At a General Assembly, begun and held in the City of Raleigh, on Monday, the nineteenth day of November, one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America, it being the first session of the General Assembly: On which day, being that 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, Mr. Williams moved that the Senate do now proceed to the choice of Speaker, without making any nomination for that appointment; which motion was agreed to. A balloting thereupon took place, Messrs. Williams and Montgomery, of Orange, being appointed tellers, on motion of Mr. Spaight, to conduct it. On counting the ballots, Mr. Williams reported that no person had received a majority of the votes; in which report the Senate concurred. Mr. Williams thereupon moved that the Senate proceed to another balloting for Speaker; which motion was agreed to, and the same tellers were appointed to conduct it. On counting the ballots, Mr. Williams reported that William D. Mosely, Esq., the Senator from the county of Lenoir, had received a majority of the whole number.
of votes, and was duly elected; in which report the Senate concurred. Whereupon, on motion of Mr. Skinner, Mr. Montgomery, of Orange, conducted the Speaker elect to the chair, from whence he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Mathews, Samuel F. Patterson was appointed principal clerk, and William J. Cowan, clerk assistant of the Senate.

On motion of Mr. Vanhook, Thomas B. Wheeler was appointed principal doorkeeper, and Green Hill, assistant doorkeeper of the Senate.

On motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organised and ready to proceed on public business; having appointed William D. Mosely, Esq., Speaker, Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant, and Thomas B. Wheeler and Green Hill, doorkeepers.

And the Senate thereupon, on motion of Mr. Williams, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 20, 1832.

On motion of Mr. Spaight, ordered that a committee of five persons be appointed to prepare rules of order for the government of the Senate during the present session. Messrs. Spaight, Toomer, Seawell, Wilson and Bailey were appointed to form said committee.

Jonathan Parker, the senator from the county of Guilford, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Hawkins, ordered, that the rules of the Senate of the last session of the Legislature, be the rules of order and decorum for the government of the Senate during the present session, until the reception and adoption of the report of the committee, appointed to prepare rules for that purpose.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed Louis D. Henry, Esquire, Speaker; Charles Manly, principal clerk and Edmund B. Freeman, clerk assistant; Richard Roberts and John Cooper, door-keepers.

A message was also received from the House of Commons, proposing that the two Houses ballot immediately for three engrossing clerks, and stating that Daniel Coleman, John W. Covington, Thomas G. Stone, Thomas L. West and Isaac C. Patridge are in nomination for the appointment, which proposition was agreed to, and Messrs. Martin and Montgomery, of Hertford, were appointed superintendents of the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Courts and Wooten attend the Senate, to conduct the balloting on the part of that House.

Received from the House of Commons a message, proposing that a joint select committee be appointed to wait on His Excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication he may think proper to make;
and stating that Messrs. McLeod and Shepard are appointed to form the committee on the part of that House; which proposition was agreed to, and Messrs. Williams and Hoke were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Williams, from the committee appointed to wait on His Excellency the Governor, reported that the committee were authorized to state, that he would make a written communication to the Legislature, on to-morrow, at twelve o'clock.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman, John W. Covington and Thomas G. Stone, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

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

**WEDNESDAY, NOVEMBER 21, 1832.**

Gabriel T. Moore, the senator from the county of Stokes, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Hawkins, ordered, that Thomas W. Norman, the senator from the county of Granville, have leave of absence from the services of the Senate, until Friday next.

Mr. Hoke presented the resignation of John Michal, a justice of the peace for the county of Lincoln, and Mr. Askew presented the resignation of Aaron Askew, a justice of the peace for the county of Bertie; which were read and accepted and sent to the House of Commons.

Mr. Lilley presented the resignations of John D. McMillan, Aaron Kennedy and John Allen, justices of the peace for the county of Montgomery; which were read and accepted, and sent to the House of Commons.

Mr. Parker presented the petition of Henry Humphreys, of the county of Guilford, praying the Legislature to pass an act exempting from taxation, for the term of fifteen years, a Cotton Factory, with the slaves therein employed, together with the lands and appurtenances thereto belonging, situated in and near the town of Greensborough; which was read, and on motion of Mr. Wellborn, ordered to be referred to a select committee. Messrs. Parker, Wellborn, Mathews, Skinner and Vanhook, were appointed to form said committee.

Mr. Askew presented the resignation of John P. Dunn, a justice of the peace for the county of Lenoir; which was read and accepted, and sent to the House of Commons.

Mr. Spaight, from the select committee appointed to prepare rules of order for the government of the Senate during the present session, reported the following, which were read, to wit:

1st. When the Speaker takes the chair, each member shall take his seat, and on the appearance of a quorum, the journal of the preceding day shall be read.

2d. After the reading of the journal of the preceding day, the Senate shall proceed to business in the following order; to wit: first, the receiving
petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate. Second, the reports of standing committees. Thirdly, the reports of select committees. Fourth, resolutions. Fifth, bills. Sixth, bills, resolutions, memorials, messages, pension certificates and other papers on the table; then the orders of the day; but motions and messages to ballot for officers to be elected by the General Assembly, shall always be in order.

3d. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the chair.

4th. If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

5th. Where a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it to a day certain, to postpone it indefinitely, to commit it, to let it lie on the table; or to adjourn.

6th. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "as many as are of opinion that, as the case may be, say aye;" and after the affirmative voice is expressed; "as many as are of a contrary opinion, say no." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question, to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announcing its decision, no member shall be permitted to enter his yea or nay, if he be not within the bar of the Senate at the time the question is put from the chair; unless he obtain leave from the Senate, or be absent as a member of the balloting committee.

7th. When any member shall make a motion, which is not of course, he shall reduce the same to writing if required.

8th. In all cases of ballot by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote,
9th. No member shall depart the service of the House, without leave, or receive pay as a member for the time he is absent.

10th. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof, shall verbally be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

11th. Resolutions for the appropriation of public money, as well as all bills, shall be read the first time for information, and upon this reading shall not be subject to amendment, but may be amended on the second and third reading; and the clerk shall keep a calendar of all such resolutions and bills with the orders taken on them, for the inspection of the members of the Senate.

12th. All bills of a public nature, when ready for the second reading, shall be noted to be read, at least one day previous thereto, and then shall first be read for information, and afterwards paragraph by paragraph, and held open for amendment.

13th. A bill once rejected, or indefinitely postponed, and a postponement to a day beyond the session shall be considered an indefinite postponement, another on the same subject shall not be again introduced during this session.

14th. When a question has been once decided, it shall be in order for any member in the majority to move for a re-consideration thereof, on the same or succeeding day, if the bill, resolution or paper upon which the question has been taken, be in possession of the Senate.

15th. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose select committees, except when otherwise ordered; and the select committees of this House shall consist of five members. He shall also appoint the superintendents on all balloting committees.

16th. There shall be appointed by the Senate the following committees, viz. a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on internal improvement, and a committee on education and the literary fund, consisting of eight members each, one to be selected from each old judiciary district.

17th. When the House resolves itself into a committee of the whole, the Speaker shall leave the chair and appoint a Chairman; and when upon any other occasion the Speaker wishes to leave the chair, he shall appoint a Speaker pro temp.

18th. When any petition, memorial or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall in their report on the petition, memorial or other paper, make a statement in writing of the facts embraced in the case so referred.
19th. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the whole House, shall have power to have the same cleared.

20th. No person, except members of the House of Commons, officers and clerks of the two Houses of the General Assembly, judges of the supreme and superior courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

21st. Any member dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

22d. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

23d. On motion for adjournment, the question shall be decided without debate.

24th. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

Mr. Wilson moved to amend the eleventh rule, by inserting after the word "money," in the second line, the following words: "and all resolutions of a public nature;" which amendment was agreed to; the question then recurring on the adoption of the rules as amended, it was determined in the affirmative.

On motion of Mr. Wellborn, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee of five members from each House, to revise the joint rules of the two Houses. Messrs. Wellborn, Leak, Mathews, Montgomery, of Orange, and Askew were appointed to form said committee on the part of the Senate.

Mr. Martin moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the rules of order; and the question being taken thereon, it was determined in the affirmative; whereupon a committee of finance was appointed on the part of the Senate, consisting of Messrs. Skinner, Wilson, Moye of Pitt, Stedman, Carter, Wellborn, Leak and Simmons.

A committee on propositions and grievances was appointed, consisting of Messrs. Montgomery of H., Mathews, Moye of Greene, Kerr, Dobson, Hoke, Morris and Hussey.

A committee of claims was appointed, consisting of Messrs. Askew, Hawkins, Harrison, Vanhook, Martin, Mc Dowell, Howell and Simmons.

A committee of privileges and elections was appointed, consisting of Messrs. Bell, Latham, Marshall, Moffitt, Massey, Ray, Tyson and Hall.

A committee on internal improvement was appointed, consisting of Messrs. Bullock, Faison, Hinton, Norman, Allison, Brittain, Leak and Lamb.

A committee on the judiciary was appointed, consisting of Messrs. Bailey, Boddie, Spaight, Seawell, Hogan, Wellborn, Toomer and Wilson.

A committee on education and the literary fund was appointed, con-
JOURNAL OF THE SENATE.

Mr. Wellborn presented the petition of sundry citizens of the county of Wilkes, praying the passage of an act to restore to the privileges of a citizen, Joshua Pennoil, of said county; which being read, Mr. Wellborn moved that a message be sent to the House of Commons, proposing to refer the said petition to a joint select committee, composed of the members from the counties of Wilkes, Iredell, Surry and Ashe; and the question being taken thereon, it was determined in the negative. Mr. Martin then moved, that the petition be referred to the committee on propositions and grievances, which motion was agreed to.

Mr. Simmons presented the petition of Joshua Williamson, sheriff of Columbus county, praying to have remitted a certain fine incurred by him for failing to comply with the requisitions of an act of the last session, prescribing the manner of making settlements with the public treasurer and comptroller. On motion of Mr. Simmons, ordered that the said petition be referred to the committee on propositions and grievances.

Mr. Simmons also presented the petition of Charles Baldwin, clerk of the county court of Columbus county, praying to be relieved from the payment of a judgment obtained against him, in Wake superior court, in favor of the State, for a non-compliance with the provisions of an act of the General Assembly. On motion of Mr. Simmons, ordered that the said petition be referred to the committee on propositions and grievances.

Mr. Skinner presented the memorial of James Long, sheriff of Perquimans county, praying to have refunded to him the amount of a fine, incurred and paid by him, for failing to comply with the requisitions of an act of the last session, entitled "an act to increase the liability of sheriffs, and to provide more effectually for the collection of taxes." On motion of Mr. Skinner, ordered that the said memorial be referred to the committee on propositions and grievances.

Mr. Hawkins presented the certificate of allowance of the county court of Warren county, in favor of Elizabeth Harris, a pensioner of the State; which was read, and on motion of Mr. Hawkins, ordered to be countersigned by the Speaker of the Senate and sent to the House of Commons.

Mr. Martin presented the following preamble and resolutions, to wit:

"Whereas, questions of deep and vital importance to the future welfare of our common country, are under consideration in some of the Southern States; it is therefore believed to be the duty of this General Assembly, as the representatives of the free people of North,

THURSDAY, NOVEMBER 22, 1832.
Resolved, That this General Assembly continues to cherish a sacred attachment to the constitution of the United States, and considers the advantages of the Federal Union in sustaining our civil institutions and perpetuating our liberties, to be incalculable. That we deplore the doctrine of Nullification, as founded on principles subversive of the constitution, and as having a direct tendency, if practically enforced, to sever the bonds which now unite us together as one great and powerful republic.

Resolved further, That we still rely on the wisdom and integrity of the constituted authorities of the General Government, and confidently look to their patriotism for ultimate redress of all our real grievances; and as the States are prohibited by the constitution from entering into alliances, compacts or agreements among themselves, and being aware of the excitement and sectional feeling, which already pervades the country to a fearful extent, this General Assembly, under existing circumstances, deplore the policy of a Southern Convention.

Resolved, That the Governor be, and he is hereby requested, to forward a copy of these resolutions to the President of the United States, and to the executive of each of the States of this confederacy."

Which being read, on motion of Mr. Montgomery, of Orange, ordered that they be laid upon the table; and on motion of Mr. Hoke, ordered that the said preamble and resolutions be printed, one copy for each member of the Legislature.

Joseph McDowell Carson, the senator from the county of Rutherford, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Montgomery, of Orange, Resolved that the Speaker of the Senate assign suitable places in the Senate Chamber, to one or more stenographers, for the purpose of reporting the proceedings of the Senate.

Received from the House of Commons a message, agreeing to the proposition of the Senate to appoint a joint select committee, to revise the joint rules of order for the government of the two houses, and stating that Messrs. Graves, Hinton, McMillan, Burgin and Borden are appointed to form the committee on the part of that House.

On motion of Mr. Montgomery, of Hertford, "Resolved, that the committee on Education and the Literary Fund, be instructed to inquire into the expediency of establishing by law a central School, in the State of North Carolina, for the purpose of educating and preparing instructors of elementary schools for their profession, and that they report by bill or otherwise."

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee, to be styled the committee on military affairs. Messrs. Hawkins, Wilson, Kerr, Marshall, and McDowell were appointed to form the said committee on the part of the Senate.

Mr. Bell presented the resignation of John C. Nash, a justice of the peace for the county of Camden, which was read and accepted, and sent to the House of Commons.

Mr. Wellborn presented the memorial of sundry citizens of the county of Wilkes, praying an appropriation to be made to enable them to clear out and open a road from Cornelius Howard's mill in said county, up Haw creek, to the Ashe county line. Ordered, that the said memorial be referred to the committee on internal improvements.
On motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for a Solicitor in the first judicial circuit, and stating that John L. Bailey is in nomination for the appointment.

Mr. Montgomery, of Orange, presented the following resolutions, to wit:

1st. Resolved, That so much of the Governor's Message as relates to the Statue of Washington, be referred to a Select Committee.

2d. Resolved, That so much of the Governor's Message as relates to the Maps, Drafts and Plans lately in the possession of the Engineer of the State, and the Mathematical Instruments belonging to the State, be referred to the Committee on Internal Improvement.

3d. Resolved, That so much of the Governor's Message, as relates to the papers belonging to the Senate, saved during the conflagration of the State House, be referred to a Select Committee.

4th. Resolved, That so much of the Governor's Message as relates to the acts, incorporating Rail-roads, be referred to the Committee on Internal Improvement.

5th. Resolved, That so much of the Governor's Message as relates to collecting testimony and making surveys for the State, in suits now pending in the name of the Attorney-General, to vacate certain grants, be referred to a Select Committee.

6th. Resolved, That so much of the Governor's Message as relates to the late James N. Forsythe, be referred to a Select Committee.

7th. Resolved, That so much of the Governor's Message as relates to the obtaining of copies of the Acts and Journals of the General Assembly, be referred to a Select Committee.

8th. Resolved, That so much of the Governor's Message as relates to the arms for cavalry, obtained from the United States, be referred to the Military Committee.

9th. Resolved, That so much of the Governor's Message as relates to Books, Papers and Maps, received from the United States and other States, be referred to the Committee on the Library.

10th. Resolved, That the communications of the several States, accompanying the Governor's Message, be referred to a Select Committee.

The said resolutions being read, the question on the adoption thereof was determined in the affirmative.

Received from the House of Commons a message, transmitting the annual report of the Public Treasurer with sundry accompanying documents, and accompanied with a proposition that the report and documents be printed, one copy for each member of the Legislature; which proposition was agreed to, and on motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing that the said report and documents be referred to the committee on finance.

Received from the House of Commons a message, agreeing to ballot as proposed by the Senate, for a Solicitor of the first judicial circuit, and stating that Messrs. Irvine and Lewis Thompson attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Wilson and Hogan were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Wilson, from the committee appointed to conduct the balloting for a Solicitor of the first judicial circuit, reported that John L. Bailey having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

And the Senate then adjourned until to-morrow morning 10 o'clock.
James Allen, the senator from the county of Buncombe, appeared, produced his credentials, was qualified and took his seat.

Mr. Boddie presented the petition of Thomas Hambleton, a revolutionary soldier, praying compensation for services performed and expenses incurred during the revolutionary war. Ordered, that the said petition be referred to the committee on claims.

Mr. Hoke presented the petition of Alexander Moore, of the county of Lincoln, praying to have refunded to him the taxes which he has paid on a quantity of land in said county, for twenty-five years past, and which has escheated to the University of the State. On motion of Mr. Hoke, ordered, that the said petition be referred to the committee on propositions and grievances.

Mr. Hinton presented the memorial of William Ellison, clerk of the court of pleas and quarter sessions of the county of Beaufort, praying to be released from the payment of a judgment obtained against him by the State in Wake Superior Court, for failing to comply with the provisions of an act of Assembly, passed in the year 1806. On motion of Mr. Hinton, ordered that the said memorial be referred to the committee on propositions and grievances.

Mr. Houston presented the resignation of Daniel Cross, a justice of the peace for the county of Cabarrus, which was read and accepted and sent to the House of Commons.

Mr. Montgomery, of Orange, presented the petition of Peggy Johnson, praying the passage of an act to secure to her such property as she may hereafter acquire.

Mr. Montgomery, of Orange, also presented the petition of John Johnson, praying to be divorced from his wife Peggy Johnson. Ordered, that the said petitions be referred to the committee on propositions and grievances.

Mr. Debson presented a bill to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry," which was read the first, second and third times, and passed and ordered to be engrossed.

Received from the House of Commons a message, proposing to raise a joint select committee, to enquire if any and what alterations are necessary to be made in the Congressional Districts of the State, under the last census and apportionment of representatives; and stating, that Messrs. Sumner, Pearson, Bragg, Eccles and Potts form the committee on the part of that House. On motion of Mr. Mathews, ordered, that the said message be laid upon the table, and that a message be sent to the House of Commons, proposing that a joint select committee, to be composed of one member from each congressional district in the State, be appointed for the purposes embraced in the message from the House of Commons.

A message was also received from the House of Commons, stating their concurrence in the proposition of the Senate, to refer the report of
the Public Treasurer with the accompanying documents, to the joint select committee on finance.

Received also from the House of Commons a message, proposing to refer so much of the Governor's message as relates to the contract with Ball Hughes, for restoring the Statue of Washington, to a joint select committee; and stating that Messrs. Courts, Long, J. B. Jones, Sumner and Hinton form the committee on the part of that House; also a message proposing to refer so much of the Governor's message as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana to a joint select committee; and stating that Messrs. Mangum, Shepard, L. Thompson, Guthrie and Pindexter form said committee on the part of that House. On motion of Mr. Seawell, ordered, that the said message be laid on the table.

Mr. Montgomery, of Orange, moved that the Senate reconsider the vote taken yesterday, on the adoption of the resolutions introduced by him, referring the several subjects embraced in the Governor's message; and the question being taken thereon, it was determined in the affirmative; whereupon Mr. Spaight moved to amend the said resolutions by striking out the first and tenth resolutions; which amendment was agreed to, and the resolutions as amended were adopted.

On motion of Mr. Seawell, the senate then proceeded to take up the messages from the House of Commons, proposing to refer to joint select committees so much of the Governor's message as relates to the contract with Ball Hughes, for restoring the Statue of Washington; and so much of said message as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana; and the question being taken on agreeing to the said propositions, it was determined in the affirmative; whereupon Messrs. Boddie, Dobson, Houston, Lilley and Hall were appointed to form the committee on the part of the Senate, on the first proposition; and Messrs. Spaight, Toomer, Williams, Wilson and Skinner were appointed to form the committee on the part of the Senate, on the last proposition; and the House of Commons was informed thereof by message.

Mr. Spencer presented the resignation of William Selby, a justice of the peace, for the county of Hyde; which was read and accepted, and sent to the House of Commons.

A message was received from the House of Commons, stating that Messrs. Polk, Skinner, Gary, Mangum, G. A. Thompson, Emmit, Waddle and Park form the joint committee on finance on the part of that House.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution, expressing the regret which the Legislature feel on receiving intelligence of the death of Charles Carroll, of Carrollton, in which they ask the concurrence of the Senate; whereupon the said resolution was read the first time and passed, and being read the second time, Mr. Montgomery, of Orange, moved to amend it by adding the following, to wit: "Resolved, that a copy of the above
resolution be transmitted by His Excellency the Governor of North Carolina to the representatives of the deceased, for his family;" which amendment was agreed to, and the resolution, 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.

Mr. Martin gave notice, that on Wednesday next he should ask leave to introduce a bill to establish a bank, to be styled "the Bank of North Carolina."

Received from the House of Commons the certificate of allowance of the county court of Cumberland, in favor of Isabella Campbell, a pensioner of the State, endorsed in that House; "read and ordered to be countersigned by the Speaker of the House of Commons and sent to the Senate;" and, on motion of Mr. Toomer, ordered, that the said certificate be countersigned by the Speaker of the Senate, and returned to the House of Commons.

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

Received also from the House of Commons the following resignations, to wit: the resignation of Woodson Daniel, of the county of Granville; the resignation of Barry Burnett, of the county of Burke; the resignation of James Satchwell, of the county of Beaufort, and the resignation of William Hix, of the county of Montgomery; justices of the peace of their respective counties; also the resignation of John Clayton, colonel-commandant; George C. Nail, lieutenant-colonel, and Isaac Wilkerson, major of the first regiment of Buncombe county Militia, endorsed in that House, "read and accepted," and which were severally read and accepted by the Senate.

The following members were appointed on the several select committees, ordered on the Governor's message, in pursuance of the several resolutions on that subject, to wit:

On so much thereof as relates to the papers belonging to the Senate, saved during the conflagration of the State House; Messrs. Moore, Spencer, Brittain, Wilder and Morris.

On so much thereof as relates to collecting testimony, and making surveys for the State, in the suits now pending in the name of the Attorney-general, to vacate certain grants: Messrs. Carson, Cowper, Harrison, Latham and Hoke.

On so much thereof as relates to the late James N. Forsyth: Messrs. Hinton, Stedman, Ray, Rhodes and Bell.

On so much thereof as relates to the obtaining of copies of the Acts and Journals of the General Assembly: Messrs. Montgomery, of Orange, Moore, of Greene, Lindsay, Missey and Bullock.

And then the Senate adjourned until to-morrow morning, 10 o'clock.
A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry," in which they ask the concurrence of that House.

Mr. Askew presented the resignation of James White, a justice of the peace, for the county of Bertie, which was read and accepted and sent to the House of Commons.

Mr. Hoke presented the petition of sundry citizens of the county of Lincoln, praying the passage of an act to divide the three western judicial circuits into four, and to appoint an additional circuit judge to aid in the holding of said courts; which was read, and on motion of Mr. Hoke, ordered to be referred to a select committee, consisting of one member from each judicial district.

Mr. Moore presented the resignation of William Joyce, senior, a justice of the peace for the county of Stokes, and Mr. Spencer presented the resignation of William Scarbrough, major of the Hyde county Militia; which were read and accepted, and sent to the House of Commons.

Mr. Lamb presented the petition of William Keath, of the county of New Hanover, praying to have refunded to him the purchase money for six hundred and forty acres of land, by him entered in the said county, and for which he has never obtained a grant. On motion of Mr. Lamb, ordered that the said petition, with the accompanying documents, be referred to the committee on claims.

Mr. Allen presented the following resolution, to wit:

"Resolved, That the Public Treasurer be, and he is hereby required to refund to Nathaniel Harrison and William C. Butler, Sheriffs of Buncombe and Burke counties, the amount of the forfeitures by them incurred and paid over under the act of Assembly, passed 1831," which was read the first time and passed; and being read the second time, Mr. Martin moved to amend it by inserting the name of Martin Roberts, Sheriff of Rockingham county, which amendment was agreed to. Mr. Wellborn moved further to amend the resolution by inserting the name of John J. Bryan, Sheriff of Wilkes county. Mr. Parker moved further to amend the resolution, by inserting the name of James W. Dohr, Sheriff of Guilford county. Mr. Melvin moved further to amend the resolution, by inserting the name of Samuel Cain, Sheriff of Bladen county. Mr. Seawell moved further to amend the resolution, by inserting the name of William R. Hiutyn, Sheriff of Wake county. Mr. Morris moved further to amend the resolution, by inserting the name of Joseph Medley, Sheriff of Anson county. Mr. Hoke moved further to amend the resolution, by inserting the name of Thomas Ward, Sheriff of Lincoln county. Mr. Bailey moved further to amend the resolution, by inserting the name of Isaac Baxter, Sheriff of Currituck county. Mr. Leak moved further to amend the resolution, by inserting the name of William Crawford, Sheriff of Richmond county. Mr. Vankook moved further to amend the resolution, by inserting the name of John Barnet, Sheriff of Person county. Mr. Cowper moved further to amend the resolution, by inserting the name of James R. Reddick, Sheriff of Gates county. Mr. Dobson moved further to amend the resolution, by inserting the name of Thomas E. Wright, Sheriff of Surry county. Mr. Askew moved further to amend the resolution, by inserting the name of Lewis Bond, Sheriff of Bertie county; and Mr. Faison moved further to amend the resolution, by inserting the name of James H. Wood, Sheriff of Northampton county; which several amendments were agreed to; and on motion of Mr. Allen, ordered that the said resolution as amended, be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, stating that Messrs. Outlaw, Hill and McQueen compose the joint select committee on the
part of that House on the Public Library, appointed in pursuance of the joint rules of the two houses; whereupon Messrs. Montgomery, of Hertford, Seawell and Allison were appointed to compose the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating their concurrence in the proposition of the Senate, to raise a joint select committee on Military affairs; and stating that Messrs. Ziglar, Ledford, Bonner, Arrington and Marsteller form the said committee on the part of that house.

Received also from the House of Commons a message, proposing that the two houses ballot on Monday next for Public Printer to the State, and stating that Charles R. Ramsay and Lawrence and Lemay are in nomination; which proposition was agreed to, and the House of Commons was informed thereof by message.

Mr. Allen presented a bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe; which was read the first time and passed.

Mr. Leak presented the following preamble and resolutions, to wit:

"Whereas, questions of deep and increasing importance now agitate some of our sister States, growing out of the exercise of powers, which are supposed to belong to the General Government on the one hand, and of the rights which are said to appertain to the States on the other: And whereas, an expression of opinion on the part of this Legislature seems to be called for, that silence may not be construed into a virtual acquiescence of the powers claimed for the General Government, nor yet as being indifferent to the consequences which necessarily flow from the enforcement of Nullification. Be it therefore

Resolved, As the opinion of this Legislature, that while we disapprove the doctrine of Nullification as unconstitutional, violent and of a revolutionary tendency, we are nevertheless feelingly alive to the cause which has given rise to it.

Resolved further, That the powers which have been ceded by the States to the General Government, were delegated in trust for the accomplishment of certain limited and defined objects; and that any exercise of those powers to foster manufactures directly, is viewed by this Legislature as a violation of the spirit of the Federal compact.

Resolved further, That while we deprecate the doctrine of Nullification, as being wild and visionary in theory, dangerous and violent in practice, we at the same time cannot but consider a Tariff of duties looking to protection, as does the present, as an unwar rantable assumption of power.

Resolved further, That we still rely on the wisdom and integrity of the constituted authorities of the General Government, and confidently look to their patriotism and love of union for ultimate redress of all our grievances.

Resolved further, That we recognize in the Tariff, of the 7th of June, 1832, a modification of duties, both in the gross and in the detail, and behold it as an entering wedge, which shall ultimately sift down the duties to a revenue point.

Resolved further, That the Governor be, and he is hereby required, to forward a copy of these resolutions to the President of the United States, and to the Executive of each of the States of this confederacy."

Which, after being read, were, on motion of Mr. Skinner, ordered to be laid on the table and be printed, one copy for each member of the Legislature.

Mr. Brittain presented "a bill to restore John Bates, of Macon county, to credit," which was read the first time and passed; and on motion of Mr. Brittain, ordered to be referred, together with the accompanying petition, to the committee on propositions and grievances.
JOURNAL OF THE SENATE.

On motion of Mr. Montgomery, of Orange, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for Secretary of State, and stating that William Hill is in nomination for the appointment; whereupon a message was received from the House of Commons, agreeing to the proposition, and stating that Messrs. Harper and Irion attend the Senate to conduct the balloting on the part of that House. Messrs. Montgomery, of Orange, and Mathews were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Carson presented "a bill to provide for the registration of grants for lands in this State, when the original has been lost, or is beyond the reach of the party interested in the lands for which the grant was issued," which was read the first time and passed, and, on motion of Mr. Carson, ordered to be referred to the committee on the judiciary.

On motion of Mr. Skinner, ordered, that Mr. Carson be added to the committee on the judiciary.

Mr. Wilson presented the following resolution, to wit:

"Resolved by the General Assembly of the State of North Carolina, That the present session be closed by the adjournment of the two Houses by their respective Speakers, on the 20th day of December, 1832," which being read, on motion of Mr. Wilson, ordered that the said resolution be laid on the table.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that Mr. Montgomery, of Hertford, be added to the joint select committee on military affairs.

On motion of Mr. Martin, the Senate proceeded to take up and consider the several resolutions disapproving the doctrine of Nullification and the policy of a Southern Convention, introduced by him on the 22d inst. as also those presented by Mr. Leak on this day; and, on motion of Mr. Martin, ordered, that the said resolutions be committed to a committee of the whole House and be made the order of the day for Friday next.

Mr. Montgomery, of Orange, from the committee appointed to superintend the balloting for Secretary of State, reported that William Hill, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons, the certificate of allowance made by the county court of Cumberland in favor of Ann Morrison, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons and sent to the Senate," and which, on motion of Mr. Toomer, was ordered to be countersigned by the Speaker of the Senate and returned to the House of Commons.

Received also from the House of Commons the resignation of Hodge Raiborn, of the county of Buncombe, and the resignation of Daniel May, of the county of Anson, justices of the peace for their respective counties, endorsed in that House, "read and accepted," and which were read and accepted by the Senate.

Messrs. Carter and Hogan were appointed on the part of the Senate, to form the joint committee on enrolled bills in pursuance of the joint rules, and the House of Commons was informed thereof by message.

And the Senate then adjourned until Monday morning, 10 o'clock.
The Speaker laid before the Senate a communication from Joseph Gales, Esq., commissioner, appointed under a resolution of the last General Assembly, for collecting and arranging the printed Journals and Laws of the State to supply the place of those which had been destroyed by the fire, which consumed the late Capitol; which communication was accompanied by such number of copies of the Journals and Laws as the said commissioner has been able to procure.

On motion of Mr. Vanhook, ordered, that the said communication be referred to the committee on the Library.

A message was received from the House of Commons, stating that Messrs. Edmonston and Hartley are appointed a committee to conduct the balloting on the part of that house for Public Printer, heretofore agreed on to take place this day; whereupon Messrs. Simmons and Faison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Hogan presented the memorial of sundry citizens of Rowan county, praying the passage of an act to annex a part of said county to the county of Davidson. On motion of Mr. Hogan, ordered that the said memorial, together with the accompanying documents, be referred to the committee on propositions and grievances.

Mr. Dobson presented "a bill vesting the right of electing clerks of the superior and county courts, in the several counties in this State, in the free white men thereof;" which was read the first time and passed, and, on motion of Mr. Montgomery, of Orange, ordered to be printed.

The bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe, was read the second time. Mr. Toomer moved to amend the bill by adding the following proviso, to wit: "Provided nevertheless, it is hereby expressly declared, that the word "exclusive" used in this bill, is not intended in any way to deprive the supreme court of this State of any jurisdiction which it now possesses, or in any way to deprive any suitor in the superior court of Buncombe, of any right of appeal as provided for by existing laws to the said supreme court," which amendment was agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

Mr. Simmons, from the committee appointed to superintend the balloting for Public Printer, reported, that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Wilson presented the following resolution, to wit:

"Resolved, That the Committee of Finance be authorized and instructed to burn such Treasury notes, as are now or shall be in the office of the Public Treasurer, by the 15th of December next, and report the amount to this Legislature," which was read the first time and passed; and being read the second time, Mr. Wellborn moved to amend the resolution, by inserting after the word "notes" the words "unfit for circulation," which amendment was not agreed to; and the resolution was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot again immediately for Public Printer, which proposition was agreed to. and Messrs. Moore, of Pitt, and McDowell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was in
formed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Peoples and Grady attend the Senate, to conduct the balloting on the part of that house.

Mr. Carter presented a counter-memorial from sundry citizens of the county of Rowan, praying the Legislature not to annex any portion of the said county to the county of Davidson, or in any other manner to disturb the present dividing lines between the said counties. On motion of Mr. Carter, ordered, that the said memorial be referred to the committee on propositions and grievances.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee of one member of each house from each of the Congressional Districts in this State, to enquire what alterations are necessary to be made in said Congressional Districts; and stating that Messrs. Skinner, Gary, Potts, C. Wooten, McMillan, Bragg, Eccles, Sumner, Graves, Pearson, Cansler, Dew and Emmit form the said committee on the part of that house; whereupon Messrs. Dobson, Allen, Martin, Massey, Howell, Skinner, Williams, Moffitt, Montgomery, of Orange, Hussey, Spaight, Moye, of Pitt, and Askew were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, agreeing to the amendment proposed by the Senate, to the engrossed resolution expressive of the feelings of the Legislature, on hearing of the death of Charles Carroll, of Carrollton. Ordered that the said resolution be enrolled.

A motion was made by Mr. Allen to reconsider the vote taken on Saturday, on the reference of the petition presented by Mr. Hoke from sundry citizens of Lincoln county, proposing an alteration in the three western judicial circuits; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon, on motion of Mr. Allen, ordered, that the said petition be referred to a select committee, consisting of one member from each Congressional District. Messrs. Hoke, Seawell, Wilson, Mathews, Kerr, Boddie, Stedman, Montgomery, of Hertford, Wellborn, Gavin, Toomer, Moye, of Greene, and Carson were appointed to form the said committee.

Mr. Spaight moved to amend the thirteenth rule of order for the government of the Senate, by striking therefrom the words "on" and "subject," and inserting in lieu thereof the words "of" and "substance," which amendment was unanimously agreed to.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for Public Printer, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A motion was made by Mr. Spaight, to reconsider the vote taken on Saturday, on the reference of the resolutions introduced by Mr. Martin, disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions introduced by Mr. Leak on the subject
of Nullification and the Tariff; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon the said resolutions were read the first time and passed, and, on motion of Mr. Martin, ordered to be referred to a committee of the whole House, and be made the order of the day for Friday week next.

Received from the House of Commons a message, proposing to ballot again immediately for Public Printer, which proposition was agreed to, and Messrs. Allen and Askew were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Burgin and Sawyer are appointed to conduct the balloting on the part of that House.

On motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing that the two Houses proceed to ballot on Thursday next for a Governor of the State for the ensuing year; whereupon Mr. Allen nominated for that appointment John Branch, of Halifax county, and, on motion of Mr. Carter, Thomas G. Polk, of Rowan county, was added to the nomination.

Mr. Allen presented the petition of John Roberts, of the county of Buncombe, praying to be divorced from his wife Agness, together with a bill, entitled, "a bill to divorce John Roberts from his wife Agness," which was read the first time and passed.

Mr. Askew, from the committee appointed to conduct the balloting for Public Printer, reported that Charles R. Ramsay having received a majority of the whole number of votes is duly elected; in which report the Senate concurred.

Mr. Allen presented a bill, entitled, "a bill to abolish the office of county trustee in the county of Buncombe," which was read the first time and passed, and, on motion of Mr. Allen, ordered to be laid upon the table.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed "resolution, directing the committee on finance to burn Treasury notes," in which they ask the concurrence of that House.

Received from the House of Commons the resignations of Evan Ellis and George Wheatly, of the county of Wilkes, and the resignation of Daniel Smith, of the county of Anson, and the resignation of W. B. Kilpatrick, of the county of Lenoir, justices of the peace for their respective counties, endorsed in that House, "read and accepted," and which were read and accepted by the Senate:

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

TUESDAY, NOVEMBER 27, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe," in which they ask the concurrence of that House.

Mr. Massey presented the certificate of allowance of the county court of Mecklenburg, in favor of Martha Thompson, a pensioner of the State,
which was read, and, on motion of Mr. Massey, ordered to be counter-signed by the Speaker of the Senate and sent to the House of Commons.

Mr. Gavrin presented the resignation of Lewis Moore, Colonel-commandant of the 32d Regiment of North Carolina Militia; which was read and accepted and sent to the House of Commons.

Mr. Montgomery, of Hertford, from the committee of propositions and grievances, to whom was referred the petition of James Long, Sheriff of Perquimans county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Public Treasurer refund to James Long, Sheriff of Perquimans county, or his agent, two hundred dollars, the amount of his forfeiture for his non-compliance with the act of the General Assembly, passed in the year one thousand eight hundred and thirty-one, entitled, an act more effectually to enforce the collection of taxes; and that the Public Treasurer be allowed the same in the settlement of his public accounts; which was read the first time and passed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of John Johnson, of Orange county, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Peggy Johnson, of Orange county, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Wellborn, from the joint select committee appointed to revise the joint rules of order for the government of the two Houses, made a report thereon, recommending the adoption of the rules of order of the last session; in which report the Senate concurred; and, on motion of Mr. Montgomery, of Orange, ordered, that the rules of order for the government of the Senate, together with the joint rules of both Houses, and the constitution of the United States and of this State, be printed, one copy for each member of the Senate.

The bill, to abolish the office of county trustee in the county of Buncombe, was read the second time. Mr. Simmons moved to amend the bill, by inserting after the word "Buncombe" in the fourth line of the first section, the word "Columbus," and to make the provisions of the bill correspond thereto; which amendment was agreed to. Mr. Hinton moved further to amend the bill, by extending its provisions to the county of Beaufort. Mr. Carter moved further to amend the bill, by extending its provisions to the county of Rowan. Mr. Dishongh moved further to amend the bill, by extending its provisions to the county of Onslow. Mr. Boddie moved further to amend the bill, by extending its provisions to the county of Nash; and Mr. Spencer moved further to amend the bill, by extending its provisions to the county of Hyde; which several amendments were agreed to, and the bill as amended was read the second time and passed.
A message was received from the House of Commons, stating their concurrence in the proposition of the Senate, to ballot on Thursday next for Governor of the State, and informing that Richard D. Spaight is added to the nomination.

Received also from the House of Commons a message, stating that Messrs. F. A. Sawyer and Guthrie compose the joint committee on the part of that House on enrolled bills.

A message was also received from the House of Commons, proposing to ballot on to-morrow for a Major-general of the 5th Division, and stating that Alney Burgin and William Horton are in nomination for the appointment. On motion of Mr. Allen, ordered, that the said message be laid on the table.

Mr. Allen presented a bill, entitled, "a bill to erect a new county out of a portion of the county of Buncombe, by the name of Yancey," which was read the first time and passed.

The bill to divorce John Roberts from his wife Agness, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Morriss, "Resolved, that the Military committee be instructed to enquire into the expediency of revising the Militia Laws of this State, and making a distribution thereof among the several Militia officers; and that they report by bill or otherwise."

The resolution, in favor of James Long, Sheriff of Perquimons county, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of Reuben Allen, a justice of the peace for the county of Beaufort, endorsed in that House, "read and accepted," and which was read and accepted by the Senate:

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

Wednesday, November 28, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to divorce John Roberts and his wife Agness;" and the engrossed "resolution in favor of James Long, Sheriff of Perquimons county," in which they ask the concurrence of that House.

Josiah Collins, junior, the senator from the county of Washington, appeared, produced his credentials, was qualified and took his seat.

Mr. Spaight presented the certificates of allowance of the county court of Craven county, in favor of Captain John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the State; which were read, and, on motion of Mr. Spaight, ordered to be countersigned by the Speaker of the Senate and sent to the House of Commons.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the memorial of William Ellison, clerk of the court of pleas and quarter sessions of Beaufort county, praying the remission of a judgment obtained against him in Wake superior court,
made a favorable report thereon, accompanied by the following resolutions, to wit: "Resolved, that William Ellison, clerk of the county court of Beaufort, be released from the amount of a judgment of one thousand dollars, rendered against him at the county court of Wake, at August Term, 1832, for his failure to comply with an act, passed in the year 1806, entitled, an act more effectually to compel the clerks of courts, the clerks and masters in equity and the Sheriffs in this State, to make the returns required of them by law, and duly to settle and balance their public accounts," which was read the first time and passed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Alexander Moore, of the county of Lincoln, praying to have refunded to him, the taxes which he has paid to the State on a tract of land in said county, and which has escheated to the University, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Charles Baldwin, clerk of the court of pleas and quarter sessions for the county of Columbus, praying to have remitted the amount of a judgment obtained against him by the State, in Wake superior court, for failing to furnish to the Comptroller, at the time required by law, the name of the Sheriff of Columbus county and his securities, made a favorable report thereon, accompanied by the following resolution, to wit:

"Resolved, that Charles Baldwin, clerk of the county court of Columbus, be released from the amount of a judgment of one thousand dollars, rendered against him at the fall term of the superior court for the county of Wake, for his failure to comply with an act, passed in the year 1806, entitled, an act more effectually to compel the clerks of courts, the clerks and masters in equity and the sheriffs in this State to make the returns required of them by law, and duly to settle and balance their public accounts," which was read the first time and passed.

Mr. Parker, from the select committee, to whom was referred the petition of Henry Humphrey's, of Greensboro', praying to have about six acres of land adjoining the said town, upon which he is engaged in building a Cotton Factory, together with the hands engaged in said Factory, exempted from taxation for the term of fifteen years, made a favorable report thereon, accompanied by a bill, entitled, "a bill to exempt from taxation the lands upon which Henry Humphrey's has erected a Cotton Factory, together with the laborers employed therein;" which was read the first time and passed.

Mr. Cowper presented a bill, entitled, "a bill authorizing the county court of the county of Gates to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State," which was read the first time and passed.

Mr. Martin presented a bill, entitled, "a bill to establish the Bank of North Carolina," which was read the first time and passed, and, on motion of Mr. Allen, ordered to be printed, one copy for each member of the Legislature.

Mr. Seawell presented a bill, entitled, "a bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof Office, for the safe keeping of the public records of the county," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Boddie presented a bill, entitled, "a bill to amend the several laws of this State, relative to the duties of Clerks and Sheriffs," which was read the first time and passed, and, on motion of Mr. Boddie, ordered to be referred to the committee on the judiciary.
Mr. Hogan presented a bill, entitled, "a bill to regulate the courts of pleas and quarter sessions in Davidson county;" which was read the first time and passed, and being read the second time, Mr. Spencer moved to amend the bill, by inserting after the word "Davidson," the words "and Hyde," which amendment was agreed to. Mr. Dishongh moved further to amend the bill, by extending its provisions to the county of Onslow; which amendment was also agreed to, and the bill as amended was read the second and third times and passed and ordered to be engrossed.

Received from the House of Commons a message, proposing to raise a joint select committee, composed of one member from each judicial circuit in each House, to inquire into the measures most expedient to be adopted to insure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties; which being read, was, on motion of Mr. Allen, ordered to be laid upon the table; and, on motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee of one member of each House, from each Congressional District, to make the inquiry proposed by the House of Commons.

Received also from the House of Commons a message, proposing to raise a joint select committee on Banks, and the future disposition of Bank Stock belonging to the State; which proposition was agreed to, and Messrs. Toomer, Martin, Bailey, Wilson and Carson were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, proposing that the two Houses proceed to ballot on to-morrow morning for a Brigadier-general of the 10th Brigade and 5th Division of the Militia of this State, and stating that Joseph Brevard and Edmund Bryan are in nomination for the appointment; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, proposing to raise a joint select committee on the subject of a Convention, to be composed of one member from each Congressional District from each house, with permission to report by bill or otherwise; which proposition was agreed to, and Messrs. Bailey, Hinton, Marshall, Dishongh, Montgomery, of Orange, Carter, Norman, Houston, Leak, Moore, Dobson, Faison and Carson were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit, "A bill to amend an act, passed in the year 1829, entitled, an act to authorize the forming a Fire Engine Company, in the town of Elizabeth City;" and a bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of public sale in said counties;" in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first and second times and passed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill, vesting the right of electing clerks of the superior and county courts in the several counties in this State in the free white men thereof; when, on motion of Mr. Seawell, ordered, that the further consideration of the said bill be postponed to, and be made the order of the day for, Friday next.
Mr. Montgomery, of Orange, presented the following resolution, to wit:

"Resolved, that a select committee be appointed to inquire into and report to this House, as far as practicable, the amount of shares held by the State in the several Banks within the State, the capital stock of said Banks, the amount of dividends and bonus divided by them since their establishment, the amount of specie paid on the stocks originally subscribed, the amount of notes now in circulation issued by the Banks in this State, and the specie in their vaults; and any other information connected with these inquiries, that they may deem important to this House;" which, after being read, was, on motion of Mr. Martin, ordered to be laid upon the table.

Mr. Allen presented a bill, entitled, "a bill concerning the supreme court," which was read, and, on motion of Mr. Williams, ordered to be laid upon the table.

The bill to erect a new county out of a portion of the county of Buncombe, by the name of Yancey, was read the second time, and, on motion of Mr. Lamb, ordered, that the further consideration thereof be postponed until Monday next. Ayes 30. Noes 30, the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:


The resolutions in favor of William Ellison and Charles Baldwin, were read the second and third times and passed and ordered to be engrossed.

On motion of Mr. Carson,

"Resolved, That the judiciary committee be instructed to inquire if any, and what provision by law is necessary, to enable parties to suits where grants for lands, issued by the State of North Carolina, shall be investigated, to show that such grants have been obtained fraudulently; and further, to inquire what amendments are necessary to be made, if any, to the statute of one thousand seven hundred, and fifteen, passed for quieting titles to lands within this State."

Mr. Seawell presented a bill, entitled, "a bill to incorporate the experimental Rail-road Company, in the city of Raleigh;" which was read the first and second times and passed; and, on motion of Mr. Martin, ordered to be laid upon the table.

Mr. Carson presented the petition of Theodorick F. Birchett, R. G. Twitty and John W. Harris, praying the Legislature to grant them a charter for a Turnpike-road, on a part of the road leading from Rutherfordton to Ashville, by the Hickory Nut Gap. On motion of Mr. Carson, ordered, that the said petition be referred to the committee on internal improvement.

Received from the House of Commons a message, stating that Messrs. Ridley and McNeil are appointed additional members on the committee on enrolled bills, on the part of that House.

Received also from the House of Commons the resignation of Moses Whiteside, a justice of the peace for the county of Buncombe, endorsed in that House, "read and accepted," and which was read and accepted by the Senate:

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

Thursday, November 29, 1832.

A message was sent to the House of Commons stating, that the Senate have passed the following engrossed resolutions, viz. "Resolution
in favor of William Ellison," and a "Resolution in favor of Charles Bald-
win." In which they ask the concurrence of that House.

Messrs. Massey and Hoke were appointed a committee on the part of
the Senate, to conduct the balloting for a Brigadier-general of the 10th
Brigade and 5th Division, and the House of Commons was informed
thereof by message.

Mr. Hogan presented the resignations of Philip Hedrick, lieuten-
colonel, and J. S. Harris, major of the first regiment of Davidson county
Militia; which were read and accepted and sent to the House of Com-
mens.

Mr. Montgomery, of Hertford, from the committee on propositions and
grievances, to whom was referred the petition of Joshua Williamson,
Sheriff of Columbus county, praying to be released from a forfeiture of
two hundred dollars, incurred by him for failing to comply with an act
of Assembly, passed in 1831, made a favorable report thereon, accompa-
nied by the following resolution, to wit:

Resolved, That Joshua Williamson, Sheriff of Columbus county, be released from the
amount of a judgment of two hundred dollars, rendered against him, at the fall term of
the superior court, 1832, in Wake county, for his failure to comply with the act of 1831,
entitled, an "act to increase the liability of Sheriffs, and to provide more effectually for the
collection of taxes;" Provided the costs for which judgment was rendered in said case be
duly paid by the said petitioner;"

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

Mr. Montgomery, of Hertford, from the same committee, to whom was
referred the resolution in favor of Nathaniel Harrison, Sheriff of Bun-
combe, William C. Butler, Sheriff of Burke, and sundry other Sheriffs of
the State, made a favorable report thereon, accompanied by the following
resolutions, which they recommend as a substitute for the one referred
to the committee, to wit: "Resolved, That the Public Treasurer of the
State of North Carolina be, and he is hereby required to refund to
Nathaniel Harrison, William C. Butler, Martin Roberts, John J. Bryan,
James W. Doak, Samuel Cain, William R. Hinton, Joseph Medley,
Thomas Ward, Isaac Baxter, John Barnet, James R. Riddick, Thomas
B. Wright, James H. Wood and Lewis Bond, Sheriffs of the counties of
Buncombe, Burke, Rockingham, Wilkes, Guilford, Bladen, Wake, Anson,
Lincoln, Currituck, Person, Gates, Surry, Northampton and Bertie or
their order, two hundred dollars, the amount of the forfeitures by them
incurred and paid over under the act of Assembly, passed in the year
1831, entitled, "an act to increase the liabilities of Sheriffs, and to provide
more effectually for the collection of taxes;"

"Be it further Resolved, That Stephen Owen, John Black and William Crawford,
Sheriffs of the counties of Beaufort, Cumberland and Richmond, be released from the
amount of a judgment of two hundred dollars, rendered against them at the Fall Term of
Wake superior court, in 1832, for their failure to comply with the act of 1831, entitled, "an
act to increase the liability of Sheriffs, and to provide more effectually for the collection
of taxes; provided the costs for which judgments were rendered in said cases against the said
Sheriffs of Beaufort, Cumberland and Richmond, be respectively and duly paid by said
Sheriffs;"

Which resolutions were read the first, second and third times and pass-
ed, and ordered to be engrossed.
Received from the House of Commons a message, stating that Messrs. Abernathy and Ward are appointed a committee on the part of that House to conduct the balloting for a Brigadier-general of the 16th Brigade and 5th Division.

On motion of Mr. Allen, a message was sent to the House of Commons, stating that Messrs. Allen and Carter attend that House to conduct the balloting on the part of the Senate, for Governor of the State, heretofore agreed on to take place this day.

The engrossed bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of public sale in said counties, was read the third time. Mr. Carson moved to amend the bill, by inserting after the word "Macon," in the fourth line of the first section, the word "Burke," and to make the provisions of the bill correspond thereto; which amendment was agreed to. Mr. Carson moved further to amend the bill, by adding the following proviso at the end of the first section, to wit:

"Provided that nothing herein contained shall be so construed, as to affect the laws now in force in said counties, in regard to the sale of lands and slaves;" which amendment was also 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.

The bill to exempt from taxation the lands upon which Henry Humphreys has erected a Cotton Factory, together with the laborers employed therein, was read the second time. Mr. Parker moved to amend the bill, by striking out the following words in the first section, to wit:

"And all the regular laborers that may be employed in said Factory." Mr. Skinner moved that the further consideration of the said bill and amendment be indefinitely postponed; which motion was agreed to.

Ayes 42. Noes 16. The Ayes and Noes being demanded by Mr. Williams are as follows, to wit:


Received from the House of Commons a message, stating that Messrs. Emmitt and Cromwell attend the Senate, to conduct the balloting on the part of that House for Governor of the State.

Mr. Massey, from the committee appointed to conduct the balloting for a Brigadier-general of the 16th Brigade, reported that Edmund Bryan, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The Senate then entered on the orders of the day, and proceeded to consider the bill to establish the Bank of North Carolina; when, on motion of Mr. Wilson, ordered, that the said bill be committed to a committee of the whole House, and be made the order of the day for Tuesday next.

Mr. Allen, from the committee appointed to conduct the balloting for
Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill to abolish the office of county trustee in the counties of Buncombe, Columbus, Beaufort Rowan, Onslow, Nash and Hyde, was read the third time. Mr. Parker moved to amend the bill so as to make its provisions extend to the county of Guilford; which amendment was agreed to. Mr. Allen moved further to amend the bill, by inserting after the word "Equity," in the third line of the fourth section, the following words, "the county Ranger, and all other persons receiving county monies;" which amendment was also agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing to ballot again immediately for Governor of the State.

Mr. Hussey presented a bill, entitled, "a bill to incorporate a Cavalry Company in the county of Duplin;" which was read the first and second times and passed.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof office, for the safe keeping of the Public Records of the county;" in which they ask the concurrence of that House.

On motion of Mr. Allen, the bill concerning the supreme court was taken up, and ordered to be referred to the committee on the judiciary.

Mr. Hoke presented a bill, entitled, "a bill concerning the removal of causes for trial;" which was read the first time and passed.

On motion of Mr. Martin, ordered, that John H. Hawkins, the Senator from the county of Warren, have leave of absence from the services of the Senate for yesterday.

On motion of Mr. Askew, 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-day until Sunday next.

On motion of Mr. Martin, the Senate proceeded to take up and consider the resolution offered on yesterday, by Mr. Montgomery, of Orange, calling on the several banks in this State for certain information; and the resolution having been read, Mr. Montgomery, of Orange, moved to amend it, by adding the following as an additional resolution, to wit: "Resolved further, that said committee be, and they are hereby instructed to ascertain the amount of funds belonging to the State, specifying their description, the gross amount of each, and the interest, if any, due thereon, and report to the Senate as soon as practicable;" which amendment was agreed to, and the resolution, as amended, was read and adopted; whereupon Messrs. Montgomery, of Orange, Parker, Kerr, Brittain and Cowper were appointed to form said committee.

Mr. Lindsay presented a bill, entitled, "a bill exempting Powel's Point and Poplar Branch companies of Militia, in Currituck county, from attending regimental musters at the Court House therein;" which was
read the first, second and third times and passed and ordered to be engrossed.

On motion of Mr. Cowper,

"Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire, into the expediency of requiring the superior courts of this State, to proceed regularly to business on some one of their dockets, on the first day of their Term; or, if that provision be deemed inexpedient, that the said committee inquire into the propriety of not requiring witnesses to attend until second day of said terms, and to be paid accordingly."

On motion of Mr. Martin, the Senate proceeded to take up the bill to incorporate the Experimental Rail-road Company, in the city of Raleigh; and the bill being read the third time, Mr. Martin moved to amend it, by inserting the following proviso at the end of the fifth section, to wit:

"And provided nevertheless, That nothing in this act shall authorize or permit the said corporation to demand from any person or persons, who may hereafter contract for the erection of any building or work for the use of the State, in which rock may be deemed a necessary material, a greater price for transporting rock on the said Rail-road, than two-thirds of the usual price charged by owners of wagons;

Which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

The bill, authorizing the county court of the county of Gates, to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot again immediately for Governor of the State, and informing that Thomas G. Polk is withdrawn from the nomination; and stating further, that Messrs. Emmitt and Cromwell attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Hawkins and Carter were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message:

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

**Friday, November 30, 1832.**

A message was sent to the House of Commons stating, that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill authorizing the county court of the county of Gates, to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State. "A bill to incorporate the Experimental Rail-road Company, in the city of Raleigh." "A bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort." "A bill exempting Powel's Point and Poplar Branch companies of Militia, in Currituck county, from attending regimental musters at the Court-House therein." "A bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties." "Resolutions in favor of William C. Butler and others," and "a resolution in favor of Joshua Williamson, Sheriff of Columbus county," in which they ask the concurrence of that House."
Mr. Hawkins, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that another balloting be had immediately for Governor of the State.

Mr. Morris presented the petition of sundry citizens of the county of Anson, praying the passage of an act to permit Ralph Freeman, a freeman of color of said county, to exercise the functions and privileges of a preacher of the Gospel. On motion of Mr. Morris, ordered, that the said petition be referred to the committee on propositions and grievances.

Mr. Martin, from the committee on claims, to whom was referred the petition of William Keath, praying to have issued to him a grant for six hundred and forty acres of land, in the county of New Hanover, made a favorable report thereon, accompanied by the following resolution, to wit:

"Resolved. That the Secretary of State be authorized to issue a grant to William Keath, for six hundred and forty acres of land, lying on the south-west of Lyon Swamp, in New Hanover County, agreeably to the Treasurer's receipt, number two hundred and sixty-seven, dated the 19th November, 1813, and in conformity with the accompanying plot of the Surveyor, made on the 4th of February, 1826;"

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

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot again immediately for Governor of the State, and informing that David L. Swain is added to the nomination; and stating further, that Messrs. Gwyn and Hartley attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Wilson and Harrison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to restore John Bates, of Macon county to credit, reported the same without amendment, and recommended that it be passed into a law; whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of sundry citizens of the county of Wilkes, praying the passage of an act, to restore to the privileges of a citizen, Joshua Pinion, of said county, made a favorable report thereon, accompanied by a bill, entitled, "a bill to restore Joshua Pinion, of Wilkes county to credit," which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Seawell, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for Major-general of the 5th Division of Militia; and, on motion of Mr. Allen, the name of William D. Smith was added to the nomination.

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

"Whereas it often happens, that the widows and infant children of intestates, are left inpossession of some property, but too inconsiderable in amount to be an inducement to any person to administer thereon and undertake the settlement of the debts of such intestates,
by reason of which, such widows and children cannot lawfully dispose of any part of such property, upon which to subsist. *Be it therefore resolved, That the committee on the judiciary be instructed to inquire into the expediency of giving the right to such widows of filing petitions for one year's support, and have the same laid out in the same manner, as if administrations had been granted on such estates, and that they report by bill or otherwise; Which was read and adopted.

Mr. Wilson, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for Governor of the State; which proposition was agreed to, and Messrs. Mathews and Moore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Cunningham and Hurst are appointed to conduct the balloting on the part of that House.

Received also from the House of Commons a message, stating that Messrs. Barringer, Polk, Hill, G. A. Thompson and Sumner are appointed to form the committee on the part of that House, on banks and the bank stock belonging to the State; and that Messrs. Pearson, Courts, Cansler, Dews, Peoples, Mangum, Eccles, Arrington, Laspeyre, Burns, Potts, Outlaw and John B. Jones, are appointed to form the committee on the part of that House, on the subject of a Convention.

A message was also received from the House of Commons, agreeing to the proposition of the Senate, to raise a joint select committee, consisting of one member in each House from each Congressional District, to inquire into the measures most expedient to be adopted, to insure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties; and stating, that Messrs. Davidson, Dews, Barringer, Pearson, Poindexter, Sumner, Eccles, Bragg, McMillan, Shepard, Spruill, Daniel and S. T. Sawyer compose the said committee on the part of that House.

Mr. Bell presented a bill, entitled, a "bill to authorize the justices of the peace for the county court of Camden, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter or straighten roads, &c. which was read the first time and passed; and, being read the second time, Mr. Allen moved to amend the bill, by extending its provisions to the county of Buncombe; which amendment was agreed to. Mr. Cowper moved further to amend the bill, by extending its provisions to the county of Gates. Mr. Skinner moved further to amend it, by extending its provisions to the county of Perquimons. Mr. Seawell moved further to amend it, by extending its provisions to the county of Wake; which several amendments were agreed to. Mr. Seawell moved further to amend the bill, by adding the following proviso at the end of the third section, to wit:

*Provided always, That no road shall be laid out, straightened or altered without the consent of the owner of the land, through which the road so laid out or altered shall pass;*

Which amendment was also agreed to. Mr. Collins moved further to amend the bill, by extending its provisions to the counties of Washington and Tyrrell. Mr. Wellborn moved further to amend the bill, by extend-
ing its provisions to the county of Wilkes. Mr. Vanhook moved further to amend it, by extending its provisions to the county of Person. Mr. Hinton moved further to amend it, by extending its provisions to the county of Beaufort, and Mr. Spencer moved further to amend it, by extending its provisions to the county of Hyde; which several amendments were also agreed to; and, on motion of Mr. Carson, ordered, that the said bill be referred to the committee on the judiciary, with instructions to inquire into the expediency of reporting a general bill upon the subject of its provisions.

The bill to incorporate a Cavalry Company in the county of Duplin, was read the third time and passed, and ordered to be engrossed; and the bill concerning the removal of causes for trial, was read the second time, and, on motion of Mr. Hoke, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that they have passed the engrossed bill declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to alter and fix separate places of election;" and the engrossed resolution in favor of Ephraim Christopher, in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed; and the resolution was read the first, second and third times and passed and ordered to be enrolled.

Mr. Mathews, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing to ballot again immediately for Governor of the State; which proposition was agreed to; and Messrs. Williams and Dobson were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Marsteller and Hinton are appointed to conduct the balloting on their part.

Received from the House of Commons the certificates of allowance of the county court of Craven, in favor of John Rhem, Thomas Ewell and Christopher Beasley, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also from the House of Commons the resignation of William W. Price, Colonel-commandant of the Caswell regiment of Militia; endorsed in that House, "read and accepted," and which was read and accepted by the Senate:

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

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Saturday, December 1, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "a bill to incorporate a Cavalry Company in the county of Duplin." "A bill to restore John Bates, of Macon county, to credit." A bill to restore Joshua
Divion, of Wilkes county, to credit; and “a resolution in favor of William Keith;” in which they ask the concurrence of that House.

Mr. Williams, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, proposing that another balloting be had immediately for Governor of the State: and, on motion of Mr. Allen, the name of John Branch was withdrawn; and, on motion of Mr. Hawkins, that of Joseph H. Bryan was added to the nomination.

Mr. Hussey presented a bill, entitled, “a bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst’s Bridge and the North-east river;” which was read the first, second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, concurring in the proposition of the Senate to ballot again immediately for Governor of the State, and informing that Joseph H. Bryan, of Granville county is added to the nomination; and stating further, that Messrs. Whitaker and Blowe attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Kerr and Bell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The engrossed bill, declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to fix and alter separate places of election, was read the second time. Mr. Carson moved that the said bill be laid upon the table, which was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative.

Mr. Moore presented a bill, entitled, “a bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th day of July, 1832, of bank notes under five dollars, issued by the banks of other States;” which was read the first time and passed.

Mr. Bell, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; and, on motion of Mr. Bell, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for Governor; whereupon a message was received from that House agreeing to the proposition, and stating that Messrs. McLaurin and Roberts attend the Senate, to conduct the balloting on their part. Messrs. Montgomery, of Orange, and Wilder were thereupon appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was received from the House of Commons, stating that the proposition of the Senate of yesterday, to ballot immediately for a Major-general of the 5th Division, was disagreed to.

Received also from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed bill, entitled, “a bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of public sale in said counties.” Ordered, that the said bill be enrolled.

A message was also received from the House of Commons, stating that they have passed the engrossed “resolution relating to the clerks of Haywood and
Macon counties," in which they ask the concurrence of the Senate; whereupon the said resolution was read and adopted, and ordered to be enrolled.

Mr. Montgomery, of Orange, from the committee appointed to conduct the balloting for Governor, reported that David L. Swain had received a majority of the whole number of votes, and was duly elected; in which report the Senate concurred.

On motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee of two members from each House, to wait on the Governor elect, and inform him of his election, and to ascertain at what time it will be convenient for him to attend the Legislature, and take the necessary oaths prescribed for his qualification; whereupon Messrs. Mathews and Leak were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

The following members were appointed to form the joint select committee on the part of the Senate, to inquire into the measures most expedient to be adopted to ensure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties, to wit: Messrs. Hoke, Scawell, Wilson, Mathews, Kerr, Boddie, Stedman, Montgomery, of Hertford, Wellborn, Gavin, Toomer, Moye, of Green, and Carson; and a message sent to the House of Commons informing them thereof.

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

**Monday, December 3, 1832.**

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to prevent the falling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's Bridge and the North-east river," in which they ask the concurrence of the House of Commons.

Mr. Hinton presented the petition of sundry citizens of the county of Beaufort, praying an appropriation to enable them to clear out and render navigable Pungo river in said county. On motion of Mr. Hinton, ordered, that the said petition be referred to the committee on internal improvement.

On motion of Mr. Williams, ordered, that James Rhodes, the senator from the county of Wayne, have leave of absence from the services of the Senate, for this day and to-morrow.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred a resolution from the House of Commons, instructing them to inquire into the expedition of so amending the militia laws, as to exempt the militia of Knott's Island from attending general, regimental, or battalion musters at the Court House of Currituck county, made a favorable report thereof, accompanied by a bill, entitled, "a bill to exempt the militia residing on Knott's Island, from attending at the Court House of Currituck on general, regimental, or battalion musters," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hawkins, from the same committee, to whom was referred a resolution from the House of Commons, instructing them to inquire into the expedition of so amending the militia laws as to exempt officers, who have held a commission for five years, from thereafter doing military duty, made an unfavorable report thereon, expressing the opinion that no legislation was necessary upon the subject; in which report the Senate concurred.

Mr. Allen presented a bill, entitled, "a bill to repeal an act, passed in the year 1830, entitled, "an act to repeal part of the second section of an act, passed
in the year 1806, chapter 708," entitled, "an act to revise the militia laws of this State," which was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from the Public Treasurer, covering sundry statements of the affairs of the Bank of Cape Fear and of the State Bank of North Carolina, received at the Treasury Office since the annual report from that department; and which was accompanied by a proposition from that House, that the same be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill to amend an act, entitled, an act to appoint one additional place of sale in Hyde county, passed in the year 1831;" "a bill to incorporate the Franklin Guards;" "a bill to incorporate a Cavalry Company in the county of Hertford," and, "a bill to incorporate the Gatesville Troopers," in which they ask: the concurrence of the Senate; whereupon the two first mentioned bills were read the first, second and third times and passed, and ordered to be enrolled; and the third mentioned bill having been read the first and second times and passed, Mr. Hawkins moved that it be referred to the committee on military affairs; which motion was not agreed to, and the bill was thereupon read the third time and passed, and ordered to be enrolled. The last mentioned bill being then read the first time and passed, Mr. Hawkins moved that it be laid upon the table; which motion was not agreed to, and the bill was thereupon read the second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, proposing to ballot immediately for Major-general of the 5th Division, and stating that David Newland, is added to the nomination; which proposition was agreed to, and, on motion of Mr. Allen, the name of William D. Smith was withdrawn from the nomination, and Messrs. Morris and Stedman were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th day of July, 1832, of bank notes under five dollars, issued by the banks of other States, was read the second time and passed. Ayes 31. Noes 23. The ayes and noes being demanded by Mr. Simmons are as follows, to wit:


Received from the House of Commons a message, stating that Messrs. Hart and Clark attend the Senate to conduct the balloting for Major-general of the 5th Division, on the part of that House.

Mr. Hawkins presented the annual report of the Adjutant-general of the militia of this State, with sundry accompanying documents; which, on motion of Mr. Wilson, were ordered to be transmitted to the House of Commons, with a proposition that they be referred to the joint select committee on military affairs and be printed, one copy for each member of the Legislature.

On motion of Mr. Hinton,

Resolved, That the committee on Military affairs, be instructed to inquire into the ex-
pediency of passing some general law, whereby companies of Cavalry, Light Infantry, Rifle Corps and Artillery Companies may obtain the benefit of corporate powers; and if they deem the same expedient, that they report a general bill upon the subject."

Mr. Marshall presented a bill, entitled, "a bill to authorize David W. Borden, of Carteret county, to erect a gate across the road leading from the cross roads on White Oak River to Borden's Ferry," which was read the first time and passed; and, on motion of Mr. Askew, ordered to be referred to the committee on propositions and grievances.

Mr. Morris, from the committee appointed to conduct the balloting for a Major-general of the 5th Division, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred; whereupon, on motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing to ballot again for that office on to-morrow.

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

"Whereas, many of the good people of North Carolina entertain the opinion, that the constitution of this State is defective in some of its provisions, more especially in the present mode of representation, which, instead of being on the just and equitable basis of taxation and population, is according to geographical limits, unequal in size, and greatly disproportionate in wealth and numbers; that the right of electing the Governor of the State, ought to be vested in the free people thereof; and that biennial meetings of the General Assembly, subject to the call of the Governor, would enable it to discharge all its necessary duties to the country, and be of great saving to the State: And whereas, many of the people of this State likewise entertain the opinion, that the seat of government should be removed to some place uniting more advantages than the city of Raleigh; and believing they have retained in their own hands the power of altering or amending the constitution, and of removing the seat of government, without being restrained in the mode or manner in which such amendments are to be made; it is believed to be most expedient, under existing circumstances, to submit these several questions directly to the people of this State, Therefore,

Resolved, That the joint select committee, on the subject of a Convention be, and they are hereby instructed to inquire, into the expediency of preparing amendments to the constitution of this State, on the several subjects herein contained, with a view to their being presented to the free people of this State, at their next August elections, for their ratification or rejection;"

And the said preamble and resolution having been read, Mr. Montgomery, of Hertford, moved to amend the resolution, by adding the following at the end thereof, to wit:

"Resolved further, That the said committee be also instructed to inquire into the expediency of limiting the right of suffrage, in the election of members of the General Assembly to the free white men of this State;"

Which amendment was agreed to. The question then recurring on the adoption of the preamble and resolution as amended, it was determined in the affirmative.

The engrossed bill declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to alter and fix separate places of election, was read the third time, and resolved that the same shall not pass; and a message was sent to the House of Commons informing them thereof.

Mr. Carter presented a bill, entitled, "a bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne," which was read the first and second times and passed.

Received from the House of Commons a message, proposing to ballot again immediately for Major-general of the 5th Division, and informing that the name of William Horton is withdrawn from the nomination. On motion of Mr. Montgomery, of Orange, ordered, that the said message be laid upon the table.
Received from the House of Commons the resignation of John Kincaide, as Colonel, and of David Tate as Lieutenant-colonel of the first regiment of Burke county Militia; also the resignation of Peter Simmons, a justice of the peace for the county of Surry, which were severally endorsed in that House, "read and accepted," and which were read and accepted by the Senate.

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

TUESDAY, DECEMBER 4, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to exempt the Militia of Knott's Island from attending general, regimental, or battalion musters at the Court House of Currituck," in which they ask the concurrence of that House.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot again on this day for a Major-general of the 5th Division, and stating that Messrs. Sherwood and Word attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Latham and Dishongh were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the memorial of sundry citizens of the county of Rowan, praying the annexation of a part of that county to the county of Davidson, made a report thereon, expressing the opinion that no legislation is necessary on the subject, and asking to be discharged from the further consideration thereof; which being read, on motion of Mr. Hogan, ordered that it be laid on the table.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution, instructing them to inquire into the expediency of requiring the superior courts of this State, to proceed regularly to business on some one of their dockets, on the first day of their term, or if that provision be deemed inexpedient, that the said committee inquire into the propriety of not requiring witnesses to attend, until the second day of said terms and to be paid accordingly, made a verbal report thereon, stating that in the opinion of the committee, no legislation is necessary upon the subject; in which report the Senate concurred.

Mr. Seawell from the same committee, to whom was referred the bill to authorize the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons, Wake, Washington, Tyrrell, Wilkes, Beaufort, Person and Hyde. On petition, to appoint commissioners to set off widows' dowers, to lay out, alter, straighten roads, &c. reported the same without amendment, and the bill being read the second time, Mr. Moye, of Pitt moved to amend it by inserting the word "Pitt," which amendment was agreed to. Mr. Bullock moved further to amend it, by inserting the word "Chowan." Mr. Wilder moved to insert "Johnston." Mr. Gavin moved to insert "Sampson." Mr. Leak moved to insert "Richmond." Mr. Norman moved to insert "Granville." Mr. Lindsay moved to insert "Currituck." Mr. Montgomery, of Hertford, moved to insert "Hertford." Mr. Hussey moved to insert "Duplin." Mr. Lamb moved to insert "New Hanover." Mr. Stedman moved to insert "Chatham." Mr. Carter moved to insert "Rowan, Mecklenburg and Cabarrus." Mr. Lilley moved to insert "Montgomery." Mr. Martin moved to insert "Rockingham;" and Mr. Hall moved to insert "Brunswick," which several amendments were agreed to. Mr. Seawell moved further to amend the bill, by inserting the following words after the word "County," in the
third line of the third section, to wit. “After due advertisement as now required by law, if the prayer of the petition shall be granted.” Mr. Carter moved that the bill with the amendment be laid upon the table; which was not agreed to. Mr. Hinton moved that the further consideration of the bill and amendments be postponed until to-morrow; which motion was agreed to.

Mr. Latham, from the committee appointed to conduct the balloting for Major-general of the 5th Division, reported that David Newland having received a majority of the whole number of the votes, is duly elected; in which report the Senate concurred.

Mr. Montgomery, of Orange, from the select committee, to whom was referred the resolution instructing them to inquire into the affairs of the several banks, and the funds and bank stock belonging to the State, made a detailed report thereon; which, on motion of Mr. Montgomery, of Orange, was ordered to be laid upon the table and be printed, one copy for each member of the Legislature.

On motion of Mr. Wellborn,

"Resolved, That the Senate do adjourn to-morrow, 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."

A message was received from the House of Commons, stating their concurrence in the proposition of the Senate to raise a joint select committee, consisting of two members on the part of each House, to wait upon His Excellency the Governor elect, inform him of his election, and to ascertain at what time it will be convenient for him to take the oaths of qualification; and informing that Messrs. Barringer and Dockery are appointed to form said committee on the part of that House.

Received also from the House of Commons a message, transmitting a communication from His Excellency the Governor, enclosing the official returns of votes given for electors of President and Vice-President of the United States, received at the Executive Department of North Carolina. Ordered, that the communication, with the accompanying documents, be laid upon the table.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: “A bill to vest the right of electing the clerks of the county and superior courts in the several counties within this State, in the free white men thereof;” and a bill making compensation to tales-jurors in the county of Robeson; in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed and, on motion of Mr. Howell, ordered, that the last mentioned bill be laid upon the table.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to establish the Bank of North Carolina; when, on motion of Mr. Montgomery, of Orange, ordered, that the committee of the whole House be discharged from the consideration of said bill on this day, and that it be committed to a committee of the whole House, and be made the order of the day for Monday next.

The bill to repeal an act, passed in the year 1830, entitled, “an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State, was read the second time, and, on motion of Mr. Allen, ordered to be laid upon the table.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution instructing them to inquire into the expediency of giving the right to widows of filing petitions for one year’s support, and have the same
laid out in the same manner as if administration had been granted on the
estate, made a report thereon, accompanied by a bill, entitled, "a bill autho-
rising widows of persons dying intestate, to file their petitions for a year's sup-
port before letters of administration are granted; which was read the first time
and passed.

The bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the
circulation in this State, after the 4th day of July, 1832, of bank notes under
five dollars, issued by the banks of other States, was read the third time and
passed, and ordered to be engrossed.

A motion was made by Mr. Matthews, to reconsider the vote taken on yester-
day, on the rejection of the engrossed bill declaratory of the law now in force,
giving to the courts of pleas and quarter sessions of the several counties within
this State, the power to alter and fix separate places of election; and, on the
question, will the Senate reconsider the said vote? it was determined in the
affirmative; whereupon the said bill was read the third time and passed, and
ordered to be enrolled.

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

WEDNESDAY, DECEMBER 5, 1832.

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 1830,
chapter 40, to prohibit the circulation in this State, after the fourth day of
July, 1832, of bank notes under five dollars, issued by the banks of other
States," in which they ask the concurrence of that House.

Mr. Montgomery, of Hertford, from the committee on propositions and
grievances, to whom was referred the bill to authorise David W. Borden, of
Carteret county, to erect a gate across the road, leading from the cross-roads,
on White Oak river, to Borden's ferry, reported the same without amendment;
whereupon the said bill was read the first, second and third times and passed,
and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the same committee, to whom was re-
ferred the petition of sundry citizens of Anson county, praying the passage
of an act, to permit Ralph Freeman, a freeman of color of said county, to exer-
cise the privileges and functions of a preacher of the Gospel, made an unfavor-
able report thereon, and asking to be discharged from the further considera-
tion of the subject; in which report the Senate concurred, and the committee
was discharged accordingly.

Mr Hinton presented the following preamble and resolution, to wit:

"Whereas, many of the good people of the State, regard that provision in the 32d sec-
tion of our State constitution which requires, as a test of eligibility to office, the belief
of the truth of the Protestant religion, as too intolerant for the present enlightened state of
society, as no longer necessary to guard against imaginary dangers, and as operating as a
consciences barrier to any participation in the offices of the State, of a respectable denom-
ination of Christians residing among us, possessing ability and moral worth well calculated
to adorn and benefit the State:

Be it therefore resolved, That the committee on the subject of a Convention be instructed,
if they conclude to recommend any alterations in the constitution, to consider the expedi-
cy of expunging therefrom the aforesaid provision;"

Which was read and adopted.

Mr. Lilley presented the following resolution, to wit:

"Resolved, That the Public Treasurer be instructed to refund to David Harris, of
Montgomery county, or his agent, eight dollars and eighty cents, he having paid the pur-
mise money for one hundred acres of land, as appears by the Treasurer's receipt, but re-
cived a grant for twelve acres only, and that the Treasurer be allowed the same in the
settlement of his public accounts;"
Which was read the first time and passed; and, on motion of Mr. Lilley, or-
dered to be referred to the committee on claims.

Mr. Hinton presented a bill, entitled, "a bill to secure a Homestead free-
hold to every citizen owning lands in this State"; which was read the first
time and passed; and, on motion of Mr. Martin, ordered to be printed.

Mr. Lilley presented a bill, entitled, "a bill to authorise the administrator of
Samuel Pemberton, deceased, late Sheriff of Montgomery county, to collect
the arrearages of taxes, due for the years 1827 and 1828;" which was read the
first time and passed; and, being read the second time, it was resolved, that the
same shall not pass, Ayes 19. Noes 37. The ayes and noes being de-
manded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Boddie, Brittain, Bul-
lock, Faison, Hawkins, Kerr, Leake, Lilley, Marshall, Mathews, Moffit, Montgomery, of
E., Morris, Ray, Stedman, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Allison, Bailey, Bell, Carter, Cowper,
Dobson, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Howell, Lamb, Latham,
Lindsey, McDowell, Martin, Massey, Melvin, Montgomery, of O., Moore, Moye, of Greene-
Moye, of Pitt, Norman, Parham, Parker, Rhodes, Seawell, Simmons, Spencer, Toomer,
Vanhook, Wilder, Williams, Wilson.

Received from the House of Commons a message, stating that they have
passed the engrossed bill, entitled, "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 an act amendatory of the same, passed
in the year 1822;" in which they ask the concurrence of the Senate; where-
upon the said bill was read the first and second times and passed; and being
read the third time, Mr. Mont gomery, of Hertford, moved to amend the bill,
by inserting after the words "Elizabeth City," in the fifth line of the first sec-
tion, the words "and Lewis M. Cowper, of Murraysboro;" which amend-
ment was 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 concur-
rence in the amendment.

The bill, authorising widows of persons dying intestate, to file their petition
for a year's support before letters of administration are granted, was read
the second time. Mr. Hinton moved to amend the bill, by adding the fol-
lowing as an additional section, to wit:

"Be it further enacted, That it shall be lawful for the said justice and freeholders to allot
and set over to any such widow, any article or articles of the personal property, negroes
excepted, of such intestate, and also any debt or debts known to be due to such intestate;
and such allotment shall vest in such widow the right to collect, by warrant or otherwise,
by action of debt in her own name, the debt or debts so allotted to her;"

Which amendment was agreed to; and the bill as amended was read the
second time and passed.

The engrossed bill, to vest the right of electing the clerks of the county
and superior courts, in the several counties within this State, in the free
white men thereof, was read the second time. Mr. Kerr moved to amend
the bill, by striking out the word "four" in the eighth line of the third
section and inserting the word "five," which amendment was not agreed
to. On motion of Mr. Seawell, ordered, that the further consideration of
the said bill be postponed until Friday next, and that it be committed to
a committee of the whole House, and be made the order of the day for
that day.

Mr. Mathews, from the committee appointed to wait on the Governor
elect, to inform him of his election, and to ascertain from him, at what
time it would be convenient for him to attend and take the oaths of qualifi
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Section, reported that the committee was authorised to state, that he would attend the two Houses for that purpose on to-morrow, at 12 o'clock.

The bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State, was read the second time. Mr. Allen moved to amend the bill, by adding at the end thereof the following words, to wit: "So far as respects the society called Quakers." Mr. Bell moved that the bill, together with the amendment, be postponed indefinitely. Mr. Wilson moved that the bill and amendment be laid upon the table; which motion having precedence, the question thereon was first put, and determined in the negative. The question then recurring, on the motion of Mr. Bell to postpone the bill and amendment indefinitely, it was also determined in the negative. Ayes 28. Noes 33. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:


Whereupon, on motion of Mr. Wellborn, ordered, that the said bill be referred to a select committee; which committee consists of Messrs. Wellborn, Leak, Bailey, Carson and Bell.

Mr. Brittain presented a bill, entitled, "a bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road from the Old Fort in Burke to Ashville in Buncombe," which was read the first time and passed:

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

THURSDAY, DECEMBER 6, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to authorise David W. Borden, of Carteret county, to erect a gate across the road, leading from the cross-roads, on White Oak river, to Borden's ferry," in which they ask the concurrence of that House.

On motion of Mr. Hogan,

Resolved, That to prevent frauds and corruption in elections, that the committee on the judiciary be instructed to inquire into the expediency of so altering, amending or explaining the laws touching and concerning the holding of elections, as to define clearly the powers of Sheriffs holding elections, and inspectors appointed to superintend elections: also to inquire when and under what circumstances a Sheriff has a right to give a casting vote, and report by bill or otherwise.

Mr. Collins presented a bill, entitled, "a bill to establish the boundary line between the counties of Washington and Beaufort," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Morris presented a bill, entitled, "a bill more effectually to provide for the payment of jurors in the county of Anson," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Latham presented a bill, entitled, "a bill for the better regulation of Jamestown, in Martin county," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton presented a bill, entitled, "a bill to attach the Longacre Company
of Militia, in the county of Beaufort, to the Bath battalion in said county;" which was read the first, second and third times and passed, and ordered to be engrossed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road, from the Old Fort in Burke to Ashville in Buncombe; and the bill being read the second time, Mr. Bell moved to amend it, by adding the following words at the end of the first section, to wit: "and in future paying interest thereon;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was determined in the affirmative.

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 of office, 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 David L. Swain, by the Honorable Joseph J. Daniel, one of the judges of the superior courts of law and equity for this State; after which, the Senate returned to their chamber for the purpose of resuming their legislative duties.

Received from the House of Commons a communication from His Excellency the Governor, transmitting the annual report of the board of internal improvement for the last year, and accompanied by a proposition from that House, that the report and accompanying documents be printed; which proposition was agreed to, and, on motion of Mr. Hinton, ordered that said report, with the accompanying documents, be referred to the committee on internal improvements.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate to print the report of the adjutant general, and that the same be referred to the joint select committee on military affairs.

A message was also received from the House of Commons, proposing that a joint select committee be raised, whose duty it shall be to inquire into the number and condition of the Cherokee Indians, who are now living in this State; the nature of their laws, and the expediency of extending the laws of this State as far as our chartered limits extend, with liberty to report by bill or otherwise; which proposition was agreed to, and Messrs. Bailey, Brittain, Dobson, Parham and Ray were appointed to compose the committee on the part of the Senate; and the House of Commons was informed thereof by message.

The bill to secure a Homestead freehold to every citizen owning lands in this State, being read the second time, on motion of Mr. Hinton, ordered, that the further consideration thereof be postponed until Tuesday next.

The bill, authorising widows of persons dying intestate, to file their petition for a year's support, before letters of administration are granted, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons the resignation of Duncan Cameron, a justice of the peace for the county of Orange, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

The bill to authorise the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons and others, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter, straighten roads, &c. was
read the third time. Mr. Carter moved to amend the bill, by striking out the word "Rowan," which amendment was agreed to. Mr. Hinton moved further to amend the bill, by inserting the following words after the word "road" in the third line of the third section, to wit: "or for laying out ditches to drain marsh, swamp or low lands through the lands of other persons;" which amendment was not agreed to. Mr. Rhodes moved to amend the bill, by making its provisions extend to the county of Wayne; which amendment was agreed to. Mr. Seawell moved further to amend the bill, by inserting after the word "dower" in the sixth line of the first section, the following words, to wit: "due notice being given as heretofore required by law;" which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was decided in the negative.

The Speaker laid before the Senate a communication received from the adjutant-general, communicating certain information on the subject of suits instituted in behalf of the State against delinquent Militia officers; which was read, and, on motion of Mr. Montgomery, of Orange, ordered, that it be sent to the House of Commons, with a proposition that it be referred to the committee on military affairs:

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

Friday, December 7, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill more effectually to provide for the payment of jurors in the county of Anson;" "a bill to establish the boundary line between the counties of Washington and Beaufort;" "a bill for the better regulation of Jameston in Martin county;" "a bill to attach the Long Acre Company of Militia, in the county of Beaufort, to the Bath battalion in said county;" and "a bill authorising widows of persons dying intestate, to file their petitions for a year's support, before letters of administration are granted;" in which they ask the concurrence of that House.

Mr. Parham presented the resignation of John L. Smith, Colonel-commandant of the Haywood county regiment of Militia; which was read and accepted and sent to the House of Commons.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred the resolution instructing them to inquire into the expediency of so amending the militia laws, as to provide some general mode whereby volunteer companies of militia may be incorporated, made an unfavorable report thereon, expressing the opinion, that it is inexpedient to legislate upon the subject; in which report the Senate concurred.

On motion of Mr. Simmons,

"Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of providing by law, some limited time within which purchasers of property, sold under execution shall obtain title, and report by bill or otherwise.

Mr. Parker presented a bill, entitled, "a bill to regulate the collection of State Witness Tickets, so far as respects the county of Guilford;" which was read the first, second and third times and passed, and ordered to be engrossed.

A motion was made by Mr. Hinton to reconsider the vote taken on yesterday, on the third reading of the bill to establish the boundary line between the counties of Washington and Beaufort; and on question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon Mr. Hinton moved to amend the bill, by striking out all that portion of it which
requires commissioners to be appointed on the part of Beaufort county; which amendment was not agreed to; and the bill was thereupon read the third time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Daniel Graham, of Cumberland county, in which they ask the concurrence of the Senate; whereupon the said resolution was read the first, second and third times and passed, and ordered to be enrolled.

The bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road from the Old Fort in Burke to Asheville in Buncombe," was read the third time and passed and ordered to be engrossed.

On motion of Mr. Carter, the Senate proceeded to consider the bill, to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches, in the counties of Lenoir and Wayne; and the bill being read the third time, Mr. Rhodes moved to amend the bill, by inserting after the word "felled" in the seventeenth line of the first section, and the following words, "at the discretion of the court not exceeding;" which amendment was agreed to. Mr. Rhodes moved further to amend the bill, by striking out the last section; which amendment was also agreed to; and the bill as amended was read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill, entitled, "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 an act amendatory of the same, passed in the year 1828." Ordered, that the said bill be enrolled.

Mr. Martin moved that the committee of the whole House, to which was referred the resolutions disapproving the doctrine of Nullification, and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff, and which were made the order of the day for this day, be discharged from the further consideration of the said resolutions; Mr. Wilson moved that the further consideration of the order of the day upon the said resolutions, be postponed until Friday next; Mr. Allen moved, that the further consideration of the order of the day, upon the said resolutions, be postponed until the 15th day of January next; which motion having precedence, Mr. Wilson moved that the said motion be laid upon the table; which was agreed to. Ayes 34. Noes 27. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:


Those who voted in the negative are, Messrs. Allen, Eailey, Bell, Carson, Dishongh, Dobson, Faison, Honston, Lamb, Latham, Lindsey, McDowell, Martin, Montgomery, of H., Montgomery, of O., Mote, of F. Parkham, Parker, Rhodes, Sewell, Simmons, Spencer, Sedman, Toomer, Tyson, Wellborn, Wilder.

The question then recurring on the motion of Mr. Wilson, to postpone the further consideration of the order of the day, on the said resolutions, until Friday next, it was determined in the affirmative.

The Senate then resolved itself into a committee of the whole House, Mr. Hogan in the chair, to take into consideration the bill to vest the right of electing the clerks of the county and superior courts, in the several counties within this State, in the free white men thereof, and after some time spent.
therein, the Speaker resumed the chair, and Mr. Hogan reported that the committee of the whole had, according to order, had the said bill under consideration, and had instructed him to report the same to the Senate without amendment, and recommended its passage into a law; whereupon the bill was read the second time and passed. Ayes 44. Noes 16. The ayes and noes being demanded by Mr. Vanhook, are as follows, to wit:


Whereupon, on motion of Mr. Montgomery, of Orange, the bill was read the third time and passed, and ordered to be enrolled. Ayes 43. Noes 17. The ayes and noes being demanded by Mr. Dishongh, are as follows, to wit:


Received from the House of Commons a message, proposing to ballot immediately for a Major-General of the 2d Division, and stating that John I. Pasteur is in nomination; which, on motion of Mr. Stedman, was ordered to be laid on the table.

A motion was made by Mr. Carson, to reconsider the vote taken yesterday, on the third reading of the bill, to authorise the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons, Wake and others, to appoint commissioners to set off widows' dowers, to lay out, alter, straighten roads, &c., and by which the said bill was rejected; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon, on motion of Mr. Bell, ordered, that the said bill be laid upon the table:

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

SATURDAY, DECEMBER 8, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches, in the counties of Lenoir and Wayne," a bill to regulate the collection of State Witness Tickets, so far as respects the county of Guilford," and "a bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road, from the Old Fort in Burke to Ashville in Buncombe," in which they ask the concurrence of that House.

Mr. Martin, from the committee on claims, to whom was referred the petition of Thomas Hamilton, praying remuneration for expenses incurred and services performed during the revolutionary war, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.
On motion of Mr Boddie, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee, to be styled "the committee on Public Buildings." Messrs. Boddie, Tyson, Norman, Hall and Wellborn were appointed to form said committee on the part of the Senate.

Mr. Lilley presented a bill, entitled, "a bill to prevent the felling of timber in, or otherwise obstructing the channel of Little River, from Bumper's Fork to the county line in Montgomery county," which was read the first, second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, stating that Messrs. Whitaker, Davidson, Edmonson, McLeod and S. T. Sawyer, are appointed to form the joint select committee on the part of that House, on Cherokee Indian affairs.

Received also from the House of Commons a message, stating that the proposition of that House on yesterday, to ballot for Major-general of the "Second Division," should have been for Major-general of the "Eighth Division."

Received also from the House of Commons a message, proposing that the two Houses meet on Wednesday evening next, for the purpose of recommending field officers and justices of the peace; which proposition was agreed to; and the House of Commons was informed thereof by message.

Mr. Wellborn, from the select committee to whom was referred the bill to repeal an act, passed in 1830, entitled, an act to repeal part of the second section of an act, passed in 1806, chapter 708, entitled, an act to revise the militia laws of this State, reported the same with an amendment as follows, to wit:

"So far as regards persons having scruples of conscience against bearing arms, who shall produce certificates, signed by the clerks of the respective churches, that they are regular members thereof; and that such people as produce these certificates shall be subject to taxation in time of insurrection, invasion or war; they shall also be subject to furnish their quota of men or pay an equivalent;" which amendment was agreed to; and the bill as amended was read the second time and passed. Ayes 32. Noes 28. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:


Received from the House of Commons a message, stating that they have passed the engrossed resolutions in favor of William C Butler and others, with an amendment, to wit: After the word "Bond" in the seventh line of the first resolution, insert "Leslie Gilliam;" and in the same resolution after "Bertie" insert "Granville;" in which they ask the concurrence of the Senate; whereupon the proposed amendments were read and concurred in by the Senate, and the House of Commons was informed thereof by message.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution instructing them to inquire if any, and what provision by law, is necessary to enable parties to suits, where grants for land issued by the State of North Carolina, shall be investigated, to show that such grants have been obtained fraudulently, &c., made a report thereon, accompanied by a bill, entitled, "a bill more effectually to prevent litigation and to avoid suits at law," which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be printed.
Mr. Seawell, from the same committee, also reported a bill, entitled, "a bill to provide for the registration of copies of grants for land; which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be printed.

Mr. Seawell presented a bill, entitled, "a bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, "an act for the better regulation of the conduct of negroes, slaves and free persons of color;" which was read the first time and passed.

Mr. Stedman presented a bill, entitled, "a bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of amending or repealing an act, passed in the year 1828, entitled, an act 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, and that they report by bill or otherwise.

Mr. Leak, from the committee on internal improvement, to whom was referred the petition of Theodorick F. Birchett and others, praying to be incorporated into a Turnpike Company, for the purpose of keeping in repair a portion of the road leading from Rutherfordton by the Hickory Nut Gap to Ashville, made an unfavorable report thereon, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Dishongh moved, that the Senate do now proceed to consider the message from the House of Commons, proposing to ballot for a Major-general of the 8th Division; which motion was not agreed to.

The Speaker laid before the Senate a communication from the Hon. Joseph J. Daniel, President of the Electoral College of North Carolina, setting forth the reasons that induced that body to decline accepting the use of the Senate chamber for the transaction of its business, and which had been tendered by a resolution of the Senate; which communication was accompanied by the following resolutions, to wit:

Resolved, That the thanks of this Electoral College be returned to the Senate, for the polite manner in which that body tendered the use of their Hall to the Electors of the President and Vice-President.

Resolved, further, That the President of the College be requested to communicate the foregoing resolution to the Senate, and to state the reasons which induced the College not to hold their meeting in the Senate Hall.

By order,
S. F. Patterson, Secretary.

Ordered, that the said communication and resolutions be laid upon the table.

Mr. Seawell presented the petition of John Dunn Scott, a freeman of color, of the county of Wake, praying permission to emancipate his son, a slave. On motion of Mr. Seawell, ordered, that the said petition, with its accompanying documents, be referred to the committee on propositions and grievances:

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

Monday, December 10, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same;" in which they ask the concurrence of that House.
Mr. Hussey presented the petition of Robert Sandlin, "praying the passage of an act, to change the name of Eliza Umphrey to that of Eliza Sandlin. Mr. Hussey also presented a bill to carry the prayer of the petitioner into effect, entitled, "a bill to alter the name of Eliza Umphrey and to legitimate her;" which was read the first time and passed, and, on motion of Mr. Hussey, ordered, that the said bill and petition be referred to the committee on propositions and grievances.

Mr. Spaight presented a bill, entitled, "a bill to alter and amend the judiciary system of the State of North Carolina," which was read the first time and passed, and, on motion of Mr. Spaight, ordered, that it be committed to a committee of the whole House, and be made the order of the day for Thursday next; and that it be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to incorporate the Haywood Boating Company," "a bill to compel the Register of Buncombe county to keep his office in Asheville during the weeks of the county and superior courts" and, "a bill to incorporate the Scotland Neck Guards," in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate to raise a joint select committee to be styled the committee on public buildings; and informing, that Messrs. L. Thompson, Graves, McMillan, Park and Rand are appointed to compose the said committee on the part of that House.

The engrossed bill to incorporate the Haywood Boating Company, was read the second time and passed.

The engrossed bill to compel the Register of Buncombe county, to keep his office in Asheville during the weeks of the county and superior courts, was read the second time. Mr. Allen moved to amend the bill, by striking out the following words from the last clause of the first section, to wit: "during the weeks of the county and superior courts held for said county," and to make the title of the bill correspond thereto; 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 amendments.

The engrossed bill to incorporate the Scotland Neck Guards, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to incorporate the Anson Dragoons," a bill concerning the upper regiment of Chatham county Militia; "a bill to prevent disputes in consequence of a late survey of the line, dividing the counties of Anson and Mecklenburg;" and, "a bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

The engrossed bill concerning the upper regiment of Chatham county Militia, was read the second time and passed; and the engrossed bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county, was read the second time and passed.

The engrossed bill to prevent disputes, in consequence of a late survey of
The line, dividing the counties of Anson and Mecklenburg, was read the second and third times and passed, and ordered to be enrolled.

The bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws of this State, was read the third time. Mr. Wilson moved to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That it shall be the duty of every militia captain in this State, to enrol on his muster list, all Quakers, Moravians, Dunkards, Menonists and others conscientiously scrupulous of bearing arms, residing within his district, and between the ages of eighteen and forty-five; but that they shall not be compelled to muster or perform military duty, except in cases of insurrection or invasion, or pay any tax for said exemption;"

Which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was determined in the affirmative.

Ayes 34. Noes 27. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:


Ordered, that the said bill be engrossed.

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

The resignation of John Arrington, of the county of Nash; the resignation of David Newland, of the county of Burke; the resignation of Green Huckabee, of the county of Wake, and the resignation of Rezin Royal of the county of Sampson, justices of the peace for their respective counties, endorsed in that House, read and accepted;" and which were read and accepted by the Senate.

On motion of Mr. Martin, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the chair, to take into consideration the bill to establish the bank of North Carolina; and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported that the committee of the whole had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and recommend its passage into a law; whereupon the said amendments were severally read and concurred in by the Senate; and the bill as amended being read the second time, Mr. Seawell moved further to amend it, by striking out the fourth section and inserting in lieu thereof the following, to wit:

"That the remaining two millions of stock shall be subscribed by the Public Treasurer in behalf of this State, and be paid for in manner hereafter provided; and whenever the capital aforesaid shall be subscribed for, or such part thereof as by the provisions of this act authorise the bank to go into operation, the said subscribers are hereby declared to become incorporated under the title aforesaid; and whenever the said bank shall become organized by the election of President and Directors as prescribed in this act, it shall be the duty of the Governor, and he is hereby authorised on the part of this State, to execute one thousand bonds of onethousand dollars each, in the name of the State, and under the great seal, payable and redeemable on the last day of December, one thousand eight hundred and fifty-seven, payable to the order of the President and Directors of the Bank."

Mr. Martin moved to amend the fourth section, by inserting after the word "shall" in the second line, the word "hereafter," which motion having precedence, the question thereon was first put and the amendment agreed to. The-
question then recurring, on the motion of Mr. Seawell, to strike out the whole of the fourth section and insert in lieu thereof the substitute proposed by him, Mr. Montgomery, of Orange, called for a division of the question. It was therefore first taken on the proposition to strike out, which was not agreed to; so the motion to amend was lost. Mr. Martin moved further to amend the bill, by striking out the word “tenth” in the second line of the fifteenth section and inserting the word “fourth?” which amendment was agreed to. Mr. Fair-son moved further to amend the bill, by adding the following to the second section, to wit:

“At Halifax, under the superintendence of Andrew Joyner, Mark H. Pettway, Edmond B. Freeman, Wm. B. Lockhart and Joseph J. Daniel;”

Which amendment was agreed to. Mr. Bullock moved further to amend the second section of the bill, by inserting the following, to wit:

“At Edenton, under the superintendence of Josiah Collins, senior, Jos. B. Skinner, David W. Stone, Nath. Brewer and John H. Haughton.”

Mr. Bell moved further to amend the second section of the bill, by inserting the following, to wit:

“At Elizabeth City, under the superintendence of Horatio N. Williams, Benjamin Sutton, John C. McMorine, Miles White and Isaiah Fearing.’’

Mr. Kerr moved further to amend the second section of the bill, by inserting the following, to wit:


Mr. Wellborn moved further to amend the second section of the bill, by inserting the following, to wit:

“At Wilkesboro, under the superintendence of Wm. P. Waugh, Hamilton Brown, Jos.-Martin, James Hacket and Anderson Mitchell.”

Mr. Wilson moved further to amend the bill in the second section, by inserting the following, to wit:

“At Tarboro, under the superintendence of Joseph R. Llcyd, Peter Evans, Spenceer D. Cotten, Theo. Parker and Willis Williams;”

Which several amendments were agreed to; and, on motion of Mr. Wilson, ordered, that the further consideration of the said bill be postponed until Wednesday next, and that it be printed.

Received from the House of Commons a message, proposing to ballot on to-morrow for a Major-general of the 8th Division, and stating that Richard H. Bonner is added to the nomination; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, accompanied by a message from His Excellency the Governor, transmitting a communication received from His Excellency the Governor of the State of South Carolina, with sundry accompanying documents containing the proceedings of a Convention, lately held by the people of that State; and which was accompanied by a proposition from the House of Commons, that the said communication and accompanying documents be referred to a joint select committee; which proposition was agreed to, and Messrs. Toomer, Seawell, Bailey, Williams and Leak were appointed to compose said committee on the part of the Senate, and the House of Commons was informed thereof by message:

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

Tuesday, December 11, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: “A bill to prevent the felling of timber in, or otherwise obstructing the channel of Little River, from Bumper’s Fork to the county line in Montgomery county;” and, “a bill to reg
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petition an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws in this State;" in which they ask the concurrence of that House.

A message was also sent to the House of Commons, stating that Messrs. Ray and Howell attend that House, to superintend the balloting on the part of the Senate, for Major-general of the 8th Division, heretofore agreed, on to take place this day.

On motion of Mr. Askew, ordered, that a message be sent to the House of Commons, proposing that the two Houses proceed to ballot on Thursday next for counsellors of State; whereupon Mr. Askew nominated, as one of the counsellors, Robert C. Watson, of the county of Bertie; on motion of Mr. Allen, the name of John W. Carson, of the county of Burke; on motion of Mr. Wellborn, the name of Meshack Franklin, of the county of Surry; on motion of Mr. Lamb, the name of Owen Holmes, of the county of New Hanover; on motion of Mr. Hall, the name of Nathan B. Whitfield, of the county of Lenoir; on motion of Mr. Tyson, the name of Alfred Jones, of the county of Wake, and, on motion of Mr. Vanhook, the name of George W. Jeffries, of the county of Person, were severally added to the nomination.

Mr. Wilson, from the committee on Finance, whose duty it is made by law to examine the report of the Public Treasurer, the statement of the Comptroller, and in general into the state and condition of the finances of the State, and of the departments connected therewith, made a detailed report thereon, accompanied by the following resolution, to wit:

Resolved, That the Comptroller credit William S. Mmoon, public treasurer, with the sum of sixteen thousand five hundred and forty-seven dollars and two and three-fourths cents, that being the amount of Treasury notes burnt by the committee of finance, up to the 28th of November, 1832;" Which was read the first, second and third times and passed, and ordered to be engrossed; and, on motion of Mr. Leak, ordered, that the said report be printed, one copy for each member of the Legislature.

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

Whereas, the Bank of Newbern paid a tax to the State of one per centum per annum, for the years 1828, 29, 30 and 31, on all the shares held in that institution by the President and Directors of the Literary Fund: and whereas, a tax is only payable by the charter of said bank of Newbern, on such shares as are not owned by the State in said company, and the said bank now insists that the shares of stock held by the President and Directors of the Literary Fund, are in fact and truth owned by the State, refuses to pay the tax for 1832, and claims to have the sums improperly paid as aforesaid, for the years 1828, 29, 30 and 31 refunded to it; and whereas, a case has been made up to procure a decision of these questions, and is now pending in the supreme court of this State, and whereas, the President and Directors of the Literary Fund hold stocks in the bank of Cape Fear, precisely under the same circumstances, and the tax has been paid by the said bank of Cape Fear, for 1828, 29, 30, 31 and 32: and the said bank contends, that the said tax has been improperly claimed for the State by the Public Treasurer, but was unwilling to assume the attitude of defence and litigate the questions, and is willing to let its claims abide the decision of the questions, now pending in the supreme court against the Bank of Newbern; and whereas, these matters appear in the report of the Public Treasurer, made to the General Assembly at the present session, and are thereby submitted to the consideration of the Legislature.

Be it therefore Resolved by the General Assembly of the State of North Carolina, That the Public Treasurer be authorised and required to settle their conflicting claims with the Bank of Cape Fear, upon the same principles and under the same rules that he may settle with the bank of Newbern, under the contemplated decision of the supreme court; and if, under-said decision, and in pursuance of this resolution, it should be necessary or proper to refund any sum or sums so paid as aforesaid by the bank of Cape Fear, that he be allowed the same in the settlement of his accounts as Public Treasurer;"
Which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Montgomery, of Hertford,
Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee, to inquire what arrangement may be necessary, to provide for the accommodation of the Governor during the next year.

Mr. Boddie presented the following resolution, to wit:
"Resolved, That the committee on Public Buildings be instructed to inquire into the expediency of employing some suitable person, to stop the leaks in the roof of the office of the Secretary of State, and report by resolution or otherwise." Which was read the first time and passed, and being read the second time, Mr. Montgomery, of Orange, moved to amend the resolution, by striking out the whole thereof after the word "to" in the second line, and insert the following, to wit: "Cause the roof of the Secretary's Office to be examined, and report whether it is more advisable to repair the same, or place on a new roof," which amendment was agreed to, and the resolution was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing to ballot on to-morrow for Public Treasurer and Comptroller of the State for the ensuing year; whereupon Mr. Wilson nominated William S. Mhoon for Public Treasurer and James Grant for Comptroller.

Mr. Latham presented the petition of sundry citizens of the county of Martin, praying the passage of an act to incorporate a company to make a Turnpike-road in the county of Martin and Bertie. Mr. Latham also presented a bill to carry the prayer of the petitioners into effect, entitled, a bill to incorporate the Williamson and Windsor Turnpike Company;" which was read the first time and passed; and, on motion of Mr. Latham, ordered, together with the petition, to be referred to the committee on internal improvement.

Received from the House of Commons a message, stating that Messrs. Horton and Baker attend the Senate, to conduct the balloting on the part of that House for Major-general of the 8th Division.

The engrossed bill to incorporate the Anson Dragoons, was read the second and third times and passed and ordered to be enrolled; and the engrossed bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county, and the engrossed bill concerning the upper regiment of Chatham county Militia, were read the third time and passed, and ordered to be enrolled.

The bill to provide for the registration of copies of grants for land, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to incorporate the Haywood Boating Company, was read the third time. Mr. Montgomery, of Orange, moved to amend the bill, by adding the following proviso at the end thereof, to wit:

"Provided, That nothing in the above act shall be so construed, as to enable the above company to throw any impediments in the way of others, to the free and unrestricted navigation of the river as now enjoyed;"

Which amendment was agreed to. Mr. Stedman moved further to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That this act shall be in force for the term of ten years, from and after the ratification thereof, and no longer;"

Which amendment was also 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.

The bill more effectually to prevent litigation and to avoid suits at law, was
Mr. Wellborn moved to amend the bill, by striking out the second section. Mr. Britain moved, that the further consideration of the said bill and amendment be postponed until Saturday next; which motion having precedence, the question thereon was first put and decided in the affirmative.

Mr. Howell, from the committee appointed to conduct the balloting for Major-general of the 8th Division, reported that John I. Pasteur, having received a majority of the whole number of votes was duly elected; in which report the Senate concurred.

The bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, an act for the better regulation of the conduct of negroes, slaves and free persons of color, was read the second time. Mr. Allen moved to amend the bill by striking out all thereof after the word "same," in the third line, and inserting the following, to wit: "That the above recited act be, and the same is hereby repealed," which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative.

Mr. Rhodes presented the resignation of Thomas Hadley, a justice of the peace for the county of Wayne, and Mr. Moye, of Greene, presented the resignation of John H. Dixon, a justice of the peace for the county of Greene, and Mr. Hawkins presented the resignation of John P. Andrews, Lieutenant-colonel of the 23d Regiment of North Carolina Militia; which were severally read and accepted, and sent to the House of Commons;

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

WEDNESDAY, DECEMBER 12, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, to wit: "A bill to provide for the registration of copies of grants for land;" "a resolution instructing the Public Treasurer to settle conflicting claims with the Cape Fear Bank;" and "a resolution in favor of the Public Treasurer," in which they ask the concurrence of that House.

Mr. Spaight presented the petition of Willie Allison Walker and others, praying an increase of the allowance now made by law to witnesses in behalf of the State, who are compelled to attend courts out of the county in which they reside. On motion of Mr. Spaight, ordered, that the said petition be referred to the committee on the judiciary.

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

"Whereas, it appears upon record in the Secretary's office, that two grants have been issued for the same piece of land, the first in the year 1787 to Locke and Bell, and the second to Solomon Summers, in the year 1831:

Resolved therefore, That the Treasurer refund to Solomon Summers, the sum of three dollars and fifty cents, it being the amount paid in by him on warrant, No. 213;"

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

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot on Thursday next for counsellors of State for the ensuing year, and stating that the names of Josiah O. Watson and William B. Lockhart are added to the nomination.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed bill, to restore John Bates, of Macon county, to credit.

Received also from the House of Commons a message, stating that Messrs.
Bragg, Pearson, Potts, Eccles and S. T. Sawyer are appointed to form the joint select committee, to whom is referred the communication of His Excellency the Governor, and the accompanying documents from South Carolina.

Received also from the House of Commons a message, concurring in the proposition of the Senate, to raise a joint select committee to inquire what arrangements may be necessary to provide for the accommodation of the Governor for the next year; and stating that Messrs. Edmonson, Courts, Bar- ringer, Gary and Waddell form the committee on the part of that House.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to appoint an additional place of Public Sale in the county of Beaufort," "a bill amending the Patrol Laws, so far as relates to the counties of Camden and Pasquotank;" "a bill to restore to credit Thomas Dives, of the county of Macon;" and "a bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled, "an act to authorize the county court of Guilford to appoint overseers and hands, to clear out the channel of the Reedy Fork of Haw River, in Guilford county; in which they ask the concurrence of the Senate; whereupon, the two first mentioned bills were read the first time and passed; and the two last mentioned bills were read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons also, a message, agreeing to the proposition of the Senate, to ballot on to day for a Public Treasurer and Comptroller of the State for the ensuing year; and stating, that Messrs. Gee and Watson attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Skinner and Askew were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, proposing that the two Houses ballot on to-morrow for a Brigadier general of the 2d Brigade, 8th Division; which was read, and, on motion of Mr. Spaight, ordered to be laid upon the table; and, on motion of Mr. Spaight, ordered, that a message be sent to the House of Commons, proposing that the two Houses proceed immediately to ballot for that officer, and stating that Wyatt Moye, of Greene, is in nomination for the appointment.

Mr. Spencer presented a bill, entitled, "a bill to legitimate Arcadia Harris, and entitle her to inherit from both parents; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Brittain presented a bill, entitled, "a bill to enable the county of Macon to complete the improvement of the Tennessee River Road;" which was read the first time and passed, and, on motion of Mr. Brittain, ordered to be referred to the committee on internal improvement.

Mr. Leak presented the petition of Wastin D. Crawford, clerk of the court of pleas and quarter sessions of the county of Richmond, praying to be released from the payment of a judgment obtained against him by the State, for failing to comply with the requisitions of the act of 1806. On motion of Mr. Leak, ordered, that the said petition be referred to the committee on propositions and grievances.

Mr. Leak, from the committee on internal improvement, to whom was referred the petition of sundry citizens of the county of Wilkes, praying an appropriation to assist in opening a road from Cornelius Howard's Mill in said county, up Elk Creek to the Ashe county line, made a favorable report thereon, accompanied by a bill, entitled, "a bill to repair, improve and lay off a road;
leading from Cornelius Howard's Mill, i Wilkes county, up Elk Creek to the Ashe county line, and from thence into the Great Western Road, crossing at the Deep Gap of the Blue Ridge; which was read the first time and passed.

Mr. Lamb presented the petition of sundry citizens of the county of New Hanover, praying the erection of a new county out of parts of the counties of New Hanover, Sampson and Duplin. On motion of Mr. Lamb, ordered, that the said petition be referred to the committee on propositions and grievances.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot immediately for a Brigadier-general of the 2d Brigade and 8th Division, and stating that Messrs. Spruill and Faddis attend the Senate, to conduct the balloting on their part; whereupon, Messrs. Mevin and Hall were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Daniel N. Bateman, the senator from the county of Tyrrell, appeared, produced his credentials, was qualified and took his seat.

Mr. Askew, from the committee appointed to conduct the balloting for Public Treasurer and Comptroller, reported that William S. Mhoon having received a majority of the whole number of votes, is duly elected Public Treasurer, and that James Grant having also received a majority of the whole number of votes is duly elected Comptroller; in which report the Senate concurred.

Mr. Carter presented a bill, entitled, "a bill appointing commissioners to build a bridge across South Yadlin River, in Rowan county;" which was read the first and second times and passed.

Mr. Simmons presented a bill, entitled, "a bill to incorporate the town of Whiteville, in the county of Columbus,;" which was read the first, second and third times and passed and ordered to be engrossed.

The bill to authorise the justices of the peace for the county courts of the counties of Camden, Buncombe, Gates, Perquimons, Wake and others on petition, to appoint commissioners to set off widows' dowers, to lay out, alter and straighten roads, &c. was read the third time. Mr. Seawell moved to amend the bill, by striking out all thereof after the enumeration of the counties in the first section, and inserting in lieu thereof a substitute; which was read and agreed to. Mr. Carson moved farther to amend the bill, by inserting the county of "Rutherford," and Mr. Morris moved farther to amend the bill, by inserting the county of "Anson;" which amendments were also agreed to; and the bill as amended was read the third time and passed and ordered to be engrossed.

The bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, an act for the better regulation of the conduct of negroes, slaves and free persons of color, was read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate, to the engrossed bill, to compel the Register of Buncombe county to keep his office in Ashville, during the weeks of the county and superior courts; whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons, the certificate of allowance of the county court of Lincoln county, in favor of John Starrett, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons;" and which being read, on motion of Mr. Moore, ordered that it be laid upon the table.
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Received also from the House of Commons, the resignation of J. R. Hunter, a justice of the peace for the county of Gates; the resignation of Isaac S. Gibson, a justice of the peace for the county of Stokes, and the resignation of Tilmon Harriss, Major of the first regiment of Guilford county Militia, endorsed in that House, "read and accepted;" and which were read and accepted by the Senate.

Mr. Melvin, from the committee appointed to conduct the balloting for a Brigadier-general of the 2d Brigade and 8th Division, reported that Wyatt Moye having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred:

And the Senate then adjourned until this afternoon, 4 o'clock.

WEDNESDAY AFTERNOON, 4 O'CLOCK.

Messrs. Montgomery, of Hartford, Mathews, Faison, Melvin and Lamb were appointed on the part of the Senate to compose the joint select committee to enquire what arrangement may be necessary, to provide for the accommodation of the Governor during the next year; and the House of Commons was informed thereof by message.

And after the annunciation of sundry bills and resolutions for ratification, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 18, 1822.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, an act for the better regulation of the conduct of negroes, slaves and free persons of color;" "a bill to authorize the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimans, Wake and others, on petition to appoint commissioners to set off widows' dowers, lay out, alter and straighten roads, &c.;" "a bill to legitimate Arcadia Harris, and entitle her to inherit from both parents;" "a bill to incorporate the town of Whiteville, in the county of Columbus;" and "a resolution in favor of Solomon Summers," in which they ask the concurrence of that House.

Mr. Hinton presented a bill, entitled, "a bill further to improve the police of the town of Washington," which was read the first, second and third times and passed and ordered to be engrossed.

Mr. Melvin presented a bill, entitled, "a bill to repeal in part an act of the General Assembly, passed in the year 1820, entitled, an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hogan presented a bill, entitled, "a bill to amend an act, entitled, an act for the division of Rowan county; passed in the year 1822," which was read the first time and passed; and, on motion of Mr. Hogan, ordered, that the further consideration thereof be postponed until Monday next.

The engrossed bill to appoint an additional place of Public Sale in the county of Beaufort, was read the second time and passed.

Received from the House of Commons a message, agreeing to the proposed amendment of the Senate to the engrossed bill, entitled, "a bill to incorporate the Haywood Boating Company." Ordered, that the said bill be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bill and resolution, to wit: "A bill vesting
in the courts of pleas and quarter sessions of the several counties within this State, the right of establishing additional places of Public Sale in their respective counties," and "a resolution in favor of Zachariah Candler, of Buncombe county," in which they ask the concurrence of the Senate; whereupon the said bill and resolution were read the first time and passed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to establish the Bank of North Carolina; when Mr. Martin moved that the said bill be recommitted to a committee of the whole House; which motion was agreed to; whereupon, on motion of Mr. Martin, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the Chair, to take into consideration the said bill; and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported, that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the bill as amended to the House, and recommend its passage into a law; whereupon the several amendments were read and concurred in by the Senate; and the bill as amended was read the second time and passed.

Ayes 39. Noes 22. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Bell, Boddie, Brittain, Carter, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Kerr, Lamb, Lilley, Lindsay, Martin, Massey, Moffitt, Montgomery, of O., Morris, Norman, Farham, Parker, Rhodes, Simmons, Skinner, Spencer, Stalnaker, Tyson, Vanhook, Wellborn, Wilder.


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

FRIDAY, DECEMBER 14, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to repeal in part an act of the General Assembly, passed in the year 1826, entitled, "an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act;" and "a bill further to improve the police of the town of Washington," in which they ask the concurrence of that House.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to alter the name of Eliza Umphrey and to legitimate her, reported the same without amendment, and recommended that the said bill be passed into a law; whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Hinton, from the committee to whom was referred so much of the Governor's message as relates to James N. Forsyth, made a report thereon, accompanied by the following resolution, to wit:

"Resolved, As the most safe and advisable place of deposite, the small fund, now Belonging to the sisters of James N. Forsyth, be deposited in the Public Treasury, and there Safely kept, until those entitled to the same by the resolution of the last session shall claim and ask for it, and it is hereby made the duty of the Public Treasurer, to call on the late Governor Stokes, for the certificates of bank stock belonging to said fund, mentioned in his late message to the General Assembly, and take a transfer of said stock to the State of North Carolina; and also receive of said Governor, all the money now in his hands belong-
ing to the said fund; as also any which may remain in the State Bank unpaid over, and  
safely keep the said fund until it shall be called for as aforesaid; and the Public Treasurer  
is hereby requested to ascertain the place of residence of those entitled to said fund, and in-  
form them of the existence of the fund;"

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

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

"Whereas, much doubt and uncertainty exists, as to the ability of Jude Hall to hold  
the next sessions of the supreme court, one session of said court having been adjourned over in  
consequence of his indisposition; and as different propositions have been submitted to the  
Legislature to provide for the holding of said court, all of which have their objections; also  
a bill to abolish the supreme court:

Resolved, That the Speakers of both branches of the Legislature, be requested as soon  
as convenient, to correspond with Judge Hall, with a view to ascertain his ability to attend  
and hold the next session of the supreme court, and communicate to the Legislature such  
information as they may receive upon the subject;"

Which was read the first and second times and passed; and being read the  
third time, Mr. Allen moved that the said resolution be laid upon the table;  
which was not agreed to, and the said resolution was read the third time and  
passed and ordered to be engrossed.

Mr. Skinner presented a bill, entitled, a bill supplemental to an act, directing  
how persons injured by erection of public mills, shall in future proceed to re-  
cover damages; "passed in the year 1809;" which was read the first time and  
passed, and, on motion of Mr. Skinner, ordered to be referred to the committee  
on the judiciary.

The bill to establish the Bank of North Carolina was read the third time.  
Mr. Askew moved to amend the second section of the bill, by inserting the  
following, to wit. "At Windsor, under the superintendence of James L. Bryan.  
Joseph B. G. Rouliauc, Lorenzo Webb and William Watson," which amend-  
ment was agreed to. Mr. Williams moved further to amend the bill, by strik-  
ing out the word "generally" in the eleventh line of the ninth section; which  
amendment was also agreed to. Mr. Boddie moved further to amend the bill,  
by striking out the word "three," in the third line of the first section, and  
inserting the word "two." A division of the question being called for by Mr.  
Hall, it was first taken on striking out, which was agreed to. Ayes 32.  
Noes 29. The ayes and noes being demanded by Mr. Allen, are as follows,  
to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Askew, Bailey, Bate-  
man, Boddie, Bullock, Carson, Collins, Dobson, Faison, Hawkins, Howell, Latham,  
Leak, McDowell, Marshall, Mathews, Montgomery, of H., Moore, Morris, Moye, of G.,  
Those who voted in the negative are, Messrs. Bell, Brittain, Cowper, Dishongh,  
Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Lamb, Lilley, Lindsey,  
Martin, Massey, Melvin, Moditt, Montgomery, of C., Norman, Parham, Parker, Sim-  
mons, Skinner, Spencer, Tyson, Vanhook, Wellborn.

Whereupon Mr. Boddie withdrew the motion to insert the word "two,"  
when Mr. Wilson moved to fill the blank with the words "one million eight  
hundred thousand," which amendment was agreed to; and, on motion of Mr.  
Williams, ordered, that the said bill be referred to a select committee. Ordered,  
that Messrs. Williams, Martin, Montgomery, of Orange, Wilson and Hinton  
form the said committee.

Received from the House of Commons a message, stating that they have  
postponed indefinitely the engrossed bill to repeal an act, passed in the year  
1830, chapter 40, to prohibit the circulation in this State, "after the 4th day of  
July, 1832, of bank notes under five dollars, issued by the banks of other  
States."
Received also from the House of Commons a message, stating that they have passed the following engrossed bill, to wit: "A bill providing compensation for jurors, in the county of Cabarrus; in which they ask the concurrence of the Senate; whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

Mr. Seawell moved to suspend the second rule of the Senate, for the purpose of enabling Mr. Bailey to present a memorial, it not being in order to present it after the period allowed for the presentation of papers of that description had elapsed; which motion was agreed to. Whereupon Mr. Bailey presented the memorial of a committee, in behalf of sundry citizens of the counties of Currituck, Pasquotank and Perquimans, praying the establishment of a bank, or a branch of a bank at Elizabeth City, in the county of Pasquotank. Ordered, that the said memorial be referred to the select committee, to which is referred the bill to establish the bank of North Carolina.

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

Saturday, December 15, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolutions, to wit: A bill to alter the name of Eliza Umphrey and to legitimate her: a resolution concerning the fund belonging to the sisters of the late James N. Forsyth; and a resolution directing the Speakers of the two Houses to correspond with Judge Hall, as to his ability to attend the next session of the supreme court," in which they ask the concurrence of that House.

Mr. Martin presented the memorial of sundry citizens of the county of Rockingham, praying the establishment of a bank, or the branch of a bank, at Leakville, in said county. Mr. Martin also presented the memorial of sundry citizens, of the county of Henry, in the State of Virginia, on the same subject. On motion of Mr. Martin, ordered, that the said memorials be referred to the select committee, to which is referred the bill to establish the bank of North Carolina.

Mr. Hogan presented the memorial of sundry citizens of the county of Davidson, praying the location of a large banking capital, at the town of Leakville, in the county of Rockingham. On motion of Mr. Hogan, ordered, that the said bill be referred to the committee, to which is referred the bill to establish the bank of North Carolina.

Mr. Wilson presented the resignation of Charles W. Knight, a justice of the peace for the county of Edgecombe, which was read and accepted, and sent to the House of Commons.

Mr. Montgomery, of Bertford, from the committee on propositions and grievances, to whom was referred the petition of Mastin D. Crawford, clerk of the county court of Richmond, praying to be released from the payment of a judgment, rendered against him in favor of the State, at the last fall term of Wake superior court, made a favorable report thereon, accompanied by the following resolution, to wit:

"Resolved, That Mastin D. Crawford, clerk of the court of pleas and quarter sessions, for the county of Richmond be, and he is hereby absolved from a judgment of one thousand dollars, rendered against him at the last fall term of Wake superior court, 1832, in favor of the State of North Carolina, by his, the said Mastin D. Crawford, praying the costs and charges of said suit;"

Which was read the first, second and third times and passed, and ordered to be engrossed.
Mr. Leak, from the committee on internal improvement, to whom was referred the bill to enable the county of Macon to complete the improvement of the Tennessee River Road, made an unfavorable report thereon, recommending that the said bill be rejected; in which report the Senate concurred; and, the bill being thereupon read the second time, it was resolved that the same shall not pass.

On motion of Mr. Toomer:

"Resolved, That the committee on finance be instructed to inquire into the expediency of repealing that section of the Revenue act of 1822, which imposes a tax of two hundred dollars on exchange offices, &c., and that they have leave to report by bill or otherwise."

Mr. Morris presented a bill, entitled, "a bill appointing lay days on Rocky River, joining Anson and Montgomery counties," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Collins presented a bill, entitled, "a bill to regulate the court of pleas and quarter sessions, of the county of Washington;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills, to wit: A bill to divorce John Roberts and his wife Agness; "a bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort;" and, "a bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1809, chapter 708, entitled, an act to revise the Militia Laws of this State."

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill amendatory of the act of 1831, entitled, "an act to authorize the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon; and a bill to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg, in which they ask the concurrence of the Senate; whereupon the said bills were read the first, second and third times and passed and ordered to be enrolled.

A message was also received from the House of Commons, proposing that the two Houses proceed to ballot immediately for Counsellors of State; and stating, that the name of William B. Lockhart is withdrawn from the nomination; which proposition was agreed to, and Messrs. Vanhook and Bullock were appointed to conduct the balloting on the part of the Senate, and a message was sent to the House of Commons informing them thereof, and stating that Messrs. Joseph B. Skinner and John Arrington are added to the nomination; whereupon a message was received from the House of Commons, stating that Messrs. Montgomery and Judkins attend the Senate to conduct the balloting on their part.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to incorporate two Volunteer Companies, in the county of Pasquotank;" "a bill to authorise the altering and amending of the State road, running through the county of Haywood;" and "a bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, also prescribing the mode of enforcing the collection of Tolls;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

Received also from the House of Commons a message, accompanied by a message from His Excellency the Governor, transmitting sundry resignations
of justices of the peace and militia officers, received at the Executive Department; also a Report from the President and Directors of the Clubfoot and Harlow's Creek Canal Company, and which was accompanied by a proposition from that House that the said report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

The engrossed bill to incorporate two Volunteer Companies, in the county of Pasquotank, was read the second time and passed.

Mr. Dishongh moved that the Senate do now resolve itself into a committee of the whole House, for the purpose of considering the resolutions disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff; which motion was not agreed to. Mr. Martin moved that the further consideration of the said resolutions be postponed to, and made the order of the day for, Wednesday next. Mr. Allen moved to postpone the consideration of the said resolutions until the 10th day of January next. Mr. Williams moved that the motion of Mr. Allen be laid upon the table; which was agreed to. The question then recurring upon the motion of Mr. Martin, it was determined in the affirmative.

The Senate then entered upon the orders of the day, and resolved itself into a committee of the whole House, Mr. Williams in the chair, to take into consideration the bill to alter and amend the judiciary system of the State of North Carolina; and after some time spent therein, the Speaker resumed the Chair, and Mr. Williams reported that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the House, and recommend that it be passed into a law; whereupon the said bill being read the second time, Mr. Morris moved that the further consideration thereof be postponed indefinitely; Mr. Hunter moved that the bill be laid upon the table; which motion having precedence, the question thereon was first put and decided in the affirmative. Ayes 31. Noes 27. The ayes and noes being demanded by Mr. Morris, are as follows, to wit:


On motion of Mr. Montgomery, of Orange, ordered, that Wyatt Mote, the senator from the county of Greene, have leave of absence from the services of the Senate for to-day.

Mr. Vanhook, from the committee appointed to conduct the ballot for Counsellors of State, reported that Owen Holmes, Meshack Franklin, Alfred Jones, Nathan B. Whitfield, Joseph B. Skinner and George W. Jeffreys having each received a majority of the whole number of votes are duly elected, and that no other person in nomination had received a majority of the votes; in which report the Senate concurred.

The engrossed resolution in favor of Zachariah Candler, of Buncombe county, was read the second time and passed.

And the Senate then adjourned until Monday morning, 10 o'clock.
A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to regulate the courts of pleas and quarter sessions, of the county of Washington," "a bill appointing lay days on Rocky River, adjoining Anson and Montgomery counties," and "a resolution in favor of Mastin D. Crawford," in which they ask the concurrence of that House.

On motion of Mr. Vanhook, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for one Counsellor of State yet to be elected.

Mr. Moore presented the memorial of sundry citizens, of the county of Stokes, praying the location of a large Banking Capital at the town of Leaksville, in the county of Rockingham. Mr. Moore also presented the memorial of sundry citizens, of the county of Patrick, in the State of Virginia, on the same subject. On motion of Mr. Moore, ordered, that the said memorials be referred to the select committee to which is referred the bill to establish the bank of North Carolina.

Mr. Moye, of Pitt, presented the resignation of Ruei Anderson, Lieutenant-colonel, and Louis G. Little, Major of the Militia of Pitt county; which were read and accepted and sent to the House of Commons.

Mr. Wilson presented the memorial of a Volunteer Company of Light Infantry in the town of Tarboro', praying the passage of an act to exempt the members of the said company from attending Militia drills, after having served for a period of five years in the said company. On motion of Mr. Wilson, ordered, that the said memorial be referred to the committee on Military Affairs.

Mr. Leak, from the committee on internal improvement, to whom was referred the bill to incorporate the Windsor and Williamson Turnpike-road, reported the same without amendment, and recommended its passage into a law; whereupon, on motion of Mr. Askew, ordered, that the said bill and report be recommitted to the committee on internal improvement.

Mr Allen presented a bill, entitled, "a bill to give longer time for paying in entry money," which was read the first time and passed.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow for cavalry officers of the 17th Brigade, and stating that Joseph J. Maclin is in nomination for Colonel-commandant, and Joseph A. Drake for Lieutenant-colonel.

On motion of Mr. Wellborn, ordered, that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow for cavalry officers of the 9th Brigade, and stating that Wm. P. Witherspoon is in nomination for Colonel-commandant.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot immediately for a Counsellor of State, and stating that Messrs. Lancaster and Stephens attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Bell and Rhodes were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill making an appropriation and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and, on motion of Mr. Leak, ordered, that the said bill be made the order of the day for Thursday next.
On motion of Mr. Williams, ordered, that Mr. Collins be added to the committee on Education and the Literary Fund; and, on motion of Mr. Williams, ordered, that Robert Martin, the senator from the county of Rockingham, have leave of absence from the services of the Senate for this day.

The following engrossed bills, to wit: The bill vesting in the courts of pleas and quarter sessions of the several counties within this State, the right of establishing additional places of Public Sale in their respective counties; and the bill to authorize the altering and amending of the State-road, running through the county of Haywood, were read the second time and passed.

The bill to repair and improve the road, leading from Cornelius Howard's Mill, in Wilkes county, up Elk Creek, to the Ashe county line, and from thence into the main road, crossing the Blue Ridge at the Deep Gap, was read the second time and passed.

The engrossed bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of Tolls, was read the second time. Mr. Seawell moved to amend the bill, by adding the following at the end of the last section, to wit: "And in case any collector shall, in such seizure, transcend the powers vested in him by law, he or they shall be subject to indictment in like manner as persons making resistance," which amendment was agreed to, and the bill as amended was read the second time and passed.

Mr. Bell, from the committee appointed to conduct the balloting for a Counsellor of State, yet to be elected, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill vesting the right of electing clerks of the superior and county courts, in the several counties in this State, in the free white men thereof, was, on motion of Mr. Dobson, ordered to be laid upon the table.

Received from the House of Commons a message, proposing another ballot immediately for one Counsellor of State, yet to be elected, and stating that the name of Clement Marshall is added to the nomination; which proposition was agreed to, and Messrs. Lamb and Houston were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and stating that John Arrington is withdrawn from the nomination; whereupon a message was received from that House, stating that Messrs. Sherwood and Enloe attend the Senate, to conduct the balloting on their part.

The bill more effectually to prevent litigation and to avoid suits in law, was read the second time. Mr. Wellborn moved to amend the bill, by striking out the second section. Mr. Toomer moved to amend the said section, by inserting after the word "conveyance," in the eighth line, the following words, to wit: "bona fide obtained, the purchaser believing at the time of purchase, that the grantee had good title;" which motion having precedence, the question thereon was decided in the affirmative. The question then recurring, on the motion of Mr. Wellborn to strike out the whole section, it was decided in the negative. Ayes 29. Noes 29; the Speaker voting in the negative. The ayes and noes being demanded by Mr. Hoke, are as follows, to wit:


Mr. Dishongh moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Ayes 18. Noes 40. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bell, Brittain, Bullock, Cowper, Dishongh, Gavin, Lindsay, Melvin, Moffitt, Montgomery, of O., Moye, of P., Parker, Simsmons, Toomer, Tyson, Williams, Wilson.


The question then recurring on the passage of the bill the second time, as amended, it was decided in the affirmative.

Mr. Houston, from the committee appointed to conduct the balloting for a Counsellor of State, reported that no person in nomination had received a majority of the votes; whereupon, on motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing another balloting immediately; and, on motion of Mr. Allen, the name of John W. Carson was withdrawn from the nomination.

The engrossed resolution in favor of Zachariah Candler, of Buncombe county, was read the third time, and, on motion of Mr. Allen, ordered to be indefinitely postponed.

The bill appointing commissioners to build a bridge across South Yadkin River, in Rowan county, was read the third time. Mr. Carter moved to amend the bill, by striking out the word “three,” in the first and fourth sections, and inserting in lieu thereof the word “four,” which amendment was agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to incorporate two Volunteer Companies, in the county of Pasquotank, was read the third time and passed, and ordered to be enrolled.

The engrossed bill amending the Patrole Laws, so far as relates to the counties of Camden and Pasquotank, was read the second time. Mr. Bullock moved to amend the bill, by extending its provisions to the county of Chowan; and Mr. Cowper moved further to amend it, by extending its provisions to the county of Gates; which amendments were 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. Lindsay presented a bill, entitled, “a bill to repeal an act, passed at the last session of the General Assembly, chapter 164, entitled, an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck,” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Spencer presented a bill, entitled, “a bill appointing additional trustees of Rush Academy, in the county of Hyde;” which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot again immediately for a Counsellor of State, and informing that the name of Josiah O. Watson is withdrawn; and stating further, that Messrs. Louden and Willey attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Hawkins and Morris were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.
Received also from the House of Commons, a message from His Excellency the Governor, communicating the resignation of the Honorable John Hall, one of the judges of the supreme court of this State, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

Received also from the House of Commons the following resignations, to wit: The resignation of Joseph I. Williams, a justice of the peace for the county of Franklin; the resignation of Aaron Walker, a justice of the peace for the county of Orange; the resignation of Norman McDonald, major of the forty-first regiment of North Carolina militia; the resignation of Allen Bowden, lieutenant-colonel of the 29th regiment of militia; and the resignation of A. Parker, lieutenant-colonel of the 47th regiment of militia, endorsed in that House, "read and accepted," and which were severally read and accepted by the Senate.

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

TUESDAY, DECEMBER 18, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill appointing commissioners to build a bridge across South Yadkin River, in Rowan county;" "a bill to appoint additional trustees of Rush Academy, in the county of Hyde;" and "a bill to repeal an act, passed at the last session of the General Assembly, chapter 164, entitled, "an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck," in which they ask the concurrence of that House.

Mr. Hawkins, from the committee appointed to conduct the balloting for one counsellor of State, reported that Clement Marshall, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Wilson, from the committee on finance, reported a bill, entitled; "a bill to amend an act, passed in the year one thousand eight hundred and thirty-one, entitled, an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes," which was read the first time and passed.

Mr. Leak, from the committee on internal improvement, to whom was referred the memorial of sundry citizens of the county of Beaufort, praying an appropriation for opening Pungo River, made an unfavorable report thereon, which was read, and, on motion of Mr. Hinton, ordered to be laid upon the table.

Mr. Leak, from the joint select committee on the subject of a Convention, to whom was referred a resolution relative to the seat of Government, made a report thereon, accompanied by a bill, entitled "a bill providing for the call of a Convention for fixing on a seat of Government for this State," which was read the first time. Mr. Wilson moved that the further consideration of the said bill be postponed until Thursday next; which was not agreed to. Mr. Collins moved that the further consideration thereof be postponed indefinitely; which motion was agreed to. Ayes 38. Noes 27. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:


Those who voted in the negative are, Messrs. Allen, Allison, Brittain, Carson, Carter, Dobson, Gavin, Hogan, Hoke, Houston, Howell, Kerr, Lamb, Leake, Lilley, McDowell,
Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot on to-day for cavalry officers of the 17th Brigade, and informing that Messrs. Weaver and Marsteller attend the Senate to conduct the balloting on their part; whereupon Messrs. Moye, of Pitt and Gavin were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred a communication from the adjutant-general, made a report thereon, accompanied by the following resolution, to wit:

"Resolved, That the Adjutant-general be directed not to commence any proceedings to enforce any forfeiture against those delinquents referred to in his report, made to the present Legislature."

Which was read the first and second times and passed.

Mr. Hawkins, from the same committee to whom was referred several resolutions instructing them to inquire into the expediency of revising the Militia Laws, printing and distributing the same among the field, staff and company officers; also to inquire into the expediency of so altering the fourth and fifth Divisions, as to make from them an additional Division, made a detailed report thereon, accompanied by a bill, entitled, "a bill to amend the Militia Laws," which was read the first time and passed, and, on motion of Mr. Montgomery, of Orange, ordered to be printed.

Mr. Montgomery, of Hertford, presented a bill, entitled, "a bill to repeal 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 cavalry," which was read the first time and passed, and, on motion of Mr. Montgomery, of Hertford, ordered to be laid upon the table.

Mr. Wellborn presented a bill, entitled, "a bill to alter the time for the Sheriff of Wilkes to make his settlements with said county," which was read the first and second times and passed.

Mr. Mathews presented a bill, entitled, "a bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke River, at the town of Weldon, and incorporating a company for that purpose," which was read the first time and passed, and, on motion of Mr. Mathews, ordered to be referred to the committee on internal improvement.

Mr. Simmons presented a bill, entitled, "a bill to divorce Rebecca Ann Smith, of Columbus county, from her husband, Richard Smith," which was read the first time and passed, and, on motion of Mr. Simmons, ordered to be referred to the committee on propositions and grievances.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for cavalry officers of the 17th Brigade, reported that Joseph J. Maclin, having received a majority of the whole number of votes, is duly elected Colonel-commandant; and that Joseph A. Drake, having also received a majority of the whole number of votes, is elected Lieutenant-colonel; in which report the Senate concurred.

The bill giving longer time for paying in entry money, was read the second and third times and passed and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot on this day for Colonel of Cavalry in the 9th Brigade, and informing that David E. Moore, of Wilkes, is added to the nomination; and stating that Messrs. Witcher and Welch attend the Senate, to con-
The bill more effectually to prevent litigation and to avoid suits at law, was read the third time. Mr. Wellborn moved to amend the bill, by striking out the whole of the second section; which amendment was agreed to. Ayes 36. Noes 22. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:


Those who voted in the negative are, Messrs. Allen, Askew; Bell, Bodie, Carson, Dobson, Gavin, Hawkins, Hinton, Hogan, Latham, Leake, Lilley, Lindsay, McDowell, Marshall, Mathews, Morris, Norman, Rhodes, Seawell, Skinner.

The question then recurring on the passage of the bill the third time, as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

Received from the House of Commons, a message from His Excellency the Governor, transmitting a communication prepared in obedience to a resolution of the House of Commons, calling for information with regard to the present condition of that portion of the Cherokee Tribe of Indians, residing within the limits of this State; and which was accompanied by a proposition from that House, that the said communication be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed resolution, directing the Speakers of the two Houses to correspond with Judge Hall, as to his ability to attend the next session of the supreme court.

The bill to repair, improve and lay off a road from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and from thence into the main road, crossing the Blue Ridge at the Deep Gap, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorise the altering and amending of the State-road, running through the county of Haywood; and the engrossed bill vesting in the courts of pleas and quarter sessions of the several counties within this State, the right of establishing additional places of Public Sale in their respective counties, were read the third time and passed, and ordered to be enrolled.

The engrossed bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of Tolls, was read the third time. Mr. Melvin moved to amend the bill, by inserting after the words "New Hanover," in the fifteenth line of the second section, the word "Bladen," which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was decided in the affirmative, and a message sent to the House of Commons asking their concurrence in the amendments.

On motion of Mr. Allen, ordered, that Zachariah Candler have leave to withdraw from the files of the Senate, the papers accompanying a resolution in his favor, presented at the present session.

On motion of Mr. Williams, ordered, that Robert Martin, the senator from the county of Rockingham, have leave of absence from the services of the Senate for this day.
Mr. Hussey, from the committee appointed to conduct the balloting for a Colonel of Cavalry in the 9th Brigade, reported that William P. Witserspoon, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

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

**Wednesday, December 19, 1832.**

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit. "A bill more effectually to prevent litigation and to avoid suits at law;" and "a bill to give longer time for paying in entry money," in which they ask the concurrence of that House.

A motion was made by Mr. Wellborn to reconsider the vote taken yesterday, on the passage of the bill the third time, to repair, improve and lay off a road from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and from thence to the main road leading across the Blue Ridge at the Deep Gap; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the petition of John Dunn Scott, a free man of color, of the county of Wake, praying the passage of an act to emancipate his son Littlebury, a slave, made a favorable report thereon, accompanied by a bill, entitled, "a bill to emancipate Littlebury, a slave, the property of John D. Scott," which was read the first time and passed.

Mr. Williams, from the select committee to whom was referred the bill to establish the bank of North Carolina, reported the same with sundry amendments, which were read and agreed to; and, on motion of Mr. Collins, ordered, that the further consideration of the said bill be postponed until Friday next, and that it be printed, one copy for each member of the Senate.

Mr. Wellborn presented the following resolution, to wit:

Resolved, That the Secretary of State be directed to issue a grant to Charity Webb, of Wilkes county, for ninety one acres of land, the purchase money being paid on a former entry of the same land, and the warrant mislaid, and another entry and survey being made, all which will more fully appear, reference being had to the Secretary’s certificate and other testimony;

Which was read the first time and passed, and, on motion of Mr. Wellborn, ordered to be referred to the committee on propositions and grievances.

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

Resolved, That the Public Treasurer be directed to refund to Benjamin Kelly, of the county of Wilkes, the overplus paid on an entry made by him for two hundred and fifty acres of land, No. 1459, the plat by the surveyor being for only thirty-three acres, all which will appear by reference being had to the Comptroller’s and Secretary’s certificates;

Which was read the first time and passed, and, on motion of Mr. Wellborn, ordered to be referred to the committee on propositions and grievances.

Mr. Hinton presented the following resolution, to wit:

Resolved, That his Excellency the Governor be, and he is hereby authorised to loan to a rifle corps, now formed or forming in the town of Washington, Beaufort county, of the riles and accoutrements belonging to the State, the number which may be needed to arm said company, on the same terms that the arms of the State have heretofore been loaned to volunteer companies;

Which was read the first time and passed, and, on motion of Mr. Hinton, ordered to be referred to the committee on military affairs

Mr. Boddie presented the following resolution, to wit:

Resolved, That the Public Treasurer be authorised to refund to Samuel W. W. Vick, sheriff of Nash county, the sum of three dollars and twenty cents, for insolvents for the year 1830, and that he be allowed the same in the settlement of his public accounts;
Mr. Montgomery, of Hertford, presented a bill, entitled, "a bill to authorise the court of pleas and quarter sessions, of the county of Hertford, to lay a tax to defray the expenses incident to calling out the militia during the insurrection in Southampton county, Virginia, and for other purposes;" which was read the first time and passed, and, being read the second time, Mr. Cowper moved to amend the bill, by extending its provisions to the county of Gates; which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

Mr. Allen presented a bill, entitled, "a bill to divorce Polly Buckner from her husband Edward Buckner," which was read the first time and passed.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that Mr. Brittain be added to the joint select committee on military affairs.

Received from the House of Commons a message, proposing to raise a joint select committee to provide for the distribution of the acts of Congress, at present in the executive office, and referred to by the Governor in his annual message; which proposition was agreed to, and Messrs Mathews, Collins and Moore were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: "A resolution in favor of John Dobbins, of Randolph county;" "a resolution in favor of the executor of Walter Davenport, of Lenoir county;" and "a resolution in favor of Abell Darrell;" in which they ask the concurrence of the Senate; whereupon the said resolutions were severally read the first and second times and passed.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill concerning charities;" and a bill to prevent the felling of timber in, or otherwise obstructing either branch of the North-east branch of New River, in Onslow county;" in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed.

A message was also received from the House of Commons, stating their concurrence in the amendment proposed by the Senate to the engrossed bill amending the Patent Laws, so far as relates to the counties of Camden and Pasquotank; whereupon the said bill was ordered to be enrolled.

The Senate then entered upon the orders of the day; and, on motion of Mr. Allen, proceeded to take up and consider the bill to alter and amend the judiciary system of the State of North Carolina. The question pending, being on concurring in the amendments reported by the committee of the whole House to the said bill: Mr. Morris moved that the further consideration of the said bill and amendments be postponed indefinitely; which was agreed to. Ayes 31. Noes 29. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:


Those who voted in the negative are, Messrs. Allen, Carson, Dishoungh, Gavin, Hall, Harrison, Hinton, Holk, Houston, Hussey, Kerr, McDowell, Marshall, Martin, Massey, Mathews, Montgomery, of H., Montgomery, of O., Moore, Mote, of G., Moye, Parkham, Parker, Rhodes, Spright, Spencer, Stedman, Tyson, Venhook.
Received from the House of Commons a message, proposing that the two Houses proceed to ballot on Wednesday next for a judge of the supreme court, and stating that Joseph John Daniel and Henry Seawell are in nomination for the appointment. On motion of Mr. Montgomery, of Orange, ordered, that the said message be laid upon the table; and, on motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing to ballot for judge of the supreme court on Friday next, and informing that the name of John D. Toomer is added to the nomination.

Received from the House of Commons the resignation of S. J. Baker, a justice of the peace for the county of Martin, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

The Senate then proceeded to take up the resolutions, disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff; and the question being will the Senate now resolve itself into a committee of the whole House, for the purpose of considering the said resolution? it was determined in the negative. Mr. Mathews moved that the committee of the whole House be discharged from the further consideration of the said resolutions, and that they be referred to the joint select committee, to which is referred the communication from the Governor of South Carolina and its accompanying documents. Mr. Allen moved that the Senate do now adjourn, which motion having precedence, the question thereon was first put and decided in the affirmative; and thereupon the Senate adjourned until to-morrow morning, 10 o'clock.

Thursday, December 20, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to authorize the courts of pleas and quarter sessions, of the counties of Hertford and Gates, to lay a tax to defray all the expenses incident to calling out the militia during the insurrection in Southampton county, Virginia, and for other purposes; in which they ask the concurrence of that House.

Received from the House of Commons a message, of the date of yesterday, proposing to ballot immediately for a colonel of cavalry of the 5th Brigade, and stating that William H. Roberts, Mathew Calvert and Rice B. Pierce are in nomination for the appointment. On motion of Mr. Wilson, ordered, that the said message be laid upon the table; and that a message be sent to the House of Commons, proposing to ballot immediately for that officer.

Mr. Martin presented the memorial of sundry citizens, of the county of Surry, praying the location of a large Banking Capital, at the town of Leaks ville, in the county of Rockingham, which was read, and, on motion of Mr. Martin, ordered to be laid upon the table.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to divorce Rebecca Ann Smith, of Columbus county, from her husband Richard Smith, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly; whereupon the said bill was read the second time, and resolved that the same shall not pass.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of sundry citizens of the county of New Hanover, praying the erection of a new county out of parts of the counties of New Hanover, Sampson and Duplin, made an unfavorable report thereon, recommending that
the prayer of the petitioner be rejected; in which report the Senate concurred, and the committee was discharged from the further consideration of the subject.

Mr. Moye, of Pitt, presented a bill, entitled, "a bill to incorporate the Pitt Troopers;" which was read the first time and passed; and being read the second time, Mr. Melvin moved to amend the bill, by inserting in the first section after the words "Pitt Troopers," the following words, to wit: "And the Bladen Cavalry, commanded by Captain John Owen," which amendment was agreed to; and the bill, as amended, was read the second time and passed.

Mr. Hinton presented a bill, entitled, "a bill compensating jurors, of the original panel, in the county of Beaufort," which was read the first time and passed.

The engrossed bill to appoint an additional place of Public Sale, in the county of Beaufort, was read the third time. Mr. Hinton moved to amend the bill, by striking out the first and second sections and inserting in lieu thereof a substitute, which was read and 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 amendment.

On motion of Mr. Wellborn, the Senate proceeded to take up the certificate of allowance, of the county court of Lincoln, in favor of John Starrett, a pensioner of the State; and, on motion of Mr. Hoke, ordered, that the said certificate be countersigned by the Speaker of the Senate and returned to the House of Commons.

The bill to divorce Polly Buckner from her husband Edward Buckner, was read the second and third times and passed, and ordered to be engrossed.

The bill to emancipate Littlebury, a slave, the property of John D. Scott, was read the second time. Mr. Carter moved that the further consideration of the bill be postponed indefinitely; which motion was not agreed to. Ayes 31. Noes 32. The ayes and noes being demanded by Mr. Carter, are as follows, to wit:


Those who voted in the negative are, Messrs. Allen, Bell, Boddie, Collins, Dobson, Faison, Gavin, Hinton, Hogan, Hoke, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay, McDowell, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of G., Norman, Parham, Parker, Seawell, Simmons, Stedman, Wellborn.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Ayes 33. Noes 30. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:


The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed bill, entitled, "a bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the city at Raleigh; and the bill being read the second time, Mr. Hoke moved to amend it by striking out the whole of the first section after the enacting clause, and inserting the following, to wit:
That the sum of fifty thousand dollars be appropriated for re-building the Capitol on Union Square in the city of Raleigh; which sum shall be raised in manner hereinafter mentioned.

Be it further enacted, That the justices of the peace in each county in this State shall, at the next Court of Pleas and Quarter Sessions to be holden for their respective counties, after the first day of March next, proceed to lay a tax on all white and black polls, and on all real estate in their respective counties, which shall amount, in the aggregate for each county, to the sum of seven hundred and eighty dollars.

Be it further enacted, That the clerks of the respective County Courts shall furnish lists to the sheriff, and the sheriff shall collect said tax under the same rules, regulations and restrictions as are now prescribed by law for the collection of the revenue due to the State, and shall account for the same with the Treasurer of the State in like manner as they now account by law.

Be it further enacted, That the sum of fifty thousand dollars thus levied, shall be appropriated to the building of the Capitol, and no other fund.

Be it further enacted, That the justices of the peace in the respective counties, for failure to comply with the requisitions of this act, shall be liable to indictment.

A division of the question being called for by Mr. Martin, it was first taken on striking out the first section after the enacting clause; which was not agreed to. Ayes 7. Noes 56. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmatory are, Messrs. Hoke, Kerr, Montgomery, of O., Moore, Parker, Toomer, Wellborn.


The question then recurring on the passage of the bill the second time, it was determined in the affirmatory. Ayes 36. Noes 27. The ayes and noes being demanded by Mr. Vanhook, are as follows, to wit:


Mr. Allen moved that the bill be now read for the third time; which was agreed to. Ayes 33. Noes 30. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:


And the bill being thereupon read the third time, Mr. Carson moved to amend it by striking out the words “lower story,” in the sixth line of the third section, and insert the words “Walls;” which amendment was not agreed to. Mr. Allen moved to amend the bill, by striking out the word “fifty,” in the fourth line of the first section, and inserting the word “sixty;” which amendment was not agreed to. The question then recurring on the passage of the
bill the third time, it was decided in the affirmative. *Ayes 35. Noes 28.*

The *ays* and *Noes* being demanded by Mr. Carson, are as follows, to wit:


Whereupon the said bill was ordered to be enrolled, and the Senate then adjourned until to-morrow morning, 10 o'clock.

**Friday, December 21, 1832.**

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, *a bill to divorce Polly Buckner from her husband Edward Buckner,* in which they ask the concurrence of that House.

Received from the House of Commons, a message of the date of yesterday, proposing to ballot immediately for Colonel-commandant, Lieutenant-colonel and Major of Cavalry, attached to the 5th Brigade, and stating that the name of Mathew Calvert is withdrawn from the nomination for Colonel-commandant and is added to the nomination for Lieutenant-colonel, and that Roderick B. Gary is in nomination for Major. On motion of Mr. Spaight, ordered, that the said message be laid upon the table; and, on motion of Mr. Faison, ordered, that a message be sent to the House of Commons, proposing to ballot for those officers on to-morrow, and stating that John White is added to the nomination for Major.

Mr. Tyson presented the resignation of William Hancock, Lieutenant-colonel of the 44th Regiment of North Carolina Militia; which was read and accepted and sent to the House of Commons.

Received from the House of Commons a message, proposing to ballot immediately for Lieutenant-colonel and Major of Cavalry attached to the 9th Brigade; and stating that David E. Moore and Andrew Patterson are in nomination for Lieutenant-colonel and George Philips for Major; which proposition was agreed to; and Messrs. Simmons and Spencer were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, of the date of yesterday, proposing that the two Houses ballot on Monday next, for judge of the superior courts of law and equity in this State, and stating that the names of Gavin Hogg and Romulus M. Saunders are in nomination for the appointment; which proposition was agreed to, and a message sent to the House of Commons informing them thereof.

Mr. Askew presented the following resolution, to wit:

Resolved, That this Legislature adjourn on the 5th day of January, 1833, *sine die*;

Which was read, and, on motion of Mr. Mathews, ordered to be laid upon the table.

On motion of Mr. Latham,

Resolved, That the practice of issuing *ca. ses.* in the first instance, or ever, while debtors have a sufficiency of visible property, as is often done purposely to harass and degrade the debtor and distress his family, is a species of tyranny and oppression, which strikes directly at the personal liberty of the citizen, and is at war with the spirit of the laws,

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which the General Assembly of late years have passed to ameliorate the condition of debtors, and is no longer sufferable among a free people:

"Be it therefore further resolved, That the committee on the Judiciary be instructed to inquire, whether a remedy for this evil cannot be devised, and that they have leave to report by bill or otherwise.

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

Whereas it being represented to this branch of the General Assembly by a Senator in his place, that many of the people in some of the seacoast counties believe that there are immense bodies of lands still belonging to the State, and very nearly equal to the best of earth, for fertility and productiveness, and intrinsically worth millions of dollars, in the larger swamps of said counties, which have been and still are kept from survey or purchase of the State, by pretence of title thereto, by holders of large entries in said swamps, made many years ago, but which were probably never actually surveyed, or the lines thereof actually marked, by reason of which, those lands are deemed, without legislative interference, to continue perhaps for an age to come in their present wild and profuse condition, generating disease and death to those residing in their vicinity; for remedy whereof,

Be it resolved by the Senate, That the honorable the committee on the Judiciary be instructed to inquire into the expediency of requiring the holders of large entries in said swamps and pocosins to accurately survey said entries and mark the boundaries thereof, so that the people, as well as the State, may ascertain the true extent of said claims, and know where and how much of said lands remain belonging to the State; and that they have leave to report by bill or otherwise.

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

Whereas several of the States of this confederacy have complimented the State of North Carolina with Maps of their respective States, and whereas John McRae, of Fayetteville, has lately completed a neat and elegant Map of this State;

Be it therefore resolved, by the General Assembly of the State of North Carolina, and it is hereby authorized to the authority of the same, That his Excellency the Governor be, and he is hereby authorized and requested, as soon as convenient, to procure at a reasonable price a sufficient number of copies of the Map of this State, (as executed by John McRae,) and transmit one copy of the same to the District of Columbia, to each of the States of this confederacy, and to each of the Territories or Districts, now under the government of the Congress of the United States.

Which was read the first time and passed.

Mr. Moye, of Pitt, presented a bill, entitled, "a bill fixing a uniform time of holding the elections in the third Congressional District of North Carolina in all the counties therein," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Mathews presented a bill, entitled, "a bill for the better regulation of the court of pleas and quarter sessions for the county of Halifax," which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Dishongh presented a bill, entitled, "a bill to reduce the salary of the supreme court judges of North Carolina," which was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from the Public Treasurer, inclosing a communication made to him by the State's Counsel, in the suits against the sureties of the late Public Treasurer, accompanied by a proposition from that House, that the said communication be referred to a joint select committee; which proposition was agreed to, and Messrs. Wilson, Wellborn, Seawell, Toomer and Spath were appointed to form the said committee, on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that Messrs. Foscoe and Emmitt are appointed to conduct the balloting, on the part of that House, for Lieutenant-colonel and Major of Cavalry of the 9th Brigade.

A message was also received from the House of Commons, stating that they have passed the engrossed "resolution in favor of David Caldwell," in which
they ask the concurrence of the Senate; whereupon the said resolution was read the first time and passed.

Received also from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bill, amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of Tolls. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have rejected the engrossed resolution in favor of Solomon Summers.

Mr. Allen presented a bill, entitled, "a bill to exempt hands from working on certain roads, in the county of Buncombe," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Dobson presented a bill, entitled, "a bill concerning the town of Rockford, in Surry county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot immediately for Colonel and Lieutenant-colonel of Cavalry, attached to the 12th Brigade; and stating that Nathan G. Blount and Lemuel H. Whitfield are in nomination for Colonel, and John McLeod for Lieutenant-colonel. Mr. Rhodes moved that the said message be laid upon the table; which was not agreed to. The question then recurring on agreeing to the proposition, it was determined in the affirmative; whereupon Messrs. Rhodes and Moye were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and a message was thereupon received from the House of Commons, stating that Messrs. Cuthbertson and Beeman attend the Senate, to conduct the balloting on their part.

A message was also received from the House of Commons, stating that Messrs. Hart, Roberts and Wiseman form their branch of the select joint committee, appointed to provide for the distribution of the acts of Congress, at present in the Executive office.

The bill to repair and improve and lay off a road, from Cornelius Howard's Mill, in Wilkes county, leading up Elk Creek to the Ashe county line, and from thence into the main road, crossing the Blue Ridge at the Deep Gap, was read the third time. Mr. Wellborn moved to amend the bill, by filling the blank in the last section with the word "four;" which amendment was agreed to. Mr. Wellborn moved further to amend the bill, by adding the following proviso at the end of the second section, to wit:

Provided, That the hands called out to work on said road, shall not be compelled to work on said road more than four days in each and every year until the same is completed;

Which amendment was also agreed to. The question then recurring, on the passage of the bill the third time as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

A message was received from the House of Commons, proposing that the two Houses proceed to ballot on Wednesday next for a judge of the supreme court, and stating that Frederick Nash and Robert Strange are added to the nomination; which proposition was agreed to, and a message sent to the House of Commons informing them thereof.

Received also from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, "an act for the better regulation of the conduct of negroes, slaves and free persons of color."
Mr. Simmons, from the committee appointed to conduct the balloting for Lieutenant-colonel and Major of Cavalry attached to the 9th Brigade, reported that David E. Moore, having received a majority of the whole number of votes, is duly elected Lieutenant-colonel, and that George Philips, having also received a majority of the whole number of the votes, is duly elected Major; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot immediately for Major of Cavalry of the 17th Brigade, and stating that Nath. R. Tunstall is in nomination for the appointment; which proposition was agreed to; and Messrs. Tyson and Faison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Brown and McCleese attend the Senate, to conduct the balloting on their part.

The bill to establish the Bank of North Carolina was read the third time. Mr. Moore moved to amend the bill, by striking out the following words in the fourth line of the second section, to wit: “or in bank notes equivalent thereto;” which amendment was agreed to. Ayes 35. Noes 25. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bell, Boddie, Carson, Cowper, Dobson, Gavin, Hall, Harrison, Hawkins, Hogan, Houston, Howell, Latham, Leake, Lindsay, McDowell, Marshall, Mathews, Melvin, Montgomery, of O., Moore, Morris, Moye, of P., Ray, Seawell, Spaight, Spencer, Toomer, Vanhook, Wilder, Williams, Wilson


Mr. Seawell moved further to amend the bill, by inserting after the word “Coin,” in the same section, the following words, to wit: “or bullion at the Mint value;” which amendment was also agreed to. Mr. Collins moved further to amend the bill, by adding the following proviso at the end of the first section, to wit: “Provided that no such increase shall be made within ten years from the passage of this act,” which amendment was not agreed to. Ayes 15. Noes 44. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:


Mr. Montgomery, of Orange, moved further to amend the bill, by striking out the word “June,” in the fifth line of the second section, and inserting the word “March;” which amendment was agreed to; also to strike out the word “September,” in the twenty-sixth line of the printed bill, and inserting the word “May.” Mr. Houston moved to insert the word “June.” A division of the question being called for, it was first taken on striking out; which was agreed to; whereupon Mr. Hinton moved to fill the blank with the word “June,” which was agreed to. Mr. Martin moved further to amend the bill by striking out the words “four hundred,” in the third section, and inserting the words “three hundred and seventy-five;” which amendment was also agreed to. Mr.
Hall moved further to amend the bill, by inserting after the words "per annum," in the third line of the seventeenth section, the following words, to wit: "and each State Director the sum of two hundred dollars;" which amendment was also agreed to. Mr. Wilson moved further to amend the bill, by inserting after the word "advisable," in the thirteenth line of the eighth section, the following words, to wit: "which shall not exceed six per centum per annum on its capital stock; and in case of excess, the surplus shall go to the use of the State." Mr. Hogan moved to amend the amendment, by striking out the word "State," and inserting the words "Literary Fund;" which was not agreed to. The question then recurring on Mr. Wilson's amendment, it was decided in the negative.

Mr. Wilson moved further to amend the bill, by adding the following as an additional section, to wit:

*Be it further enacted by the authority aforesaid, That in case the officers of the principal Bank, or any of its branches, in the usual banking hours, shall refuse or delay payment in gold or silver money, of any note or bill of said corporation, the said corporation shall be liable to pay the holder thereof damages at the rate of ten per centum per annum for the time during which such payment shall be delayed or refused; and the holders of the stock in said corporation shall be liable in their private and individual capacity, for all the debts created by said corporation, in proportion to the stock they may respectively hold; Which amendment was not agreed to. Mr. Montgomery, of Orange, moved further to amend the bill, by adding the following as an additional section, to wit:*

*Be it further enacted, That should individuals fail to subscribe for stock in this institution on or before the first day of May next, then the president and directors elected by the Legislature shall be incorporated as provided for in this act, and go into operation on the funds of the State, set apart and named in this act, and the sum of twelve hundred thousand dollars owned by the State shall be the capital stock of the Bank; and should a part only of the individual subscription authorised to the Bank be taken, they shall only be entitled to elect a corresponding portion of the directors to the stock subscribed; Which amendment was not agreed to. Ayes 13. Noes 46. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:*

Those who voted in the affirmative are, Messrs. Hall, Harrison, Hawkins, Hoke, Lindsay, Montgomery, of O., Moore, Parker, Ray, Skinner, Spencer, Wellborn, Wilson.


*Mr. Toomer moved further to amend the bill, by striking out the word "one," in the second line of the last section, and inserting the word "six;" which amendment was not agreed to. Ayes 26. Noes 32. The ayes and noes being demanded by Mr. Martin, are as follows:*


*Mr. Rhodes moved further to amend the bill, by adding the following as an additional section, to wit:*

*Be it further enacted, That if any director or officer of the said Bank, steal, purloin, embezzle, or in any way act fraudulently with the funds of said Bank, it shall be deemed felony and punishable as such. Which amendment was agreed to. Mr. Bailey moved further to amend the*
bill, by inserting after the word “State,” in the sixth line of the seventh section, the following words, to wit: “for and on account of the Literary Fund;” which amendment was also agreed to. The question then recurring, on the passage of the bill the third time, it was decided in the affirmative. Ayes 33. Noes 27. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Bell, Brittain, Carter, Dishoungh, Dobson, Gavin, Hall, Harrison, Hinton, Hogan, Holke, Hussey, Kerr, Lamb, Leak, Lilley, Lindsay, Martin, Massey, Moffit, Montgomery, of O., Morris, Farham, Parker, Rhodes, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder.


Whereupon the said bill was ordered to be engrossed.

Received from the House of Commons the resignation of James K. Hill, Colonel-commandant of the 31st Regiment of the Militia; the resignation of John Dockery, Major of the first Regiment of Montgomery county Militia; and the resignation of P. Collier, a justice of the peace for the county of Wayne, endorsed in that House, “read and accepted,” and which were read and accepted by the Senate.

Mr. Moye, of Green, from the committee appointed to conduct the balloting for cavalry officers of the 12th Brigade, reported that Nathan G. Blount, having received a majority of the whole number of votes, is duly elected Colonel; and that John McLeod, having also received a majority of the whole number of votes, is duly elected Lieutenant colonel; in which report the Senate concurred.

Mr. Faison, from the committee appointed to conduct the balloting for Major of Cavalry of the 17th Brigade, reported that Nathaniel R. Tunstall, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

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

Saturday, December 22, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: “A bill fixing a uniform time of holding the elections in the third Congressional District of North Carolina, in all the counties therein;” “a bill concerning the town of Rockford, in Surry county;” “a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax;” “a bill to repair, improve, and lay off a road from Cornelius Howard’s Mill, in Wilkes county, up Elk Creek to the Ashe county line, and from thence to the main road, crossing the Blue Ridge at the Deep Gap;” and “a bill to exempt hands from working on certain roads in Buncombe county; in which they ask the concurrence of that House.

Mr. Askev presented the petition of James Seawell, of Fayetteville, praying the Legislature to refund to him the amount of a judgment and costs, and interest paid by him as one of the securities of Dillon Jordan, an auctioneer of the town of Fayetteville. Ordered, that the said petition, with the accompanying documents, be referred to the committee on propositions and grievances.

Mr. Collins presented the memorial of the stockholders of the Plymouth Turnpike Company, praying the Legislature to authorise an additional subscription of stock on behalf of the State to said Company. Ordered, that the said memorial be referred to the committee on internal improvement.
Mr. Montgomery, of Orange, from the select committee, to whom was referred so much of the Governor’s message as relates to the collection of the old Journals, Laws, &c. under a resolution of the last General Assembly, made a report thereon, which was read, and, on motion of Mr. Montgomery, of Orange, ordered to be laid upon the table.

Mr. Morris, from the select committee, to whom was referred so much of the Governor’s message as relates to the papers belonging to the Senate, which were saved during the late conflagration of the State House, made a detailed report thereon, stating that the papers had been arranged and filed as directed by a resolution of the last General Assembly, and were safely deposited in the office of the Secretary of State, and where the committee recommend they shall remain until suitable buildings can be prepared for their reception; in which report the Senate concurred.

On motion of Mr. Mathews,

Resolved, That the committee of finance be instructed to inquire whether the sum of six hundred dollars, appropriated by a resolution of the last General Assembly, for house rent &c. for the use of the Governor of this State, has been expended; if so, for what, and to whom paid, and that they report accordingly.

Mr. Cowper presented a bill, entitled, “a bill to incorporate the Sunbury Academy, in the county of Gates;” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Latham presented a bill, entitled “a bill to alter the name of, and legitimate Sally Holliday, of Martin county;” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton presented a bill, entitled, “a bill to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inheritance;” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Cowper presented a bill, entitled, “a bill to incorporate the Catesville Academy;” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Moffitt presented a bill, entitled, “an act to incorporate the Randolph Blues;” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Brittain presented a bill, entitled, “a bill to authorize the issuing of a grant for lands to Amos Curtis and others; which was read the first time and passed, and, on motion of Mr. Brittain, ordered, together with the accompanying documents, to be referred to the committee on propositions and grievances.

Mr. Parham presented a bill, entitled, “a bill to repeal an act, passed in the year 1830, chapter 143, entitled, an act for the better regulation of the courts of pleas and quarter sessions of the county of Haywood; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hussey presented a bill, entitled, “a bill for the better regulation of the court of pleas and quarter sessions of Duplin county;” which was read the first time and passed.

Mr. Seawell presented a bill, entitled, “a bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: “a resolution in favor of Mary Edwards and others;” “a resolution in favor of Joseph Welch;” and “a resolution in favor of Frederick and Elias Liverman;” in which they ask the concurrence of the Senate; whereupon the said resolutions were severally read the first time and passed.
Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to amend an act, passed in the year 1824, entitled, "an act to amend an act, passed in the year 1819, entitled, an act to appoint a board of branch pilots, to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Occocock Bar and the Swashes," and "a bill supplementary to an act, passed in 1830, entitled, "an act to enact, with sundry alterations and additions, an act, entitled, an act to incorporate the Petersburg Rail-road Company, passed by the Legislature of Virginia, on the 19th day of February, 1830," in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed.

The bill to amend an act, passed in the year 1831, entitled, "an act to increase the liability of sheriffs, and to provide more effectually for the collection of taxes," was read the second and third times and passed, and ordered to be engrossed; and the engrossed bill "concerning charities," was read the second time and passed.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to amend the militia laws; and the bill being read the second time, Mr. Dobson moved to amend it by striking out the third section; which amendment was agreed to. Ayes 41. Noes 19. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:


Mr. Allen moved further to amend the bill, by inserting the following as a substitute for the third section, to wit:

"That it shall not be lawful for the captains of the several companies within this State, to call their men together, without their consent, for the purpose of company musters, more than twice in each year, except in cases of insurrection or invasion: Provided, that nothing herein contained shall be construed as applying to volunteer companies; and provided further, that whenever any person enters into ranks in the extra musters he shall be subject to the same discipline and governed by the same rules and penalties as govern them in their regular musters."

Mr. Faison moved to amend the substitute, by striking out the word "two," and inserting "four," which amendment was not agreed to. Ayes 13. Noes 49. The ayes and noes being demanded by Mr. Carter, are as follows, to wit:


The question then recurring on agreeing to the substitute proposed by Mr. Allen, it was decided in the affirmative. Mr. Montgomery, of Orange, moved to recommit the bill and amendments to the committee on military affairs; which was not agreed to. Mr. Hawkins moved to lay it on the table; which was not agreed to. Mr. Hinton moved to amend the third section of the bill, by inserting after the word "invasion," the words "or to enforce the laws," which was not agreed to. Mr. Faison moved to amend the fourth section of
the bill, by striking out the word "two" and inserting "three," which was not agreed to. Mr. Allison moved to amend the same section, by striking out the word "exceeding" and inserting the words "less than;" which amendment was agreed to. Mr. Hawkins moved further to amend the bill, by adding the following at the end of the seventh section, to wit: "Which said copies shall be delivered to the commanding officer of each regiment, to be by him distributed as herein required; which amendment was agreed to. Mr. Dobson moved further to amend the bill, by striking out the word "three," in the first section, and inserting "four;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time, as amended, was decided in the affirmative.

The bill to reduce the salaries of the supreme court judges of North Carolina, was read the second time. Mr. Allen moved that the further consideration thereof be postponed indefinitely. Mr. Hinton moved that the bill be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative.

Received from the House of Commons the resignation of Thomas J. Latham, a justice of the peace for the county of Beaufort, endorsed in that House, "read and accepted," and which was read and accepted by the Senate. And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 24, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to establish the Bank of North Carolina;" "a bill to incorporate the Randolph Blues;" "a bill to repeal an act, passed in 1830, chapter 143, entitled, "an act for the better regulation of the court of pleas and quarter sessions, of the county of Haywood;" "a bill to alter the name of, and legitimate Sally Holliday, of Martin county;" "a bill to alter the names of Richard Alderson and Wm. White, of Beaufort county, and entitle them to inherit;" "a bill to incorporate the Sunbury Academy, in the county of Gates;" "a bill to incorporate the Gatesville Academy;" and "a bill to amend an act, passed in the year 1831, entitled "an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes;" in which they ask the concurrence of that House.

Mr. Hawkins, from the joint select committee on military affairs, reported a bill, entitled, "a bill to provide for the appointment of a Brigade-major, and for other purposes," which was read the first time and passed.

Mr. Hawkins, from the same committee, to whom was referred a resolution, directing His Excellency the Governor to loan to a Rifle Corps, formed or forming in the town of Washington, rifles and accoutrements belonging to the State, sufficient to arm the said company, made an unfavorable report thereon, recommending that the said resolution be rejected; in which report the Senate concurred; and the resolution was thereupon read the second time, and resolved that the same shall not pass.

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

Whereas Robert Stinson, of Chatham county, paid the purchase money into the Treasury in the year 1799, for two hundred acres of land, for which he has not obtained any grant or grants, and the time limited for obtaining a grant or grants for the same having elapsed.

Resolved, That the Secretary of State issue to the said Robert Stinson a grant for, or on his warrant and survey, now prepared, for two hundred acres of land, being the same paid for as aforesaid, which entry or warrant now presented is No. 718.
Which was read the first time and passed, and, on motion of Mr. Stedman, ordered to be referred to the committee on propositions and grievances.

Mr. Lamb presented a bill, entitled, "a bill to incorporate the Blakely Blues," which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to alter the time for the Sheriff of Wilkes to make his settlements with said county, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Polk and A. W. Wooten have been added to the joint select committee on military affairs.

Received also from the House of Commons a message, stating that they have reconsidered their former vote on the engrossed "bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State," have passed the same with sundry amendments; in which they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating their concurrence in the amendments proposed by the Senate to the engrossed bill, to appoint an additional place of Public Sale in the county of Beaufort. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to provide for the more prompt administration of justice in the counties of Burke, Buncombe, Lincoln and Rutherford," and "a bill to erect out of a portion of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey," in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first time and passed, and the last mentioned bill was read the first time and resolved that the same shall not pass. Ayes 37. Noes 33. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:


Received from the House of Commons a message, stating that Messrs. Whitaker and Jordan attend the Senate, to conduct the balloting on the part of that House for a judge of the superior courts of law and equity, heretofore agreed on to take place this day; whereupon Messrs. Collins and Stedman were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The resolution authorising and requesting the Governor to purchase maps of North Carolina, to be presented to each of the States and Territories, was read the second time, and, on motion of Mr. Hawkins, ordered to be laid upon the table; and, on motion of Mr. Hawkins, ordered, that a message be
sent to the House of Commons, proposing to raise a joint select committee, whose duty it shall be to examine the map of the State, published by John McRea, of Fayetteville, and report to this House whether or not in their opinion, it will be expedient to purchase such number of said maps, as will be sufficient for distribution to each of the States and Territories and the District of Columbia. Messrs. Moore, Hawkins, Bell, Wilder and Kerr were appointed to form said committee on the part of the Senate.

The engrossed resolution in favor of David Caldwell was read the second time, and, on motion of Mr. Allison, ordered to be referred to the committee on the judiciary.

The following engrossed resolutions, to wit: "Resolution in favor of Frederick and Elias Liverman;" "Resolution in favor of Mary Edwards and others;" and "Resolution in favor of Joseph Welch, were severally read the second and third times and passed, and ordered to be enrolled.

The following engrossed resolutions, to wit: "Resolution in favor of Abdell Darnell;" "Resolution in favor of John Dobbins, of Randolph county; resolution in favor of the executor of Walter Davenport, of Lenoir county;" and the engrossed bill concerning Charities, were severally read the third time and passed, and ordered to be enrolled.

On motion of Mr. Dobson, ordered, that James Allen, the senator from the county of Buncombe, have leave of absence from the services of the Senate from and after to-morrow until the end of the session.

On motion of Mr. Askew, ordered, that William W. Boddie, the senator from the county of Nash, have leave of absence from the services of the Senate for this day and to-morrow.

Mr. Collins, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing another balloting immediately for a judge of the superior courts of law and equity, and informing that the name of Romulus M. Saunders is withdrawn from the nomination; which proposition was agreed to, and Messrs. Martin and Mathews were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Little and Siglar are appointed to conduct the balloting on their part.

The bill to amend the Militia Laws was read the third time. Mr. Carson moved to amend the bill, by striking out in the third line of the sixth section, the words "Rutherford and Burke," and inserting in lieu thereof the words "Burke and Iredell;" which amendment was agreed to. Mr. Allen moved further to amend the bill, by striking out in the seventh and eighth lines of the same section the words "Lincoln and Iredell," and inserting in lieu thereof the words "Rutherford and Lincoln;" which amendment was also agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

Mr. Allen presented a bill, entitled, "a bill making compensation to the Secretary of State for services required of him, by an act of the General Assembly of 1827, chapter 23, and for other purposes;" which was read the first time and passed.

The engrossed bill to provide for the more prompt administration of justice,
in the counties of Burke, Buncombe, Lincoln and Rutherford, was read the second and third times and passed, and ordered to be enrolled.

Mr. Martin, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that Thomas Settle, having received a majority of the whole number of votes is duly elected, in which report the Senate concurred.

Mr. Toomer, from the joint select committee, to whom was referred the letter of His Excellency the Governor of the State of South Carolina to His Excellency the Governor of this State, together with its accompanying documents, made a detailed report thereon, accompanied by the following resolutions, to wit:

Resolved, That the General Assembly of the State of North Carolina doth entertain and doth unequivocally express a warm attachment to the constitution of the United States.

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that in its continuance depend the liberty, the peace, and prosperity of these United States.

Resolved, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the acts of Congress imposing duties on impress, yet it is believed a large majority of the people think those acts unconstitutional; and they are all united in the sentiment, that the existing Tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal.

Resolved, That the doctrine of Nullification, avowed by the State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the Union.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all constitutional means in their power to procure an adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties.

Resolved, further, That a copy of these resolutions be respectfully communicated by his Excellency the Governor of this State, to his Excellency the Governor of South Carolina.

Which were read the first time and passed, and, on motion of Mr. Williams, ordered, that they be committed to a committee of the whole House, and made the order of the day for Thursday next; and, on motion of Mr. Bell, ordered, that the said report and resolutions be printed.

Received from the House of Commons the resignation of William D. Kelly, of the county of Surry, and of Eli Holland, of the county of Johnston, justices of the peace of their respective counties; also the resignation of Nathan G. Blount, major of cavalry of the 12th Brigade, endorsed in that House, "read and accepted," and which were read and accepted by the Senate.

Mr. Collins moved, that the Senate do now adjourn until Wednesday morning, 10 o'clock; which was not agreed to. Ayes 16. Noes 40. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit:


It was then moved that the Senate do now adjourn until tomorrow morning 10 o'clock; which was not agreed to. Ayes 18. Noes 38. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

JOURNAL OF THE SENATE.


Mr. Hoke moved that the Senate adjourn until to-morrow morning, 9 o'clock, but subsequently withdrew the motion; when Mr. Carson renewed the motion to adjourn until to-morrow morning, 10 o'clock; which was agreed to. Ayes 38. Noes 18. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:


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

TUESDAY, DECEMBER 25, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to amend the Militia Laws; a bill to incorporate the Blakely Blues; and a bill to alter the time for the Sheriff to make his settlement with the court of pleas and quarter sessions of the county of Wilkes; in which they ask the concurrence of that House.

On motion of Mr. Toomer, ordered, that Luke R. Simmons, the senator from the county of Columbus, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

Mr. Askew moved that the Senate do now adjourn until to-morrow morning, 10 o'clock; which was not agreed to. Ayes 21. Noes 24. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:


Those who voted in the negative are, Messrs. Allison, Bell, Brittain, Cowper, Gavin, Harrison, Hawkins, Hoke, Houston, Howell, Kerr, Latham, McDowell, Massey, Melvin, Morris, Moye, of G., Moye, of P., Parham, Parker, Rhodes, Simmons, Spencer, Vanhook.

Mr. Carter thereupon renewed the motion to adjourn until to-morrow morning, 10 o'clock; which was carried. Ayes 27. Noes 24. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:


Those who voted in the negative are, Messrs. Allison, Bell, Cowper, Dishongh, Dobson, Gavin, Harrison, Hawkins, Hoke, Houston, Howell, Kerr, McDowell, Melvin, Montgomery, of H., Moore, Morris, Moye, of G., Moye, of P., Norman, Parker, Ray, Rhodes, Vanhook.

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

WEDNESDAY, DECEMBER 26, 1832.

Mr. Gavin presented the resignations of Benjamin Hargrove and A. Monk, justices of the peace for the county of Sampson, which were read and accepted and sent to the House of Commons.

Mr. Leak, from the committee on internal improvement, to whom was
recommitted the memorial of sundry citizens of Martin and Bertie counties, praying an act of incorporation to make a Turnpike road from Williamson to intersect the public road, leading from Spellar's Ferry to Windsor, together with the bill to incorporate the Williamson and Windsor Turnpike Company, reported the same with an amendment, which was read. Mr. Askew moved that the further consideration of the said bill and amendment be postponed indefinitely; which was not agreed to. The question then recurring on agreeing to the amendment, it was decided in the affirmative, and the bill, as amended, was read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Blowe and Graves attend the Senate, to conduct the balloting on the part of that House for judge of the supreme court, heretofore agreed upon to take place this day; whereupon Messrs. Montgomery, of Orange, and Morris were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Martin, from the committee on claims, to whom was referred the resolution in favor of Samuel W. W. Vick, Sheriff of Nash county, reported the same without amendment, and recommended its passage; whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was preferred the resolution in favor of Charity Webb, of Wilkes county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Secretary of State be directed to issue to Charity Webb, of Wilkes county, a grant for ninety-one acres of land, agreeable to warrant No. 4303, and entered 17th day of November, 1831, warrant issued 20th day of May, 1832, and agreeable to a plan and certificate accompanying said warrant;

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

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the resolution in favor of Robert Stinson, of the county of Chatham, reported the same without amendment, and recommended its passage; whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Orange, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Leak, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for a judge of the supreme court.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the resolution in favor of Benjamin Kilby, of Wilkes county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Treasurer be directed to refund to Benjamin Kilby, or his agent, James Wellborn, the sum of ten dollars and eighty-five cents, it being the sum overpaid by the said Benjamin Kilby, for thirty-three acres of land, for which he shall be credited on the settlement of his public accounts.

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

Mr. Dobson, from the committee on propositions and grievances, to whom-
was referred the bill to authorize the issuing of a grant for land to Amos Curtis and others, reported the same with an amendment, and recommended that it be passed into a law; whereupon the amendment was read and agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the petition of James Seawell, of the town of Fayetteville, praying to have refunded to him the amount of a judgment, interests and costs, rendered against him as one of the securities of Dillon Jordan, late an auctioneer of the town of Fayetteville, made an unfavorable report thereon, and recommending that the prayer of the petitioner be rejected, in which report the Senate concurred.

On motion of Mr. Montgomery, of Hertford, ordered, that the committee on propositions and grievances be discharged from any further services during the present session.

Mr. Leak presented the following resolution, to wit:

"Resolved by the Senate and House of Commons in General Assembly, That the commissioners appointed to contract for the rebuilding of the Capitol in this State, or a majority of them, be authorised to sell such part of the rubbish of the former building, as may not be necessary to be used in the new building?"

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

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

"Whereas, it appears from the President's Message, of the fourth of this month, to the Congress of the United States, that the public debt will probably be extinguished early in the year of our Lord one thousand eight hundred and thirty-three, and that there are now on hand, belonging to the United States, funds sufficient to pay the same: And whereas, in the said Message, he recommends to Congress a reduction of the Tariff to a plain and economical system of revenue; which recommendation we hope will be complied with by the present Congress: but should our just and reasonable hopes be disappointed, we still have every reason to believe, from the result of the elections for members of the next Congress of the United States, that the Tariff will be reduced to a revenue system, founded on Republican principles: And whereas, in the event of the present Congress failing to make the proper reduction of the Tariff, we have every reason to believe the President of the United States will convene the next as soon as practicable after the 4th day of March next; Therefore,

Resol. ed, That our sister State, South Carolina, be respectfully requested to suspend the operation and enforcement of any and every penal enactment, made or to be made, carrying into execution the Ordinance of her Convention, which may endanger the peace and harmony of these United States, until at least the first day of September next, to give time to the present or next Congress of the United States to act upon the subject of the Tariff;"

Which was read the first time and passed, and, on motion of Mr. Cowper, ordered to be printed.

Mr. Cowper presented a bill, entitled, "a bill to amend an act, passed in 1830, entitled, an act to establish the town of Gatesville," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Lamb presented a bill, entitled "a bill to amend an act, passed in the year 1821, entitled, "an act to amend the several inspection laws of this State, so far as respects turpentine," which was read the first time and passed.

Mr. Rhodes presented a bill, entitled, "a bill to incorporate the trustees of the Wayneshborough Academy, in the county of Wayne;" which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to incorporate the Pitt Troopers, was read the second time
Mr. Melvin moved to amend the bill, by striking out a part of the first section and inserting in lieu thereof a substitute; which was read and agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

The resolution, instructing the adjutant-general, was read the third time and passed, and ordered to be engrossed.

The bill to provide for the appointment of a brigade-major and for other purposes, was read the second time, and, on motion of Mr. Montgomery, of Orange, ordered to be postponed indefinitely.

The bill making compensation to the Secretary of State, for services required of him by an act of the General Assembly of 1827, chapter 23, and for other purposes, was read the second time, and, on motion of Mr. Carson, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that Messrs. Mangum, Daniel, Davidson, Outlaw and Long form the joint select committee on the part of that House on the communication from the Public Treasurer, enclosing the opinion of the State’s Counsel in the suits against the sureties of the late Treasurer.

The bill compensating jurors of the original pannel in the county of Beaufort, was read the second and third times and passed, and ordered to be engrossed; and, the bill to amend an act, entitled, “an act for the division of Rowan county, passed in the year 1822,” was read the second time and passed.

The engrossed bill to prevent the felling of timber in, or otherwise obstructing the channel of either branch of the north-east branch of New River, in Onslow county; and the engrossed bill supplementary to an act, passed in 1830, entitled, “an act to enact with sundry alterations and additions, an act, entitled, an act to incorporate the Petersburg Rail-road Company, passed by the Legislature of Virginia, on the 10th day of February, 1830, were severally read the second and third times and passed, and ordered to be enrolled.

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

Thursday, December 27, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: “A bill to authorize the issuing of a grant for land to Amos Curtis and others; a bill to incorporate the Pitt Troopers and Bladen Cavalry; a bill compensating jurors of the original pannel in Beaufort county; a bill to amend an act, passed in 1830, entitled, an act to establish the town of Gatesville; a bill to incorporate the trustees of the Waynesville Academy, in the county of Wayne; resolution in favor of Robert Stinson; resolution providing for the sale of the rubbish of the old Capitol; resolution in favor of Charity Webb, of Wilkes county; resolution in favor of Benjamin Kilby, of Wilkes county; resolution for the adjutant-general, and, a resolution in favor of Samuel W. W. Vick, Sheriff of Nash county,” in which they ask the concurrence of that House.

Mr. Martin, from the committee on claims, to whom was referred the resolution in favor of Daniel Harris, of Montgomery county, reported the same without amendment and recommended its passage; whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the joint select committee, to whom was
referred the subject of making arrangements for the accommodation of the Governor for the ensuing year, made a detailed report thereon, accompanied by the following resolutions, to wit:

"Resolved, That the Treasurer, Secretary and Comptroller be appointed to examine the furniture of the Government House, and sell so much of the same as is unfit for use.

"Resolved, That the Governor appoint some suitable person to take care of the Government House and furniture, and that he receive for his services a proper compensation, to be allowed by the Governor by his order on the Treasurer;"

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

On motion of Mr. Carter,

"Resolved, That the committee on the judiciary be instructed to examine into the legality of a claim made by the President and Directors of the State Bank, by which they have exerted interest of four per cent. on the reserved stock, not paid for, belonging to the State in said bank, and that they report by bill or otherwise.

"Resolved further, That they be instructed to inquire, by what authority the President and Directors of the Newbern and Cape Fear Banks pay the one per cent. due the State upon individual stock, out of the whole amount of the joint capital stock of said banks.

Received from the House of Commons a message, proposing that the two Houses ballot immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Hogan and Skinner were appointed to conduct the balloting or the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Sumner and G. A. Thompson are appointed to conduct the balloting on their part.

Mr. Britain presented a bill, entitled, "a bill to authorise the removal of buildings on the public lands, in the town of Franklin," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Dobson presented a bill, entitled, "a bill to amend an act, passed at the present session, entitled, an act to vest the right of electing clerks of the county and superior courts in the several counties within this State, in the free white men thereof," which was read the first time and passed. Mr. Dobson moved that the twelfth rule of order be suspended, for the purpose of reading the bill a second and third time; which was agreed to; whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Spright presented a bill, entitled, "a bill to amend an act, passed in the year 1829, entitled, an act to provide for a division of negroes and other chattel property held in common," which was read the first time and passed.

Mr. Hinton presented a bill, entitled, "a bill for the better organization of the militia of the county of Beaufort," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Howell presented a bill, entitled, "a bill to incorporate the Robeson Light Dragoons," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Melvin presented a bill, entitled, "a bill to abolish the office of Treasurer of Public Buildings, so far as relates to the county of Bladen, and for other purposes," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Tyson presented a bill, entitled, "a bill to appoint commissioners for the town of Carthage, in the county of Moore, and to incorporate the same," which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Hinton, the Senate proceeded to take up and consider the bill to reduce the salary of the supreme court judges of North Carolina; and
the bill being read the second time, Mr. Bell moved that the further consideration thereof be postponed indefinitely; which was not agreed to. Ayes 23. Noes 33. The ayes and Noes being demanded by Mr. Bell, are as follows, to wit:


Mr. Hogan moved to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That each member of the Legislature of 1832, shall receive per diem compensation of two dollars and no more."

Mr. Carson moved to amend the amendment, by inserting after the word "dollars," the words "and fifty cents;" which amendment was not agreed to.

Ayes 8. Noes 46. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bateman, Carson, Collins, Hall, Leak, Norman, Rhodes.


Mr. Collins moved that the bill and amendment be referred to the committee on finance; which was not agreed to. Mr. Williams moved that the bill and amendments be laid upon the table; which was not agreed to. The question then recurring on agreeing to the amendment proposed by Mr. Hogan, it was decided in the negative. Ayes 6. Noes 48. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bell, Collins, Hogan, Lindsay, Montgomery, of H.


The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Ayes 33. Noes 19. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:


Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Brittain, Carson, Collins, Cowper, Dobson, Hogan, Lindsay, McDowell, Montgomery, of H., Norman, Skinner, Spencer, Williams, Wilson.

Mr. Hogan, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Bailey, in behalf of himself, as the minority of the joint select committee, on the part of the Senate, to whom was referred certain documents trans-
mitted by His Excellency the Governor of South Carolina to the Governor of this State, and by him communicated to the Legislature, presented a counter report to that made by the majority of the committee, to whom those documents were referred, which was read, and on motion of Mr. Montgomery, of Hertford, ordered to be laid upon the table, and that it be printed, one copy for each member of the Legislature.

On motion of Mr. Montgomery, of Hertford, the Senate resolved itself into a committee of the whole House, Mr. Spaight in the Chair, to take into consideration the resolutions reported by the joint select committee, to whom was referred the letter of the Governor of South Carolina to the Governor of this State, with its accompanying documents; and after some time spent therein, the Speaker resumed the Chair, and Mr. Spaight reported that the committee of the whole House had, according to order, had the said resolutions under consideration, and had made sundry amendments thereto, in which they had instructed him to ask the concurrence of the Senate.

Whereupon the said amendments were read and concurred in by the Senate, and the resolutions as amended were read the second time and passed. Ayes 47. Noes 7. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:


Those who voted in the negative are, Messrs. Bailey, Carson, Paison, McDowell, Mathews, Montgomery, of H., Wellborn.

On motion of Mr. Carson, ordered, that James McDowell, the senator from the county of Burke, have leave of absence from the services of the Senate from and after to-morrow for the remainder of the session.

On motion of Mr. Spaight, ordered, that Thomas Marshall, the senator from the county of Carteret, have leave of absence from the services of the Senate, from and after Sunday next for the remainder of the session.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed "resolution concerning the Government House," in which they ask the concurrence of that House.

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

FRIDAY, DECEMBER 28, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to amend an act, passed the present session, entitled, "an act to vest the right of electing clerks of the superior and county courts in the several counties within this State, in the free white men thereof; a bill to authorise the removal of buildings on the public lands in the town of Franklin; a bill to abolish the office of Treasurer of public buildings, so far as relates to the county of Bladen and for other purposes; a bill to incorporate the Robeson Light Dragoons; a bill to appoint commissioners for the town of Carthage, in the county of Moore, and to incorporate the same; a resolution in favor of Daniel Harris," in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing to ballot again immediately for a judge of the supreme court, and stating that the names of Frederick Nash and Robert Strange are withdrawn from the nomination;
which proposition was agreed to, and Messrs. Marshall and Bailey were
appointed to conduct the balloting on the part of the Senate, and the House of
Commons was informed thereof by message; whereupon a message was re-
ceived, stating that Messrs. Burgin and Rand attend the Senate, to conduct the
balloting on their part.

On motion of Mr. Martin, ordered, that the committee on claims be dis-
charged from any further services during the present session.

Mr. Leak, from the committee on internal improvement: to whom was re-
ferred the memorial of the Plymouth Turnpike Company, praying an en-
largement of the States' subscription to the Stock of said Company, made an
unfavorable report thereon, recommending that the prayer of the petitioners
be rejected; in which report the Senate concurred.

Mr. Leak, from the same committee, to whom was referred the memorial of
A. Joyner and others, praying an enlargement of their capital stock, for the
purpose of building a bridge and erecting a turnpike-road, so as to intersect
with the Petersburg-road, made an unfavorable report thereon, recommending
that the prayer of the petitioners be rejected; in which report the Senate con-
curred.

Mr. Wilson, from the joint select committee, to whom was referred a com-
unication from the Public Treasurer, inclosing a communication from the
Counsel employed in behalf of the State, to prosecute actions against the secu-
rities of the late Public Treasurer, made a report thereon, accompanied by the
following resolution, to wit:

"Resolved by the General Assembly of the State of North Carolina, That the Public Trea-
surer be authorised to make such disposition of the suits now pending against the securities
of the late Public Treasurer, as the Counsel employed on behalf of the State shall advise;"

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

Mr. Rhodes presented a bill, entitled, "a bill to empower the Wayne
county State Guards to form themselves into a squadron of Light or Horse
Artillery, which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Howell presented a bill, entitled, "a bill to amend an act, passed in the
year 1824, entitled, "an act for the better settlement of the finances of the
county of Robeson;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Melvyn presented a bill, entitled, "a bill appointing a commissioner on
the part of the county of Bladen, to run and establish the line between said
county and Columbus, and for other purposes;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Wellborn, the Senate proceeded to take up and consider
the bill to erect a new county court out of a portion of the county of Buncombe,
by the name of Yancey; and the bill being read the second time, Mr. Well-
born moved to amend the bill, by striking out the whole thereof except the
words "A Bill," and insert in lieu thereof a substitute; which was read and
agreed to; and, on motion of Mr. Wellborn, ordered, that the further consider-
ation of the bill be postponed until to morrow.

Mr. Bailey, from the committee appointed to conduct the balloting for a
judge of the supreme court, reported that no person in nomination had received
a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot
again immediately for a judge of the supreme court; which proposition was
agreed to, and Messrs. Collins and Leak were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Cansler and Sloan attend the Senate, to conduct the balloting on their part.

Mr. Brittain presented a bill, entitled, "a bill concerning the survey of lots in the town of Franklin," which was read the first, second and third times, passed and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses adjourn without day, on Saturday the 5th January next, and that the clerks be directed to make out the estimates to that day inclusive. Mr. Houston moved that the message be laid upon the table; which was not agreed to. Ayes 16. Noes 43. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:


Mr. Spaight moved to amend the proposition, by striking out the word "fifth," and inserting the word "first," which amendment was not agreed to. Ayes 20. Noes 39. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:


Mr. Askew moved that the further consideration of the proposition be postponed until Monday next; which was not agreed to. Ayes 18. Noes 40. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:


The question then recurring on agreeing to the proposition of the House of Commons, it was decided in the affirmative. Ayes 50. Noes 7. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:


Those who voted in the negative are, Messrs. Brittain, Dobson, Hinton, Lilley, Martin, Ray, Spaight.
Mr. Leak, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing another balloting immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Montgomery, of Hertford, and Williams were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Arrington and McMillan are appointed to conduct the balloting on the part of that House.

On motion of Mr. Spaight, the Senate proceeded to take up and consider the engrossed bill to amend an act, passed in the year 1824, entitled, "an act to amend an act, passed in the year 1819, entitled, an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a Branch to pilot on Ocracock Bar and the Swashes; whereupon the bill was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to authorize the commissioners of the town of Fayetteville to borrow two hundred thousand dollars, to be invested in Cape Fear and Yadkin Rail-Road Company, and for other purposes;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed.

The bill for the better regulation of the court of pleas and quarter sessions of Duplin county, was read the second and third times and passed and ordered to be engrossed; and the bill to amend an act, passed in the year of our Lord 1829, entitled, "an act to provide for a division of negroes and other chattel property held in common," was read the second time and passed.

Mr. Williams, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee, to examine the map of the State, published by John McRea, of Fayetteville; and to report upon the expediency of purchasing copies of the same, for distribution to each of the States and territories; and informing that Messrs. Skinner, Courts, Gary, Polk and Sherwood form the committee on the part of that House.

The resolution requesting the State of South Carolina to suspend the operation of the Ordinance of their Convention, was read the second time. Mr. Martin moved to amend the resolution, by striking out the following words, to wit: "Until at least the first day of September next;" which amendment was agreed to, and the resolution as amended, was read the second time and passed.

Received from the House of Commons a message, proposing another balloting immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Wilson and Carter were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. A. W. Wooten and Peeples attend the Senate, to conduct the balloting on their part.

The bill to reduce the salary of the supreme court judges of North Carolina, was read the third time and passed and ordered to be engrossed. Ayes 36. Noes 22. The ayes and noes being demanded by Mr. Dishongh, are as follows:

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Boddie, Brittain, Carson, Carter, Collins, Dobson, Hogan, Lilley, Lindsay, Marshall, Montgomery, of H., Norman, Skinner, Spencer, Stedman, Williams, Wilson.

Mr. Wilson, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Hall moved that a message be sent to the House of Commons, proposing that another balloting be had immediately for judge of the supreme court, which was not agreed to.

The bill to incorporate the Williamston and Windsor Turnpike Company, was read the third time and passed and ordered to be engrossed; and the bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to authorise the commissioners of the town of Fayetteville to borrow two hundred thousand dollars, to be invested in the Cape Fear and Yadkin Rail-road Company, and for other purposes, was read the second time. Mr. Montgomery, of Orange, moved to amend the bill, by adding the following proviso at the end thereof, to wit:

Provided, That any sum obtained by the said police, under any authority hereby given, shall be invested in the stock of the Cape Fear and Yadkin Rail-road Company, and shall be applied in no other way whatever;

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.

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

Whereas it would add greatly to the security of the public buildings on Union Square, to have the engine belonging to the city of Raleigh placed in a convenient situation thereon:

Be it resolved, That the commissioners of the city of Raleigh be permitted to place their engine house on one of the outlines of Union Square, where it may be convenient in case of fire.

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

The bill to emancipate Littlebury, a slave, the property of John D. Scott, was read the third time. Mr. Spaight moved to amend the bill, by adding the following proviso, to wit: "Provided the said Littlebury shall leave the State and never return to it again," which amendment was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be engrossed. Ayes 34. Noes 16. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:


And the Senate then adjourned until to-morrow morning, 10 o'clock.
A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to reduce the salary of the supreme court judges of North Carolina; a bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county; a bill for the better regulation of the court of pleas and quarter sessions of Duplin county; a bill for the better organization of the militia of the county of Beaufort; a bill to incorporate the Williamson and Windsor Turnpike Company; and a resolution for the Public Treasurer; in which they ask the concurrence of that House.

On motion of Mr. Vanhook, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 10th brigade, and stating that William Malone is in nomination for lieutenant-colonel and Joseph J. Thompson for major.

Mr. Moore presented the resignation of Josiah Flippen, a justice of the peace for the county of Stokes; which was read and accepted and sent to the House of Commons.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred the petition of a company of volunteers of light infantry, commanded by Captain Joseph R. Lloyd, in Edgecomb county, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred; and, on motion of Mr. Hawkins, ordered, that the joint select committee on military affairs be discharged from further services during the present session.

Received from the House of Commons a message, proposing another balloting immediately for a judge of the supreme court, and stating that the name of George E. Badger, is added to the nomination; which proposition was agreed to, and Messrs. Boddie and Allison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Edmonston and McLeod are appointed to conduct the balloting on their part.

Mr. Leak, from the committee on internal improvement, to whom was referred so much of the Governor's message as relates to the maps, drafts, specifications, &c., and also so much of said message as relates to the dredging machine, levelling instruments, &c.; and also to whom was referred the report of the board of internal improvement, made a detailed report thereon, accompanied by a bill, entitled, a bill to amend an act, passed in the year 1831, entitled, an act to amend an act, passed in the year 1819, entitled, an act to create a fund for internal improvement, and to establish a board for the management thereof, which was read the first time and passed; also accompanied by the following resolution, to wit:

Resolved, That the Attorney General be directed to commence suit against such of the stockholders of the different navigation and turnpike companies in this State, who have withheld their proportionate dividends, for the purpose of recovering back their proportion of the money advanced; and that he report to the next Legislature; which was read the first time and passed.

Mr. Houston presented a bill, entitled, "a bill to incorporate the Cabarrus artillery," which was read the first time and passed, and on motion of Mr. Hawkins, ordered to be laid upon the table.

Mr. Hinton presented a bill, entitled, "a bill more effectually to preserve the purity of elections, and to protect the liberty of the citizens of this State," which was read the first time, and resolved that the same shall not pass.
Mr. Britain presented a bill, entitled, "a bill to incorporate the Macon county agricultural society;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hawkins presented a bill, entitled, "a bill for the better regulation of volunteers;" which was read the first time and passed.

Mr. Massey presented a bill, entitled, "a bill to incorporate the Lafayette artillery and for other purposes;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hussey presented a bill, entitled, "a bill to repeal an act, passed in the year 1831, chapter 101, entitled, an act to establish the dividing line between Duplin and Wayne counties;" which was read the first time, and resolved that the same shall not pass. Ayes 18. Noes 29. The ayes and noes being demanded by Mr. Hussey, are as follows, to wit:


Received from the House of Commons a message, agreeing to ballot immediately for cavalry officers of the 16th brigade, and stating that Messrs. Ury and Gillespie attend the Senate, to conduct the balloting on the part of that House, whereupon Messrs. Hoke and Howell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 5th brigade.

Mr. Boddie, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Seawell presented a bill, entitled, "a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford," to the county of Wake; which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot again immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Hall and Montgomery, of Orange, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Word and Harper attend the Senate, to conduct the balloting on the part of that House, and informing that the name of George E. Badger is withdrawn from the nomination.

Received from the House of Commons a message, agreeing to ballot immediately for cavalry officers of the 5th brigade; and stating that Messrs. Wiley and Doherty attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Bell and Lindsay were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to amend an act, passed in the year 1821, entitled, an act to amend
the several inspection laws of this State, so far as respects turpentine, was read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses ballot immediately for a superintendent of public works, and stating that James Wyche is in nomination for the appointment; which proposition was agreed to, and Messrs. Kerr and Stedman were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Simmons and Wadsworth are appointed to conduct the balloting on their part.

The Senate then proceeded to take up and consider the resolutions, declaring the attachment of the General Assembly of this State to the constitution of the United States, and denouncing the doctrine of Nullification; and the resolutions having been read the third time, Mr. Wilson moved to amend them, by inserting the following preamble and resolutions between the fifth and sixth resolutions, viz.

“And whereas, by the fifth article of the Constitution of the United States, it is provided, that on the application of two-thirds of the several States, Congress shall call a Convention for proposing amendments therein; and whereas, it is the opinion of this General Assembly, that the said Constitution needs several amendments, restraining and restricting the powers of Congress, and prescribing some tribunal to decide upon matters, wherein the said Constitution and the Constitutions and rights of the States may be brought into question.

Therefore Resolved, That this General Assembly does hereby make an application to the Congress of the United States, to call a Convention of the several States, to propose amendments to the Constitution of the United States.

Resolved further, That this General Assembly request, that the Legislatures of the several States will make to the Congress of the United States a similar application, that the Constitution of the United States may be so amended as to restore peace and harmony to the Confederacy, prevent a dissolution of the Union, and perpetuate the blessings of liberty to us and posterity;”

Which amendment was agreed to. Ayes 28. Noes 28; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bateman, Bell, Boddie, Bullock, Collins, Cowper, Faison, Gavin, Hall, Hawkins, Hogan, Kerr, Leek, Lilley, Lindsay, Mathews, Montgomery, of H., Moore, Morris, Rhodes, Spaight, Spencer, Stedman, Tyson, Wellborn, Williams, Wilson.


Mr. Hall moved further to amend the resolutions, by striking out the third resolution and inserting the following, to wit:

Resolved, That it is the deliberate opinion of this Legislature, that the present Tariff of duties, imposed by the Congress of the United States, is impolitic, unjust, oppressive and contrary to the spirit of the Constitution; that, in this opinion, we believe a very large majority of the people of this State concur; and that we have urged and will continue to urge its repeal;”

Which amendment was not agreed to. The question then recurring, on the passage of the resolutions the third time as amended, Mr. Montgomery, of Hertford, demanded a division of the question; it was therefore taken on the first resolution, which is as follows, to wit:

Resolved, That the General Assembly of the State of North Carolina doth entertain and doth unequivocally express a warm attachment to the constitution of the United States; And decided unanimously in the affirmative. Ayes 55. Noes 00. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

The question then recurring, on the adoption of the second resolution, as follows, to wit:

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that on its continuance depend the liberty, the peace, and prosperity of these United States;

It was also decided unanimously in the affirmative. Ayes 58. Noes 00. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:


The question then recurred on the passage of the third resolution, the third time, which is as follows, to wit:

Resolved, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the acts of Congress imposing duties on imports for protection; yet it is believed a large majority of the people think those acts unconstitutional; and they are all united in the sentiment, that the existing Tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal;

And was decided in the affirmative. Ayes 51 Noes 3. The ayes and noes being demanded by Mr. Allison, are as follows, to wit:


Those who voted in the negative are, Messrs. Hussey, Ray and Stedman.

The question then recurred on the passage of the fourth resolution the third time, which is as follows, to wit:

Resolved, That the doctrine of Nullification, avowed by the State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the Union;

And was decided in the affirmative. Ayes 49. Noes 9. The ayes and noes being demanded by Mr. Allison, are as follows, to wit:


Those who voted in the negative are, Messrs. Bailey, Bell, Carson, Faison, Lindsay, Mathews, Montgomery, of H., Stedman, Wellborn.

The question then recurring on the passage of the fifth and sixth resolutions the third time, which are as follows, to wit:

Resolved, That this General Assembly does hereby make an application to the Congress of the United States, to call a Convention of the several States, to propose amendments to the Constitution of the United States.

Resolved, further, That the General Assembly request, that the Legislatures of the several States will make to the Congress of the United States a similar application, that the Con-
situation of the United States may be so amended, as to restore peace and harmony to the Confederacy, prevent a dissolution of the Union, and perpetrate the blessings of liberty to us and posterity.

It was decided in the negative Ayes 27. Noes 30. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:


The question then recurring on the passage of the seventh resolution the third time, as follows, to wit:

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all constitutional means in their power to procure an adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties;

It was unanimously decided in the affirmative. Ayes 53. Noes 30. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:


The question then recurring on the passage of the eighth resolution the third time, as follows, to wit:

Resolved, further, That a copy of these resolutions be respectfully communicated by his Excellency the Governor of this State, to the President of the United States, the Governor of the several States, and to our Senators and Representatives in Congress;

It was unanimously decided in the affirmative; and the resolutions were ordered to be engrossed.

Mr. Montgomery, of Orange, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

Mr. Kerr, from the committee appointed to conduct the balloting for a superintendent of Public Works, reported that James Wyche, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Howell, from the committee appointed to conduct the balloting for Lieutenant-colonel and Major of Cavalry of the 10th Brigade, reported that William Malone, having received a majority of the whole number of votes, is duly elected Lieutenant-colonel; and that Joseph S. Thompson, having also received a majority of the whole number of votes, is duly elected Major; in which report the Senate concurred.

Mr. Bell, from the committee appointed to conduct the balloting for Cavalry officers of the 5th Brigade, reported that William H. Roberts, having received a majority of the whole number of votes, is duly elected Colonel-commandant; and that Mathew Calvert, having also received a majority of the whole number of votes, is duly elected Lieutenant-colonel; and that Roderick B. Gary, having also received a majority of the whole number of votes, is duly elected Major; in which report the Senate concurred.
On motion of Mr. Leak, ordered, that the committee on internal improvement be discharged from any further services during the present session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills with amendments, to wit: "A bill authorising the county court of the county of Gates to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at Law and Equity in this State; a bill to authorise the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof Office, for the safe keeping of the Public Records of the county; a bill to restore Joshua Pinion, of Wilkes county, to credit; a bill to prevent the falling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the county of Lenoir and Wayne; and a bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties;" in which they ask the concurrence of the Senate; whereupon the said amendments were severally read and concurred in by the Senate, and the House of Commons was informed thereof by message.

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

MONDAY, DECEMBER 31, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill concerning the survey of lots in the town of Franklin; a bill to emancipate Littlebury, a slave, the property of John D. Scott; a bill to repeal in part an act, passed in the year 1827, chapter 88, entitled, an act appointing commissioners to run and establish the boundary line, between the counties of Bladen and Columbus; a bill to empower the Wayne county Guards to form themselves into a squadron of Light or Horse Artillery; a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, to the county of Wake; a bill to incorporate the Macon Agricultural Society; a bill to incorporate the Lafayette Artillery, and for other purposes; a bill to amend an act, passed in the year 1824, entitled, an act for the better settlement of the finances of the county of Robeson; resolutions, declaring the attachment of the Legislature to the Constitution of the United States, &c.; and a resolution authorising the commissioners of the city of Raleigh, to place their Engine House on Union Square," in which they ask the concurrence of that House.

Mr. Wilson, from the committee on finance, to whom was referred the resolution directing them to inquire whether the sum of six hundred dollars, appropriated by a resolution of the last General Assembly, for house rent, &c., for the use of the Governor of this State, has been expended; if so, for what and to whom paid; made a detailed report thereon; stating that the receipt of Governor Stokes' private Secretary is on file in the Comptroller's Office, for the sum of six hundred dollars, and that the said sum has been paid by the Treasurer, as directed by the resolution of the last General Assembly; but that there are vouchers on file only for the sum of two hundred and twenty-eight dollars; leaving a balance unaccounted for of three hundred and seventy-two dollars; and stating further, that Governor Stokes considered himself responsible for the said balance, or for so much thereof as he may not be able hereafter to procure vouchers for; and further stating, that, in the opinion of the committee, no further legislation is necessary on the subject; in which re-
port the Senate concurred; and, on motion of Mr. Boddie, ordered, that the said report be printed, one copy for each member of the Legislature.

Mr. Wilson, from the same committee, to whom was referred the resolu-
tion, instructing them to inquire into the expediency of repealing that section of the revenue act of 1822, which imposes a tax of two hundred dol-
ars on exchange offices, &c., made a verbal report thereon; stating, that in the opinion of the committee, no legislation is necessary on the subject; in which report the Senate concurred.

Mr. Wilson, from the same committee, reported the following resolution, to wit:

Resolved. That the Comptroller credit William S. Mhoon, Esq., Public Treasurer, with the sum of two thousand one hundred and thirty-four dollars twenty-eight and a fourth cents; Treasury notes, counted and burnt since the 28th of November last;
Which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Wilson, ordered, that the committee on finance be dis-
charged from any further services during the present session.

Mr. Mathews presented a bill, entitled, "a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county Trustee and Treasurer of Public Buildings, in the counties of Richmond, Columbus, Sampson and Robeson, to the county of Halifax; which was read the first time and passed, and being read the second time, Mr. Boddie moved to amend the bill, by extending its provisions to the county of Nash; Mr. Hinton moved further to amend the bill, by extending its provisions to the county of Beaufort; which amendments were agreed to, and the bill as amended, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, transmitting a message from His Excellency the Governor, communicating a letter from His Excellency Governor Wolf, of Pennsylvania, enclosing certain resolutions relative to the Union of the States and the Constitution of the United States, recently adopted by the Legislature of that State; and the said resolutions having been read, Mr. Wilson moved that they be laid upon the table; which was agreed to.

On motion of Mr. Hall, ordered, that a message be sent to the House of Commons, proposing to ballot again immediately for a judge of the supreme court.

Received from the House of Commons a message, proposing to ballot im-
mediately for a Trustee of the University of North Carolina, and stating that Daniel M. Barringer and Benjamin Sumner are in nomination for the ap-
pointment. On motion of Mr. Hawkins, ordered, that the said message be laid upon the table.

Received also from the House of Commons a message, agreeing to ballot immediately for a judge of the supreme court; and stating that Messrs. Ham-
mond and Irvine attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Hogan and Moore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to incorporate the Trustees of the Rolesville Academy, in the county of Wake; a bill to re-mark and renew the dividing line between Richmond and Robeson counties; a bill to incorpo-
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the Northampton Troop of Cavalry; a bill concerning the hands working on roads, in the county of Burke; a bill to establish Haywood Academy, in Chatham county, and incorporate the Trustees thereof; a bill to incorporate Silver Run Academy, in the county of Cumberland, and, a bill to incorporate the Onslow Troopers, the Johnston Dragoons and the Lenoir Troopers;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Spaight, ordered, that Daniel Sherwood have leave to withdraw from the files of the Senate, the petition and counter-petition of sundry citizens of the town of Wilmington, for and against repealing the law for appointing commissioners of Navigation and pilotage, presented at the last session of the General Assembly.

On motion of Mr. Lamb, ordered, that he have leave to withdraw from the files of the Senate, the petition of sundry citizens of the county of New Hanover, praying the erection of a new county, out of parts of the counties of New Hanover, Duplin and Sampson, presented at the last session.

Mr. Hogan, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred, and, on motion of Mr. Hogan, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for that office, and, on motion of Mr. Bailey, the name of Henry Seawell was withdrawn from the nomination, and the House of Commons was informed thereof by message.

The bill to incorporate the Cabarrus Artillery was taken up, and, on motion of Mr. Hawkins, read the second and third times and passed, and ordered to be engrossed; and the bill for the better regulation of Volunteers, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, transmitting a message from His Excellency the Governor, communicating the report of the Treasurer of the University, with sundry accompanying documents, and accompanied by a proposition from that House, that the said reports and documents be printed; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, agreeing to ballot again immediately for a judge of the supreme court, and stating that Messrs. Abernathy and John B. Jones attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Wilson and Leake were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the following engrossed resolutions, to wit: "Resolution for the Treasurer and Attorney-general; resolution in favor of Jonathan Williams; in which they ask the concurrence of the Senate; whereupon the first mentioned resolution was read the first and second times and passed; and the last mentioned resolution was read the first, second and third times and passed, and ordered to be enrolled.

The resolution directing the Attorney-general to commence suits against such stockholders of the various Navigation and Turnpike Companies, as have withheld the payment of their proportion of the stock subscribed by them, was read the second time. Mr. Seawell moved to amend the resolution, by adding the following proviso, to wit: "Provided he entertains the beli
that a recovery can be effected," which amendment was agreed to, and the resolution as amended was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1831, entitled, an act to amend an act, passed in 1819, entitled, an act to create a fund for internal improvement, and to establish a board for the management thereof, was read the second time. Mr. Wilder moved to amend the bill, by striking out the word "four," wherever it occurs, and insert in lieu thereof the word "three," which amendment was agreed to. The question then recurring, on the passage of the bill the second time as amended, it was decided in the negative.

Mr. Wilson, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon a message was received from the House of Commons, proposing another balloting be had immediately for that officer; which proposition was agreed to, and Messrs. Hawkins and Morris were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. A message was thereupon received from that House, stating that Messrs. Dews and McNeil attend the Senate, to conduct the balloting on their part.

The resolution requesting the State of South Carolina to suspend the operation of the Ordinance of their Convention, &c., was read the third time. Mr. Spaight moved to amend the preamble to said resolution, by striking out the words "fourth of this month," and inserting in lieu thereof, the words "fourth day of December, 1832;" also to add the following as an additional resolution:

"Resolved further, That a copy of the foregoing resolutions be transmitted by the Governor of this State to the Governor of the State of South Carolina;"

Which amendments were agreed to. Mr. Seawell moved further to amend the resolution, by striking out the following words, to wit: "To give time to the present or next Congress of the United States to act upon the subject of the Tariff," which amendment was also agreed to. The question then recurring, on the passage of the resolution the third time as amended, it was decided in the affirmative. Ayes 50. Noes 3. The ayes and noes being demanded by Mr. Carter, are as follows, to wit:


Those who voted in the negative are, Messrs. Askew, Bailey and Hinton.

Ordered, that the said resolution be engrossed.

Mr. Hawkins, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Collins, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for that officer.

The bill to amend an act, passed in the year 1821, entitled, an act to amend the several inspection laws of this State, so far as respects Turpentine, was read the third time. Mr. Hinton moved to amend the bill, by adding the following at the end thereof, to wit: "And said inspectors shall denominate and brand all Turpentine as soft, which does not contain a mixture of more than
one third of clear scape, provided it has been well mixed, and is otherwise in good condition; and nothing herein contained shall be construed, so as to change in any other respect the existing general laws of the State, in regard to inspection of Turpentine," which amendment was not agreed to. Mr. Lamb moved to amend the bill, by inserting the following words after the word "Turpentine," in the fifth line of the first section, to wit: "in the town of Wilmington," and to make the title of the bill correspond thereto; which amendment was agreed to, and the bill as amended, was read the third time and passed, and ordered to be engrossed.

A message was received from the House of Commons, agreeing to ballot again immediately for a judge of the supreme court, and stating that Messrs. Gwyn and Dockery attended the Senate, to conduct the balloting on the part of that House; whereupon, Messrs. Collins and Skinner were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Boddie presented a bill, entitled, "a bill to empower the county court of Nash to borrow money, for the purpose of defraying the expense of building a fire-proof Court House," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Bailey presented a bill, entitled, "a bill to allow the taking of Depositions in cases of removal;" which was 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 to incorporate an Academy on the lands of Martin R. Garrett, in the county of Nash, by the name of Stony Hill Academy; a bill to alter the line separating the North and South Regiments of the North Carolina Militia, in the county of Surry; a bill to amend an act, passed in the year 1821, entitled, an act to prevent fire hunting of fowl, in Carteret county; a bill for the relief of Brittain Jones, of Bertie county; and a bill to allow further time to open books for the purpose of receiving subscriptions for stock, in the Lake Drummond and Ocracoke Canal Company;" in which they ask the concurrence of the Senate; whereupon the four first mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time and passed; and being read the second time, Mr. Cowper moved to amend it, by striking out the figures "1533," in the thirteenth line of the first section, and inserting the figures "1834," 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 engrossed bill to amend an act, passed in the year 1824, entitled, "an act to amend an act, passed in the year 1819, entitled, an act to appoint a board of Branch Pilots, to examine all persons who now have, or may hereafter wish to obtain a Branch to Pilot on Ocracock Bar and the Swashes;" was read the third time. Mr. Spencer moved to amend the bill, by striking out of the last section the following words, to wit: "for more than six miles from Ocracock Bar," and inserting in lieu thereof the words, "unless he desires one," which amendment was agreed to. Mr. Spencer moved further to amend the bill, by adding the following as an additional section, to wit: "Be it further enacted, That Moses Austin, Thomas Austin, Caleb Stowe, Robert Byron and Zachariah Burruss be, and they are hereby appointed a Board of Commissioners of Pilots, for the county of Hyde, with the same powers, and shall perform the said duties in the county of Hyde, that the board appointed by the above section, for the county of Carteret, are by said section invested with, and required to perform;"
Which amendment was also 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 amendment.

The bill to amend an act, passed in the year 1829, entitled, "an act to provide for a division of negroes and other chattel property held in common;" was read the third time. Mr. Bell moved that the further consideration of said bill be postponed indefinitely; which was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the affirmative. Ayes 30. Noes 19. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:


Ordered that the said bill be engrossed.

Mr. Collins, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that Joseph J. Daniel having received a majority of the whole number of votes is duly elected; in which report the Senate concurred.

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

Tuesday, January 1, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill for the better regulation of volunteers; a bill to amend an act, passed in the year 1829, entitled, an act to provide for a division of negroes and other chattel property held in common; a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson," to the counties of Halifax, Nash and Beaufort; a bill to amend an act, passed in the year 1821, entitled, an act to amend the several inspection laws of this State, so far as respects turpentine, in the town of Wilmington; a bill to incorporate the Cabarrus Artillery; resolutions requesting the State of South Carolina to suspend the operation of the Ordinance of her Convention, &c.; resolutions concerning the Public Treasurer; and a resolution for the Attorney-general;" in which they ask the concurrence of that House.

Mr. Vanhook presented a bill, entitled, "a bill to incorporate the Person Artillery," which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Moore presented a bill, entitled, "a bill to establish the Barshavia Farmers' Academy, in the county of Stokes, and to appoint and incorporate the Trustees thereof," which was read the first, 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 and resolutions, to wit: "A bill re-appointing commissioners for the town of Waynesville, in the county of Haywood; a bill to incorporate the Lafayette Hotel Company, in the town of Fayetteville; a bill to alter the time of holding one of the terms of the courts of pleas and quarter sessions, for the county of Buncombe;" a bill to incorporate the
Leaskville Toll-bridge Company, in the county of Rockingham; resolution in favor of Horace D. Bridges; and resolution in favor of the Militia of Onslow county; in which they ask the concurrence of the Senate; whereupon the said bills and resolutions were severally read the first, second and third times and passed, and ordered to enrolled, except the resolution in favor of the Militia of Onslow county, which was read the first time and passed.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, “a bill to empower the county court of Nash to borrow money, for the purpose of defraying the expense of building a fireproof Court House;” in which they ask the concurrence of that House.

On motion of Mr. Leak, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for a judge of the superior courts of Law and Equity, to supply the place of Joseph J. Daniel, who has been elected to the supreme court bench; whereupon, Mr. Moffitt nominated for that appointment John D. Eccles. On motion of Mr. Brittain, the name of Richmond M. Pearson was added to the nomination. On motion of Mr. Askew, the name of James S. Jones was also added to the nomination; and, on motion of Mr. Bullock, the name of Henry Seawell was also added to the nomination; and the House of Commons was informed thereof by message.

Mr. Carson presented the following preamble and resolution: to wit.

"Whereas, by a Convention on the part of Tennessee, North Carolina and South Carolina, held at Asheville, on the first Monday of September, 1822, it was then resolved, that a Rail-road be constructed, from the head of navigation upon the Holstein, in the State of Tennessee, along the valley of French Broad river, in North Carolina, to the head of navigation in South Carolina; and whereas, the President of the United States has ordered a survey of said route, and the States of Tennessee and South Carolina have respectively made appropriations to defray the expenses of said survey within their respective limits.

Be it therefore Resolved by the General Assembly of the State of North Carolina, That the sum of five hundred dollars be, and the same is hereby appropriated to the survey of said route, within the limits of this State.

Be it further Resolved. That the Governor of the State be, and he is hereby authorized to issue his warrants upon the Treasurer for the said sum, or so much thereof as he may deem necessary to the survey aforesaid: Provided however, this resolution shall not have effect until satisfactory evidence to the Governor, that similar appropriations have been made by the States of South Carolina and Tennessee;”

Which was read the first time and passed.

Mr. Seawell presented a bill, entitled, “a bill to continue for a longer term, the Neuse Navigation Company;” which was read the first, 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 create one additional wreck district, in the county of Hyde, and for other purposes; a bill to amend an act, passed in the year 1827, entitled, an act to keep open the Tuckaseeege and Tennessee rivers, in Haywood county; a bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof; in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: “A bill to authorize Robert Henry to erect a mill on Hominy Creek, in Buncombe county; and a bill to emancipate Horace, a slave;” in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first and second times and passed; and the last mentioned bill was read the first time and passed; and, being read
the second time, Mr. Lamb moved to amend the bill, by adding the following proviso, to wit:

Provided nevertheless: That said slave shall not be considered a freeman out of the county of Wake;

Which amendment was not agreed to. Mr. Collins moved to amend the bill, by adding the following proviso, to wit:

Provided said slave; so emancipated, shall remove out of the State of North Carolina within twelve months from the passage of this act;

Which amendment was not agreed to; and the bill was thereupon read the second and third times and passed, and ordered to be enrolled. Ayes 27. Noes 27; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:


On motion of Mr. Collins, the Senate proceeded to take up and consider the "bill to erect a new county out of portions of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey;" whereupon the bill was read the second time and passed; and, being read the third time, it was resolved that the same shall not pass. Ayes 25. Noes 29. The ayes and noes being demanded by Mr. Askew, are as follows, to wit:


On motion of Mr. Wilson, the committee on the judiciary was discharged from the further consideration of the bill, making compensation to the Secretary of State for services required of him, by an act of the General Assembly of 1827, chapter 23, and for other purposes; and the bill was read the second time. Mr. Carson moved to amend the bill, by adding at the end thereof the following proviso, to wit: "Provided that the fees for copying shall in no case exceed five dollars;" 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 allow the taking of depositions in cases of removal, 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 amend an act, passed in the year 1826, entitled, an act to appoint commissioners for the town of Kingston, in Lenoir county; and a bill for altering the time of electing the county trustee for Orange county;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Williams,

"Resolved, That the committee on public buildings be directed to examine the roof of the Palace, and see if it needs any repairs, and report to this House."
On motion of Mr. Toomer, ordered, that Walter F. Leak, the senator from the county of Richmond, have leave of absence from and after tomorrow, for the remainder of the session.

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

WEDNESDAY, JANUARY 2, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to continue for a longer time the Nuese Navigation Company; a bill to incorporate the Person Artillery; a bill to establish the Barshavia Farmers' Academy, in the county of Stokes, and to appoint and incorporate the trustees thereof; a bill making compensation to the Secretary of State, for services required of him, by an act of the General Assembly of 1827, chapter 23, and for other purposes; and a bill to allow the taking of Depositions in cases of removal; in which they ask the concurrence of that House.

Received from the House of Commons a message, proposing to ballot immediately for a judge of the superior courts of Law and Equity, and stating that the name of Spencer O'Brien is added to the nomination; which proposition was agreed to, and Messrs. Carter and Bell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. C. Wooten and Irion attend the Senate, to conduct the balloting on their part.

Received from the House of Commons a message, proposing to ballot immediately for three trustees of the University of the State, and stating that the names of Daniel W. Courts, Charles L. Hinton and Hugh McQueen, are added to the nominations heretofore made; which proposition was agreed to; and Messrs. Lilley and Moore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Wellborn, from the joint select committee on public buildings, reported the following resolution, to wit:

Resolved, That the Secretary, Comptroller and Treasurer be directed to employ some fit person to repair the roof of the Secretary's Office and Government House, to be paid on the completion of said work by the Treasurer, out of any money in the Treasury, for which he shall be allowed in the settlement of his public accounts;"

Which was read the first time and passed; and, being read the second time, Mr. Askew moved to amend the resolution, by striking out the words "Secretary's Office and," and to add at the end thereof the following, to wit:

"And that the Governor of the State be requested to inform Mr. Thomas Bragg, that it is necessary for him to complete the work on the office of the Secretary of State, agreeable to his contract;"

Which amendments were agreed to. Mr. Hawkins moved further to amend the resolution, by adding the following, to wit:

"Resolved further, That should the said Thomas Bragg refuse to perform said work, then, and in that event, the Secretary, Treasurer and Comptroller shall have said work completed, the expense thereof to be paid out of any money in the Treasury, not otherwise appropriated; and the Governor is hereby authorised to direct a suit to be instituted against said Thomas Bragg, for refusing to comply with the terms of his contract;"

Which amendment was also agreed to, and the resolution as amended was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Baker and Smith attend the Senate, to conduct the balloting for trustees of the University, on the part of that House.

Mr. Bell, from the committee appointed to conduct the balloting for a judge
of the superior courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Mathews presented the following resolution, to wit:

"Resolved, That the Public Treasurer pay to each of the Door-keepers of both Houses, the sum of twenty-five dollars, their usual extra allowance, and they be compelled to pay out of the same, the hands necessarily employed by them to bring wood and water to the State House, during the present session;" Which was read the first time and passed.

On motion of Mr. Wellborn, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for a judge of the superior courts of Law and Equity.

Mr. Montgomery, of Orange, presented a bill, entitled, "a bill to establish the Bank of North Carolina;" which was read the first time and passed; and, on motion of Mr. Carter, ordered to be printed.

Mr. Spencer presented a bill, entitled, "a bill to repeal part of an act, passed in 1824, entitled, an act to authorize the courts of pleas and quarter sessions, of Hyde and Tyrrell counties, to issue licenses to retail spirituous liquors by the small measure, at or near the Court House;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot again immediately for a judge of the superior courts of Law and Equity, and stating that Messrs. Skinner and Gary attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Montgomery, of Hertford and Moye, of Greene, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was received from the House of Commons, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill, entitled, "a bill to allow further time to open books, for the purpose of receiving subscriptions for stock, in the Lake Drummond and Orapak Canal Company; also the engrossed bill, entitled, a bill to authorise the commissioners of the town of Fayetteville, to borrow two hundred thousand dollars, to be invested in the Cape Fear and Yadkin Rail-road Company and for other purposes," whereupon the said bills were ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution for the Attorney-general, with an amendment; in which they ask the concurrence of the Senate; whereupon the said amendment was read and concurred in, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for a judge of the superior courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Moore, from the committee appointed to conduct the balloting for three trustees of the University, reported that Daniel W. Courts, Daniel M. Bar- ringer and Charles L. Hinton, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

On motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for a judge of the superior courts of Law and Equity; and, on motion of Mr. Askew, the name of James S. Jones was withdrawn from the nomination, and the House of Commons was informed thereof by message.

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, passed in the year 1829, entitled, an act to provide for the compensation of the jurors; of the counties of Beaufort, Onslow, Hyde, Anson and Duplin; a bill for the better regulation of the town of Statesville; a bill to repeal part of an act, passed A. D. 1830, entitled, an act to appoint commissioners to superintend the building of a Court House, in the county of Burke; and a bill to provide for the final settlement of Executors and Administrators, also the annual settlement of Guardians, in the county of Anson;" in which they ask the concurrence of the Senate; whereupon the three first mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time and passed; and, being read the second time, Mr. Morris proposed sundry amendments thereto, which were read and 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.

The engrossed resolution in favor of the Militia of Onslow county, was read the second time. Mr. Mathews moved to amend the resolution, by adding the following as an additional resolution, to wit:

"Resolved further, That the Board of Commissioners also examine the claims of the Halifax Militia, called out in the year 1831, in consequence of an insurrection of slaves in the adjoining county of Southampton, in the State of Virginia, and shall allow all such claims of said Militia, as shall be authenticated, in the manner prescribed in the preceding resolution, to be paid as therein directed;"

Which amendment was not agreed to. The question then recurring, on the passage of the resolution the second time, it was decided in the negative. Ayes 17. Noes 33. The ayes and noes being demanded by Mr. Skinner, are as follows, to wit:


The bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a Company for that purpose; was read the second time and passed.

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

THURSDAY, JANUARY 3, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to repeal part of an act, passed in 1824, entitled, an act to authorize the court of pleas and quarter sessions, of Hyde and Tyrrell counties, to issue licenses to retail spirituous liquors by the small measure, at or near their Court House; and resolutions authorising repairs of the Secretary's Office and Government House; in which they ask the concurrence of that House.

On motion of Mr. Carter, ordered, that a message be sent to the House of Commons, stating that the name of Richmond M. Pearson is withdrawn from the nomination for judge of the superior courts of Law and Equity.

Received from the House of Commons a message, proposing to ballot immediately for a judge of the superior courts of Law and Equity, and stating
that the name of Richmond M. Pearson is withdrawn, and that of Gavin Hogg added to the nomination; which proposition was agreed to, and Messrs. Kerr and Howell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message, whereupon a message was received from that House, stating that Messrs. L. Thompson and Cunningham attend the Senate to conduct the balloting on their part.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "a bill in relation to the independent or volunteer companies, attached to the second regiment of the Stokes county militia; a bill for the better regulation of hands working on public roads in the counties of Anson and Cumberland; a bill to abolish the offices of county trustee and treasurer of public buildings in the county of Chatham; a bill to establish a town on the lands of John D. Amis in the county of Northampton, at the termination of the Petersburg Rail Road on the Roanoke river," in which they ask the concurrence of the Senate; whereupon the three first mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled, and the last mentioned bill was read the first time and passed, and, on motion of Mr. Mathews, ordered to be laid upon the table.

Received also from the House of Commons a message, stating that they have passed the engrossed bill "fixing a uniform time of holding the elections in the third congressional district of North Carolina, in all the counties therein," with sundry amendments, in which they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in by the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have rejected the engrossed bill, entitled "a bill to establish the Bank of North Carolina.

Received from the House of Commons the following resignations, to wit: the resignation of John McCollum, colonel commandant of the 54th regiment of North Carolina militia; the resignation of Mark Coleman, a justice for the county of Macon; the resignation of Thomas Dawson, a justice of the peace for the county of Lenoir; endorsed in that House "read and accepted," and which were read and accepted by the Senate.

Received also from the House of Commons a communication from His Excellency the Governor, enclosing the resignation of the Hon. Joseph J. Daniel, one of the judges of the superior courts of Law and Equity for this State, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

Mr. Kerr, from the committee appointed to conduct the balloting for a judge of the Superior Courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Wilson, ordered that a message be sent to the House of Commons proposing another balloting immediately for that officer; and, on motion of Mr. Norman, the name of Spencer O'Brien was withdrawn from the nomination, and the House of Commons was informed thereof by message; whereupon a message was received from that House, agreeing to the proposition of the Senate, and stating that Messrs. Polk and Laspeyre attend the Senate, to conduct the balloting on their part. Messrs. Wilson and Askew were thereupon appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.
Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to authorize the making of a Turnpike-road, in Haywood county, and to incorporate a company for that purpose; a bill to incorporate the North Carolina Historical Society; a bill to incorporate the Donaldson Academy and Manual Labor School, in the town of Fayetteville; a bill to amend the laws relative to the county courts of Frederi- k; a bill to fix the time of granting orders for altering or turning roads, and for laying off new ones, in the county of Richmond; a bill to alter the time of holding the election, in the town and borough of Salisbury; a bill to incorporate the town of Rutherfordton, in the county of Rutherford," in which they ask the concurrence of the Senate; whereupon, the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Mr. Wilson, from the committee appointed to conduct the balloting for a judge of the superior courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for that officer.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill concerning the working of public roads, in the county of Frederi- k; and a bill to authorize certain persons hereafter named, to raise by way of Lottery two thousand dollars, to build a bridge across Neuse river, at John Carter's landing, in the county of Len- voir, and for other purposes," in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first time and passed; and the last mentioned bill was read the first, second and third times and passed, and ordered to be enrolled. Ayes 26. Noes 19. The ayes and noes being demanded by Mr. Morris, are as follows, to wit:


Those who voted in the negative are, Messrs. Bell, Boddie, Bullock, Carson, Faison, Gavin, Hinton, Houston, Lamb, Latham, Massey, Melvin, Moditt, Montgomery, of H., Morris, Moye, of P., Norman, Parker, Williams.

Received also from the House of Commons a message, stating that they do not concur in the amendments proposed by the Senate to the engrossed bill, entitled, "a bill to amend an act, passed in the year 1824, entitled, an act to amend an act, passed in the year 1819, entitled, an act to appoint a Board of Branch Pilots, to examine all persons who now have, or may hereafter wish to obtain, a Branch to pilot on Ocracoke Bar and the Swashes. Mr. Williams thereupon moved, that the Senate recede from their proposed amend- ments to the said bill; which was not agreed to. Mr. Williams then moved that the bill be laid upon the table; which was not agreed to; and, on motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, stating that the Senate adhere to their proposed amendments to the said bill.

The resolutions making an appropriation for the survey of a route for a Rail-road, in the western part of the State, were read the second time. Mr. Carson moved to amend the resolutions, by striking out the word "five," in the third line of the first resolution and inserting the word "three," which amend- ment was agreed to, and the resolutions as amended, were read the second and third times and passed, and ordered to be engrossed. Ayes 24.
Noes 23. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:


Those who voted in the negative are, Messrs. Askew, Bell, Boddie, Bullock, Cowper, Gavin Hall, Harrison, Howell, Hussey, Latham, Lindsay, Melvin, Mistit, Moye, of G., Moye, of P., Parker, Ray, Spaight, Vanhook, Wilder, Williams, Wilson.

A motion was made by Mr. Allison to reconsider the vote taken on this day, on the passage of the engrossed bill, “to amend the laws relative to the county courts of Iredell;” and, on the question, will the Senate reconsider the said vote? it was decided in the affirmative; and the bill being read the third time, Mr. Allison moved to amend the bill, by inserting after the word “Iredell,” in the fourth line, the following words, to wit: “At their May Term in each and every year;” which amendment was 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 amendment.

The bill to amend an act, entitled, an act for the division of Rowan county, passed in the year 1822, was read the third time. Mr. Carter moved that the further consideration of the bill be postponed indefinitely, which was not agreed to. The question then recurring, on the passage of the bill the third time, it was decided in the negative.

The resolution in favor of the Door-keepers, was read the second and third times and passed, and ordered to be engrossed.

The resolutions disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff, were, on motion of Mr. Wilson, ordered to be laid upon the table.

The bill to establish the Bank of North Carolina was read the second time. Mr. Collins moved that the further consideration thereof be postponed indefinitely. Mr. Hall moved that the bill be laid upon the table; which motion having precedence, the question thereon was first put and decided in the negative. The question then recurring, on Mr. Collins’ motion to postpone the consideration of the bill indefinitely, it was also decided in the negative. Ayes 20. Noes 31. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:


Mr. Martin then moved that the further consideration of the said bill be postponed until to-morrow; which motion was agreed to.

On motion of Mr. Toomer, ordered, that Joseph McD. Carson, the senator from the county of Rutherford, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

The bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a Company for that purpose, was read the third time. Mr. Faison moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Mr. Faison
then moved to amend the bill, by adding the following at the end of the third section, to wit:

And they shall be entitled to demand and receive a sum not exceeding fifteen per centum per annum on the capital stock expended in making and completing said railroad and bridge (for transporting produce or other commodities thereon as compensation or toll for transporting produce or other commodities on said railroad and bridge until the net profits received shall amount to a sum equal to the capital stock expended with six per centum per annum interest thereon from the time the money was advanced by the stockholders until received back in the net profits) but when the net profits received as aforesaid from the tolls aforesaid shall have amounted to a sum equal to the capital stock expended as aforesaid, with six per centum per annum interest thereon as aforesaid, then the tolls which the said president and directors shall be entitled to demand and receive for the transportation of produce or other commodities on the said railroad and bridge shall be fixed and regulated from time to time by this Legislature, so as to make sufficient in their estimate to yield a net profit equal to six per centum per annum on the capital stock expended in making and completing the said railroad and bridge, over and above what may be necessary for the repairs and renewal of the same; and the president and directors of the said company shall annually report to this Legislature a statement showing the whole amount of capital stock expended in the construction of said railroad and bridge, the amount of tolls received during such year, the expenses and charges incurred during each, and the net annual profit or loss on the capital expended.

Which amendment was not agreed to. Mr. Faison further moved to amend the bill, by adding the following at the end of the fifth section, to wit:

"After the said Railroad and Bridge shall be completed and put in operation, if the said President and Directors shall, by reason of the said railroad and bridge being out of repair, or from any other cause, fail or neglect to transport any produce or other commodities, which shall be designated convenient to said railroad and bridge, and which the said President and Directors shall be required to transport as aforesaid, the toll for the transportation being tendered, as a penalty for such failure or neglect, the Company shall be liable to the action of the party injured by such failure or neglect; and if any toll-gatherer, at any toll-gate to be erected by authority of this act, shall ask, demand or receive any other or greater tolls than are herein allowed, he shall forfeit and pay to the party aggrieved two dollars for every such offence, recoverable with costs by warrant before any justice of the peace; and if such toll-gatherer, being at the time of incurring such penalty in the service of the Company, shall be unable to pay the judgment thereupon recovered against him, the said Company shall be liable for the same;"

Which amendment was agreed to. The question then recurring, on the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be engrossed.

On motion of Mr. Carson, ordered, that Josiah Collins, junior, the senator from the county of Washington, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

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

Frida, January 4, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolutions, to wit: "A bill to amend an act, passed at the last session of the General Assembly, entitled; an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose;" Resolutions making an appropriation for the survey of a route for a Railroad; and a resolution in favor of the Door-keepers," in which they ask the ask the concurrence of that House.

Received from the House of Commons a message, agreeing to the proposition of the Senate of yesterday, to ballot again for a judge of the superior courts of Law and Equity, and stating that the name of John D. Eccles is withdrawn from the nomination, and informing that Messrs. Hinton and Park attend the
Senate, to conduct the ballot on the part of that House, whereupon Messrs Allison and Ray were appointed to conduct the ballot on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Spaight, ordered, that Archibald G. Carter, the senator from the county of Rowan, have leave of absence from and after this day for the remainder of the session.

Mr. Williams, from the committee on Education and the Literary Fund, to whom was referred the resolution instructing them to inquire into the expediency of establishing by law a Central School, in the State of North Carolina, for the purpose of educating and preparing instructors of elementary schools for their profession, reported, that in the opinion of the committee, the state of the Literary Fund at present would not justify the establishment of such schools at the present time, and asking to be discharged from the further consideration of the subject, in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Williams, from the select committee, to whom was referred the several memorials from various sections of the State, praying for the location of Bank Capital, at the various places therein mentioned, made a report thereon, stating that, in the opinion of the committee, it is impracticable to carry the prayer of the memorialists into effect at this time, and asking to be discharged from the further consideration of the subject, in which report the Senate concurred, and the committee was discharged accordingly.

A motion was made by Mr. Hoke to reconsider the vote taken yesterday, on the third reading of the resolutions, making an appropriation for the survey of a route for a Rail-road; and, on the question, will the Senate reconsider the said vote? it was decided in the affirmative, and the resolutions were thereupon read the third time, and resolved that the same shall not pass. Ayes 7. Noes 34. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:

Those who voted in the affirmative are, Messrs Bailey, Carson, Faison, Mathews, Montgomery, of H., Toozer, Tyson.


Mr. Allison, from the committee appointed to conduct the ballot for a judge of the superior courts of Law and Equity, reported that Henry Seawell, having received a majority of the whole number of the votes, is duly elected; in which report the Senate concurred.

The engrossed bill to authorise Robert Henry to erect a Mill on Hominy creek, in Buncombe county; and the engrossed bill to establish a town on the lands of John D. Amis, in the county of Northampton, at the termination of the Petersburg Rail-road, on the Roanoke river, were read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing to rescind the resolution, adopted by both Houses during the past week, agreeing to adjourn this session of the General Assembly, on Saturday the 5th instant; which proposition was agreed to. Ayes 29. Noes 21. The ayes and noes being demanded by Mr. Lindsay, are as follows, to wit:

Those who voted in the negative are, Messrs. Allison, Bailey, Bell, Boddie, Bullock, Faison, Hogan, Hoke, Lindsay, Martin, Move, of G., Moye, of P., Rhodes, Seawell, Spaight, Spencer, Toomer, Vanhook, Wilder, Williams, Wilson.

On motion of Mr. Martin, the Senate proceeded to take up and consider the bill to establish the Bank of North Carolina. Mr. Spaight moved that the Senate do now resolve itself into a committee of the whole House on the said bill. Mr. Carson moved that the bill be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the negative. Ayes 22. Noses 27. The ayes and noes being demanded by Mr. Wellborn, are as follows, to wit:


Those who voted in the negative are, Messrs. Bell, Brittain, Cowper, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Lillie, Martin, Massey, Mathews, Midget, Montgomery, of O., Moore, Morris, Norman, Parham; Parker, Skinner, Stedman, Tyson, Vanhook, Wellborn.

The question then recurring; on the motion of Mr. Spaight, it was decided in the affirmative; whereupon the Senate resolved itself into a committee of the whole House, Mr. Williams in the Chair, to take into consideration the said bill, and after some time spent therein, the Speaker resumed the Chair, and Mr. Williams reported, that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and ask their concurrence in the amendments; whereupon the said amendments were read and concurred in, and the bill as amended was read the second time. Mr. Allison moved further to amend the bill, by striking out the words "five hundred thousand," in the first section; which amendment was not agreed to. Mr. Allison moved further to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That any President, Director, Cashier or other Officer of this Bank, knowingly violating the Charter, or any of the provisions of this act, shall be deemed and held to have committed a misdemeanor, and shall upon conviction, be fined and imprisoned at the discretion of the court, or receive such corporeal punishment as the court may direct.

"Be it further enacted, That any President, Director, Cashier or other Officer of the Bank defrauding or cheating the Bank, shall be deemed and held guilty of a felony; and, upon conviction, shall suffer the punishment prescribed for said crime.

"Be it further enacted, That any President, Director, Cashier or other Officer of the Bank embezzling, purloining or sealing any of the funds of effects of said bank, shall be deemed and held guilty of felony, without benefit of Clergy, and upon conviction shall suffer death;"

Which amendment was agreed to. The question then recurring, on the passage of the bill the second time as amended, it was decided in the affirmative.

On motion of Mr. Wilson, ordered, that Daniel N. Bateman, the senator from the county of Tyrell, have leave of absence from the services of the Senate, from and after Monday next for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions, declaring the attachment of the Legislature to the Constitution of the United States, with sundry amendments; in which they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in by the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to regulate the court of pleas and quarter sessions of the county of Washington, with an amendment; in which they ask the
concurrence of the Senate; whereupon the said amendment was read and concurred in, and a message was sent to the House of Commons informing them thereof.

Received also from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed "bill to provide for the final settlement of Executors and Administrators, also the annual settlement of Guardians, in the county of Anson." Ordered, that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to extend the provisions of an act, passed in the year 1830, chapter 113, entitled, an act to amend an act to establish and regulate a Turnpike-road, in the county of Haywood, called the Tennesse River Turnpike-road, passed A. D. 1826, chapter 36; a bill to authorise the completion of the Tennessee River Road, in the county of Macon, and to incorporate a Company for that purpose; and a bill to exempt certain hands from working on the Hickory Nut Gap Road, in the county of Buncombe; in which they ask the concurrence of the Senate; whereupon the two first mentioned bills were read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time and passed, and, on motion of Mr. Hoke, ordered to be laid upon the table.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to incorporate the Trap Hill Riflemen, in the county of Wilkes; and a bill directing the manner in which Constables shall hereafter be elected, in the counties of Davidson, Buncombe and Chatham; in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first and second times and passed; and, being read the third time, Mr. Moye, of Pitt, moved to amend it, by striking out the last section; which amendment was 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 amendment; and the last mentioned bill was read the first time and passed, and, being read the second time, Mr. Lindsay moved to amend it, by extending its provisions to the county of Currituck. Mr. Wellborn moved further to amend it, by extending its provisions to the county of Wilkes. Mr. Hussey moved further to amend it by extending its provisions to the county of Duplin; and Mr. Lamb moved further to amend it, by extending its provisions to the county of New Hanover; which several amendments were agreed to, and the bill as amended was read the second time and passed.

Received from the House of Commons the resignation of Southern S. Higgs, Major of the Southern Regiment of Granville county Militia, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

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

Saturday, January 5, 1833.

Mr. Morris presented a bill, entitled, "a bill to alter the name of George W. Williams, of Anson county," which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot immediately for a Major of Cavalry of the 3d Brigade, and stating that Joseph D. Ward is in nomination for the appointment; which proposition was agreed to, and Messrs. Melvin and Cowper were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by mes-
The Senate then proceeded to take up and consider the bill to establish the Bank of North Carolina; and the bill being read the third time, Mr. Allison moved to amend the first section of the bill, by striking out the words "five hundred thousand," which amendment was agreed to. Ayes 34. Noes 14.

The ayes and noes being demanded by Mr. Martin, are as follows, to wit:


Those who voted in the negative are, Messrs. Bell, Dishongh, Gavin, Hinton, Hussey, Lamb, Lilley, Martin, Massey, Moore, Parham, Parker, Skinner, Wellborn.

Mr. Montgomery, of Orange, moved further to amend the bill, by inserting after the word "Legislature," in the second line of the section, the words "and annually thereafter," which amendment was agreed to. Mr. Williams moved further to amend the bill, by striking out the word "six," in the third line of the fifth section, and inserting in lieu thereof the word "five." Mr. Hinton called for a division of the question. It was therefore first taken on striking out the word "six," which was not agreed to. Ayes 7. Noes 46. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Moye, of G., Moye, of P., Spaight, Toomer, Williams.


Mr. Boddie moved further to amend the third section of the bill, by striking out the following words, to wit: "Not otherwise appropriated, whether of shares in the State Bank, shares in the Cape Fear and Newbern Banks," which amendment was agreed to. Mr. Montgomery, of Orange, moved fur-
ther to amend the bill, by adding the following as an additional section, to come in at the end of the tenth section, to wit:

"Be it further enacted, That a majority of the officers of said Bank, shall constitute a body for the transaction of business, and the salaries of the Directors of the principal Bank shall be two hundred dollars each;"

Which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed. Ayes 33. Noes 21. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:


Those who voted in the negative are, Messrs. Askew, Bailey, Bateman, Eddie Bullock, Dobson, Faison, Hawkins, Howell, Latham, Lindsay, Melvin, Moye, of G., Moye, of P., Ray, Rhodes, Seawell, Spaight, Toomer, Wilder, Williams.

Mr. Melvin, from the committee appointed to conduct the balloting for Major of Cavalry, attached to the third Brigade, reported that Joseph D. Ward, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The engrossed bill directing the manner in which Constables shall hereafter be elected, in the counties of Davidson, Chatham, and Buncombe, was read the third time. Mr. Dobson moved to amend the bill, by extending its provisions to the county of Surry. Mr. Rhodes moved further to amend it, by extending its provisions to the county of Wayne. Mr. Spencer moved further to amend it, by extending its provisions to the county of Hyde. Mr. Moffitt moved further to amend it, by extending its provisions to the county of Randolph; which several amendments were agreed to. Mr. Hogan moved that the further consideration of the said bill be postponed until the third Monday in November next; which was not agreed to. Mr. Dishongh moved further to amend the bill, by extending its provisions to the county of Onslow; which amendment was agreed to. The question then recurring, on the passage of the bill the third time as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Martin, ordered, that Gabriel T. Moore, the senator from the county of Stokes, have leave of absence from the services of the Senate, from and after Monday next, for the remainder of the session.

On motion of Mr. Mathews, ordered, that Herod Faison, the senator from the county of Northampton, have leave of absence from the services of the Senate, from and after Monday next, for the remainder of the session.

The engrossed bill providing for the encouragement of Education, was read the second time and resolved that the same shall not pass. Ayes 14. Noes 32. The ayes and noes being demanded by Mr. Hinton, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bell, Faison, Hall, Hogan, Kerr, Lindsay, Martin, Montgomery, of O., Moore, Ray, Seawell, Steedman.


Mr. Seawell presented the following resolution, to wit:

"Resolved by the General Assembly of North Carolina, That the Board of Internal Improvement be authorised to cause to be made, the necessary examination of the Neuse River, from Smithfield to some point near Raleigh, with the view of ascertaining whether..."
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The navigation of said river may not be extended to such point; and in case the said navigation can be effected for such sum as the said Board shall deem reasonable, that they notify the Neuse Navigation Company thereof; provided that the expense of said examination be paid by said Navigation Company.

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

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

MONDAY, JANUARY 7, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to establish the Bank of North Carolina; a bill to alter the name of George W. Williams, of Anson county; and a resolution authorising a survey of Neuse river, from Smithfield to some point near Raleigh," in which they ask the concurrence of that House.

Mr. Hussey presented a bill, entitled, "a bill to empower the commissioners of the town of Sereca, in the county of Duplin, to sell the town commons," which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill, entitled, "a bill to incorporate the Trap Hill Riflemen, in the county of Wilkes," whereupon the said bill was ordered to be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill to establish the Bank of North Carolina; a bill to establish the Merchants' Bank, in the town of Newbern; a bill to render the land of a deceased debtor liable for costs, where the plea of fully administered has been found in favor of his executor or administrator; a bill for the better organization of the Militia of this State; a bill to empower the courts of pleas and quarter sessions of the several counties within this State, to authorise the erection of gates across public roads within their respective counties; and a bill concerning the board of internal improvement; in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

The resolution authorising and requesting the Governor to purchase Maps of North Carolina, by John McRea, to be presented to each of the States and Territories, was, on motion of Mr. Hawkins, taken up and 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 resolutions, to wit: "resolution in favor of Joseph Gales, commissioner, &c.; resolution in favor of Isaac Alexander; resolution in favor of Fielding Slater, Sheriff of Rowan county; resolution in favor of Elizabeth Forbis; and a resolution in favor of James Graham," in which they ask the concurrence of the Senate; whereupon the said resolutions were severally read the first, second and third times and passed, and ordered to be enrolled, except the last mentioned resolution; which was read the first time and passed, and, on motion of Mr. Garter, ordered to be laid on the table.

Mr. Gavin presented the resignation of Wm. C. Draughan, Major of the 33d Regiment of North Carolina Militia; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Allison, ordered, that the committee on the judiciary be discharged from the further consideration of the engrossed resolution, in favor of David Caldwell.
On motion of Mr. Hogan, ordered, that the twelfth rule of the Senate be suspended, for the purpose of now considering the engrossed bill, for the better organization of the Militia of this State; which motion was agreed to; whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Montgomery, of Hertford, ordered, that the same rule be suspended, for the purpose of now considering the engrossed bill, to empower the courts of pleas and quarter sessions of the several counties within this State, to authorize the erection of gates across public roads within their respective counties; which motion was agreed to; whereupon the said bill was read the second time, and, on motion of Mr. Wilson, ordered, that the further consideration thereof be postponed indefinitely.

On motion of Montgomery, of Hertford, ordered, that the same rule be suspended, for the purpose of now considering the engrossed bill concerning the board of internal improvements; which motion was agreed to; whereupon the said bill was read the second time, and resolved that the same shall not pass.

On motion of Mr. Bailey, ordered, that the same rule be suspended, for the purpose of now considering the engrossed bill, to render the land of a deceased debtor liable for the costs, where the plea of fully administered has been found in favor of his Executor or Administrator; which motion was agreed to; whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

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

"Whereas, the Hon. David L. Swain, in proceeding to the first court of the circuit assigned to him in the last fall term, was accidentally thrown from his chair, by which he was so much injured as to be unable to attend several courts in his circuit.

...Resolved, That the said David L. Swain be entitled to the same compensation, as he would have been in case he had attended and held all the courts in his circuit; and that the Public Treasurer pay the same accordingly;" Which was read the first time and resolved that the same shall not pass.

On motion of Mr. Carter, the Senate proceeded to take up and consider the engrossed resolution in favor of James Graham, and the resolution being read the second time, Mr. Bell moved to amend it, by striking out the word "fifty," and inserting in lieu thereof the words "twenty-five;" which amendment was not agreed to, and the resolution was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Morris, ordered, that Haywood S. Bell, the senator from the county of Camden have leave of absence from the services of the Senate, from and after Wednesday next, for the remainder of the session.

Mr. Brittain presented a bill, entitled, "a bill to extend the provisions of an act, passed A. D. 1830, entitled, an act to repeal an act, passed in the year 1828, entitled, an act concerning the public lands, in the county of Haywood, as far as respects buildings on said lands," which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Stedman, ordered, that James Rhodes, the senator from the county of Wayne, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

On motion of Mr. Martin, ordered, that the report of the joint select committee, to whom was referred the letter of His Excellency the Governor of the State of South Carolina to His Excellency the Governor of this State, with the accompanying documents, made to the Senate, on the 24th day of December last, be spread at length upon the Journals of the Senate. The report is as follows, to wit:
The joint select committee, to whom was referred the letter of His Excellency the Governor of South Carolina to His Excellency the Governor of this State, with the accompanying documents, report: That the Union of the North American Colonies and the subsequent declaration of Independence, are political events of momentous interest in the history of this country; and are associated in the recollection and embalmed in the affection of the people of this State. These were monuments of imperishable fame, proclaiming to an oppressed and benighted world, the rights of man and his capacity for self-government. In support of these principles, the illustrious Washington led our fathers to battle; and valor established in the field what wisdom had declared in council. These were united efforts in a common cause; the watch-word was then "Liberty and Union, now and for ever, one and inseparable." Victory added lustre to the star-spangled banner; the storm of war disappeared and peace smiled on "the land of the brave and the home of the free."

"To form a more perfect Union," and "to secure the blessings of liberty" to themselves and their posterity, the heroes and patriots of the revolution established the Constitution of the United States of America. It is a splendid production of human wisdom, admirably combining and harmoniously intermingling, the elements of liberty and the principles of social order. Political philosophy throughout the world, looked in amazement on the august spectacle, while the votaries of legitimacy in the eastern hemisphere, predicted its early dissolution. Hitherto disappointment has blasted their hopes. The constitution has secured to us the enjoyment of happiness for forty-five years; experience has proved it to be fitted to every exigency; it has conducted us to glory in war and to prosperity in peace. Should this temple of liberty totter to its fall, it will overwhelm in its ruins the rights of man, and his hopes "will be extinguished for ever." We will become a mark for the finger of scorn; man's capacity for self-government will be a theme of ridicule and a subject for derision; instead of the doctrine of universal emancipation, the dogma of universal despotism will be proclaimed to a degenerate world.

The people of this State are ardently attached to the Constitution and sincerely devoted to the Union. The spirit of '76 glows in their bosoms with its primitive ardor; they recognised the right of the oppressed to break asunder the ties which connect them with the oppressor; but it is a right which should not be exercised for light or transient causes. The dissolution of the Union will be accompanied by deeds of violence and scenes of blood, at the sight of which valor may stand appalled. The arm of the son raised against the father, the pagent of a brother plunged into a brother's bosom; the wife weeping over the murdered body of her husband; the widowed mother bewailing the loss of her only son, are all exaggerated incidents of civil war. May God in his mercy avert this awful calamity from our beloved country.

Although a diversity of opinion prevails in this State, as to the constitutionality of the acts of Congress imposing duties on imports; yet it is believed a large majority of the people think those acts unconstitutional, and they are all united in the sentiment, that the existing Tariff is impolitic, unjust and oppressive; and they have urged and will continue to urge its repeal. As the national debt is so nearly extinguished, all concern in the propriety of reducing the duties on imports to a revenue standard, which should be graduated to the wants of the General Government for current expenditures. They believe this system of policy is one of the cardinal objects of the present administration; and that a reduction of the Tariff will annually occur until the desired abatement be attained. They are opposed to the collection of revenue by the Federal Government for purposes of internal improvement, for reasons not necessary now to be assigned. The proposed reduction of the duties will relieve the Southern States from the evil of which they complain. Then, in a period of tranquillity and of profound peace, a Convention can be assembled in the mode prescribed by the Constitution, to revise and amend that charter of our rights, so as to remove all doubt as to the constitutional power of Congress, to impose duties on importation for the protection of any branch of industry. The General Assembly of this State think, that the doctrine of Nullification avowed by South Carolina, and declared in an ordinance made by a Convention, which recently assembled in Columbia, is revolutionary in its character, will in its operation, be subversive of the Constitution of the United States, and leads to a dissolution of the Union. This opinion is entertained with much deference to the opinions of others, and is now expressed more in sorrow than in anger, and from a deep sense of duty to our neighbors. We cherish sentiments of the highest respect for the virtue, talents and chivalry of the citizens of that State. They no doubt believe, that a crisis of fearful and oppressive extremity has arrived, when no other alternative is left to patriotism, but boldly to stand forth in the defence of reserved rights and valourously to resist the oppressor. The philosophy of the human mind teaches us it is so constituted, that
Tuesday, January 8, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to extend the provisions of an act, passed A. D. 1830, entitled, an act to repeal an act, passed in the year 1828, entitled, an act concerning the public lands in the county of Haywood, so far as respects buildings on said lands; a bill to empower the commissioners of the town of Sylaca, in the county of Duplin, to sell the town commons; resolution authorizing and requesting the Governor to purchase Maps of North Carolina, by John McRea, to be presented to each of the States and Territories," in which they ask the concurrence of that House.

Mr. Hussey presented the memorial of sundry citizens of the county of Duplin, praying the Legislature to authorize and empower the county court of said county to remit a fine imposed by the superior court of said county, on Wilson Hodges. Mr. Hussey also presented a bill to carry the prayer of the petitioners into effect, entitled, a bill for the benefit of Wilson Hodges, of Duplin county," which was read the first time and passed, and being read the second time, Mr. Hogan moved that the said bill and petition be referred to the committee on the judiciary. Mr. Bell moved that the further consideration thereof be postponed indefinitely; which motion having precedence, the question thereon was first taken, and decided in the affirmative.

Mr. Norman presented a bill, entitled, "a bill amendatory and declaratory of the several laws now in force "concerning the town of Oxford," which was read the first, 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, entitled, "a bill to incorporate the Williamson and Windsor Turnpike Company," with an amendment; in which they ask the concurrence of the Senate; whereupon the proposed amendment was read and
A message was also received from the House of Commons, stating that they have passed the engrossed bill, entitled, "a bill concerning the inspection of Fire Wood, in the town of Newbern," in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and, being read the second time, Mr. Lamb moved to amend the bill, by striking out the words "two and a half" and inserting the word "three," and also to extend the provisions of the bill to the town of Wilmington; which amendments were not agreed to. Mr. Lamb then moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to.

Ayes 8. Noes 41. The ayes and noes being demanded by Mr. Lamb, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bell, Carter, Lamb, Martin, Toomer, Wellborn, Wilson.


The question then recurring, on the passage of the bill the second time, it was decided in the affirmative; and the bill was thereupon read the third time and passed, and ordered to be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills and resolution, to wit: "A bill to amend the tenth section of the act of 1741, entitled, an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; a bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, an act to regulate retailers of Spirituous Liquors; a bill to incorporate the Granville Dragoons; and a resolution for the Governor, &c.; in which they ask the concurrence of the Senate; whereupon the two first mentioned bills were read the first time and passed, and the last mentioned bill and resolution were read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the "engrossed resolution in favor of John Lumsden," in which they ask the concurrence of the Senate; whereupon the resolution was read the first time and passed, and, being read the second time, Mr. Bell moved that the further consideration thereof be postponed indefinitely; which was not agreed to. Mr. Wilder moved to amend the resolution, by striking out the words "twenty-one," and inserting the word "nine," which amendment was not agreed to; and the resolution was thereupon read the second and third times and passed and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to repeal the third section of an act, passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which licences shall hereafter be issued to retailers of Spirituous Liquors, so far as regards the counties of New Hanover, Richmond and Beaufort," which was read the first time and passed, and, being read the second time, Mr. Hinton moved to amend the bill, by striking out that portion of its provisions which relates to the county of Beaufort; 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.

A message was also received from the House of Commons, transmitting a communication from His Excellency the Governor, covering two letters received by him from His Excellency the Governor of the State of Georgia; one communicating a resolution adopted by the Legislature of that State on the 3d day of December last, proposing the call of a Convention of the people of the United States, with a view to the amendment of the Federal Constitution, in the various particulars specified in the resolution; the other containing a copy of a series of resolutions adopted on the 22d of December, concurring with the General Assembly of the State of Tennessee, in deprecating the exercise of the powers which have been assumed by Congress, of appropriating money out of the Treasury of the United States, for the purposes of internal improvement, and declaring that the government of the United States does not possess under the Constitution, any power to carry on a system of internal improvement within the several States, or to appropriate money to be expended upon such improvements; which, after being read, Mr. Wellborn moved that the said message, with the accompanying documents, be referred to a select committee. Mr. Williams moved that the communication and documents be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative.

The Senate then entered on the orders of the day, and proceeded to take up and consider the engrossed bill, entitled, "a bill to establish the Merchant's Bank, in the town of Newbern," and the bill being read the second time, Mr. Bell moved that the further consideration of the said bill be postponed until the third Monday in November next; which motion was agreed to. Ayes 38. Noes 13. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:


Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Harrison, Hogan, Houston, Hussey, Kerr, Lilley, Moye, of P., Spaight, Teemon.

Received from the House of Commons a message, stating that they have rejected the engrossed bill, entitled, "a bill to establish the Bank of North Carolina."

The Senate then, on motion of Mr. Martin, proceeded to take up and consider the engrossed bill, entitled, "a bill to establish the Bank of North Carolina," and the bill being read the second time, Mr. Montgomery, of Orange, moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Ayes 22. Noes 28. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:


Whereupon, on motion of Mr. Hinton, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the Chair, to take into consideration the said bill, and after some time spent therein, the Speaker resumed the Chair,
and Mr. Wilson reported, that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and ask their concurrence in the amendments; whereupon, on motion of Mr. Wilson, ordered, that the said bill as amended be printed, one copy for each member of the Senate.

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

WEDNESDAY, JANUARY 9, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill amendatory and declaratory of the several laws now in force, concerning the town of Oxford," in which they ask the concurrence of that House.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for a Brigadier-general of the 19th Brigade, and stating that Benjamin S. Brittain is in nomination for the appointment.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed bill, entitled, "a bill to establish the Bank of North Carolina," and the question pending being on agreeing to the amendments reported by the committee of the whole House, the said amendments were severally read and concurred in, and, on the question of concurrence in the amendment proposed to the 16th section, to wit: To strike out the figures "1835," and insert the figures "1833." Mr. Martin demanded the ayes and noes, which are as follows, to wit: Ayes 26. Noes 23.


Mr. Spaight moved further to amend the twenty-fourth section of the bill, by striking out the word "five" and inserting the word "three," which amendment was agreed to.

Mr. Hall moved further to amend the bill in the first section, by striking out after the word "subscribe," the words "one million of dollars," and inserting in lieu thereof the words "six hundred thousand dollars," and after the words "North Carolina" in the same section, strike out the words "one million of dollars," and insert in lieu thereof the words "one million four thousand dollars," which amendment was not agreed to. Ayes 11. Noes 38.

The ayes and noes being demanded by Mr. Hall, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Gavin, Hall, Lamb, Montgomery, of P., Norman, Parham, Parker, Spencer, Wellborn, Williams, Wilson.


Mr. Hinton moved further to amend the bill, by adding the following at the end of the first section, to wit: "But the General Assembly may, at any time hereafter, enlarge said capital stock, and secure to the State one half of such added capital;"
Which amendment was not agreed to. Mr. Faison moved further to amend the bill by adding the following as an additional section, to wit:

"Be it further enacted, That any person presenting a note to said bank for payment, and the payment thereof being refused, judgment may be rendered against the corporation on a notice served on the principal officer of the bank, or left in said bank with any person transacting business therein, in the same manner that judgment is rendered against any private person, but said judgment shall not be paid by said corporation; but if not satisfied may be levied on the effects of the corporation, and should none of the effects of the corporation be found, then on the goods, chattels and effects of any individual stockholder in said bank; a list of said stockholders shall be filed by the president of the bank in the Secretary of State's office, and revised on any transfer of stock, and each person transferring stock shall be bound for the solvency of the holder thereof; provided, that no stockholder shall be bound for a greater amount of the notes of the bank than the whole amount of stock held by him, her or them."

Mr. Hall moved that the further consideration of the bill and amendment be postponed indefinitely; which was not agreed to. Ayes 19. Noes 31. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:


The question then recurring, on agreeing to the amendment proposed by Mr. Faison, it was decided in the negative. Ayes 17. Noes 32. The ayes and noes being demanded by Mr. Faison, are as follows, to wit:


Mr. Skinner moved further to amend the bill, by striking out the following words from the last line of the fourteenth section, to wit; "Subject to the provisions contained in the seventeenth section;" which amendment was agreed to; and the bill was thereupon read the second time, as amended, and passed.

Ayes 25. Noes 24. The ayes and noes being demanded by Mr. Mathews, are as follows, to wit:


Whereupon the said bill was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendments.

Ayes 26. Noes 24. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:


Mr. Seawell, from the committee, to whom was referred the report of Joseph Gales, Esq., commissioner, &c. to collect the old Journals, Laws, &c. made a verbal report thereon, stating that the object of the reference had been anticipated, by the passage of a resolution at the present session, and that no further legislation was necessary upon the subject; in which report the Senate concurred.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution, instructing them to inquire into the legality of the claim made by the President and Directors of the State Bank, by which they have exacted interest of four per cent. on the reserved stock not paid for, belonging to the State in said Bank, made a detailed report thereon, stating that it appears to the committee, that the Bank have insisted upon nothing which was not authorized by the consent of the State. On motion of Mr. Wilson, ordered, that the said report be laid upon the table.

Received from the House of Commons a message, stating that they have laid on the table, until the third Monday in November next, the message of the Senate, proposing to ballot immediately for a Brigadier-general of the 19th Brigade.

On motion of Mr. Wilson, the Senate proceeded to take up and consider the engrossed resolution for the Treasurer and Attorney-general; whereupon the said resolution was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills, to wit: "A bill to emancipate Littlepate, a slave, the property of John D. Scott; a bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county; and a bill to legitimate Arcadia Harris, and entitle her to inherit from both parents."

Received also from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: "A bill to exempt hands from working on certain roads, in the county of Buncombe; and a bill to repair, improve and lay off a road, leading from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and thence into the main road, crossing the Blue Ridge at the Deep Gap, into the State of Tennessee."

A message was also received from the House of Commons, stating that they have postponed until the third Monday in November next, the further consideration of the engrossed bill to amend an act, passed in the year 1826, entitled, an act to amend the several inspection laws of this State, so far as respects Turpentine, in the town of Wilmington."

A message was also received from the House of Commons, stating that they have passed the engrossed bill, entitled, "a bill to enact, with sundry alterations and additions, an act, entitled, an act incorporating the Portsmouth and Roanoke Rail-road Company and for other purposes, passed by the Legislature of Virginia, on the 8th day of March, 1832;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and being read the second time, Mr. Mathews moved to amend the bill, by striking out the words "at any point on the Roanoke below Weldon," and to insert in lieu thereof, the words "opposite Weldon," 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.

On motion of Mr. Montgomery, of Orange, ordered, that John H. Hawkins,
the senator from the county of Warren, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

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

Thursday, January 10, 1833.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate, to the engrossed bill to repeal the third section of an act, passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which Licenses shall hereafter be issued to retailers of Spirituous Liquors, so far as regards the counties of New Hanover, Richmond and Beaufort; whereupon the said bill was ordered to be enrolled.

Mr. Hinton presented a bill, entitled, "a bill to revise and continue in force, in the town of Washington, the provisions of an act, passed in the year 1824, entitled, "an act to provide against the introduction and spreading of contagious or infectious diseases in this State; which was read the first, 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 with amendments, to wit: A bill for the better organization of the Militia, of the county of Beaufort; a bill to incorporate the Sunbury Academy, in the county of Gates; and a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax; in which amendments they ask the concurrence of the Senate; whereupon the said amendments were severally read and concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: "A bill to prevent the unlawful asportation of slaves from this State; resolution in favor of Richard Roberts; and a resolution in favor of Joseph Welch;" in which they ask the concurrence of the Senate; whereupon the said bill and resolutions were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Wilson, ordered, that the twelfth rule of the Senate be suspended for the remainder of the session.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, "an act to abolish the offices of County Trustee and Treasurer of Public Buildings, in the counties of Richmond, Columbus, Sampson and Robeson," to the counties of Halifax, Nash and Beaufort, with an amendment, to wit: Strike out the words "Halifax and Beaufort;" in which they ask the concurrence of the Senate; whereupon the amendment, so far as regards striking out the word "Beaufort," was agreed to; but the amendment, so far as regards striking out the word "Halifax," was not agreed to; and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, proposing that the two Houses adjourn sine die on to-morrow morning, at seven o'clock. Mr. Mathews moved that the message be laid upon the table; which was not agreed to. Mr. Hall moved to amend the proposition, by striking out the words "to-morrow morning at seven o'clock," and insert in lieu thereof, the words "this evening at six o'clock;" which amendment was not agreed to. Mr. Spaight moved further to amend the proposition, by striking out the words "at seven o'clock;" which amendment was agreed to, and the House of Commons was informed thereof by message.
Received also from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills to wit: "A bill to give exclusive jurisdiction to the superior courts of Law for the county of Buncombe; a bill more effectually to prevent litigation and to avoid suits in law; and a bill to amend an act, passed in the year of our Lord 1829, entitled, an act to provide for a division of negroes and other chattel property held in common."

Received also from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: "A bill to amend an act, passed the present session, entitled, an act to vest the right of electing clerks of the county and superior courts, in the several counties within this State, in the free white men thereof; a bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorize the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose; also the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash county."

Received also from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to enact, with sundry alterations and additions, an act, entitled, "an act incorporating the Portsmouth and Roanoke Rail-road Company and for other purposes," with an amendment, to wit: add to word "opposite" the words "or below," which amendment was not agreed to, and a message was sent to the House of Commons informing them thereof.

A message was also received from the House of Commons, stating their concurrence in the amendments proposed by the Senate to the engrossed bill, directing the manner in which Constables shall hereafter be elected, in the counties of Davidson, Buncombe and Chatham, with an amendment, to wit: Strike out the word "Randolph" wherever it occurs; in which they ask the concurrence of the Senate; whereupon the said amendment was concurred in, and the House of Commons was informed thereof by message.

The engrossed bill to amend the 10th section of the act of 1741, entitled, "an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality," was read the second and third times and passed and ordered to be enrolled; and the engrossed bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, "an act to regulate retailers of Spirituous Liquors," was read the second time, and, on motion of Mr. Spaight, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they have passed, with amendments, the following engrossed bill and resolution, to wit: "A bill to empower the commissioners of the town of Santeet, in the county of Duplin, to sell the town commons; a bill to improve further the police of the town of Washington; a bill for the better regulation of the court of pleas and quarter sessions of Duplin county; and a resolution in favor of the Distillers;" in which amendments they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have laid on the table until the 3d Monday in November next, the engrossed resolution requesting the State of South Carolina to suspend the operation of the Ordinance of their Convention, &c.

Received also from the House of Commons a message, stating their concurrence in the several amendments proposed by the Senate to the engrossed bill,
to establish the Bank of North Carolina, except as to the amendments proposed to the 18th section of the bill, and in these they concur with the following amendments, to wit: Strike out the words "one half of the Directors," and insert the words "one Director for every two hundred and fifty thousand dollars subscribed as aforesaid;" also to add the following proviso at the end of said section, to wit: "Provided that no member of the General Assembly shall be eligible either as President or Director;" in which they ask the concurrence of the Senate; and the said amendments having been read, Mr. Williams moved that the further consideration of the said bill and amendments be indefinitely postponed; which was not agreed to. Ayes 18, Noes 30. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:


Mr. Martin then moved to amend the first amendment proposed by the House of Commons, by striking out the following words, after the word "one," to wit: "Director for every two hundred and fifty thousand dollars subscribed as aforesaid," and insert the following: "half of the Directors on subscribing for three thousand shares;" which amendment was not agreed to. Ayes 23, Noes 25. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:


Mr. Montgomery, of Orange moved that the bill and amendment be laid upon the table until the third Monday in November next; which was not agreed to. Ayes 24, Noes 24; the Speaker voting in the negative. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:


The question then recurring on agreeing to the amendment proposed by the House of Commons, it was decided in the affirmative. Ayes 24, Noes 24; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:


And a message was thereupon sent to the House of Commons informing them thereof, and the bill was ordered to be enrolled.
Mr. Toomer presented a bill, entitled, "a bill amendatory of an act, passed at the present session, entitled, an act to authorise the issuing of a grant to Amos Curtis and others for a camp ground;" which was read the first, second and third times and passed and ordered to be engrossed.

On motion of Mr. Bailey, ordered, that Thomas W. Norman, the senator from the county of Granville, have leave of absence, from and after this day, for the remainder of the session.

On motion of Mr. Spaight, ordered, that John L Bailey, the senator from the county of Pasquotank, have leave of absence, from and after this day, for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to incorporate Oak Grove Academy, in Bertie county;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed "bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and being read the second time, Mr. Mathews moved that the further consideration thereof be postponed indefinitely, which was agreed to. Ayes 25. Noes 23. The ayes and noes being demanded by Mr. Hinton, are as follows, to wit:


Received also from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: "A resolution in favor of J. Gales and Son; and a resolution of thanks to Colonel Isaac T. Arery;" in which they ask the concurrence of the Senate; whereupon the first mentioned resolution was read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned resolution was read and adopted, and ordered to be enrolled.

And then the Senate adjourned until this afternoon, 4 o'clock.

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Thursday afternoon, 4 o'clock.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to revise and continue in force, in the town of Washington, the provisions of an act, passed in the year 1824, entitled, an act to provide against the introduction and spreading of contagious or infectious diseases in this State; and a bill amendatory of an act, passed at the present session, entitled, an act to authorise the issuing of a grant to Amos Curtis and others for a camp ground;" in which they ask the concurrence of that House.

Mr. Seawell, from the committee on the judiciary, returned to the Senate the various references which had been made to that committee, and which they had been unable to act upon, and asked to be discharged from the further consideration of the various subjects thus referred; which was agreed to, and the committee was discharged accordingly.
The engrossed resolution in favor of David Caldwell, was read the second time, and resolved that the same shall not pass; whereupon, on motion of Mr. Allison, ordered, that he have leave to withdraw from the files of the Senate the papers accompanying the aforesaid resolution.

Mr. Hinton presented the following resolution, to wit:

Resolved, That the Public Treasurer, he, and he is hereby authorised, and directed to subscribe for the use of the State for as many shares of the capital stock of the Bank of North Carolina, chartered at the present session, as all the money in the Public Treasury, or subject to the order of the Treasurer, to whatever fund the same may belong, (not immediately needed for the public use) will pay for, as soon as the said Bank goes into operation.

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

Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate to the amendment proposed by the House of Commons, to the engrossed bill to extend the provisions of an act, passed at the last session, entitled, an act to abolish the offices of county trustee and treasurer of Public buildings, in the counties of Richmond, Columbus, Sampson and Robeson, to the counties of Halifax, Nash and Beaufort; whereupon, on motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, stating that the Senate insist on their amendment to the amendment proposed by the House of Commons to the said bill.

Received also from the House of Commons a message, stating that they have passed the engrossed bill amendatory of an act, passed at the present session, entitled, an act to authorise the issuing of a grant to Amos Curtis and others for a camp ground, with an amendment; in which they ask the concurrence of the Senate; whereupon the said amendment was read and concurred in; and a message sent to the House of Commons informing them thereof.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution, directing the Public Treasurer to subscribe for shares in the Bank of North Carolina; in which they ask the concurrence of that House.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that the two Houses adjourn on to-morrow morning sine die.

Received from the House of Commons a message, stating that they insist upon their amendment to the amendment proposed by the Senate, to the engrossed bill to enact, with sundry alterations and additions an act, entitled, "an act incorporating the Portsmouth and Roanoke Rail-road Company, and for other purposes," passed by the Legislature of Virginia, on the 8th day of March, 1832; whereupon Mr. Dishongh moved that the said bill and amendment be laid upon the table; which was not agreed to. Mr. Montgomery, of Orange, moved that a Committee of Conference be appointed, to take into consideration the disagreeing votes of the two Houses; which was not agreed to. Mr. Montgomery, of Hertford, moved that the Senate recede from their disagreement to the amendment proposed by the House of Commons to the amendment of the Senate, which motion was agreed to, and the House of Commons was informed thereof by message; and the said bill was ordered to be enrolled.

On motion of Mr. Hussey, ordered, that he have leave to withdraw from the files of the Senate the petition of Wilson Hodges, of Duplin county, presented at the present session.

And the Senate then adjourned until to-morrow morning, 6 o'clock.
FRIDAY MORNING, 6 o'clock, January 11, 1833.

A motion was made by Mr. Lamb to reconsider the vote taken on yesterday on the rejection of the engrossed bill, entitled, "a bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State," and on the question, will the Senate reconsider the said vote? it was decided in the negative.

Received from the House of Commons a message, informing the Senate, that having acted on all the business brought before them, they are now ready to adjourn without day; whereupon, on motion of Mr. Askew, ordered, that a message be sent to the House of Commons informing that House that the Senate, having also acted on all the business before them, are also ready to adjourn without day.

Whereupon, on motion of Mr. Wilson, Resolved unanimously, That the thanks of this House are due to the Hon. William D. Mosely, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Chair during the present session.

The Speaker thereupon made his acknowledgments to the Senate, and adjourned the same sine die.

W. D. MOSELEY, S. S.

By order.

SAMUEL F. PATTERSON,
Clerk of the Senate.