation Company for certain information; and the engrossed resolution declaring the purchase made by James F. Taylor, of a tract of land, sold at the sale of the late Treasurer, null and void; in which they ask the concurrence of that House.

Mr. Love, from the committee of Claims, made a report on the resolution relative to David Masburn, of Burke county; which was read, when, on motion of Mr. Love ordered that the committee of Claims be discharged from the further consideration of the resolution.

Mr. Love, from the same committee, made a report on the petition of William T. Prestwood; which was read, and the resolution therein contained, was concurred in by the Senate, as follows: Resolved, that it is inexpedient to grant the prayer of the petitioner.

Mr. Ward, from the committee of Finance, made a detailed report on the report of William Robards, surviving commissioner appointed to superintend the sale of the property of the late Treasurer; which was read, when Mr. Ward reported a bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; also a resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer’s property; which was read the first time and passed.

The following bills were presented: by Mr. Mebane, a bill to amend the laws regulating the inspection of flour in the town of Fayetteville; by Mr. Pugh, a bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes; by Mr. Williams, of Beau-
fort. a bill to incorporate a Light Infantry company in the town of Washington; by Mr. Hardin, a bill to appoint commissioners on the road leading from Watauga, in Ashe county, to the head of John's river, in Burke county; by Mr. Meares, a bill to authorise the payment of the purchase money on entries of land made in the year 1825, in all cases where surveys have been made and returned to the office of the Secretary of State; and by Mr. Mebane, a bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State; and the bills were read the first time and passed; and the last named bill, on motion of Mr. Williams of Martin, ordered to be laid on the table; and the bill to incorporate a company entitled the Mattamuskeet Lake Canal Company, and for other purposes, was, on motion of Mr. Pugh, referred to the committee on Internal Improvements.

Mr. Pugh presented the petition of Christopher O'Neal, of Hyde, stating his revolutionary services, and asking such assistance as the Legislature may think proper to grant him. Ordered that the petition be referred to the committee of Proposals and Grievances.

On motion of Mr. Miller,

Resolved, That the committee on Claims be instructed to inquire into the expediency of allowing Bryan Kornegay and Henry Kornegay, of Duplin county, the sum of three hundred dollars, which they gave for the apprehension of one Joseph Sally, who stood indicted in said county for the murder of Abram Kornegay.

The bill designating the place where the 1st regiment of the militia of Davidson county shall hereafter hold their musters, was read the second and third times and passed and ordered to be engrossed.

The following engrossed bills: a bill for the better regulation of the fisheries on Salmon creek, in Bertie county, and amendatory of an act, passed in the year 1822, concerning the same; a bill to incorporate Zerubabel Chapter, No. 11. Edenton; and a bill to establish separate election grounds in the county of Person, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to repeal an act, passed in 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted" so far as respects the county of Perquimans, was read the second time and passed; and being read the third time, was, on motion of Mr. Askew, of Bertford, amended, so as to make the provisions of the bill apply to the county of Bertford, and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill for the better regulation of the town of Windsor, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating their concurrence in all the amendments made by the Senate in the engrossed bill to amend an act, entitled "an act to prohibit the trading with slaves, except in the manner therein prescribed;" and also their concurrence in the amendments proposed by the Senate in the engrossed bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county. Ordered that the said bills be enrolled.

Received from the House of Commons a message stating that they have passed the following engrossed bills: a bill to authorise the wardens of the poor in the counties of Chowan and Bertford, with the consent of the
County Courts, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes; a bill to amend an act, passed in the year 1786, entitled "an act to lay off the town of Serecta, on the north east branch of the Cape Fear river, and to appoint commissioners for the same;" a bill to amend the inspection laws of this State, passed in the years 1784 and 1796; a bill to revive an act, passed in the year 1805, chapter 36, entitled "an act to amend an act of Assembly now in force, for the regulating the town of Morganton;" a bill amendatory of an act, passed in A. D. 1826, chapter 37, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county;" and a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," passed in A. D. 1822; also the engrossed resolution in favor of John Sloan, Sheriff of Mecklenburg county; and a resolution respecting the Governor of the State as Guardian ex officio of James Forsythe; in which they ask the concurrence of the Senate. Whereupon the bills were read the first time and passed, and the resolutions read and agreed to, and ordered to be enrolled.

The following engrossed bills: a bill to authorise the wardens of the poor in the counties of Chowan and Hertford, with the consent of the County Courts, to purchase lands, and erect buildings for the reception of the poor thereof, and for other purposes; a bill to amend an act, passed in the year 1786, entitled "an act to lay off the town of Serecta, on the north east branch of the Cape Fear river, and appointing commissioners for the same;" and a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," passed A. D 1822, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill amendatory of an act, passed in A. D. 1826, chap. 37, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county," was read the second time, and, on motion of Mr. Williams, of Martin, was indefinitely postponed.

Received from the House of Commons a message, stating that they have indefinitely postponed the engrossed bill to secure to Susannah Mary Hau-ser, of Stokes county, such property as she may hereafter acquire; also the engrossed bill to secure to Mary M'eachern, of Robeson county, such property as she may hereafter acquire.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to ballot on Tuesday next for Counsellors of State; and stating also, that they recede from their recommendation of Caleb R. Phillips, as a justice of the peace for the county of Ashé.

Received from the House of Commons, a message, stating that they have passed the engrossed bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the boundary line between the counties of Sampson and Cumberland, with an amendment, to wit: to add at the end of the bill an additional section; which amendment was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a committee of conference
on the disagreeing votes of the two Houses, on the amendment proposed to be made in the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county," and naming Messrs. Gillespie and Wright of the committee on their part.

A message was received from the House of Commons, concurring with the proposition of the Senate, to raise a select joint committee on the petition of sundry citizens of the State of Tennessee, on the subject of a silver mine, and naming Messrs. Swain, Fisher and Edmonston to join the committee appointed by the Senate.

Received from the House of Commons the resignation of Anderson Paschall, as a justice of the peace for the county of Granville; which was read and accepted by the Senate.

David Thomson, the Senator from the county of Johnston, appeared, produced his credentials, was qualified and took his seat.

And the Senate adjourned until to-morrow, 10 o'clock

TUESDAY, DECEMBER 30, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill: a bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; in which they ask the concurrence of that House.

Mr. Shober, from the select joint committee on the subject of a Penitentiary and Lunatic Asylum, made a detailed report; which was read, when Mr. Shober reported a bill for the purpose of collecting information of matter, connected with the Penitentiary system and Lunatic Asylum, and for other purposes; which was read the first time and passed. On motion of Mr. Davidson, ordered that the report be printed, three copies for each member. Mr. Shober also reported from the same committee the following resolution:

Resolved, That the documents on the Penitentiary system, and on the subject of Lunatic Asylums, agreeable to the schedule appended to the report, submitted by the joint select committee on those subjects, be deposited in the library, in order to be preserved for the benefit of the State.

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

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Alfred M. Slade, of the county of Martin; which was read, when Mr. Shober reported a resolution in favor of Edward Griffin and his securities; which was read the first time and passed.

Mr. Shober, from the same committee, made a report on the petition of Leonard Aust, of the county of Stokes; which was read, when Mr. Shober reported a bill to authorize the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the resolution relative to the expediency of discharging Wyatt Moye, Sheriff of the county of Greene, from a certain penalty, requested to be discharged from the further consideration of the subject; and it was so ordered by the Senate.

Mr. Williams, of Beaufort, from the committee on the Militia Laws and Public Arms, made a detailed report on the resolution relative to the appointment of a guard for the Arsenal and public buildings generally;
Mr. Meares, from the committee on the Judiciary, reported the bill to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, made a report on the bill for the limitation of writs of error for matters of fact, and bills of review; which was read, when Mr. Meares reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, reported the bill to amend the several acts of Assembly, respecting the wardens of the poor, without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the resolution relative to legacies and distributive shares, belonging to persons not residing in the State, made a report thereon. On motion of Mr. Meares, ordered that the committee be discharged from the further consideration of the subject.

Mr. Meares, from the same committee, to whom was referred the resolution relative to the expediency of amending the law, as regards slaves who may attempt to poison, &c. made a report; which was read, when Mr. Meares reported a bill more effectually to punish persons who attempt to poison others; which was read the first time and passed.

Mr. Mebane presented the resignation of John J. Carrington, as Brigadier General of the 6th brigade and 3d division of North Carolina militia.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, reported the bill without amendment.

Mr. Mebane, from the same committee, made a report on the petition of sundry citizens of the counties of Wilkes and Ashe, and asked and obtained leave to be discharged from the further consideration of the subject.

On motion of Mr. Mebane, ordered that the committee on Internal Improvements be discharged from the consideration of any further business during the present session.

The following bills were presented: By Mr. M'Dowell, a bill to provide for the sale of lands, acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold; by Mr. Spaight, a bill to regulate the finances of Craven county; and by Mr. Croom, a bill to provide for the gradual diminution of the Capital Stock of the Banks of the State, by the purchase and extinguishment of shares; which bills were read the first time and passed, and the last mentioned bill, on motion of Mr. Croom, ordered to be laid on the table.

On motion of Mr. M'Rachin,

Resolved, That the west room on the lower floor of the State House, opposite the Comptroller's Office, be, and the same is hereby appropriated to the use of the Adjutant General, as an Office for the transacting business, and safe keeping the documents of that Office.

Ordered that the resolution be engrossed.
The following bills: a bill to compel the County Court of Lenoir to appoint a committee of Finance; a bill to incorporate the Eight Infantry company in the town of Washington; and the bill to authorize the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient, were read the second and third times and passed, and ordered to be engrossed.

Mr. Alexander, from the committee to whom was referred that part of the Governor's message in relation to certain resolutions and reports of the Legislatures of Vermont, Ohio, Georgia and South Carolina, respecting the power of the General Government to appropriate funds for the purpose of aiding the colonization of free persons of color, made a report; which was read, when Mr. Alexander reported the following resolutions:

Resolved by the Senate and House of Commons of the State of North Carolina, That the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society, or for any other purpose for which that society was established, or which they may hereafter contemplate; and that this Legislature, as the organ of the will of the people of this State do solemnly protest against the exercise or any attempt to exercise such unconstiutional power by the Congress of the United States.

Be it further resolved, That copies of the report and resolution be forwarded to our Senators and Representatives in the Congress of the United States; and that our Senators be instructed, and our Representatives be requested, whenever the same may be required by circumstances affecting our interests, to present said resolution to both Houses of Congress, as the protest of the State of North Carolina against the right of Congress constitutionally to appropriate monies in aid of the American Colonization Society.

Resolved, That a copy of the report and resolution be forwarded to the Governor of each State in the Union.

The resolutions being read, on motion of Mr. Shober, ordered that the resolutions be laid on the table.

The bill to amend the practice in Courts of Equity, was read the third time. Mr. Wellborn moved to amend the bill, by adding at the end of the second section, the following proviso: "Provided, nevertheless, in case either party shall request said cause to be remanded to the Court below, it shall be the duty of said Supreme Court so to remand the cause;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to amend the laws regulating the inspection of flour in the town of Fayetteville, was read the second time. Mr. Gray moved to amend the bill by adding additional sections, as follows: "Be it further enacted by the authority aforesaid, that the justices of the Court of Pleas and Quarter Sessions of the county of Cumberland shall, at the first term of said Court which may be helden after the first day of next, appoint one other inspector of flour in the town of Fayetteville, in the same manner, and under the same rules, regulations and restrictions, that inspectors of flour in the town of Fayetteville have heretofore been appointed. And be it further enacted that the inspectors so appointed shall not be confined, exclusively, to the inspection of flour at the public warehouse; but shall, when required so to do, inspect flour at the wharf, or any of the ware houses in Cumberland, or the town of Fayetteville;" which amendments were agreed to, and the bill as amended, was read the second time and passed. On motion of Mr. McDearmid, the further consideration of the bill was postponed.

The engrossed bill to repeal in part the third section of an act, passed in the year 1806, entitled an act to revise the Militia Laws of this State relative to Infantry; and to repeal the 9th and 10th sections of an act,
passed in the year 1813, entitled an act to amend the Militia Laws of this State, was read the third time. Mr. M'Eachin moved to amend the bill, by adding to the last section the following proviso: "Provided, howev-er, that the above recited act shall not be so applied or construed as to affect or prevent the Colonels from drilling their officers on the day previous to general or regimental musters, in their respective regiments;" which amendment was agreed to, and the bill, as amended, was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Hutchins G. Burton; in which they ask the concurrence of the Senate. The resolution being read, was, on motion of Mr. Shober, ordered to be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of William Harris and James Allen, of Montgomery county, with an amendment, to add the words, "with interest," after the word "taxes," in the 15th line of the resolution; in which they ask the concurrence of the Senate. And the amend-ment being read, was agreed to, and a message sent to the House of Commons, informing them thereof.

The engrossed bill directing the time and place of selling land under execution in the counties of Halifax, Northampton and Hertford, being read the second time, Mr. Williams, of Martin, moved to amend the bill, by inserting the word "Martin," in the 6th line of the first section, after the word "Hertford," and to make the provisions and title of the bill correspond thereto; which amendments were agreed to, and the bill, as amended, was read the second and third times and passed, and a mes-sage sent to the House of Commons, asking their concurrence in the amend-ments.

The bill to alter and amend an act, passed in the year 1771, chap. 121, declaring what fences shall be sufficient, and to provide a remedy for ab-uses, was read the second time. Mr. Meares moved to amend the bill, by striking out "four hundred and forty" in the 13th and 14th lines of the bill, and inserting "fifty." On motion of Mr. Wellborn, the bill, to-gether with the proposed amendment, was indefinitely postponed.

The bill limiting the time within which executors of last wills and testa-ments shall be permitted to qualify, being read the third time, Mr. M'Farland moved to amend the bill, by adding the following proviso at the end of the bill: "Provided this act shall not affect the right of minors to qualify as executors, as the law now directs;" which amendment was agreed to, when, on motion of Mr. Meares, the bill was indefinitely post-poned.

The engrossed bill to revive an act, passed in the year 1805, chapter 36, entitled "an act to amend an act of Assembly now in force, for the regulat-ing the town of Morganton," was read the second time and passed, and being read the third time, was, on motion of Mr. Burgin, ordered to be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the laws regulating the sale of land and slaves, so far as respects the county of Montgomery, with sun-
dry amendments; in which they ask the concurrence of the Senate, and
the question being taken on agreeing thereto, it passed in the negative,
and the House of Commons were informed thereof by message.

The Senate entered on the orders of the day and proceeded to consider
the bill to lay out and improve a road from Fayetteville to Wilkesboro; and
the bill being read the second time, Mr. M'Dearmid moved to am
 mend the bill, by striking out the 6th section; which amendment was not
agreed to. Mr. M'Dearmid moved the indefinite postponement of the
 bill; which question was decided in the negative—ayes 21, noes 33. The
ayes and noes being demanded by Mr. M'Dearmid.

Those who voted in the affirmative, are Messrs. Askew of Bartie, Askew of Hartford,
Bell, Burgin, Davis, Joiner, Leonard, M' aniel, M'Dearmid, Matthews, Parker, Patterson,
Ramsey, Ruffin, Salleyar, Scott, Smith of Person, Sherard, Shuford, Walton, Williams
of Martin.

Those who voted in the negative, are Messrs. Alexander, Bailey, Beasley, Boddie,
Brodnax, Burney, Burns, Croome, Davenport, Davidson, Dechery, Franklin of Surry, Gray,
Hardin, Love, M'Dowell, M'Eachin, Minns, M'Neal, M'Nair, Meares, Mebane, Miller, Pugh,
Reinhardt, Riddick, Royal, Smith of Davidson, Shober, Spaight, Thomson, Ward, Well
born, Williams of Beaufort.

Mr. M'Dearmid then moved to amend the title of the bill, by striking
out the word "Fayetteville," and inserting Nicholas Nall's, in Moore
county," which amendment was agreed to. Mr. Smith, of Davidson,
moved to amend the bill, by striking out the words "the best way to the
Shallow Ford on," and inserting the words "the nearest way to," in the
11th and 12th lines of the 1st section; which amendment was not agreed
to, and the bill, as amended, was read the second time and passed.

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

Wednesday, December 31, 1828.

A message was sent to the House of Commons, stating that the Senate
have passed the following engrossed bills: a bill to authorise the County
Court of Stokes to interfere in behalf of Leonard Aust, if they deem it ex
pedient; a bill to amend the practice in Courts of Equity; a bill to incor
porate a Light Infantry company, in the town of Washington; and a bill to
compel the County Court of Lenoir to appoint a committee of Finance; al
so the engrossed resolution appropriating the room opposite the Compt
roller's room, to the Adjutant General; and the engrossed resolution in
relation to documents concerning a Penitentiary and Lunatic Asylum; in
which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made
a report on the petition of Christopher O'Neal, of Hyde; which was read,
and the resolution therein contained, was concurred in by the Senate, as
follows: Resolved that the prayer of the petitioner be not allowed.

On motion of Mr. Shober, ordered that the committee of Propositions
and Grievances be discharged from the consideration of any further busi
ness during the present session.

Mr. Williams, of Beaufort, from the committee on the Militia and Pub
lic Arms, made a report on the resolution to inquire into the expediency
of repealing certain parts of the militia laws; which was read. when, on
motion of Mr. Williams of Beaufort, ordered that the committee be dis
charged from the further consideration of the subject.

On motion of Mr. Boddie,
Resolved. That the committee of Claims be instructed to inquire into the expediency of authorising the Public Treasurer to refund to Archibald Lamon, late Sheriff of Nash county, the sum of twenty dollars, for insolvents for the year 1826.

Mr. Gray presented a bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the trustees thereof; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton presented a bill directing in what manner the acts of Congress shall be distributed in future; which was read the first time and passed, and, on motion of Mr. Wellborn, ordered to be referred to the select joint committee on the Public Documents.

Mr. Love, from the committee of Claims, to whom was referred the resolution relative to John Barnett, Sheriff of Person county, reported the same without amendment, and the resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Love, from the same committee, to whom was referred the resolution relative to Miss Udney M. Blakely, made a report; which was read, and the resolution therein contained, as follows: "Resolved, that it is inexpedient at this time to discontinue said appropriation," being read, Mr. Burgin moved when the question is taken on concurring therewith, that it be taken by ayes and noes, and the motion was seconded. Mr. Shober moved that the consideration of the subject be postponed; which was not agreed to. The question then recurred on agreeing to the resolution, and it passed in the affirmative—ayes 55, noes 24.


Mr. Spaight, 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 the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county," reported that they have met the committee on the part of the House of Commons, and they can come to no agreement. Whereupon, on motion of Mr. Miller, a message was sent to the House of Commons, stating that the Senate adhere to their disagreement to the amendment proposed by that House to said bill.

On motion of Mr. Sherard,
Resolved. That the Governor be, and he is hereby directed to ascertain from the guardian of Miss Udney M. Blakely the amount, if any, remaining in his hands, of the several sums appropriated by the State to her use, and yet unexpended on her education and support; and that he report the said balance to the next General Assembly.

Ordered that the resolution be engrossed.

Mr. Bell presented the following resolution:
Resolved, That no private bill be introduced into this House after the first day of January.

The resolution being read, Mr. Meares moved to amend the resolution, by striking out the word "first," and inserting the word "fifth." Mr.
Spaight moved the indefinite postponement of the resolution, together with the proposed amendment, and the question being taken, it passed in the affirmative—ays 42, noes 18. The ayes and noes being demanded by Mr. Bell.


Mr. Mebane presented the following resolution:

Whereas, the law allows compensation to Members of the General Assembly, who may be sick during the session, or may be delayed by sickness on their journey; but does not provide for such compensation to members who may be detained by sickness after the adjournment:

Resolved, That the Public Treasurer be directed to pay Benjamin Brittain and Isham Matthews, three dollars per day, for fifteen days they were detained by illness at Raleigh, after the adjournment of the last session of the General Assembly.

And the resolution was read the first time and passed.

Mr. Davidson, from the committee on Public Roads, to whom was referred a resolution relative to the expediency of amending the laws as far as regards the manner in which public roads are worked, &c. made a detailed report; which was read, and the resolution therein contained was concurred in by the Senate, as follows: Resolved that it is inexpedient at this time to make any alteration of the laws on public roads.

Mr. Love, from the committee of Claims, made a report on the resolution relative to Bryan Kornegay and Henry Kornegay; which was read, and the resolution therein contained, as follows: "Resolved, that it is inexpedient to grant the prayer of the petitioners," being read, Mr. Miller moved to amend the resolution, by striking out the whole thereof, except the word "resolved," and inserting as follows: "that the Public Treasurer pay to Bryan Kornegay and Henry Kornegay, of Duplin county, the sum of three hundred dollars, which they paid for the apprehension of Joseph Sollis, for the murder of Abram Kornegay; and that he be allowed the same in the settlement of his public accounts." Mr. Askew of Bertie, moved to amend the amendment, by adding thereto, as follows: "Resolved further, that the Public Treasurer pay to Lewis Bond, Sheriff of Bertie county, the sum of seventy-five dollars, which he paid for the apprehension of Moses Ward, who broke jail, and was about to escape; and that the same be allowed him in the settlement of his public accounts." On motion of Mr. Wellborn, the resolution, together with the amendments, was postponed indefinitely.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills: a bill concerning the payment of pilots, in certain cases; and a bill to improve the navigation of Perquimans river.

The bill to regulate the finances of Craven county, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, transmitting the annual report of the Treasurer of the Trustees of the University, with a
proposition that it be printed; which was agreed to, and the House of Commons were informed thereof by message.

The bill to incorporate a company, entitled "the Mattamuskeet Lake Canal Company, and for other purposes," was read the second time. Mr. Mebane moved to amend the bill, by striking out from the commencement of the 4th section, to the word "aforesaid," inclusive, in the fifth line thereof, and insert as follows: "And be it further enacted, that the lands belonging to the State, which may be reclaimed by lowering the water in the lake, by means of the canal aforesaid, shall be sold under the direction of the Board for Internal Improvements, who, out of the proceeds thereof, shall reimburse the company aforesaid, for the expense of cutting said canal, together with per centum on the amount of said expenditure, and the balance, if any, shall constitute in part the Literary Fund. Mr. McDearmid called for a division of the question, and the question being first taken on striking out, it passed in the affirmative. The question was then taken on inserting the proposed amendment; which was agreed to, and the bill, as amended, was read the second time and passed.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate in the engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State, relative to infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; and the engrossed bill directing the time and place of selling land under execution, in the counties of Halifax, Northampton and Hertford; and the said bills were ordered to be enrolled.

Also a message, stating that the House of Commons recede from their amendment made in the engrossed bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery. Also a message, stating the concurrence of that House in the amendments made by the Senate, in the engrossed bill to repeal an act, passed in 1827, chapter 56, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, so far as respects the county of Perquimons," and the said bills were ordered to be enrolled.

The Senate entered on the orders of the day, and the resolution in favor of Edward Griffin, and his securities, was read the second and third times and passed, and was ordered to be engrossed.

The Senate resolved itself into a committee of the Whole House, Mr. Mebane in the Chair, on the bill to provide for the final settlement of executors and administrators; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Mebane reported the bill with sundry amendments; which were read and agreed to by the Senate, and the bill, as amended, was read the second time and passed; and being subsequently read the third time, Mr. McFarland moved to amend the bill, by inserting in the 9th line of the second section, after the word "notice," the words "in writing of the time and place at which such settlement shall be held;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property,
was read the second time. Mr. Marshall moved to amend the resolution, by striking out from the word "and," in the 11th line of the resolution, and inserting as follows: "the legal representatives of the late Col. Joseph Pickett, one hundred and fifty dollars, and the legal representatives of the late James F. Taylor, Esq. one hundred dollars, and that the Public Treasurer be allowed the same in the settlement of his public accounts;" which amendment was agreed to, and the resolution, as amended, was read the second and third times and passed, and was ordered to be engrossed.

The following bills, to wit: a bill to ratify and confirm the sale of the land and negroes, conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; a bill to authorise the payment of the purchase money, on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; a bill to open a road from Lee’s mills to the head of the New Land, in Washington county; and a bill to appoint commissioners on the road from Watauga, in Ashe county, to the head of John’s river, in Burke county; were read the second and third times and passed, and were ordered to be engrossed.

And the Senate adjourned until to-morrow, 10 o’clock

THURSDAY, JANUARY 1, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; a bill to appoint commissioners on the road from Watauga, in Ashe county, to the head of John’s river, in Burke county; a bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same; a bill to provide for the final settlements of executors and administrators; a bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; a bill to open a road from Lee’s mills to the head of the New Land, in Washington county; and a bill to regulate the finances of Craven county; also the following engrossed resolutions: a resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer’s property; a resolution directing the Governor to make certain inquiries; a resolution in favor of Edward Griffin, and his securities; and a resolution in favor of John Barnett, Sheriff of Person county; in which they ask the concurrence of the Senate.

The following bills were presented: by Mr. Croom, a bill more effectually to suppress the practice of usury; by Mr. Walton, a bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; and a bill to authorise and direct the Supreme Court to be held at the several places therein directed; which bills were read the first time and passed.

Mr. Croom moved that the bill to authorise and direct the Supreme Court to be held at the several places therein directed, be laid upon the table; which was not agreed to.
Mr. Love asked and obtained leave to withdraw the petition and accompanying documents of William T. Prestwood.

Mr. Love presented a resolution in favor of James Bryson, jr. which was read and agreed to, and ordered to be engrossed.

Mr. Wellborn, from the select joint committee on the Public Documents, to whom was referred the resolution and bill directing in what manner the acts of Congress shall be distributed in future, reported the bill with sundry amendments, and the bill was made the order of the day for tomorrow.

On motion of Mr. Davenport, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 13th Brigade, and 8th division, and nominating for the appointment Thomas Saunderson.

On motion of Mr. Gray, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 6th brigade and 3d division, and nominating for the appointment John Wood, of Randolph county.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to restore Andrew Walker, of Mecklenburg county, to credit; also the engrossed bill to authorize the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient.

Received from the House of Commons a message, stating that they have passed the engrossed bills, to wit: a bill supplementary to the several acts now in force, for the relief of insolvent debtors; and further, to mitigate the severity of executions; a bill to amend and explain an act, passed A. D 1784, for clearing out and improving the navigation of Trent river, in Jones county; a bill to compel the Clerks of the County and Superior Courts, and Register of the county of Chatham, to keep their respective offices at Pittsborough, in said county; a bill to incorporate the Grand Royal Arch Chapter of North Carolina; and a bill to prevent the hauling of seines in Tranter’s creek; in which they ask the concurrence of the Senate, and the bills were read the first time and passed.

The bill to lay out and improve a road from Nicholas Nall’s, in Moore county, to Wilkesborough, was read the third time. Mr. Smith, of Davidson, moved to amend the bill, by striking out from the word “near,” in the 10th line of the first section, to the word “on,” in the 13th line of the same section, and inserting as follows: “the forks of the road leading by the plantation of Nicholas Nall’s, and that passing at Kennedy’s bridge, come together in Moore county, by the Shallow Ford of the Yadkin, to Wilkesborough;” which amendment was agreed to. Mr. Ruffin moved that when the question on the passage of the bill is taken, it be taken by the ayes and noes, and the motion was seconded, and the bill being read the third time, as amended, the question on the passage thereof was decided in the affirmative—ayes 27, noes 26.


Ordered that the said bill be engrossed.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the third time. Mr. Shoher moved to amend the bill, by adding to the last section, the following proviso: "Provided however that when the said company shall be reimbursed with cost and interest, the said canal shall revert to the State;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and was ordered to be engrossed.

The bill to amend the law regulating the inspection of flour in the town of Fayetteville, was read the third time. Mr. Gray moved to amend the bill, by striking out the last section. Mr. M'Dearmid moved to amend the amendment, by striking out the whole bill, after the enacting clause, and inserting the amendment by him submitted; which amendment to the amendment was agreed to. Mr. Mebane moved further to amend the bill, by inserting in the last section, after the word "required," the words "under the same penalty;" which amendment was agreed to; and the bill, as amended, was read the third time, and was ordered to be engrossed.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relative to the expediency of amending the criminal law, made a report; which was read, when Mr. Meares reported a bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house; which was read the first time and passed.

The Senate entered on the orders of the day, and the bill to provide for the construction of a road from the Tennessee line, over the Walnut Mountain, to the head of Little Ivy in Buncombe county, was read the second time and passed; and being read the third time, the question on the passage thereof was determined in the negative—ayes 25 noes 24.

The ayes and noes being demanded by Mr. Davis.

Those who voted in the affirmative, are Messrs. Beasley, Brodie, Brodnax, Burgin, Brown, Davenport, Davidson, Deberry, Franklin of Surrey, Gray, Hinton, Love, M'Dowell, Meares, Pugh, Reinhardt, Scott, Smith of Davidson, Smith of Person, Shoher, Shuford, Wellborn, Williams of Beaufort


So the bill was rejected.

The bill to amend the inspection laws of this State, passed in the years 1784 and 1796, was read the second time. Mr. Burns moved the indefinite postponement of the bill. Mr. Mathews moved that the bill be laid on the table; which was not agreed to. The question recurring on the indefinite postponement of the bill, it passed in the affirmative.

The bill to amend an act, passed in 1784, chapter 231, concerning inspectors and unmerchantable commodities, was read the second and third times and passed, and was ordered to be engrossed.

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

Friday, January 2, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to lay out and improve a road from Nicholas Nall's, in Moore county, to Wilkesborough; a bill to
amend the laws regulating the inspection of flour in the town of Fayetteville; a bill to amend an act, passed in 1784, chapter 221, concerning inspectors and unmerchantable commodities; and a bill to incorporate a company entitled the Mattamuskeet Lake Canal Company, and for other purposes; also the engrossed resolution in favor of James Bryson, jr. in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that they have rejected the engrossed bill to open a road from Lee’s mills to the head of New Land, in Washington county.

Also a message, stating that they again adhere to their amendment to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county." And a further message was received, stating that the House of Commons have passed the following engrossed bills: a bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006, of the revised laws; and a bill to incorporate the Fayetteville Manufacturing Company; in which they ask the concurrence of the Senate; and the bills were read the first time and passed.

Mr. Hinton presented a letter from Josiah Crudup, offering for acceptance by the Legislature certain books and documents, therein mentioned. Ordered that the said letter be referred to a select committee. The committee consists of Messrs. Hinton, Alexander, Miller, Ruffin and Brown.

Mr. Love, from the committee of Claims, made a report on the resolution relative to Archibald Lamon, late Sheriff of Nash county; which was read, when Mr. Love reported a resolution in favor of Archibald Lamon, late Sheriff of Nash county; which was read the first time and passed.

On motion of Mr. Love, ordered that the committee of Claims be discharged from the consideration of any further business during the present Session.

Mr. Meares, from the Judiciary committee, made a report on the resolution to inquire into the subject of taxing lands in certain cases, and asked and obtained leave to be discharged from the further consideration of the subject.

On motion of Mr. Meares, ordered that the committee on the Judiciary be discharged from the consideration of any further business during the present Session.

A message was sent to the House of Commons, stating that the Senate have amended the recommendation for justices of the peace for the county of Hertford, by striking out the names of John G. Wilson and Elisha H. Sharpe, and propose to insert the name of Kinsey Jordan; in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that they have passed the engrossed bill to establish a manufacturing company in Randolph county, with an amendment, to add the provision herewith submitted to the end of the bill; which amendment was agreed to, and the House of Commons informed thereof by message.

The bill to prevent the hauling of seines in Tranter’s creek, was read the second time, and, on motion of Mr. Williams, of Beaufort, was indefinitely postponed.

On motion of Mr. Sherard, the Senate reconsidered the vote taken yes-
terday on the third reading of the bill to provide for the construction of a road from the Tennessee line, over the Walnut Mountain, to the head of Little Ivey, in Buncombe county; and the bill being before the Senate at its third reading, Mr. M'Eachin moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that the sum of two hundred dollars be and the same is hereby appropriated to aid the hands working on Lumber river, in Robeson county, to be equally divided between the overseers and their successors in office, for the purchase of flax, cross cut saws, and other useful implements, to clear out obstructions in said river. And be it further enacted, that Archibald Gilchrist, Samuel Watson and Dr. Willis Pope, be commissioners, with the same power and authority as the commissioners in the above recited act." Which amendment was agreed to. Mr. Thomson moved further to amend the bill, by adding an additional section, as follows: "And be it further enacted, that the sum of one thousand dollars each for the counties of Johnston, Wayne, Lenoir and Craven, be, and the same is hereby appropriated out of the fund set apart for Internal Improvements, to be expended on the Neuse river, between Smithfield, in the county of Johnston, and Fort Barnwell, in Craven county; and that Bython Bryan, of Johnston county, Nicholas Washington, of Wayne county, James Croon, of Lenoir county, and William P. Biddle, of Craven county, be, and they are hereby appointed commissioners to superintend the work, so as to make the best possible distribution of the funds so appropriated;" which amendment was not agreed to, and the bill, as amended, was read the third time; and the question on the passage thereof was determined in the negative—ayes 25, noes 26. The ayes and noes being demanded by Mr. Thomson.


Those who voted in the negative, are Messrs. Askew of Hertford, Bell, Davis, Franklin of Iredell, Jornor, M'Janed, M'Dearmild, M'Innis, Marshall, Mathews, Miller, Parker, Patterson, Pugh, Ramsey, Riddleick, Royal, Roslin, Salley, Smith of Person, Sherard, Spaight, Thomson, Walton, Ward, Williams of Martin.

The bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills: a bill to compel the Clerks of the County and Superior Courts, and Register of the county of Chatham, to keep their respective offices at Pittsburg, in said county; a bill to amend and explain an act, passed A. D. 1784, for clearing out and improving the navigation of Trent river, in Jones county; a bill to incorporate the Grand Royal Arch Chapter of North Carolina; and a bill to incorporate the Fayetteville Manufacturing Company, were read the second and third times and passed and ordered to be enrolled.

Received from the House of Commons, the resignation of James Somerville, as a justice of the peace for the county of Warren; which was read and accepted by the Senate.

The Senate entered on the orders of the day, and the bill supplementary to the act creating the county of Macon, was read the second time. Mr. Love moved to amend the bill, by inserting in the 6th line of the second section, after the word "officers," the words "with the exception
of entry takers;" which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The bill more effectually to punish persons, who attempt to poison others, being read the second time, Mr. Burns moved the indefinite postponement of the bill; which was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the affirmative, and the bill was read the third time and passed, and ordered to be engrossed.

The bill to amend the several acts of Assembly, respecting the wardens of the poor, was read the second time, and, on motion of Mr. Meares, ordered to be indefinitely postponed.

The engrossed bill to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, was read the second and third times and passed, and ordered to be enrolled.

The bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes, was read the second time. Mr. Shober moved to amend the bill, by striking out the words "below stars," in the 6th line of the bill; which was agreed to. Mr. M'Easchin moved to fill the blank in the 8th line of the bill with "237 dollars and 50 cents;" which was not agreed to. Mr. Alexander moved to fill the blank with "200 dollars;" which was agreed to, and the bill, as amended, passed the second time; and being read the third time, Mr. Burns moved to insert in the 6th line of the bill, after the word "arsenal," the words "with the lowest bidder, so as not to exceed the sum of two hundred dollars;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and was ordered to be engrossed.

The bill for the limitation of writs of error, for matters of fact, and bills of review, was read the second time and passed.

The resolution in favor of Benjamin Brittain and Isham Mathews, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Miller, the further orders of the day were postponed; when, on motion of Mr. Miller, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence from and after to-morrow for the remainder of the Session.

Mr. Sherard presented the resignation of Thomas Person, as a justice of the peace for the county of Wayne.

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

Saturday, January 3, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; a bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes; a bill supplementary to the act erecting the county of Macon; and a bill more effectually to punish persons who may attempt to poison others; also the engrossed resolution in favor of Benjamin Brittain and Isham Mathews; in which they ask the concurrence of that House.
A message was received from the House of Commons, stating that the
name of Colonel Charles Lutterloh, of Chatham county, is added to the
nomination for Brigadier General of the 3d division and the 6th brigade.
A message was received from the House of Commons, stating that they
have passed the following engrossed bill: a bill to incorporate the Edge-
comb manufacturing company; in which they ask the concurrence of the
Senate, and the bill was read the first time and passed.
A message was received from the House of Commons, stating that they
have passed the engrossed bill to amend an act, passed in the year 1821,
entitled "an act to incorporate a company, entitled the Roanoke Inlet
Company, and for other purposes," with an amendment herewith submitted;
and the question on agreeing to the amendment passed in the affirmati
cate, and the House of Commons were informed thereof by message.
The bill for the limitation of writs of error, for matters of fact, and bills
of review, was read the third time and passed, and was ordered to be en-
grossed.
Mr. Reinhardt presented a bill concerning the warden of the poor of
the county of Lincoln; which was read the first time and passed.
The Senate entered on the orders of the day, and the bill to provide for
the sale of lands acquired by treaty from the Cherokee Indians, which
have been surveyed, and remain unsold, was read the second time. Mr.
M'Dowell moved to amend the bill, by striking out all the bill after the
first section, and inserting the amendment by him submitted; which am-
endment was agreed to, and the question on the passage of the bill, as am-
ended, the second time, was decided in the negative; so the bill was re-
jected.
The bill directing the manner in which the acts of Congress shall be dis-
tributed in future, was read the second time, and the amendment propos-
ed by the select joint committee, to strike out the whole bill, except the
words a bill, and insert the amendment submitted, being read, the ques-
tion on agreeing thereto passed in the affirmative, and the bill, as amend-
ed, was read the second time and passed.
The bill for the purpose of collecting information of matter connected
with the Penitentiary System and Lunatic Asylum, and with other purposes,
was read the second and third times and passed, and was ordered to be en-
grossed.
The bill to settle and declare what buildings and out houses are, and
shall be deemed to be parcel of the dwelling house, was read the second
and third times and passed, and was ordered to be engrossed.
The engrossed bill to amend an act, entitled an act to amend the acts
respecting lands sold for taxes, passed in the year 1819, chapter 1006 of
the revised laws, was read the second and third times and passed, and
was ordered to be enrolled.
The resolution in favor of Archibald Lamon, late Sheriff of Nash coun-
ty, was read the second time, amended on motion of Mr. Boddie, and
passed, and was read the third time and passed, and was ordered to be en-
grossed.
The bill more effectually to suppress the practice of usury, was read
the second time. Mr. Meares moved the indefinite postponement of the
bill, and the question thereon being taken, it passed in the affirmative—
ayes 34, noes 21. The ayes and noes being demanded by Mr. Joiner,


The bill to authorize and direct the Supreme Court to be held in the several places therein mentioned, was taken up; when, on motion of Mr. Meares, the Senate resolved itself into a committee of the Whole House on said bill, Mr. Alexander in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Alexander reported that the committee of the Whole had had the bill to authorize and direct the Supreme Court to be held in the several places therein mentioned under consideration, and had instructed him to report the bill without amendment; and the bill being read the second time, Mr. Marshall moved to amend the bill, by striking out the word "Anson," in the fifth line of the second section; which was agreed to, and the bill, as amended, was read the second time, and the question on its passage was decided in the affirmative—ayes 31, noes 28. The yeas and noes being demanded by Mr. Askew of Bertie.


Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Beasley, Bell, Boddie, Burns, Croom, Davenport, Hinton, Hunt, Leonard, M'Daniel, M'Eachin, M'Farland, M'Innis, Matthews, Parker, Patterson, Pugh, Riddick, Royal, Salyear, Spaight, Thomson, Walton, Williams of Beaufort, Williams of Martin.

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

MONDAY, JANUARY 5, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill for the limitation of writs of error, for matters of fact, and bills of review; a bill for the purpose of collecting information of matter connected with the Penitentiary System, and Lunatic Asylum, and with other purposes; and a bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house; also the engrossed resolution in favor of Archibald Lamon, late Sheriff of Nash county; in which they ask the concurrence of this House.

On motion of Mr. Matthews, ordered that Samuel Salyear, the Senator from the county of Currituck, have leave of absence from and after this day, for the balance of the Session.

On motion of Mr. Shober, ordered that Archibald M'Eachin, the Senator from the county of Robeson, have leave of absence from and after to-morrow, for the balance of the Session.

Mr. M'Farland presented the following resolution:

Resolved by the Senate and House of Commons, That this Legislature adjourn on Thursday next sine die.

Mr. Boddie moved that the resolution be laid on the table; which motion was not agreed to. The question then recurred on the adoption of
the resolution, and it passed in the affirmative—ayes 37, noes 16. The
ayes and noes being demanded by Mr. M'Farland.

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford,
Beasley, Bell, Broadnax, Burgin, Burn, Brown, Davidson, Davis, Deberry, Franklin of Ire-
dell, Franklin of Surry, Gray, Hardin, Harrell, Hunt, Joiner, M'Daniel, M'Dowell, M'-
Essick, M'Parland, M'Murrough, M'Neil, Marshall, Patterson, Hugh, Ramsey, Reinhardt,
Biddick, Royal, Smith of Person, Stober, Stanfurd, Spaight, Walton, Ward.

Those who voted in the negative, are Messrs. Alexander, Bailey, Bostic, Burney, Da-
venport, Leonard, Love; M'Dearmid, Mathews, Miller, Parker, Rudyin, Scott, Smith of Da-
vidson, Wellborn, Williams.

Ordered that the resolution be engrossed, and a message was sent
to the House of Commons, asking their concurrence.

A message was received from the House of Commons, stating that they
have passed the following engrossed bills: a bill to amend an act, passed
A. D 1827, entitled "an act for the better regulation of the town of Ken-
ansville, in Duplin county;" a bill supplemental to an act, passed the pre-
sent General Assembly, entitled "an act to authorize the County Court of
Person to establish a poor house in said county;" a bill to provide for the
removal of an obstruction to the passage of masted vessels from the Dismal
Swamp Canal to Albemarle Sound; a bill to incorporate the Chatham
Iron Manufacturing Company; a bill to incorporate the Richmond Rock-
ingham Manufacturing Company; and a bill to incorporate Horney's Gold
Mine, in the county of Guilford; also the engrossed resolution respecting
the Public Printer; in which they ask the concurrence of the Senate;
and the said bills and resolution were read the first time and passed, ex-
cept the bill to incorporate Horney's Gold Mine, in the county of Guil-
ford; the question on the passage of which bill was decided in the negative,
and the House of Commons were informed thereof by message.

The following bills were presented: by Mr. Williams, of Martin, a bill
to improve the navigation of Tranter's creek, from Myer's Mill, in Beau-
fort county, to its head waters; by Mr. Miller, a bill for the more conve-
nient administration of justice in the Court of Pleas and Quarter Ses-
sions of the county of Duplin, and for other purposes; and by Mr. Well-
born, a bill to change the time of holding the Supreme Court of this State;
which were read the first time and passed.

A message was received from the House of Commons, stating that they
have postponed indefinitely the engrossed bill to lay out and improve a
road from Nicholas Nall's, in Moore county, to Wilkesborough.

Also a message of the date of the third instant, proposing to ballot im-
mediately for five trustees of the University, and nominating for the ap-
pointment Hugh Waddell, John Giles, John L. Bailey, Hardy B. Croom,
William S. Mhoon, David Outlaw, John M. Morehead and Cadwallader
Jones; which proposition was agreed to, and a message sent to the House
of Commons, informing them thereof, and naming Messrs. Scott and Alex-
ander to conduct the ballot on the part of the Senate; also a message, stat-
ing that the House of Commons concur in the amendments proposed by
the Senate to the recommendation of justices of the peace for the county of
Hertford.

On motion of Mr. Hinton, a message was sent to the House of Commons,
proposing to ballot at the meeting of the two Houses to morrow for Coun-
sellers of State, and nominating for that appointment George W. Jeffries,
Isaac T. Avery, William B. Lockhart, Gideon Alston, Archibald M'
Mr. M'Dearmid presented the following resolution:

Resolved, That the Comptroller of this State draw his warrant on the Treasurer for the annual amount of twenty pounds, since the year 1821, it being the amount of pension allowed Mrs. Lucy Shaw, the widow of Daniel Shaw, a late pensioner of this State; and that the Treasurer be allowed for the same in the settlement of his public accounts.

Which was read, and, on motion of Mr. M'Dearmid, referred to a select committee. The committee consists of Messrs. M'Dearmid, Wellborn, Askew of Hertford, M'Innis and Walton.

Mr. Gray, from the committee on Agriculture and Domestic Manufactory, to whom was referred certain resolutions, instructing them to inquire into the best means of promoting objects so essential, and whether any measures can be adopted for the encouragement of the growing of wool, made a detailed report; which was read, and, on motion of Mr. Gray, ordered that the committee be discharged from the further consideration of the subject.

Mr. Davidson, from the select committee on so much of the Governor's message, as relates to certain communications from the States of Vermont, Ohio, South Carolina and Georgia, made a detailed report; which was read, when Mr. Davidson reported a resolution concerning certain communications from Vermont, Ohio, South Carolina and Georgia; which being read, on motion of Mr. Davidson, ordered that the resolution be laid on the table.

Received from the House of Commons a message, naming Messrs. Rufin and Montgomery, as superintendents of the ballot on their part for trustees of the University.

The following bills, to wit: the bill concerning the wardens of the poor of the county of Lincoln; and the bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Duplin, were read the second and third times, and ordered to be engrossed.

The following engrossed bills and resolution were read the second and third times and passed, to wit: a bill supplemental to an act, passed this present General Assembly, entitled "an act to authorize the County Court of Person to establish a poor house in said county;" a bill to incorporate the Chatham Iron Manufacturing Company; a bill to incorporate the Richmond Rockingham Manufacturing Company; and the bill to incorporate the Edgecomb Manufactoring Company; and the resolution respecting the Public Printer. Ordered that the said bills and resolution be enrolled.

The bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound, was read the second time. Mr. Mebane moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that the Governor of this State be requested to transmit a copy of this act to the President of the Dismal Swamp Canal Company, and a copy to each of the Sheriffs of Pasquotank and Camden counties, as soon as can conveniently be done after the ratification hereof;" which amendment was agreed to. Mr. Bell moved further to amend the bill, by striking out in the 28th line of the first section of the bill, the word "two," and inserting the word
"four;" which was not agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Mebane, from the select joint committee, to whom was referred so much of the Governor's message and accompanying papers, as relates to the Cherokee lands, made a detailed report; which was read, when Mr. Mebane reported a bill to carry into effect a contract entered into by R. M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contract named, and for other purposes; which was read the first time and passed.

On motion of Mr. Croom.

Resolved. That the Board of Internal Improvement be, and they are hereby required to collect such evidence, as it may be practicable to obtain, concerning the obstruction of the navigation of the Cape Fear river, below the town of Wilmington, during the revolutionary war, by the sinking of vessels therein, for the purpose of preventing the enemy from ascending said river; and also to obtain from the Civil Engineer of the State, a statement of the probable effect on the said navigation of the sinking of said vessels.

2. That it shall be the duty of said Board, when such evidence and statement shall have been obtained, to submit them to the Governor of the State, whose duty it shall be to cause copies of the same to be forwarded to our Senators in Congress.

Ordered that the resolution be engrossed.

Mr. Scott, from the committee to conduct the ballot for Trustees of the University, reported that John M. Morehead, Hugh Waddell, John Giles, John L. Bailey and William S. Mhoon were duly elected; in which report the Senate concurred.

The bill to authorize and direct the Supreme Court to be held in the several places therein mentioned, was read the third time. Mr. Davidson moved to amend the bill, by striking out the word "Statesville," in the 6th line of the first section, and inserting "Salisbury;" which was not agreed to. Mr. Askew, of Bertie, moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that one session of the Supreme Court of this State, shall be held at Windsor, in the county of Bertie, for the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Northampton, Halifax, Bertie, Martin, Pitt, Washington, Tyrrell, Hyde and Beaufort, under the same rules, regulations and restrictions, as are already prescribed for its sittings in Raleigh and Statesville; and it shall be the duty of the Sheriff of Bertie to attend on the Supreme Court during its session in Bertie county, for which attendance he shall be allowed the sum of one dollar per day; and the Session of the Supreme Court at Windsor shall commence on the first Monday of April in each and every year, and continue in session for the space of six weeks, if the business shall so long require it." Mr. Dav enport moved to amend the amendment, by striking out the word "Windsor," and inserting the word "Plymouth;" which amendment was not agreed to. The question then recurred on the amendment proposed by Mr. Askew, of Bertie, which was not agreed to. Mr. Parker moved to amend the bill by striking out the word "Guilford," in the first section, and inserting it in the second section; which was agreed to. Mr. Gray moved to amend the bill, by striking out the words "Randolph and Rockingham," in the first section, and inserting them in the second; which amendment was also agreed to, and the bill as amended, was read the third time, and the question on the passage thereof was decided in the
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affirmative—ayes 31, noes 26. The ayes and noes being demanded by Mr. Matthews.


Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Bell, Boddie, Burns, Crum, Davenport, Davis, Harrell, Haton, Leonard, M'Daniel, M'Echin, M'Farland, M'Tonis, Matthews, Patterson, Pugh, Riddick, Royal, Spaght, Thomson, Walton, Williams of Beaufort, Williams of Martin.

Ordered that the bill be engrossed.

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

TUESDAY, JANUARY 6, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill concerning the wardens of the poor of the county of Lincoln; a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Duplin, and for other purposes; and a bill to authorise and direct the Supreme Court to be held in the several places therein mentioned; also the engrossed resolution instructing the Board of Internal Improvements, &c.; in which they ask the concurrence of that House.

A message was sent to the House of Commons, naming Messrs. Smith, of Davidson, and Patterson to conduct the ballot on the part of the Senate for Counsellors of State.

On motion of Mr. Meares, a message was sent to the House of Commons, proposing to ballot immediately for a Board of Internal Improvement for the ensuing year, and nominating for that appointment, Messrs. Marsden Campbell, Cadwallader Jones, James Mebane, Otway Burns and Andrew Juyner.

On motion of Mr. M'Dowell, ordered that John Hardin, the Senator from the county of Ashe, have leave of absence from and after this day, for the balance of the Session.

A message was received from the House of Commons, agreeing to ballot, as proposed by the Senate, this day for Counsellors of State, and naming Messrs. Pearce and Newland to conduct the ballot on their part, and adding to the nomination the name of William Dickson.

Also a message, stating that they have rejected the engrossed bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill to amend an act, entitled "An act to establish and regulate a turnpike road, in the county of Haywood, to be called the Tennessee River Turnpike road, passed in the year 1826, chapter 26;" a bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road; a bill in relation to justices' executions; a bill requiring all guardian bonds to be made payable to the Governor; a bill to prescribe the mode by which bastard children shall hereafter be legitimated; a bill to appoint commissioners on the road leading from Morgantown to Avery's Turnpike road, in Burke county; a bill to
amend the Militia Laws of this State, so far as regards the companies of Cavalry; a bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford; a bill to regulate the fees of Clerks and Sheriffs; a bill authorising the Court of Equity to grant administration in certain cases; a bill to regulate the granting of badges by the commissioners of Wilmington, and to restrain slaves to whom badges may have been, or may hereafter be granted, from working in improper places, and for other purposes; a bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river; a bill to establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof; a bill to amend an act, passed in the year 1825, entitled "an act to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes;" and also to amend an act, passed in 1826, entitled "an act to amend the several acts of the General Assembly now in force, relative to the public roads in the county of Wilkes;" and a bill empowering the County Courts to regulate the fees of jailors; which bills were read the first time and passed except the bill to regulate the fees of Clerks and Sheriffs, the question on the passage of which was decided in the negative, and the House of Commons were informed thereof by message.

On motion of Mr. McDowell, the name of Alfred Jones was withdrawn from the nomination for Counsellors of State.

A message was received from the House of Commons, stating that they have passed the engrossed bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, with an amendment, to wit: to add at the end of the bill a proviso; which amendment was agreed to, and a message sent, informing the House of Commons thereof.

Also a message, stating that they have passed the engrossed bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned with an amendment. Also stating that they have passed the engrossed bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors, previous to the year 1820, with an amendment; also the engrossed bill to authorise the payment of the purchase money on entries of land made in the year 1826 in all cases where surveys have been made and returned to the office of the Secretary of State, with sundry amendments; also that they have passed the engrossed bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties in granting licenses to retail spirituous liquors, with an amendment; also the engrossed bill to alter and amend the act of 1819 entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," with an amendment; in which several amendments they ask the concurrence of the Senate; and the amendments proposed by the House of Commons in said bills, were read and agreed to by the Senate, and the House of Commons were informed thereof by message.

On motion of Mr. Meares, the Senate took up the bill concerning the action of replevin; the bill being at its second reading, and the bill being read, Mr. Meares moved to amend the bill by adding at the end of the first
section, the following proviso: "Provided, that the plaintiff, his or her agent or attorney, in such action of replevin, shall make oath before the Clerk issuing such writs, that he or she has been in the lawful possession of such slave within two years next preceding the issuing of said writ, and that he or she has been deprived of such possession without his or her permission or consent;" which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The bill to change the time of holding the Supreme Court of this State, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. M'Innis, the name of James J. M'Kay was added to the nomination for a Board of Internal Improvement, and the House of Commons were informed thereof by message.

Mr. Wears moved that the 11th rule of the rules of order for the government of the Senate, 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 balance of the Session; which motion was not agreed to.

The engrossed bill to regulate the granting of badges by the commissioners of Wilmington, and to restrain slaves to whom badges may have been, or may hereafter be granted, from working in improper places, and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Alexander, the Senate considered the bill to revive an act, passed in the year 1805, chapter 36, entitled "an act to amend an act of Assembly now in force, for the regulating the town of Morganton;" and the bill being read the third time, Mr. Burgin moved the indefinite postponement thereof; which was not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative. Ordered that the bill be enrolled.

Mr. M'Dearmid, from the select committee to whom was referred the resolution in favor of Mrs. Lucy Shaw, together with the communication from the Comptroller relative thereto, made a report, which was read, when Mr. M'Dearmid reported a resolution in favor of Mrs. Lucy Shaw; which was read the first time and passed.

Mr. Patterson, from the committee to conduct the ballot for Counsellors of State, reported that William B. Lockhart, George W. Jeffries, Archibald McBride, Alexander Gray, Thomas Kenan, Nathan B. Whitfield and Gideon Alston were duly elected; in which report the Senate concurred.

The Senate entered on the orders of the day, and the bill to improve the navigation of Tranter's creek, from Myer's mill, in Beaufort county, to its head waters, was read the second time. Mr. Williams, of Martin, moved to amend the bill, by striking out the word "Washington," in the 5th line of the first section, and inserting "Beaufort," and the question being taken, it passed in the affirmative, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill supplementary to the several acts now in force, for the relief of insolvent debtors; and further, to mitigate the severity of executions, being read the second time, Mr. Williams, of Martin, moved to
amend the bill, by inserting in the 15th line of the first section, after the word "standing," the words "before the first day of December in each and every year hereafter;" which amendment was agreed to. Mr. Gray moved to add an additional section, in the following words: "And be it further enacted, that if the provision intended for the family support, should not be on hand, that it shall be furnished at the expense of the county, where such debtor resides;" which amendment was not agreed to. Mr. Shoher moved to strike out the last section of the bill; which amendment was agreed to; when, on motion of Mr. Meares, the bill was indefinitely postponed, and the House of Commons were informed thereof by message.

The bill directing in what manner the acts of Congress shall be distributed in future, was read the third time. Mr. Hinton moved sundry amendments to the bill; which were agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to carry into effect the contract entered into by R. M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contracts named, and for other purposes, was read the second time, amended on motion of Mr. Mebane, and passed.

The orders of the day being disposed of, the engrossed bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford, was read the second time. Mr. Mathews moved to amend the bill, by making its provisions extend to the town of Halifax, in the county of Halifax; which was agreed to. Mr. Askew, of Hertford, moved further to amend the bill, by striking out the words "twelve and a half," and inserting "six and a quarter," in the 4th line of the last section; which amendment was also agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Wellborn moved that the Senate reconsider the vote taken this day on the first reading of the bill to regulate the fees of Clerks and Sheriffs; and on the question, will the Senate reconsider the said vote? It was decided in the negative.

Received from the House of Commons the following resignations: the resignation of William C. Cole, as Major of the militia of Stokes county; the resignation of B. W. Murfree, as Major of the 27th regiment of North Carolina militia; and the resignation of Nathaniel Gordon, as a justice of the peace for the county of Wilkes; which were read and accepted by the Senate.

And the Senate adjourned until 3 o'clock, this afternoon.

Tuesday Evening, 3 o'clock, January 6.

The following engrossed bills were read the second and third times and passed, to wit: a bill to amend an act, passed in the year 1825, entitled "an act to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurei Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes;" and also to amend an act, passed in the year 1826, entitled "an act to amend the several acts of the General Assembly now in force relative to the public roads in the county of Wilkes;" a bill to es-
The engrossed bill to amend an act, entitled "an act to establish and regulate a turnpike road, in the county of Haywood, to be called the Tennessee Turnpike road, passed A. D. 1826, chapter 36," was read the second time. Mr. Love moved to amend the bill, by inserting the words "John Dobson," after the word "Hail," in the 4th line of the first section; which was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Shofer, ordered that Bedford Brown, the Senator from the county of Caswell, have leave of absence from the services of the Senate, from and after this day, for the remainder of the Session.

The engrossed bill empowering the County Courts to regulate the fees of Jurors, was read the second time. Mr. Alexander moved to amend the bill, by inserting at the end of the first section, the following proviso: "Provided that the same do not exceed the sum or sums heretofore allowed by law;" which was agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The resolution in favor of Mrs. Lucy Shaw, was read the second time. Mr. Meares moved to amend the resolution, by striking out the whole thereof, except the word "resolved," and inserting as follows: "That the Comptroller be directed not to issue his warrant in favor of Lucy Shaw, under the authority of the certificate heretofore countersigned by the Speakers of the two Houses of this General Assembly," which amendment was agreed to. Mr. M'Dearmid moved that the resolution be laid on the table; which was not agreed to, and the resolution, as amended, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to prescribe the mode by which bastard children shall hereafter be legitimated; and the bill requiring all guardian bonds to be made payable to the Governor, were read the second time, and the question on the passage thereof was decided in the negative. So the bills were rejected, and the House of Commons were informed thereof by message.

The engrossed resolution concerning the Comptroller's Statements, was read the second time. Mr. M'Dearmid moved to strike out the word "six" in the 4th line of the resolution, and insert "one;" which was not agreed to. The question then recurred on the passage of the resolution the second time, and it was decided in the negative.

The engrossed bill in relation to justices' executions, was read the second time. Mr. Meares moved to amend the bill by striking out from the word "notwithstanding" to the end of the bill; which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.
The bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, was read the second time and passed.

The engrossed resolution in favor of Hutchins G. Burton, was taken up and read. Mr. Gray moved to amend it by striking out the whole thereof except the word "resolved," and inserting "that the Comptroller be directed to charge to the debit of Hutchins G. Burton the sum of $1014.66, it being a balance reported to be due from said Burton, by a board appointed by the last General Assembly to liquidate and settle certain accounts with him; and that the said H. G. Burton be allowed a further time of twelve months to produce vouchers or other sets off against the same, if any he has, or shall be able to obtain;" which amendment was not agreed to, and the question on agreeing to the resolution passed in the affirmative—a yes 43, noes 8. The ayes and noes being demanded by Mr. Smith of Davidson.


Those who voted in the negative, are Messrs. Franklin of Iredell, Gray, Joiner, Parker, Ramsey, Smith of Davidson, Smith of Person, Wellborn.

Ordered that the resolution be enrolled.

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

**Wednesday, January 7, 1829.**

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill directing the manner in which acts of Congress and other public documents shall be distributed in future, and for other purposes; a bill to incorporate a company to improve the navigation of Tranter's Creek, from Myers' Mill, in Beaufort county, to its head waters; a bill concerning the action of replevin; and a bill to change the time of holding the Supreme Court of the State; also the engrossed resolution relative to Mrs. Lucy Shaw; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing to ballot immediately for a Brigadier General of the 6th brigade and 3d division, and naming Messrs. Smith of Chatham and Hancock to conduct the ballot on their part; which proposition was agreed to by the Senate, and a message sent to the House of Commons, stating the agreement of the Senate, and naming Messrs. Harrell and Beasley to conduct the ballot on their part.

Received from the House of Commons a message, proposing to ballot, as heretofore agreed on, for a Brigadier General of the 13th brigade, and stating that Messrs. Nelson and Wilkinson attend to conduct the ballot on their part; and a message was sent to the House of Commons, naming Messrs. Davenport and Leonard to conduct the ballot on the part of the Senate, and adding to the nomination the name of Richard Bainer.

A message was sent to the House of Commons, stating that the Senate have amended the recommendation for justices of the peace for the county of Martin, by adding the name of James Mabray; in which they ask the concurrence of that House.
Mr. Beasley, from the committee to conduct the ballot for Brigadier General of the 6th Brigade and 3d division, reported that Charles Lutterloh was duly elected; in which report the Senate concurred.

A message was received from the House of Commons, concurring in the amendment proposed by the Senate in the engrossed bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound. Ordered that the bill be enrolled.

On motion of Mr. Wellborn,
Resolved, That the Secretary of State be authorised and requested to procure annually the necessary quantity of candles for the use of the General Assembly, and its officers, upon the best terms that the same can be obtained; and that his drafts, for that purpose, on the Treasury, be paid in like manner as is provided in respect to procuring stationary.

Ordered that the resolution be engrossed.

Mr. Wellborn presented the following resolution:
Whereas the books containing the accounts of the sales of the Cherokee lands by the commissioners on behalf of the State, and now in file in the Treasury office, are in a mutilated state, and likely to become unintelligible:
Be it resolved, That the Public Treasurer be authorised to have them copied into a well bound book; and as soon as it shall be done, that it shall be examined by the Secretary of State; and the original to be filed in the office of the Secretary of State, for safe keeping; and the copy so made out shall be certified by the Secretary of State, and filed in the Treasurer's office; and that the sum of fifty dollars be appropriated for having the same so copied, which is to be paid by the Public Treasurer; and he shall be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the act, passed in 1819, to appoint commissioners for the town of Chapel Hill, in Orange county; in which they ask the concurrence of the Senate; and the bill was read the first, second and third times and passed, and ordered to be enrolled.

Mr. Love, from the select committee to whom was referred the petition of Asa Delazier and others, of the State of Tennessee, made a report; which was read, when, on motion of Mr. Love, ordered that the committee be discharged from the further consideration of the subject.

Mr. Leonard, from the committee to conduct the ballot for Brigadier General of the 13th brigade, reported that no person in nomination was elected.

Mr. Reinhardt presented a bill to repeal an act, passed A D 1826, ch. 189, entitled „an act to repeal an act of the General Assembly passed 1820, entitled „an act to order the payment of fees to certain officers therein named," so far as it affects the county of Lincoln; which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to provide for the gradual diminution of the Capital Stock of the Banks of the State, by the purchase and extinguishment of shares, was read the second and third times and passed, and ordered to be engrossed.

Mr. Meara presented a resolution in favor of Alexander L. Harvey, Sheriff of Bladen; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Burney presented a bill explanatory of an act, passed in the year 1831, entitled „an act to annex part of Bladen to Columbus county;” which was read the first, second and third times and passed, and ordered to be engrossed.
Mr. Alexander presented a bill directing a prosecution against the State Bank, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium; which was read the first time, and the question on the passage thereof the first time was decided in the negative—ayes 23, noes 29. The ayes and noes being called for by Mr. Burns

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hyde, Bulley, Burn, Burgh, Croom, Davenport, Franklin of Fredell, Franklin of Sampson, Harrell, Leonard, M'Farland, M'Innis, M'Neil, Marshall, Matthews, Parker, Patterson, Ramsey, Reimhardt, reddick, Royal, Scott, Smith of Davidson, Shutford, Walton, Williams of Martin.


So the bill was rejected.

Received from the House of Commons a message, proposing that another balloting take place immediately for a Brigadier General of the 13th brigade and 8th division; which proposition was agreed to, and a message sent, naming Messrs. Davenport and Bell superintendents of the ballot on the part of the Senate; and a message was received from that house, stating that Messrs. Latnam of Beaufort, and Montgomery attend the Senate to conduct the ballot on their part.

The bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke River, was read the second time and passed, and, on motion of Mr. Wellborn, ordered to be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of Duplin county, and for other purposes, with sundry amendments; also a message, stating that they have passed the engrossed bill concerning the wardens of the poor of the county of Lincoln, with an amendment; in which they ask the concurrence of the Senate; and the said several amendments were read and agreed to by the Senate, and the House of Commons were informed thereof by message.

The engrossed bill to amend an act, passed A. D. 1827, entitled "an act for the better regulation of the town of Kenansville in Duplin county," was read the second time. Mr. Miller moved to amend the bill by striking out the whole of the bill after the enacting clause, and inserting as follows: "That an act entitled and act for the better regulation of Kenansville, in the county of Duplin, passed in the year 1827, be, and the same is hereby repealed;" which amendment was agreed to, and the title of the bill was amended to correspond therewith, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Shober, the Senate reconsidered the vote taken yesterday on the 3d reading of the bill to revive an act, passed in 1805 ch. 86, entitled "an act to amend an act of Assembly now in force for the regulating the town of Morgantown;" and the bill being before the Senate on its third and last reading, the question on the passage thereof was decided in the negative; so the bill was rejected, and the House of Commons were informed thereof by message.
Mr. Meares presented the following resolution:

Resolved, That the Treasurer be, and he is hereby directed to pay to the Secretary of the Governor, the sum of dollars, to be laid out in the purchase of furniture for the Government house, under the direction of his excellency; and that he be allowed the same in settlement of his public accounts.

Which was read, and, on motion Mr. Meares, referred to a select committee. The committee consists of Messrs. Meares, Spaight, Bailey, Hunt and Shoebert.

On motion of Mr. Buddie, ordered that the following report of the committee of Finance be spread on the Journals:

The Committee of Finance, to whom was referred the report of the Governor, Public Treasurer and Secretary, appointed by a resolution of the last General Assembly to examine the accounts relating to the expenditures for the reception of General Lafayette in the year 1825, have had the same under consideration, and beg leave respectfully to report,

That so far as the committee have been able to ascertain, “the balance of §1014 66.5” stated in that report to be “due from the late Governor Burton, and properly chargeable to him,” is correct, according to the vouchers filed.

Principles of sound policy, and the best interests of the State, certainly require that a strict accountability and responsibility should be imposed on every officer of the State, from the highest to the lowest. But in that particular transaction, the confusion and hustle, resulting from such a vast concourse of persons, might possibly have prevented the obtaining proper vouchers; or it might have occasioned the loss of some that were obtained.

An accident disabled the Adjutant General, (who was to have had the control of the expenditures,) and compelled the Governor suddenly to entrust it to other hands. This would necessarily produce some irregularities, and increase the difficulty of obtaining and preserving proper vouchers.

These circumstances, though not amounting to a complete justification of the late Governor Burton; yet, in the opinion of this committee, they furnish grounds to doubt, whether, in strict justice, he ought to be considered a defaulter to that amount. While this doubt exists, it would not comport with the dignity or interest of the State to require payment of the late Governor Hutchinson G. Burton. The accompanying resolution is therefore respectfully submitted.

By order of the committee.

JAMES WYCHE, Chairman.

And the Senate adjourned until to morrow, 10 o'clock.

THURSDAY, JANUARY 8, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill: a bill to repeal an act, passed A. D 1825, chap. 139, entitled an act to repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln; a bill to provide for the gradual diminution of the Capital Stock of the Banks of the State, by the purchase and extinguishment of shares; a bill explanatory of an act, passed in 1821, entitled an act to annex part of Bladen to Columbus county; also the engrossed resolution for procuring candles; and the resolution in favor of Alexander L. Harvey, Sheriff of Bladen; in which they ask the concurrence of that house.

Mr. Davenport, from the committee to conduct the ballot for Brigadier General of the 13th brigade and 8th division, made a report; which, on motion of Mr. Mebane, was ordered to lie on the table.

Mr. Wilson presented a bill to appreciate the notes of the several Banks in this State; which was read the first time and passed.
The bill to provide for the representation of the State in meetings of the stockholders of the Banks of his State, was read the third time and passed, and ordered to be engrossed.

Mr. M'lhainis presented a bill concerning heading and staves; which was read the first time, and the question on the passage thereof, at the first reading, was decided in the negative; so the bill was rejected.

On motion of Mr. Riddick,
Resolved, That the Public Treasurer pay to each of the Door-keepers of the two Houses, twenty-five dollars, their usual extra allowance, and that they be compelled to pay out of the same, the hands necessarily employed by them for bringing wood and water to the State House, during the present session; and that the rule requiring resolutions to be read three times be dispensed with, so far as regards this resolution.

Ordered that the resolution be engrossed.

On motion of Mr. Alexander,
Resolved, That a credit of one, two, three and four years, be extended to John Holloway for paying the debts contracted by Susan Schaub and David Royster, to which he was security, provided he execute his four several bonds, carrying interest with good and sufficient security for the same, to be approved by the Public Treasurer; and that the rule be dispensed with so far as regards reading the same three times.

On motion of Mr. Davidson,
Resolved, Whereas several old accounts stand open on the Comptroller's books, which ought to be balanced, one of which is against the United States; and it being desirable that those accounts should be settled; but the examination thereof requires more time than is convenient for a committee of the Legislature; Be it therefore resolved, That the Public Treasurer, Secretary and Comptroller be, and they are hereby appointed a committee to examine into all the old standing accounts on the Comptroller's books, and make report to the next Legislature.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: a bill for revising, digesting and amending the laws relating to executors and administrators; a bill to repeal so far as relates to the counties of Iredell and Anson; an act entitled “an act directing the County Courts to pay fees to certain officers therein named, in certain cases” passed in the year 1820; a bill for the relief of insolvent debtors under State prosecutions; a bill repealing the several acts establishing and regulating the County Courts of Burke county; a bill to cede to the United States an island of marsh, for the purpose of erecting thereon a light house; a bill to incorporate the Swanano and Laurel Turnpike company; a resolution in favor of Gabriel Holmes, Sheriff of New Hanover county; a resolution instructing the Public Treasurer; a resolution appointing a Librarian; a resolution in favor of David Sands; and a resolution in favor of John M'Rae; in which they ask the concurrence of the Senate, and the said bills were read the first time and passed; and also the following resolutions: a resolution in favor of David Sands; a resolution appointing a Librarian; and a resolution in favor of Gabriel Holmes, Sheriff of New Hanover county, were read the first time and passed.

The resolution instructing the Public Treasurer was read and agreed to, and ordered to be enrolled; and the resolution in favor of John M'Rae, being read, the question on agreeing there to was decided in the negative; so the resolution was rejected.

A message was received from the House of Commons, stating that they have indefinitely postponed the engrossed bill to provide for the final settlement of executors and administrators.
Also a message, stating that they have rejected the engrossed bill to amend an act, passed in 1784, chapter 231, concerning inspectors and unmerchangible commodities.

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorize the Board for Internal Improvement to have a road made from Ebenezer Pettigrew's Canal to Cahoona's Lake, in Tyrrell county, with an amendment, to add a proviso to the end of the bill; which amendment was agreed to, with the exception of the word "Senate," in the 5th line of the proviso, which, on motion of Mr. Spaight, was stricken out, and the word "State" inserted, and the House of Commons were informed thereof by message, and their concurrence asked in said amendment.

A message was received from the House of Commons, stating that they have passed the engrossed bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, with sundry amendments, in which the concurrence of the Senate is asked; and the question being taken on agreeing to the amendments, it passed in the affirmative, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating their concurrence in the several amendments made by the Senate to the engrossed bill, viz: a bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford; a bill empowering the County Courts to regulate the fees of Jailors; and a bill to amend an act, entitled "an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee Turnpike road," passed 1826, chapter 26. Ordered that the said bills be enrolled.

Received from the House of Commons a further message, stating that they have passed the engrossed bill supplemental to the act erecting the county of Macon, with sundry amendments; which were read and concurred in by the Senate.

A message was also received from that House, stating that they do not agree to the amendment proposed by the Senate to the engrossed bill in relation to justices' executions; which being read, on motion of Mr. Rufin, the Senate receded from their amendment, and the House of Commons were informed thereof by message. Also a message, stating that they have passed the engrossed bill to incorporate a company to improve the navigation of Tranter's creek, from Myers' mill, in Beaufort county, to its head waters, with an amendment; which was read and agreed to by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of Jesse Whitley, as a justice of the peace for the county of Johnston; which was read and accepted by the Senate.

On motion of Mr. Shober, ordered that Hardy B. Croom, the Senator from the county of Lenoir, have leave of absence, from and after to-morrow, for the remainder of the session.

On motion of Mr. Spaight, ordered that Edward Ward, the Senator from the county of Onslow, have leave of absence, from and after to-morrow, for the balance of the Session.

On motion of Mr. Franklin, of Surry, ordered that Otway Burns, the Senator from the county of Carteret, have leave of absence, from and after to-morrow, for the remainder of the Session.
On motion of Mr. M'Dearmid, ordered that Hardy Royal, the Senator from the county of Sampson, have leave of absence for the balance of the Session, from and after to morrow.

The Senate entered on the orders of the day, and, on motion of Mr. Williams, of Martin, resolved itself into a committee of the Whole House, Mr. Bailey in the Chair, on the engrossed bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie County, on the north side of Roanoke river; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Bailey reported the bill without amendment, and the bill being read the third time, Mr. Mebane moved to amend the bill in the 43d line of the 2nd section, by striking out the words "all at once or," which amendment was agreed to. Mr. Shoib moved to amend the bill by adding an additional section, as follows: "Be it further enacted, that if it should appear at any time hereafter, that the said Indians have parted with their claim or contracted for the same, so that in fact the benefit of the sale would go to some stranger; then the benefit of the sale, shall, agreeably to the provisions of this act, ensue to the State;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to carry into effect the contract entered into by R. M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe, was read the third time. Mr. Mathews moved the indefinite postponement of the bill. Mr. Spaight moved that the bill be laid on the table; which motion was agreed to.

Received from the House of Commons a proposition to appoint a select joint committee of three persons on the part of each House, immediately, to confer on the subject of the finances of the State, and naming Messrs. Fisher, Eccles and Potter of the committee on their part; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and naming of the committee on the part of the Senate Messrs. Spaight, Davidson and Thomson.

A message was received from the House of Commons, agreeing to ballot immediately for a Board of Internal Improvement for the ensuing year, and adding the name of David L. Swain to the nomination, and naming Messrs. Alexander and Supp to conduct the ballot on their part; and a message was sent to the House of Commons, naming Messrs. Miller and Wilson to conduct the ballot on the part of the Senate.

And the Senate adjourned until 3 o'clock, this afternoon.

**Thursday Evening, 3 o'clock.**

Mr. Miller, from the committee to conduct the ballot for a Board of Internal Improvement, reported that Cadwallader Jones was duly elected, and that no other person received a majority of votes; in which report the Senate concurred.

On motion of Mr. Miller, a message was sent to the House of Commons, proposing to ballot again immediately for two members of the Board of Internal Improvement, stating that the names of James Mebane and Otway Burns are withdrawn, and naming Messrs. Miller and Wilson to conduct the ballot on the part of the Senate. Whereupon a message was
received from the House of Commons, naming Messrs. Waddell and Snipp to superintend the ballot on their part.

The resolution appointing a Librarian, was read the second time. Mr. Alexander moved to strike out the words "one hundred," and insert "seventy five," in the 5th line of the resolution; which amendment was not agreed to, and the resolution was read the second and third times and passed, and ordered to be enrolled.

The resolution relative to the books containing the accounts of the sales of the Cherokee lands, &c. was read the second time, amended on motion of Mr. Mebane, and passed; and being read the third time, was also amended on motion of Mr. Joiner, and passed, and was ordered to be engrossed.

The following engrossed bills were read the second and third times and passed, to wit: a bill to repeal, so far as it relates to the counties of Iredell and Anson, an act; entitled an act directing the County Courts to pay fees to certain officers therein named in certain cases, passed in the year 1820; a bill for revising, digesting and amending the laws relating to executors and administrators; a bill repealing the several acts establishing and regulating the special County Courts of Burke county; a bill to cede to the United States an island of marsh, for the purpose of erecting thereon a light house; and a bill for the relief of sundry purchasers of Cherokee lands. Ordered that the said bills be enrolled.

The following engrossed resolutions, viz. the resolution in favor of Gabriel Holmes, sheriff of New Hanover county; and the resolution in favor of David Sands, were read the second and third times and passed, and ordered to be enrolled.

The bill to incorporate the Swannano and Laurel Turnpike Company, was read the second time. Mr. Burgin moved to amend the bill by striking out the word "Asheville," and inserting "Morganton." Mr. Alexander moved the indefinite postponement of the bill, together with the amendment; and the question being taken, it passed in the affirmative.

The engrossed bill for the relief of insolvent debtors under State prosecutions, was read the second time and passed; and being read the third time, was, on motion of Mr. Meares, indefinitely postponed, and the House of Commons were informed thereof by message.

Mr. Wilson, from the committee to conduct the ballot for two members of the Board of Internal Improvement, reported that Marsden Campbell and Andrew Joiner were duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the law regulating the inspection of flour in the town of Fayetteville, with an amendment; in which they ask the concurrence of the Senate; and the question being taken on agreeing thereto, it passed in the affirmative, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating their agreement to the amendment proposed by the Senate in the recommendation for justices of the peace for the county of Martin. Also a message, stating that they have laid on their table without day, the engrossed bill (with the amendment proposed thereto by the Senate) to amend an act,
passed in 1827, entitled an act for the better regulation of the town of Kenansville in Duplin county. Also a message, stating that the House of Commons have postponed indefinitely the following engrossed bills, to wit: a bill more effectually to punish persons who attempt to poison others; and a bill to provide for the gradual diminution of the capital stock of the Banks of the State, by the purchase and extinguishment of shares; and that they have rejected the engrossed resolution in favor of Alanson Nash.

Mr Alexander moved that the Senate do now consider the report of the committee on the resolutions of the States of Ohio, Vermont, Georgia and South Carolina, respecting colonization; and the question on agreeing thereto was decided in the negative.

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

Friday, January 9, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill: a bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State; also the engrossed resolution in favor of the door keepers; the resolution in favor of John Holloway; the resolution concerning accounts in the Comptroller's books; and the resolution relative to the books containing the accounts of sales of the Cherokee lands; in which they ask the concurrence of that House.

Mr. Wellborn presented a bill authorising the issuing of fifty thousand dollars in Treasury notes; which was read the first time and passed

Mr. Meares, from the select committee to whom was referred the resolution relative to furniture for the Government house, reported the resolution with an amendment, to wit: to fill the blank in the resolution with the sum of five hundred dollars; and the question being taken on filling the blank as proposed by the committee, it passed in the affirmative—ayes 35, noes 16. The ayes and noes being demanded by Mr. Wellborn.


Those who voted in the negative, are Messrs. Askew of Bertie, Boddie, Burgin, Davis, McNell, Matthews, Parker, Patterson, Ramsey, Ruffin, Smith of Person, Shuford, Ward, Wellborn, Williams of Martin, Wilson.

And the resolution, as amended, was read the second and third times and passed, and ordered to be engrossed, and sent to the House of Commons.

On motion of Mr. Mebane, the Senate considered the bill to carry into effect a contract entered into by Rounulus M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee Tribe, in said contract named, and for other purposes. The question before the Senate, was on the motion of Mr. Mathews, indefinitely to postpone the further consideration of the bill, and the question thereon was decided in the negative—ayes 16, noes 35. The ayes and noes being demanded by Mr. Mathews.


Those who voted in the negative, are Messrs. Alexander, Bailey, Beasley, Brodnax,
The question then recurred on the passage of the bill the third time, and
the bill was read, and amended, on motion of Mr. Gray, and subsequently,
on the motion of Mr. Mebane, and passed the third time, and was or-
dered to be engrossed, and sent to the House of Commons.

Received from the House of Commons a message, stating their concor-
dence in the several amendments made by the Senate to the engrossed bill
concerning the lands formerly occupied by the Tuscarora Tribe of Indi-
ans, lying in Bertie county on the north side of Roanoke river. Ordered
that the bill be enrolled.

Received from the House of Commons a message, proposing that the
Clerks of the two Houses be directed to make up the estimates of allow-
ances to the members and officers, to include Saturday next; which pro-
position was agreed to, and the House of Commons were informed thereof
by message.

Also a message, stating that the House of Commons, have passed the en-
grossed resolution in favor of William Robards, Joseph Pickett and
James F. Taylor, commissioners for the sale of the late Treasurer's pro-
erty, with an amendment; which was read and agreed to, and the House
of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have
passed the engrossed bill to change the time of holding the Supreme
Court of this State, with an amendment; which was read and agreed to,
and the House of Commons were informed thereof by message.

Also a message, stating that the House of Commons have passed the
engrossed bill directing the manner in which the acts of Congress and
other public documents shall be distributed in future, and for other pur-
poses, with sundry amendments; in which they ask the concurrence of the
Senate, and the amendments were read and agreed to, and the House
of Commons informed thereof by message; also a message stating that the
House of Commons have passed the engrossed bill for the limitation of
writs of error for matters of fact, and bills of review, with sundry amend-
ments; which were read and agreed to by the Senate, and the House of
Commons were informed thereof by message. Also a message, stating that
the House of Commons have passed the engrossed bill to regulate the
damages on protested bills of exchange, with an amendment; which was
read and agreed to by the Senate, and the House of Commons were in-
formed thereof by message. A further message was received, stating that
the House of Commons have passed the engrossed bill to repeal an act,
passed A D. 1826, chapter 139, entitled an act to repeal an act of the
General Assembly, passed 1820, entitled "an act to order the payment
of fees to certain officers therein named, so far as it affects the county of
Lincoln," with sundry amendments, which were read and agreed to, and
the House of Commons were informed thereof by message.

Mr. Hinton presented a resolution relative to books presented by the
Rev Josiah Crudup to the State; which was read and agreed to, and or-
dered to be engrossed.

Received from the House of Commons a message, stating that they
have passed the following engrossed bills: a bill to regulate the fisheries of Tar and Pamptico rivers; and the bill to exonerate the justices of Rutherford county from the payment of a certain judgment recovered against them in Wake Superior Court; in which they ask the concurrence of the Senate; and the bills were read the first time and passed; also the following engrossed resolutions: a resolution concerning a debt due the estate of the late John Haywood, deceased; and the engrossed resolution to repeal the resolution appropriating the room opposite the Comptroller's office, to the adjutant General; which were read and agreed to, and ordered to be enrolled; also the engrossed resolution in favor of William H. Haywood, jr. which was read the first time and passed.

On motion of Mr. Shoher, the Senate considered the engrossed bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, and the bill was read the third time, and amended, on motion of Mr. Wellborn, and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, proposing to ballot immediately for Brigadier General of the 13th brigade, and adding the name of William A. Bowman to the nomination; which was agreed to.

Received from the House of Commons a message, proposing that the two Houses adjourn to-morrow morning at 7 o'clock; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the amendment made by the House of Commons to the engrossed bill to authorise the Board of Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cahoone's Lake, in Tyrrell county.

Also a message, stating that they have rejected the engrossed bill for purpose of collecting information of matter connected with the Penitentiary System and Lunatic Asylums, and with other purposes.

Received from the House of Commons the report of the committee of Finance on Governor Owen's message relative to the expenditure of three hundred and fifty dollars, paid to the Secretary of the late Governor Reidell pursuant to a resolution of the last General Assembly, to be laid out in the purchase of furniture for the government house and to clear out the well, endorsed in that house “read and concurring in, and ordered to be sent to the Senate” which was read and likewise concurred in by the Senate.

On motion of Mr. Spaight, ordered that David Thomson, the Senator from the county of Johnston, have leave of absence, from and after to-day, for the remainder of the session.

The Senate entered on the orders of the day, and the bill to appreciate the notes of the several Banks in this State, was read the second time. Mr. Ruffin moved to amend the bill by inserting, after the word “note,” in the 7th line of the bill, the words “provided he be the bona fide owner thereof;” which amendment was agreed to. Mr. Ruffin moved further to amend the bill by inserting, at the end of the first section, the following words: “that no company, corporation or body politic shall be entitled to
recover the damages aforesaid; and provided also, that no broker, money dealer or other person residing without the limits of this State, shall be entitled to recover said damages;" which amendment was agreed to. Mr. Williams, of Martin, moved to amend the bill by striking out the whole of the bill after the enacting clause. Mr. Meares moved the indefinite postponement of the bill, together with the proposed amendment, and the question being taken thereon, it was decided in the negative—ayes 19, noes 25. The ayes and noes being demanded by Mr. Davis.

Those who voted in the affirmative, are Messrs. Bailey, Broadax, Burney, Davidson, Deberry, Franklin of Surry, Gray, Hunt, M'Farland, Meares, Mebane, Pugh, Reinhart, Scott, Shober, Spaight, Wellborn, Williams of Beaufort, Williams of Martin.


And the Senate adjourned until 3 o'clock, this afternoon.

FRIDAY EVENING, 3 O' CLOCK, JANUARY 9, 1829.

The Senate resumed the consideration of the bill to appreciate the notes of the several Banks in this State; and the question before the Senate was on the motion of Mr. Williams of Martin, to strike out the whole of the bill after the enacting clause; and the question being stated, on motion of Mr. Mebane, ordered that the bill be laid on the table.

The bill authorising the issuing of fifty thousand dollars in Treasury notes, was read the second time. Mr. Spaight moved the indefinite postponement of the bill. On motion of Mr. Wilson, ordered that the bill be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, with sundry amendments; in which they ask the concurrence of the Senate; and the amendments being read, were agreed to by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina; in which they ask the concurrence of the Senate; and the bill was read the first time and passed.

Received a further message, stating that the House of Commons have passed the engrossed resolution instructing the Public Treasurer, and asking the concurrence of the Senate; and the resolution was read and agreed to, and ordered to be enrolled.

The engrossed resolution in favor of William H. Haywood, jr. was read the second time and passed, and being read the third time, and the question being put "shall the resolution pass the third time?" there were 18 voted in the affirmative, and 18 in the negative. The Senate being equally divided, the Speaker voted in the affirmative, and the resolution passed its third and last reading, and was ordered to be enrolled.

The engrossed bill to regulate the fisheries of Tar and Pamptico rivers, was read the second time, and the question on its passage was decided in the negative; so the bill was rejected, and the House of Commons were informed thereof by message.

The engrossed bill to exonerate the justices of Rutherford county from
the payment of a certain judgment recovered against them in Wake Superior Court, was read the second time. Mr. —— moved the indefinite postponement of the bill, and the question thereon was decided in the negative. The question then recurred on the passage of the bill the second time, and it passed in the affirmative; and the bill was read the third time and passed and ordered to be enrolled.

The engrossed bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina, was read the second time, and, on motion of Mr. Meares, was indefinitely postponed, and the House of Commons were informed thereof by message.

Mr. Ruffin moved that the Senate reconsider the vote taken this day on the second reading of the engrossed bill to regulate the fisheries of Tar and Pamptico rivers; and on the question "will the Senate reconsider said vote?" it passed in the affirmative; and the bill being again before the Senate on its second reading, some discussion was had thereon, and the question being taken on its passage the second time, it was decided in the negative; so the bill was again rejected.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate to the engrossed bill to authorize Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road; also their concurrence in the amendment proposed by the Senate to the amendment proposed by the House of Commons to the engrossed bill to repeal an act, passed in 1826, chap. 159 entitled "an act to repeal an act of the General Assembly, passed 1820, entitled 'an act to order the payment of fees to certain officers therein named." Ordered that said bills be enrolled.

And the Senate adjourned until to-morrow morning, 6 o'clock.

Saturday, January 10, 1829.

A message was received from the House of Commons, stating that they have indefinitely postponed the engrossed bill to carry into effect a contract entered into by Romulus M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contract named, and for other purposes.

On motion of Mr. Mebane, ordered that a message be sent to the House of Commons, notifying them that the Senate, having completed all the legislative business before them, are ready to adjourn without day. And a message was received from the House of Commons, stating they have acted on all the business before that House, and are also ready to adjourn sine die.

Whereupon Mr. Mathews presented the following resolution:

Resolved, That the thanks of the Senate are due, and are hereby given to the Honorable Jesse Speight, Speaker of the Senate, for the able, dignified and impartial manner in which he has discharged the arduous duties of the Chair the present session.

And the question on the resolution being put by the Clerk, it was unanimously adopted.

When the Speaker, after delivering an appropriate address, adjourned the Senate without day.

JESSE SPEIGHT, S. S.