At a General Assembly, begun and held in the city of Raleigh, on Monday, the 18th day of November, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifth-eighth year of the Independence of the United States of America, it being the first session of this 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:

From Anson county, William A. Morris
   John, George Phillips
   Beaufort, William E. Smaw
   Bertie, W. L. Demere
   Bladen, Robert Melvin
   Brunswick, William R. Hall
   Brunswick, John Clayton
   Burke, Mark Brittain
   Cabarrus, George Klutts
   Camden, Enoch Nash
   Carteret, Otway Burns
   Caswell, James Kerr
   Chatham, Nathan A. Stedman
   Chowan, Joseph B. Skinner
   Columbus, Luke R. Simmons
   Craven, R. E. Spanier
   Cumberland, Duncan McCormick
   Currituck, Daniel Lindsey
   Davidson, John A. Hogan
   Duplin, John E. Hussey
   Edgecombe, Hardy Flowers
   Franklin, Thomas G. Stone
   Gates, John Walton
   Granville, Thomas W. Norman
   Greene, Wyatt Meye
   Guilford, George C. Mendenhall
   Halifax, Isham Matthews
   Haywood, William Sitton
   Hertford, John Vann
   Hyde, Dameron Pugh
   Johnston, Hillory Wilder
   Jones, James Harrison

From Iredell county, Joseph P. Caldwell
   Lenoir, Wm. D. Moseley
   Lincoln, Daniel Hoke
   Macon, Benjamin S. Brittain
   Martin, David Latham
   Mecklenburg, Washington Morrison.
   Montgomery, Reuben Kendall
   Moore, Duncan Murchison
   Nash, Samuel L. Arrington
   New Hanover,
   Northampton, Herod Faison
   Onslow, Thomas Foy
   Orange, William Montgomery
   Pasquotank, Joseph M. Skinner
   Perquimans, Henry Skinner
   Person, Robert Vanhook
   Pitt, Alfred Mote
   Randolph, Henry B. Elliott
   Richmond, Alexander Martin
   Robeson, Shadrach Howell
   Rockingham, Robert Martin
   Rowan, John Beard, Jr.
   Rutherford, Martin P. Shuford
   Sampson, Edward C. Gavin
   Stokes, Matthew R. Moore
   Surry, William P. Dobson
   Tyrrell, Ephraim Mann
   Wake, Charles L. Hinton
   Warren, Weldon N. Edwards
   Washington
   Wayne, Gabriel Sherard
   Wilkes, Edmund Jones

A quorum, consisting of a majority of the whole number of members, being present, Mr. Montgomery moved that William D. Moseley, Esq., the Senator from the county of Lenoir, be appointed Speaker; which motion was unanimously agreed to. Whereupon, on motion of Mr. Skinner, of Perquimons, the Speaker was conducted to the Chair by Mr. Montgomery; from whence he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Matthews, 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 to the Senate.

Mr. Vanhook moved that Green Hill be appointed assistant doorkeeper. Mr. Howell moved that the name of Henry S. Spain be added to the nomination. An election by ballot thereupon took place, Messrs. Vanhook and Howell being appointed superintendents to conduct it.
Mr. Vanhook, from the committee appointed to conduct the balloting for assistant doorkeeper, reported that Green Hill, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Martin, of Rockingham, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organized, and ready to proceed on public business, having appointed William D. Moseley, Esquire, speaker; Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant; and Thomas B. Wheeler and Green Hill, doorkeepers.

On motion of Mr. Montgomery, the Senate then adjourned until to­mor­row morning, 10 o’clock.

TUESDAY, NOVEMBER 19, 1833.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed William J. Alexander, Esquire, speaker; Charles Manly, principal clerk; Edmund B. Freeman, clerk assistant; Richard Roberts and John Cooper, doorkeepers; and that they are also ready to proceed to the despatch of public business.

The speaker laid before the Senate the resignation of Joseph A. Hill, Esq. the Senator elect from the county of New Hanover; which was read and accepted. Whereupon, on motion of Mr. Hinton, ordered that a writ of election issue to the coroner of New Hanover county, commanding him to hold an election at the several places now prescribed by law in said county, on Monday, the second day of December next, for the purpose of electing some person qualified to fill the vacancy occasioned by the resignation aforesaid.

Received from the House of Commons a message, proposing to ballot immediately for three engrossing clerks, and stating that William Hall, John W. Covington, Thomas L. West, Alfred Lancaster, Thos. J. Word, Thomas F. Jones, Henry S. Clark, Daniel Coleman, Charles Mock and Whitnall Hardy are in nomination for the appointment; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and stating that the name of Thomas Matthews is added to the nomination; and stating further that Messrs. Clayton and Skinner of Perquimons are appointed to conduct the balloting on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Marsteller and Guthrie are appointed superintendents of the balloting on the part of that House.

Received also from the House of Commons a message, proposing that a joint select committee of two members on the part of each House be appointed, to wait on his Excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive such communication as he may see fit to make, and stating that Messrs. Barringer and Long are appointed to form the committee on the part of that House; which proposition was agreed to, and Messrs. Skinner of Perquimons and Hinton were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Montgomery, ordered that the Rules of Order and Decorum for the government of the Senate at the last session, be the Rules
of Order and Decorum for the government of the present session until otherwise ordered.

On motion of Mr. Kerr, ordered that a select committee be appointed to prepare Rules of Order for the government of the Senate during the present session. Whereupon Messrs. Kerr, Beard, Jones, Montgomery and Edwards were appointed to form the said committee.

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

Alexander W. Mebane, the Senator from the county of Bertie, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Moye, of Pitt, presented the resignations of John Jackson and Isaac Warters, justices of the peace for the county of Lenoir; and Mr. Hoke presented the resignation of Miles W. Abernathy, a justice of the peace for the county of Lincoln; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Hall, ordered that a message be sent to the House of Commons, proposing to raise a joint select committee of five members on the part of each House to prepare Joint Rules for the government of the two Houses during the present session.

Mr. Skinner, of Chowan, presented the resignation of Richard T. Brownrigg, brigadier general of the 18th brigade, and Mr. Simmons presented the resignation of Josiah Maultsby, major of the 85th regiment of North Carolina militia; which were read and accepted, and sent to the House of Commons.

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

Mr. Clayton, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman and John W. Covington, 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.

Received from the House of Commons a message, proposing to ballot again immediately for one engrossing clerk yet to be elected; which proposition was agreed to, and Messrs. Kerr and Caldwell were appointed to conduct the balloting on the part of the Senate, and a message sent to the House of Commons informing them thereof, and stating that the name of Henry S. Clark is withdrawn from the nomination. Whereupon a message was received from the House of Commons, stating that Messrs. King and John B. Jones are appointed to conduct the balloting on the part of that House, and informing that the name of Whitmell Hardy is withdrawn from the nomination.

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

On motion of Mr. Kendall, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for one engrossing clerk yet to be elected.

A message was received from the House of Commons, agreeing to the
proposition of the Senate to ballot again immediately for one engrossing clerk yet to be elected, and stating that the names of Charles Mock, Thomas L. West and Alfred Lancaster are withdrawn from the nomination; and informing further, that Messrs. Kittrell and Smithwick are appointed to conduct the balloting on the part of that House. Whereupon Messrs. Kendall and Sherard 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, communicating the annual message of his excellency the Governor, accompanied with a proposition from that House that the message be printed, three copies for each member of the Legislature; which proposition was agreed to, and the House of Commons was informed thereof by message.

Mr. Sherard, from the committee appointed to conduct the balloting for one engrossing clerk yet to be elected, reported that on counting the ballots, there appeared to have been one hundred and seventy-nine votes given in, of which number William Hall had received ninety, which is a majority of the number thus counted; but that the assistant clerks had reported the number of voters to be one hundred and eighty, of which number ninety is not a majority. A discussion arising thereon, it was ordered, on motion of Mr. Montgomery, that the said report be laid upon the table.

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

**Wednesday, November 20, 1833.**

Mr. Shuford presented the resignation of Robert W. Harris, a justice of the peace for the county of Rutherford; and Mr. Elliott presented the resignations of Zebedee Rush, colonel commandant, and Robert G. Murdock, lieutenant colonel of the 55th regiment of North Carolina militia; which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to ballot again immediately for one engrossing clerk yet to be elected; which proposition was agreed to, and Messrs. Morrison and Moore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and stating further, that the name of Thomas Matthews is withdrawn from the nomination.

Mr. Kerr, from the committee appointed to prepare Rules of Order for the government of the Senate during the present session, reported the Rules of Order and Decorum adopted at the last session; which were read and agreed to.

Mr. Hogan moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the rules of the Senate; and the question being taken thereon, it was decided in the affirmative. Whereupon

A committee of Finance, on the part of the Senate, was appointed, consisting of Messrs. Jones, Morrison, Kendall, Simmon, Moye of Pitt, Skinner of Perquimons, Stone and Kerr.

A committee of Claims was appointed, consisting of Messrs. Clayton, Martin of Rockingham, Howell, Foy, Harrison, Maan, Latham and Vanhook.

A committee of Propositions and Grievances was appointed, consisting of Messrs. Hoke, Dobson, Martin of Richmond, Hussey, Moye of Greene, Vann, Matthews and Montgomery.

A committee of Privileges and Elections was appointed, consisting of Messrs. Shuford, Caldwell, Gavin, Melvin, Wilder, Walton, Flowers and Stedman.

A committee on the Judiciary was appointed, consisting of Messrs. Hogan, Jones, Morris, Hall, Spaight, Skinner of Chowan, Arrington and Elliott.

A committee on Internal Improvements was appointed, consisting of Messrs. Hinton, Edwards, Skinner of Pasquotank, Sherard, Foy, Murchison, Beard and Brittain of Macon.
A committee on Education and the Literary Fund was appointed, consisting of Messrs. Mendenhall, Phillips, Mc Cormick, Hall, Smaw, Mebane, Faison and Norman.

Received from the House of Commons a message, stating that Messrs. Waugh and Laspeyre attend the Senate to conduct the balloting on the part of that House for one engrossing clerk yet to be elected.

Mr. Martin, of Rockingham, presented a bill to repeal an act, passed at the last session of the General Assembly, chapter 1st, entitled "an act to establish the Bank of North Carolina;" which was read the first time and passed.

Mr. Morris presented the resignation of Wyatt Nance, a justice of the peace for the county of Anson; Mr. Stedman presented the resignation of Isaac Headen, a justice of the peace for the county of Chatham; Mr. Foy presented the resignation of Burgess B. White, a justice of the peace for the county of Onslow; which were severally read and accepted, and sent to the House of Commons.

Mr. Beard presented the following resolutions, to wit:

Resolved, That so much of the Governor's message as relates to the subject of internal improvement, and the draining of the swamps in this State, be referred to the committee on Internal Improvements.

Resolved, That so much of said message as relates to education and the Literary Fund, be referred to the committee on that subject.

Resolved, That so much of said message as relates to banks and the circulating medium, be referred to a joint select committee.

Resolved, That so much of said message as relates to the statute laws of the State, be referred to the committee on the Judiciary.

Which, after being read, were, on motion of Mr. Edwards, ordered to be laid upon the table.

A message was received from the House of Commons, agreeing to the proposition of the Senate to appoint a joint select committee to prepare Joint Rules of Order for the government of the two Houses, and stating that Messrs. John D. Jones, Wyche, Bragg, Seawell and Barringer form the committee on the part of that House. Whereupon Messrs. Hall, Skinner of Chowan, Mebane, Mendenhall and Stedman 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, transmitting the annual report of the Public Treasurer, and proposing to print the same, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons informed thereof by message.

Mr. Morrison, from the committee appointed to conduct the balloting for one engrossing clerk, reported that William Hall, 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.

Thursday, November 21, 1835.

Mr. Simmons presented the resignation of Marmaduke Powell, colonel commandant of the 85th regiment of North Carolina militia; which was read and accepted, and sent to the House of Commons.

Mr. Hall, from the joint select committee appointed to prepare Joint Rules of Order for the government of the two Houses during the present session, reported the Joint Rules which were adopted by the two Houses at the last session; which were read and agreed to.
On motion of Mr. Vanhook, ordered that the Rules of Order for the government of the Senate, together with the Joint Rules, and the Constitution of this State and of the United States, be printed, one copy for each member.

Mr. Kendall presented the following resolution, to wit:

Resolved, That the Public Treasurer be directed to refund to Frederick Hinson the sum of twenty dollars, being the purchase money by him paid into the Treasury on the 25th January, 1827, for an entry of two hundred acres of land, made on the 4th of April, 1826, in the county of Montgomery, No. 9032; also that the Public Treasurer refund to Archibald Campbell the sum of ten dollars, it being the purchase money for one hundred acres of land by him entered in the county of Cumberland on the 14th of February, 1829, No. 412; and which entry was covered by a grant of older date.

Which, after being read, was, on motion of Mr. Kendall, ordered to be referred to the committee on Claims.

On motion of Mr. Beard, the Senate proceeded to take up and consider the resolutions presented by him on yesterday, referring the several subjects embraced in the Governor's message; and the resolutions having been read, Mr. Beard moved to amend them by striking out the whole thereof, except the word "resolved," and to insert the following, to wit: "That so much of the Governor's message as relates to the subject of internal improvement, and to draining the swamps in this State, be referred to the standing committee on Internal Improvement.

"That so much of said message as relates to the subjects of Education and the Literary Fund, be referred to the committee on Education.

"That so much of said message as relates to a revision of the statute laws of North Carolina, be referred to the committee on the Judiciary.

"That a message be sent to the House of Commons, proposing to raise a joint select committee, composed of members of each house, whose duty it shall be to take into consideration so much of the Governor's message as relates to banks, and the circulating medium, and to report by bill or otherwise.

"That so much of said message as relates to the revision and amendment of the revenue laws of the State, be referred to the committee of Finance."

Mr. Martin, of Rockingham, moved to amend the amendment by filling the blank in the fourth resolution with the words "One member from each Congressional district;" which amendment was agreed to. The resolutions being then read separately, Mr. Edwards moved further to amend them by striking out the whole of the fourth resolution, and inserting in lieu thereof, the following, to wit:

Resolved, That so much of the message as relates to the banks and the circulating medium, be referred to a select committee to consist of five members.

Which amendment was not agreed to. The question then recurring on agreeing to the original amendment as amended, it was decided in the affirmative.

The bill to repeal an act, passed at the last session of the General Assembly, chapter 1st, entitled "an act to establish the Bank of North Carolina," was read the second and third times and passed, and ordered to be engrossed.

Mr. Arrington presented a bill to abolish the office of county trustee in the county of Nash; which was read the first time and passed.

Mr. Skinner, of Chowan, presented a bill to incorporate Sandy Ridge Academy, in the county of Chowan; 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 that a joint select committee on Military Affairs be raised, to be composed of five members on the part of each House; which proposition was agreed to.—Messrs. Moye, of Greene, Norman, Jones, Hinton and Kerr were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Matthews presented the following resolution, to wit: Resolved, That the committee on Finance be, and they are hereby authorised and instructed to burn such Treasury notes as may be found in the office of the Public Treasurer, and report the amount to this Legislature.

Which was read the first time and passed, and being read the second time, Mr. Klutts moved to amend it by inserting after the words "Public Treasurer," the words "unfit for circulation?" which amendment was not agreed to. The resolution was then 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, to consist of seven members on the part of each House, whose duty it shall be to take under consideration the condition of the currency of the State, and to inquire into the expediency of establishing a bank; and if, in their opinion, it be expedient to establish a bank, then to inquire whether the same should be a bank of the State, to be owned exclusively by the State, or a bank to be owned exclusively by individuals, or by individuals and the State conjointly; and that they have leave to report by bill or otherwise; which, after being read, was, on motion of Mr. Martin, of Rockingham, ordered to be laid upon the table.

Received from the House of Commons the following resignations, to wit: the resignation of John Rasberry, of the county of Greene; the resignation of Jos. Watford, of the county of Bertie; the resignation of David Fowler, of Burke, justices of the peace for their respective counties; also the resignation of E. D. Austin, colonel commandant of the 64th regiment of North Carolina militia, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

Messrs. Skinner, of Chowan, Moore and Stone were appointed, on the part of the Senate, to compose the joint standing committee on the Public Library; and Messrs. Elliott and Skinner, of Pasquotank, were appointed to form, on the part of the Senate, the joint standing committee on enrolled bills, in pursuance of the Joint Rules; and a message was sent to the House of Commons informing them thereof.

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

Friday, November 22, 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 repeal an act passed at the last session of the General Assembly, chapter 1st, entitled "an act to establish the Bank of North Carolina;" a bill to incorporate Sandy Ridge Academy in the county of Chowan; and a resolution for the committee of Finance; in which they ask the concurrence of that House.

Mr. Pugh presented a bill, entitled "a bill to repeal in part an act, passed last session of the General Assembly, chapter 132, entitled "an act
to regulate the Courts of Pleas and Quarter Sessions of the counties of Washington and Hyde;” which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to abolish the office of county trustee in the county of Nash, was read the second time. Mr. Simmons moved to amend the bill, by making its provisions extend to the county of Columbus; Mr. Skinner of Pasquotank moved further to amend the bill by making its provisions extend to the county of Pasquotank; which amendments were agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, stating that Messrs. Marsteller, Ledford, Ziglar, Burgin and Welch form, on the part of that House, the joint select committee on Military Affairs.

A message was also received from the House of Commons, stating that they do not agree to the proposition of the Senate to refer so much of the Governor’s message as relates to banks, to a committee consisting of one member from each Congressional District, on the part of each House.—Whereupon, on motion of Mr. Martin, of Rockingham, the Senate proceeded to take up and consider the message from the House of Commons of yesterday, proposing to refer that subject to a joint select committee, to consist of seven members on the part of each House; and the message having been read, the question on agreeing to the proposition was decided in the affirmative. Messrs. Robert Martin, Montgomery, Hall, Hoke, Skinner, of Chowan, Beard and Edwards were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Morris presented the petition of Jeremiah Ingram, of Anson county, praying the passage of an act to authorize him to erect a gate across the public road leading through his plantation in said county. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, proposing to refer to a joint select committee so much of the Governor’s message as relates to the Cherokee Indians; which proposition was agreed to. On motion of Mr. Beard, ordered that a message be sent to the House of Commons, proposing that the said committee shall consist of five members on the part of each House. Messrs. Brittain of Macon, Phillips, Clayton, Dobson and Sherard were appointed to form the 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 to refer so much of the Governor’s message as relates to the communications of the Legislatures of several States to a joint select committee; which proposition was agreed to. On motion of Mr. Beard, ordered that a message be sent to the House of Commons, proposing that said committee shall consist of five members on the part of each House. Messrs. Harrison, Foy, Moye of Pitt, Nash and Vanhook 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 Messrs. Wyche, Calvert, Leonard, Smallwood, Lilley, Brandon, Edmonston and
Mullen form the joint select committee on Finance on the part of that House.

A message was also received from the House of Commons, proposing that the two Houses ballot on to-morrow for Public Printer, and stating that Lawrence & Lemay, Joseph Gales & Son, and Charles R. Ramsay, are in nomination for the appointment. On motion of Mr. Montgomery, ordered that the said message be laid upon the table.

Received from the House of Commons the following resignations, to wit: the resignations of John Holloway and Joel Lumsford, of the county of Wilkes; the resignation of John Cook, of the county of Macon; the resignation of William Crump, of the county of Chatham; the resignation of John B. Thompson, of the county of Onslow; the resignation of D. Lindsey, sen’r, of the county of Currituck; the resignation of Martin Shuford, of the county of Rutherford; the resignation of John B. Archbell, of the county of Beaufort; the resignation of Frederick Walser, of the county of Davidson; the resignation of L. R. Simmons, of the county of Columbus, justices of the peace for their respective counties; also the resignation of Daniel Coleman, lieutenant colonel of the 85th regiment of North Carolina militia, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

On motion of Mr. Hinton,

Resolved, That so much of the Governor’s message as relates to revolutionary claims, and the amount advanced by this State for the payment of the militia called into the service of the United States during the late war with Great Britain, be referred to a select committee.

Messrs Hinton, Moore, Caldwell, Morrison and Matthews were appointed to form the said committee.

Mr. Mann presented a bill, entitled a bill to amend an act, passed in the year 1829, entitled “an act for the protection of the bridge erected across Scuppernong river, at Columbia, in Tyrrell county;” which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Montgomery presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee to examine whether the public printing for the State cannot be done upon terms more advantageous, and report by bill or otherwise.

Mr. Edwards moved to amend the resolution by inserting after the word “committee” the words “consisting of five members on the part of each House;” which amendment was agreed to, and the resolution, as amended, was read and adopted.

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

Saturday November 23, 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 repeal in part an act passed last session of the General Assembly, chapter 182, entitled “an act to regulate the Courts of Pleas and Quarter Sessions of the counties of Washington and Hyde;” a bill to abolish the office of county trustee in the counties of Nash, Columbus and Pasquotank; and a bill to amend an act, passed in the year 1829, entitled “an act for the protection of the bridge erected across Scuppernong river at Columbia, in Tyrrell county;” in which they ask the concurrence of that House.

Richard D. Spaight, the Senator from the county of Craven, appeared,
produced his credentials, was qualified before the House, and took his seat.

Mr. Hogan presented the memorial of sundry citizens of the county of Rowan, praying the passage of an act to annex a portion of the county of Rowan to the county of Davidson. Ordered that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Skinner, of Pasquotank, presented the resignation of Carter Barnard, colonel of the militia of Pasquotank county; Mr. Caldwell presented the resignation of James Campbell, a justice of the peace for the county of Iredell; which were read and accepted, and sent to the House of Commons.

Mr. Martin, of Rockingham, from the committee on Claims, to whom was referred the resolution in favor of Archibald Campbell, made a report thereon, accompanied by the following resolution, to wit:

Resolved, That the Public Treasurer be, and he is hereby directed to refund to Archibald Campbell the sum of ten dollars, the purchase money of one hundred acres of land by him entered in the county of Cumberland on the 14th February, 1829, No. 412, and which entry was covered by a grant of older date; and that the Public Treasurer be allowed the same in the settlement of his public accounts.

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

On motion of Mr. Montgomery,

Resolved, That a select committee be appointed to inquire into and report to this House the aggregate amount of dividends and bonus divided upon the capital stock of the State Bank, the Bank of Newbern and the Bank of Cape Fear, since their organization; the amount of specie actually paid in upon their subscriptions of stock, and the amount paid in, in bank notes or other paper money; the amount of debts due them; and the amount of notes issued by them, and now outstanding at the mother bank and each of the branches and agencies separately, designating the amount of debts due them on accommodation loans, and the amount due them on business paper; and such other information upon the subject as they may be able to procure, that may throw light upon this matter; and that said committee report the value of stock in said banks at different periods, and at this time.

Messrs. Montgomery, Mebane, Burns, Simmons and Faison were appointed to form the committee in pursuance of the said resolution.

A message was received from the House of Commons, stating that they have passed the engrossed resolution directing the clerks of the two Houses to collect the Journals and Acts of Assembly for the use of the Legislature; 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.

Mr. Foy presented the following resolution, to wit:

Resolved, That the Secretary of State be authorised to grant a patent for two hundred acres of land, situated in the county of Onslow, adjoining the land called Turkey Point, to William Ferrand, the said William Ferrand having many years since paid the entry money according to entry No. 813, and having neglected to take out a patent.

Which was read the first time and passed, and, on motion of Mr. Martin, of Rockingham, ordered to be referred to the committee of Propositions and Grievances.

Mr. Clayton presented a bill, entitled a bill authorising the register of Buncombe county to appoint a deputy; 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 that the two Houses ballot on Thursday next for a judge of the Supreme Court, and stating that William Gaston is in nomination for the appointment. On motion of Mr. Montgomery, ordered that the said message be laid upon the table.
A message was also received from the House of Commons, proposing to raise a joint select committee, to consist of seven members on the part of each House, whose duty it shall be to take under consideration the propriety of amending the Constitution of the State, and to inquire what mode it is most expedient to adopt for the accomplishment of the same; and that they report by bill or otherwise. Mr. Edwards moved that the further consideration of the said proposition be postponed until Monday next; which was agreed to.

Mr. Shuford presented a bill, entitled a bill to prevent obstructions in First Broad river, in the county of Rutherford; 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 of five members from each House, whose duty it shall be to inquire into the expediency of selling the Cherokee lands belonging to the State, and that they report by bill or otherwise; which proposition was agreed to. Messrs. Kendall, Hussey, Klutts, Howell and Smaw were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Skinner, of Chowan,
Resolved, That the committee on the Judiciary inquire into the expediency of so amending the laws in relation to the election or appointment of constables, so as to make the mode uniform throughout the State.

A message was received from the House of Commons, transmitting a communication from his Excellency the Governor, accompanied by the report of the president and directors of the Literary Fund, and proposing that the same should be printed; which proposition 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 passed the engrossed bill, entitled "a bill to repeal part of an act, passed at the last session of the General Assembly, entitled 'an act directing the manner in which constables shall hereafter be elected in the counties of Davidson, Buncombe, Chatham, Currituck, Wilkes, Duplin, New Hanover, Surry, Wayne, Hyde and Onslow;" 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 from the House of Commons the resignations of Isaac Sawyer and John Jordan, of the county of Hyde; the resignation of William Jackson, of the county of Chowan, justices of the peace for their respective counties; also the resignation of B. S. Brittain, colonel of the 19th regiment of North Carolina cavalry; and the resignation of Milton Campbell, lieutenant colonel of the 2d regiment of Iredell county militia, endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

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

MONDAY, NOVEMBER 25, 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 prevent obstructions in First Broad river, in the county of Rutherford; a bill authorising the register of the county of Buncombe to appoint a deputy; and a resolution in favor of Archibald Campbell, of Cumberland county; in which they ask the concurrence of that House.
Mr. Stedman presented a bill, entitled a bill to incorporate the Farmers’ Library Association in the county of Chatham; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Sitton presented a bill, entitled a bill to make compensation to the jurors of the Superior Court of Haywood county; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Brittain, of Burke, presented a bill, entitled a bill to erect a new county, by the name of Yancy; which was read the first time and passed, and, on motion of Mr. Brittain, of Burke, ordered that the further consideration of the said bill be postponed until Monday next.

On motion of Mr. Hoke, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a solicitor of the 6th judicial circuit, and nominating for that appointment William J. Alexander.

On motion of Mr. Clayton, the Senate proceeded to take up and consider the message from the House of Commons, proposing to raise a joint select committee to take under consideration the propriety of amending the Constitution of the State; and the message having been read, Mr. Edwards moved to amend the proposition by striking out the following words, to wit: “and to inquire what mode it is most expedient to adopt for the accomplishment of the same,” and to insert in lieu thereof the following words, to wit: “and if necessary to report some plan for the accomplishment of the same;” which amendment was agreed to. The question then recurring on agreeing to the proposition of the House of Commons as amended, it was determined in the affirmative—ayes 40, noes 21. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


Messrs. Beard, Mendenhall, Martin of Rockingham, Edwards, Skinner of Chowan, Jones and Mann were thereupon appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, agreeing to ballot immediately for solicitor of the 6th Judicial Circuit, and stating that Messrs. Marsteller and Hargrove attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Hoke and Murchison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Martin, of Richmond, presented a bill, entitled a bill to incorporate the Richmond Manufacturing Company; which was read the first time and passed, and, on motion of Mr. Edwards, ordered to be referred to the committee on the Judiciary.

A message was received from the House of Commons, stating that they have passed the engrossed bill entitled a bill to give longer time for paying in entry money for lands entered in the county of Rutherford; 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. Hoke, ordered that the further consideration thereof be postponed until to-morrow.

Received also from the House of Commons the resignation of Jo. Howard, a justice of the peace for the county of Macon, endorsed in that House "read and accepted," and which was read and accepted by the Senate.

Mr. Hoke, from the committee appointed to conduct the balloting for solicitor of the 6th Judicial Circuit, reported that William J. Alexander, 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, NOVEMBER 26, 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 make compensation to the jurors of the Superior Courts of Haywood county; and a bill to incorporate the Farmers’ Library Association in the county of Chatham; in which they ask the concurrence of that House.

A message was received from the House of Commons, agreeing to the proposition of the Senate to raise a joint select committee, consisting of five members from each House, to examine whether the public printing cannot be done on terms more advantageous; and stating that Messrs. Wesley Jones, Harper, Pugh, Watson and Guthrie are appointed to form the committee on the part of that House. Wherupon Messrs. Montgomery, Sherard, Lindsey, Vann and Wilder were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Caldwell presented the petition of sundry citizens of the county of Iredell, praying the passage of an act to restore to the privileges of a citizen John Andrews, of said county. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Morris presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee, consisting of five members on the part of each House, whose duty it shall be to inquire into the expediency of passing a law exempting from the performance of military duty (except in cases of invasion or insurrection) all commissioned officers of the militia of the grade of captain and upwards, who have served, or who may hereafter serve, with good reputation, in the militia of this State for the space of five years in succession; and that they have leave to report by bill or otherwise.

Mr. Edwards moved to amend the resolution by striking out the following words, to wit: "a message be sent to the House of Commons, proposing to raise a joint select committee, consisting of five members on the part of each House, whose duty it shall be to," and insert in lieu thereof the following words, to wit: "that the joint select committee on Military Affairs;" which amendment was agreed to, and the resolution, as amended, was adopted.

The engrossed bill to give longer time for paying in entry money for lands entered in the county of Rutherford, was read the second time.—Mr. Hall moved that the bill be referred to the committee on the Judiciary; which was not agreed to. Mr. Hoke moved to amend the bill by adding the following proviso at the end of the first section, to wit: "Provided always, that the extension of the payments hereby granted for the purchase money and perfection of titles shall extend only to such entries and sur-
veys as shall have been made, and since destroyed by accident while they were in the possession of the surveyor; and that the loss or accidental destruction of such surveys shall be satisfactorily established upon the oath of the surveyor by whom such loss shall have happened;" which amendment was agreed to. Mr. Edwards moved that the bill be referred to the committee on the Judiciary. Mr. Matthews moved that the further consideration thereof be indefinitely postponed. Mr. Sherard moved that the bill be laid upon the table; which motion having precedence, the question thereon was first put, and decided in the affirmative.

Received from the House of Commons a message, proposing that the Houses ballot on Thursday next for Governor of the State for the ensuing year, and stating that His Excellency David L. Swain is in nomination for the appointment. Mr. Montgomery moved that the message lie upon the table; which was not agreed to. The question then recurring on agreeing to the proposition, it was determined in the affirmative, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that the following persons have been appointed to compose, on the part of that House, the joint select committees on the several subjects therein mentioned, to wit:

On so much of the Governor's message as relates to communications from other States, Messrs. Monk, Courts, Long, Fisher and Bragg.

On so much of the Governor's message as relates to the Cherokee Indians, Messrs. Guinn, John L. Smith, Outlaw, Dodson and John W. Potts.

On so much of the Governor's message as relates to Banks and the Currency of the State, Messrs. Fisher, Seawell, Shepard, M'Gehee, Outlaw, Wyche and Roberts:

Mr. Lindsey presented a bill entitled a bill concerning 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.

Received from the House of Commons a message, stating that Messrs. Guthrie, Waugh, Pugh and Brown are appointed, on the part of that House, to form the joint select committee on Enrolled Bills; and that Messrs. King, Battle and Jordan are in like manner appointed to form the joint select committee on the Public Library.

A message was also received from the House of Commons, stating that Messrs. Weaver, Tatham, Grady, Dodson and John B. Jones are appointed, on the part of that House, to form the joint select committee to inquire into the expediency of selling the Cherokee lands belonging to the State.

Mr. Brittain, of Burke, presented the following resolution, to wit:

Resolved, That the public bell on the public square shall not be rung under any other order than by the direction of the Legislature.

Which was read the first time and passed; and being read the second time, Mr. Klutts moved to amend it by adding at the end thereof the following words, to wit: "during the sitting of the Legislature;" which amendment was agreed to. Mr. Montgomery moved that the further consideration of the said resolution be indefinitely postponed. Mr. Matthews moved that it be laid upon the table; which motion having precedence, the question thereon was first taken, and decided in the negative. Mr. Hogan then moved that the said resolution be
referred to the committee on Propositions and Grievances; which was agreed to.

Received from the House of Commons a message, concurring in the amendment made by the Senate to the proposition of that House to raise a committee on the subject of amending the Constitution of the State; and stating that Messrs. Irvine, Barringer, Poindexter, Fisher, Outlaw, Long and Shepard form the committee on the part of that House.

Received also from the House of Commons a message, transmitting a communication from His Excellency the Governor, accompanied by a file of certificates from the sheriffs of several of the counties in this State shewing the number of votes which were given in each for and against a change of the Constitution, at the annual election in August last, and accompanied by a proposition from that House that the said communication, with the accompanying papers, be referred to the committee on the subject of a Convention; which proposition was agreed to, and the House of Commons informed thereof by message.

Received also from the House of Commons the resignation of John G. Hart, lieut. colonel of the 37th regiment of North Carolina militia in Granville county, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

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

WEDNESDAY, NOVEMBER 27, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled a bill concerning the beach and marshy lands lying in the county of Currituck; in which they ask the concurrence of that House.

Mr. Hussey presented the memorial of Isaac Weston and others, citizens of Duplin county, praying the passage of an act to restore to the privileges of a citizen the said Isaac Weston. Ordered that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Morrison presented the petition of William Davidson and others, of Mecklenburg county, securities of John Sloan, late sheriff, praying to be released from the payment of a forfeiture of four hundred dollars, incurred by the said sheriff for failing to pay the public taxes due to the State. Ordered that the said petition be referred to the committee on Finance.

Mr. Morrison also presented the petition of William Davidson and others, of Mecklenburg county, securities of John Sloan, late sheriff of said county, praying the passage of an act to authorise them to collect the arrears of taxes due the said John Sloan from the year 1824 to the year 1831, inclusive. Ordered that the said petition be referred to the committee on Propositions and Grievances.
Mr. Hoke presented the resignation of David Dillinger, a justice of the peace for the county of Lincoln; which was read and accepted, and sent to the House of Commons.

A message was received from the House of Commons, stating that Henry Seawell is in nomination for judge of the Supreme Court.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill for the better administration of justice in the county of Haywood; 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 the certificate of allowance of the Court of Pleas and Quarter Sessions of the county 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;" which, on motion of Mr. M'Cormick, was ordered to be countersigned by the Speaker of the Senate.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the resolution instructing the Secretary of State to issue a grant for two hundred acres of land to William Ferrand, of Onslow county, reported the same without amendment, and recommended its passage. Whereupon the said resolution was read the second time and passed; and being read the third time, Mr. Brittain, of Burke, moved that the further consideration of the resolution be postponed until the third Monday in November next; which was not agreed to. The question then recurring on the passage of the resolution the third time, it was decided in the affirmative, and the resolution was ordered to be engrossed.

Received from the House of Commons the resignation of George Barnhardt and David White, colonel and lieutenant colonel of the 62d regiment of North Carolina militia; also the resignation of Alfred Moore, a justice of the peace for the county of Martin, endorsed in the House "read and accepted;" and which were severally read and accepted by the Senate.

Mr. M'Cormick moved that the Senate do now proceed to take up and consider the message from the House of Commons, proposing to ballot on Thursday next for a judge of the Supreme Court, and on the question will the Senate now consider the said message? it was decided in the affirmative—ayes 42, noes 17. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Brittain of Burke, Brittain of Macon, Flowers, Gavin, Harrison, Hoke, Kendall, Kerr, Martin of Rockingham, Matthews, Montgomery, Sitton, Spaight, Stedman, Stone, Vanhook.
The question then recurring on agreeing to the proposition of the House of Commons, it was decided in the affirmative, and a message sent to the House of Commons, informing them thereof.

Mr. Montgomery, from the joint select committee to which was referred the resolution instructing them to inquire whether the public printing for the State cannot be done on terms more advantageous, made a report thereon, stating that, in the opinion of the committee, no investigation of the subject is necessary. On motion of Mr. Spaight, ordered that the said report lie on the table.

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

THURSDAY, NOVEMBER 28, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution directing the Secretary of State to issue a patent for land to William Ferrand, of the county of Onslow; in which they ask the concurrence of that House.

Mr. Clayton presented the petition of Jacob Reed, praying the passage of an act to divorce him from his wife Franky. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Burns presented the petition of sundry pilots of the county of Carteret, praying a revision of the laws regulating pilotage. Ordered that the said petition be referred to the committee on Propositions and Grievances.

A message was sent to the House of Commons, stating that Messrs. Stone and Sherard are appointed, on the part of the Senate, to conduct the balloting for Governor of the State for the ensuing year, heretofore agreed on to take place this day. Whereupon a message was received from the House of Commons, stating that Messrs. Graham and Wilson are appointed to conduct the balloting on the part of that House.

On motion of Mr. Vann,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law, so as to effect a more uniform system of administering or distributing the estates of such deceased debtors as may not be sufficiently able to satisfy all their just creditors; and that they report by bill or otherwise.

On motion of Mr. Montgomery,

Resolved, That the Public Treasurer be requested to make out and transmit to this House, as soon as practicable, a statement of all the funds belonging to the State, specifying their description and the gross amount of each.

On motion of Mr. Sitton,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of allowing a reasonable compensation to the justices of the peace in the several counties in this State for their official services; and that they report by bill or otherwise.

On motion of Mr. Hall,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the present law relative to the oath by which taxable property is rendered in, so as to require the cash value of the real estate to be given in on oath in addition to the quantity; and that they report by bill or otherwise.

On motion of Mr. Mann,

Resolved, That the Judiciary committee be instructed to examine into the expediency of altering or amending an act of the General Assembly of the State of North Carolina, passed in
the year 1820, chapter 1039, so that when a guardian shall have renewed his bond, and given new and further security, that former securities shall be free from all liability, and said renew-
al be an equitable plea in bar of a recovery being had against said former securities.

Mr. Brittain, of Macon, presented a bill entitled a bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians; which was read the first time and passed, and, on motion of Mr. Brittain of Macon, ordered to be referred to the joint select committee on so much of the Governor's message as relates to the Cherokee Indians.

Mr. Martin, of Richmond, presented a bill entitled a bill vesting the right of electing county surveyors in the county of Richmond in the free white men thereof; which was read the first time and passed, and, on motion of Mr. Hall, ordered to be referred to the committee on the Judiciary.

Received from the House of commons a message, stating that they have passed the following engrossed bills, to wit: A bill to de-
vorce Ann Eliza Viverett; a bill to incorporate Shewarkey Lodge, No. 90, in the town of Williamston; a bill to incorporate Morven Academy, in the county of Anson; and a bill to extend and continue in force certain acts of the General Assembly for regulating the times of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed; and the first mentioned bill, on motion of Mr. Sted-
man, was ordered to be referred to the committee on Propositions and Grievances.

Mr. Stedman presented the resignation of Thomas W. Norman, brigadier General of the 16th brigade of North Carolina militia; which was read and accepted, and sent to the House of Commons.

Mr. Stone, from the committee appointed to conduct the ballot for Governor of the State for the ensuing year, reported that David L. Swain, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The engrossed bill to incorporate Shewarkey Lodge, No. 90, in the town of Williamston, was read the second and third times and passed, and ordered to enrolled.

The engrossed bill to incorporate Morven Academy, in the county of Anson, was read the second time. Mr. Klutts moved to amend the bill by inserting after the words "personal estate," in twelfth line of the first section, the following words, to wit: "sufficient to carry on the necessary business of the said Academy;" which amendment was a-
greed 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 sent to the House of Commons, stating that Messrs. Matthews and Hogan attend that House to conduct the bal-
loting, on the part of the Senate, for a judge of the Supreme Court, heretofore agreed on to take place this day. Whereupon a message
was received from that House, stating that Messrs. John D. Jones and Waugh are appointed to conduct the balloting on their part.

On motion of Mr. Sherard, ordered that a message be sent to the House of Commons, proposing that a joint select committee be appointed, consisting of two members on the part of each House, to wait on the Governor elect, and inform him of his election, and to ascertain at what time it will suit his convenience to attend and take the oaths of office prescribed for his qualification. Messrs. Sherard and Stone were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, transmitting a report from the commissioners appointed by the act of the last session of the General Assembly for the purpose of rebuilding the capitol, and accompanied by a proposition from that House that a joint select committee shall be raised on the subject of the public buildings, to which the said report shall be referred; which proposition was agreed to, and Messrs. Jones, Moore, Spaight, Hogan and Hinton were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Murchison presented a bill entitled a bill to incorporate Silvester Academy, in the county of Moore, and to appoint the trustees thereof; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton gave notice that on to-morrow he would move an amendment to the sixteenth rule of order for the government of the Senate.

Mr. Matthews, from the committee appointed to conduct the balloting for a judge of the Supreme Court, reported that William Gaston, 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 resignation of William H. Kerr, brigadier general of the 7th brigade of North Carolina militia, and the resignation of Thomas G. Whitaker, colonel commandant of the 35th regiment of North Carolina militia, 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.

Friday, November 29, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled a bill to incorporate Silvester Academy, in the county of Moore, and to appoint the trustees thereof; in which they ask the concurrence of that House.

On motion of Mr. Morris, ordered that a message be sent to the House of Commons, proposing that the two Houses ballot immediately for Public Printer.

In pursuance of the notice given on yesterday, Mr. Hinton moved
to amend the 16th Rule of Order for the government of the Senate, so as to permit one additional member to be appointed on the committee on Internal Improvement; which motion was agreed to, and, on motion of Mr. Hinton, ordered that Mr. Burns be added to the standing committee on Internal Improvement.

On motion of Mr. Clayton,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to deeds and conveyances made by feme covert, so as to provide that the proof of execution and the private examination may be made out of court; and that they report by bill or otherwise.

On motion of Mr. Hogan,

Resolved, That a select committee be appointed to inquire into, and report to the Senate, what part of the printing is executed for the sum regularly appropriated as a compensation, and what part is embraced under the head of extra printing; likewise to inquire into the expediency of changing the mode of having the public printing executed, and of making a specific contract for all that may be required annually.

Messrs. Montgomery, Sherard, Lindsey, Vann and Wilder were appointed to form the said committee.

Mr. Edwards presented a bill, entitled a bill to legitimate Thomas Pettis Gardner; 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 raise a joint select committee of two persons on the part of each House, to wait on His Excellency the Governor, and inform him of his election, &c. and stating that Messrs. Graham and Wilson are appointed to form the committee on the part of that House.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the trustees of New Hanover Academy, in the county of New Hanover; and a bill to extend the provisions of an act, passed at the last session of the General Assembly, chapt. 53, entitled "an act to authorize the removal of buildings on the public lands in the town of Franklin;" 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 time and passed.

The engrossed bill to extend and continue in force certain acts of the General Assembly for regulating the times of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson, 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 engrossed bill, entitled a bill to emancipate Joe, a slave; 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. Skinner, of Chowan, ordered that the further consideration of the said bill be postponed until to-morrow.

Mr. Brittain, of Macon, from the joint select committee on so much of the Governor's message as relates to the Cherokee Indians, to
which was referred the bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, reported the same with sundry amendments; which were read, and, on motion of Mr. Beard, ordered that the said bill be made the order of the day for Tuesday next.

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

Saturday, November 30, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled a bill to legitimate Thomas Pettis Gardner; in which they ask the concurrence of that House.

On motion of Mr. Hall, ordered that a message be sent to the House of Commons, proposing to ballot immediately for public printer.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the petition of Jacob Reid, praying to be divorced from his wife Franky, made an unfavorable report thereon, and recommended the rejection of the said petition; in which report the Senate concurred.

Mr. Montgomery, from the same committee, to which was referred the resolution prohibiting the ringing of the public bell, except by order of the Legislature, made an unfavorable report thereon, recommending that the said resolution be rejected; in which report the Senate concurred.

The engrossed bill to emancipate Joe, a slave, was read the second time, and, on motion of Mr. Skinner, of Chowan, ordered that the said bill lie on the table.

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;" which, on motion of Mr. M'Cormick, was ordered to be countersigned by the speaker of the Senate.

Received from the House of Commons a message, agreeing to ballot immediately for public printer, and stating that Messrs. Pugh and Wesley Jones attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Skinner of Perquimons and Hall 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 to extend the provisions of an act, passed at the last session of the General Assembly, chapter 53, entitled "an act to authorise the removal of buildings on the public lands in the town of Franklin," was read the second time. Mr. Klutts moved to amend the bill by adding the following proviso at the end thereof, to wit: "Provided the said buildings on the public lots and public lands, adjoining the town of Franklin, shall be removed within twelve months after the passing of this act." Mr. Britain moved to amend the amendment by striking out the words "after the passing of this act," and inserting in lieu thereof the words "after the said lands shall have been sold;" which amendment was agreed to. The
question then recurring on agreeing to the amendment, as amended, it
was decided in the affirmative; and the bill, as amended, was read the se-
cond and third times and passed, and a message sent to the House of Com-
mons, asking their concurrence in the amendment.

On motion of Mr. Morris, ordered that Duncan Murchison, the Sena-
tor from the county of Moore, have leave of absence from the services of
the Senate for this day.

Mr. Sherard, from the joint select committee appointed to wait on his
excellency the Governor, to inform him of his election, and to ascertain at
what time it would be convenient, for him to attend and take the oaths of
qualification, reported that the committee was authorised to state that he
would attend the two Houses for that purpose on Friday next, at 12 o'clock.

Mr. Mann presented the resignation of H. E. Lewis, a justice of the
peace for the county of Tyrrell; Mr. Foy presented the resignation of M.
Pettway, a justice of the peace for the county of Onslow. These resigna-
tions were read and accepted, and sent to the House of Commons.

Mr. Hussey presented the petition of James Moore, of the county of
Duplin, a soldier of the revolution, praying that the Legislature will di-
rect the Secretary of State to issue to him a military land warrant. Or-
dered that the said petition be referred to the committee on Claims.

Received from the House of Commons the following communication from
the president of the Internal Improvement Convention, now in session in
this city, to wit:

INTERNAL IMPROVEMENT CONVENTION, 2
November 30, 1833.

To the General Assembly of North Carolina.

Gentlemen,—In compliance with the accompanying resolution of the Internal Im-
provement Convention, now in session, I have the honor to state that, should it meet the approba-
tion of the General Assembly, the Convention will, at one o'clock, P. M. wait upon your
honorable body, and respectfully submit for your consideration the result of their deliber-
ations.

I am, gentlemen, with high consideration, your ob't serv't,

DAVID L. SWAIN, President.

Which communication was accompanied by a message from the House of
Commons, proposing that a joint select committee of two persons from
each House be appointed to wait upon the president of the Internal Im-
provement Convention, and inform him of the readiness of the two Houses
to receive that body in the Commons Hall at one o'clock, and to receive
any communication which the Convention may see fit to make; which pro-
position was agreed to; and Messrs. Jones and Hinton were appointed to
form the committee 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. Long and M'Leod are appointed to
form the committee on their part.

Mr. Hall, from the committee appointed to conduct the balloting for
public printer, reported that no person in nomination had received a ma-

majority of the votes; in which report the Senate concurred.

Mr. Montgomery, from the committee on Propositions and Griev-
ances, to which was referred the petition of Jeremiah Ingram, of An-
son county, praying the privilege of erecting a gate across a public
road in said county, made a favorable report thereon, accompanied by
a bill, entitled a bill to authorise Jeremiah Ingram, of the county of
Anson, to erect a gate across the road leading from Wadesborough to
Stanback's ferry on Pedee river; which was read the first time and passed; and being read the second time, Mr. Klutts moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that the owner of said gate shall, from the hour of five in the morning until nine at night, provide a servant at said gate to wait upon all persons travelling said road; and in case of failure to provide a servant as aforesaid, shall be liable to indictment in the County or Superior Court of Anson county, and on conviction shall be fined or imprisoned at the discretion of the court." Which amendment was not agreed to. Mr. Klutts then moved that the further consideration of the said bill be postponed until Tuesday next; which was not agreed to. 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 engrossed.

Received from the House of Commons a message, proposing to ballot again immediately for public printer; which proposition was agreed to, and 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. Whereupon a message was received from that House, stating that Messrs. Battle and Guthrie are appointed to conduct the balloting on their part.

Received also from the House of Commons a message, transmitting the memorial of Henry Reagan and Asa Delozier, conveying to the Legislature the information of their having discovered an extensive and valuable silver mine on the State lands, near the Tennessee line, and praying compensation for making the discovery; which was accompanied by a proposition from that House that the said memorial be referred to a joint select committee, to consist of five members on the part of each House; which proposition was agreed to, and Messrs. Mebane, Kerr, Elliott, Burns and Stedman were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Skinner, of Chowan,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of compelling all persons who have erected, or may hereafter erect a gate across any public road, to keep some person to open the same; and also to inquire into the expediency of reporting a general bill upon the subject.

Mr. Moye, of Pitt, from the committee appointed to conduct the ballotting for Public Printer, reported that Lawrence & Lemay, having received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

The hour designated for the reception of the Internal Improvement Convention having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the Senate repaired in body to the Commons Hall, where the president of the said Convention presented to both Houses of the Legislature a report, containing the result of the deliberations of that body, together with a memorial, praying the Legislature to adopt such measures as may be necessary to carry the recommendations of the said Convention into effect. The Senate then returned to their chamber, and adjourned until Monday morning, 10 o'clock.
Monday, December 2, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill entitled a bill to authorise Jeremiah Ingram, of the county of Anson, to erect a gate across the road leading from Wadesborough to Stanback's Ferry on Pedee river; in which they ask the concurrence of that House.

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

Mr. Hinton presented the petition of P. Porier and other natives of France, praying the passage of an act authorising native Frenchmen to hold lands within this State, and to transmit the same to their heirs or assigns. Ordered that the said petition be referred to the committee on the Judiciary.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the petition of Isaac Weston and others, of Duplin county, made a favorable report thereon, accompanied by a bill, entitled a bill to restore to credit Isaac Weston, of Duplin county; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the resolution instructing them to inquire into the expediency of amending the present law in relation to the mode of giving in taxable property, made a report thereon, asking to be discharged from the further consideration of the subject, and recommending its reference to the committee on Finance; in which report the Senate concurred, and the resolution was referred to the committee on Finance accordingly.

Mr. Skinner, of Chowan, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of allowing a reasonable compensation to the justices of the peace in this State, for their official services, made an unfavorable report thereon, stating that, in the opinion of the committee, it is inexpedient to change the existing law upon the subject; in which report the Senate concurred.

On motion of Mr. Sitton,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of loaning, out of the fund for Internal Improvement or some other fund of the State, on good personal security, at six per cent. interest, the sum of three thousand dollars to the Waynesville Turnpike Company, in Haywood county; and report by bill or otherwise.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: A resolution in favor of Alfred M. Slade; and a resolution in favor of Isaac Baxter, sheriff of Currituck; in which they ask the concurrence of the Senate. Whereupon the said resolutions were read the first, second and third times and passed, and ordered to be enrolled.

The bill to erect a new county by the name of Yancey, was taken up, and,
on motion of Mr. Britain, of Burke, ordered that the further consideration of the said bill be postponed until Monday next.

A message was received from the House of Commons, proposing that the two Houses ballot immediately for a major general of the third division of the militia of this State, and stating that Memucan Hunt and Hudson M. Cave are in nomination for the appointment. On motion of Mr. Stedman, ordered that the said message lie on the table.

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

Whereas it is represented to this General Assembly that Philip Alston, a native of this State, was a colonel in the militia of North Carolina, and who served as such during the Revolutionary War, and whose patriotic and untiring services throughout that contest subjected him to very many serious pecuniary privations, ruinous to his private fortune, and that owing to his untimely death at the close of the war, his services have been overlooked and neglected: Therefore

Resolved, That the heirs of the said Philip Alston, a colonel in the North Carolina militia during the Revolutionary War, be allowed for his services in the same such portion of the military lands reserved by the State of North Carolina in the session act of 1789, and which are set apart by law for the benefit of the soldiers and officers of the revolution.

Which was read the first time and passed, and, on motion of Mr. Beard, ordered, with the accompanying documents, to be referred to the committee on claims.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill to incorporate Morven Academy, in the county of Anson. Whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to abolish the office of county trustee in the counties of Nash, Columbus and Pasquotank, with an amendment, to wit: after "Pasquotank" insert "Currituck, Brunswick and Tyrrell;" in which they ask the concurrence of the Senate. Whereupon the said amendment was read and 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 ballot immediately for a brigadier general of the 18th brigade of the first division, and stating that Samuel T. Sawyer is in nomination for the appointment. On motion of Mr. Skinner of Chowan, ordered that the said message lie on the table.

Mr. Martin, of Rockingham, 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; and 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; also believing that they have retained in their own hands the power of altering or amending the Constitution 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 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.

Which, after being read, was, on motion of Mr. Martin, of Rockingham, ordered to lie on the table.
Received from the House of Commons a message, transmitting the proceedings and memorial of a Convention, lately held in this city, upon the subject of internal improvement, accompanied by a proposition from that House that the memorial be printed, ten copies for each member of the Legislature, and that it be referred to a joint select committee of five members from each House; which proposition was agreed to. Messrs. Hinton, Edwards, Skinner of Pasquotank, Sheppard and Foy were appointed to form 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, communicating the annual report of the adjutant general of the militia of this State, and proposing that the same should be printed and referred to the joint select committee on Military Affairs; which proposition was agreed to, and the House of Commons was informed thereof by message.

The engrossed bill to emancipate Joe, a slave, was taken up on motion of Mr. Beard, and read the second and third times and passed, and ordered to be enrolled—ayes 40, noes 18. The ayes and noes being demanded on the third reading of the bill by Mr. Skinner, of Perquimans, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Brittain of Burke, Brittain of Macon, Burns, Caldwell, Clayton, Dobson, Elliott, Foy, Gavin, Hall, Hinton, Hogan, Howel, Jones, Kendall, Kerr, Klatts, McCormick, Martin of Richmond, Martin of Rockingham, Mebane, Melvin, Mendenhall, Montgomery, Moore, Morris, Morrison, Moye of Pitt, Murclson, Norman, Phillips, Shuford, Simmons, Sitton, Steedman, Stone, Vanhook, Vann, Wilder.


Received from the House of Commons the certificate of the County Court of Mecklenburg in favor of Martha Thompson, a pensioner of the State, endorsed in that House “read and ordered to be countersigned by the speaker of the House of Commons;” which was read, and, on motion of Mr. Caldwell, ordered to be countersigned by the speaker of the Senate.

Received also from the House of Commons the resignation of Wm. White, a justice of the peace for the county of Currituck, endorsed in that House “read and accepted;” and which was read and accepted by the Senate.

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

Tuesday, December 3, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled a bill to restore to credit Isaac Weston, of Duplin county; in which they ask the concurrence of that House.

Mr. Matthews presented the petition of Thomas Busten, praying the passage of an act to alter the name of Mary Ann Martha Wallace, his infant daughter, and to legitimate her. Ordered that the said petition be referred to the committee on the Judiciary.
Mr. Montgomery, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Iredell in favor of John Andrews, made a favorable report thereon, accompanied by a bill, entitled a bill to restore to credit John Andrews, of Iredell county; which was read the first time and passed.

Mr. Montgomery, from the same committee, to which was referred the engrossed bill to divorce Ann Eliza Viverett, reported the same without amendment, and recommended its passage into a law. Whereupon the said bill was read the second time and passed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law in relation to deeds and conveyances made by women covert, so as to provide that the proof of execution and the private examination may be made out of court, made an unfavorable report thereon, stating that, in the opinion of the committee, no further legislation is necessary on the subject; in which report the Senate concurred.

Mr. Skinner, of Chowan, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending an act of the General Assembly, passed in the year 1820, chapter 1039, so that when a guardian shall have renewed his bond and given new security, that former securities shall be free from all liability, made an unfavorable report thereon, stating that, in the opinion of the committee, no further provision is necessary upon the subject; in which report the Senate concurred.

Mr. Mendenhall presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to Elizabeth Forbus the sum of forty dollars, in consideration of the revolutionary services of her husband, Arthur Forbus, who was mortally wounded at the battle of Guilford, out of any money in the Treasury not otherwise appropriated; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

On motion of Mr. Montgomery,

Resolved, That the Comptroller be requested to make out and transmit to this House, a statement, shewing the aggregate amount of the annual expenses of the Government from 1810 up to 1832, inclusive.

On motion of Mr. Gavin,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law of administrators and guardians, as to enable them to make final settlements with the courts of their respective counties whenever they are prepared to do so agreeable to law; and that they report by bill or otherwise.

Mr. Sherard presented a bill, entitled a bill to authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river; which was read the first time and passed.

The bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, was read the second time. Mr. Hoke moved to amend the bill by striking out the word "one" in the tenth line of the first section, and insert the word "three" which amendment was agreed to. Mr. Beard moved further to amend the bill by striking out of the eleventh line of the same section the following words, to wit: "the Western Carolinian of Salisbury and," which amendment was not agreed to. Mr. Martin, of Rockingham, moved
further to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that nothing herein contained shall be so construed as to authorise the sale of any of said lands, the title of which is now in dispute." On motion of Mr. Elliott, ordered that the further consideration of the said bill and amendment be postponed until Thursday next.

The engrossed bill to divorce Ann Eliza Viverett, was read the third time and passed, and ordered to be enrolled.

The resolution, submitted on yesterday by Mr. Martin, of Rockingham, in relation to amending the Constitution of the State, was taken up, and, after being read, was adopted.

The bill to restore to credit John Andrews, of Iredell county, was read the second and third times and passed, and ordered to be engrossed.

The resolution in favor of Elizabeth Forbus, widow of Arthur Forbus, of Guilford county, was read the second time. Mr. Clayton moved to amend the resolution by striking out the word "forty," and inserting in lieu thereof the word "sixty," 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 authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river, was read the second time and passed, and being read the third time, Mr. Klotts moved to amend the bill by striking out the word "sixty," in the third line of the second section, and inserting in lieu thereof the word "fifty," which amendment was not agreed to. The bill was thereupon read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, transmitting a communication from his Excellency the Governor upon the subject of a controversy lately decided in the Circuit Court of the United States for the district of North Carolina in regard to the lands acquired by treaty from the Cherokee Indians, accompanied by a proposition from that House that the said communication be referred to the joint select committee on Cherokee Lands; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, agreeing to the amendment proposed by the Senate to the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 53, entitled "an act to authorise the removal of buildings on the public lands in the town of Franklin. Ordered that the said bill be enrolled.

A message was also received from the House of Commons, stating that Messrs. Fisher, Rand, M'Leod, Marsteller and Daniel are appointed to form the joint select committee on the part of that House on public buildings; and that Messrs. Fisher, Henry, Thomas, G. H. Alexander and Sloan are appointed on the part of that House to form the joint select committee on the memorial of Henry Reagan and Asa Delozier, relating to a silver mine on the lands of this State.
Received also from the House of Commons the resignation of Micajah Forkner, a justice of the peace for the county of Surry; endorsed in that House "read and accepted," and which was read and accepted by the Senate.

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

WEDNESDAY, DECEMBER 4, 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 restore to credit John Andrews, of Iredell county; a bill to authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river; and a resolution in favor of Elizabeth Forbus, widow of Arthur Forbus, of Guilford county; in which they ask the concurrence of that House.

On motion of Mr. Hall,

Resolved, That the committee on Education and the Literary Fund be instructed to inquire into the expediency of reducing the price of the vacant or unappropriated land, or of so amending the present act on that subject, as to require the purchase money to be paid in proportion to the value of the same; and that they report by bill or otherwise.

Mr. Smaw presented a bill, entitled a bill to amend and correct an error in act passed at the last session, entitled "an act to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit; 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 re-appoint trustees for Green Hill Academy, in Haywood county; and a bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Macon; 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.

Received also from the House of Commons a message, stating that Messrs. Shepard, Seawell, M'Gehee, Burgin and R. H. Alexander are appointed on the part of that House to form the joint select committee to which is referred the memorial of the Internal Improvement Convention lately held in this city.

Mr. Kerr, from the joint select committee on Military Affairs, to which was referred the resolution instructing them to inquire into the expediency of exempting officers of the grade of captain or upwards, who have served with reputation for the space of five years, from the performance of military duty, except in cases of insurrection or invasion, made an unfavorable report thereon, stating that, in the opinion of the committee, it is inexpedient to legislate upon the subject; in which report the Senate concurred.

Received from the House of Commons a message, stating that John D. Pipkin is in nomination for brigadier general of the 18th brigade of the militia of this State.

Received also from the House of Commons the certificates of allowance of the County Court of Craven in favor of Thomas Ewell, John
Franklin Academy, and said bill to the house; across the county; a passing field brigades.

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

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Ladies’ Working Society of St. James’ Church, in the town of Wilmington; a bill concerning the building of a Court House in Carteret county; a bill to amend an act, passed in the year 1826, chapter 125, entitled “an act to regulate the time of appointing overseers of roads in the county of Anson;” and a bill concerning the poor of the county of Chatham; 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 that Messrs. McGehee and Allison attend the Senate to conduct the balloting, on the part of that House, for major general of the 3d division. Whereupon Messrs. Edwards 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 engrossed bill to incorporate the Ladies’ Working Society of St. James’ Church, in the town of Wilmington, was read the second time and passed, and, on motion of Mr. Mendenhall, ordered that the said bill lie on the table.

The engrossed bill concerning the building of a court house in Carteret county; and the engrossed bill concerning the poor of the county of Chatham, were 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 establish Franklin Academy, in the county of Surry, and to incorporate the trustees thereof; a bill for the better regulation of the militia of Buncombe county; a bill to authorize William A. Erwin to establish a ferry across the Catawba river, in Burke county; a bill to require the register and clerks of Camden county to keep their offices at the court house; a bill to incorporate the Northampton Independent Volunteers; and a bill to incorporate the Iredell Union Troopers; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

Mr. Mebane presented the following preamble and resolution, to wit: Whereas it is found extremely difficult for the Legislature to make judicious selections of field officers; and whereas the Constitution has made it discretionary with the Legislature either to exercise this power or delegate it to others: Be it therefore

Resolved, that the committee on military affairs be instructed to inquire into the expediency of passing a law delegating this power to the commissioned officers of the several regiments and brigades.

Which was read and adopted.
Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the resolution instructing them to inquire into the expediency of amending the law, so as to effect a more uniform system of administering or distributing the estates of such deceased debtors as may not be sufficient to satisfy all their just creditors, made an unfavorable report thereon, stating that, in the opinion of the committee, it is inexpedient to amend the existing law on that subject; in which report the Senate concurred.

Mr. Hinton presented a bill, entitled a bill to incorporate the trustees of the Relief Society; which was read the first time and passed.

Mr. Stedman, from the committee appointed to conduct the balloting for major general of the 3d division, reported that Richard C. Cotton, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The following engrossed bills, to wit: The bill to incorporate the Northampton Independent Volunteers; the bill to require the register and clerks of Camden county to keep their offices at the court house; the bill to incorporate the Iredell Union Troopers; the bill for the better regulation of the militia of Buncombe county; and the bill to amend an act, passed in the year 1826, chapter 25, entitled "an act to regulate the time of appointing overseers of roads in the county of Anson," were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to establish Franklin Academy, in the county of Surry, was read the second time and passed; and, being read the third time, Mr. Mendenhall moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that the provisions of this act shall cease to have effect from and after the term of twenty years from and after the passage thereof." 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 engrossed bill to authorise William A. Erwin to establish a ferry across the Catawba river in Burke county, was read the second time, and, on motion of Mr. Edwards, ordered that the further consideration thereof be postponed until to-morrow.

On motion of Mr. Walton, ordered that a message be sent to the House of Commons, proposing to ballot immediately for brigadier general of the 18th brigade.

Received from the House of Commons the resignation of Benjamin W. Davis, a justice of the peace for the county of Halifax, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

Received also from the House of Commons a message, agreeing to ballot immediately for brigadier general of the 18th brigade; and stating that Messrs. Wilson and Grady attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Walton
and Mebane 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. Pugh, ordered that a message be sent to the House of Commons, proposing to ballot immediately for brigadier general of the 18th brigade, and nominating for the appointment Richard H. Bonner. On motion of Mr. Mann, Hezekiah G. Spruill was added to the nomination. A message was thereupon received from the House of Commons, agreeing to ballot as proposed, and stating thatMessrs. Kennedy and Murray are appointed on the part of that House tosuperintend the balloting. Messrs. Pugh and Mann were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Mebane, from the committee appointed to superintend the balloting for brigadier general of the 18th brigade, reported that John D. Pipkin, 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 a message, proposing that the two Houses ballot immediately for brigadier general of the 16th brigade, and stating that Thomas W. Graves is in nomination for the appointment; which proposition was agreed to, and Messrs. Kerr and Harrison 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. Hargrove and Allison attend the Senate to conduct the balloting on their part.

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

Thursday, December 5, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, entitled a bill to amend and correct an error in an act, passed at the last session, entitled "an act to alter the name of Richard Alderson and William White, of Beaufort county, and entitle them to inheritance," in which they ask the concurrence of that House.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the petition of James Moore, of Duplin county, praying that the Secretary of State be authorised and directed to issue to him a military land warrant, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Secretary of State be, and he is hereby authorised and required to issue a land warrant for six hundred and forty acres of land to James Moore, of Duplin county, for his military services.

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

Mr. Skinner, of Chowan, from the committee on the Judiciary, to whom was referred the bill to incorporate the Richmond Manufacturing Company, reported the same with sundry amendments; which were read and agreed to, and the bill as amended was read the second time and passed.
Mr. Skinner, of Chowan, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of compelling all persons who have erected, or may hereafter erect a gate across any public road, to keep some person to open the same; and also to inquire into the expediency of reporting a general bill upon the subject, made a report thereon, accompanied by a bill, entitled a bill to repeal in part an act, passed A. D. 1814, chapter 872, entitled "an act to amend the revenue laws of this State, and to provide a revenue for the payment of the civil list and contingent charges of government;" also part of an act, passed A. D. 1819, chapter 988, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government for the year 1820, and for other purposes;" which was read the first time and passed.

Mr. Morrison, from the committee on Finance, to which was referred the petition of the securities of John Sloan, late sheriff of Mecklenburg county, made a report thereon, accompanied by the following resolution, to wit:

Resolved, That the securities of John Sloan, late sheriff of Mecklenburg county, be released from the payment of the penalty of four hundred dollars, imposed by law for failing to account for the public taxes, together with the interest thereon: Provided, that nothing herein contained shall be so construed as to release the said John Sloan or his securities from the payment of any part of the public taxes, interest thereon, or cost of suit, which may remain unpaid.

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

Mr. Spaight presented a bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Carteret and Craven; which was read the first time and passed.

Mr. Mann, from the committee appointed to conduct the balloting for brigadier general of the 13th brigade, reported that Hezekiah G. Spruill, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Kerr, from the committee appointed to conduct the balloting for brigadier general of the 16th brigade, reported that Thomas W. Graves, 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 a message, proposing that the two Houses ballot on to-morrow for a brigadier general of the 7th brigade and 4th division; which proposition was agreed to. Whereupon Mr. Skinner, of Perquimons, nominated for the appointment Warren J. Huie; Mr. Jones moved to add to the nomination James Cook; Mr. Beard moved further to add to the nomination Samuel Lemly; and Mr. Hogan moved further to add to the nomination Hiram Phelps; 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 bills and resolution, to wit: A bill to prevent obstructing the passage of fish up New river in the county of Ashe; a bill to prevent obstructions to the run of Rock Fish
creek in Duplin, and Tar river in Franklin counties; a bill authorising the erection of a fire proof house in Camden county; and a resolution in favor of Richard H. Weaver; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first time and passed.

A message was also received from the House of Commons, stating that they have rejected the engrossed bill authorising the register of Buncombe county to appoint a deputy.

The engrossed bill to prevent obstructing the passage of fish up New river in the county of Ashe, was read the second time and passed, and, on motion of Mr. Mendenhall, ordered to lie on the table.

The engrossed bill authorising the erection of a fire proof house in Camden county, was read the second time. Mr. Nash moved to amend the bill by striking out the word "two," in the seventh line of the first section, and inserting the word "three;" 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 prevent obstructions to the run of Rock Fish creek in Duplin, and Tar river in Franklin counties; and the engrossed resolution in favor of Richard H. Weaver, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to authorise William A. Erwin to establish a ferry across the Catawba river in Burke county, was, on motion of Mr. Brittain, of Burke, taken up, and read the second and third times and passed, and ordered to be enrolled.

Mr. Beard announced to the Senate the death in this city, on yesterday, of the Hon. Thomas D. Singleton, one of the Representatives of the State of South Carolina in the Congress of the United States; and thereupon moved that, in testimony of respect for the memory of the deceased, the Senate do now adjourn.

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

Friday, December 6, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed resolutions, to wit: A resolution in favor of James Moore, of Duplin county; and a resolution in favor of the securities of John Sloan; in which they ask the concurrence of that House.

Mr. Hussey presented the memorial of sundry citizens of the county of Duplin, praying the repeal of an act, passed in the year 1831, entitled "an act to establish the dividing line between the counties of Duplin and Wayne. Mr. Sherard presented a counter memorial to the above, from sundry citizens of the county of Wayne. Ordered that the said memorials be referred to the committee on Propositions and Grievances.

On motion of Mr. Matthews, ordered that Samuel L. Arrington,
the Senator from the county of Nash, have leave of absence from the services of the Senate for this day and to-morrow.

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

Whereas a custom has obtained in the Superior Courts of Law in this State, in the trial of criminals for capital offences, which, in some sections of the State at least, affords offenders of our laws facilities to escape far beyond what the economy of criminal jurisprudence would seem in any wise to warrant, to wit: the right exercised on the part of criminals of propounding to jurors what is called the previous question, namely, "Have you formed and expressed an opinion as to the guilt or innocence of the prisoner at the bar?" thereby enabling, in some instances, the most atrocious culprits, or those pests of society who commit capital offences under circumstances the most aggravated, every opportunity of ransacking whole communities or large districts of country, for the purpose of packing a jury unfavourable to their conviction, or weak enough to be swayed by the eloquence and ingenuity of skillful advocates: Be it therefore

Resolved, That the committee on the Judiciary be instructed to report a bill, if they think it expedient, to govern our courts in such cases, so as more effectually to secure justice to the State against those offenders of our laws who are disposed to commit crimes with impunity.

Which was read and adopted.

Received from the House of Commons a message, transmitting a communication from his Excellency the Governor, accompanied by the annual report of the Board for Internal Improvement for the present year, and proposing that the said report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, transmitting the annual report of the committee of Finance, and proposing that the same be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

Mr. Mebane announced to the Senate the death of David Latham, Esquire, Senator from the county of Martin, and moved that a message be sent to the House of Commons, communicating the event to that House, and proposing that a joint select committee, of two members on the part of each House, be appointed, to superintend and make the necessary arrangements for the burial of the deceased; and proposing further, that, as a testimony of respect for the memory of the deceased, the members of this General Assembly will wear crape on the left arm for the space of thirty days; which motion was agreed to, and Messrs. Mebane and Mann were thereupon appointed to form the joint select committee of arrangements 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. Smithwick and Latham are appointed to form the joint select committee on their part.

On motion of Mr. Spaight, ordered that a message be sent to the House of Commons, proposing that a joint select committee, of two members on the part of each House, be appointed, to wait on his Excellency the Governor, and inform him of the death of David Latham, Esquire, and to request that he will select some other day for the purpose of attending the two Houses to take the necessary oaths of quali-
fication. Messrs. Sherard and Stone were appointed to form the said committee on the part of the Senate. Whereupon a message was received from the House of Commons, agreeing to the proposition, and stating that Messrs. Graham and Wilson are appointed to form the joint select committee on their part.

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

Saturday, December 7, 1833.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the resolution in favor of the heirs of Philip Alston, deceased, late of Cumberland county, made an unfavorable report thereon; which was read, and, on motion of Mr. Beard, ordered to lie on the table.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the petition of Thomas Bustin, praying the passage of an act to legitimate Mary Anne Martha Wallace, of Halifax county, made a favorable report thereon, accompanied by a bill, entitled a bill to legitimate and alter the name of Mary Anne Martha Wallace, of Halifax county; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Clements and Ledford attend the Senate to conduct the balloting for a brigadier general of the seventh brigade. Whereupon Messrs. Beard and Skinner of Perquimons were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The speaker laid before the Senate a communication from the Public Treasurer, transmitting a statement prepared in obedience to a resolution of the Senate, "directing him to make out and transmit to the Senate, as soon as practicable, a statement of all the funds belonging to the State, specifying their description, and the gross amount of each."

The speaker also laid before the Senate a communication from the Comptroller of the State, transmitting, in obedience to a resolution of the Senate of the 3d instant, a statement shewing the aggregate amount of the annual expense of the Government from 1810 to 1832, inclusive.

On motion of Mr. Montgomery, ordered that the said communications, with their accompanying documents, be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, proposing to ballot immediately for Public Treasurer, and stating that Wm. S. Mhoon is in nomination for the appointment; which proposition was agreed to. Messrs. Morrison and Simmons 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. Irion and Hardison attend the Senate to conduct the balloting on their part.
Mr. Beard, from the committee appointed to conduct the balloting for brigadier general of the 7th brigade, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Montgomery presented a bill, entitled a bill to incorporate the Roanoke and Yadkin Rail Road Company; which was read the first time and passed, and, on motion of Mr. Montgomery, ordered to be printed.

Mr. Hinton presented the petition of Allen Jones, praying to be allowed for work done on the Government House. Ordered that the said petition be referred to the committee on Claims.

Mr. Hussey 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 in the town of Wilmington; which was read the first time and passed.

Received from the House of Commons a message, proposing to ballot again immediately for brigadier general of the 7th brigade; which proposition was agreed to. Messrs. Beard and Skinner of Perquimons 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. Wise-man and Grier attend the Senate to conduct the balloting on their part.

Received also from the House of Commons a message, proposing that the two Houses ballot immediately for Comptroller of the State for the ensuing year, and stating that James Grant is in nomination; which proposition was agreed to. Messrs. Caldwell and Mebane 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. Marstel'er and Cansler attend the Senate to conduct the balloting on their part.

Mr. Morrison, from the committee appointed to conduct the ballot- ing for Public Treasurer, reported that William S. Mhoon, having a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

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 establish Franklin Academy, in the county of Surry, and to incorporate the trustees thereof. Ordered that the said bill be enrolled.

Mr. Caldwell, from the committee appointed to conduct the ballot- ing for Comptroller of the State, reported that James Grant, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Stone, from the committee appointed to wait on his Excellency the Governor, and to ascertain from him at what time it will suit his convenience to attend the Legislature and take the oaths of office, re-
ported that the committee were authorised to state that he would attend, for that purpose, in the Commons Hall, on Monday, at 1 o'clock.

On motion of Mr. Mebane, ordered that a writ of election issue to the county of Martin, commanding the sheriff of said county to hold an election on Monday, the 16th instant, for the purpose of electing some person qualified to represent the said county in the Senate, to supply the vacancy occasioned by the death of David Latham.

The bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Carteret and Craven, and the bill to legitimate and alter the name of Mary Anne Martha Wallace, of Halifax county, were read the second and third times and passed, and ordered to be engrossed.

The bill to incorporate the Richmond Manufacturing Company, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill concerning the poor of Washington county; a bill to alter the name of Kinston, in Lenoir county; and a bill to emancipate Ned Hyman, a slave; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed, except the last mentioned bill, which, on motion of Mr. Brittain, of Burke, was ordered to lie on the table.

On motion of Mr. Shuford, the Senate proceeded to take up and consider the engrossed bill to give longer time for paying in entry money for lands entered in the county of Rutherford. Whereupon Mr. Shuford moved that the said bill be referred to the committee on Propositions and Grievances. Mr. Hall moved to amend the motion by adding that the committee be instructed, if they deem it expedient, to report a general bill upon the subject; which amendment was agreed to. The question then recurring on referring the bill as proposed, it was decided in the affirmative.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Mary Sloan, widow of Capt. John Sloan; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first time and passed.

The engrossed bill concerning the poor of Washington county, was read the second time and passed, and being read the third time, Mr. Spaight moved that it lie on the table; which was agreed to.

The engrossed bill to alter the name of Kinston, in Lenoir county, was read the second and third times and passed, and ordered to be enrolled.

Mr. Beard, from the committee appointed to conduct the balloting for brigadier general of the 7th brigade, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, was read the second time. Mr.
Martin, of Rockingham, moved to amend the bill by adding the following as an additional section, to wit: “Be it further enacted, that nothing contained in this act shall be so construed as to authorise the sale of any land, the title of which may be in dispute, or the sale of any land on which a gold or silver mine may be known to exist at the time of such sale.” Which amendment was agreed to, and the bill, as amended, was read the second time and passed; and, on motion of Mr. Jones, ordered that the further consideration thereof be postponed until Tuesday next.

Received from the House of Commons a message, proposing another balloting immediately for brigadier general of the 7th brigade; which proposition was agreed to, and Messrs. Beard and Skinner of Perquimons were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and stating further that the name of Hiram Phelps is withdrawn from the nomination. Whereupon a message was received from that House, stating that Messrs. Waugh and W. Potts attend the Senate to conduct the balloting on their part; and informing further that W. J. Huie is withdrawn from the nomination.

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

MONDAY, DECEMBER 9, 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 alter the time of holding the Superior Courts of Law and Equity for the counties of Craven and Carteret; and a bill to legitimate and alter the name of Mary Anne Martha Wallace, of Halifax county; in which they ask the concurrence of that House.

Mr. Clayton presented the petition of James M. Baird, of the county of Buncombe, praying the passage of an act to restore him to the privileges of a citizen. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Foy presented the petition of Edward Ward and others, securities of Brice Fonville, late sheriff of Onslow county, praying the passage of an act to authorise them to collect the arrears of taxes due the said sheriff. Ordered that the said petition be referred to the committee on Claims.

Mr. Montgomery presented the petition of Thomas D. Watts, late sheriff of Orange county, praying to be allowed for the insolvent polls of said county from the year 1823 to the year 1831, inclusive. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the memorial of sundry pilots of the county of Carteret, praying the passage of an act amendatory of the laws regulating pilotage, made a favorable report thereon, accompanied by
a bill, entitled a bill to amend the pilot laws; which was read the first time and passed.

Mr. Skinner, of Perquimons, from the committee appointed to conduct the balloting for brigadier general of the 7th brigade, reported that James Cook, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Skinner, of Perquimons,

Resolved, That so much of the Governor's message as relates to the correspondence between his Excellency and James Wyche, as superintendent of public works, be referred to the committee on Internal Improvement.

The bill to incorporate the trustees of the Relief Society, was read the second time. Mr. Mendenhall moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that the provisions of this act shall cease to have effect from and after the term of twenty years from and after the passage thereof." Which amendment was agreed to. The question then recurring on the passage of the bill as amended, it was decided in the negative—ayes 27, noes 33. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Brittain of Macon, Burns, Caldwell, Clayton, Elliott, Faison, Hinton, Howell, Hussey, Jones, Kendall, Mann, Martin of Richmond, Martin of Rockingham, Mendenhall, Montgomery, Moore, Morris, Morrison, Sherard, Shuford, Skinner of Perquimons, Stedman, Stone, Vann, Walton.


The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to erect a new county, by the name of Yancy. Whereupon the said bill was read the second time and passed—ayes 33, noes 28. The ayes and noes being demanded by Mr. Matthews, are as follows, to wit:


Received from the House of Commons a message, proposing to ballot immediately for brigadier general of the 19th brigade, and stating that Thomas G. Patton, Benjamin S. Brittain and Enoch Cunningham are in nomination for the appointment; which proposition was agreed to. On motion of Mr. Clayton, the name of Wesley M'Elroy was added to the nomination. Messrs. Elliott and Phillips 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. Weaver and J. Horton are appointed to conduct the balloting on their part.

The hour designated by the Governor elect for his qualification hav-
ing 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 Charles L. Hinton, Esq. a justice of the peace for the county of Wake. Whereupon the Senate returned to their Chamber for the purpose of legislation.

The bill to repeal in part an act, passed A. D. 1814; chapter 872, entitled "an act to amend the revenue laws of this State, and to provide a revenue for the payment of the civil list and contingent charges of Government;" also part of an act, passed A. D. 1819, chapter 988, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of Government for the year 1820, and for other purposes," was read the second time. Mr. Klutts moved to amend the bill by adding the following words at the end of the second section, to wit: "and that between sunset and sunrise the said gate or gates shall remain unlocked;" which amendment was agreed to. The question then recurring on the passage of the bill the second time, it was decided in the negative.

Mr. Elliott, from the committee appointed to conduct the balloting for brigadier general of the 19th brigade, reported that Benjamin S. Brittain, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

William B. Meares, the Senator elect from the county of New Hanover, appeared, produced his credentials, took the necessary oaths of qualification, and took his seat.

Mr. Hinton, from the select committee to which was referred so much of the Governor's message as relates to the claims of this State upon the General Government for expenditures incurred for the defence of the country during the late war with Great Britain, made a detailed report thereon, accompanied by the following resolution, to wit:

Resolved, That the Governor be requested to adopt such measures as in his opinion may be necessary to effect an early settlement of the claims which this State has upon the General Government, on account of expenditures incurred in the public defence during the late war with Great Britain.

Which was read the first time and passed. On motion of Mr. Elliott, ordered that the said report and resolution be printed, one copy for each member of the Legislature.

Mr. Stedman presented the petition of sundry citizens of the county of Chatham, praying the passage of an act to restore to the privileges of a citizen Daniel Murry, of said county. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Mann presented a bill, entitled a bill imposing a tax on certain persons selling spirituous liquors in Tyrrell county; which was read the first time and passed, and, on motion of Mr. Mann, ordered that
the further consideration thereof be postponed until Wednesday next. The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 10, 1835.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, to wit: A bill to incorporate the Richmond Manufacturing Company; in which they ask the concurrence of that House.

Mr. Hussey presented the memorial of Lewis Herring and others, of the county of Wayne, praying an alteration in the dividing line between the counties of Wayne and Duplin. Ordered that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Hogan presented the petition of sundry citizens of the county of Davidson, praying the passage of an act to change the place of muster and review of the 87th regiment of militia in said county. Ordered that the said petition be referred to the committee on Military Affairs.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill authorising the erection of a fire proof house in Camden county. Whereupon the said bill was ordered to be enrolled.

Mr. Caldwell presented a bill, entitled a bill to authorise the present commissioners of the town of Statesville, in Iredell county, to execute deeds to certain lots in said town; which was read the first, second and third times and passed, and ordered to be engrossed.

The bill imposing a tax on certain persons selling spirituous liquors in Tyrrell county, was read the second time. Mr. Matthews moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that no citizen of Tyrrell county shall sell any spirituous liquors in any county in this State in a quantity less than five gallons, under the penalty aforesaid." Which amendment was agreed to. On motion of Mr. Hogan, ordered that the said bill lie on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill better to promote the administration of justice in the county of Macon; 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 the resignation of Bryan Randolph, lieutenant colonel of the 16th regiment of North Carolina militia; also the resignation of George Boyd, a justice of the peace for the county of Beaufort, endorsed in that House "read and accepted," and which were read and accepted by the Senate.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the resolution in favor of the heirs of Philip Alston, deceased; and the resolution having been read, Mr. Beard moved that the said resolution, together with the report, be recommen-
ted to the committee on Claims, with instructions to report a bill in favor of the heirs of the said Philip Alston; which motion was not agreed to. The question then recurring on the passage of the resolution the second time, it was decided in the negative.

On motion of Mr. Martin, of Rockingham, ordered that the heirs of Philip Alston, deceased, have leave to withdraw from the files of the Senate the documents accompanying the resolution in their favor, presented at the present session.

The bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, was read the third time. Mr. Brittain, of Macon, moved to amend the bill by striking out the last section, and inserting in lieu thereof the following, to wit: "Be it further enacted, That nothing in this act contained shall be so construed as to authorise the sale of any land, to which the title of the State may be regarded as doubtful, or to authorise the sale of any land on which a gold or silver mine may be known to exist at the time of the sale appointed by this act shall take place." Which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The engrossed resolution in favor of Mary Sloan, widow of Capt. John Sloan, was read the second time. Mr. Hoke moved to amend the resolution by striking out the words "one hundred," and to insert in lieu thereof the word "sixty;" which amendment was not agreed to. The question then recurring on the passage of the resolution the second time, it was decided in the affirmative. The resolution was thereupon read the third time and passed, and ordered to be enrolled.

The bill to amend the pilot laws, was read the second time. Mr. Skinner, of Pasquotank, moved to amend the bill by adding the following proviso at the end of the first section, to wit: "Provided nothing herein contained shall apply to vessels owned by citizens of the State of North Carolina;" 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 erect a new county, by the name of Yancey, was read the third time and passed, and ordered to be engrossed.

Mr. Sitton presented a bill, entitled a bill appointing commissioners in the county of Haywood to superintend the road from the Buncombe line to the Macon line in said county; which was read the first time and passed.

Mr. Brittain, of Macon, presented a bill, entitled a bill to improve the State road from the bank of the Tuckasegee river, by the way of Franklin, to the Georgia line; which was read the first time and passed.

On motion of Mr. Hinton, the Senate proceeded to consider the engrossed bill to incorporate the Ladies' Working Society of St. James' Church, in the town of Wilmington; and the bill being read the third time, Mr. Mendenhall moved to amend the bill by adding the follow-
ing as an additional section, to wit: "Be it further enacted, That the provisions of this act shall cease to have effect from and after the term of twenty years from and after the passage thereof."

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.

Mr. Skinner, of Pasquotank, presented a bill, entitled a bill to legitimate and alter the names of Nancy H. Relfe and Parmelia Relfe, of Pasquotank county; which was read the first, second and third times and passed, and ordered to be engrossed.

A motion was made by Mr. Brittain, of Burke, to reconsider the vote taken on yesterday, on the second reading of the bill to incorporate the trustees of the Relief Society; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative.—Whereupon, on motion of Mr. Stedman, ordered that the said bill be made the order of the day for Friday next.

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

Wednesday, December 11, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, to wit: A bill to erect a new county, by the name of Yancey; a bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians; a bill to amend the pilot laws; a bill to authorise the commissioners of the town of Statesville, in Iredell county, to execute deeds to certain lots in said town; and a bill to legitimate and alter the names of Nancy H. Relfe and Parmelia Relfe, of Pasquotank county; in which they ask the concurrence of that House.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the petition of Edward Ward and others, securities of Brice Fonville, late sheriff of Onslow county, made a favorable report thereon, accompanied by a bill, entitled a bill to authorise Edward Ward and other securities of Brice Fonville, late sheriff of Onslow county, to collect arrears of taxes; which was read the first time and passed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the bill vesting the right of electing county surveyor in the county of Richmond in the free white men thereof, reported unfavorably thereon, and recommended that the said bill be rejected. Whereupon the said bill was read the second time, and, on motion of Mr. Montgomery, ordered to lie on the table.

Josiah Collins, Jr. the Senator elect from the county of Washington, appeared, produced his credentials, was qualified and took his seat.

Mr. Kerr, from the joint select committee on Military Affairs, to which was referred the petition of sundry citizens of Davidson county, praying the passage of an act to remove the place of muster of
the 87th Regiment in said county, made a favorable report thereon, accompanied by a bill, entitled a bill authorising the commissioned officers of the 87th regiment of Davidson county militia to move or change the place of mustering said regiment; which was read the first time and passed.

Mr. Kerr, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of delegating the power to elect field officers to the commissioned officers of the several regiments and brigades, made an unfavorable report thereon; which was read, and, on motion of Mr. Edwards, ordered to lie on the table.

The bill appointing commissioners in the county of Haywood to superintend the road from the Buncombe line to the Macon line, in said county, was read the second time and passed.

Received from the House of Commons a message, transmitting a memorial from sundry merchants, and other citizens of the town of Wilmington, praying the incorporation of a company for banking purposes in said town; and also praying the re-chartering of the Bank of Cape Fear, accompanied by a proposition from that House that the said memorial be referred to the joint select committee on banks and the currency; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

The bill to improve the State road from the bank of the Tuckasegee river, by the way of Franklin, to the Georgia line, was read the second and third times and passed, and ordered to be engrossed.

Mr. Clayton presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of the Legislature set apart the afternoon of Thursday, the 19th instant, for appointing justices of the peace and field officers.

Which was read, and, on motion of Mr. Spaight, ordered to lie on the table.

The bill to authorise Edward Ward and others, securities of Brice Fonville, late sheriff of Onslow county, to collect arrears of taxes, was read the second time. Mr. Mendenhall moved that the bill lie on 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 negative.

The bill authorising the commissioned officers of the 87th regiment of Davidson county militia to move or change the place of mustering said regiment, was read the second and third times and passed, and ordered to be engrossed.

The bill appointing commissioners in the county of Haywood, to superintend the road from the Buncombe line to the Macon line in said county, was read the third time and passed, and ordered to be engrossed.

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

Thursday, December 12, 1833.

A message was sent to the House of Commons, stating that the Se-
nate have passed the following engrossed bills, to wit: A bill authorising the commissioned officers of the 87th regiment of Davidson county militia to move or change the place of mustering said regiment; a bill to improve the State road from the bank of the Tuckaseege river, by the way of Franklin, to the Georgia line; and a bill appointing commissioners in the county of Haywood, to superintend the road from the Buncombe line to the Macon line in said county; in which they ask the concurrence of that House.

Mr. Skinner, of Chowan, presented a bill, entitled a bill to incorporate the Chowan Volunteer Company; which was read the first time and passed.

Mr. Kerr presented a bill, entitled a bill to establish a town at the Court House in the county of Caswell, by the name of Yanceyville, and to incorporate the same; which was read the first time and passed.

Mr. Pugh presented a bill, entitled a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act to create an additional wreck district in the county of Hyde, and for other purposes;" which was read the first time and passed.

Mr. Jones presented the petition of sundry citizens of the county of Wilkes, praying the passage of an act to authorise commissioners to lay off a town at a place called Trap Hill, in said county. Mr. Jones also presented a bill to carry the prayer of the petitioners into effect, entitled a bill to appoint commissioners to lay off a town at a place called Trap Hill, in the county of Wilkes; which read the first time and passed.

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 it respects Turpentine in the town of Wilmington, was read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses ballot immediately for colonel commandant of cavalry attached to the 14th brigade, and stating that Thomas Waddle and Joseph White are in nomination for the appointment. On motion of Mr. Morris, ordered that the said message lie on the table.

The engrossed bill to emancipate Ned Hyman, a slave, 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 engrossed bill to authorise Nicholson Washington, of the county of Wayne, to erect a bridge across Neuse river, with an amendment; in which they ask the concurrence of the Senate. Whereupon the amendment was 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 resolutions, to wit: A resolution in favor of Owen Carrol, of Bladen county; resolution directing a copy to be made of the map of the Cherokee lands; in which they ask the concurrence of the Senate. Whereupon the said resolutions were read the first time and passed.
The engrossed resolution in favor of Owen Carrol, of Bladen county, was read the second time, and resolved that the same shall not pass.

The engrossed resolution directing a copy to be made of the map of the Cherokee lands, was read the second time, amended on motion of Mr. Meares, and passed; and was thereupon read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Brittain, of Burke, presented a bill, entitled a bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire; 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 provide for the better administration of justice in the counties of Rutherford, Buncombe, Lincoln, Iredell and Pasquotank; a bill to amend an act, passed in the year 1832, entitled "an act to appoint an additional place of public sale in the county of Beaufort;" a bill directing the sculls of the votes of the twelfth Congressional district to be hereafter compared in the town of Asheville; a bill concerning official and other public bonds; a bill to incorporate the Fayetteville Transportation Company; a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale, and deeds of gift; and a bill to amend an act, passed in the year of our Lord 1732, entitled "an act for giving an equity jurisdiction to the Superior Courts, so far as relates to the liability of sheriffs, as bail;" in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed; and the last mentioned bill was, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

Mr. Brittain, of Burke, presented a bill, entitled a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act concerning the hands working on roads in the county of Burke;" which was read the first, second and third times and passed, and ordered to be engrossed.

The following bills, to wit: The bill to establish a town at the Court House in the county of Caswell, by the name of Yancyville, and to incorporate the same; the bill to incorporate the Chowan Volunteer Company; and the bill to repeal an act, passed at the last General Assembly, entitled "an act to create an additional wreck district in the county of Hyde, and for other purposes;" were severally read the second and third times and passed, and ordered to be engrossed.

Mr. Skinner, of Chowan, moved a suspension of the 16th rule of order for the government of the Senate, for the purpose of adding another member to the committee on the Judiciary; which was unanimously agreed to. Whereupon Mr. Skinner, of Chowan, moved that Mr. Meares be added to that committee; which was also agreed to.

Received from the House of Commons the resignation of Wiley M. Nelson, colonel of the 18th regiment of North Carolina militia, endorsed in that House "read and accepted," and which was read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.
FRIDAY, DECEMBER 13, 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 repeal an act, passed at the last General Assembly, entitled "an act to create one additional wreck district in the county of Hyde, and for other purposes;" a bill to establish a town at the Court House in the county of Caswell, by the name of Yanceyville, and to incorporate the same; a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act concerning the hands working on roads in the county of Burke;" and a bill to incorporate the Chowan Volunteer Company; in which they ask the concurrence of that House.

On motion of Mr. Skinner, of Perquimons, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence from the services of the Senate for this day and to-morrow.

Mr. Lindsey presented the petition of sundry citizens of the county of Currituck, praying the passage of an act to prohibit the shooting of wild fowl in said county during certain periods. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the petition of James M. Baird, of Buncombe county, made a favorable report thereon, accompanied by a bill, entitled a bill to restore J. Madison Baird, of Buncombe county, to the rights of a free citizen; which was read the first time and passed.

Mr. Montgomery, from the same committee, to which was referred the petition of William Davidson and others, securites of John Sloan, late sheriff of Mecklenburg county, reported unfavorably thereon, and the committee was discharged from the further consideration of the subject.

Mr. Montgomery, from the same committee, to which was referred the memorial of Thomas D. Watts, late sheriff of Orange county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Public Treasurer pay to Thomas D. Watts, late sheriff of Orange county, the sum of one hundred and eighty nine dollars, it being the amount paid by him on nine hundred and forty five insolvent taxables from 1822 to 1832; 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, from the same committee, to which was referred the engrossed bill to give longer time for paying in entry money for lands entered in the county of Rutherford, reported the same with an amendment. Whereupon the further consideration of the bill and amendment was postponed until to-morrow.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the engrossed bill to amend an act, passed in the year 1782, entitled an act for giving an equity jurisdiction to the Superior Courts, so far as relates to the liability of sheriffs as bail, reported the same with an amendment. Whereupon the further consideration of the bill and amendment was postponed until to-morrow.

On motion of Mr. Kendall,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of repealing the act of 1828, authorising the adjutant general to appoint some suitable person to keep the public arms; and that they report by bill or otherwise.

Mr. Matthews presented a bill, entitled a bill to amend an act, 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; which was read the first time and passed.

The bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire, was read the second time, and, on motion of Mr. Edwards, ordered to be referred to the committee on Propositions and Grievances.

The bill to appoint commissioners to lay off a town at a place called Trap Hill, in the county of Wilkes, was read the second and third times and passed, and ordered to be engrossed.

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 it respects Turpentine in the town of Wilmington," was read the third time and passed, and ordered to be engrossed; and the engrossed bill to amend an act, passed in the year one thousand eight hundred and thirty-two, entitled "an act to appoint an additional place of sale in the county of Beaufort," was read the second and third times and passed, and ordered to be enrolled.

The bill to incorporate the trustees of the Relief Society, was read the third time, and resolved that the same shall not pass—ayes 22, noes 37. The ayes and noes being demanded by Mr. Skinner, of Pasquotank, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Caldwell, Clayton, Elliott, Faison, Hinton, Howell, Hussey, Jones, Kendall, Mann, Martin of Richmond, Martin of Rockingham, Mendenhall, Morris, Morrison, Shuford, Skinner of Perquimans, Smaw, Steedman, Stone, Vann, Walton.


Received from the House of Commons a message, transmitting a message from his Excellency the Governor, communicating the reports of the commissioners appointed on the part of the State to attend the annual meetings of the stockholders of the State Bank of North Carolina, and of the Bank of Newbern; also a letter from E. Littell, Esquire, of Philadelphia, suggesting a plan for a substitute for the notes of the Bank of the United States, and eventually as a substitute for all bank notes, accompanied by a proposition from the House of Commons that the said message, with the accompanying documents, be referred to the committee on banks and the currency, and be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

The bill to incorporate the Roanoke and Yadkin Rail Road Company, was read the second time, amended, and passed.

A motion was made by Mr. Matthews to reconsider the vote taken on yesterday, on the second reading of the engrossed resolution in favor of Owen Carroll, of Bladen county; and the question, will the Senate reconsider the said vote? being put, it was decided in the negative.

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, to wit: 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 it respects Turpentine in the town of Wilmington; and a bill to appoint commissioners to lay off a town at a place called Trap Hill, in the county of Wilkes, in which they ask the concurrence of that House.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the petition of Allen Jones, praying compensation for work done on the Government House, reported that there is no evidence to sustain the claim of the petitioner, and asked to be discharged from the further consideration of the subject. Whereupon the committee was discharged accordingly.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire, reported the same without amendment. Whereupon the said bill was read the second time and passed, and, on motion of Mr. Montgomery, ordered to be referred to the committee on the Judiciary, with instructions to report a general bill upon the subject.

Mr. Montgomery, from the same committee, to which was referred the petition of sundry citizens of Currituck county, praying the passage of an act to prevent the shooting of wild fowl in the night time in said county, reported favorably thereon, accompanied by a bill, entitled a bill to prevent shooting fowls in the night time in Currituck county; which was read the first time and passed.

Mr. Montgomery, from the same committee, to which was referred the petition of sundry citizens of the county of Chatham, praying the passage of an act to restore to the rights of a freeman Daniel Murray, of said county, made a favorable report thereon, accompanied by a bill, entitled a bill to restore Daniel Murray, of Chatham county, to the rights of a freeman; which was read the first time and passed.

Mr. Morrison presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to Alexander Henderson the sum of sixty-four dollars, it being, the amount paid to the State upon an entry made by the late Samuel Henderson for lands which were not vacant or unappropriated at the time of making said entry.

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

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

Whereas it present creditors are unable by process of law to enforce the payment of debts and demands due them, upon bonds and promissory notes, where the debtors remove themselves beyond the limits of the State before their debts become due: Therefore

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law for the collection or securing of payment of debts and demands in cases where the debtor is about to remove or abscond from the State before his debt or debts become due, and that they report by bill or otherwise.

Which was read and adopted.

The engrossed bill to incorporate the Fayetteville Transportation
Company, was read the second time, and, on motion of Mr. Meares, ordered to lie on the table.

The following engrossed bills, to wit: the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale, and deeds of gift; the bill concerning official and other public bonds; and the bill directing the return of the votes of the twelfth Congressional district to be hereafter compared in the town of Asheville, were severally read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, 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 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 to incorporate the Ladies’ Working Society of St. James’ Church in the town of Wilmington. Whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons a message, stating that they have rejected the engrossed bill, entitled a bill to legitimate Thomas Pettis Gardner.

The resolution in favor of Thomas D. Watts, late sheriff of Orange county, was read the second time, and resolved that the same shall not pass—ayes 18, noes 42. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Brittain of Oconee, Mendenhall, Montgomery, Morris, van, Mussey, Kerr, Mc Cormick, Martin of Richmond, Menden.

Moye of Greene, Shuford, Sitton, Smaw, Stedman, Vashook, Vann.

Those who voted in the negative, are Messrs. Arrington, Beard, Brittain, Brittain, Hinton, Hogan, Clayson, Collins, Dobson, Edwards, Elliott, Flowers, Foy, Hall, Harrison, Hamm, Matthews, Hoke, Howell, Jones, Kendall, Klutts, Lindsey, Mann, Martin of Rockingham, Nash, Norman, Meawes, McBane, Melvin, Moore, Morrison, Moye of Pitt, Murchison, Nance, Wal-

Phillips, Pugh, Simmons, Skinner of Chowan, Skinner of Pasquotank, Spaight, Sted-

ton, Wilder.

A motion was made by Mr. Dobson to reconsider the vote taken on this day on the motion to refer to the committee of the Judiciary the bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire; and on the question being put, will the Senate reconsider the said vote? It was decided in the affirmative. Where-

upon, on motion of Mr. Hogan, ordered that the said bill be recommitted to the committee on Propositions and Grievances, with instructions to report the facts embraced in the case.

Received from the House of Commons the resignation of Jeremiah Holt, colonel commandant, Nicholas Albright, lieutenant colonel, and George Graham, major of the 49th regiment of North Carolina militia; also the resignation of Wm. E. Anderson, colonel commandant of the 47th regiment of North Carolina militia, and the resignation of James W. Northup, lieutenant colonel of the 1st regiment of Anson county militia; also the resignation of Eben R. Davis, a justice of the peace for the county of Franklin, endorsed in that House "read and
accepted;" and which were severally read and accepted by the Senate.

The engrossed bill to give longer time for paying in entry money for lands entered in the county of Rutherford, was read the second time, and, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

The bill to restore J. Madison Baird, of Buncombe county, to the rights and privileges of a free citizen, was read the second and third times and passed, and ordered to be engrossed.

The bill imposing a tax on certain persons selling spirituous liquors in Tyrrell county, was read the second time, and resolved that the same shall not pass.

The engrossed bill to amend an act, passed in the year of our Lord 1782, entitled an act for giving an equity jurisdiction to the Superior Courts so far as relates to the liability of sheriffs as bail, was taken up. The question pending being on the amendment proposed by the Judiciary committee to the said bill, it was read and agreed to.—Whereupon the bill was read the second and third times as amended and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to restore Daniel Murray, of Chatham county, to the rights of a freeman; and the bill to prevent shooting wild fowl in the night time in Currituck county, were read the second and third times and passed, and ordered to be engrossed.

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

MONDAY, DECEMBER 16, 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 amend an act, 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; a bill to prevent shooting wild fowls in the night time in Currituck county; a bill to restore Daniel Murray, of Chatham county, to the rights of a freeman; and a bill to restore J. Madison Baird, of Buncombe county, to the rights and privileges of a free citizen; in which they ask the concurrence of that House.

On motion of Mr. Caldwell, ordered that Alexander W. Mebane, the senator from the county of Bertie, have leave of absence from the services of the Senate for this day and to-morrow.

Mr. Moye, of Pitt, presented the petition of Samuel Latham and others, of Pitt county, praying the passage of an act to authorise the said Samuel Latham to erect a gate across the Boyd's ferry road, in said county. Ordered that the said petition be referred to the committee on Propositions and Grievances.

On motion of Mr. Hinton, ordered that Allen Jones have leave to withdraw from the files of the Senate his petition and accompanying papers, presented at the present session.

Mr. Spaight, from the joint select committee to which was referred
the report of the commissioners appointed to rebuild the Capitol, made a report thereon, accompanied by a bill, entitled a bill making appropriations for carrying on and completing the Capitol in the city of Raleigh; which was read the first time and passed.

Mr. Mendenhall presented the following resolution, to wit: 
Resolved, That the Treasurer be directed to pay Mark Hill twenty dollars, for carrying a writ of election to the sheriff of Martin county during the present session; and that the Treasurer be allowed the same in the settlement of his public accounts.

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

Mr. Dobson presented a bill, entitled a bill for the relief of securities in certain cases; which was read the first time and passed.

Mr. Edwards presented a bill, entitled a bill to establish an academy upon the lands of Dennis O'Bryan, in the county of Warren, and for other purposes; which was read the first time and passed.

Mr. Burns presented a bill, entitled a bill to amend the first section of an act, passed in the year 1805, chapter 19th, entitled "an act to amend the third section of an act, passed in the year 1801, concerning wrecks;" which was read the first time and passed.

Mr. Foy presented a bill, entitled a bill to further regulate the finace of the county of Onslow; which was read the first time and passed.

Mr. Hussey presented a bill, entitled a bill supplemental to an act, passed in the year 1832, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Duplin county;" which was read the first time and passed.

Mr. Foy presented a bill, entitled a bill to prevent the falling of timber in, or otherwise obstructing the runs of the South West branches of New river in Onslow county; which was read the first time and passed.

The engrossed bill to provide for the better administration of justice in the counties of Rutherford, Buncombe, Lincoln, Iredell and Pasquotank, was read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed resolution, directing a copy to be made of the map of the Cherokee lands. Ordered that the said resolution be enrolled.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to incorporate the Roanoke and Yadkin Rail Road Company, and the bill being read the third time, Mr. Montgomery moved to amend the bill by striking out the twenty-eighth section; 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 the bill was ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill to elect a magistrate for the town of Smithville; a bill directing the ti-
tile of the lot, upon which the public jail is erected in the town of Salisbury, to be made to the chairman of the County Court of Rowan county; and a resolution authorising the public Treasurer to pay for certain printing; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first time and passed.

On motion of Mr. Faison, ordered that Thomas G. Stone, the Senator from the county of Flanklin, have leave of absence from the services of the Senate for this day.

The following bills, to wit: the bill to amend the first section of an act, passed in the year 1805, chapter 19, entitled an act to amend the third section an act, passed in the year 1801, concerning wrecks; the bill to establish an Academy upon the lands of Dennis O'Bryan, in the county of Warren, and for other purposes; the bill supplemental to an act, passed in the year 1832, entitled an act to regulate the Courts of Pleas and Quarter Sessions of Duplin county; the bill to prevent the falling of timber in, or otherwise obstructing the runs of the South West branches of New river, in Onslow county; and the bill further to regulate the finance of the county of Onslow, were severally read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons the resignations of William Brittain, colonel commandant of the 57th regiment, and William Hanner, colonel commandant of the 58th regiment of North Carolina militia; also the resignation of F. K. Armstrong, lieut. colonel of the first Surry regiment of North Carolina militia, endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

On motion of Mr. Martin, of Richmond, the Senate proceeded to take up and consider the bill vesting the right of electing county surveyor of the county of Richmond in the free white men thereof. Whereupon the bill was read the second time and passed, and being read the third time, Mr. Phillips moved to amend the bill by making its provisions extend to the county of Ashe; which amendment was agreed to. On motion of Mr. Skinner, of Chowan, ordered that the further consideration of the said bill be postponed until to-morrow.

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

TUESDAY, DECEMBER 17, 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 amend the first section of an act, passed in the year 1805, chapter 19th, entitled "an act to amend the third section of an act, passed in the year 1801, concerning wrecks;" a bill supplemental to an act, passed in the year 1832, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Duplin county;" a bill to establish an Academy on the lands of Dennis O'Bryan, in the county of Warren, and for other purposes; a bill to prevent the felling of timber in, or otherwise obstructing the runs of the South West branches of New
river in Onslow county; a bill further to regulate the finance of the county of Onslow; and a resolution in favor of Mark Hill; in which they ask the concurrence of the House of Commons.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the petition of Samuel Latham and others, of Pitt county, praying the passage of an act to authorize the said Samuel Latham to erect a gate across a public road in said county, made a favorable report thereon, accompanied by a bill, entitled a bill to authorize Samuel Latham, of the county of Pitt, to erect a gate across the public road near his plantation; which was read the first time and passed.

Mr. Montgomery, from the same committee, to which was recommitted the bill to secure to Keziah Singleton, of Burke county, such property as she may hereafter acquire, with instructions to report the facts embraced in the case, reported the bill without amendment, and recommended its passage. Whereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the engrossed bill to give longer time for paying in entry money for lands entered in the county of Rutherford, reported the same with an amendment; which was read and agreed to, and the bill, as amended, was read the second time and passed; and being read the third time, on motion of Mr. Jones, ordered that the further consideration thereof be indefinitely postponed.

Mr. Moye, of Pitt, presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to Howell Albright, sheriff of Pitt county, the sum of sixteen dollars and twenty cents for eighty-one insolvent polls allowed by the County Court aforesaid, for the year 1832; also the further sum of seven dollars and six cents for overcharge on land and poll tax; also the further sum of four dollars and eighty cents for insolvent polls for the year 1831, allowed by the said County Court after the said sheriff had settled his accounts with the Treasury, as by the certificate of the County Court aforesaid; and that the Public Treasurer be allowed the same in the settlement of his accounts.

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

On motion of Mr. Clayton,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law of evidence, as to authorize the depositions of females, taken by two justices of the peace, by a commission issuing from the clerk of the Superior or County Court, as the case may be, to be read as evidence in all civil causes.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill granting to Asa Delozier and Henry Reagan, under certain conditions, two tracts of land; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received also from the House of Commons a message, stating that they have rejected the engrossed bill to repeal an act, passed at the last session of the General Assembly, entitled an act concerning the hands working on roads in the county of Burke.

Received also from the House of Commons a message, proposing that Thursday evening next be set apart for the purpose of recommend-
The bill making appropriations for carrying on and completing the Capitol in the city of Raleigh, was read the second time. Mr. Matthews moved to amend the bill by adding the following proviso at the end thereof, to wit: "Provided, however, that the amount hereby authorised to be drawn by the said commissioners from the Public Treasury shall not exceed the sum of seventy-five thousand dollars."—Which amendment was agreed to, and the bill, as amended, was read the second time and passed—ayes 50, noes 5. The ayes and noes being demanded by Mr. Simmonds, are as follows, to wit: Those who voted in the affirmative, are Messrs. Arrington, Beard, Brittain of Macon, Caldwell, Clayton, Collins, Dobson, Edwards, Elliott, Faison, Flowers, Foy, Hall, Harrison, Hinton, Hoke, Hussey, Jones, Kendall, Kerr, Lindsey, Mc Cormick, Mann, Martin of Richmond, Martin of Roekingham, Matthews, Meares, Mendenhall, Montgomery, Moore, Morris, Morrison, Moye of Greene, Moye of Pitt, Murchison, Nash, Norman, Phillips, Pugh, Shuford, Skinner of Perquimons, Skinner of Chowan, Skinner of Pasquotank, Smaw, Spaight, Steedman, Vanhook, Van, Walton, Wilder. Those who voted in the negative, are Messrs. Gavin, Howell, Klutts, Melvin, Simmonds. The bill was thereupon read the third time and passed, and ordered to be engrossed. The bill for the relief of securities in certain cases, was read the second time, and, on motion of Mr. Edwards, ordered to be referred to the committee on the Judiciary. Mr. Martin, of Richmond, presented the resignation of John R. Buie, a justice of the peace for the county of Richmond; which was read and accepted, and sent to the House of Commons. The engrossed bill to elect a magistrate for the town of Smithville, was read the second time and passed. The engrossed bill directing the title of the lot upon which the public jail is erected in the town of Salisbury, to be made to the chairman of the County Court of Rowan county, was read the second and third times and passed, and ordered to be enrolled; and the bill to authorise Samuel Latham, of the county of Pitt, to erect a gate across the public road near his plantation, was read the second and third times and passed, and ordered to be engrossed. The engrossed resolution authorising the Public Treasurer to pay for certain printing, was read the second time and passed, and, on motion of Mr. Meares, ordered to be referred to the committee on Finance. The bill vesting the right of electing county surveyors in the counties of Richmond and Ashe, in the free white men thereof, was read the second time. Mr. Faison moved to amend the bill by striking out after the word "all," in the first line of the third section, the following words: "persons qualified to vote for members of the House of Commons in the General Assembly of this State," and inserting in lieu thereof the word "freeholders," which amendment was agreed to. On motion of Mr. Meares, ordered that the further consideration of the said bill be postponed indefinitely.
A motion was made by Mr. Wilder to reconsider the vote taken on yesterday on the third reading of the bill to incorporate the Roanoke and Yadkin Rail Road Company; and the question being put, will the Senate reconsider the said vote? it was decided in the negative.

Received from the House of Commons the resignation of Stapleton Powell, 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 adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 18, 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 incorporate the Roanoke and Yadkin Rail Road Company; a bill making appropriations for carrying on and completing the Capitol in the city of Raleigh; a bill to authorise Samuel Latham, of the county of Pitt, to erect a gate across the public road near his plantation; and a bill to secure to Kezia Singleton, of Burke county, such property as she may hereafter acquire; in which they ask the concurrence of that House.

Mr. Mendenhall, from the committee on Education and the Literary Fund, made a detailed report thereon, accompanied by the following resolutions, to wit:

Resolved, That, in the opinion of this Legislature, all the vacant and unappropriated marsh and swamp lands in this State were, by the law passed in 1825, actually transferred, and do now belong to the Literary Fund of this State.

And whereas there are large tracts of marshy and swamp lands, belonging to said Literary Fund, which, from their situation, cannot be of advantage or become in any manner available without draining the same, and the draining said lands being by law placed beyond the reach of individual enterprise; and whereas it is believed to be an act of justice to the citizens, and a prudent course to be pursued, that an attempt be made to drain said lands, or a part thereof: Therefore it is further

Resolved, That the president and directors of the Literary Fund be empowered, and they are hereby authorised to expend of said fund any sum not exceeding thirty thousand dollars in the draining of any of the vacant and unappropriated swamp lands belonging to said Literary Fund, which they may deem advisable.

Which were read the first time and passed, and, on motion of Mr. Meares, ordered that the said report and resolutions lie on the table and be printed.

Mr. Montgomery, from the select committee to which was referred the resolution instructing them to inquire into and report to the Senate what part of the printing done for the State is executed for the sum regularly paid as a compensation, and what part is embraced under the head of extra printing, made a detailed report thereon; which was read, and, on motion of Mr. Mendenhall, ordered to lie on the table and be printed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: a resolution in favor of Stephen Owens, late sheriff of the county of Beaufort; a resolution in favor of the legal representative of the late Chief Justice Henderson; and resolutions relating to members of the Legislature who die at the seat of Government; 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 repeal the second section of an act, passed at the last session of the General Assembly, making additional compensation to the Secretary of State for certain services therein named; a bill concerning coroners' fees; a bill concerning the appointment of registers in certain cases; a bill declaratory of the law in relation to the rights and duties of sheriffs and inspectors in holding elections; a bill to incorporate the Greensborough Academy and Manual Labor School; a bill to establish Arcadia Academy, and to incorporate the trustees thereof; a bill to incorporate Rocky River Academy, in Cabarrus county; and a bill directing the judges of the Superior Court of Hyde county not to take up State cases before the Thursday of court week; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed, except the last mentioned bill, which was rejected.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to alter the name of Nancy Brazier, and to legitimate her; a bill in relation to the Independent or Volunteer Companies formed out of the 57th or 58th regiment of the militia in Guilford; a bill authorizing Thomas Love and Dilliard Love, of Macon county, to erect a bridge across Tennessee river at the most convenient place, at or near where the State road crosses the same; a bill to amend an act concerning the town of Wadesborough, passed in the year 1825, chapter 75, and for other purposes; and a bill vesting the power to authorize the erection of gates across public roads, in the several County Courts; in which, they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed, except the last mentioned bill, which was rejected.

Received also from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill to amend an act passed in the year 1782, entitled "an act for giving an equity jurisdiction to the Superior Courts, so far as relates to the liability of sheriffs as bail." Whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Elizabeth Forbes, widow of Arthur Forbes, deceased, of Guilford county, with an amendment; in which they ask the concurrence of the Senate. Whereupon the said amendment was agreed to, and the House of Commons was informed thereof by message.

The engrossed bill granting to Asa Dezoizer and Henry Reagan, under certain conditions, two tracts of land, was read the second time, amended on motion of Mr. Meares, and passed, and subsequently read
the third time, amended on motion of Mr. Mendenhall, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

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

Whereas the present division of the State into districts, for electing members of Congress, has existed for twenty years, and during that period, the federal population of each district has changed in such a manner as to make the districts very unequal; and whereas justice requires that the districts should be formed so as to make the federal population of each as nearly equal as may be practicable and convenient; and whereas also good policy requires that the districts should be re-allotted every ten years: therefore,

Resolved, That a select committee be appointed to inquire whether the Congressional districts of the State, as at this time established, cannot be so altered as to make each more nearly equal to the others, and if so, that they report a bill for that purpose, and prepare for the use of the Senate a table of the federal population of each district, and of each county in the State.

Which was read and adopted.

Mr. Clayton presented a bill, entitled a bill to give further time for paying in entry money; which was read the first time and passed.

The engrossed resolution in favor of Stephen Owen, late sheriff of the county of Beaufort, and the engrossed resolution in favor of the legal representative of the late Chief Justice Henderson, were read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution relating to members of the Legislature, who die at the seat of government, was read the second and third times and passed, and ordered to be enrolled—ayes 30, noes 27. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:


Messrs. Hinton, Spaight, Collins, Flowers and Moore were appointed to form the select committee on Mr. Hinton's resolution relative to the Congressional districts.

The engrossed bill to incorporate the Greensborough Academy and Manual Labor School, was read the second time, and amended on motion of Mr. Skinner of Perquimons, and Mr. Mendenhall, and passed—ayes 31, noes 25. The ayes and noes being demanded by Mr. Mendenhall, are as follows, to wit:


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

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Thursday, December 19, 1833.

A motion was made by Mr. Arrington to re-consider the vote taken on yesterday, on the engrossed resolution relating to members of the
Legislature who die at the seat of government; and the question being put, "Will the Senate reconsider the said vote?" it was decided in the affirmative.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the resolution in favor of Frederick Hinson, reported that there is no evidence to support the claim set forth in the said resolution. Whereupon the committee was ordered to be discharged from the further consideration of the subject.

Mr. Hinton presented a bill, entitled a bill to amend an act, passed in the year 1814, entitled "an act to revive the second section of an act, passed in the year 1801, entitled an act to revive an act, passed in the year 1775, for the regulation of the city of Raleigh, and to amend the same, and for other purposes;" which was read the first time and passed.

Mr. Sitton presented a bill, entitled a bill regulating the salaries of the Judges of the Supreme Court; which was read the first time and passed.

A motion was made by Mr. Mann to reconsider the vote taken on yesterday, on the rejection of the engrossed bill directing the Judges of the Superior Court of Hyde county not to take up State cases before Thursday of court week, and the question being put, "Will the Senate reconsider the vote?" it was decided in the affirmative. Whereupon the said bill was read the first, second and third times, amended on motion of Mr. Pugh, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed resolution relating to members of the Legislature who die at the seat of government, was read the third time, amended on motion of Mr. Klutts, and passed—ayes 32, noes 28. The ayes and noes being demanded by Mr. Matthews, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Britain of Burke, Britain of Macon, Burn, Caldwell, Clayton, Collins, Dobson, Flowers, Harrison, Hussey, Kendall, Klutts, Lindsey, McCormick, Mann, Martin of Richmond, McBane, Mendenhall, Morris, Morrison, Nash, Pugh, Sherard, Shuford, Skinner of Perquimans, Skinner of Chowan, Snavy, Spaight, Stedman, Vann, Walton, Wilder.


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

The engrossed bill to incorporate the Greensborough Academy and Manual Labor School, was read the third time. Mr. Hoke moved to amend the bill by adding the following proviso at the end thereof, to wit: "Provided that all donations which may be made to the said society shall be applied to the education of poor children." Which amendment was not agreed to. Mr. Sherard moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to—ayes 28, noes 31. The ayes and noes being demanded by Mr. Sherard, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Britain of Burke, Britain of Macon, Burn, Dobson, Edwards, Flowers, Hall, Harrison, Hoke, Kerr, Lindsey, Mann.


Mr. Montgomery moved that the further consideration of the said bill be postponed until to-morrow; which was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to establish Arcadia Academy, and to incorporate the trustees thereof, was read the second time. Mr. moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that the provisions of this act shall cease to have effect from and after twenty years from and after the passage of this act." Which amendment was not agreed to. The bill was thereupon read the second and third times and passed, and ordered to be enrolled.

The following engrossed bills, to wit: The bill in relation to the Independent or Volunteer Companies formed out of the 57th or 58th regiment of the militia in Guilford; the bill to alter the name of Nancy Brazier, and to legitimate her; the bill to incorporate Rocky River Academy, in Cabarrus county; and the bill to amend an act concerning the town of Wadesborough, passed in the year 1825, chapter 75, and for other purposes, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill authorising Thomas Love and Dilliard Love, of Macon county, to erect a bridge across Tennessee river at the most convenient place at or near where the State road crosses the same, was read the second time and passed, and subsequently read the third time, amended on motion of Mr. Kendall, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill concerning coroners' fees, was read the second time, and, on motion of Mr. Sherard, the further consideration thereof was ordered to be indefinitely postponed.

The engrossed bill concerning the appointment of registers in certain cases; and the engrossed bill to repeal the second section of an act, passed at the last session of the General Assembly, making additional compensation to the Secretary of State for certain services therein named, were read the 2d time, and resolved that the same shall not pass.

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

Thursday Afternoon, 4 o'clock.

Mr. Meares, presented a bill, entitled a bill to prevent injury to the Navigation of Cape Fear, and for other purposes; which was read the first time and passed.

The Senate then adjourned until to-morrow morning, 10 o'clock.
FRIDAY, DECEMBER 20, 1833.

Mr. Martin, of Rockingham, presented the resignation of James Watt, justice of the peace for the county of Rockingham; which was read and accepted, and sent to the House of Commons.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the resolution in favor of Howell Albritton, sheriff of Pitt county, reported the same without amendment. Whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Gavin presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to Willis Williams (or his agent A. Monk) the sum of twenty-five dollars and twenty cents, for carrying a writ of election to New Hanover county, to elect a member to supply the vacancy occasioned by the resignation of Joseph A. Hill; and that he be allowed the same in the settlement of his public accounts.

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

On motion of Mr. Sherard,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws concerning free people of colour, as to prohibit them from selling spirituous liquors in a less quantity than one gallon, unless it is the production of their own orchards, with leave to report by bill or otherwise.

Mr. Moye, of Pitt, presented a bill, entitled a bill to alter the name of William Lawrence Cherry, of the county of Pitt, and to legitimate him; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill authorising and empowering the commissioners of the town of Edenton to lease for a term of years the commons and other vacant lots in said town; 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.

The bill to amend an act, passed in the year 1814, entitled “an act to revive the second section of an act, passed in the year 1801, entitled an act to revive an act, passed in the year 1775, for the regulation of the city of Raleigh, and to amend the same, and for other purposes,” was read the 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 resolution requesting the Governor to adopt such measures as in his opinion may be necessary to effect an early settlement of the claim which this State has upon the General Government. Whereupon the said resolution was read the second time and passed.

The engrossed bill declaratory of the law in relation to the rights and duties of sheriffs and inspectors in holding elections, was read the second time. Mr. Meares moved to amend the bill by striking out the following words, to wit: “there is an equal division of opinion between them,” and inserting in lieu thereof the words “the sheriff is present.” Mr. Collins moved that the bill be referred to the committee on the Judiciary, with instructions to report such a bill as
will be declaratory of the rights and duties of sheriffs and inspectors in holding elections; which motion having precedence, the question thereon was taken and decided in the affirmative.

The bill to give further time for paying in entry money, was read the second time. Mr. Brittain, of Burke, moved that the further consideration of the bill be postponed indefinitely; which was not agreed to—a yes 28, noes 32. The ayes and noes being demanded by Mr. Brittain, of Burke, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Brittain of Macon, Caldwell, Clayton, Collins, Dobson, Elliott, Foy, Hall, Hogan, Howell, Jones, Kerr, Klutts, McCormick, Mann, Martin of Richmond, Martin of Roekingham, Meares, Mebane, Montgomery, Morris, Morrison, Moye of Pitt, Marchison, Phillips, Shuford, Simmons, Sitton, Stedman, Stone, Vann.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Whereupon, the bill was read the third time, amended on motion of Mr. Mann, and passed and ordered to be engrossed.

The bill regulating the salaries of the Judges of the Supreme Court, was read the second time, and, on motion of Mr. Meares, ordered that the further consideration thereof be indefinitely postponed—ayes 38, noes 23. The ayes and noes being demanded by Mr. Sitton, are as follows, to wit:


Received from the House of Commons a message, stating that they have passed the following engrossed bill, entitled a bill to incorporate a literary and manual labor school in the county of Wake; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received also from the House of Commons a message, proposing that the two Houses ballot on to-morrow for major general of the 9th division, and stating that Samuel F. Patterson and Philip Irion are in nomination for the appointment; which proposition was agreed to, and the House of Commons was informed thereof by message.

On motion of Mr. Morris, ordered that Duncan Murchison, the Senator from the county of Moore, have leave of absence from the services of the Senate for to-morrow.

On motion of Mr. Stedman, ordered that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow for Councillors of State for the ensuing year.

The bill to prevent injury to the navigation of Cape-Fear, and for other purposes, and the bill to alter the name of William Lawrence
Cherry, of the county of Pitt, and to legitimate him, were read the second and third times and passed, and ordered to be engrossed.

Mr. Brittain, of Burke, presented the following resolution, to wit:

Resolved by the Senate and House of Commons of this State, That the Governor of the State be recommended to release and discharge from his present imprisonment the Hon. Robert Potter, who is now confined in the jail of Orange county, and that he exercise such other acts of Executive clemency, as he may deem proper and meet.

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

Mr. Vanhook presented the resignation of Robert Jones, sen'r., a justice of the peace for the county of Person; which was read and accepted and sent to the House of Commons.

Received from the House of Commons the resignation of Joshua Foy and Thomas Foy, justices of the peace for the county of Onslow, endorsed in that House "read and accepted" and which were read and accepted by the Senate.

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

Saturday, December 21, 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 amend an act, passed in the year 1814, entitled "an act to revive the second section of an act, passed in the year 1801, entitled an act to revive an act, passed in the year 1775, for the regulation of the city of Raleigh, and to amend the same, and for other purposes;" a bill to prevent injury to the navigation of Cape Fear River, and for other purposes; a bill to alter the name of William Lawrence Cherry, of the county of Pitt, and to legitimate him; a bill to give further time for paying in entry money; a resolution in favor of Howell Albritton, sheriff of Pitt county; and a resolution in favor of Willis Williams; in which they ask the concurrence of that House.

Jesse Cooper, the Senator elect from the county of Martin, to supply the vacancy occasioned by the death of David Latham, appeared, produced his credentials, was qualified and took his seat.

Mr. Martin, of Rockingham, presented the memorial of sundry citizens of the States of Virginia and North Carolina, praying the passage of an act to incorporate a company to open and improve the navigation of Smith's River. Ordered that the said memorial be referred to the committee on Internal Improvement.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the resolution instructing them to inquire into the expediency of providing by law for the collection or securing of payment of debts and demands, in cases where the debtor is about to remove or abscond from the State before his debt or debts become due; made a report thereon, stating that, in the opinion of the committee, it is inexpedient to legislate upon the subject, and ask to be discharged from its further consideration. Whereupon the committee was discharged accordingly.
Mr. Skinner, from the same committee, to which was referred the bill for the relief of securities in certain cases, made a detailed report thereon, which was read, and the further consideration thereof postponed until after the orders of the day are disposed of.

Received from the House of Commons a message, stating that Messrs. Martin and Montgomery attend the Senate to conduct the balloting on the part of that house for Major General of the 9th division. Whereupon Messrs. Martin of Rockingham 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. Edwards,

Resolved, That the Public Treasurer be directed to report to the Senate the whole amount of stock held by the State in incorporated companies, specifying the amount in each company, with the market value of the same as nearly as it can be ascertained; also, the several sums of debts due the State, and whether the collection of the same, or any part thereof, be in his opinion doubtful.

Mr. Brittain, of Macon, presented the following preamble and resolution, to wit:

Whereas it appears from the books of the Public Treasurer, and from documents filed in his office, that David Rogers, purchaser of section No. 14, District No. 7, has over paid the purchase money due for the said tract, to the amount of $16 32; therefore,

Resolved, That the Public Treasurer be directed to refund to the said David Rogers the said sum of $16 32; for which he shall be allowed in the settlement of his accounts.

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

Mr. Morris presented a bill, entitled a bill to incorporate the Montonsville Cavalry, in the county of Anson; which was read the first time and passed.

Mr. Hogan presented a bill, entitled a bill to establish a bank in the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Hogan, ordered to be committed to a committee of the whole House, and be made the order of the day for Monday next.

Mr. Martin, of Rockingham, from the committee appointed to conduct the balloting for Major General of the 9th division, reported that Samuel F. Patterson 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 a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bill granting to Asa Delozier and Henry Reagan, under certain conditions, two tracts of land. Whereupon the said bill was ordered to be enrolled.

Received from the House of Commons the resignation of Abraham Peeples, a justice of the peace for the county of Guilford; also the resignation Thomas Burgess, a Trustee of the University of this State; and the resignation of Thomas Dews, jr. Major of the Cavalry of the 10th brigade and 5th division, endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

The engrossed bill to establish a Literary and Manual Labor Institution in the county of Wake, was read the second time. Mr. Skinner, of Perquimons, moved to amend the bill by striking out the
following words, to wit: "except five hundred acres on which the building shall be erected for the purposes contemplated in said act;" which amendment was agreed to. Mr. Spaight moved further to amend the bill by inserting after the word "politic," in the first section, the following words, to wit: "for the purpose of educating youth, and for no other purpose whatever;" also after the word "donor," in the same section, to insert the following words, to wit: "to the purposes hereby declared;" which amendments were agreed to, and the bill, as amended, was read the second time and passed, and was subsequently read the third time, amended on motion of Mr. Spaight, and passed—ayes 29, noes 29—the speaker voting in the affirmative. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:


Ordered that a message be sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Britain, of Burke, the Senate proceeded to take up the resolution recommending the Governor to discharge from confinement Robert Potter; and the resolution having been read, Mr. Britain, of Burke, moved that the memorials and accompanying papers be also read. This was objected to, and the question thereon being put, it was decided in the negative—ayes 26, noes 32. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Beard, Brittain of Burke, Brittain of Macon, Clayton, Cooper, Dobson, Foy, Hall, Harrison, Ioke, Hussey, Kerr, Mann, Martin of Rockingham, Mebane; Mendenhall, Montgomery, Morris, Sherard, Shuford, Sitton, Stedman, Stone, Vanhook, Vann.


Mr. Caldwell then moved that the further consideration of the said resolution be indefinitely postponed. Mr. Montgomery moved that it be laid upon the table; which motion having precedence, the question thereon was first put, and decided in the negative—ayes 7, noes 51. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Britain of Burke, Brittain of Macon, Harrison, Montgomery, Morris, Sherard, Stedman.


The question then recurring on the indefinite postponement of the said resolution, it was decided in the affirmative—ayes 47, noes 11.
The ayes and noes being demanded by Mr. Collins, are as follows, to wit:


Those who voted in the negative, are Messrs. Brittain of Burke, Hall, Harrison, Kerr, Mann, Martin of Rockingham, Melbane, Montgomery, Morris, Sherard, Stedman.

On motion, ordered that Mr. Brittain, of Burke, have leave to withdraw from the files of the Senate the memorial and other papers accompanying the resolution by him presented for the relief of Robert Potter.

On motion of Mr. Montgomery, ordered that Thomas D. Watts have leave to withdraw from the files of the Senate his memorial and accompanying papers, presented at the present session.

The bill to incorporate the Meltonsville Cavalry, in the county of Anson, was read the second and third times and passed, and ordered to be engrossed.

The resolution requesting the Governor to adopt such measures as in his opinion may be necessary to effect a settlement of the claims of this State against the United States, was read the third time and passed, and ordered to be engrossed.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the memorials of sundry citizens of the counties of Wayne and Duplin, concerning the dividing line between said counties, made a report thereon, accompanied by a bill, entitled a bill to provide for running and establishing the dividing line between the counties of Wayne and Duplin; which was read the first time and passed.

The Senate then proceeded to consider the bill for the relief of securities in certain cases. Whereupon, on motion of Mr. Dobson, ordered that the said bill, together with the report of the committee thereon, lie upon the table; and, on motion of Mr. Mendenhall, ordered that the report be spread at length upon the journal. The report is as follows, to wit:

The committee on the Judiciary, to whom was referred a bill for the relief of securities in certain cases, report, that the bill referred proposes to exonerate securities to bonds, bills or notes, if the obligee or payee refuses to commence suit upon such bill or note within one month from the time such security shall have given him notice so to do. The first inquiry which presents itself to your committee is, what are the existing provisions of law for the relief of securities between co-obligors in their obligations to the obligee? The common law knows no distinction; but for the relief of one obligor a special act of the Legislature has authorized a jury to find the fact that such obligor is security, and upon such finding, the property of the security is not liable until all the property of the principal is exhausted. A co-obligor may be in fact security, and so found by a jury, when he is not known to the obligee as such. An obligee, therefore, by the bill under consideration, is bound to know a fact which is yet to be ascertained by a jury upon trial. If he brings suit according to notice, he implicitly admits the fact which may operate to his prejudice; for if he does not bring the suit within the time, the bill proposed exonerates the notifier, who may prove himself the security. If he should not be able to prove his securityship before the jury, then the obligee is compelled to collect his money when he doesn't want it, and the obligor to pay it when it is not convenient; subjecting the one to the peril and loss of a re-investment of the money, the other to the loss of credit and sacrifice of property. The law again provides, that if an obligor be the security, and is desirous of being exonerated,
he shall have ample power to relieve himself by paying to the obligee his principal and interest. The security then becomes the creditor of the obligor, and can collect the principal, interest and costs from his co-obligor by his actions at law with more facility, and in a shorter time, than the original obligee. The law for the special relief of the security, enables heirs, by giving ten days' notice, to obtain his judgment in a summary mode at the same term to which it is re-turnable. But suppose the obligee refuses the tender of the money for the principal and interest of the bond, (if we can suppose any such case to exist,) a court of equity will never permit the security, in such case to suffer, but will absolutely discharge him from any further liability to the obligee. Thus it will be seen, that in every possible case of hardship or injury, relief has been provided both by law and equity for securities, so as not to impair the original contract between the obligors and obligees—contracts sanctioned by the highest solemnities known to the law. Beyond this lawful and equitable adjustment of rights, this committee believe the Legis-lature cannot with safety proceed.

The special acts of Assembly favoring securities before adverted to, and the principles recog-nized by equity, regard securities as the volunteer friends of the obligor, having no interest in the consideration creating the debt. Now the bill under consideration proposes an entire in-novation upon the foregoing well adjusted principles, and overturns the entire rules of action. Will it be asked how? Why, in the first place, the security, by his mere dictum, discharges him-self, makes null and void his bond under his hand and seal—in effect cancels it, if the obligee does not commence suit, when it may be that he never intended to do so; and if he does, it may operate to his injury. Shall then the equal rights of all be disturbed and invaded by the whim or caprice of one individual, and that individual a volunteer co-obligor, perchance he may be able to prove to the satisfaction of a jury that he has the high privileges of a security, and thus entitle him-self to the full enjoyment of his exclusive rights? How will the exercise of this exclusive right operate upon the mass of society? Can the wit of man contrive a more easy covert mode of satisfying the most dreadful vengeance? By a mere notice to the obligee to bring suit, the ties of friendship between the security and co-obligor are broken asunder, the deadliest hate follows, and the inno-cent and friendly obligee is made the instrument to ruin his debtor. One suit commenced upon such notice, and it will assuredly follow that every debt owing by that obligor will be imme-diately commenced by other creditors upon the same simple notice of the securities—all the angry feelings of our nature are let loose on society—law suits increased and multiplied with-out end—strife, contention, frauds, must follow. Is it then the part of wise legislation to make a law fraught with such consequences? Pass the bill referred, and it is such a law. The committee, therefore, after mature deliberation and a patient examination of the subject, respect-fully report, that it is inexpedient to pass the bill referred to them and herewith returned.

Respectfully,

JOS. B. SKINNER, Chairman.

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

Monday, December 23, 1833.

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 incorporate the Meltonsville Cavalry, in the county of Anson; and a resolution relating to the claims of the State upon the General Government; in which they ask the concurrence of that House.

Mr. Edwards presented a bill, entitled a bill supplementary to an act, passed in the year one thousand eight hundred and thirty-two, entitled "an act to enact, with sundry alterations and additions, an act, entitled 'an act to incorporate the Portsmouth and Roanoke Rail Road Company, passed by the Legislature of Virginia on the 8th day of May, 1833;" which was read the first time and passed.

Mr. Matthews presented a bill, entitled a bill to incorporate the Halifax and Welden Rail Road Company; which was read the first time and passed.

Mr. Beard presented a bill, entitled a bill to provide for ascertaining the sense of the people of North Carolina relative to amending the Constitution of the State; which was read the first time and passed—ayes 33, noes 29. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:

On motion of Mr. Beard, ordered that the said bill be committed to a committee of the whole House, and be made the order of the day for Saturday next.

Mr. Klutts presented a bill, entitled a bill to prevent betting on elections; which was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from his Excellency the Governor, accompanied by a report from the treasurer of the University of North Carolina, and proposing that the said communication and report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, transmitting a message from his Excellency the Governor, communicating a letter from Henry Shaw, Esquire, of Lanesborough, Massachusetts, on the subject of sheep husbandry. Ordered that the said communication lie on the table.

On motion of Mr. Skinner, of Perquimons, ordered that Samuel L. Arrington, the Senator from the county of Nash, have leave of absence from the services of the Senate for to-morrow.

On motion of Mr. Edwards, ordered that Thomas W. Norman, the Senator from the county of Granville, have leave of absence from the services of the Senate from and after this day until Saturday next.

The bill to provide for running and establishing the dividing line between the counties of Wayne and Duplin, was read the second and third times and passed and ordered to be engrossed.

Received from the House of Commons, the resignation of Needham Norris, a justice of the peace for the county of Wake, and the resignation of Abner Jervis, a justice of the peace for the county of Buncombe, endorsed in that House "read and accepted," and which were read and accepted by the Senate.

On motion of Mr. Hogan, the Senate entered upon the orders of the day, and resolved itself into a committee of the whole House, Mr. Spaight in the chair, to take into consideration the bill to establish a Bank in the State of North-Carolina; and, after some time spent therein, the speaker resumed the chair, and Mr. Spaight reported that the committee of the whole had, according to order, had the said bill under consideration, and had made some progress therein; but not having sufficient time to go through the same, had instructed him to ask leave to sit again; and the question being put, Shall the committee have leave to sit again? it was decided in the affirmative.

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 engrossed bill, entitled a bill to provide for running and establishing the dividing line between the counties of Wayne and Duplin; in which they ask the concurrence of that House.

Mr. Shuford presented a bill, entitled a bill concerning the new road from Lincolnton to Rutherfordton; which was read, the first time and passed.

The bill supplemental to an act, passed in the year 1832, entitled "an act to enact, with sundry alterations and additions, an act, entitled an act to incorporate the Portsmouth and Roanoke Rail Road Company, passed by the Legislature of Virginia on the 8th day of May, 1832," was read the second time, amended on motion of Mr. Edwards, and passed; and was subsequently read the third time, as amended, and passed, and ordered to be engrossed.

The speaker laid before the Senate a message from his Excellency the Governor, communicating a letter from his Excellency the Governor of New York, enclosing certain resolutions adopted by the Legislature of that State, in relation to a more perfect organization of the militia of the United States. On motion of Mr. Beard, ordered that the said message, with the accompanying documents, be sent to the House of Commons, with a proposition that they be referred to a joint select committee, to consist of three members on the part of each House.

On motion of Mr. Caldwell, ordered that a message be sent to the House of Commons, proposing to ballot immediately for brigadier general of the 9th brigade. Whereupon Mr. Caldwell nominated for that appointment Harrison M. Waugh. Mr. Edwards moved a resolution to the nomination the name of William Horton.

Received from the House of Commons a message, proposing to ballot immediately for colonel, lieutenant colonel, and major of cavalry attached to the 14th brigade, and stating that Thomas Waddell is in nomination for colonel, Abram Duren for lieutenant colonel, and Nathan M. Hemby for major; which proposition was agreed to.—Messrs. Mann and Morris 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. Kittrell and Brandon are appointed to conduct the balloting on their part.

Received also from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bill authorising Thomas Love and Dilliard Love, of Macon county, to erect a bridge across Tennessee river, at the most convenient place at or near where the State road crosses the same; also their concurrence in the amendments proposed by the Senate to the engrossed bill to incorporate the Greensborough Academy and Manual Labor School. Whereupon the said bills were ordered to be enrolled.
The bill to incorporate the Halifax and Weldon Rail Road Company, was read the second time, amended on motion of Mr. Mendenhall, and passed; and subsequently 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 directing the judges of the Superior Court of Hyde County not to take up State cases before the Thursday of court week; also their concurrence in the amendment proposed by the Senate to the engrossed resolution relating to members of the Legislature who die at the seat of Government. Whereupon the said bill and resolution were ordered to be enrolled.

A message was also received from the House of Commons, agreeing to ballot immediately for brigadier general of the 9th brigade, and stating that Messrs. Martin and Monk attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Dobson and Phillips 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 following engrossed bills, to wit: a bill directing the manner in which constables shall be appointed in this State; and a bill to incorporate the Greensville and Roanoke Rail Road Company; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

On motion of Mr. Hogan, the Senate then entered upon the orders of the day, and resolved itself into a committee of the Whole House, Mr. Spaight in the chair, to take into consideration the bill to establish a Bank in the State of North Carolina; 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 bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and ask their concurrence therein. Whereupon, on motion of Mr. Meares, ordered that the further consideration of the said bill and amendments be postponed until Thursday next; and, on motion of Mr. Mcbane, ordered that the bill as amended be printed.

Mr. Morris, from the committee appointed to conduct the balloting for cavalry officers attached to the 14th brigade, reported that Thomas Waddell is duly elected colonel, Abram Duran, lieutenant colonel, and N. M. Hemby, major; in which report the Senate concurred.

Mr. Dobson, from the committee appointed to conduct the balloting for brigadier general of the 9th brigade, reported that William Horton having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The bill to prevent betting on elections was read the second time, and, on motion of Mr. Edwards, ordered to be indefinitely postponed.
Received from the House of Commons a message, stating that they have passed the engrossed resolution relating to the State suits in the Supreme Court of the United States; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first and second times and passed, and, on motion of Mr. Jones, ordered that the further consideration thereof be postponed until Thursday next.

Mr. Hinton, from the committee on Internal Improvement, to which was referred the memorial of the Internal Improvement Convention lately held in this city, made a detailed report thereon, accompanied by a bill, entitled a bill concerning the board of Internal Improvements; which was read the first time and passed. On motion of Mr. Montgomery, ordered that the said report be printed.

Mr. Brittain, of Burke, presented a bill, entitled a bill to prevent the falling of timber in or obstructing the run of Lower Creek, in the county of Burke; 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 Wednesday next (to-morrow) being the 25th day of December, the Anniversary of the nativity of our Saviour, a day respected by all Christians; therefore, be it

Resolved, That the Senate when it adjourns, shall adjourn over to Thursday next at 10 o'clock, A. M.

Which was read and adopted.

Received from the House of Commons the resignation of Anderson H. Walker, colonel commandant of the 38th regiment of North Carolina militia, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

The Senate then adjourned.

Thursday, December 26, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill supplementary to an act, passed in the year 1832, entitled "an act to enact, with sundry alterations and additions, an act entitled an act to incorporate the Portsmouth and Roanoke Rail Road Company," passed by the Legislature of Virginia on the 8th day of May, 1832;" a bill to prevent the falling of timber in or obstructing the run of Lower Creek, in the county of Burke; and a bill to incorporate the Halifax and Weldon Rail Road Company; in which they ask the concurrence of that House.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the resolution instructing them to inquire into the expediency of so amending the law of evidence as to authorise the depositions of females, taken by two justices of the peace, to be read as evidence in all civil cases, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

On motion of Mr. Hall,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of passing an act rendering it a capital felony for any slave or free person of color to know the ex-
Mr. Sitton presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law so that a solicitor shall mark the name of prosecutor on the bill of indictment, and on failure to convict, the prosecutor shall be liable to pay the cost, and that they report by bill or otherwise.

Which was read, and the question on the adoption thereof decided in the negative.

Mr. Brittain, of Macon, presented a bill, entitled a bill to amend an act, passed at the present session of the General Assembly, entitled an act to change the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Macon; which was read the first time and passed.

Mr. Hall presented a bill, entitled a bill to regulate the inspection of staves and heading in the port of Wilmington, and prevent shipping the refuse; which was read the first time and passed.

Mr. Howell presented a bill, entitled a bill to incorporate the Lumber River and Cape Fear Rail Road Company; which was read the first time and passed.

Mr. Skinner, of Chowan, presented a bill, entitled a bill to alter the times of holding the County Courts of Chowan; which was read the first time and passed.

Mr. Elliott presented a bill, entitled a bill to authorize Joseph S. Jones to inspect certain records and to make extracts therefrom; which was read the first time and passed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed resolution relating to the State suits in the Supreme Court of the United States; whereupon the said resolution was read the third time and passed, and ordered to be enrolled.

The engrossed bill directing the manner in which constables shall be hereafter appointed in this State, was read the second time. Mr. Faison moved to amend the bill by adding the following proviso at the end thereof, to wit: "Provided nothing contained in this act shall extend to the counties of Greene, Northampton, Carteret, New-Hanover, Pitt, Pasquotank, Bertie, Gates, Perquimons, Chowan, Warren and Camden" 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—ayes 59, noes 22. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Beard, Brittain of Burke, Brittain of Macon, Clayton, Cooper, Dobson, Elliott, Flowers, Gavin, Hall, Harrison, Hogan, Hoke, Hussey, Kerr, Klutts, Lindsey, M'Cormick, Mann, Martin of Richmond, Martin of Rockingham, Matthews, Melvin, Mendenhall, Montgomery, Moore, Morris, Morrison, Murchison, Phillips, Pugh, Sherard, Shaford, Simmons, Sitton, Stedman, Vanhook, Wilder.


On motion of Mr. Mendenhall, ordered that the farther consideration of the said bill be postponed until to-morrow.
The speaker laid before the Senate a communication from the Public Treasurer, furnishing a statement, in obedience to a resolution of the Senate, of the whole amount of stock held by the State in incorporated companies, specifying the amount in each company, with the market value of the same, as nearly as it can be ascertained; also the several sums or debts due the State, and whether the collection of the same, or any part thereof, be in his opinion doubtful; which was read, and, on motion of Mr. Edwards, ordered to be laid on the table and be printed.

The bill concerning the Board of Internal Improvements, was read the second time. Mr. Matthews moved that the further consideration of the said bill be postponed indefinitely. Mr. Martin, of Rockingham, moved that the bill lie on the table; which motion having precedence, the question thereon was first taken and decided in the negative. The question then recurring on the indefinite postponement of the bill, it was also decided in the negative—ayes 29, noes 31. The ayes and noes being demanded by Mr. Matthews, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Brittain of Burke, Brittain of Macon, Burns, Caldwell, Clayton, Dobson, Elliott, Foy, Gavin, Hall, Harrison, Hinton, Hogan, Hus- sey, Jones, Kendall, Klotts, McCormick, Martin of Richmond, Meares, Mendenhall, Moore, Morris, Morrison, Murchison, Sherard, Shuford, Sitton, Skinner of Chowan, Stedman.

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

FRIDAY, DECEMBER 27, 1833.

Received from the House of Commons a message, stating their con- currence in the amendments proposed by the Senate to the engrossed bill to establish a Literary and Manual Labor School in the county of Wake. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to erect a new county by the name of Yancey," in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

A message also was received from the House of Commons, stating that they have passed the engrossed bill to improve the State road from the bank of the Tuckaseege River, by the way of Franklin, to the Georgia line, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were read and agreed to, and the House of Commons was informed thereof by message.

The bill to amend an act, passed at the present session of the General Assembly, entitled "an act to change the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Macon," was read the second time, and, on motion of Mr. Edwards, ordered to lie on the table.

The bill to alter the times of holding the County Courts of Chowan, was read the second and third times and passed, and ordered to be en- grossed.
The engrossed bill directing the manner in which constables shall be appointed in this State, was read the third time. Mr. Edwards moved to amend the bill by adding at the end thereof the following proviso, to wit: "Provided further, however, that all existing laws which render justices of the peace, who shall take said bond, liable in cases of securities being insufficient, be and they are hereby repealed;" which was not agreed to. Mr. Mendenhall moved to amend the bill by adding an additional section; which was read and agreed to. Mr. Skinner, of Pasquotank, moved further to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that the provisions of this act shall not extend to the county of Pasquotank;" which amendment was not agreed to. Mr. Edwards moved that the bill be referred to the committee on the Judiciary; which was not agreed to. Mr. Skinner, of Chowan, moved that the further consideration of the said bill be indefinitely postponed; which was not agreed to—ayes 28, noes 38. The ayes and noes being demanded by Mr. Stedman, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Beard, Brittain of Burke, Brittain of Macon, Clayton, Cooper, Dobson, Elliott, Flowers, Gavin, Hall, Hogan, Hoke, Hussey, Kerr, Kutts, Lindsey, M'Cormick, Mann, Martin of Rockingham, Matthews, Melvin, Mendenhall, Montgomery, Moore, Morris, Morrison, Marchison, Nash, Phillips, Pugh, Sherard, Shuford, Simmons, Sitton, Stedman, Vanhook, Wilder.

The question then recurring on the passage of the bill the third time, it was decided in the affirmative, and a message sent to the House of Commons asking their concurrence in the amendments.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, that the communication of his Excellency the Governor on the subject of the militia, be referred, with the accompanying documents, to a joint select committee of three members on the part of each House, and stating that Messrs. Marstel-ler, Cotten and M'Cleese form the committee on the part of that House. Whereupon Messrs. Arrington, Moye, of Pitt, and Dobson were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to authorise Joseph S. Jones to inspect certain records, and to make extracts therefrom, was read the second and third times and passed, and ordered to be engrossed.

The bill to regulate the inspection of staves and heading in the port of Wilmington, and to prevent shipping the refuse, was read the second time and passed.

The Senate then proceeded to take up and consider the bill to establish a Bank in the State of North Carolina. The question pending being on concurring in the several amendments reported by the chairman of the committee of the whole House; and the amendments having been read, Mr. Montgomery moved to amend the twelfth section by striking out the words "twenty five cents," and inserting the words
"one per cent;" which amendment was not agreed to—ayes 19, noes 41. The ayes and noes being demanded by Mr. Montgomery, are as follows, to wit:


Mr. Martin, of Rockingham, moved further to amend the amendments by striking out the words "examine into," in the thirteenth section, and inserting in lieu thereof, the word "publish;" which amendment was not agreed to—ayes 24, noes 34. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:


Mr. Mendenhall moved further to amend the same section by adding the following words at the end thereof, to wit: "except of the directors of the principal Bank and its branches;" which amendment was agreed to. Mr. Martin, of Rockingham, further moved to amend the twenty seventh section, by striking out all thereof after the word "and," in the latter clause, and inserting the following words, to wit: "Such refusal shall be considered a violation of the charter hereby granted, unless authorised by an act of the Legislature, unless the conduct of the Bank shall be sanctioned by a future Legislature;" which amendment was not agreed to. Mr. Mebane moved further to amend the same section by striking out the words "where such notes are payable;" which amendment was not agreed to. Mr. Montgomery moved further to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that on failure of said Bank, each stockholder, co-partnership or body politic, having a share or shares therein at the time of such failure, or who shall have been interested therein at any time within six months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his, her or their share or shares;" which amendment was not agreed to—ayes 20, noes 39. The ayes and noes being demanded by Mr. Cooper, are as follows, to wit:

The bill was thereupon read the second time as amended, and passed—ayes 40, noes 20. The ayes and noes being demanded by Mr. Skinner, of Perquimons, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Cooper, Gavin, Hall, Harrison, Hussey, Martin of Rockingham, Matthews, Melvin, Montgomery, Moye of Greene, Moye of Pitt, Nash, Sherard, Simmons, Sitton, Skinner of Perquimons, Smaw, Vann, Walton.

Received from the House of Commons the resignation of Samuel F. Patterson, brigadier general of the 9th brigade, endorsed in that House “read and accepted;” and which was read and accepted by the Senate. The Senate then adjourned until to-morrow morning, 10 o’clock.

Saturday, December 28, 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 authorise Joseph S. Jones to inspect certain records, and to make extracts therefrom; and a bill to alter the times of holding the County Courts of Chowan; in which they ask the concurrence of that House.

Received from the House of Commons the resignation of Benjamin Rogers, a justice of the peace for the county of Wake, endorsed in that House “read and accepted;” and which was read and accepted by the Senate.

Mr. Jones presented the resignation of Benjamin H. Brown, lieutenant colonel, and the resignation of George Barnes, major of the 75th regiment of North Carolina militia; which were read and accepted, and sent to the House of Commons.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to whom was referred the engrossed bill declaratory of the law in relation to the rights and duties of sheriffs and inspectors in holding elections, reported the same without amendment. Whereupon the said bill was read the third time and passed, and ordered to be enrolled.

Mr. Skinner, of Chowan, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of passing an act rendering it a capital felony for any slave or free person of colour to know the existence of any conspiracy, or intended insurrection among the slaves, and conceal or neglect to reveal such knowledge, made a report thereon, stating that, in the opinion of the committee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

Mr. Skinner, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of so amending the laws concerning free people of colour, as to prohibit them from
selling spirituous liquors in a less quantity than five gallons, made a report thereon, accompanied by a bill, entitled a bill to prevent free persons of colour selling spirituous liquors in a quantity less than five gallons; which was read the first time and passed.

Mr. Skinner, of Chowan, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of regulating the practice of courts of justice as to the manner of propounding to the jurors in capital cases the previous question, made a report thereon, accompanied by a bill, entitled a bill to regulate the practice of courts of justice in capital cases; which was read the first time and passed.

Mr. Stone, from the committee on Finance, to which was referred the resolution directing them to inquire into the expediency of requiring persons to give in the cash value of real estate on oath, made a report thereon, asking to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

On motion of Mr. Jones, ordered that Edward Rigsbee have leave to withdraw from the files of the Senate the papers accompanying his memorial presented to the Legislature at the session of 1831.

Mr. Morrison, from the committee on Finance, to which was referred the resolution in favor of Alexander Henderson, made a favorable report thereon, recommending its passage. Whereupon the said resolution was read the second time, and resolved that the same shall not pass.

Mr. Brittain, of Burke, presented the following resolution, to wit:

Resolved, That the Public Treasurer be and he is hereby authorized and directed to receive of Thomas Sudderth and others, of Burke county, the purchase money of seventy-five acres of land, per warrant and survey No. 10568; and that the Secretary of State, on the payment of the said money into the Treasury, make out and deliver to the said Sudderth and others a grant for the same.

Which was read the first time and passed, and being read the second time, it was resolved that the same shall not pass.

Mr. Mann presented the following resolution, to wit:

Resolved, That the speakers of the two Houses of the General Assembly shall, on the day of January next, adjourn their respective Houses sine die.

Which was read, and, on motion of Mr. Mann, ordered to lie on the table.

✓ On motion of Mr. Moore,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the act in relation to trading with slaves, passed in 1826, as to bring within its operations the -elling to a slave any of the articles specified in said act for money; and that they report by bill or otherwise.

Mr. Martin, of Rockingham, presented a bill, entitled a bill to incorporate the Smith's River Toll Bridge Company in the county of Rockingham; which was read the first time and passed.

Mr. M'Cormick presented a bill, entitled a bill to authorise the construction of a Rail Road from the Cape Fear River at Campbellton to some point in the town of Fayetteville; which was read the first time and passed.

Mr. Hogan presented a bill, entitled a bill authorising the survey of the town of Lexington; which was read the first time and passed, and
being read the second time, Mr. Morrison moved to amend the bill by extending its provisions to the town of Charlotte; 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. Collins presented a bill, entitled a bill to authorise certain persons therein named to raise by lottery six thousand dollars for cutting a canal in Washington county; which was read the first time and passed.

Mr. Faison presented a bill, entitled a bill to prevent the conveying of slaves out of this State, and to prevent injuries being done to live stock upon Rail Roads; which was read the first time and passed.

Mr. Mann presented a bill, entitled a bill concerning fisheries on the Scuppernong River in Tyrrell county; which was read the first time and passed, and being read the second time, Mr. Collins moved to amend the bill by extending its provisions to the county of Washington; 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. Moore presented a bill, entitled a bill to incorporate Pleasant Hill Academy, in the county of Stokes; 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 Wilmington and Raleigh Rail Road Company; which was read the first time and passed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to erect a new county by the name of Yancey." Whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate the Greensville and Roanoke Rail Road Company, was read the second time. Mr. Meares moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to—ayes 12, noes 48. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Burns, Clayton, Elliott, Flowers, Foy, Gavin, Hall, Harrison, Kluts, Meares, Moye of Greene, Sherard.


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

The bill to establish a Bank in the State of North Carolina, was read the third time. Mr. Dobson moved to amend the bill in the twenty ninth section by striking out the word "five," and inserting in lieu thereof the word "three" which amendment was agreed to. Mr. Mendenhall moved further to amend the bill by inserting an entire section
to come in at the end of the third section; which was read and 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.

Received from the House of Commons the resignation of Samuel Latham, of the county of Beaufort, and the resignation of John B. Turner, of the county of Johnston, justices of the peace for their respective counties, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

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

MONDAY, DECEMBER 30, 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 establish a Bank in the State of North Carolina; a bill authorising the survey of the towns of Lexington and Charlotte; a bill to incorporate Pleasant Hill Academy in the county of Stokes; and a bill concerning fisheries on the Scuppernong River in the counties of Tyrrell and Washington; in which they ask the concurrence of that House.

Mr. Mendenhall presented the resignation of Nathan Armfield, a justice of the peace for the county of Guilford; which was read and accepted and sent to the House of Commons.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the resolution in favor of David Rodgers, made a favorable report thereon. Whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, from the committee on Propositions and Grievances, to which was referred the memorial of sundry citizens of the county of Rowan, praying to be annexed to the county of Davidson, made an unfavorable report thereon; which was read, and, on motion of Mr. Hogan, ordered to lie on the table.

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

Whereas Abram Brower, Esquire, a member of the House of Commons of the last General Assembly from the county of Randolph, on his way home from the seat of government, had the misfortune to have his leg fractured, by which misfortune he was detained on the road eighteen days; and whereas the State neither demands of her public servants extraordinary personal or pecuniary sacrifices, nor requires that they go unrequited when incurred in the discharge of public duties; be it therefore

Resolved, That the Public Treasurer pay to Abram Brower, of Randolph county, out of any monies in the Public Treasury not otherwise appropriated, the sum of fifty four dollars; and that the same be allowed him in the settlement of his public accounts.

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 last session, entitled an act to repeal an act, passed in the year 1850, entitled an act to repeal part of the second section of an act, passed in 1806, 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, proposing that the two Houses ballot immediately for major of cavalry attached to the
18th brigade, and stating that Alexander W. Mebane is in nomination for the appointment; which proposition was agreed to. Messrs. Mann and Caldwell 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. Pugh and Calvert 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 engrossed bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were read and 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 engrossed bill, entitled a bill supplemental to an act directing how persons injured by erection of public mills, shall in future proceed to recover damages, passed in the year 1809; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

The bill to incorporate the Smith's River Toll Bridge Company, in the county of Rockingham, was read the second time and passed; and the bill to authorise certain persons therein named, to raise by way of lottery six thousand dollars for cutting a canal in Washington county, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons the following resignations, to wit: the resignation of James S. Relse, of the county of Pasquotank; the resignation of Benj. Rice, of the county of Nash; the resignation of William H. Horah, of the county of Rowan; the resignation of W. Hencher, of the county of Chatham; the resignation of Daniel Jones, of the county of Duplin; and the resignation of George B. Morrow, of the county of Orange, justices of the peace for their respective counties; also the resignation of Willis Johnson, colonel commandant of the 14th regiment of the Halifax militia, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

The engrossed bill to incorporate the Greensville and Roanoke Rail Road Company, was read the third time, amended on motion on Mr. Montgomery and Mr. Mendenhall, and passed—aye 46, noes 13.—The ayes and noes being demanded by Mr. Meares; are as follows, to wit:


Those who voted in the negative, are Messrs. Burns, Collins, Gavin, Hall, Harrison, Meares, Melvin, Moye of Greene, Murchison, Phillips, Sherard, Simmons, Stedman.
Whereupon a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bill directing the manner in which constables shall be appointed in this State. Whereupon the said bill was 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 recharter the Bank of Cape Fear; 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. Montgomery, ordered to be printed, one copy for each member of the Senate.

The bill to incorporate the Lumber River and Cape Fear Rail Road Company, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Beard, the Senate proceeded to take up and consider the engrossed bill to incorporate the Fayetteville Transportation Company; and the bill being read the second time, it was resolved that the same shall not pass.

The engrossed bill to incorporate the Wilmington and Raleigh Rail Road Company, was read the second and third times and passed, and ordered to be enrolled.

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

Tuesday, December 31, 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 incorporate the Lumber river and Cape Fear Rail Road Company; a bill to authorise certain persons therein named to raise by lottery six thousand dollars for cutting a canal in Washington county; a resolution in favor of Abram Brower; and a resolution in favor of David Rogers; in which they ask the concurrence of that House.

Mr. M'Cormick presented the following resolution, to wit:

Resolved, That the Secretary of State be, and he is hereby authorised to issue a grant to John Johnson, for one hundred acres of land in Cumberland county, on his entry No. 1314, when the survey thereof shall be returned to his office, he, the said John Johnston, having paid the purchase money for the same in due time.

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

Mr. Mendenhall presented a bill, entitled a bill to incorporate the Trustees of New Garden Boarding School, in the county of Guilford; which was read the first time and passed.

Mr. Matthews presented the petition of Polly Read, praying to be divorced from her husband Elias Read. Mr. Matthews also presented a bill to carry the prayer of the petitioner into effect, entitled a bill to divorce Mary Read from her husband Elias Read; which was read the first, second and third times and passed—ayes 38, noes 19. The ayes and noes being demanded by Mr. Skinner, of Chowan, are as follows, to wit:


Ordered that the said bill be engrossed.

Mr. Hogan presented a bill, entitled a bill to amend an act, entitled an act for the division of Rowan county; which was read the first time and passed.

Mr. Collins presented a bill, entitled a bill to authorise the clerks of courts of record of this State, and those holding the office of clerk and master in equity, to act as notaries public; which was read the first time and passed.

The bill to incorporate the Smith’s river Toll Bridge Company, in the county of Rockingham, was read the third time, amended on motion of Mr. Martin, of Rockingham, and passed, and ordered to be engrossed.

The bill to authorise the construction of a Rail Road from the Cape Fear river at Campbellton to some point in the town of Fayetteville, was read the second and third times, amended on motion of Mr. Meares, and passed, and ordered to be engrossed.

The bill to amend an act, passed at the last session, entitled an act to repeal an act, passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in 1806, entitled an act to revise the militia laws of this State, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses ballot on Friday next for three trustees of the University of North Carolina, and stating that William H. Battle, James H. Bryan and Hugh M’Queen 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 that the two Houses balllot on to-morrow for councillors of State for the ensuing year, and stating that Joseph H. Skinner, Owen Holmes, Clement Marshall, Henry Skinner, Meshack Franklin, J. O’K. Williams, N. B. Whitfield, G. W. Jeffreys and William H. Harding are in nomination. On motion of Mr. Cooper, ordered that the further consideration of the said message be postponed until Monday next.

A motion was made by Mr. Morris to reconsider the vote taken on yesterday on the second reading of the engrossed bill to incorporate the Fayetteville Transportation Company; and on the question being put, will the Senate reconsider the vote? it was decided in the affirmative.

Received from the House of Commons a message, stating that they
have passed the following engrossed bills, to wit: A bill to establish the Merchants' Bank in the town of Newbern, and the Albemarle Bank in the town of Edenton; a bill for the better administration of justice in Carteret county; 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. Collins, ordered that the first mentioned bill be printed, one copy for each member of the Senate.

On motion of Mr. Morris, the Senate proceeded to take up and consider the bill to regulate the practice of courts of justice in capital cases. Whereupon the said bill was read the second time and passed; and being read the third time, Mr. Mendenhall moved to amend the bill by striking out the second section. Mr. Martin, of Rockingham, moved that the further consideration thereof be postponed indefinitely; which motion was agreed to—ayes 34, noes 26. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:


Mr. Morris moved that the report of the committee on the Judiciary on the foregoing bill be spread at length upon the Journal of the Senate; which motion was not agreed to.

Received from the House of Commons a message, stating that Isham Matthews, John Carson, Josiah O. Watson and Alfred Jones are added to the nomination for councillors of State. On motion of Mr. Brittain, of Burke, ordered that a message be sent to the House of Commons, stating that William Dickson is also added to the nomination.

Mr. Beard moved that the Senate do now resolve itself into a committee of the Whole House, to take into consideration the bill to provide for ascertaining the sense of the people of North Carolina relative to amending the Constitution of the State; which motion was not agreed to. Whereupon, on motion of Mr. Meares, ordered that the said bill be committed to a committee of the whole House, and be made the order of the day for Friday next.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill for the relief of Chancy Moreman; a bill to prevent the felling of timber in, or obstructing the run of Ellis’ creek, in Bladen county; and a bill to incorporate Hookerton Library, in the county of Greene; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

Mr. Mann, from the committee appointed to conduct the balloting for major of cavalry attached to the 18th brigade, reported that Alex-
ander W. Mebane, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Morrison presented the resignation of Joshua D. Boyd, a justice of the peace for the county of Mecklenburg; which was read and accepted, and sent to the House of Commons.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed bill to recharter the Bank of Cape Fear. Whereupon the said bill was read the second time, amended, and passed.

The engrossed bill supplemental to an act directing how persons injured by erection of public mills, shall in future proceed to recover damages, passed in the year 1809, was read the second time and passed.

The bill to prevent the conveying of slaves out of this State, and to prevent injuries being done to live stock upon Rail Roads, was read the second time and passed; and the bill to prevent free persons of color from selling spirituous liquors in a quantity less than five gallons, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons the resignation of John F. Burnett, lieutenant colonel of the 45th regiment of the militia, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

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

Wednesday, January 1, 1834.

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 free persons of color from selling spirituous liquors in a quantity less than five gallons; a bill to authorise the construction of a Rail Road from the Cape Fear river at Campbellton to some point in the town of Fayetteville; a bill to incorporate the Smith's River Toll Bridge Company, in the county of Rockingham; a bill to divorce Mary Read from her husband Elias Read; and a bill to amend an act, passed at the last session, entitled "an act to repeal an act passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in 1806, entitled an act to revise the militia laws of this State;" in which they ask the concurrence of the House of Commons.

Mr. Kerr, from the committee on Military Affairs, to which was referred the resolution instructing them to inquire into the expediency of repealing the act of 1828, authorising the Adjutant General to appoint some suitable person to keep the public arms, reported that, in the opinion of the committee, it is inexpedient to repeal said act, and ask to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to
which was referred the petition of sundry natives of France, praying the passage of an act to authorise them to acquire and transmit real estate by descent or otherwise, made a detailed report thereon, stating that, in the opinion of the committee, the object desired by the petitioners is already provided for, and asked to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

On motion of Mr. Norman,

Resolved, That the committee on Military Affairs inquire into the expediency of providing by law for the trial of delinquents in militia companies, which have not a sufficient number of officers to constitute a lawful court martial; and that they report by bill or otherwise.

Mr. Meares presented a bill, entitled a bill to repeal in part an act laying duties on sales at auction of merchandize, passed in the year 1818; which was read the first time and passed.

Mr. Edwards presented a bill, entitled a bill to alter the name of Priscilla Williams, wife of Egbert H. Williams, of the county of Edgecomb; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Martin, of Rockingham, presented a bill, entitled a bill to incorporate the Madison Toll Bridge Company, in the county of Rockingham; which was read the first time and passed.

Received from the House of Commons a message, stating that Josiah Collins, jun. is in nomination for a Trustee of the University of North Carolina.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to repeal an act, passed in the year 1818, entitled "an act fixing the sum hereafter to be paid to the State for vacant lands;" in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received from the House of Commons the resignation of E. Alexander, colonel commandant of the 69th regiment of militia; also the resignation of Eli Stewart, a justice of the peace for the county of Mecklenburg, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

On motion of Mr. Pugh, the Senate proceeded to take up and consider the resolution authorising the president and directors of the Literary Fund to drain the swamp lands; and the resolution being read, Mr. Meares moved to amend the resolution by adding the following proviso, to wit: "Provided that said president and directors shall not run any canal through lands of individuals which extend more than one half mile in length, without first contracting with such individuals for the purchase thereof;" which amendment was agreed to. The question then recurring on the passage of the resolution the second time, it was decided in the negative—ayes 27, noes 33. The ayes and noes being demanded by Mr. Clayton, are as follows, to wit:

Those who voted in the negative, are Messrs. Arrington, Britain of Burke, Britain of Macon, Clayton, Cooper, Edwards, Flowers, Gavin, Harrison, Hoke, Howell, Kendall, Kerr, Martin of Richmond, Martin of Rockingham, Matthews, Melvin, Montgomery, Morris, Morrison, Moye of Greene, Moye of Pitt, Murchison, Norman, Sherard, Shuford, Simmons, Sitton, Stedman, Stone, Vanhook, Vann, Wilder.

On motion of Mr. Faison, the Senate proceeded to take up and consider the bill concerning the Board of Internal Improvement; and the bill being read the second time, Mr. Mebane moved that the further consideration thereof be postponed indefinitely. Mr. Martin, of Rockingham, moved that it lie on the table; which motion having precedence, the question thereon was first taken and decided in the negative—ayes 20, noes 42. The ayes and noes being demanded by Mr. Hogan, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Beard, Britain of Macon, Burns, Caldwell, Collins, Cooper, Dobson; Edwards, Elliott, Faison, Hall, Hinton, Hogan, Hussey, Jones, Klutts, Lindsey, M'Cormick, Mann, Matthews, Meares, Mebane, Melvin, Mendenhall, Montgomery, Moore, Morris, Morrison, Murchison, Pugh, Shuford, Simmons, Skinner of Chowan, Skinner of Pasquotank, Smaw, Spaight, Stedman, Stone, Vann, Walton, Wilder.

The question then recurring on the indefinite postponement of the bill, it was decided in the affirmative—ayes 36, noes 27. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Britain of Burke, Britain of Macon, Burns, Caldwell, Dobson, Elliott, Foy, Gavin, Hall, Harrison, Hinton, Hogan, Hussey, Jones, Kendall, Klutts, M'Cormick, Martin of Richmond, Meares, Mendenhall, Moore, Morris, Morrison, Murchison, Skinner of Chowan, Stedman.

On motion of Mr. Hall, the Senate proceeded to take up and consider the bill to regulate the inspection of staves and heading in the port of Wilmington, and prevent shipping the refuse. Whereupon the said bill was read the third time, amended on motion of Mr. Hall, and passed, and ordered to be engrossed.

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

Thursday, January 2, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to regulate the inspection of staves and heading in the port of Wilmington, and prevent shipping the refuse; and a bill to alter the name of Pricilla Williams, wife of Egbert H. Williams, of Edgecomb county; in which they ask the concurrence of that House.

A motion was made by Mr. Clayton to reconsider the vote, taken on yesterday, on the indefinite postponement of the bill concerning the Board of Internal Improvement; and the question being put, will the Senate reconsider the said vote? It was decided in the negative—ayes
25, noes 27. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Britain of Burke, Britain of Macon, Caldwell, Clayton, Dobson, Gavin, Harrison, Hinton, Hogan, Howell, Jones, Kendall, Klutts, M'Cormick, Martin of Richmond, Meares, Mendenhall, Moore, Morris, Moye of Greene, Moye of Pitt, Marchison, Skinner of Chowan, Steedman.


Mr. Montgomery, from the select committee to which was referred the resolution instructing them to examine into and report the aggregate amount of dividends and bonus divided upon the capital stock of the State Bank, the Bank of Newbern, and the Bank of Cape Fear, since their organization, made a detailed report thereon; which was read, and, on motion of Mr. Montgomery, ordered to lie on the table and be printed.

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

Whereas it is believed that the severity of punishment in many instances prescribed by the criminal law now in force in North Carolina is too frequently the cause of offenders eluding justice altogether from the lenity of juries; and that a change in the criminal code of laws in this State would be of public benefit. And whereas it is further believed that the building of a Penitentiary in this State, and changing many of the punishments now attached to the commission of crimes and offences to a term of service therein, would ensure the more certain execution of the criminal law; and that this method of punishing offenders would not only be oftentimes suited more to our feelings of humanity, but cheaper to the public, and less burdensome to the citizens at large: Therefore

Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law for the amount of costs and charges annually expended throughout the State in criminal or State prosecutions, to be ascertained and reported to the Legislature, and for such further information in regard to a Penitentiary as said Judiciary committee may deem advisable; and that they have leave to report by bill or otherwise.

Which was read, and the question on the adoption thereof decided in the negative—ayes 20, noes 34. The ayes and noes being demanded by Mr. Mendenhall, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Britain of Burke, Britain of Macon, Caldwell, Clayton, Dobson, Elliott, Harrison, Hogan, Howell, Hussey, Jones, Klutts, M'Cormick, Martin of Richmond, Mendenhall, Montgomery, Marchison, Morris, Phillips.


Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bill to incorporate the Greensville and Roanoke Rail Road Company. Whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons a message, proposing to ballot immediately for a major of cavalry attached to the 10th brigade, and stating that Thomas N. Herndon is in nomination for the appointment; which proposition was agreed to. Messrs. M'Cormick and Arrington were appointed to conduct the balloting on the part of the Senate. Whereupon a message was received from that House, stating that Messrs. Moore and Roberts are appointed 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 regulating lay days on Frying Pan, in Tyrrell county; a bill to amend an act, passed in the year 1824, chapter 43d, entitled an act to amend an act, passed in the year 1819, entitled an act to annex Smith's Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle's Island to the county of New Hanover; a bill for the relief of Sarah Ann Keith, wife of William Keith; a bill to prevent the hauling of seines or of obstructing the passage of fish on certain days in Upper Broad creek, in Craven county; a bill to incorporate the trustees of the Episcopal School of North Carolina; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

The engrossed bill for the better administration of justice in Carteret county; and the engrossed bill for the relief of Chaney Moreman, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate Hookerton Library, in the county of Greene, was read the second and third times, amended and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to prevent the falling of timber in, or obstructing the run of Ellis' creek, in Bladen county, was read the second and third times, amended on motion of Mr. Melvin, and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating that John R. J. Daniel is added to the nomination for trustees of the University.

The following bills, to wit: The bill to incorporate the Trustees of New Garden Boarding School, in the county of Guilford; the bill to incorporate the Madison Toll Bridge Company, in the county of Rockingham; the bill to authorize the clerks of the courts of record of this State, and those holding the office of clerk and master in equity, to act as notaries public; and the bill to repeal, in part, an act laying duties on sales at auction of merchandise, passed in the year 1818, were severally read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, entitled an act for the division of Rowan county, was read the second time, and resolved that the same shall not pass.

Mr. M'Cormick, from the committee appointed to conduct the balloting for major of cavalry attached to the 10th brigade, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Mann, the Senate proceeded to take up and consider the resolution relative to fixing on a day of adjournment; and the resolution having been read, on motion of Mr. Meares, ordered that it lie on the table—ayes 37, noes 20. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit: Those who voted in the affirmative, are Messrs. Brittain of Burke, Brittain of Macon, Burns, Caldwell, Collins, Dobson, Elliott, Flowers, Foy, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Hussey, Jones, Kendall, Kerr, Klutts, M'Cormick, Martin of Richmond, Martin of
Rockingham, Matthews, Meares, Mebane, Mendenhall, Moore, Morris, Murchison, Phillips, Pugh, Sherard, Spaight, Stedman, Stone, Wilder.

Those who voted in the negative, are Messrs. Arrington, Clayton, Cooper, Edwards, Faison, Howell, Lindsey, Mann, Melvin, Moyle of Greene, Moyle of Pitt, Simmons, Sitton, Skinner of Perquimons, Skinner of Chowan, Skinner of Pasquotank, Smaw, Vanhook, Vann, Walton.

A motion was made by Mr. Stedman to reconsider the vote, taken on yesterday, on the second reading of the resolution authorising the president and directors of the Literary Fund to drain the swamp lands; and the question being put, will the Senate reconsider the vote? it was decided in the negative.

The engrossed bill to repeal an act, passed in the year 1818, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, was read the second time. Mr. Mann moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to—ayes 28, noes 31. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Brittain of Burke, Brittain of Macon, Burns, Clayton, Collins, Dobson, Elliott, Flowers, Foy, Hall, Hogan, Hoke, Jones, Kendall, Klutts, M'Cornick, Martin of Richmond, Melvin, Mendenhall, Montgomery, Moore, Morris, Morrison, Murchison, Phillips, Pugh, Simmons, Sitton, Smaw, Stedman.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Whereupon the bill was read the third time and passed, and ordered to be enrolled.

The engrossed bill to recharter the Bank of Cape Fear, was read the third time. Mr. Martin, of Rockingham, moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, That it shall not be lawful for the president and directors to discount any bond or promissory notes, unless the same be made payable on its face to the president and directors of said bank." Mr. Skinner, of Chowan, moved to amend the amendment by inserting after the word "payable" the words "and negotiable," and to add at the end thereof the words "or some of its branches;" which amendment was agreed to. The question then recurring on agreeing to the amendment, as amended, it was decided in the affirmative. Mr. Meares moved further to amend the bill by striking out the whole of the seventeenth section; which was agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative—ayes 41, noes 16. The ayes and noes being demanded by Mr. Sitton, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Cooper, Harrison, Martin of Rockingham, Matthews, Melvin, Mendenhall, Moyle of

Whereupon a message was sent to the House of Commons, asking their concurrence in the amendments.

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

FRIDAY, JANUARY 3, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the clerks of courts of record of this State, and those holding the office of clerk and master in equity, to act as notaries public; a bill to repeal, in part, an act laying duties on sales at auction of merchandise, passed in the year 1818; a bill to incorporate the Trustees of New Garden Boarding School, in the county of Guilford; and a bill to incorporate the Madison Toll Bridge Company, in the county of Rockingham; in which they ask the concurrence of that House.

Mr. Hussey presented the memorial of sundry citizens of the county of Duplin, praying an alteration in the times of holding the Courts of Pleas and Quarter Sessions of said county. Ordered that the said memorial be referred to the committee on Propositions and Grievances.

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

Whereas it is desirable by the free white citizens of North Carolina, that public schools should be established throughout the State; therefore

Resolved, For the purpose of carrying this grand object into effect, on the best and safest principles, a joint select committee, consisting of ten members from each house, be raised, for the purpose of inquiring into the expediency of limiting the sessions of the General Assembly to forty days; and that they have leave to report by bill or otherwise.

Which was read, and, on motion of Mr. Brittain, of Burke, ordered to lie on the table.

On motion of Mr. Brittain, of Macon,

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee to inquire what arrangements may be necessary to provide for the accommodation of the Governor during the present year.

Received from the House of Commons a message, stating that Messrs. Allen and Hardee attend the Senate to conduct the balloting for three Trustees of the University, heretofore agreed on to take place this day. Whereupon Messrs. Mendenhall and Mebane were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Mendenhall presented a bill, entitled a bill to incorporate the North Carolina Centre and Seaport Rail Road Company; which was read the first time and passed, and, on motion of Mr. Collins, ordered to be printed.

Mr. Stedman presented a bill, entitled a bill to alter the name of Tick Creek Academy, in the county of Chatham; 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 appoint commissioners for the town of Kenansville, in the county of Duplin; which was read the first, second and third times and passed, and ordered to be engrossed.
On motion of Mr. Brittain, of Macon, ordered that a message be sent to the House of Commons, proposing to ballot immediately for lieutenant colonel of cavalry attached to the 19th brigade, and stating that James W. Guinn is in nomination for the appointment.

The Senate then entered on the orders of the day, and proceeded to take up and consider the engrossed bill to establish the Merchants' Bank in the town of Newbern, and the Albemarle Bank in the town of Edenton. Whereupon the said bill was read the second time, amended, and passed—ayes 39, noes 23. The ayes and noes being demanded by Mr. Arrington, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Cooper, Dobson, Flowers, Gavin, Kendall, Martin of Richmond, Martin of Rockingham, Matthews, Melvin, Mendenhall, Montgomery, Moye of Greene, Moye of Pitt, Norman, Sherard, Sitton, Skinner of Perquimons, Stone, Vanhook, Vann, Walton, Wilder.

The bill was thereupon read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Mendenhall, from the committee appointed to conduct the balloting for three Trustees of the University, reported that Hugh M'Queen, John R. J. Daniel and William H. Battle, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that John Carson is withdrawn from the nomination for councillors of State.

Received also from the House of Commons the resignation of John Graham, a justice of the peace for the county of Richmond, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

Received also from the House of Commons a message, stating that the resignation of Eli Stuart, a justice of the peace for the county of Mecklenburg, which had been transmitted to the Senate on the first instant, and which on that day had been read and accepted, was presented to the House of Commons thro' mistake; and requesting that the vote of the Senate on the acceptance of the said resignation be reconsidered, and that the resignation be returned to the House of Commons. Whereupon, Mr. Spaight moved that the fourteenth rule of the Senate, which requires questions to be reconsidered on the same or succeeding day, be suspended; which motion was agreed to. The vote on the acceptance of the resignation above mentioned was then reconsidered, and the resignation returned to the House of Commons, in compliance with the request of that House.

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

Saturday, January 4, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to ap-
point commissioners for the town of Kenansville, in the county of Duplin; and a bill to alter the name of Tick Creek Academy, in the county of Chatham; in which they ask the concurrence of that House.

Mr. Hinton presented the memorial of Thomas Cobb's, proposing to purchase a tract of land belonging to the State near the city of Raleigh, Ordered that the said memorial be referred to a select committee. Messrs. Hinton, Wilder, Stedman, Montgomery and Murchison were appointed to form said committee.

Mr. M'Cormick presented the resignation of Alexander M'Neill, major of the 33d regiment of North Carolina militia; which was read and accepted, and sent to the House of Commons.

Mr. Skinner, of Chowan, from the joint select committee on the Library, made a detailed report thereon, accompanied by the following resolutions, to wit:

Resolved, That the president and directors of the Literary Fund be authorised to draw upon the Public Treasurer for the several annual appropriations, which have not been expended, of the Literary Fund, to be laid out by them in the purchase of a Library for the State; and that the Library, when procured, shall be committed to their direction.

Resolved further, That the Arsenal shall be prepared, under the direction of the president and directors of the Literary Fund, for the reception of the State Library, and shall be appropriated to this object until otherwise directed by this General Assembly.

Which were read the first and second times and passed, and, on motion of Mr. Hoke, ordered to lie on the table.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the resolution in favor of John Johnson, reported the same without amendment. Whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses ballot immediately for major of cavalry attached to the 10th brigade; which proposition was agreed to. Messrs. Harrison and Simmons 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. Latham and Ennett are appointed to conduct the balloting on their part:

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

Whereas Nathan Horton, of Ashe county, has paid into the Treasury of this State, on the 29th day of November, 1815, the purchase money for twenty five acres of land lying in said county, upon an entry No. 2767, but failed to return the survey as by law required; and whereas Nathan Horton has departed this life, leaving William Horton, James Horton, David Horton, Phineas Horton, Elizabeth Horton and Jonathan Horton, his only children and heirs at law; be it therefore

Resolved, That the Secretary of State issue to the said William Horton, James Horton, David Horton, Phineas Horton, Elizabeth Horton and Jonathan Horton, a grant for the said twenty five acres of land.

Which was read the first time and passed.

Mr. Smaw presented a bill, entitled a bill to establish the Merchants' and Farmers' Bank in the town of Washington; which was read the first time and passed.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot for lieutenant colonel of cavalry attached to the 19th brigade, and informing that Messrs.
Weaver and Cotten attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Brittain, of Macon, and Sitton 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 to incorporate the Roanoke and Yadkin Rail Road Company, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon, on motion of Mr. Mendenhall, ordered that the bill, together with the amendments, lie on 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 prevent the felling of timber in the run of Hogan's creek, in Caswell county; and a bill concerning the western regiment of the militia of Chatham county; in which they ask the concurrence of the Senate.—Whereupon the said bills were read the first and second times and passed, and the first mentioned bill was subsequently read the third time and passed, and ordered to be enrolled.

Mr. Hall moved that the Senate do now resolve itself into a committee of the Whole House, to take into consideration the bill to provide for ascertaining the sense of the people of North Carolina, relative to amending the Constitution of the State. Mr. Edwards moved that the committee of the Whole House be discharged from the further consideration of the said bill; which motion having precedence, the question thereon was first taken and decided in the affirmative—ayes 31, noes 30. The ayes and noes being demanded by Mr. Cooper, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Brittain of Burke, Brittain of Macon, Burns, Caldwell, Clayton, Dobson, Elliott, Gavin, Hinton, Hogan, Hoke, Jones, Kendall, Kerr, Klutts, M'Cormick, Martin of Rockingham, Martin of Richmond, Meares, Mendenhall, Montgomery, Moore, Morris, Morrison, Murchison, Phillips, Shuford, Sitton, Stedman.

Whereupon, on motion of Mr. Meares, ordered that the said bill lie on the table—ayes 32, noes 29. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:

Those who voted in the negative, are Messrs. Arrington, Cooper, Edwards, Faison, Flowers, Foy, Hall, Harrison, Howell, Lindsey, Mann, Matthews, Melbane, Melvin, Moye of Greene, Moye of Pitt, Nash, Norman, Pugh, Simmons, Skinner of Perquimons, Skinner of Chowan, Skinner of Pasquotank, Smaw, Stone, Vanhook, Vann, Walton, Wilder.

Mr. Simmons, from the committee appointed to conduct the ballot for major of cavalry of the 10th brigade, reported that Thomas N. Herndon, 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 a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company; a bill regulating the extra allowances of the County Court officers for the county of Orange; a bill to incorporate the Roanoke and Raleigh Rail Road Company; and a resolution in favor of Kenneth Ray; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first time and passed.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to prevent shooting wild fowls in the night time in Currituck county, with an amendment; in which they ask the concurrence of the Senate. Whereupon the said amendment was read and agreed to, and the House of Commons was informed thereof by message.

The engrossed resolution in favor of Kenneth Ray was read the second time, and resolved that the same shall not pass.

The bill to prevent the conveying of slaves out of this State, and to prevent injuries being done to live stock upon Rail Roads, was read the third time, amended on motion of Mr. Faison, and passed, and ordered to be engrossed.

The engrossed bill supplemental to an act, directing how persons injured by erection of public mills, shall proceed to recover damages, passed in the year 1809, was read the third time and passed, and ordered to be enrolled.

A motion was made by Mr. Beard to reconsider the vote, taken on this day, on the second reading of the engrossed resolution in favor of Kenneth Ray; and the question being put, will the Senate reconsider the said vote? it was decided in the affirmative. Whereupon the said resolution was read the second time, amended on motion of Mr. Beard, and passed, and subsequently read the third time as amended 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, chapter 43, entitled an act to amend an act, passed in the year 1819, entitled an act to annex Smith's Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle's Island to the county of New Hanover, was read the second time, amended on mo-
tion of Mr. Hall, and passed, and, on motion of Mr. Mears, ordered to lie on the table.

The engrossed bill regulating lay days on Frying Pan, in Tyrell county, was read the second time. Mr. Mebane moved that the further consideration of the bill be postponed indefinitely; which was not agreed to. Mr. Mann moved to amend the bill by striking out of the first section the words "or from the setting of the sun on Wednesday," and inserting in lieu thereof the words "from the rising of the sun on Thursday"; also to strike out the words "after the setting of the sun on Saturday," and insert the words "the rising of the sun on Sunday;" which amendments were agreed to, and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed—ayes 35, noes 17. The ayes and noes being demanded by Mr. Vann, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Britain of Macon, Clayton, Collins, Cooper, Elliott, Flowers, Poy, Hall, Harrison, Hogan, Jones, Kendall, Klutts, Lindsey, M'Cormick, Mann, Matthews, Mears, Melvin, Mendenhall, Montgomery, Moore, Morrison, Murchison, Norman, Phillips, Pugh, Simmons, Sifton, Skinner of Perquimons, Skinner of Chowan, Snav, Stedman, Vanhook.


Ordered that a message be sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons the resignation of Hardy Morgan, col. commandant of the 60th regiment of militia; also the resignation of Hugh Stuart, of the county of Mecklenburg, and the resignation of P. M. Mask, of the county of Montgomery, justices of the peace for their respective counties, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

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

MONDAY, JANUARY 6, 1834.

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 prevent the carrying of slaves out of this State, and to prevent injuries being done to live stock upon Rail Roads; and a resolution in favor of John Johnston; in which they ask the concurrence of that House.

Mr. Mendenhall, from the committee on Education and the Literary Fund, to which was referred the resolution instructing them to inquire into the expediency of reducing the price of vacant or unappropriated land, or of so amending the law as to require the purchase money to be paid in proportion to the value, made a report thereon, stating that the object of the resolution has been answered by a bill which has passed the Legislature at the present session, and therefore ask to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

Mr. Hinton, from the committee on Internal Improvement, to which
was referred the resolution instructing them to inquire into the expediency of loaning out, of the funds for internal improvement, or some other fund, on good personal security, the sum of three thousand dollars, to the Waynesville Turnpike Company, in Haywood county, made an unfavorably report thereon, recommending the rejection of the said resolution. Whereupon the said resolution was read the second time, and resolved that the same shall not pass.

Mr. Brittain, of Macon, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry attached to the 19th brigade, reported that James W. Guinn, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Harrison presented the resignation of Isaac Brown, a justice of the peace for the county of Jones; which was read and accepted, and sent to the House of Commons.

Mr. Montgomery, from the committee on Propositions and Gravances, to which was referred the petition of sundry citizens of the county of Duplin, praying an alteration in the time of holding the County Courts of said county, made a favorable report thereon, accompanied by a bill, entitled a bill to alter the times of holding the Courts of Pleas and Quarter Sessions in Duplin county; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Morrison presented a bill, entitled a bill to incorporate the Franklin Gold Mining Company, in the county of Mecklenburg; which was read the first time and passed.

Mr. Martin, of Rockingham, presented a bill, entitled a bill to establish the Bank of Roanoke in the town of Leaksville; which was read the first time and passed.

Mr. Hinton presented a bill, entitled a bill to authorise the Public Treasurer to sell certain lands belonging to the State in the vicinity of Raleigh; which was read the first time and passed.

Mr. Moore presented a bill, entitled a bill amendatory of the several acts of the General Assembly of the State, to prevent excessive gaming; which was read the first time, and resolved that the same shall not pass.

Mr. Hogan presented a bill, entitled a bill to establish Clemonsville Academy, in the county of Davidson, and appoint the trustees thereof; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were severally read and agreed to by the Senate, except the following, to wit: on the fourth page, strike out the word "three," and insert "one;" which was not agreed to—ayes 30, noes 32. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Britain of Burke, Caldwell, Collins, Cooper, Edwards, Esplon, Flowers, Hall, Hogan, Hoke, Kerr, Lindsey, Maan, Martin of Richmond, Matthews, Mebane, Mendenhall, Montgomery, Nash, Norman, Shuford, Simmons, Sitton, Skinner of Perquimons, Spaight, Stone, Vanhock, Vann, Walton.

Also the following amendments, to wit: on the same page strike out the same words wherever they occur and insert the same, so as to make the subsequent amendments correspond with the first; which amendments were also disagreed to. Mr. Meares moved to amend an amendment proposed by the House of Commons, marked T. in the following words, to wit: "Strike out the words "as the Legislature may from time to time prescribe," and insert "on the produce, passengers or commodities so brought in, as may be paid on other produce, passengers or commodities, transported equal distances on said Rail Road;" by adding thereto the following, to wit: "and it shall be competent at any time after forty years from this time for the Legislature of this State to purchase, and it shall be incumbent on the stockholders to sell to the State, the shares by them holden in this company upon the State's paying therefor the sum actually expended by them, and fifteen per cent. per annum interest thereon, deducting from the interest whatever nett profits may have been received by the stockholders;" which amendment was not agreed to—ayes 21, noes 39. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Beard, Caldwell, Collins, Cooper, Dobson, Edwards, Elliott, Fairson, Flowers, Hogan, Hoke, Jones, Kenchall, Kerr, Lindsey, Mann, Martin of Richmond, Martin of Rockingham, Mebane, Mendenhall, Montgomery, Morrison, Nash, Norman, Pullips, Pugh, Shuford, Simmons, Sitton, Skinner of Perquimons, Skinner of Chowan, Skinner of Pasquotank, Smaw, Spaight, Stone, Vanhook, Vann, Walton.

Mr. Mendenhall moved to amend a further amendment proposed by the House of Commons in the third page, to wit: "Strike out the words "above said towns," by striking out of the said proposed amendment the word "above," and inserting in lieu thereof the words "within ten miles of," which amendment was agreed to, and the amendment of the House of Commons, as amended, was concurred in. Ordered that a message be sent to the House of Commons, stating the concurrence of the Senate in the said amendment, with an amendment; and also informing that House of the agreement of the Senate to certain of the amendments proposed by them, and of the disagreement of the Senate to others.

On motion of Mr. Hall, the Senate proceeded to take up and consider the bill to provide for ascertaining the sense of the people of North Carolina relative to amending the Constitution of the State; and the bill being read the second time, Mr. Mann moved that the further consideration thereof be indefinitely postponed. A discussion arising thereon, Mr. Beard moved that the Senate adjourn until to-morrow morning, 10 o'clock; which was agreed to—ayes 33, noes 30. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Brittain of Burke, Brittain of Macon, Burns, Caldwell, Clayton, Collins, Dobson, Elliott, Gavin, Hinton, Hogan, Hoke, Hussey,
Jones, Kendall, Kerr, Klutts, M'Cormick, Martin of Richmond, Martin of Rockingham, Meares, Mendenhall, Montgomery, Moore, Morris, Morrison, Murchison, Phillips, Shuford, Sitton, Spaight, Stedman.


The Senate then adjourned.

TUESDAY, JANUARY 7, 1834.

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

Mr. Murchison presented the following resolution, to wit:

Resolved, That the Secretary of State be authorised and directed to issue to John Cameron Taylor, of the county of Moore, a grant for seventy acres of land in said county, lying on the east side of Cranes creek, agreeably to the entry taker's certificate No. 613.

Which, on motion of Mr. Murchison, was ordered to be referred to the committee on Claims.

Received from the House of Commons a message, communicating a message from his Excellency the Governor, transmitting such resignations as have been received at the Executive Office during the present session; also a letter from Charles Spiers, colonel of the 10th regiment of North Carolina militia; which was read, and, on motion of Mr. Vann, ordered to be referred, together with a document presented by him, to the committee on Military Affairs.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the following engrossed bills, to wit: A bill to incorporate Hookerton Library, in the county of Greene; the bill to prevent the felling of timber in, or otherwise obstructing the run of Ellis' creek, in Bladen county; the bill to establish the Merchants' Bank in the town of Newbern, and the Albemarle Bank in the town of Edenton; and the bill to recharter the Bank of Cape Fear. Whereupon the said bills were ordered to be enrolled.

Received also from the House of Commons a message, stating their agreement to the proposition of the Senate, that a joint select committee be raised, to inquire what arrangements may be necessary to provide for the accommodation of the Governor during the present year, and stating that Messrs. Rand, Daniel, Carter, Boddie and Wm. M'Lean form the committee on the part of that House. Whereupon Messrs. Brittain of Macon, Dobson, Meares, Morrison and Pugh 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 engrossed 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 it respects turpentine in the town of Wilmington, with an amendment; in which they ask the concurrence of the Senate.
Whereupon the said amendment was read and 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 rejected the engrossed bill to amend the pilot laws.

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 Merchants' and Miners' Bank, in the town of Lincoln- ton, North Carolina; and a bill to prevent the throwing of ballast or otherwise obstructing the channel between Bogue Inlet and the town of Swansborough, in Onslow county; 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 that they have passed the following engrossed bills, to wit: A bill to appoint commissioners for the town of Bath; a bill authorising the County Court of Washington to appoint a patrol for the town of Plymouth; a bill to incorporate Pine Grove Academy, in the upper part of Robeson county; a bill regulating the times of holding one of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon; a bill for the better regulation of the town of Pittsborough; a bill to extend the powers of the commissioners for the town of Washington; and a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Davidson 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, except the bill to extend the powers of the commissioners for the town of Washington, which was read the second time and rejected; and the bill to amend an act, passed at the last session of the General Assembly, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Davidson county," which was read the first time, and, on motion of Mr. Hogan, ordered to lie on the table.

The engrossed bill to amend an act, passed in the year 1824, chapter 23d, entitled an act to amend an act, passed in the year 1819, entitled an act to annex Smith's Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle's Island to the county of New Hanover, was read the third time, amended on motion of Mr. Meares, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill for the relief of Sarah Ann Keith, wife of William Keith, was read the second time and passed, and, on motion of Mr. Collins, ordered to be referred to the committee on the Judiciary.

The engrossed bill to prevent the hauling of seines, or obstructing the passage of fish on certain days in Upper Broad creek, in Craven county, was read the second time and passed.

The resolution in favor of Frederick Hinson, was taken up on motion of Mr. Kendall, read the second time, and resolved that the same shall not pass.
The resolutions concerning the Public Library, were read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that a joint select committee be appointed, consisting of three members on the part of each House, to inquire into the present mode of contracting for fuel and stationary for the use of the two Houses, and whether the same cannot be changed for the better, and that they have leave to report by resolution or otherwise; which proposition was agreed to. Messrs. Walton, Cooper and Simmons were appointed to form 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 that they have passed the following engrossed bills, to wit: A bill to repeal a part of the act of incorporation of the town of Washington; a bill to prevent the felling of timber in, or otherwise obstructing the run of Moore's creek and White Oak creek, in the county of New Hanover; a bill to incorporate the Wilmington Volunteers; and a bill to regulate the proceedings in the Court of Pleas and Quarter Sessions of Craven 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, except the last mentioned bill, which was read the first and second times and passed.

The bill to establish the Bank of Roanoke, in the town of Leakesville, was read the second time, amended on motion of Mr. Martin, of Rockingham, and resolved that the same shall not pass—ayes 21, noes 33. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Brittain of Macon, Caldwell, Collins, Elliott, Hoke, Hussey, Kerr, Mann, Martin of Rockingham, Martin of Richmond, Mebane, Montgomery, Moore, Morrison, Murchison, Shuford, Sitton, Spaight, Stedman, Vanhook.


Received from the House of Commons a message, proposing that the joint committee on Finance be discharged, for the remainder of the session, from the further consideration of any subject; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof.

On motion of Mr. Cooper, the Senate proceeded to take up and consider the bill to provide for ascertaining the sense of the people of North Carolina relative to amending the Constitution of the State; the question pending being on the indefinite postponement of the bill, and the question being put, shall the bill be postponed indefinitely? it was decided in the negative—ayes 30, noes 32. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Brittain of Burke, Brittain of Macon,
Mr. Meares moved to amend the bill by striking out all that part of it embracing the proposed amendments to the Constitution of the State, and to insert in lieu thereof a substitute; and, on motion of Mr. Meares, ordered that the bill lie on the table, and that the substitute be printed, one copy for each member of the Legislature.

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

**WEDNESDAY, JANUARY 8, 1834.**

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution for the president and directors of the Literary Fund; in which they ask the concurrence of that House.

On motion of Mr. Martin, of Rockingham, ordered that the committee of Claims be discharged from the further consideration of any further business during the present session.

Mr. Dobson presented a bill, entitled a bill concerning the entry of vacant land in this State; which was read the first time and passed.

Mr. Phillips presented a bill, entitled a bill to restore Joel Lawrence, of the county of Ashe, to credit; which was read the first time, and resolved that the same shall not pass.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill concerning the public read from the Old Fort, in Burke county, to Asheville, in Buncombe county; a bill to authorise Silas Cox, of Wayne county, to erect a bridge across Neuse river; a bill to empower the commissioners of the town of Hillsborough to appoint a town constable; a bill to attach the company of Cavalry, in the county of Rowan, called the Rowan Troopers, to the Mecklenburg and Cabarrus regiment of cavalry; and a resolution in favor of the administratrix of Jesse Clark; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first, second and third times and passed, and ordered to be enrolled; except the first mentioned bill, which was read the first time and passed.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Haywood Troopers, in the county of Chatham; 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. M'Cormick moved to amend the bill by striking out the second section; 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, stating that they have passed the following engrossed bills and resolution,
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wit: A bill to incorporate the Washington Gold Mining Company, in the county of Mecklenburg; a bill to incorporate the Halifax Rail Road Bridge Company; and a resolution in favor of the representatives of David Latham; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first time and passed, and the resolution, on motion of Mr. Cooper, was ordered to lie on the table.

Received from the House of Commons a message, stating their adherence to the amendments proposed by the House of Commons, marked C, D and E, to the engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company; but recede from their amendment, marked P; and stating further, that they agree to the amendment proposed by the Senate to the amendment of the House of Commons, marked Q; but do not agree to the amendment proposed by the Senate to their amendment marked A, A. Whereupon Mr. Edwards moved that the Senate recede from their disagreement to the amendment proposed by the House of Commons; which amendment is as follows, to wit: on the fourth page of the bill, strike out the word "three" wherever it occurs, and insert the word "one;" which motion was agreed to—ayes 45, noes 17. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:


Those who voted in the negative, are Messrs. Brittain of Burke, Burns, Caldwell, Foy, Gavin, Hall, Harrison, Howell, Klutts, M'Cormick, Meares, Melvin, Morris, Moye of Greene, Moye of Pitt, Stedman, Wilder.

Mr. Collins moved that the Senate insist upon their amendment proposed to the amendment of the House of Commons, marked A, A; which is, that instead of striking out in the third page the words "above said towns," to strike out the word "above" only, and insert in lieu thereof the words "within ten miles of;" which motion was agreed to. On motion of Mr. Martin, of Rockingham, ordered that a message be sent to the House of Commons, proposing that a committee of conference be raised on the foregoing disagreeing vote of the two Houses. Messrs. Collins, Mendenhall and Martin of Rockingham were appointed to form the said committee on the part of the Senate.

The engrossed bill to prevent the hauling of seines, or obstructing the passage of fish on certain days in Upper Broad creek, in Craven county, was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Mebane, the Senate proceeded to take up and consider the bill to provide for ascertaining the sense of the people of North Carolina relative to amending the Constitution of the State. The question pending being on the adoption of the substitute offered on yesterday by Mr. Meares; and the substitute having been read, Mr. Collins moved to amend the forty first article of the substitute by inserting after the word "Newbern" the words "and Edenton;" which

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amendment was agreed to. Mr. Morris moved further to amend the substitute by inserting the following article after the twenty seventh article, to wit: "That no person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority either of the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State." Which amendment was not agreed to—ayes 23, noes 38. The ayes and noes being demanded by Mr. Morris, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Beard, Britain of Burke, Britain of Macon, Burns, Caldwell, Collins, Cooper, Dobson, Elliott, Faison, Flowers, Foy, Hall, Harrison, Hinton, Hogan, Howell, Hussey, Jones, Kerr, Klutts, Lindsey, Martin of Rockingham, Matthews, Meares, Melbane, Mendenhall, Moyle of Greene, Moyle of Pitt, Norman, Shuford, Skinner of Chowan, Skinner of Pasquotank, Smaw, Spaight, Stedman, Vann.

Mr. Meares moved to amend the substitute by inserting the following at the end of the twenty seventh article, to wit: "That no person who shall deny the being of God, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State." Which amendment was agreed to—ayes 50, noes 9. The ayes and noes being demanded by Mr. Beard, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Britain of Burke, Britain of Macon, Burns, Caldwell, Clayton, Collins, Cooper, Dobson, Elliott, Faison, Flowers, Foy, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Howell, Hussey, Jones, Kendall, Kerr, Klutts, Lindsey, M'Corinick, Mann, Martin of Rockingham, Matthews, Meares, Mendenhall, Montgomery, Moore, Morris, Morrison, Moyle of Greene, Moyle of Pitt, Murchison, Norman, Phillips, Shuford, Simmons, Sitton, Spaight, Stedman, Vanhoek, Vann, Walton, Wilder.

Those who voted in the negative, are Messrs. Arrington, Edwards, Martin of Richmond, Melbane, Melvin, Sherard, Skinner of Chowan, Smaw, Stone.

Mr. Mann moved further to amend the substitute by striking out the fortieth article, and to insert in lieu thereof the following, to wit: "That the Senate shall be composed of representatives biennially chosen by ballot, one from each county in this State." Mr. Skinner of Chowan, demanded a division of the question. It was therefore first taken on striking out the fortieth article, as proposed, and decided in the affirmative—ayes 33, noes 80. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Britain of Burke, Britain of Macon, Caldwell, Clayton, Dobson, Elliott, Gavin, Hinton, Hogan, Hoke, Jones, Kendall, Kerr, Klutts, M'Corinick, Martin of Richmond, Martin of Rockingham, Meares, Mendenhall, Montgomery, Moore, Morris, Morrison, Murchison, Phillips, Shuford, Sitton, Spaight, Stedman.

Mr. Meares then moved that the bill, together with the amendments, die on the table; which was not agreed to—ayes 31, noes 32. The ayes and noes being demanded by Mr. Moore, of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Britain of Burke, Britain of Macon, Caldwell, Clayton, Dobson, Elliott, Gavin, Hinton, Hogan, Hoke, Jones, Kendall, Kerr, Klutts,
McCormick, Martin of Richmond, Martin of Rockingham, Meares, Mendenhall, Montgomery, Moore, Morris, Morrisan, Murchison, Phillips, Shuford, Sitton, Spaight, Steedman, Vanhook.


Mr. Edwards then moved that the bill, together with the amendments, be postponed until the first day of November next; which motion was agreed to—ayes 36, noes 26. The ayes and noes being demanded by Mr. Edwards, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Brittain of Burke, Brittain of Macon, Burns, Caldwell, Clayton, Dobson, Elliott, Hogan, Hoke, Jones, Kendall, Kerr, Klutts, McCormick, Martin of Richmond, Martin of Rockingham, Mendenhall, Montgomery, Moore, Morris, Morrisan, Murchison, Shuford, Sitton, Stedman.

The following bills, to wit: The bill to incorporate the Franklin-Gold Mining Company, in the county of Mecklenburg; the bill to establish Clemsonville Academy, in the county of Davidson, and to appoint the trustees thereof; the bill concerning the new road from Lincoln to Rutherfordton; and the bill to authorize the Public Treasurer to sell certain lands in the vicinity of Raleigh; were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill regulating extra allowances of the County Court officers for the county of Orange, was read the second time, and, on motion of Mr. Skinner, of Chowan, ordered to be postponed indefinitely.

The engrossed bill to regulate the proceedings of the Court of Pleas and Quarter Sessions of Craven county, was read the third time and passed, and ordered to be enrolled; and the engrossed bill to prevent the throwing of ballast or otherwise obstructing the channel between Bogue inlet and the town of Swansborough, in Onslow county, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill concerning the western regiment of the militia of Chatham county, was read the third time, amended on motion of Mr. Dobson, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The resolution in favor of William Horton and others, was read the second and third times and passed, and ordered to be engrossed.

Mr. Hinton moved that the further orders of the day be suspended; which motion was agreed to. Whereupon Mr. Hinton presented a bill, entitled a bill supplemental to the act to establish a Bank in the State of North Carolina; which was read the first time and passed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the engrossed bill for the relief of Sarah Ann Keith, reported the same without amendment. 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.
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 concerning the new road from Lincolnton to Rutherfordton; a bill to incorporate the Franklin Gold Mining Company; a bill to authorise the Public Treasurer to sell certain lands in the vicinity of Raleigh; a bill to establish Clemonssville Academy, in the county of Davidson, and appoint the trustees thereof; and a resolution in favor of William Horton and others; in which they ask the concurrence of that House.

On motion of Mr. Clayton, and in pursuance of notice given on yesterday, ordered that the twelfth rule of order for the government of the Senate, requiring public bills, when ready for a second hearing, to be noted to be read one day previous, be suspended for the remainder of the session.

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

Mr. Hinton, from the committee on Internal Improvement, to which was referred the petition of sundry citizens of North Carolina and Virginia, praying an act of incorporation to improve Smith's river, reported unfavorably thereon, and recommended that the prayer of the petitioners be rejected; in which report the Senate concurred. Ordered that the petitioners have leave to withdraw the petition and accompanying papers.

Mr. Hinton, from the select committee to which was referred the resolution directing them to inquire whether the Congressional Districts of the State, as at this time established, cannot be so altered as to make each more nearly equal to the others, made a report thereon, stating that, in the opinion of the committee, it is impracticable to act definitely upon the subject at so late a period of the session, and ask to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

Mr. Brittain, of Macon, from the joint select committee to which was referred the resolution instructing them to inquire what arrangements are necessary for the accommodation of the Governor during the present year, made a detailed report thereon, accompanied by the following resolution, to wit:

Resolved, That the Public Treasurer be directed to pay to the Governor of this State the sum of three hundred dollars per annum, from the commencement of his term of office, until he shall be placed in possession of the government house, in lieu for house rent and contingent expenses.

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

Mr. Stone presented the following resolutions, to wit:

Resolved, That the superintendent of Public Works be, and is hereby authorised and directed to investigate and examine the accounts and condition of the Neuse, Yadkin, Catawba and Tar River Navigation Companies, and ascertain, as far as practicable, what disposition has been made of the funds of each of said companies; whether any remains unexpended, and in whose hands; whether the State has not paid more than by the terms of her subscription she was bound to do, and if so, whether any part of it can be recovered back again; and ascertain whether either, or all of said companies are willing to surrender their charters, and upon what
Resolved further, That the said superintendent be allowed, in addition to his present daily compensation, all necessary travelling expenses, to be judged of and allowed by the Board of Internal Improvement.

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

On motion of Mr. Montgomery, ordered that Washington Morrison, the Senator from the county of Mecklenburg, have leave of absence from and after to-morrow for the remainder of the session.

On motion of Mr. Mebane, ordered that Herod Faison, the Senator from the county of Northampton, have leave of absence from and after to-morrow for the remainder of the session.

Mr. Matthews presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to each of the door-keepers of both Houses, twenty-five dollars, their usual extra allowance, and that they be compelled to pay out of the same the hands necessarily employed for bringing wood and water to the State House during the present session.

Which was read the first time and passed, and being read the second time, Mr. Stone moved to amend the resolution by striking out the words "twenty five," and insert in lieu thereof the words "twelve and a half," which amendment was not agreed to. Mr. Brittain, of Burke, further moved to amend the resolution by adding the following at the end thereof, to wit: "And that the Public Treasurer be allowed the same in the settlement of his public accounts," which amendment was agreed to, and the resolution, as amended, was read the second and third times and passed, and ordered to be engrossed.

Mr. Shuford presented a bill, entitled a bill to authorise Saxton Lynch, of Rutherford county, to erect certain gates therein mentioned; which was read the first time, and, on motion of Mr. Cooper, ordered to be postponed indefinitely.

Mr. Edwards presented a bill, entitled a bill directing the manner in which the tax on attorneys' licenses shall hereafter be paid and appropriated; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to which was referred the resolution instructing them to inquire into the expediency of so amending the act of 1826, in relation to trading with slaves, as to bring within its operation the selling to a slave any of the articles specified in said act for money, made a report thereon, stating that, in the opinion of the committee, it is inexpedient to legislate further upon the subject. Ordered that the committee be discharged from its further consideration.

Mr. Skinner, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of so amending the laws in relation to the appointment of constables, so as to make the mode uniform throughout the State, reported that legislative action is now rendered unnecessary by the passage of a bill on that subject at the present session, and ask to be discharged from its further consideration. Ordered that the committee be discharged accordingly.
On motion of Mr. Skinner, of Chowan, ordered that the committee on the Judiciary be discharged from the performance of any further duty during the present session.

Mr. Dobson, from the joint select committee to which was referred the message of his Excellency the Governor, relative to the militia and the public defence, together with the resolutions of the Legislatures of the States of New York and Illinois upon these subjects, made a report thereon, accompanied by the following resolutions, to wit:

Resolved, That our Senators in Congress be instructed, and our Representatives requested to adopt the necessary measures to render the system of militia discipline of the United States less burdensome in its character and more efficient in its organization.

Resolved further, That his Excellency the Governor be requested to transmit copies of these resolutions and this report to the President of the United States, the Governors of the several States, and to each of our Senators and Representatives in Congress.

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

On motion of Mr. Cooper, the Senate proceeded to take up and consider the engrossed resolution in favor of the representatives of David Latham. 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, agreeing to the proposition of the Senate, to ballot immediately for councillors of State, and stating that Messrs. Saunderson and Ennett attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Morris and Montgomery 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 their concurrence in the amendments proposed by the Senate to the engrossed bill regulating lay days on Frying Pan, in Tyrrell county; also the engrossed resolution in favor of Kenneth Ray. Ordered that the said bill and resolution be enrolled.

The bill to incorporate the North Carolina Centre and Seaport Rail Road Company, was read the second time. Mr. Mendenhall moved to amend the bill by striking out the preamble preceding the twenty seventh section, together with the twenty seventh section, which provides that whenever three fifths of the stock shall be subscribed for by individuals, the remaining two fifths shall be taken by the State; which amendment was agreed to. The bill was thereupon read the second and third times as amended, and passed, and ordered to be engrossed.

On motion of Mr. Spaight, ordered that Weldon N. Edwards, the Senator from the county of Warren, have leave of absence from and after to-morrow for the remainder of the session.

A motion was made by Mr. Spaight, to reconsider the vote taken on yesterday on the third reading of the engrossed bill to regulate the proceedings in the Court of Pleas and Quarter Sessions of Craven county; and the question being put, will the Senate reconsider the said vote? it was decided in the affirmative. Whereupon Mr. Spaight moved an amendment to the said bill, 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.

Received from the House of Commons a message, stating that
Messrs. Fisher, Wyche and Houlder form the joint select committee
on the part of that House to inquire into the present mode of contract-
ing for fuel and stationary for the use of the two Houses.

Received from the House of Commons a message, stating that they
have passed the engrossed resolution in favor of Abram Brower, with
an amendment; in which they ask the concurrence of the Senate.
Whereupon the said amendment was read and agreed to, and the House
of Commons was informed thereof by message.

Mr. Martin, of Rockingham, from the committee of conference ap-
pointed to take into consideration the disagreeing votes of the two
Houses on the amendment proposed by the Senate to the amendment of
the House of Commons, marked A. A., to the engrossed bill to incorpo-
rate the Yadkin and Roanoke Rail Road Company, made a report
thereon, recommending that the House of Commons be permitted to
recede from their adherence to the amendment proposed by them above
mentioned. The report having been read, on motion of Mr. Martin,
of Rockingham, ordered that it lie on the table.

Mr. Morris, from the committee appointed to conduct the balloting
for councillors of State, reported that James Marshall, George W.
Jeffreys, Isham Matthews, Alfred Jones, Henry Skinner and Mesback
Franklin, having each received a majority of the whole number of votes,
are duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they
have passed the engrossed bill for revising and digesting the public
statute laws of this State; in which they ask the concurrence of the
Senate. Whereupon the said bill was read the first and second times
and passed.

Mr. Beard presented the following resolution, to wit:
Resolved, That Daniel Coleman be allowed the sum of two dollars per day, for each and
every day that he has officiated as reading clerk to the Senate during the present session, in
place of the regular clerk, who has been prevented by sickness from attending to the duties of
that station.

Which was read the first time and passed, and being read the second
time, Mr. Spaight moved to amend it by striking out the whole thereof
except the word "Resolved," and to insert in lieu thereof a substitute;
which was read and agreed to, and the resolution, as amended, was read
the second and third times and passed, and ordered to be engrossed.

The bill supplemental to the act to establish a Bank in the State of
North Carolina, was read the second and third times and passed, and
ordered to be engrossed.

The following engrossed bills, to wit: The bill concerning the public
road from the Old Fort, in Burke county, to Asheville, in Buncombe
county; the bill to incorporate the Washington Gold Mining Company,
in the county of Mecklenburg; and the bill to incorporate the Halifax
Rail Road Bridge Company, were severally read the second and third
times and passed, and ordered to be enrolled.
Mr. Beard presented the following preamble and resolutions, to wit:

Whereas a large portion of the people of North Carolina entertain the opinion that the Constitution of the State is defective in many of its fundamental provisions, especially in that which gives to counties of very unequal territory, population and wealth, equal power in making laws; and whereas local divisions and jealousies, growing out of those defects in the Constitution, distract the councils of the State, obstruct liberal and wholesome legislation, and retard the progress of North Carolina in the career of moral and physical improvement: Therefore

Resolved, That it be, and it is hereby recommended to the freemen of the State to elect, at the time and in the manner herein prescribed, eight delegates from each of the Congressional districts, to meet in Raleigh on the second Monday in October next, authorised to amend the Constitution in the following particulars, to wit:

So as to elect members of the Legislature every two years.
To abolish borough representation.
To restrict the Legislature to biennial sessions.
To provide for electing the Governor by the people.
To change the mode of electing militia officers.
To reduce the number of members of the Legislature, and to fix the basis of representation upon the principles of population and taxation.

Resolved further, That it shall be the duty of the sheriffs of the several counties in the State to open polls at the usual places, and under the same rules and regulations prescribed by law for holding elections for members of the House of Commons of this State.

Resolved further, That the sheriffs of the several counties in each Congressional district shall, on the Wednesday after the day of election, meet at the place where they are now required by law to meet to compare the polls for members of Congress, and compare the votes given for delegates to the Convention; and they shall give to each of the eight persons receiving the greatest number of votes, certificates of their election.

Which were read the first time and passed, and, on motion of Mr. Skinner, of Chowan, ordered that they be referred to a select committee, consisting of two members from each judicial district; and that said committee, so appointed, shall have leave to sit during the sitting of the House; which motion was agreed to. Whereupon, on motion of Mr. Beard, the Senate took a short recess for the purpose of appointing the committee as aforesaid. After which, the following members were announced as having been appointed, to wit: from the Edenton district, Skinner, of Chowan, and Melban; from Newbern district, Spaight and Moye, of Greene; from Raleigh district, Edwards and Stone; from Fayetteville district, Meares and Morris; from Hillsborough district, Beard and Mendenhall; from Morgan district, Dobson and Morrison.

The engrossed bill to incorporate the trustees of the Episcopal School of North Carolina, was read the second time. Mr. Collins moved that the bill lie on 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—ayes 22, noes 22, the speaker voting in the affirmative. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit:


On motion of Mr. Hoke, ordered that the said bill lie on the table.

The engrossed bill for revising and digesting the public statute laws of this State, was read the third time and passed, and ordered to be enrolled.
The engrossed bill to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company, was read the second time, amended, and passed.

Mr. Hogan moved that the Senate adjourn until to-morrow morning, 10 o'clock; which was not agreed to—ayes 18, noes 27. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Clayton, Cooper, Elliott, Flowers, Foy, Gavin, Harrison, Hinton, Hoek, Howell, Kendall, Lindsey, Mann, Martin of Richmond, Melvin, Moore, Moye of Pitt, Nash, Norman, Pugh, Simmons, Skinner of Pasquotank, Smaw Vanhook, Van, Walton.

The engrossed bill to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company, was thereupon read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

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

FRIDAY, JANUARY 10, 1834.

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 incorporate the North Carolina Centre and Seaport Rail Road Company; a bill to direct in what manner the taxes on attorneys' licenses shall hereafter be paid and appropriated; a bill supplemental to the act to establish a Bank in the State of North Carolina; a resolution in favor of the Governor; a resolution relating to the superintendent of public works; resolutions relating to the organization of the militia of the United States; resolutions in favor of the engrossing clerks; and a resolution in favor of the door keepers; in which they ask the concurrence of that House.

On motion of Mr. Brittain, of Burke, ordered that a message be sent to the House of Commons, stating that William Dickson is withdrawn from the nomination for councillors of State.

On motion of Mr. Montgomery, ordered that the committee on Propositions and Grievances be discharged from any further duty during the present session.

Mr. Dobson presented a bill, entitled a bill to appoint commissioners to mark and lay off the road from Allen Burton's old place to Ashe 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, proposing to ballot immediately for one councillor of State, yet to be elected, and stating that J. O. Watson, Wm. H. Harden and J. O. K. Williams are withdrawn from the nomination; which proposition was agreed to. Messrs. Moye, of Pitt, and Simmons, 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. Williams and Hawkins are appointed to conduct the balloting on their part.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of William McLeod; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first and second times and passed, and was subsequently read the third time, amended on motion of Mr. M'Cormick, and passed, and a mes-
sage sent to the House of Commons, asking their concurrence in the amendment.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to appoint commissioners to mark and lay off the road from Allen Burton’s old place to Ashe Court House; in which they ask the concurrence of that House.

Received from the House of Commons a message, stating that they have passed the engrossed resolution requesting the Governor to transmit a certain memorial to Congress on the subject of the Cherokee Indians; 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, together with the memorial, to be enrolled.

On motion of Mr. Martin, of Rockingham, the Senate proceeded to take up and consider the report of the committee of conference on the disagreeing votes of the two Houses, on the amendment proposed by the Senate to the amendment of the House of Commons, to the engrossed bill to incorporate the Yadkin and Roanoke Rail Road Company. The question pending being on concurring with the said report, and the question being put, will the Senate concur in the said report? it was decided in the affirmative—ayes 33, noes 25. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:


Ordered that a message be sent to the House of Commons, informing that House of the concurrence of the Senate in the said report.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for one councillor of State, reported that Owen Holmes having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Beard, from the select committee to which was referred the resolutions in relation to calling a Convention to amend the Constitution of the State, made a verbal report thereon, accompanied by a bill, entitled a bill to provide for ascertaining the sense of the people of North Carolina, relative to a Convention for amending the Constitution of the State; which was read the first time and passed—ayes 32, noes 29. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


The bill was thereupon read the second time. Mr. Morris moved to amend it by striking out that clause which provides for taking the sense of the people upon the propriety of amending the thirty second section of the present Constitution; which amendment was not agreed to. Mr. Men-
Mendenhall moved to amend the bill by striking out the clause which provides that future General Assemblies shall not abolish slavery; which amendment was not agreed to—ayes 16, noes 44. The ayes and noes being demanded by Mr. Mendenhall, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Clayton, Elliott, Gavin, Iloke, Kendall, M'Cormick, Martin of Richmond, Martin of Rockingham, Melvin, Mendenhall, Montgomery, Moore, Morris, Phillips, Simmons, Sitton.


Mr. Mann moved to amend the bill by striking out the following clause from the first section, to wit: "Which Convention shall be composed of eight members, to be elected from each Congressional district as now established by law?" which amendment was agreed to—ayes 52, noes 29.

The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


A motion was made by Mr. Skinner, of Chowan, to reconsider the foregoing vote, on the adoption of the amendment proposed by Mr. Mann; and the question being put, will the Senate reconsider the said vote? it was decided in the affirmative—ayes 31, noes 30. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:


Mr. Mann moved that the bill, together with the amendments, be indefinitely postponed; which was not agreed to—ayes 30, noes 51. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:

Those who voted in the affirmative, are Messrs Arrington, Cooper, Edwards, Flowers, Foy, Gavin, Hall, Harrison, Howell, Hussey, Lindsey, Mann, Matthews, Mebane, Melvin, Maye of Greene, Maye of Pitt, Nash, Norman, Pugh, Sherard, Simmons, Skinner of Perquimons, Skinner of Pasquotank, Smaw, Stone, Vanhook, Vann, Walton, Wilder.


The question then recurring on agreeing to the amendment proposed by Mr. Mann, it was decided in the negative—ayes 50, noes 31. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:

Those who voted in the affirmative, are Messrs Arrington, Cooper, Edwards, Flowers, Foy Gavin, Hall, Harrison, Howell, Hussey, Lindsey, Mann, Matthews, Mebane, Melvin, Maye of Greene, Maye of Pitt, Nash, Norman, Pugh, Sherard, Simmons, Skinner of Perquimons Skinner of Pasquotank, Smaw, Stone, Vanhook, Vann, Walton, Wilder.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative—ayes 31, noes 30. The ayes and noes being demanded by Mr. Mann, are as follows, to wit:


The bill was thereupon read the third time; when Mr. Moye, of Greene, moved to amend it by adding the following proviso at the end of the second section, to wit: "Provided, that every county in each congressional district shall be entitled to one member, and the remaining member or members shall be elected by the district at large." 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—ayes 31, noes 30. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:


Ordered that the said bill be engrossed.

On motion of Mr. Collins, ordered that Ephraim Mann, the Senator from the county of Tyrrell, have leave of absence from and after to-morrow for the remainder of the session.

On motion of Mr. Edwards, ordered that William Sitton, the Senator from the county of Haywood, have leave of absence from and after to-morrow for the remainder of the session.

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

Friday Afternoon, 4 o'clock.

The engrossed bill to incorporate the Roanoke and Raleigh Rail Road Company, was read the second and third times, amended on motion of Mr. Edwards, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.
Received from the House of Commons a message, proposing to ballot immediately for a superintendent of public works, and stating that James Wyche is in nomination for the appointment; which proposition was agreed to. Messrs. Stone and Norman were appointed to conduct the balloting on the part of the Senate. Whereupon a message was received from that House, stating that Messrs. Coprering and Smallwood attend the Senate to conduct the balloting on their part.

The engrossed bill to establish the Merchants' and Miners' Bank in the town of Lincolnton, North Carolina, was read the second time, and, on motion of Mr. Martin, of Rockingham, ordered to be postponed indefinitely—ayes 30, noes 23. The ayes and noes being demanded by Mr. Klutts, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Brittain of Burke, Cooper, Dobson, Flowers, Gavin, Hinton, Hogan, Howell, Hussey, Jones, Kendall, Lindsey, M'Cormick, Martin of Richmond, Martin of Rockingham, Melvin, Mendenhall, Moye of Greene, Mushchison, Nash, Pugh, Sherard, Simmons, Skinner of Chowan, Smaw, Stone, Vanhook, Walton, Wilder.


The bill to establish the Merchants' and Farmers' Bank, in the town of Washington, was read the second time, and, on motion of Mr. M'Cormick, ordered to be postponed indefinitely.

The bill concerning the entry of vacant land in this State, was read the second and third times and passed, and ordered to be engrossed—ayes 48, noes 9. The ayes and noes being demanded by Mr. M'Cormick, are as follows, to wit:


Those who voted in the negative, are Messrs. Beard, Cooper, Flowers, Howell, Kendall, M'Cormick, Melvin, Moye of Greene, Moye of Pitt.

The engrossed bill to prevent obstructing the passage of fish up New river, in the county of Ashe, was read the third time, amended on motion of Mr. Phillips, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to incorporate the trustees of the Episcopal School in North Carolina, was read the third time and passed, and ordered to be enrolled—ayes 24, noes 23. The ayes and noes being demanded by Mr. Arrington, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beard, Caldwell, Clayton, Dobson, Elliott, Foy, Gavin, Hinton, Hogan, Jones, Kendall, Klutts, M'Cormick, Martin of Richmond, Meares, Mebane, Mendenhall, Moore, Morris, Mushchison, Shuford, Skinner of Chowan, Spaight, Stedman.

Those who voted in the negative, are Messrs. Arrington, Cooper, Flowers, Harrison, Hoke, Howell, Kerr, Lindsey, Mann, Martin of Rockingham, Melvin, Montgomery, Moye of Greene, Moye of Pitt, Nash, Phillips, Sherard, Simmons, Skinner of Pasquotank, Smaw, Vanhook, Walton, Wilder.
The engrossed bill to incorporate the Fayetteville Transportation Company, was read the second time, and, on motion of Mr. Murchison, ordered to lie on the table until the first day of August next.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill, to prevent free persons of color from selling spirituous liquors in a less quantity than five gallons.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the following engrossed bills, to wit: the bill to amend an act, passed in the year 1824, chapter 45d, entitled an act passed in the year 1819, entitled an act to annex Smith's Island, at the mouth of Cape Fear river, to the county of Brunswick, and a part of Eagle's Island to the county of New Hanover; the bill to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company; the bill to regulate the proceedings in the Court of Pleas and Quarter Sessions of Craven county; and the engrossed resolution in favor of Wm. M'-Leod. Whereupon the said bills and resolution were ordered to 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 to regulate the times of holding the Superior Courts in the sixth judicial circuit; and a resolution relating to the sale of Cherokee lands; 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; and the resolution was read the first time and passed, and, on motion of Mr. Dobson, ordered to lie on the table.

Received also from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: A resolution directing the Public Treasurer to publish the revenue laws with the Acts of Assembly; a resolution tendering the use of the Government House to the Methodist Episcopal Church; and a resolution regulating the mode of procuring stationary and fuel; in which they ask the concurrence of the Senate. Whereupon the two first mentioned resolutions were read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned resolution was read the first time and passed; and being read the second time, Mr. Meares moved that the further consideration thereof be indefinitely postponed; which was not agreed to—ayes 24, noes 24, the Speaker voting in the negative. The ayes and noes being demanded by Mr. Sherard, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Beard, Cooper, Gavin, Harrison, Hoke, Howell, Lindsey, Mann, Melvin, Mendenhall, Montgomery, Moore, Moye of Greene, Moye of Pitt, Nash, Pugh, Sherard, Sitton, Smaw, Stone, Vanhook, Walton, Wilder.

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

A message was also received from the House of Commons, stating that they have passed the engrossed bill to incorporate the North Carolina
Centre and Seaport Rail Road Company, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were read and 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 rejected the engrossed bill to direct in what manner the taxes on attorneys’ licenses shall hereafter be paid and appropriated.

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

Saturday, January 11, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill concerning the entry of vacant lands in this State; and a bill to provide for ascertaining the sense of the people of North Carolina relative to a Convention for amending the Constitution of the State; in which they ask the concurrence of that House.

On motion of Mr. Matthews, ordered that Thomas G. Stone, the Senator from the county of Franklin, have leave of absence from and after this day for the remainder of the session.

On motion of Mr. Sherard, ordered that Henry Skinner, the Senator from the county of Perquimons, have leave of absence from and after to-morrow for the remainder of the session.

On motion of Mr. Mann, ordered that John M. Skinner, the Senator from the county of Pasquotank, and Enoch Nash, the Senator from the county of Camden, have leave of absence from and after to-morrow for the remainder of the session.

On motion of Mr. Arrington, ordered that Alexander W. Mebane, the Senator from the county of Bertie, have leave of absence from and after this day for the remainder of the session.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the following engrossed bills, to wit: A bill concerning the western regiment of the militia of Chatham county; and the bill to incorporate the Haywood Troopers, in the county of Chatham. Whereupon the said bills were ordered to be enrolled.

Received also from the House of Commons a message, stating their concurrence in the report of the committee of conference, raised on the disagreeing vote of the two Houses on an amendment, to the engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company.

Received also from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to regulate the inspection of staves and heading in the port of Wilmington, and prevent shipping the refuse.

The engrossed resolution regulating the mode of procuring stationary and fuel, was read the third time, amended on motion of Mr. Montgomery, and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the engrossed bill to repeal in part an act laying duties on sales at auction of merchandise, passed in the year 1818, with an amendment; in which they ask the concurrence of the Senate. Whereupon the amend-
ment was read and 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 engrossed resolution in favor of the doorkeepers, with an amendment, and asking the concurrence of the Senate therein. Whereupon the said amendment was read and disagreed 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 passed the engrossed bill to appoint Commissioners for the town of Kenansville, in the county of Duplin, with an amendment; in which they ask the concurrence of the Senate. Whereupon the said amendment was read and agreed to, and the House of Commons informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to authorise the construction of a Rail Road from the Cape Fear river, at Campbellton, to some point in the town of Fayetteville, with sundry amendments, and asking the concurrence of the Senate therein. Whereupon the said amendments were read and concurred in, with amendments, and a message sent to the House of Commons informing them thereof.

Received from the House of Commons the resignation of James Faucett, lieutenant colonel of the 14th regiment of the Halifax militia, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

On motion of Mr. Skinner, of Chowan, ordered that Josiah Collins, jr. the Senator from the county of Washington, have leave of absence from and after to-day for the remainder of the session.

Mr. Wilder, from the committee appointed to conduct the balloting for 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.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Whitesville, Waccamaw and Cape Fear Canal and Rail Road Company; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times, amended on motion of Mr. Meares, and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Dobson, the Senate proceeded to take up and consider the engrossed resolution relating to the sale of the Cherokee lands; and the resolution having been read the second time, on motion of Mr. Beard, ordered that the said resolution be referred to a select committee. Messrs. Beard, Meares, Dobson, Brittain, of Macon, and Sitton were appointed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorise certain persons therein named to raise by way of lottery six thousand dollars for cutting a canal in Washington county, with an amendment, and asking the concurrence of the Senate therein. Whereupon the said amendment was read and agreed to, and a message sent to the House of Commons, informing them thereof.

Received also from the House of Commons a message, proposing that the two Houses adjourn sine die on Saturday, the 11th instant, and that the
clerks make up the estimates to that day inclusive; which being read, on motion of Mr. Meares, ordered that it lie on the table.

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 incorporate the trustees of Griffin Free School; a resolution in favor of Sam'l. S. Shepherd, sheriff of Martin county; a resolution relating to the duties of the Comptroller; a resolution directing the Adjutant General to collect the public arms; a resolution in favor of Martha Spears; a resolution concerning Treasury notes burnt by the committee of Finance; a resolution in favor of Taliferro Witcher; and a resolution in favor of William Thompson; 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, except the last mentioned resolution, which was read the first time, and, on motion of Mr. Moye, of Pitt, ordered to lie on the table.

Mr. Beard, from the select committee to which was referred the engrossed resolution relating to the sale of the Cherokee lands, reported the same with an amendment; which was read and agreed to, and the resolution, as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill authorising certain persons hereafter named to raise by way of lottery ten thousand dollars, to open a canal in Cumberland county; a bill concerning the liabilities of sheriffs for claims put into the hands of themselves or their deputies for collection; and a resolution concerning Mr'ae's Map; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first time, and the further consideration thereof ordered to be indefinitely postponed. On the indefinite postponement of the resolution, Mr. Klutts demanded the ayes and noes, which are as follows, to wit:


Those who voted in the negative, are Messrs. Caldwell, Clayton, Martin of Rockingham, Meares, Mendenhall, Murchison—6.

On motion of Mr. Hoke, ordered that Alexander Henderson have leave to withdraw from the files of the Senate certain papers accompanying a resolution in his favor, presented at the present session.

On motion of Mr. Beard, ordered that a message be sent to the House of Commons, stating that the Senate does not agree to the proposition of that House that the two Houses adjourn sine die on this day, and that the clerks make up the estimates accordingly; but propose that they adjourn on Monday next, the 15th instant, and that the clerks make up the estimates to that day inclusive.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the following engrossed bills,
to wit: The bill to incorporate the Roanoke and Raleigh Rail Road Company; and the bill to prevent obstructing the passage of fish up New river, in the county of Ashe. Ordered that the said bills 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 incorporate the Providence Union Artillery Company, in the county of Mecklenburg; a bill for the better regulation of the Fire Company in the town of Charlotte; a bill to incorporate the Northampton Female Seminary; a bill for the improvement of the road from Rutherfordton to Asheville, Buncombe county, by the name of the Hickory Nut Gap Road; and a bill prescribing certain duties to clerks and sheriffs in relation to the tax on the sales at auction; 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 two last mentioned bills were read the first time, and the further consideration ordered to be indefinitely postponed.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed bill concerning the entry of vacant land in this State.

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

Saturday afternoon, 4 o'clock.

On motion of Mr. Meares, ordered that the committee on Finance be discharged from the consideration of the engrossed resolution authorising the Public Treasurer to pay for certain printing. Whereupon the said resolution was read the third time 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 Rocky River Gold Mining Company; a bill to enforce the penalty incurred by entry takers failing to make annual returns of entries made in their respective offices, as required by law; a resolution in favor of the heirs of Daniel M'Kay, late of Iredell; and a bill to incorporate the Mutual Relief Association, in the town of Wilmington; in which they ask the concurrence of the Senate. Whereupon the first mentioned bill and the resolution were severally read the first, second and third times and passed, and ordered to be enrolled. The second mentioned bill was read the first, second and third times, amended, 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, on motion of Mr. Hogan, ordered to be postponed indefinitely.

Mr. Brittain, of Burke, presented the following resolution, to wit:

Resolved, That the appointment of commissioner to settle the French claims under the Convention between France and the United States, is incompatible with the office of Attorney General of this State, and violates the spirit of the Constitution; and that the Attorney General holding any such appointment under the General Government, ought to resign his State office.

Which was read the first time, and, on motion of Mr. Jones, ordered to lie on the table—ayes 30, noes 19. The ayes and noes being demanded by Mr. Skinner, of Chowan, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Beard, Brittain of Macon, Caldwell, Clayton, Dobson, Flowers, Foy, Hinton, Hoke, Howell, Jones, Kerr, Mann, Martin of Richmond, Martin of Rockingham, two Houses.
Melvin, Montgomery, Moye of Greene, Murchison, Norman, Phillips, Pugh, Simmons, Sitton, Spaight, Stedman, Vanhook, Vann, Walton.

Those who voted in the negative, are Messrs. Brittain of Burke, Cooper, Elliott, Gavin, Hall, Hogan, Kendall, Klutts, Lindsey, Mc Cormick, Meares, Mendenhall, Moore, Morris, Moye of Pitt, Sherard, Skinner of Chowan, Smaw, Wilder.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed resolution concerning the mode of procuring stationary and fuel. Ordered that the said resolution 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 amend the 19th section of an act, passed in 1783, entitled "an act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army;" a bill to prevent the falling of timber in or otherwise obstructing the run of Perquimons river, in Perquimons county; a bill supplemental to the act erecting the county of Yancey, and the act supplemental to the same; a bill to prevent the falling of timber in or otherwise obstructing the navigation of the North East Branch of Cape Fear, between Outlaw's and Kornegay's bridge, in Duplin county; a bill more effectually to prohibit the trading with slaves; a bill to establish the ancient boundaries of the town of Fayetteville; a bill exempting certain articles therein named from execution; 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, except the two last mentioned bills; the first of which, on motion of Mr. Mc Cormick, and the latter, on motion of Mr. Sitton, were ordered to be indefinitely postponed.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: A bill concerning the Wilkes County Volunteer Artillery Company; a bill to amend the law in relation to the crime of larceny; a bill to authorise John Barnett, late sheriff of Person county, to collect arrearages of taxes; a bill requiring colonel commandants to drill their officers twice a year; a resolution in favor of Richard Roberts; and a resolution in favor of Archibald Gilchrist, of Robeson county; in which they ask the concurrence of the Senate. Whereupon the two first mentioned bills and the resolutions were severally read the first, second and third times and passed, and ordered to be enrolled; and the two last mentioned bills were read the first time, and ordered to be postponed indefinitely.

A message was also received from the House of Commons, stating their concurrence in the amendments proposed by the Senate to the following engrossed bills, to wit: The bill to enforce the penalty incurred by entry takers failing to make annual returns of entries made in their respective offices, as required by law; the bill to incorporate the Whitesville, Waccamaw and Cape Fear Canal and Rail Road Company; the bill to authorise the construction of a Rail Road from the Cape Fear river at Campbellton, to some point in the town of Fayetteville; and the resolution relating to the Cherokee lands.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill for the better regulation of the County Courts of Mecklenburg, Lincoln, Ruth-
ford and Haywood counties; a bill to repeal an act, passed in the year 1832, entitled "an act to establish an extra term of the Court of Pleas and Quarter Sessions for the county of Buncombe;" a bill authorising Alexander M'Allister, of the county of Cumberland, to erect two gates on his own land; and a resolution relating to Washington's statue; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were severally read the first, second and third times and passed, and ordered to be enrolled, except the last mentioned bill and resolution, which were read the first time, and resolved that the same shall not pass.

Received also from the House of Commons a message, stating that they have passed the engrossed resolutions authorising lotteries in aid of the Fayetteville, Yadkin and Pedee Rail Road; in which they ask the concurrence of the Senate. Whereupon the said resolutions were read the first and second times and passed—ayes 23, noes 19. The ayes and noes being demanded by Mr. Skinner, of Chowan, are as follows, to wit:


Those who voted in the negative, are Messrs. Brittain of Burke, Clayton, Cooper, Flowers, Kendall, Lindsey, Mann, Martin of Rockingham, Melvin, Mendenhall, Moye of Greene, Moye of Pitt, Phillips, Pugh, Skinner of Chowan, Smaw, Vann, Walton, Wilder.

The resolutions were thereupon read the third time and passed, and ordered to be enrolled.

On motion of Mr. Elliott, ordered that Nathan A. Stedman, the Senator from the county of Chatham, have leave of absence from and after tomorrow for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the time of holding two of the County Courts for Buncombe county; a bill to amend an act, entitled an act to enact, with sundry alteration 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; a bill concerning market fees in the town of Fayetteville; a resolution relating to the Cape Fear Navigation Company; 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 bills and resolution were severally read the first, second and third times, amended, and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received also from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to provide for ascertaining the sense of the people of North Carolina relative to a Convention for amending the Constitution of the State.

A message was also received from that House, stating their concurrence in the proposition of the Senate, that the Houses adjourn on Monday next, sine die.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to abolish the office of
county trustee in the county of Granville, and for other purposes; a bill to regulate the fisheries on the waters of Tranter's creek, in the county of Beaufort; and a bill concerning the Granville Dragoons; in which they ask the concurrence of the Senate. Whereupon the first mentioned bill was read the first time, and, on motion of Mr. Brittain, of Burke, ordered to lie on the table; and the last mentioned bills were each read the first time and rejected.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill providing for the appointment of overseers and hands to clear out Crane's creek, in the counties of Moore and Cumberland; a bill appointing commissioners to run the division line between the counties of New Hanover and Bladen; a bill authorising a geological examination of the public lands in Macon county; a bill providing for turning or altering roads in certain cases; and a bill to divorce Mary B. Cabe from her husband Joseph Cabe; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time, and the further consideration thereof ordered to be postponed indefinitely.

A message was also received from the House of Commons, stating that they have passed the engrossed bill, entitled a bill to repeal so much of an act, passed in the year 1831, entitled an act to prevent obstructions to the passage of fish up Neuse and Trent rivers, as relates to the county Lenoir; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first and second times, amended on motion of Mr. Spaight, and passed; and subsequently read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received also from the House of Commons the resignation of Henry Skinner, a justice of the peace for the county of Perquimons; and the resignation of Alexander Moore, a justice of the peace for the county of Robeson, endorsed in that House "read and accepted?" and which were read and accepted by the Senate.

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

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MONDAY, JANUARY 13, 1834.

On motion of Mr. Elliott, ordered that Messrs. Arrington and Mann be added to the committee on Enrolled Bills on the part of the Senate, and the House of Commons was informed thereof by message.

A motion was made by Mr. Meares to reconsider the vote, taken on Saturday, on the first reading of the engrossed bill providing for the appointment of overseers and hands to clear out Crane's creek, in the counties of Moore and Cumberland; and the question being put, will the Senate reconsider the said vote? it was decided in the affirmative. Whereupon the said bill was read the first, second and third times, amended on motion of Mr. Meares, and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the following engrossed bills, to wit: The bill to amend an act, 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 February, 1830; the bill concerning market fees in the town of Fayetteville; the bill to repeal so much of an act, passed in the year 1831, entitled an act to prevent obstructions to the passage of fish up Neuse and Trent rivers, as relates to the county of Lenoir; the bill providing for the appointment of overseers and hands to clear out Crane's creek, in the counties of Moore and Cumberland; and the resolution relating to the Cape Fear Navigation Company. Whereupon the said bills and resolution were ordered to be enrolled.

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

Received from the House of Commons a message, stating that, having disposed of all the business which has been brought before them, they are now ready to adjourn sine die.

Whereupon, on motion of Mr. Montgomery, ordered that a message be sent to the House of Commons, stating that the Senate, having also disposed of all the public business before them, are now ready to adjourn sine die.

On motion of Mr. Matthews,

Resolved unanimously, That the thanks of this House are due, and are hereby tendered to the hon. Wm. D. Moseley, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Chair during the present session.

Whereupon the Speaker made his acknowledgments to the Senate in an appropriate address, and adjourned the same sine die.

By order.

S. F. Patterson,
Clerk of the Senate.