At a General Assembly, begun and held in the City of Raleigh, on Monday, the seventeenth day of November, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth 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:


A quorum, consisting of a majority of the whole number of members being present, Mr. Montgomery of Orange, moved that William D. Moseley, Esquire, the Senator from the county of Lenoir, be appointed Speaker, which motion was unanimously agreed to. Whereupon, on motion of Mr. Carson, the Speaker was conducted to the Chair by Mr. Montgomery, of Orange, from whence he made his acknowledgements to the Senate, in an appropriate address. On motion of Mr. Kerr, Samuel F. Patterson was appointed principal clerk, and William J. Cowan, clerk assistant of the Senate.

On motion of Mr. Carson, Thomas B. Wheeler was appointed principal doorkeeper to the Senate.

Mr. Carson further moved, that Green Hill be appointed assistant doorkeeper. Mr. Dowd moved that the name of Neill Peterson be added to
the nomination. An election by ballot thereupon took place, Messrs. Cooper of Martin, and Dowd, being appointed superintendents to conduct it. On counting the ballots, Mr. Cooper 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. Montgomery, of Orange, ordered, that a writ of election issue to the Sheriff of Person county, commanding him to hold an election at the several places now prescribed by law in said county, on Friday the 28th instant, for the purpose of electing some person qualified to fill the vacancy in the Senate, occasioned by the death of Robert Vanhook, Esq.

On motion of Mr. Martin, 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, Esq. Speaker, Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant; and Thomas B. Wheeler and Green Hill, doorkeepers.

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

TUESDAY, NOVEMBER 18th, 1834.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed William J. Alexander, Esq. Speaker; Charles Manly, principal clerk; Edmund B. Freeman, clerk assistant, and Isaac Truitt and John Cooper, door keepers; and that they are also ready to proceed to the despatch of public business.

On motion of Mr. Beard, ordered that a message be sent to the House of Commons, proposing that a joint select committee consisting of five members on the part of each House, be appointed, to prepare joint rules of order for the government of the two Houses during the present session of the Legislature; Messrs. Beard, Sawyer, Wyche, Edwards and Little, were appointed to form the said committee on the part of the Senate.

On motion of Mr. Beard, ordered that the rules of order and decorum for the government of the Senate adopted at the last session of the Legislature, be the rules of order and decorum for the government of the Senate, during the present session, until otherwise ordered.

Received from the House of Commons a message, proposing to ballot immediately for three engrossing clerks, and stating that William W. Hall, Thomas G. Stone, Thomas L. West, Daniel Coleman, Joseph D. Ward, Isaac Goulding, Mortimer Bright and Nehemiah Blackstock, are in nomination for the appointment; which proposition was agreed to, and Messrs. Little and McCormick appointed to superintend 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. W. Horton and L. A Gwyn, are appointed to superintend the balloting on their part.

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 raised to wait on His Excellency the Governor, to inform him of the due organization of the two Houses of the Legislature, and that they are ready to receive any communication he may be pleased to make; which proposition was agreed to, Messrs. Shipp and Sherard were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof.
by message; thereupon a message was received from that House, stating that Messrs. Outlaw and Potts are appointed to form the said committee on their part.

On motion of Mr. Beard, ordered, that a select committee be appointed for the purpose of preparing permanent rules of order and decorum, for the government of the Senate during the present session. Whereupon, Messrs. Beard, Carson, Montgomery of Orange, Kerr, and Martin, were appointed to form the said committee.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to raise a joint select committee of five members on the part of each House, to prepare joint rules of order for the government of the two Houses, and stating further, that Messrs. Waugh, Haywood, Bragg, Seawell and Barringer, compose the committee on the part of that House.

Mr. Shipp, from the joint select 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 half after 12 o'clock this day.

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

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

WEDNESDAY, NOVEMBER 19, 1834.

The Speaker laid before the Senate certain papers communicated to him from the county of Carteret, contesting the seat of Otway Burns, the Senator elected from said county; which were read, and, on motion of Mr. Martin, ordered to lie on the table.

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, one copy for each member of the Legislature. Mr. Martin moved that the message from the House of Commons be laid upon the table; which was not agreed to. The question then recurring on agreeing to the proposition of the House of Commons, it was determined in the affirmative.

A message was also received from the House of Commons, proposing that the two Houses proceed on to-morrow to ballot for a Comptroller of public accounts, and stating that James R. Dodge, Louis H. Marsteller, Nathan A. Stedman, Robert Perry and Edmund B. Freeman, are in nomination for the appointment; which proposition was agreed to. On motion of Mr. Carson, the name of Benjamin S. King, was added to the nomination, and the House of Commons was informed thereof by message.

Mr. Beard, from the joint select committee, appointed to prepare and report joint rules of order for the government of the two Houses during the present session, reported the joint rules of order adopted at the last session, with certain amendments; which were read and agreed to, and the rules of order as amended, were read and adopted.

Received from the House of Commons a message, proposing to raise a joint select committee to consist of five members on the part of each House, to be called the committee on Military Affairs; which proposition was a-
A message was also received from the House of Commons, stating that
the names of William P. Williams, Benjamin S. King and John B. Muse,
are added to the nomination for Comptroller of public accounts.

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

Rule 1. When the Speaker takes the Chair, each member shall take his seat; and on the
appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to
business in the following order, to wit: 1st. the receiving petitions, memorials, pension cer-
tificates and papers addressed either to the General Assembly or to the Senate; 2nd, the
reports of standing committees; 3rd, the reports of select committees; 4th, resolutions;
5th, bills; 6th, bills, resolutions, memorials, messages, pension certificates, and
other papers on the table. Then the orders of the day; but motions and messages to ballot
for officers, to be elected by the General Assembly, shall always be in order.

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

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

5. When a motion is made and seconded, no other motion shall be received unless it be to
amend the main question, to postpone it to a day certain, to postpone it indefinitely, to com-
mit it, to let it lie on the table, or to adjourn.

6. Questions may be stated by the Speaker sitting, but shall be put standing. Questions
shall be distinctly put in this form: "As many as are of opinion that (as the case may be)
say Aye: and after the affirmative voice is expressed—" As many as are of a contrary opin-
ion. say No." If the Speaker doubt as to the voice of the majority, or a division be called for,
the Speaker shall call on those in the affirmative of the question to rise from their seats, and
afterwards those in the negative. If the Speaker still doubt, or a count be required, the
Speaker shall name two members, one from each side, to tell the number in the affirmative;
which being reported, he shall then name two others, one from each side, to tell those in the
negative; which being also reported, he shall state the division to the House, and announce
its decision. No member who was without the bar of the Senate when any question was put
from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent
on some committee.

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

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

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

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

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

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

13. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

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

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

16. There shall be appointed, by the Speaker, the following committees, viz.: a committee of Propositions and Grievances, a committee of Privileges and Elections, a committee of Claims, a committee on the Judiciary, a committee on Internal Improvement, and committee on Education and the Literary Fund, consisting of eight members each, one to be selected from each old judiciary district.

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

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

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

20. No person, except members of the House of Commons, officers and clerks of the two houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either house of the Legislature, shall be admitted within the hall of the Senate.

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

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

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

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

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

On motion of Mr. Hogan, ordered that a message be sent to the House of Commons, proposing to print four additional copies of the Governor's Message for each member of the Legislature.

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

Thursday, November 20th, 1834.

The Speaker announced to the Senate, the appointment of the following standing committees, made in pursuance of the sixteenth rule of order for the government of the Senate, and in pursuance of the joint rules for the government of both Houses, to wit:

On Education and the Literary Fund, Messrs. Arrington, McQueen, McMillan, McCormick, Mann, Martin, Moore, Spencer.

On Privileges and Elections, Messrs. Caldwell, Dobson, Harrison, Howell, Lindsay, Montgomery of Hertford, Montgomery of Orange, and Whittaker.

On Propositions and Grievances, Messrs. Farco, Durham, Edmonston, Hussey, Kendall, McLeary, McWilliams, and Moye of Pitt.


A message was received from the House of Commons, stating that the name of Ichabod Wetmore is added to the nomination for Comptroller of Public Accounts.

Received also from the House of Commons, a message proposing that a joint select committee of three members, on the part of each House, be raised for the purpose of procuring a bell, or designating some other signal, to give notice of the time of meeting of the Legislature; which proposition was agreed to; and Messrs. Wyche, Flynt and Mast, were appointed to form said committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message, stating that Messrs. McCleese and William Horton, attend the Senate, to superintend, on the part of that House, the balloting for Comptroller of Public Accounts, heretofore agreed on to take place this day. Whereupon Messrs. Cowper of Gates, and McCormick, were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. McQueen presented the following resolution, to wit:

"Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee, whose duty it shall be, to examine the manner in which the moneys appropriated for rebuilding the Capitol, have been expended; and the reasons which led to the dismissal of William S. Drummond, Superintendent of Public Buildings; and that they report to the Legislature;"

Which being read, Mr. Wyche moved to amend it, by striking out the following words, to wit: "and the reasons which led to the dismissal of W. S. Drummond, Superintendent of Public Buildings."

Mr. Martin moved that the resolution, together with the amendment, be laid upon the table; which motion was agreed to.

Mr. Beard presented the following resolutions, to wit:

1st. Resolved, That so much of the message of his Excellency, the Governor, as relates to the subject of a State Convention, be referred to a select committee.

2d. Resolved, That so much of said message, as regards "the relations which exist between this State and the General Government," be referred to a select committee.

3d. Resolved, That so much of said message, as relates to "Internal Improvement," be referred to the standing committee on that subject.

4th. Resolved, That so much of the said message, as relates to the revenue and fiscal system of the State," be referred to the committee of finance.

5th. Resolved, That so much of the said message, as relates to the "Bank of the State," be referred to the committee of finance.

6th. Resolved, That so much of said message, as relates to the "publication and distribution of the acts of Assembly," be referred to a select committee.

7th. Resolved, That so much of said message, as relates to the "Outrage recently committed on American citizens at Nassau," be referred to a select committee.

Which, after being read, were, on motion of Mr. Spaight, ordered to lie on the table.

On motion of Mr. Dobson, Ordered, That a message be sent to the House of Commons, proposing that the two Houses proceed to ballot, on Monday next, for a Governor of the State for the ensuing year, and nominating for that appointment, his Excellency David L. Swain.
Mr. Carson presented the petition of Susan Durham, of the county of Burke, praying to be divorced from her husband, Archibald Durham; which was read; and, on motion of Mr. Carson, ordered to be referred to the committee on propositions and grievances.

Mr. McCormick, from the committee appointed to superintend the balloting for a Comptroller of Public Accounts, reported, that no person in nomination had received a majority of votes.

A message was received from the House of Commons, proposing to ballot, immediately, for a Senator in Congress, to serve for six years from the fourth of March next; and nominating for that appointment, the Hon. Bedford Brown.

Mr. Wellborn moved that the message lie on the table.

Mr. Mann moved that the Senate do now adjourn until to-morrow morning, ten o'clock; which motion was not agreed to. Ayes 25, Noes 37. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Beard, Branch, Burns, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McQueen, McWilliam, Mann, Martin, Montgomery of H., Moye of Pitt, Sawyer, Sherard, Shipp, Spencer, Wilson.


The question then recurring on the motion to lay the message on the table, it was decided in the negative. Ayes 28, Noes 33. The ayes and noes being demanded by Mr. Cooper of Martin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McMillan, McQueen, McWilliams, Mann, Martin, Montgomery of H., Moye of Pitt, Parker, Sawyer, Sherard, Shipp, Spencer, Wellborn, Wilson.


The question then recurred on agreeing to the proposition of the House of Commons, and was determined in the affirmative. Ayes 33, Noes 28. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:


Those who voted in the negative, are, Messrs. Baker, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McMillan, McQueen, McWilliams, Mann, Martin, Montgomery of H., Moye of Pitt, Parker, Sawyer, Sherard, Shipp, Spencer, Wellborn, Wilson.

Mr. Klutts then moved that the Senate do now adjourn until to-morrow morning, 10 o'clock; which was not agreed to. Ayes 27, Noes 34. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McWilliams, McQueen, Mann, Martin, Montgomery of Hertford, Moye of Pitt, Parker, Sawyer, Sherard, Shipp, Spencer, Wellborn, Wilson.

Those who voted in the negative, are, Messrs. Arrington, Brittian, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, McCormick, McLeary
Mr. Sawyer thereupon renewed the motion to adjourn until to-morrow morning, 10 o'clock; which was not agreed to. Ayes 27, Noes 33. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Barco, Beard, Branch, Caldwell Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Queen, M'Williams, Mann, Martin, Montgomery of Hertford, Moye of Pitt, Parker, Sawyer, Sherard, Shipp Spencer, Wellborn, Wilson.


Messrs. Sawyer and Edwards were thereupon appointed to superintend 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, agreeing to the proposition of the Senate, to ballot on Monday next for the Governor of the State for the ensuing year.

A message was also received from the House of Commons, stating that Messrs. Bragg and R. H. Alexander, attend the Senate to conduct the balloting for a Senator in Congress, on the part of that House; and informing that the name of Thomas Settle is added to the nomination.

Received also from the House of Commons a message, proposing that the two Houses ballot again immediately, for a Comptroller of public accounts, and stating that Robert Perry, is withdrawn from the nomination; which proposition was agreed to, and Messrs. Hawkins and Moye of Greene, appointed to superintend 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. Register and Ziglar, are appointed to conduct the balloting on their part.

Mr. Edwards, from the committee appointed to conduct the balloting for a Senator in Congress for six years, from the fourth day of March next, reported that Bedford Brown having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

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

Friday, November 21, 1834.

Mr. Hawkins, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes.

On motion of Mr. Wyche,

Resolved, That the committee on the Judiciary inquire into the expediency of defining by law with more precision, the punishment to be inflicted for the crime of bigamy, so as to take away or to lessen the discretion of the court in ascertaining such punishment; and that they report by bill or otherwise.

On motion of Mr. Cowper of Gates, ordered that a message be sent to the House of Commons, proposing to ballot again for a Comptroller of public accounts.

Mr. Spaight presented the following resolution, to wit:

Resolved, That the Senate shall meet every day, (Sunday's excepted,) during the session at the hour of ten in the forenoon, unless otherwise ordered.

Which being read, Mr. Martin moved that it lie on the table, which was
not agreed to. The question then recurring on the adoption of the resolution, it was determined in the negative.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot again for a Comptroller of public accounts, and stating that Mr. Cansler and Mitchell, attend the Senate to superintend the balloting on the part of that House. Whereupon, Messrs. Holmes and Cowper of Gates, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Sawyer moved that the Senate do now proceed to take up and consider the communication laid before the Senate by the Speaker on the 19th instant, relative to the seats of the Senator and one of the Commoners elect from the county of Carteret; which motion was agreed to. Whereupon Mr. Sawyer, further moved that the communication in relation to the seat of one of the Commoners from Carteret county, be transmitted to the House of Commons, with a request that that House would transmit to the Senate any communications or papers in its possession, relative to the seat of the Senator elect from Carteret county. Mr. Beard moved that the communication in relation to the seat of one of the Commoners from Carteret county, lie on the table; which motion having precedence, the question thereon was first taken, and decided in the affirmative. Whereupon, on motion of Wyche, ordered that the paper relative to the seat of the Senator elect from the county of Carteret, be referred to the committee on Privileges and Elections.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to print four additional copies of the message of his Excellancy the Governor, for each member of the Legislature.

Received also from the House of Commons a message, stating that Messrs. King, Maclin and Wesley Jones, form the committee on the part of that House, to procure a bell or to agree upon some other signal, to give notice of the meetings of the Legislature, and that Messrs. Waugh, Mars-Teller, Ziglar, Welch and William Horton, form the joint select committee on the part of that House on Military Affairs.

On motion of Mr. Beard, ordered, that a message be sent to the House of Commons, proposing that two additional copies of the report of the Public Treasurer, be printed for each member of the Legislature.

A message was received from the House of Commons, proposing to ballot on to-morrow for Public Printer to the State, and stating that Messrs. Joseph Gales & Son, and Lawrence & Lemay, are in nomination for the appointment. On motion of Mr. Wyche, ordered, that the said message lie on the table.

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

Received from the House of Commons a message, proposing to ballot again for Comptroller of public accounts; which proposition was agreed to by the Senate, and Messrs. Caldwell and Moye of Pitt, were appointed to superintend the balloting, and a message sent to the House of Commons informing them thereof, and stating further, that the name of John B. Muse is withdrawn from the nomination. A message was thereupon received from that House, stating that Messrs. Kenan and Fousbee, attend the Senate to conduct the balloting on their part.
Mr. Moye of Pitt, from the committee appointed to superintend the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred. On motion of Mr. M'Queen, ordered, that a message be sent to the House of Commons, proposing a further balloting for a Comptroller of public accounts. Whereupon, a message was received from that House, agreeing to the proposition, and stating that Messrs. Cotton and M'Neill, attend the Senate to conduct the balloting on their part; Messrs. M'Queen and Arrington, were appointed to superintend the balloting on the part of Senate, and the House of Commons was informed thereof by message.

The Senate then adjourned until to-morrow morning, 11 o'clock.

Saturday, November 22, 1834.

Mr. Wyche moved that the Senate do now take up and consider the message from the House of Commons of yesterday, proposing to ballot on this day for Public Printer; which motion was agreed to, and the proposition of the House of Commons concurred in by the Senate. Whereupon, Messrs. Montgomery of Orange, and Kendall, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. A message was thereupon received from that House, stating that Messrs. Henry and Wesley Jones, are appointed superintendents of the balloting on their part.

A message was received from the House of Commons, stating that Messrs. Haywood, M'Neill, Dudley, Lilley, Smallwood, Henry, Boddie and Mullen, form the standing joint committee on Finance; and that Messrs. King, Battle and Jordan, form the joint standing committee on the Public Library, on the part of that House.

Mr. M'Queen, from the committee appointed to superintend the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

On motion of Mr. Cooper of Martin, ordered, that Hardy Flowers, the Senator from the county of Edgecomb, have leave of absence from the services of the Senate, from and after this day until Wednesday next.

A message was received from the House of Commons, proposing to ballot again for a Comptroller of public accounts, and stating that Edmund B. Freeman, is withdrawn from the nomination; which proposition was agreed to. Messrs. Mann and Brittain, 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. Bedford and Sloan, attend the Senate to conduct the balloting on their part.

Mr. Carson presented the resignation of David Glass, senr. a justice of the peace for the county of Burke; which was read and accepted, and sent to the House of Commons.

Mr. Cooper of Martin, presented the resignation of Jesse Hardison, a justice of the peace for the county of Martin; and Mr. Caldwell presented the resignation of John Murdock, colonel commandant; David Ramsay, lieutenant colonel, and David M. Stephenson, major of the first regiment of Iredell county militia; which were severally read and accepted, and sent to the House of Commons.
A message from the House of Commons, stating that Messrs. Graham, Hutchison, Hoke and Perkins, are appointed to form the committee on enrolled bills on the part of that House.

Mr. Montgomery of Hertford, presented the petition of Richard G. Cowper, executor of the last will and testament of Dr. Thomas O'Dwyer, late of said county, praying the passage of an act to emancipate certain negro slaves, belonging to the estate of his testator; ordered, that the said petition, together with the accompanying papers, be referred to the committee on Propositions and Grievances.

Mr. Martin presented the following resolution, to wit:
Resolved, That the committee on the Judiciary be and they are hereby instructed to inquire into the expediency of amending the existing laws on the subject, so as to authorize a less number of magistrates than a majority, to take sheriff's bonds, appoint county trustees, authorize the payment of county claims, &c. &c. that they report by bill or otherwise.

Which being read, was, on motion of Mr. Martin, ordered to be laid on the table.

Mr. Spaight moved that the Senate do now proceed to take up and consider the resolution submitted by Mr. Beard, on the 20th instant, referring the various subjects embraced in the Governor's message to appropriate committees; which motion was agreed to. Whereupon, Mr. Beard moved to amend the resolutions by adding the following, as an additional resolution, to wit:
Resolved, That so much of said message, as relates to domestic aggressions upon the rights of our citizens to their slaves; be referred to the committee on the Judiciary.

Which amendment was agreed to, and the resolutions as amended were adopted.

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

On motion of Mr. Carson,
Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of altering the law, which requires sheriffs collecting money upon executions from different counties than that in which they act, and to make the money payable by the sheriffs to the clerks of the courts of their respective counties, or to allow sufficient compensation for traveling expenses, &c. &c. to and from such counties.

On motion of Mr. Montgomery of Orange, ordered, that a message be sent to the House of Commons, proposing to ballot again immediately for Public Printer.

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

On motion of Mr. Kerr, ordered, that Robert Martin, the Senator from the county of Rockingham, have leave of absence from the services of the Senate, from and after this day until Thursday next.

Received from the House of Commons a message, transmitting certain documents relating to the ineligibility of the Senator from the county of Carteret to his seat, the same having been erroneously addressed to the Speaker of the House of Commons. On motion of Mr. Wyche, ordered, that the said documents be referred to the committee on Privileges and Elections.

Mr. Beard moved that the Senate proceed to take up the communication heretofore laid upon the table, in relation to the seat of one of the members of the House of Commons, from the county of Carteret; which motion was agreed to. Whereupon, on motion of Mr. Beard, ordered, that the said
communication be transmitted to the House of Commons, it having been improperly addressed to the Senate.

Received from the House of Commons a message, proposing to raise a joint select committee of three members on the part of each House, upon the subject of the Cherokee lands; which proposition was agreed to. Messrs. Welborn, Edmonston and Brittain, were appointed to form the committee, on the part of the Senate, and the House of Commons was informed thereof by message.

A message also was received from the House Commons, agreeing to the proposition of the Senate, to ballot again immediately for Public Printer, and stating that Philo White, is added to the nomination; and informing further that Messrs. Craigie and Bragg, attend the Senate to conduct the balloting on the part of that House. Whereupon, Messrs. Sherrard and Edmonston, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Caldwell, ordered, that Mary Sloan of the county of Iredell, have leave to withdraw from the files of the Senate, the documents and papers accompanying her petition, presented during the last session of the Legislature.

Received from the House of Commons a message, proposing to ballot again on Monday next, for Comptroller of public accounts; which proposition was not agreed to. Whereupon, on motion of Mr. Cooper of Martin, ordered, that a message be sent to the House of Commons, proposing that another balloting be had immediately for that officer.

Received also from the House of Commons a message, proposing to raise a joint select committee, to take under consideration the late outrage, by the authorities of one of the British West India Islands, upon the persons and property of certain American citizens; which proposition was agreed to. Messrs. Beard, Holmes, Moore, Sawyer and Spaight, were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, agreeing to the proposition of the Senate to ballot again immediately for a Comptroller of Public accounts, and stating that Messrs. Kittrell and Martin, attend the Senate to conduct the balloting on the part of that House. Whereupon, Messrs. Kerr and Martin, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by Message.

Received from the House of Commons the following resignations, to wit: the resignation of William C. Means, colonel commandant of cavalry; attached to the 11th brigade of the 4th division of North Carolina militia; the resignation of Benjamin Ziglar, of the county of Stokes; the resignation of Thomas Clancy, of the county of Orange; the resignation of Thomas Bryan, of the county of Wilkes; and the resignation of S. Goodwin, of the county of Richmond, 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.

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

The Senate then adjourned until Monday morning, 11 o'clock.
JOURNAL OF THE SENATE.

MONDAY, NOVEMBER 24, 1834.

The Speaker announced to the Senate the appointment of the following committees, made in pursuance of the resolutions introduced by Mr. Beard, referring the various subjects embraced in the Governor's message, to wit: On Federal Relations, Mr. Spaight, Branch, Hawkins, Little and Edwards; on a State Convention for amending the Constitution, Messrs. Carson, Hogan, Sawyer, Montgomery of Orange, and Lockhart; on the distribution of the acts of the General Assembly, Messrs. Wyche, Arrington, Kerr, Mann and Wilson.

Mr. Sherard presented the petition of Therisa Brownrigg, of the county of Wayne, praying the Legislature to pass an act to secure to her, such property as she may hereafter acquire. Ordered, that the said petition be referred to the committee on Propositions and Grievances.

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

Received from the House of Commons a message, proposing to ballot again immediately for a Comptroller of public accounts; which proposition was agreed to. Messrs. Holmes and Kendall, 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. M'Cleese and J. Horton, are appointed to superintend the balloting on their part.

A message was also received from the House of Commons, stating that Messrs. Whitfield and King, attend the Senate to conduct the balloting for Governor of the State, heretofore agreed on to take place this day, and informing further, that William D. Mosely is added to the nomination. Whereupon, Messrs. Caldwell and Edmonston, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Klutts moved that Thomas Baker, the Senator from the county of Yancey, who he stated had voted through mistake for Comptroller, instead of Governor, should be permitted to change his vote; which motion was not agreed to.—Ayes 28.—Noes 31. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows, to wit:


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

Received from the House of Commons a message, stating that Messrs. J. W. Guinn, Henry and Hawkins, form the committee on the part of that House, on the subject of the Cherokee lands; and that Messrs. Dudley, Mitchell, Manly, M'Racken and Long, form the committee on the part of that House, on so much of the Governor's message as relates to the attack at Nassau.

A message was also received from the House of Commons, proposing to
ballot again immediately for Governor of the State; which proposition was agreed to. Messrs. Edwards and Beard 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. Poindexter and Marsteller attend the Senate to conduct the balloting on their part.

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

Received from the House of Commons a message, proposing to ballot again immediately for a Comptroller of public accounts; which proposition was agreed to. Messrs. Whitaker and Baker, 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. Guinn and J. L. Smith, attend the Senate to superintend the balloting on their part.

Mr. Caldwell presented the petition of sundry citizens of the county of Iredell, praying the passage of an act to restore Andy Baggarly of said county to the privileges of citizenship; ordered, that the said petition be referred to the committee on Proposisions and Grievances.

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

Received from the House of Commons a message, proposing to ballot again immediately for a Comptroller of public accounts. Mr. Sawyer moved that the message lie on the table; which motion was not agreed to. The question then recurring on agreeing to the proposition of the House of Commons, it was determined in the affirmative. Whereupon, on motion of Mr. Dobson, ordered that a message be sent to that House, proposing that the committee appointed to superintend the balloting should be directed to wait upon the sick members at their rooms, and receive their votes. Messrs. Moye of Greene and Shipp, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. A message was thereupon received from that House, stating that they do not concur in the proposition of the Senate, that the balloting committee appointed to conduct the balloting for Governor, should wait upon the sick members and receive their votes, and informing further that Messrs. Harris and Henderson, attend the Senate to conduct the balloting on their part.

Mr. Whitaker, from the committee, appointed to superintend the election for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing a further balloting immediately for Comptroller of public accounts; and stating that James R. Dodge and William P. Williams, are withdrawn from the nomination; which proposition was agreed to, and a message sent to the House of Commons informing them thereof, and stating that Benjamin S. King is also withdrawn from the nomination, and informing that House that Messrs. Cowper of Gates and Ennett, are appointed to conduct the balloting on the part of the Senate. Whereupon a message was received
JOURNAL OF THE SENATE.

from the House of Commons, stating that Messrs. King and Baker, are appointed to superintend the balloting on their part.

Received from the House of Commons the following resignations, to wit: The resignation of Samuel Mitchell, colonel commandant, and William Malone, lieutenant colonel of the 16th brigade of Cavalry; the resignation of Calvin Coor, lieutenant colonel of the 40th regiment of militia; the resignation of Francis M'Gee, major of the Haywood county militia; the resignation of James A. Dunn, major of cavalry, in the 11th brigade; the resignation of Anderson H. Walker, John White and James Bullock, of the county of Granville; the resignation of John S. Smallwood and Thomas J. Pugh, of the county of Bertie; the resignation of David W. Simmons, Anthony H. Rhodes and Durant H. Rhodes, of the county of Onslow; the resignation of Joseph Hoover, of the county of Randolph; the resignation of John Logan, of the county of Burke; and resignation of J. Cartwright, of the county of Camden, 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.

Mr. Shipp, from the committee appointed to conduct the balloting 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 Senate then adjourned until to-morrow morning, 11-o'clock.

TUESDAY, NOVEMBER 25, 1834.

Mr. Edmonston presented the petition of Barbara Cabe, of Haywood county, praying to be divorced from her husband Joseph Cabe; ordered, that the said petition be referred to the committee on Propositions and Grievances.

Mr. Cowper of Gates, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that Nathan A. Stedman, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Carson presented the petition of John Suddarth and Patrick Hennessey, of the county of Burke, praying the passage of an act to authorize them to erect gates on their own land, across the public road leading from Wilksborough to Morganton; ordered, that the said petition be referred to the committee on Propositions and Grievances.

On motion of Mr. Parker,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law, that executors or administrators may be garnisheed in certain cases, and that they report by bill or otherwise.

On motion of Mr. Cowper of Gates,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws, as to compel constables to return warrants in the district in which the defendant lives, and that they report by bill or otherwise.

Mr. Caldwell presented a bill, entitled "a bill to amend the militia laws," which was read the first time and passed, and on motion of Mr. Caldwell, ordered to be referred to the committee on Military Affairs.

Received from the House of Commons a message, proposing that a joint select committee to consist of three members of each House, be raised to ascertain from the proper authorities, whether the Presbyterian church and Session house, can be procured for the use of the Legislature, and if so,
that said committee be instructed to make such arrangements at said church and Session house, as may be necessary for the comfortable accommodation of this body. Mr. Montgomery of Orange, moved to amend the proposition, by striking out the latter clause, which authorizes the committee to make such arrangements at said church and Session house, as may be necessary for the comfortable accommodation of this body, and to insert in lieu thereof the following: "and that said committee be instructed to report to this Legislature;" which amendment was agreed to, and the proposition of the House of Commons as amended, was agreed to, and a message sent to the House of Commons informing thereof.

Mr. Cooper of Martin, moved that a message be sent to the House of Commons, proposing that Saturday week next, be set apart for the purpose of appointing field officers and justices of the peace; which motion was not agreed to.

On motion of Mr. M'Queen,
Resolved, That the committee on Internal Improvement be instructed to examine the general system of road laws now in operation within this State, and to report whether or not it be expedient so to amend them, as will secure a more equitable distribution of the labour, of preserving them in repair among the different classes of the people.

Resolved further, That the committee on Internal Improvements be instructed to inquire whether or not, it be practicable to improve ordinary roads, in such a manner as to adapt them to the use of locomotives, for the transportation of travellers and produce, and it practicable, whether the introduction of such improvement would probably be attended with a comparative saving of expenditure; and the production of a benefit to the people of the State.

Mr. M'Queen, moved that the Senate do now proceed to take up and consider the resolution submitted by him, proposing to raise a joint select committee to inquire into the manner in which the moneys appropriated for rebuilding the capitol, have been expended; which motion was agreed to.

The question pending, being on the amendment proposed by Mr. Wyche, to strike out the latter clause of the resolution, in the following words, to wit: "and the reasons which led to the dismissal of Wm. S. Drummond, superintendent of public buildings;" and the question being taken thereon, it was decided in the negative.

Mr. Hogan, moved to amend the resolution by adding the following, as an additional one, to wit: "Resolved further, that the committee report the probable amount of money, that will be required to finish and furnish the capitol, and when it will be ready for the reception of the Legislature;" which amendment was agreed to, and the resolution as amended was adopted.

The Senate then adjourned until to-morrow morning, 11 o'clock.

WEDNESDAY, NOVEMBER 26, 1834.

Mr. Wyche presented the following resolution, to wit:
Resolved, That the committee of Finance be authorized and instructed to burn all the Treasury notes, which may be in the Treasurer's office, and report the amount to this General Assembly.

Which was read the first and second times and passed, and being read the third time, Mr. Welborn moved that it lie on the table; 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.

On motion of Mr. Holmes,
Resolved, That the Judiciary committee inquire into the expediency of amending the law on the subject of usury, and report by bill or otherwise.
On motion of Mr. Holmes,

Resolved, That the Judiciary committee inquire into the expediency of repealing or amending the act of 1822, entitled "an act for the relief of honest insolvent debtors," and report by bill or otherwise.

Mr. Ennett presented the following resolution, to wit:

Resolved, That the commissioners appointed to superintend the building of the State House, in Union Square in the city of Raleigh, report the original plan of said building, the subsequent alterations or additions thereto, the number and names of the superintendents and laborers, the amount paid each for services rendered per diem or otherwise; also the number of slaves, if employed by the day or otherwise, and at what price, and whether any deduction is made for loss of work by sickness or inclemency of weather; the number of blacksmiths employed for the use of the State on account of said State House, their pay, and whether any work has been done by said blacksmiths not for the use of the Capitol, and if so, for whom; the said report to embrace the superintendents, laborers, teams, slaves, &c. &c. employed at the quarry and on the rail-road, their pay and cost of each; and what materials, and the price of each, have been purchased for the use of the Capitol and at the quarry; what disposition has been made of the materials of the old State House, and, if sold, to whom, for what price, and how the proceeds have been applied; has any of the rock or granite at the quarry belonging to the State been sold, and, if so, by whom, to whom, at what price, how the proceeds have been applied, and in what state or condition was the rock or granite at the time of sale; and further, has any rock or granite been taken from said quarry, and, if so, what quantity, by whom, and whose authority; and if any rock or granite, brought from said quarry to the Capitol Square, for the purpose of building the State House, has been otherwise used than that of building the same, and, if so, what quantity, by whom, and whose permission:

Which was read the first time and passed.

Mr. Wilder presented a bill, entitled a bill to repeal an act, entitled "an act to raise a fund to establish free schools in the county of Johnston, and for the government thereof," passed in the year 1831; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Cowper of Gates, presented a bill, entitled "a bill to alter the name of Martha Ann Williams, and to legitimate her," which was read the first time and passed, and on motion of Mr. Shipp, ordered to lie on the table.

Mr. Montgomery of Hertford, presented a bill, entitled a bill to authorize the payment of the patrol in the county of Hertford; which was read the first time and passed, and being read the second time, Mr. Shipp moved that it 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. The bill thereupon read the third time, Mr. Cowper of Gates, moved to amend the bill by extending its provisions to the county of Gates; which amendment was agreed to; Mr. Branch moved further to amend the bill, by extending its provisions to the county of Halifax; Mr. M'Williams further moved to amend the bill, by extending its provisions to the county of Beaufort, and Mr. Sawyer moved further to amend the bill, by extending its provisions to the county of Chowan; which several amendments were agreed to. Whereupon, on motion of Mr. Edwards, ordered, that the said bill be referred to the committee on the Judiciary.

Mr. M'Williams presented a bill, entitled a bill to authorize Thomas H. Blount, of Beaufort county, to make a road on his own land, in Hyde county, from Rose Bay turnpike to the present settlement on Swan quarter, and to receive toll for passing the same; which was read the first, second and third times and passed, and ordered to be engrossed.

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

Mr. Sawyer presented a bill, entitled a bill defining and limiting the
Mr. Lowry presented a petition from sundry persons of the county of Buncombe, praying the passage of an act to divorce Catharine Parks, of said county, from her husband Gabriel Parks. Ordered that said petition be referred to the committee on Propositions and Grievances.

Mr. Durham presented the resignation of Elijah Morgan and Johnston Ledbetter, justices of the peace for the county of Rutherford; which were read and accepted, and sent to the House of Commons.

Mr. Welborn presented the petition of Cynthia Streets, praying to be divorced from her husband Solomon Streets, ordered that the said petition be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, proposing that a joint select committee of two members on the part of each House, be raised to wait on his Excellency David L. Swain, inform him of his election as Governor of the State, for the ensuing year, and learn from him at what time it will be convenient for him to attend and take the oaths of office, prescribed for his qualification; which proposition was agreed to, Messrs. Sherrard and Shipp, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Brittain presented the memorial of Samuel Sherrill and others, of the county of Macon, praying the passage of an act granting them permission to work a silver or lead mine, which they alledge they have discovered on the public lands in said county; ordered, that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Little presented the resignation of James Marsh, a justice of the peace for the county of Anson, and Mr. Howell presented the resignation of John Betheene, a justice of the peace for the county of Robeson; which was read and accepted, and sent to the House of Commons.

Mr. Hogan, from the committee on the Judiciary, to which was referred the resolution directing them to inquire into the expediency of altering the law, which requires sheriffs collecting money upon executions from different counties than that in which they act, to return the moneys to the office of the clerk of the county, from whence the execution issued, and to make the money payable by the sheriffs to the clerks of the courts in their respective counties, or to allow sufficient compensation for travelling expenses, &c. made an unfavorable report thereon; which was read, and on motion of Mr. Beard, ordered to lie on the table.

Mr. Hogan, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of altering the law, so as to require constables to return warrants in the district in which the defendant resides, made an unfavorable report thereon; which was read and concurred in.

Mr. Hogan, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of defining by law with more precision, the punishment to be inflicted for the crime of bigamy, so as to take away or lessen the discretion of the court, in ascertaining such pun-
JOURNAL OF THE SENATE.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled "a bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land" in which they ask the concurrence of the Senate. Whereupon the said bill was read and passed.

Received from the House of Commons a message, stating that the House to raise a joint select committee, to inquire into the practicability of removing the present sitting of the Assembly to the Presbyterian church and Senate house, and stating further that Messrs. Bragg, W. Jones and Marsteller, are appointed to form the committee on the part of that House. Whereupon, Messrs. Montgomery of Orange, Moye of Greene, and M'Williams, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Dowd presented the petition of James Moak of Moore county, a soldier of the Revolution, praying the Legislature to authorize and direct the Secretary of State, to issue to him a land warrant for six hundred and forty acres of land, in consideration of his military services; ordered, that the said petition with its accompanying documents, be referred to the committee on Claims.

Mr. Carson presented the following resolution, which was read and ordered to lie on the table, to wit:

Resolved, Upon a motion to lie upon the table, the merits of the question shall not be discussed.

Received from the House of Commons the certificate of allowance, made by the County Court of Cumberland, in favor of Mrs. Martha Spears, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker, and sent to the Senate;" and, which, on motion of Mr. M'Cormick, was ordered to be countersigned by the Speaker of the Senate, and returned to the House of Commons.

Received also from the House of Commons the following resignations, to wit: The resignation of James C. Wren, colonel commandant; the resignation of Julin. lieutenant colonel, and the resignation of Lane, major of the 5th regiment of North Carolina militia; also the resignation of George Hoover, brigadier general of the 16th brigade and 4th division of militia; and the resignation of Walker Anderson, a justice of the peace for the county of Orange; endorsed in that House, "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate then adjourned until to-morrow morning, 11 o'clock.

THURSDAY, NOVEMBER 27, 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 repeal an act, entitled "an act to raise a fund to establish free schools in the county of Johnston, and for the government thereof," passed in the year 1831, and a bill to authorize Thomas H. Blount of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan quarter, and to receive toll for passing the same; in which they ask the concurrence of that House.
Mr. Lockhart presented the petition of the Petersburg Rail Road company, praying the passage of an act to authorize them to erect a bridge across the Roanoke river at the town of Blakely, and in the mean time to establish a ferry at the same place. Mr. Lockhart also presented a bill to carry the prayer of the petitioners into effect, entitled a bill to authorize the Petersburg Rail Road company to erect a bridge across the Roanoke river at the town of Blakely, and in the mean time to establish a ferry at the same place; which was read the first time and passed. On motion of Mr. Lockhart, ordered that the said bill, together with the accompanying petition, be referred to the committee on Internal Improvements.

Mr. Moye of Greene, presented the resignation of J. Williams of the county of Greene, and Mr. Dowd presented the resignation of William Donnelly of the county of Moore; Mr. Moye of Pitt presented the resignation of Josiah Daniel of the county of Pitt; Mr. Fairley presented the resignation of Silas A. Drake and Stafford Gibson, of the county of Richmond; and Mr. Kerr presented the resignation of Hugh Walker of the county of Caswell, justices of the peace for their respective counties; which were read and accepted, and sent to the House of Commons.

On motion of Mr. Edmonston,
Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of providing by law that no slave-holder shall be allowed to settle slaves on plantations, or at any negro quarters, without a white overseer, who shall have charge of them.

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

Mr. Caldwell presented a bill, entitled a bill to provide for the payment of certain persons, for the performance of certain duties therein mentioned; which was read the first time and passed, and, on motion of Mr. Caldwell, ordered to be referred to the committee on the Judiciary.

Mr. Lindsay presented a bill, entitled a bill to alter the name of, and legitimate Zadock Best, of Currituck county; which was read the first and second times and passed, and, on motion of Mr. Edwards, ordered to be referred to the committee on the Judiciary.

Mr. Hogan presented the petition of sundry persons 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. Mr. Hogan also presented a bill to carry the prayer of the petitioners into effect, entitled a bill to amend an act, passed in the year 1822, entitled "an act for the division of Rowan county"; which was read the first time and passed, and, on motion of Mr. Beard, ordered that the said bill, with the accompanying petition, lie on the table.

Mr. M'Williams, from the joint select committee appointed to ascertain whether the Presbyterian church and session house in this city, can be procured for the purpose of holding the sitting of the present Legislature, presented a letter from C. Dewey, Esquire, on behalf of the proper authorities of the said church, respectfully assigning the reasons why the authorities of said church decline granting the desired permission; which being read, was, on motion of Mr. Moye of Greene, ordered to be transmitted to the House of Commons.

The engrossed bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road, on his own land, was read the
second time. Mr. M'Cormick moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Whereupon, on motion of Mr. Wyche, ordered that the said bill lie upon the table.

Received from the House of Commons a message, transmitting a message from his Excellency the Governor, communicating the vouchers of certain expenditures incurred, under a resolution adopted by the last General Assembly, authorising the Governor for the time being, to have suitable grave stones placed at the graves of all members of the Legislature, who have been or may be hereafter interred in the city of Raleigh, accompanied by a proposition from that House, that the said message and accompanying documents be referred to the committee on Finance; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize James Mott, to establish a ferry on Black river, in the county of New Hanover; a bill making compensation to the jurors of the county of Chowan; a bill to repeal in part, an act passed in the year 1824, concerning retailers of spirituous liquors, in the counties of Hyde and Tyrrell; and a bill to incorporate Wake Forest Lodge, No. 97, in Wake county; in which they ask the concurrence of the Senate. Whereupon, the first mentioned bill was read the first time and passed, and on motion of Mr. Shipp, ordered to lie on the table; and the last mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. M'Queen, ordered, that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow, for a brigadier general of the 6th brigade and 4th division of militia, and nominating for that appointment Joseph Allison of Orange county.

The resolution presented on yesterday by Mr. Ennett, calling on the commissioners appointed to superintend the building of the capitol, for certain information, was read the second time; Mr. Sawyer moved that the said resolution lie on the table; which motion was not agreed to. The question then recurring on the passage of the resolution the second time, it was decided in the affirmative. Whereupon, the resolution was read the third time and passed, and ordered to be engrossed.

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

Mr. Wilson presented a bill, entitled a bill to subject legacies, distributive shares, &c. to attachment in like manner as other property; which was read the first time and passed, and on motion of Mr. Wilson, ordered to be referred to the committee on the Judiciary, and on motion of Mr. Hogan, ordered that the said bill be printed.

Mr. Brittain presented the petition of E. L. Poindexter and others, of the county of Macon, proprietors of the Tennessee river turnpike road, praying an extension of the charter, granted for the construction of said road.

Mr. Brittain also presented a bill, entitled a bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river turnpike road, passed in 1826, chapter 36th; which was read the first time and passed.

Mr. Kendall, from the committee on Propositions and Grievances, to
which was referred the petition of Richard G. Cowper, executor of Dr.
Thomas O'Dwyer, praying the emancipation of certain slaves, belonging to
the estate of his testator, made an unfavorable report thereon, stating that
no evidence had been adduced to the committee to satisfy them, that the
prayer of the petitioner should be granted, and ask to be discharged from
the further consideration of the subject. Ordered, that the committee be
discharged accordingly.

Mr. Kendall, from the same committee to which was referred the petition
of Mary B. Cabe, of Haywood county, praying to be divorced from her
husband Joseph Cabe, made a favorable report thereon, accompanied by a
bill, entitled a bill to divorce Mary B. Cabe, of Haywood county, from her
husband Joseph Cabe; which was read the first time and passed.

Received from the House of Commons the certificate of allowance, made
by the county court of Cumberland, in favor of Mrs. Isabella Campbell, a
pensioner of the State, and the certificate of allowance made by the county
court of Mecklenburg, in favor of Mrs. Martha Thompson, also a pensioner
of the State, endorsed in that House, "read and ordered to be countersign-
ed by the Speaker of this House, and sent to the Senate;" and which were
ordered to be countersigned by the Speaker of the Senate, and returned
to the House of Commons.

Received from the House of Commons the following resignations, to wit:
The resignation of Thomas Brown, colonel commandant, of the Ashe
county regiment; the resignation of Elijah Walker, lieutenant colonel of 77th
regiment; the resignation of Wilson G. Lamb, lieutenant colonel of the 2d
regiment; the resignation of William Long, lieutenant colonel of the 76th
regiment; and the resignation of Nat. L. Mitchell, major of the Onslow
county militia; also the resignation of Christian Bringle, of the county of
Rowan; the resignation of Daniel Alexander, of the county of Mecklen-
burg; the resignation of Henderson Forsythe, of the county of Iredell; the
resignation of Thomas Wright, senr. of the county of Surry; and the re-
signation of Joseph Young, jr. Armistead F. Brackin and George F. Tho-
mas, of the county of Rockingham, justices of the Peace for their respec-
tive counties, endorsed in that House, "read and accepted;" and which
were severally read and accepted by the Senate.

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

FRIDAY, NOVEMBER 28, 1834.

A message was sent to the House of Commons, stating that the Senate
have passed the engrossed resolution, entitled a resolution requiring infor-
mation from the commissioners appointed to superintend the building of the
capitol, &c. in which they ask the concurrence of that House.

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

Mr. M'Cormick presented the certificate of allowance of the county court
of Cumberland, in favor of Mrs. Ann Morrison, a pensioner of the State;
which was read, and, on motion of Mr. M'Cormick, ordered to be counter-
signed by the Speaker of the Senate, and sent to the House of Commons.
Mr. Hogan, from the committee on the Judiciary, to which was referred the bill to alter the name of, and legitimate Zadock Best, of Currituck county, reported the same without amendment, stating that in the opinion of the committee, no legislation is necessary on the subject. Whereupon, the said bill was read the third time, and resolved that the same shall not pass.

Mr. Hogan, from the same committee to which was referred the bill to provide for the payment of certain persons, for the performance of certain duties therein mentioned, made an unfavorable report thereon; which was read, and on motion of Mr. Caldwell, ordered, that the report together with the bill lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill supplemental to an act, passed in the year 1802, chapter 616, entitled an act to empower county courts within the State, to appoint patrols; and a bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin in Macon county; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed, and on motion of Mr. Shipp, ordered to be referred to the committee on the Judiciary. The last named bill was thereupon read the first and second time and passed, and being read the third time, Mr. Edmonston moved to amend the bill by inserting after the word "to," in the fifth line of the first section, the words "cause to be issued;" 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 the concurrence in the amendment.

Received also from the House of Commons a message, agreeing to the proposition of the Senate to ballot on to-day for a brigadier general, of the 5th brigade and 4th division, and stating that Messrs. Stockard and Rush, attend the Senate to conduct the balloting on the part of that House. Whereupon, Messrs. M'Cormick and Cowper of Gates, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Hogan, the Senate proceeded to take up and consider the bill to provide for the payment of certain persons, for the performance of certain duties, and the bill being read the second time, Mr. Hogan moved to amend it, by striking out the whole thereof, except the enacting clause, and to insert in lieu thereof a substitute; which was read and agreed to, and the bill as amended, was read the second time and passed. The bill being thereupon read the third time, Mr. Shipp moved further to amend it, by striking out the last section, and Mr. Hogan moved to amend the title, so as to make it correspond with the provisions of the bill; which amendments were agreed to, and the bill as amended, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a joint select committee, to examine the manner in which the moneys appropriated for rebuilding the capitol, have been expended and the reasons which led to the dismissal of William S. Drummond, superintendent of public buildings; also to inquire and report the probable amount of money which will be required to finish and furnish the
capital, and when it will be ready for the reception of the Legislature, and stating further that Messrs. Daniel, Tansler, Cotton, Hutcheson and Harper, are appointed to form the committee on the part of that House. Whereupon, Messrs. M'Quén, Branch, Hogan, Mebane and Hawkins, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Cowper of Gates, from the committee appointed to conduct the balloting for brigadier general of the 6th brigade and 4th division, reported that Joseph Allison having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The bill to divorce Mary B. Cabe from her husband Joseph Cabe, was read the second time, and resolved, that the same shall not pass.

The bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river turnpike road, passed in 1826, chapter 36th; was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Cowper of Gates, Resolved, That the committee on Finance be instructed to inquire into the expediency of changing the present mode of receiving lists of taxable property, and of amending the revenue laws of this State, and that they report by bill or otherwise.

Mr. Baker presented the petition of Rachel Edwards of Yancy county, stating that at October term 1830, of Buncombe superior court, a decree was made by said court, divorcing her from her husband Edmond Edwards, and praying the passage of an act, giving her permission to marry again. Ordered, that the said petition be referred to the committee on Propositions and Grievances.

A motion was made by Mr. Mebane, to reconsider the vote, rejecting the bill to divorce Mary B. Cabe, from her husband Joseph Cabe, and on the question, will the Senate reconsider the said vote? it was decided in the affirmative. Whereupon, on motion of Mr. Edmonston, ordered, that the said bill lie on the table.

Mr. Shipp presented the petition of Joseph Shepherd, praying the passage of an act, directing the Secretary of State to issue to him a grant for a tract of land, purchased at the sale of the Cherokee lands by John Woody, and by him sold to the petitioner. Ordered, that the said petition and accompanying papers, be referred to the committee on Cherokee Lands.

The Senate then adjourned until to-morrow morning, 11 o'clock.

*Saturday, November 29, 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 authorize and empower the Court of Pleas and Quarter Sessions, to allow compensation to commissioners who shall attend with a processioneer, to establish disputed lines; and a bill to amend an act, entitled an act to establish a turnpike road, in the county of Haywood, to be called the Tennessee river turnpike road, passed 1826, chapter 36; in which they ask the concurrence of that House.

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

Whereas, the practice of trading with slaves in this State, is an increasing and most destructive evil, and ought to be diminished, therefore

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the law, prohibiting the trading with slaves, as more effectually to suppress the odious traffic, and that said committee report by bill or otherwise.

Which was read and adopted.
On motion of Mr. M'Williams,

Resolved, That the Military committee be and they are hereby instructed to inquire into the expediency of so amending the militia laws of this State, as to reduce or lessen the number of commissioned officers in each captain's company to three, (instead of five,) as under the former existing law; and that they report by bill or otherwise.

Mr. Beard presented a bill, entitled a bill concerning a convention to amend the Constitution of the State of North Carolina; which was read the first time and passed, and on motion of Mr. Beard, ordered to be referred to the committee on so much of the Governor's message, as relates to the subject of a State Convention, for amending the Constitution. On motion of Mr. Holmes, ordered, that the said bill be printed, one copy for each member of the Legislature.

Mr. Wilson presented a bill, entitled a bill, providing for a more efficient patrol; which was read the first time and passed, and on motion of Mr. Sawyer, ordered, that the said bill be referred to a select committee to consist of six members, one from each of the old judicial districts, and that it be printed, one copy for each member of the Legislature. Whereupon, Messrs. Wilson, Branch, Spaight, Howell, Kerr and Shipp, were appointed to form said committee.

Received from the House of Commons a message, proposing to ballot immediately for colonel commandant and lieutenant colonel of cavalry, attached to the 16th brigade, and stating that Joseph M. Stanfield, is in nomination for colonel commandant, and Henry R. Beard, for lieutenant colonel; which proposition was agreed to. Messrs. Kerr 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. Jones and Braswell, are appointed to superintend the balloting on their part.

Mr. Welborn presented a bill, entitled a bill to repeal in part an act, passed in the year 1831, to prevent obstruction to the passage of fish up the Pedee and Yadkin rivers; which was read the first, second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, transmitting the annual report of the Adjutant General on the state of the militia, and accompanied by a proposition from that House that it be printed, one copy for each member of the Legislature, and that it be referred to the joint select committee on military affairs; which propositions were agreed to, and the House of Commons was informed thereof by message.

Mr. Klutts presented a bill, entitled a bill for the relief of widows in certain cases; which was read the first time and passed, and, on motion of Mr. Spaight, ordered to be referred to the Committee on the Judiciary.

Mr. Edwards presented the petition of Mary T. Epes, of the county of Warren, praying the passage of an act to divorce her from her husband Peter Epes. Ordered that the said petitioner, with the accompanying papers, be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, stating that they have passed the engrossed resolution, requiring information from the Commissioners appointed to superintend the building of the Capitol, with an amendment; which was read and concurred in by the Senate, and the House of Commons was informed thereof by message.

Mr. Kendall, from the committee on Propositions and Grievances, to
which was referred the petition of John Sudderth and Patrick Hennessee, praying the passage of an act to authorize them to erect gates across the public road, on their own land in the county of Burke, made a favorable report thereon, accompanied by a bill, entitled a bill to authorize John Sudderth and Patrick Hennessee to erect gates on their own lands, across the public road, in the county of Burke; which was read the first time and passed.

Mr. Kendall, from the same committee, to which was referred the petition of Susan Durham, of Burke county, praying to be divorced from her husband Archibald Durham, made a favorable report thereon, accompanied by a bill, entitled a bill to divorce Susan Durham from her husband Archibald Durham; which was read the first time and passed, and, on motion of Mr. McWilliams, ordered to lie on the table.

Mr. Kendall, from the same committee, to which was referred the petition of Theresa Brownrigg, of Wayne county, praying the passage of an act to secure to her such property as she may hereafter acquire, made a favorable report thereon, accompanied by a bill, entitled a bill to secure to Theresa Brownrigg such property as she may hereafter acquire; which was read the first time and passed, and, being read the second time, Mr. Sawyer moved that it 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 41, Noes 16. The ayes and noes being demanded by Mr. Sawyer, are as follows, to wit:


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

Mr. Kerr, from the committee appointed to conduct the balloting for Colonel and Lieutenant Colonel of Calvary attached to the 16th Brigade, reported that Joseph M. Stanfield, having received a majority of the whole number of votes, is duly elected Colonel; and that Henry R. Beard, having also received a majority of the whole number of votes, is duly elected Lieutenant Colonel; in which report the Senate concurred.

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

MONDAY, DECEMBER 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 repeal in part an act, passed in the year 1831, to prevent obstruction to the passage of fish up the Pee Dee and Yadkin rivers, and a bill to secure to Theresa Brownrigg such property as she may hereafter acquire; in which they ask the concurrence of that House.

Mr. Sawyer announced to the Senate, the death of Ephraim Mann, Esq. Senator from the county of Tyrrell, who died this morning at his lodgings in this city, and thereupon presented the following resolutions, to wit:
Resolved, That a message be sent to the House of Commons, informing them of the demise of Ephraim Mann, Esq. Senator from the County of Tyrrell, and proposing that a joint select committee of three members on the part of each House, be appointed to make arrangements for the funeral of the deceased.

Resolved further, As a testimony of respect and regard for the deceased, we will wear the usual badge of mourning during the remainder of the session.

Which were read and unanimously adopted, and a message sent to the House of Commons accordingly. A message was thereupon received from that House, agreeing to the propositions of the Senate, and stating that Messrs. McLeod, J. H. Alexander and Davenport, are appointed to form the committee of arrangements on the part of that House. Messrs. Sawyer, Wilson and Mebane, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Mebane, ordered that a writ of election issue to the sheriff of Tyrrell county, commanding him to hold an election on Wednesday the 10th instant, for the purpose of electing some person qualified to represent said county in the Senate, to supply the vacancy occasioned by the death of Ephraim Mann, Esq.

The Senate then adjourned until to-morrow, 12 o'clock.

Tuesday, December 2, 1834.

A quorum of the members not appearing on this day, on motion of Mr. Caldwell, ordered that the Senate stand adjourned until to-morrow morning, 10 o'clock.

Wednesday, December 3, 1834.

Isham Edwards, the Senator elect from the county of Person, in the room and stead of Robert Vanhooch deceased, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Martin, from the committee on claims, to which was referred the petition of James Monk, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Secretary of State be, and he is hereby directed, to issue a warrant to James Monk, a soldier of the Revolution, for six hundred and forty acres of land, agreeable to an act of the General Assembly, passed in 1782, entitled "an act for the relief of the officers and soldiers in the continental line, and for other purposes;"

Which was read the first time and passed.

Mr. Montgomery (of Orange,) from the committee on Privileges and Elections, to which was referred certain documents contesting the seat of the sitting member of the Senate from the county of Carteret, made a detailed report thereon, accompanied by the following resolution, to wit:

Resolved, That Otway Burns, the sitting member from the county of Carteret, is entitled to retain his seat;

Which being read, on motion of Mr. Wilson, ordered that the said resolution and report lie on the table.

On motion of Mr. Lockhart,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws relative to the marriage of infant females, so as to extend the age at which orphan females may marry, and to extend it to females whose fathers may be living, and who marry contrary to their fathers' will; and to make it penal for any clerk to issue license of marriage, and any person authorized to solemnize the rites of matrimony to perform that ceremony, without the consent of the father in writing; and that they report by bill or otherwise.

Mr. Sawyer presented a bill, entitled a bill prohibiting lotteries, which was read the first time and passed.

Mr. Whitehurst presented a bill, entitled a bill to alter the time of opening
and closing the polls of elections in the county of Pasquotank; which was read the first, second and third times, and passed, and ordered to be engrossed.

Mr. Cowper (of Gates,) presented a bill, entitled a bill to abolish the offices of county trustee and treasurer of public buildings in the county of Gates; which was read the first time and passed, and being read the second time, Mr. Spencer moved to amend it by extending its provisions to the county of Hyde; which amendment was agreed to, and, on motion of Mr. Edwards (of Warren,) ordered that the further consideration of the said bill be postponed until to-morrow.

Mr. Little presented a bill, entitled a bill to give exclusive jurisdiction to the Superior Courts of the county of Anson, in all cases where the intervention of a jury shall or may be necessary; which was read the first time and passed.

Mr. Baker presented a bill, entitled a bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Yancey; 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 and resolutions, to wit: A bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza Ambrose; a bill to alter the name of Julia Ann Thompson, of the county of Carteret; a bill to alter the name of, and legitimate Lurany Alexander; a bill for the better administration of justice, to the poor of Onslow county; and a resolution in favor of George R. Griffith, administrator of Elisha Brown, 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 passed the following engrossed bills, to wit: A bill to repeal an act passed in the year 1832, entitled an act concerning the inspection of fire wood, in the town of Newbern; a bill to legitimate and alter the name of Albert Spring, of the county of Hyde; a bill to amend the first section of an act, passed in 1831, chapter 52, entitled an act to abolish the offices of county Trustee, Treasurer of Public Buildings, in the county of Richmond, Columbus, Sampson and Robeson; a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; and a bill to emancipate Daniel, a slave; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

The engrossed bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road, on his own land; was read the second time. Mr. McCormick moved to amend the bill, by adding the following as an additional section, to wit:

And be it further enacted, That it shall be the duty of the said Michael Brown to keep each of said gates open, or to have some person to open the same at all times, for the convenience of any person traveling said road on foot or otherwise; and if he fail to do so, that he shall be liable to indictment, either in the county or superior court, and fined at the discretion of said court:

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. The bill being thereupon read the third time, Mr. Holmes moved to amend it, by adding the following proviso, to wit:

Provided, that no person or persons whatsoever, travelling on said road shall at any time be subject to action or indictment, for leaving either of said gates open;

Which amendment was not agreed to. The question then recurring on-
the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be enrolled.

Mr. Beard presented a bill, entitled a bill, giving the county courts of this State, authority to abolish the offices of county trustee and treasurer, or commissioner of public buildings; which was read the first time and passed.

Mr. Kendall presented a bill, entitled a bill to authorize the appointment of two surveyors, in the county of Montgomery; which was read the first time and passed. Mr. Mc' Cormick moved that the said bill be referred to the committee on Propositions and Grievances; which was not agreed to. The bill being thereupon read the second time, Mr. Edmonston moved to amend it by extending its provisions to the county of Haywood; which amendment was agreed to. The question then recurring on the passage of the bill the second time as amended, it was decided in the affirmative; and the bill was thereupon read the third time and passed, and ordered to be engrossed.

A message was received from the House of Commons, agreeing to the amendment made by the Senate to the engrossed bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin in Macon county. Ordered, that the said bill be enrolled.

Received also from the House of Commons a message, agreeing to the propositions of the Senate, that two additional copies of the annual report of the Public Treasurer, be printed for each member of the Legislature.

A message was also received from the House of Commons, transmitting a message from his Excellency the Governor, communicating the annual report of the President and Directors of the Literary fund, and accompanied by a proposition from that House, that the report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

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

The engrossed bill for the better administration of justice to the poor of Onslow county, and the engrossed resolution in favor of George R. Griffith, administrator of Elisha Brown, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to alter the name of, and legitimate Lurany Alexander, was read the second time, and on motion of Mr. Hogan, ordered to lie on the table; and the engrossed bill to alter the name of Julia Ann Thompson, of the county of Carteret, was read the second time and resolved, that the same shall not pass.

Received from the House of Commons the certificate of allowance, of the county court of Cumberland, in favor of Ann Morrison, and the certificates of allowance, of the county court of Craven, in favor of John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the State; endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons ."

The engrossed bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza Ambrose, was read the second time; Mr. Cowper of Gates, moved that the said bill be referred to the committee on the Judiciary, with
JOURNAL OF THE SENATE.

instructions to inquire if any, and what amendments are necessary to the existing law, giving the superior courts jurisdiction of all cases of divorce; which motion was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Ayes 31. Noes 27. The ayes and noes being demanded by Mr. Cowper of Gates, are as follows, to wit:

Those who voted in the affirmative are Messrs. Arrington, Baker, Barco, Beard, Brittain, Caldwell, Cooper of Martin, Durham, Edmonston. Edwards of Person, Ennet, Fairley, Gavin, Harrison, Howell, Hussey, Kerr, Klutts, Lindsay, Lowry, McQueen, McWilliams, McT., Montgomery of Orange, Moore, Phelps, Sherard, Staley, Shipp, Spencer, Wellborn.


Mr. Beard then moved that the said bill lie on the table; which was not agreed to. Whereupon, it was read the third time and passed and ordered to be enrolled.

Mr. Kerr presented the petition of Susannah Enoch, widow of Rees Enoch, deceased, late of Caswell county, praying the passage of an act to exempt her from the payment of taxes, on the estate of the said deceased. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Baker presented the resignation of William G. Anderson, major of the third regiment of Buncombe county militia; which was read and accepted, and sent to the House of Commons.

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

THURSDAY, DECEMBER 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 for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Yancey; a bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood; and a bill to alter the time of opening and closing the polls of the elections in the county of Pasquotank; in which they ask the concurrence of that House.

Mr. Edmonston presented the petition of John Hyde, of Haywood county, praying the passage of an act, authorizing the Public Treasurer to receive from the said petitioner, his bonds with security, for the amount due for the purchase of a tract of land made by George Shuler, Jr. at the sales of the Cherokee Lands, in the room and stead of the bonds executed for the same, by the said George Shuler Jr. On motion of Mr. Edmonston, ordered that the said petition be referred to a select committee of three members: Messrs. Edmonston, Lowry and Brittain, were appointed to form said committee.

On motion of Mr. Lockhart,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of amending the militia laws, so as to abolish the present company muster system, and in lieu thereof, to make it the duty of the commanding officers of regiments to review each company within his command, twice in each year, and at no other times but in the months of April and May, and in September and October, and for two successive days at each review, and to allow him a reasonable compensation per diem therefor, which shall include the pay of musicians, where there are none belonging to the company, to be paid out of the fines received; that the said committee further inquire into the expediency of so amending the militia laws, as to exempt the commandants of regiments from the duty of drilling the officers, preparatory to a general review, and making it the duty of the general to perform that
service in person; that said committee further inquire into the expediency of making it the duty of sheriffs to collect militia fines, and pay the same into the County Treasury, to be drawn out on the order of the Judge advocate of the Court Martial, by order of that Court: Provided, that the company reviews shall not affect volunteer companies, or interfere any way with General Regimental or Battalion reviews; and that said committee report by bill or otherwise.

On motion of Mr. Cooper of Martin,

Resolved, That the joint select committee on Military Affairs be instructed to inquire into the expediency of so amending the Militia Laws of this State, as to compel the several Captains of companies in the respective counties, to muster their said companies at least four times in each and every year; and that the committee have leave to report by bill or otherwise.

Mr. Lindsay presented the petition of Cartright Bell, of the county of Currituck, praying the passage of an act to authorize him to enter six hundred and forty acres of marsh and swamp lands in said county. Ordered that the said petition be referred to the committee on claims.

Mr. Wyche, from the committee on finance, made a detailed report on the state of the Public Treasury, which was read, and, on motion of Mr. Wyche, ordered to be transmitted to the House of Commons.

Mr. Wyche also presented a communication from William S. Mhoon, Public Treasurer, respectfully assigning the reasons which induced him to decline a re-election to that appointment; which being read, on motion of Mr. Wyche, ordered that said communication be transmitted to the House of Commons, with a proposition that the two Houses proceed to ballot on Monday next for Public Treasurer of the State. Whereupon Mr. Wellborn nominated for that appointment, Samuel F. Patterson, of the county of Wilkes, and Mr. Arrington moved to add to the nomination, the name of Samuel Spruill, of the county of Wake.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the memorial of Samuel Sherrill and others, praying permission to work a silver or lead mine, on the public lands in the county of Macon, reported that in the opinion of the committee the said petition had been improperly referred; and asked to be discharged from the further consideration of the subject. Ordered that the said committee be discharged accordingly. Whereupon, on motion of Mr. Edmonston, ordered that said petition be referred to the Committee on Cherokee Lands.

Mr. Kendall, from the same committee, to whom was referred the petition of sundry citizens of the county of Iredell, praying the passage of an act to restore Andy Baggarly, of said county, to the privileges of a citizen, made a favorable report thereon, accompanied by a bill, entitled a bill to restore to credit Andy Baggarly, of Iredell county; which was read the first time and passed.

Mr. Kendall, from the same committee, to which was referred the petition of Cynthia Sheets, praying to be divorced from her husband Solomon Sheets, made an unfavorable report thereon, and asked to be discharged from further consideration of the subject. Ordered that the said committee be discharged accordingly.

Mr. Kendall, from the same committee to which was referred the petition of Mary T. Eppes, of Warren county, praying to be divorced from her husband Peter Eppes, made a favorable report thereon accompanied by a bill, entitled a bill to divorce Mary T Eppes, from her husband Peter Eppes; which was read the first time and passed. Mr. Martin moved that the said bill and report lie on the table and be printed. A division of the question being demanded, it was first taken on the motion to lay the said bill
and report on the table, and it was decided in the affirmative. The ques-
tion then recurring on the motion to print, it was decided in the negative.

Mr. Hogan, from the committee on the Judiciary to which was referred
the bill to authorize the payment of the patrol in certain counties, reported
the same without amendment, and ask to be discharged from the further
consideration of the subject, and recommending that the said bill be refer-
red to the select committee on the subject of the Patrol Laws. Ordered,
that the committee on the judiciary be discharged, and that the said bill
be referred to the select committee on the Patrol Laws, accordingly.

Mr. Hogan, from the same committee to which was referred the bill de-
fining and limiting the power of courts, in inflicting punishments for con-
tempts, reported the same without amendment, and ask to be discharged
from the further consideration of the subject. Ordered, that the committee
be discharged accordingly, and on motion of Mr. Sawyer, ordered, that
the said bill be made the order of the day for Monday next.

Mr. Montgomery of Hertford, on behalf of himself as the minority of
the committee on Privileges and Elections, made a counter report on ‘the
communication from the county of Carteret, contesting the seat of the sitting
member of the Senate, from that county; which was read, and on motion of
Mr. Montgomery of Hertford, ordered to lie on the table.

A message was received from the House of Commons, transmitting a
report from the commissioners appointed to superintend the building of the
capitol, and ‘proposing that the said report be referred to the committee on
Public Buildings; there being no such committee on the part of the Senate,
Mr. Wyche moved that the said report lie on the table, and that a message
be sent to the House of Commons, proposing to raise a joint select commit-
tee on the Public Buildings, to which the said report shall stand referred;
which motion was agreed to.

Mr. Edmonston presented a bill, entitled a bill concerning the county
courts of Haywood county; which was read the first time and passed, and
on motion of Mr. Shipp, ordered to lie on the table.

Mr. Branch presented a bill, entitled a bill to protect seine places on
Roanoke river; which was read the first, second and third times and passed,
and ordered to be engrossed.

Mr. Ennett presented a bill, entitled a bill for the better administration
of justice, in the county of Onslow, and for other purposes; which was
read the first time and passed.

Mr. Lockhart presented a bill, entitled a bill to amend the road laws of
this State; which was read the first time and passed, and on motion of Mr.
M'Queen, ordered to be printed.

A message was received from the House of Commons, stating that they
have passed the engrossed bill to amend an act, entitled an act to establish
and regulate a turnpike road, in the county of Haywood, to be called the
Tennessee river turnpike road, passed in 1826, chapter 36th, with an amend-
ment; in which they ask the concurrence of the Senate. Whereupon, the
said amendment was read and concurred in, and a message sent to the
House of Commons informing them thereof.

Received also from the House of Commons a message, transmitting
a communication from his Excellency the Governor, accompanied by a
 correspondence between the adjutant general of the State, and Major
Churchill of the army of the United States, in relation to a claim against the State, for services rendered at Smithville, in preserving the public arms deposited at that post, and accompanied by a proposition from that House, that the message of his Excellency, together with the papers referred to, be referred to the committee on Military Affairs; which proposition was agreed to, and the House of Commons was informed thereof by message.

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

The bill prohibiting lotteries, was read the second time, amended on motion of Mr. Beard, and passed, and being read the third time, Mr. Shipp moved that it lie on the table; which motion was agreed to.

The bill to abolish the offices of county Trustee and Treasurer of public buildings, in the counties of Gates and Hyde, was read the second and third times, amended on motion of Mr. Holmes, and passed, and ordered to be engrossed.

The bill to give exclusive jurisdiction to the superior courts, for the county of Anson, in all cases where the intervention of a jury may be necessary, was read the second time; Mr. Kendall moved to amend the bill by making its provisions extend to the county of Montgomery; 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 Senate then adjourned until to-morrow morning, 10 o'clock.

Friday, December 5, 1834.

Mr. Moye of Greene, presented the resignation of James Harper, colonel, commandant of cavalry, attached to the second brigade of North Carolina militia; and Mr. Ennett presented the resignation of Joseph D. Ward, major of cavalry, attached to the third brigade, in the 6th division of militia; which were read and accepted, and sent to the House of Commons.

Mr. 'Brittain presented the petition of sundry citizens, of the county of Macon, protesting against the granting of the prayer of the petition of sundry citizens of said county, praying the passage of an act granting them permission to erect a meeting house, on a part of the public lands, in said county. Ordered, that the said petition be referred to the committee on Cherokee Lands.

Mr. Sherard, from the select committee appointed to wait on his Excellency the Governor elect, 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 authorized to state that he would attend the two Houses, for that purpose on Wednesday next, at 12 o'clock.

Mr. Kendall presented the resignation of Eli Harris, a justice of the peace, for the county of Montgomery; which was read and accepted, and sent to the House of Commons.

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

Whereas, there is a considerable portion of the four hundred acres of land, in the county of Macon, which was reserved for the future disposition of the Legislature, by the act of one thousand eight hundred and nineteen;

Be it resolved, That the committee on Cherokee Lands be instructed to inquire into the expediency of selling the same, and that they report by bill or otherwise.

Which was read and adopted.
On motion of Mr. Lockhart.

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws against gaming, so as to increase the penalties for a violation thereof, by itinerant or professed gamblers, commonly called black-legs, and those who afford them facilities in exhibiting their tables of hazard, or other instruments of gaming, and also against keepers of houses of entertainment, and others who exhibit gaming tables or engage in gaming themselves, in their own houses; and that said committee be further instructed to inquire into the expediency of prohibiting unusual and barbarous sports, which have a tendency to corrupt the public morals, and that they report by bill or otherwise.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to ballot on Monday next, for Public Treasurer.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal in part, an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates; a bill to establish Hannah Moore Academy, in the county of Duplin, and incorporate the trustees thereof; a bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; and a bill amendatory of an act, passed in the year 1829, entitled an act to authorize the forming of a fire engine company, in the town of Elizabeth city; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

The bill giving the county courts of this State, authority to abolish the offices of county Trustee and Treasurer, or Commissioner of public buildings, was read the second time. Mr. Beard moved to amend the bill, by adding the following at the end thereof, to wit: "And if any sheriff or sheriffs, to whom the duties of county Trustee or Treasurer, or Commissioner of public buildings, shall be assigned, shall fail to perform such duties, he or they shall be liable to the same penalties that county Trustees are subject to, under existing acts of Assembly;" which amendment was agreed to. Mr. Beard moved further to amend the bill, by adding an additional section; which was read and agreed to. Mr. Holmes moved further to amend the bill, by adding the following as an additional section, to wit: "That the sheriffs of said counties in which the offices of county Trustee and Treasurer of public buildings are abolished, shall give bonds for the performance of said duties, as now required by law to be given by said county Trustee and Treasurer of public buildings;" which amendment was agreed to. Mr. Welborn moved further to amend the bill, by adding the following as an additional section, to wit: "And that this act shall be in force from and after the ratification thereof;" which amendment was also agreed to. And the bill as amended, was read the second time, and on motion of Mr. Hogan, ordered to lie on the table; and on motion of Mr. Wilson, ordered to be printed.

Mr. Cooper of Martin, presented a bill, entitled a bill to incorporate the Martin county Grays, in Martin county; which was read the first time and passed.

A message was received from the House of Commons, transmitting a report from the commissioners on the state of the capitol, and proposing that it be referred to a joint select committee on that subject, and that it be printed, without the exhibits accompanying the same. Mr. Montgomery of Orange, moved to amend the proposition of the House of Commons by proposing that the "exhibits," accompanying the said report be also print-
Mr. Montgomery (of Hertford,) presented a bill, entitled a bill to repeal a part of the third section of an act, passed in the year 1831, in addition to an act, passed in the year 1830, in relation to the burning of the records of the county of Hertford; which was read the first time and passed.

Mr. Mebane presented the following resolution, to wit:

Resolved, That William S. Mhoon, Esq. be allowed the sum of $52,000 dollars, for extra services rendered since the death of the late Comptroller, and for arranging and publishing the revenue laws, under a resolution of the last General Assembly; which amount shall be allowed in the settlement of the public accounts.

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

A message was received from the House of Commons, transmitting a message from his Excellency the Governor, communicating a report from the Commissioners appointed to revise the Statute Laws of this State, together with sundry accompanying documents, and proposing that the said report be referred to a joint select committee of three members on the part of each House, and that the message and report be printed; which proposition was agreed to by the Senate: Messrs. Branch, Holmes and Sawyer, were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

The engrossed bill to amend the first section of an act, passed in 1831; Chapter 52, entitled "an act to abolish the offices of County Trustee and Treasurer of public buildings in the counties of Richmond, Columbus, Sampson, and Robeson, was read the second time, and, on motion of Mr. Martin, ordered to lie on the table.

The engrossed bill to alter and legitimate the name of Albert Spring; of the county of Hyde; and the engrossed bill to repeal an act, passed in the year 1832, entitled "an act concerning the inspection of fire wood in the Town of Newbern," were read the second time, and resolved that the same shall not pass.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to establish Germanton Academy in the county of Stokes, and to incorporate the Trustees thereof; a bill to incorporate the Iredell Manufacturing Company; a bill to provide for the holding of a Superior Court in the county of Yancy; a bill to abolish the office of County Trustee of Granville, and for other purposes; and a bill concerning the appointment of commissioners of a public road in Haywood county; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to emancipate Daniel, a Slave, was read the second time and passed—Ayes 42, Noes 16 The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:


The bill was thereupon read the third time and passed, and ordered to be enrolled.

Mr. Montgomery (of Hertford,) moved that the Senate do now proceed to consider the resolution, reported by the committee on Privileges and Elections, in favor of Otway Burns, the sitting member from the county of Carteret; which motion was agreed to, and the resolution having been read, on motion of Mr. Wilson, ordered that it be made the order of the day to-morrow.

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

Saturday, December 6, 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 abolish the offices of County Trustee and Treasurer of public buildings in the counties of Gates and Hyde; a bill to give exclusive jurisdiction to the Superior Courts for the counties of Anson and Montgomery, in all cases where the intervention of a Jury may be necessary; a bill to protect certain places on Roanoke river; and a resolution in favor of James Monk; in which they ask the concurrence of that House.

Mr. Hassey presented the petition of Sundry citizens of the county of Duplin, praying the passage of an act to restore to citizenship, David Evans of said county. Ordered that said petition be referred to the committee on Proposals and Grievances.

Mr. Montgomery (of Hertford,) presented the following resolution, to wit:

Resolved, That this Legislature adjourn on Saturday the 20th instant sine die, and that the Clerks make up the estimates; which being read, was on motion of Mr. Montgomery of Hertford, ordered to lie on the table.

On motion of Mr. Lockhart,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws in relation to Guardians and Wards, so as to restrict the trading with Orphans; and to prohibit proceedings at law against them without notice to their Guardians.

Resolved, That said committee be further instructed to inquire into the expediency of restricting the trading with minors generally; and that they report by bill or otherwise.

Mr. Wilson presented a bill, entitled a bill rewarding persons for taking up runaway Slaves, the property of citizens of this State beyond the boundaries of this State; which was read the first time and passed, and, on motion of Mr. Lockhart, ordered to be printed.

Mr. McWilliams presented a bill, entitled a bill to amend an act, passed in the year 1830, entitled an act, for the better regulation of the town of Washington; which was read the first time and passed.

The engrossed bill to alter the name of Isaac Blanchard of the county of Gates, and to legitimate him, was read the second time, and resolved that the same shall not pass.

The bill for the better administration of justice in the county of Onslow, and for other purposes, and the bill to restore to credit Andy Baggarly of Iredell county, were read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: The bill to establish Germanton Academy in the county of Stokes, and to incorporate the trustees thereof; the bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; and the bill amendatory of an act passed in the year 1829, entitled an act to authorize the forming of a fire Engine Company in the town
of Elizabeth City; were severally read the second and third times and passed, and ordered to be enrolled.

On motion of Carson, the Senate proceeded to take up and consider the bill to divorce Susan Durham from her husband Archibald Durham; whereupon the said bill was read the second and third times and passed; and ordered to be engrossed—Ayes 34, Noes 24. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:


A message was received from the House of Commons, agreeing to refer the report of the Commissioners appointed to superintend the building of the Capitol to a joint select committee, to be stiled the Committee on Public Buildings; and that Messrs. Haywood, Houlder, Brandon, Daniel, and Dudley, are appointed to form the said committee on the part of that House: Whereupon, Messrs. Welborn, Hawkins and McQueen, Wilder and Whitaker, 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 William B. Lockart is added to the nomination for Public Treasurer.

On motion of Mr. Hussey, ordered that a message be sent to the House of Commons, proposing to ballot immediately for Major of Cavalry attached to the 3d Brigade and 6th Division; and stating that Owen R. Kenan is in nomination for the appointment.

On motion of Mr. Wilson, the Senate entered on the orders of the day, and proceeded to take up the resolution declaring that Otway Burns, the sitting member from the county of Carteret, is entitled to retain his seat; and the resolution being read, Mr. Montgomery of Hartford, moved to amend it by inserting after the word "is," the word "not." Mr. Mebane moved that the further consideration of the resolution and amendment be postponed until Monday next. Mr. Sawyer moved that the Senate do now adjourn until Monday morning 10 o'clock; which motion having precedence, the question thereon was first taken and decided in the negative. The question then recurring on the motion of Mr. Mebane, it was also decided in the negative—Ayes 16, Noes 42. The ayes and noes being demanded by Mr. Montgomery of Hartford; which was also decided in the negative—Ayes 16, Noes 42. The ayes and noes being demanded by Mr. Montgomery of Hartford, are as follows, to wit:


Mr. Sawyer moved that the resolution and report, with the accompanying papers be recommitted to the committee on Privileges and Elections, with
power to send for persons and papers; which motion was not agreed to. Mr. Spaight moved to amend the resolution by striking out the whole thereof, except the word "resolved," and inserting the following: "That the committee on Privileges and Elections be discharged from the further consideration of the communication, from the county of Carteret, contesting the right of Otway Burns, the sitting member from that county, to a seat in the Senate;" which amendment was agreed to. Ayes 44, Noes 14. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:


And the resolution as amended, was adopted.

Received from the House of Commons the resignation of J. H. Hooper, colonel commandant of the 33d regiment, and the resignation of J. G. Dickson, a justice of the peace, for the county of Duplin, 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 8, 1834.**

Mr. Parker presented the resignation of M. Young, colonel commandant of cavalry, attached to the 8th brigade and 4th division; and Mr. Howel presented the resignation of Samuel Watson, colonel commandant of the second regiment of Robeson county militia; which were read and accepted and sent to the House of Commons.

On motion of Mr. Durham,

Resolved, That Friday next be set apart for the election of Councillors of State, militia officers and justices of the peace.

Mr. Wilson presented the resignation of Elisha Burke, colonel; Wilson Reed, lieutenant colonel, and John Layden, major of the Perquimons county militia; which were severally read and accepted, and sent to the House of Commons.

Mr. Cooper of Martin, presented the following resolution, to wit:

Resolved, That a joint select committee consisting of four members from each House, be raised to inquire into the expediency of reducing the salaries of the Supreme Court Judges, Treasurer and Comptroller of public accounts; and that they report by bill or otherwise.

Which being read, Mr. Wilson moved an amendment thereto, by inserting after the word "reducing," the words "or increasing;" which amendment was agreed to, and the resolution as amended, was read and adopted.

The bill to amend an act, passed in the year 1830, entitled an act for the better regulation of the town of Washington, was read the second time an passed, and on motion of Mr. Caldwell, ordered to lie on the table.

Received from the House of Commons a message, stating that Messrs. Manney and Waugh, attend the Senate to conduct the balloting for Public Treasurer, on the part of that House, heretofore agreed on to take place this day. Whereupon, 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.
The bill to incorporate the Martin County Grays, in Martin county, was read the second time, and on motion of Mr. Dowd, ordered to lie on the table.

The bill to repeal a part of the third section of an act, passed in the year 1831, in addition to an act passed in the year 1830, in relation to the burning of the records of the county of Hertford, was read the second and third times and passed, and ordered to be engrossed.

The bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer, or commissioner of public buildings, was read the second time; amended on motion of Mr. Beard, and on motion of Mr. Shipp, ordered to be referred to the committee on the Judiciary.

The Speaker laid before the Senate a communication from Hannah C. Backhouse, proposing to hold a religious meeting with the members of the two Houses of the Legislature, exclusively; in the Hall of the House of Commons, at half after six o'clock this evening; which, being read, on motion of Mr. Hogan, ordered that the said communication be transmitted to the House of Commons, with a notification of the acceptance of the invitation by the Senate.

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

The bill to amend the road laws of this State, was read the second time, and, on motion of Mr. Shipp, ordered to be referred to the committee on Internal Improvements.

The following engrossed bills, to wit: The bill concerning the appointment of commissioners of a public road in Haywood county; the bill to provide for the holding of a superior court in the county of Yancy; the bill to repeal in part an act passed in the year 1831, entitled an act, to provide for the compensation of certain jurors of the counties of Perquimans, Pasquotank and Gates; the bill to incorporate the Iredell Manufacturing Company; and the bill to establish Hannah Moore Academy, in the county of Duplin; and to incorporate the trustees thereof, were severally read the second and third times, and ordered to be enrolled.

Received from the House of Commons a message, proposing to ballot again immediately for Public Treasurer; which proposition was agreed to, and Messrs. Wilson and M’Cormick, were appointed to superintend 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. Marsteller and Crump were appointed to conduct the balloting on their part.

The Speaker laid before the Senate the petition of Isabella A. Potter, of the county of Granville, praying the passage of an act to divorce her from her husband, Robert Potter. On motion of Mr. Montgomery, of Orange, ordered, that the said petition be referred to the Committee on Propositions and Grievances.

A message was received from the House of Commons agreeing to the proposition of the Senate, of Saturday last, to ballot for major of cavalry in the third brigade and sixth division, and stating that Messrs. Hill and Monk attend the Senate, to conduct the balloting on the part of that House. Whereupon, Messrs. Edmonston and Montgomery of Hertford, were ap
pointed to superintend the balloting on the part of the Senate, and the
House of Commons was informed thereof by message.

On motion of Mr. Martin, the Senate proceeded to take up and consider
the resolution introduced by him, on the 22d of November. Whereupon,
the resolution was read and adopted.

The bill concerning the county courts of Haywood county, was read the
second and third times and passed, and ordered to be engrossed.

Mr. Edmonston, from the committee appointed to conduct the balloting
for major of cavalry, attached to the 3rd brigade and 6th division, report-
ed that Owen R. Kenan having received a majority of the whole number
votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Caldwell, the Senate proceeded to take up and con-
sider the bill to amend an act, passed in the year 1830, entitled an act for
the better regulation of the town of Washington. Whereupon, the bill was
read the third time, and resolved that the same shall not pass.

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

On motion of Mr. Carson, ordered, that a message be sent to the House
of Commons, proposing another balloting immediately for Public Treasurer,
and, on motion of Mr. Arrington, the name of Samuel Spruill was with-
drawn from the nomination.

Received from the House of Commons a message, agreeing to the propo-
sition of the Senate, to print the exhibits accompanying the report of the
Commissioners appointed to rebuild the capitol.

Received also from the House of Commons, a message stating that, Messrs.
Barringer, Poinder and Clark, are appointed to form the joint select com-
mittee on the part of that House, on the report of the commissioners ap-
pointed to revise the Statute laws of the State.

The bill to incorporate the Martin County Grays in Martin county, was
read the second and third times; amended on motion of Mr. Caldwell and
passed, and ordered to be engrossed.

On motion of Mr. M'Queen,
Resolved, That the Committee on Education be instructed to inquire into the expediency of
providing by legislative enactment, for the enlargement of the Literary Fund, and to exam-
ine the different sources of the public revenue, for the purpose of ascertaining whether or not,
there be any of its branches which can be safely diverted from the object to which they are
applied at present; and added to the Literary Fund.

Resolved further, That the Committee on Education be instructed to inquire into the expedi-
cency of providing by law, for the attainment of such information as will enlighten the Leg-
sislature in regard to the present facilities of instruction, possessed by the people of North
Carolina.

Received from the House of Commons, a message stating that they have
passed the following engrossed bills, to wit: A bill to restore to credit, John
Bates of Macon County; a bill to alter the names of James Morris and Nan-
cy Morris, and to legitimate them; a bill to alter the name of Eli L. Lewis
of New Hanover county, and to legitimate him; a bill directing the manner
in which land shall be sold for taxes in the county of Washington; and a
bill to authorize the commissioners of the town of Louisburg, to sell a part
of the town commons; in which, they ask the concurrence of the Senate.
Whereupon, the said bills were severally read the first time and passed.

Mr. Little presented a bill, entitled a bill to repeal the several procession-
The bill to authorize John Sudderth and Patrick Hennessee, to erect gates on their own lands, across a public road in the county of Burke, was read the second and third times and passed, and ordered to be engrossed--Ayes 52, Noes 2. The ayes and noes being demanded by Mr. McCormick, are as follows, to wit:


Those who voted in the negative are, Messrs. Hussey and McCormick.

Received from the House of Commons, a message stating that they have passed the engrossed bill to authorize the appointment of two surveyors in the counties of Haywood and Montgomery, with an amendment; in which they ask the concurrence of the Senate. Whereupon, the amendment was read and concurred in; and a message sent to the House of Commons informing them thereof.

Mr. Gavin presented the resignation of Bedreaddon Caraway, a justice of the Peace for the county of Sampson. And Mr. Edmonston presented the resignation of John T. Chambers, Lieutenant colonel of the Haywood county militia; which were read and accepted, and sent to the House of Commons.

The bill prohibiting lotteries, was read the second and third times and passed, and ordered to be engrossed--Ayes 51, Noes 2. The ayes and noes being demanded by Mr. Moye of Pitt, are as follows, to wit:


Those who voted in the negative, are Messrs. Kluttus and Shipp.

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

The resignation of John F. McCorkle, lieutenant colonel of the 63d regiment of North Carolina militia; the resignation of R. D. Gillis, lieutenant colonel of the first regiment of the Cumberland county militia; the resignation of Elijah Jacobs, a justice of the peace for the county of Person; and the resignation of Jonathan Wood, a justice of the peace for the county of Johnston. Endorsed in that House; read and accepted, and which were severally read and accepted by the Senate.

Mr. Montgomery of Hertford, moved that the Senate do now proceed to take up and consider the resolution presented by him, proposing that the two Houses adjourn sine die on the 20th instant; which motion was not agreed to.

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

Tuesday, December 9, 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 restore to credit,
Mr. Lowry presented the petition of Silas L. Hellenan, Attorney at law, of the State of South Carolina, praying the passage of an act to authorize and permit him to practice law in the several courts of this State; ordered that the said petition be referred to the committee on the judiciary.

Recieved from the House of Commons a message, agreeing to the proposition of the Senate of yesterday, to ballot again for public Treasurer, and stating that Messrs Howard and Perkins attend the Senate to conduct the balloting on the part of that House: Whereupon, Messrs. Edmonston and Barco, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Sherard asked leave to introduce the memorial and petition of the Religious Society of Friends, convened at New Garden in Guilford county, North Carolina, in the month of November last, praying the legislature to repeal all the acts of Assembly, prohibiting the literary instruction of slaves; and also prohibiting all coloured persons in this State, bond or free, from preaching and exhorting in their respective religious congregations or societies. Leave being objected to by Mr. Carson, the question thereon was put, and decided in the affirmative—Ayes 39, Noes 23. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Barco, Beard, Branch Britain, Burns, Caldwell, Dobson, Dowd, Edmonston, Fairley, Gavin, Harrison, Hogan, Howell, Hussey, Kendall, Klutts, Lindsay, Little, Lockhart, Lowry, M'Cornick, M'Leary, M'Millan, M'Queen, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Staley, Shipp, Spencer, Wellborn, Whitaker.


Mr. Sherard thereupon moved that the said memorial lie on the table; which motion was agreed to—Ayes 48, Noes 14. The ayes and noes being demanded by Mr. Dobson, are as follows, to wit:


Mr. Edmonston, from the committee appointed to conduct the balloting for public Treasurer for the ensuing year, reported that Samuel F. Patterson having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Moye of Pitt, from the committee on Propositions and Grievances, to which was referred the petition of Isabella A. Potter, of the county of
Granville, praying to be divorced from her husband Robert Potter, made a favorable report thereon, accompanied by a bill, entitled a bill to divorce Isabella A. Potter from her husband Robert Potter; which was read the first second and third times and passed, and ordered to be engrossed.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Duplin, praying the passage of an act, to restore David Evans of said county to the right of citizenship, made a favorable report thereon, accompanied by a bill, entitled a bill to restore David Evans to the rights of a freeman; which was read the first time and passed.

Mr. Hogan, from the committee on the Judiciary, to which was referred the bill supplemental to an act, passed in the year 1802, entitled "an act to empower the county courts within this State to appoint patrols, reported the same without amendment; and recommended that the said bill be referred to the select committee, to which is referred the bill to amend the patrol laws; in which report the Senate concurred, and the bill was referred accordingly.

Mr. Hogan, from the same committee, to which was referred the resolution, instructing them to enquire into the expediency of altering the law, so that Executors and Administrators may be garnishees, reported that the object of the resolution is embraced in the bill reported, entitled "a bill to subject legacies, distributive shares, &c to attachment; and asked to be discharged from the further consideration of the subject. Ordered, that the committee be discharged accordingly.

Mr. Hogan, from the same committee, to which was referred the bill to subject legacies, distributive shares, &c to attachment in like manner as other property, reported the same with sundry amendments, which were read. Ordered, that the said bill be made the order of the day for to-morrow.

Mr. Hogan, from the same committee, to which was referred the following resolutions, to wit: The resolution to inquire into the expediency of prohibiting owners of slaves from settling negroes upon plantations, without a white overseer; the resolution to inquire into the expediency of repealing or amending the act of 1822, entitled "an act for the relief of honest insolvent debtors;" the resolution to inquire into the expediency of amending the laws relative to the marriage of infant females; the resolution to inquire into the expediency of amending the laws in relation to Guardians and wards; the resolution to inquire into the expediency of amending the laws against gaming; made a report thereon, stating that in the opinion of the committee, no legislation is necessary upon those subjects; and ask to be discharged from the further consideration of them. On motion of Mr. Sawyer, ordered that the said report lie on the table.

Mr. Hogan, from the same committee, to which was referred the bill for the relief of widows in certain cases, reported the same without amendment. Ordered that the said bill be made the order of the day for to-morrow.

Mr. Wilson presented the following resolutions, to wit:

Resolved, That the Secretary of State be required to compile and prepare for publication, the names and grades of all the officers of the Continental line of the State of North Carolina, in the Revolutionary War, from Ensigns upwards, who served to the close of the war; together with those killed in service, and who do not appear to have received commutation.

Resolved, That the Public Printer be required to print and publish, as an appendix
to the acts of Assembly, which may be passed during the present session, the list of names and grade of all the officers of the continental line of the State of North Carolina in the revolutionary war, from ensigns upward, who served to the close of the war; together with those killed in service, and do not appear to have received commutation. The said list to be furnished said printed by the Secretary of State.

Resolved, That the Secretary of State be allowed the sum of ten cents per copy sheet, for compiling and preparing for publication, the aforesaid list.

Which were read the first time and passed; and being read the second time, Mr. Hogan moved to amend the second resolution, by inserting after the word "commutation," the following words: "also such officers as served during the war and were ruled out;" which amendment was agreed to. Whereupon, on motion of Mr. Wilson, ordered that the resolutions lie on the table.

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

Resolved, That a committee be appointed to make such examination into the condition of the bank, established at the last Legislature, which has gone into operation at the seat of government, as is provided for in the fifteenth section of the act of incorporation, and report the same to this House.

Which being read, was on motion of Mr. Edwards, ordered to lie on the table.

On motion of Mr. Edwards of Warren, the Senate proceeded to take up and consider the bill to divorce Mary T. Eppes, from her husband Peter Eppes. Whereupon, the said bill was read the second and third times and passed, and ordered to be engrossed. Ayes 33, Noes 20. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:


On motion of Mr. Edmonston, the Senate proceeded to take up and consider the bill to divorce Mary B. Cabe, from her husband Joseph Cabe. Whereupon, the said bill was read the second and third times and passed, and ordered to be engrossed. Ayes 23, Noes 19. The ayes and noes being demanded by Mr. Holmes, are as follows, to wit:


A motion was made by Mr. Phelps, to reconsider the vote taken on yesterday, on the third reading of the bill prohibiting lotteries. And on the question, will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon, on motion of Mr. Spaight, ordered, that the said bill lie on the table.

On motion of Mr. Sawyer, the Senate proceeded to take up and consider the engrossed bill to alter the name of, and legitimate Lurany Alexander. Whereupon, the said bill was read the second and third times and passed, and ordered to be enrolled.

Mr. Durham presented a bill, entitled a bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter of Rutherford county; which
Mr. Montgomery of Hertford, moved that the Senate do now proceed to take up and consider the resolution, fixing on the 20th instant, as the day on which the Legislature should adjourn sine die; which motion was agreed to. Ayes 28, Noes 20. The ayes and noes being demanded by Mr. Montgomery of Hertford, are as follows, to wit:


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

WEDNESDAY, DECEMBER 10, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills; to wit: A bill to divorce Mary B. Cabe, from her husband Joseph Cabe; A bill to divorce Mary P. Eppes, from her husband Peter Eppes; a bill for the better administration of justice, in the county of Onslow, and for other purposes; and a bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter, of Rutherford county; in which they ask the concurrence of the House of Commons.

The Speaker laid before the Senate the following letter of resignation, from Samuel F. Patterson, principal clerk of the Senate, to wit:

To the Honorable Speaker of the Senate.

Sir,—I beg leave to tender through you, to the Senate, my resignation as principal clerk of that body. In thus dissolving my connection with the Senate, I cannot permit the occasion to pass, without expressing an acknowledgment of the gratitude I feel for the many favors received at the hands of its members; a gratitude which I trust, will be more fully manifested by an earnest endeavor, on my part, to discharge the duties of the important appointment to which I have been called by the Legislature, with honesty and fidelity.

I have the honor to be, very respectfully, your most obedient servant,

SAMUEL F. PATTERSON.

Which was read and accepted. Whereupon, on motion of Mr. Spaight, Wm. J. Cowan was appointed principal clerk of the Senate.

On motion of Mr. Wellborn, the Senate proceeded to the election of assistant clerk, in place of Wm. J. Cowan, appointed principal clerk, and on motion or Mr. Wellborn, J. R. Dodge was nominated for the appointment. On motion of Mr. Edwards of Warren, the name of Louis H. Marsteller, was added to the nomination. On motion of Mr. Edmonston, the name of Daniel Coleman was added to the nomination, and on motion of Mr. Arrington, the name of Thomas G. Stone was added to the nomination, and Messrs. Edmonston and Arrington, were appointed superintendents of the balloting.

Mr. Martin, from the committee of claims, to which was referred the petition of Cartwright Bell, praying the legislature to grant him the privilege of entering 640 acres of swamp land, made a report thereon unfavorable to the prayer of the petitioner, and ask leave to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.
Mr. Wyche presented the following resolution, to wit:
Resolved, That the Treasurer elect, be allowed until the first day of January 1835, to commence the duties of his office, and that the Public Treasurer now in office, continue to discharge the duties until that day.

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

Mr. Montgomery of Orange, presented the following resolution, to wit:
Resolved, That the committee on the Judiciary be instructed to inquire into, and report to the Senate the propriety and the manner of amending the laws, giving the courts of the State jurisdiction in cases of divorce and alimony.

Which was read and adopted.

Mr. Edmonston, from the committee appointed to conduct the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Edmonston, another balloting was ordered, and conducted by the same superintendents.

Mr. Edmonston, from the committee appointed to conduct the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Edmonston, another balloting was ordered and conducted by the same superintendents: On motion of Mr. Arrington, the name of Thomas G. Stone, was withdrawn from the nomination.

Mr. Edmonston, from the committee appointed to superintend the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Edmonston, another balloting was ordered and conducted by the same superintendents.

Mr. Arrington, from the committee appointed to conduct the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Mebane, another balloting was ordered, and conducted by Messrs. Dowd and Caldwell. On motion of Mr. Wellborn, the name of James R. Dodge was withdrawn from the nomination.

Mr. Ennett presented a bill for the better regulation of the militia of Orange county; which was read the first second and third times, passed, and ordered to be engrossed.

Mr. Sawyer presented the certificate of pensions of the County Court of Perquimans, in favor of Priscilla Goodwin; which was read, and on motion of Mr. Sawyer, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed bill to divorce Isabella A. Potter from her husband Robert Potter; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing to refer to a joint select committee so much of the message of his Excellency, the Governor, as relates to the interest of North Carolina in the public lands; which proposition was concurred in; and Messrs. Branch, Spaight, Sawyer, Holmes and Mebane, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Parker presented a bill, requiring the Register of Guilford county to keep his office at the court house in the said county; which was read the first and third times and passed, and ordered to be engrossed.

The hour designated by the Governor elect for his qualification, having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two Houses of the Legislature
convened in the Commons Hall, where the oaths of office prescribed by law to be taken by the Governor before entering on the duties of his appointment, were administered in the presence of both branches of the Legislature to David L. Swain, by the Hon. Henry Seawell, one of the Judges of the Superior Courts of Law and Equity in this State. Whereupon, the Senate returned to their Chamber, for the purpose of Legislation.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to divorce Elizabeth M. Haraes of Macon county; A bill to incorporate the Burke county Gold Mining company; and a bill to alter the name of Phineta Parker, and to legitimate her, and Josiah Wilson Pollard, of the county of Pitt. Whereupon, the said bills were severally read the first time and passed, and on motion of Mr. Edmonston, the first named bill was ordered to lie on the table. The bill to alter the name of Phineta Parker, and to legitimate her and Josiah Wilson Pollard of the county of Pitt, was read the first, second, and third times and passed, and ordered to be enrolled—Ayes 39, Noes 16. The ayes and noes being demanded by Mr. Klutts on the second reading of the bill, are as follows, to wit:


Mr. Caldwell, from the committee appointed to conduct the ballotting for assistant Clerk, reported that Daniel Coleman had received a majority of the whole number of votes, and was duly elected; in which report the Senate concurred. Whereupon, the resignation of the said Daniel Coleman, as one of the Engrossing Clerks, was read and accepted, and ordered to be transmitted to the House of Commons.

Mr. Montgomery of Orange, presented a bill to alter and amend the Judiciary system of North Carolina; which was read the first time and passed, and on motion of Mr. Edwards of Warren, ordered to be referred to the Judiciary committee and be printed.

On motion of Mr. Cowper of Gates, the bill to alter the name of Martha Ann Williams, and to legitimate her, heretofore laid upon the table, was taken up and read the second and third times, passed and ordered to be engrossed—Ayes 36, Noes 15. The ayes and noes being demanded on the second reading of the bill by Mr. Klutts, are as follows, to wit:


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

Mr. Wilson, from the select committee, to which was referred the bill providing a more efficient Patrol, reported the same with an amendment, to wit: Strike out the whole thereof, except the words "a bill," and insert in lieu
thereof a substitute; which was read, and on motion of Mr. Sawyer, made the order of the day for Friday next, and ordered to be printed.

Received from the House of Commons, the resignation of J. W. Corington, a Justice of the Peace for the county of Richmond; and the resignation of John B. Jordan, a Justice of the Peace for the county of Northampton, endorsed in that House, read and accepted; and which were severally read and accepted by the Senate.

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

**Thursday, December 11, 1834.**

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill requiring the Register of Guilford County to keep his office at the Court House in said county; a bill to alter the name of Martha Ann Williams, and to legitimate her; and a bill for the better regulation of the militia of Onslow county; in which they ask the concurrence of that House.

Mr. Wyche, from the committee of Finance, to which was referred the message of his Excellency the Governor, relative to the resolution of the last General Assembly, directing the Governor to have suitable grave stones placed at the graves of members of the Legislature, interred at the City of Raleigh, reported the following resolution, to wit:

Resolved, That the public square, in the City of Raleigh, known and designated in the plan of the city, by the name of "Moore Square," on the side next to Martin Street on the South, and towards Person Street on the East, be appropriated to the burial of members of the General Assembly, and officers of the State, who may die near to the Seat of Government. And when any member or officer, shall be interred on said square, it shall be the duty of the Secretary of State, to have the graves enclosed, and have suitable grave stones placed at each grave; and the Public Treasurer, for the time being, is hereby authorized and required, to pay on the warrant of the Governor, a sum sufficient to pay the necessary expense.

Which was read the first time and passed, and on motion of Mr. Welborn, ordered to lie on the table.

Mr. Wyche presented the memorial of the heirs of Jeremiah Bullock, setting forth his claims to land for revolutionary services; which, on motion of Mr. Wyche, was ordered to be referred to the committee on claims.

Mr. Welborn presented the resignation of Samuel F. Patterson, Major General of the ninth division of North Carolina militia; which was read and accepted, and sent to the House of Commons.

Mr. Carson, from the select committee, on so much of the Governor's Message as relates to a Convention, to which was referred a bill, entitled a bill concerning a convention to amend the Constitution of the State of North Carolina, reported the bill with the following amendments, to wit: At the end of the third clause of the 13th section, add the words, "and that only free white men shall be allowed to vote for members thereof;" and to insert a section immediately preceding the 14th section, which shall be the 14th section in the following words, to wit: "14th. Be it further enacted, That the said Convention, after having adopted amendments to the Constitution, in any or all of the above particulars, shall prescribe some mode for the ratification of the same by the people; and shall prescribe all necessary ordinances and regulations for the purpose of giving full operation and effect to the Constitution as altered or amended;" and the 14th section, which now stands the 14th, shall stand the 15th section of the bill. On motion of Mr. Carson, ordered that the bill, together with the amendments, be made the order of the day for Monday next.
A message was received from the House of Commons, proposing to ballot immediately for an Engrossing Clerk, and stating that Joseph Ward, James R. Dodge, and Thomas L. West are in nomination for the appointment. The proposition of the House of Commons was concurred in, and Messrs. Whitaker and Cooper of Martin, were appointed to conduct the balloting on the part of this House; and the House of Commons was informed thereof by message.

Mr. Edmonston, from the select committee, to which was referred the petition of John Hyde of Haywood county, praying to have his bonds placed in the Treasurer's office, in lieu of the bonds of George Shuler, which were given for the purchase of Cherokee lands, reported the following resolution, to carry into effect the prayer of the petitioner, to wit:

Resolved. That the Public Treasurer be authorized to deliver to George Shuler, or his agent, N. Edmonston, his bonds for the purchase of sections Nos. 15 and 17 in the District No. 1, of the Cherokee lands, and receive in lieu thereof, the bonds of John Hyde, with such sureties as may be considered ample to secure the payment of the sum now due and owing to the State from the said George Shuler, Jr.

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

The bill to restore Daniel Evans to the rights of a freeman, was read the first time and passed, and being read the second time, it was resolved that the same shall not pass.

A message was received from the House of Commons, stating that Messrs. Baker and Smallwood attend the Senate as superintendents of the balloting for Engrossing clerk, on the part of that House.

The following engrossed bills, to wit: A bill to abolish the office of county trustee of Granville county, and for other purposes; a bill to alter the names of James Morris, and Nancy Morris, and to legitimate them; a bill to authorize the commissioners of the town of Louisburg, in the county of Franklin, to sell a part of the town commons; and a bill to incorporate the Burke county Gold Mining Company, were severally read the first, second, and third times, passed, and ordered to be enrolled.

The engrossed bill to alter the name of Eli L. Lewis of New Hanover county, and to legitimate him, was read the second time, and resolved that the same shall not pass.

On motion of Mr. Arrington, a message was sent to the House of Commons, proposing to ballot immediately for Major General of the 9th Division of North Carolina militia, and stating that Philip Irion and Harrison M. Waugh, are in nomination for the appointment.

A message was received from the House of Commons, agreeing to ballot immediately for Major General of the 9th Division of militia; and stating, that Messrs. Littleton A. Guinn and William Horton, attend the Senate, to conduct the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Arrington and Martin, are appointed to conduct the balloting on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot for Cavalry officers of the 11th Brigade and 4th Division, and stating that William M. Grier is in nomination for Colonel Commandant, James A. Dunn for Lieutenant Colonel, and Robert B. Houston for Major; which proposition was agreed to, and Messrs. M'Leary and Howell, were appointed to conduct the balloting on the part of the Senate, and a message sent to the House of Commons, informing them thereof. Whereupon, a mes-
Mr. Cooper of Martin, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that no person in nomination had received a majority of votes; in which report, the Senate concurred.

A message was received from the House of Commons, proposing to ballot again immediately for an Engrossing Clerk, and stating that Thomas L. West is withdrawn from the nomination; which proposition was agreed to, and Messrs. Moye of Pitt, and Edinons, were appointed to conduct the balloting on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Flemming and Sanders, are appointed to conduct the balloting on the part of that House.

The bill directing the manner in which lands shall be sold for taxes in the county of Washington, was read the second time and passed; read the third time, and on motion of Mr. Phelps, ordered to lie upon the table.

Mr. Moye of Pitt, from the committee appointed to superintend the balloting for an Engrossing Clerk, reported that Joseph D. Ward had received a majority of the whole number of votes, and is duly elected; in which report, the Senate concurred.

Mr. Martin, from the committee appointed to conduct the balloting for Major General of the 9th Division, reported that Philip Irion had received a majority of the whole number of votes, and is duly elected; in which report the Senate concurred.

The bill to prohibit lotteries in this State, was read the third time: Mr. Phelps moved to amend the bill, by adding the following proviso, to wit: "Provided, that nothing in this act contained, shall be so construed, as to prevent the drawing of any lottery authorized by the laws of this State, or the sale of any tickets in such lottery so authorized to be drawn;" which amendment was agreed to—Ayes 31. Noes 21. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:


Those who voted in the negative, are Messrs. Barco, Cooper of Martin, Cowper of Gates, Edmonson, Flynt, Flowers, Gavin, Lindsay, Lockhart, McQueen, Mast, Melane, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Parker, Sawyer, Sherard, Wilder, Whitaker, Whitehurst.

Mr. Edwards moved further to amend the bill, by adding a proviso in the following words, to wit: "Provided further, That companies and corporations heretofore authorized by law, to raise by lotteries, a certain sum of money, without any limitations as to the time they shall have for drawing said lotteries, shall be allowed for such purpose, ten years from the first day of January next, 1835."

Mr. Wyche moved to amend the amendment, by striking out the word "ten," in the fifth line, and inserting the word "five," which was agreed to, and the amendment as amended was adopted.

A motion was made by Mr. Whitaker, to reconsider the vote taken on the amendment proposed by Mr. Phelps, and Mr. Wyche moved to lay said amendment on the table; which was not agreed to, and on the question,
JOURNAL OF THE SENATE.

53

will the Senate re-consider the vote? it was decided in the affirmative. Mr. Beard then moved, that the bill, together with the amendments, be indefinitely postponed; which was not agreed to—Ayes 17, noes 37. The ayes and noes being demanded by Mr. Moye of Pitt, are as follows, to wit:


Whereupon, on motion of Mr. Dowd, the further consideration of the bill and amendments was postponed until to-morrow.

Mr. Carson presented a bill, entitled a bill more effectually to prevent litigation, and to avoid suits in law; which was read the first time and passed, and on motion of Mr. Shipp, ordered to be referred to the committee on the Judiciary.

Mr. Howell, from the committee appointed to conduct the ballotting for Cavalry officers of the 1st Brigade and 4th Division, reported that W. M. Grier received a majority of votes for Colonel Commandant, James A. Dunn for lieutenant colonel, and Robert B. Houston for Major, and are duly elected; in which report the Senate concurred.

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

FRIDAY, DECEMBER 12, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolution, to wit: A resolution in favour of John Hyde of Haywood county; in which they ask the concurrence of that House.

Mr. Holmes presented a letter from Sarah Fitzgerald, praying the Legislature to legalize her acts in the settlement of her husband's estate, together with a document signed by Edward B. Dudley and others, certifying to the facts set forth in said letter; which, on motion of Mr. Holmes, was ordered together with said documents, to be referred to a select committee consisting of Messrs. Holmes, Beard, Wyche, Hogan and M'Cormick.

Mr. Lowry presented the petition of George B. Grier, setting forth that he had been convicted on an indictment for counterfeiting, and praying to be restored to credit. Ordered to be referred to the committee on Propositions and Grievances.

Mr. Carson presented the memorial of sundry citizens of Burke county, praying the Legislature to alter the boundary line between the first and second Regiments of Burke County Militia. Ordered to be referred to the committee on military affairs.

Mr. Hawkins, from the committee on Internal Improvement, to which was referred the petition of the Petersburg Rail Road Company, made a report unfavorable to the prayer of the petition; which was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Kendall, from the committee on Propositions and Grievances, to whom was referred the petition of Catharine Parks, praying to be divorced from her husband, Gabriel Parks, made a report accompanied by a bill to carry into effect the prayer of the petitioner. Whereupon, the said bill was read the first, second, and third times, passed, and ordered to be engrossed.
Mr. Kendall, from the same committee, made a further report on the petition of Rachael Edwards, praying the Legislature to grant her the privilege of again entering into the marriage state; recommending that it is inexpedient to legislate upon the subject, and asked to be discharged from the further consideration of the subject; which was read and concurred in.

A message was received from the House of Commons, proposing to ballot immediately for lieutenant colonel of cavalry of the 9th brigade, and stating that George Phillips and William W. Peyton, are in nomination for the appointment; which proposition was agreed to, and Messrs. Stephens and Wilder, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from the House of Commons, stating that Messrs. J. Horton and Loudermilk, are appointed to conduct the balloting on the part of that House.

Mr. Cowper of Gates, presented a bill, entitled a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him.

Mr. Shipp presented a bill, entitled a bill to incorporate the Lincolnton Light Infantry company; whereupon, the said bills were severally read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Wilson presented a bill, entitled a bill giving compensation to Sheriffs and Coroners, for executing writs of capias ad satisfaciendum in certain cases; which was read the first time and passed, and on motion of Mr. Carson, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Fayetteville Mechanics' and Benevolent society; a bill to alter the name of Mason Holmes, and to legitimate him; a bill to amend an act passed in the year 1831, for the better regulation of the town of Wanesborough; and a bill to restore to credit, John Masters of Yancy county; in which, they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

Mr. Wyche presented a bill, entitled a bill fixing the punishment for the crime of bigamy; which was read the first time and passed.

Received from the House of Commons a message, proposing to print a communication from the Public Treasurer, with the accompanying documents; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message proposing to set apart Saturday evening next, for the purpose of recommending field officers of militia, and justices of the peace, in the several counties in this State; which proposition was concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message proposing that the message of his Excellency, the Governor, with the report of the Board of Internal Improvement, accompanying the same, be printed; which proposition was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons, a certificate of pension, in behalf of Priscilla Goodwin; endorsed in that House, read, and on motion of Mr. , countersigned by the Speaker of the House of Commons, and returned to the Senate.
The bill, entitled a bill for the relief of widows in certain cases, was read the second time, and it was resolved that the same shall not pass.

The Senate then proceeded to the consideration of the unfinished business of yesterday; to the bill prohibiting lotteries, on the adoption of the amendment proposed by Mr. Edwards, as amended on the motion of Mr. Wyche, when the question being taken thereon, it was decided in the negative. The question then recurring on the passage of the bill the third and last time, it was decided in the affirmative, and the bill ordered to be engrossed.

The Senate then proceeded to the consideration of the orders of the day; when the bill, entitled a bill providing for a more efficient patrol was read, and on motion of Mr. Wyche, the consideration thereof was postponed until to-morrow.

Received from the House of Commons, a message stating that Messrs. Henderson, Marsteller, Graham, Daniel and Harper, form the committee on the part of that House, on so much of the message of his Excellency the Governor, as relates to the interest of North Carolina in the public lands.

Received from the House of Commons, a message stating that they have passed the engrossed bill to alter the time of opening and closing the polls of the elections in the county of Pasquotank, with an amendment, to wit: Extend the provisions of the bill to the county of Perquimons; in which they ask the concurrence of the Senate. On motion of Mr. Wilson, ordered that the message, together with the bill and the amendment thereto, lie on the table.

The bill entitled a bill to subject legacies, distributive shares, &c. to attachment, was read the second time. On motion of Mr. Wellborn, ordered, that the further consideration of said bill be postponed indefinitely. Ayes 33, Noes 26. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows, to wit:


Mr. Wilder, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry of the 9th brigade, reported that George Philips having received a majority of votes, is duly elected; in which report the Senate concurred.

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

Saturday, December 13, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: a bill prohibiting lotteries; a bill to incorporate the Lincolnton light infantry company; a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; and a bill to divorce Catharine Parks, from her husband Gabriel Parks; in which they ask the concurrence of that House.

Mr. Wyche, from the committee of Finance to whom was referred the following resolution, to wit:
Resolved, That William S. Moom, Esq., be allowed the sum of $100 dollars, for extra services, rendered since the death of the late Comptroller; and for arranging and publishing the revenue laws under a resolution of the last General Assembly, which amount shall be allowed in the settlement of the public accounts.

Reported the same with an amendment, to wit: fill up the blank with the words “two hundred,” which was adopted, and the resolution as amended, was read the first, second and third times, passed and ordered to be engrossed.

Mr. Phelps presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to Mark H. Hill, forty dollars, being the sum to which he is entitled by law, for carrying a writ of election to the sheriff of Tyrrell county, commanding to hold an election to supply the vacancy in the Senate, occasioned by the death of Elijah Mann, Esq., the late Senator, from said county; 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 ordered to be engrossed.

Mr. Caldwell presented the following resolution, to wit:

Resolved, That a committee of five be appointed on the part of the Senate, to inquire into the expediency of altering the times of holding the Superior Courts, in certain counties in the sixth Judicial circuit; and to inquire further if it be not expedient to attach some one county to the sixth Judicial circuit, to the fourth or fifth Judicial circuit, and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Wilson, the message from the House of Commons, proposing an amendment to the engrossed bill, to alter the time of opening and closing the polls of the elections in the county of Pasquotank, heretofore laid on the table, was taken up, the amendment concurred in, and the House of Commons informed thereof by message.

Received from the House of Commons, a message stating that they have passed the engrossed resolutions entitled, “political resolutions,” in which they ask the concurrence of the Senate, which were read, and on motion of Mr. Edwards, ordered that the consideration thereof be postponed until Tuesday next, and be made the order of the day for that day.

The engrossed bill, entitled a bill to amend an act passed in the year 1831, for the better regulation of the town of Wadesborough, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill, entitled a bill to alter the name of Moses Holms, and to legitimate him, was read the second time. Mr. Edwards of Warren, moved the following amendment, to wit: After the word “Holms,” in the fourth line of the bill, insert the words, “of the county of Brunswick,” which was agreed to, and the question recurring on the passage of the bill as amended, it was decided in the affirmative. Whereupon, the bill 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, entitled a bill to restore to credit, John Masters of Yancy county, was read the second time and resolved that the same shall not pass—Ayes 24, Noes 35. The ayes and noes being demanded by Mr. Melbane, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Brittain, Burns, Caldwell, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmundson, Emert, Fairley, Hawmons, Howell, Kerr, Klutts, Lindsay, Lowry, McLeary, McQueen, Mast, Moore, Parker, Phelps, Wellborn.

Mr. Arrington moved to reconsider the bill, entitled a bill to subject legacies, distributive shares, &c. to attachment, in like manner as other property; and on the question, will the Senate reconsider the bill, it was decided in the affirmative. Whereupon, on motion of Mr. Wyche, the bill was ordered to lie upon the table.

The engrossed bill, entitled a bill to incorporate the Fayetteville Mechanics' Benevolent Society, was read the second time, and on motion of Mr. Edwards of Warren, was ordered to lie on the table.

The bill to authorize the Petersburgh Rail Road Company, to erect a bridge across the Roanoke river, at the town of Blakely; and in the mean time to establish a ferry at the same place: Mr. Mebane moved to lay the bill on the table; which motion was not agreed to, and the question recurring on the passage of the bill, it was decided in the negative.

The Senate then entered upon the orders of the day, and proceeded to consider the bill limiting the power of courts, in inflicting punishments for contempts; which being read the second time, Mr. Sawyer moved to amend said bill by striking out the word "information," in the last section of the bill. Mr. Sawyer moved further to amend the bill, by inserting in the fifth line of the first section, after the word "judges," the words "in punishing for contempts." Mr. Beard moved further to amend the bill, by inserting in the third line of the last section, after the word "force," the words "or bribery," and in the seventh line of the same section, after the word "force," by inserting the words "or bribery endeavor to;" which amendments were severally agreed to, and the question recurring on the passage of the bill as amended, it was decided in the affirmative. Ayes 40, Noes 21.


Mr. Hogan, from the committee on the Judiciary to which was referred the petition of Silas L. Heller, of South Carolina, praying the Legislature to grant him a license to practice law in this State, made a report thereon, unfavorable to the prayer of the petitioner, and asking to be discharged from the further consideration of the subject; which was concurred in, and the committee discharged accordingly.

Mr. Hogan, from the same committee, also, made a report on the bill giving the County Courts of this State, authority to abolish the offices of the county trustee and treasurer, or commissioner of public buildings, with sundry amendments; and the said bill together with the amendments, on motion, ordered to be made the order of the day for Monday next.

Mr. Hogan, from the same committee, also reported the bill giving compensation to sheriffs and coroners, for executing writs of capias ad satisfaciendum in certain cases, without amendment. Ordered, that said bill be the order of the day for Monday next.

Messrs. Caldwell, Shipp, Dobson, Klutts and Durham, were appointed to form the select committee to which the resolution presented by Mr. Caldwell, concerning an alteration in the 6th Judicial circuit was referred.

The Senate then adjourned until Monday morning, 10 o'clock.
A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolutions, to wit: Resolution in favor of William S. Macon, Esq.; resolution in favor of Mark H. Hill; in which they ask the concurrence of that House.

Mr. Martin presented a bill, entitled a bill to authorise the Governor to procure a new great seal of State; which was read the first time and passed.

Mr. Brittain presented a bill, entitled a bill authorising A. R. H. Hunter of Macon county, to erect a bridge across the Hiwassee river, near the mouth of Valley river; which was read the first time and passed.

The Senate then entered upon the orders of the day, and proceeded to consider the bill fixing the punishment for the crime of bigamy; which was read the second time and passed.

The bill, entitled a bill giving the County Courts of this State, authority to abolish the offices of county trustee and treasurer, or commissioner of public buildings; was read the second time, and the amendments reported by the committee on the Judiciary agreed to, and the bill as amended, passed the second time.

The bill defining and limiting the power of courts, in inflicting punishments for contempts; was read the third time, and on motion of Mr. Sawyer, ordered to lie upon the table.

Daniel Bateman the Senator elect from the county of Tyrrell, to supply the vacancy occasioned by the death of Ephraim Mann, appeared, produced his credentials, was qualified and took his seat.

Mr. Wilson moved that the consideration of the bill, entitled a bill concerning a convention to amend the Constitution of North Carolina, heretofore by a vote of this House made the order of the day for to-day, be postponed until Saturday next; which was not agreed to.

Received from the House of Commons, a message announcing to the Senate the death of William Adams, one of the members of that House, from the county of Guilford, and proposing that the two Houses appoint a joint select committee of three persons, to make the necessary arrangements for the funeral this evening; at 3 o'clock, and stating that Messrs. Lindsay, Waugh and Rush, form the committee on the part of that House. The proposition of the House of Commons was concurred in, and Messrs. Parker, Dowd and Moye of Greene, were appointed to form the committee of arrangements on the part of the Senate, and the House of Commons was informed thereof by message.

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

Tuesday, December 16, 1834.

Mr. Arrington presented the resignation of Philip Irion, colonel commandant of the 91st regiment of the North Carolina militia; which was read and accepted.

Mr. Moye, from the joint select committee on Military Affairs, to whom was referred the bill to amend the militia laws; reported the bill without amendment, with a recommendation that it be rejected. Ordered, that it be the order of the day for to-morrow.

Mr. Moye of Greene, from the same committee to which was referred a resolution, instructing them to inquire into the expediency of reducing the number of commissioned officers, in each company of militia; made an
Mr. Spencer presented a bill to repeal an act, passed at the last session of the General Assembly, entitled an act to create one additional wreck district, in the county of Hyde, and for other purposes; which was read the first time and passed.

Mr. Durham presented a bill, entitled a bill providing for the payment of justices of the peace, for Rutherford county, for the performance of official duties in certain cases; which was read the first and second times and passed; read the third time, and resolved that the same shall not pass.

On motion of Mr. Edwards of Warren, the Senate proceeded to consider the political resolutions; which were by special order, made the order of the day for to-day. Mr. Wellborn moved a call of the House; which was ordered. The resolutions were then read the first time, and Mr. Wilson moved to lay them upon the table; which motion was not agreed to.

Ayes 29, Noes 35. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:


The question then recurring on the passage of the resolutions, it was decided in the affirmative. Mr. Carson moved that the Senate resolve itself into a committee of the whole House on said resolutions, and that they be made the order of the day for to-morrow; which motion was not agreed to.

Ayes 30, Noes 33. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows:

Those who voted in the affirmative, are Messrs. Baker, Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.


Mr. Sawyer then moved to postpone the consideration of the resolutions till to-morrow; which motion was not agreed to. Whereupon, on motion of Mr. Edwards of Warren, the resolutions were read the second time, and Mr. Martin moved to amend them by offering the following preamble and resolutions, as a substitute, to wit:

Whereas, the declaration of rights made by the freemen of North Carolina, affirms "that a frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty;" and regarding the present crisis as one of deep and vital interest, it is believed that this solemn injunction, has become peculiarly applicable to the present General Assembly:

Therefore resolved, As the opinion of this General Assembly, that the preservation of the liberties of this republic, depends not only on confining the operations of the General Government, to the exercise of such powers as are expressly granted by the Constitution; but that it is necessary to guard with equal caution, against destroying the constitutional balance of power, in the General Government itself; that all the powers granted or intended by the people of the States to the Federal Government, or either of its branches, are specifically delegated and sufficiently defined, to keep each in its proper sphere; that the residu-
any powers given to Congress, to make all laws which shall be necessary and proper, for carrying into execution, the foregoing powers and all other powers, vested by this constitution in the Government of the United States, or in any department or office thereof, forbids the exercise of any constitutional powers, by either of the other branches of the government.

Resolved, That in accordance with these views, this General Assembly cannot sanction the doctrines avowed by the President of the United States, in the manifesto read to the Cabinet, on the 18th of September, 1833, or in the protest transmitted to the Senate of the United States, on the 30th of April, 1834; that we are of opinion that the President has no right to take or to assume any responsibility, other than such as is imposed on him as a duty, by the Constitution and laws of the United States; that the Secretary of the Treasury, as well as the other heads of department, is an officer of the government, and that the President has no rightful authority to direct or control said officer, in the exercise of a discretionary duty specially confined to him, by a law of the United States.

Resolved, That this General Assembly is opposed to a renewal of the charter of the United States bank; and as it is at all times the duty of the officers of the republic, to keep a watchful eye over its monied concerns, we approve of the message of the President to the last session of the 22d Congress, recommending that body to inquire into the safety of the public monies, deposited in that institution; that as we consider Congress to have the only legitimate control over the subject, we deeply regret that the President did not suspend its removal, until the meeting of the succeeding Congress, and if deemed necessary, present the subject again to that body, with such disclosures and additional facts as might have transpired in its recess.

Resolved, That we deem it unnecessary to give an opinion on the policy of removing the public money from the bank of the United States, but feel constrained to express our entire dissent from the exercise of the power by the President of the United States, and without law to place it in the custody, and under the control of the State banks; the safety of the public money is in the estimation of this General Assembly, of very little consequence to the dangerous tendency of the powers claimed by the President, throughout the protest message, and more particularly in the following paragraph: "Congress cannot therefore take out of the hands of the Executive department, the custody of public property or money, without an assumption of executive power, and a subversion of the first principles of the Constitution;" to concede this power to the Executive Department, would subvert the form, as well as the fundamental principles of our government, and the doctrine cannot be recognized by the freemen of North Carolina.

Resolved, That notwithstanding these alarming claims of power, our confidence in the integrity of the President of the United States, remains unimpaired: that we believe he was ill advised in the premises, and are happy to perceive in his late annual message to Congress, the assertion of principles more congenial to the true basis on which our government is founded.

On motion of Mr. Sawyer, the Senate then adjourned until to-morrow morning, 10 o'clock. Ayes 34, Noes 29. The ayes and noes being demanded by Mr. Gavin, were as follows, to wit;


WEDNESDAY, DECEMBER 17, 1834.

Mr. Wolborn, from the select committee on Cherokee lands, to which was referred the petition of Joseph Shepperd, that a grant for one hundred and sixteen acres of land be issued to him, reported the following resolution to carry into effect the prayer of the petitioner, to wit:

Resolved, That the Secretary of State be directed to issue a grant to Joseph Shepperd, for one hundred and sixteen acres of land: Tract No. 6, District No. 16; which tract was bid off by John B. Woody, at the land sales in October 1820.

Which was read the first, second, and third times, passed, and ordered to be engrossed.
Mr. Wellborn, from the same committee, to which was referred the resolution requiring them to inquire into the expediency of selling four hundred acres of land in the county of Macon, reserved for the future disposition of the Legislature, by the act of 1819, made a report thereon, accompanied by a bill, entitled a bill directing the conveyance of commons adjoining the town of Franklin, to the chairman of Macon county court, with a recommendation that it be passed into a law; whereupon, the bill was read the first time and passed.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the memorial of Susanna Enoch, praying the Legislature to pass an act relieving her from the payment of taxes on the estate of her deceased husband Rees Enoch, made an unfavourable report thereon, and asked to be discharged from the further consideration of the subject, which was agreed to, and the committee discharged accordingly.

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

Resolved, That the committee on Internal Improvement, be instructed to inquire into the expediency of granting a charter for a Rail Road from the Sea Board to the Seat of Government; and thence to the Yadkin River, to the most eligible points above Beard's Bridge; and of providing that the Public Treasurer shall (as soon as three-fifths of the stock necessary to construct it shall be subscribed, and the payment thereof secured by individuals,) subscribe for the remaining two-fifths, on behalf of the State; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Durham presented a bill, entitled a bill to provide for running and establishing the boundary line between the counties of Burke and Rutherford. Whereupon, the said bill was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Phelps presented a bill, entitled a bill to regulate Attorneys' fees, and state tax fees, in the county of Washington, in certain cases; which was read the first time and passed.

Mr. Moyer of Green, presented a bill, entitled a bill to alter the name of Jacky Ann Moring, and to legitimate her; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message proposing to refer a communication from his Excellency the Governor, concerning the contract with Ball Hughes, for the restoration of the Statue of Washington, together with the accompanying documents, to a joint select committee of three on the part of each House; which proposition was agreed to. Whereupon, Messrs. Little, Lockhart, and Kerr, were appointed to compose the committee on the part of the Senate, and the House of Commons informed thereof by message.

Received from the House of Commons, a message stating that they have agreed to the amendment proposed by the Senate, to the bill to alter the name of Moses Holmes, and to legitimate him. Ordered that said bill be enrolled.

Received from the House of Commons, a message stating that they have passed the following engrossed resolutions, to wit: A resolution in favor of William Kenly of Davidson county; and a resolution authorizing a grant to issue to William Wilson; in which they ask the concurrence of the Senate. Whereupon, the first named resolution was read the first time and passed. Mr. Sawyer moved that it be indefinitely postponed, which was not agreed to. The question then recurring on the passage of the resolu-
tion, it was decided in the affirmative. Read the third time, passed, and ordered to be enrolled.

The engrossed resolution, authorizing a grant to issue to William Wilson, was read the first, second, and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message proposing to ballot immediately for cavalry officers attached to the 18th brigade, and stating that Joseph B. G. Roulhaç, is in nomination for colonel commandant, Alexander W. Mebane, and James Southall, for lieutenant colonel, and John R. Gilliam for major. The proposition of the House of Commons was agreed to. Whereupon, Messrs. M'Millan and Moye of Green, were appointed to conduct the ballotting on the part of the Senate, and the House of Commons informed thereof by message. A message was received from that House, stating that Messrs. Jordan and Henderson, are appointed to conduct the ballotting on their part.

Received from the House of Commons, a message transmitting a message from his Excellency the Governor, accompanied by such resignations of justices of the peace, and militia officers, as have been tendered for acceptance through the Executive department.

Mr. Carson presented the following resolution, to wit:

\[ \text{Resolved, That the Public Treasurer of the State be, and he is hereby directed to pay to} \]

Jesse Hussey, now of the State of Georgia, or his agent, N. Elmonston, all arrears of a pension allowed said Hussey, by an act of the Legislature passed in 1824; and that he continue to pay said pension for and during the life of said Hussey.

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

Received from the House of Commons, the resignation of Joseph J. Ward, major of the regiment of Warren county militia, which was endorsed, read and accepted in that House; and which was read and accepted by the Senate: Also, the resignations of Mitchell R. Moore, major of the volunteer regiment of Guilford county militia; of Solomon Loudermilk, lieutenant colonel of the second regiment of the militia of Iredell county; of Jeremiah Sanderlin, lieutenant colonel of the 31st regiment of North Carolina militia; and of John E. Hussey, colonel commandant of the 31st regiment of the North Carolina militia; which were severally endorsed in that House, read and accepted, and were read and accepted by the Senate.

The Senate then entered upon the orders of the day, and resumed the unfinished business of yesterday; and the question depending at the time of adjournment, to wit: On the adoption of the amendment proposed by Mr. Martin, to the political resolutions was stated, and the amendment was again read. Whereupon, Mr. Martin moved that the Senate do now resolve itself into a committee of the whole House, and that the resolutions with the amendments, be committed to said committee; which motion was not agreed to. Mr. Martin then called for a division of the question, and that the question be first taken on striking out the whole of the resolutions, after the word "Resolved."

After some time spent in discussion, the Senate adjourned till to-morrow morning 10 o'clock.

**Thursday, December 18, 1834.**

A message was sent to the House of Commons, stating that the Senate has passed the following bills and resolutions, to wit: A bill to provide for
Mr. Harrison presented the resignation of John Houston, lieutenant colonel of the militia of Jones county; which was read and accepted.

Mr. Caldwell, from the select committee, to which was referred the resolution directing the inquiry into the expediency of altering the times of holding the Superior Courts in certain counties in the sixth Judicial Circuit, made a report thereon, accompanied by a bill, entitled a bill to regulate the times of holding the Superior Courts in the fourth and sixth Judicial Circuits, and to attach the county of Surry to the fourth Judicial Circuit; and recommending that said bill be passed into a law. Whereupon the said bill was read the first time and passed.

Mr. Howell presented a resolution in favour of Archibald S. Brown, which was, on motion of Mr. Howell, ordered to be referred to the committee on claims.

Mr. Moye of Green, from the committee appointed to conduct the balloting for cavalry officers of the 18th brigade, reported that Joseph B. G. Roulauc, having received a majority of votes for colonel commandant, Alexander W. Mebane, lieutenant colonel, and John R. Gilliam for major, 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 the better government of the town of Lawrenceville in Montgomery county. In which they ask the concurrence of the Senate; whereupon, the said bill was read the first and second times and passed.

Received from the House of Commons, a message stating that they have passed the engrossed resolution in favour of John Hyde of Haywood county, 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 from the House of Commons, a message proposing to ballot immediately for colonel and lieutenant colonel of cavalry; and stating that Joseph Abernathy is in nomination for colonel, and Richard Rankin, for lieutenant colonel, attached to the 10th brigade and third division; which, on motion of Mr. Beard, was ordered to lie on the table.

Received from the House of Commons, a message stating that they have passed the following engrossed bills and resolutions, to wit: A bill to incorporate Washington Academy, in the town of Washington, Beaufort county, and to appoint trustees thereof; a bill to incorporate the Northampton blues; a bill to prevent the obstructing the passage of fish up Hiwassee, Nattaly, and Valley rivers, in Macon county; a bill authorizing the county courts of Burke and Yancy, to appoint commissioners for laying off roads; and a resolution in favour of Lewis Dupree; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first and second times and passed.

The bill to incorporate the Northampton blues, and the bill authorizing the county courts of Burke and Yancy, to appoint commissioners for laying off roads, &c. were read the first, second, and third times and pas-
sed, and ordered to be enrolled. The bill to prevent obstructing the pas-
sage of fish up Hiwassee, Nattaly, and Valley rivers in Macon county,
was read the first and second times and passed, and on motion of Mr. Ed-
monston, was ordered to lie on the table; and the resolution in favor of
Lewis Dupree, was read the first, second and third times, passed and or-
dered to be enrolled.

The Senate then entered upon the order of the day, and resumed the con-
sideration of the unfinished business of yesterday. The question still de-
pending on Mr. Martin's call, for a division of the question, on his motion
to strike out the original Resolutions entitled "political resolutions" and
insert the amendment offered by him as a substitute. Mr. Sawyer moved
that the further consideration of the subject be postponed until to-morrow,
which was not agreed to, and after some time spent in discussion;

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

FRIDAY, DECEMBER 19, 1834.

Mr. Kendall, from the committee on Propositions and Grievances, to which
was referred the petition of George B. Grier, praying to be restored to credit,
made a favorable report thereon, accompanied by a bill entitled a bill to re-
store George B. Grier, of the county of Buncombe, to the privileges of a
free citizen. Whereupon the said bill was read the first time and passed;
read the second time, and resolved, that the same shall not pass.

Mr. Moye, from the committee on Military Affairs, to which was referred
the memorial of sundry citizens of the county of Burke, praying for an al-
teration of the boundaries of the first and second regiments of Burke county
militia, made a favourable report thereon, accompanied by a bill to carry into
effect the prayer of the petitioners, entitled a bill altering the boundaries of
the first and second regiments of Burke county militia. Whereupon the
said bill was read the first, second and third times, passed, and ordered to
be engrossed.

Received from the House of Commons a message stating that Messrs.
Lindsay, Latham and Brummell, form the committee on the part of that
House, on the communication of his Excellency the Governor, concerning
the statue of Washington.

Mr. Hogan moved to re-consider the bill to restore George B. Grier, of
the county of Buncombe, to the privileges of a free citizen, and, on the ques-
tion, will the House re-consider said bill? it was decided in the affirmative.
Whereupon the bill was read the second and third times, passed, and or-
dered to be engrossed.

On motion of Mr. Moye, (of G.) a message was sent to the House of
Commons, proposing to ballot immediately for cavalry officers of the second
brigade, eighth division of North Carolina militia; and stating that William
M. Allbritton, is in nomination for colonel commandant, Josiah Barrett,
lieut. colonel, and William Dixon, major.

The bill entitled a bill for the better regulation of the town of Lawrence-
ville, in Montgomery county, was read the third time, passed, and ordered to
be enrolled.

On motion of Mr. Edmondston, the engrossed bill to prevent obstructing
the passage of fish up Hiwassee, Nattaly and Valley rivers, in Macon coun-
ty, was taken up, read the third time, passed, and ordered to be enrolled.
The engrossed bill entitled a bill to incorporate Washington Academy, in the town of Washington, Beaufort county, and appoint trustees thereof, was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Montgomery of Hertford, the Senate proceeded to consider the resolution fixing on a day of adjournment. Mr. Caldwell, moved to lay the resolution upon the table; which was agreed to—ayes 37, noes 25. The ayes and noes being demanded by Mr. Montgomery of Hertford, are as follows, to wit:


Those who voted in the negative, are Messrs. Arrington, Barco, Branch, Edwards of Warren, Fairley, Harrison, Hawkins, Hogan, Kendall, Lindsay, Little, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Sawyer, Sherard; Spencer; Stephens; Wellborn, Wilson, Whitehurst, Wyche.

The Senate then proceeded to the orders of the day, and rested the consideration of the unfinished business of yesterday; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and to insert his amendment as a substitute.

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

Whereas a multiplicity of business is now pending in both branches of the Legislature, in which the people of the State are deeply interested, and which now demands the immediate action of the Legislature: Therefore
Resolved, That the political resolutions instructing our Senators in Congress, to vote to expunge the resolution of censure on the President, from the journals of the Senate, is entirely extra-legislative, and beyond the legitimate action of the Senate.

Resolved therefore, That said resolutions be laid upon the table, and that the Senate proceed to act forthwith upon the business immediately affecting the interests and wants of the people.

And on the question; on the adoption of said resolutions, it was decided in the negative—ayes 27, noes 35. The ayes and noes being demanded by Mr. Carson, are as follows:

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Little, Lowry, M'Milian, M'Queen, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


After some time in discussion; the Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, DECEMBER 20, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill altering the boundaries of the first and second regiments of Burke county militia; and a bill to restore George B. Grier, of the county of Buncombe, to the privileges of a free citizen; in which they ask the concurrence of that House.

Mr. Lowry presented the petition of sundry citizens of Buncombe county; in behalf of Joseph Wilson of said county, praying that he may be restored to credit, which, on motion of Mr. Lowry, was ordered to be referred to the committee on Propositions and Grievances.

Mr. Hogan, from the committee on the Judiciary, to which was referred
the engrossed bill, to incorporate the Fayetteville Mechanics Benevolent Society, reported the same with an amendment, as an additional section to the bill, to wit: "Be it further enacted by the authority aforesaid, That said society shall exist and exercise its corporate functions, for twenty years and no longer," which amendment was read and agreed to. Whereupon the said bill was read the second and third times, passed, as amended, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Hogan, from the same committee to which was referred the bill to alter the Judiciary system of North Carolina, reported the same without amendment, with a recommendation that it is inexpedient to pass said bill. Whereupon, the said bill was ordered to be the order of the day for Monday next.

Mr. Hogan, from the same committee to which was referred a bill more effectually to prevent litigation and avoid suits at law, with a recommendation that it is inexpedient to legislate upon the subject. Whereupon, said bill was ordered to be the order of the day for Monday next.

Mr. Hogan, from the same committee to which was referred a resolution, directing an enquiry into the expediency of allowing parties to suits to show on the trial, that grants issued by the State were fraudulently obtained, made a report thereon, with a recommendation that it is inexpedient to legislate on the subject; which report was concurred in.

Mr. Cooper of Martin, presented a bill entitled a bill to prevent nuisances in the river Roanoke; which was read the first time and passed.

Received from the House of Commons, a message stating that they have passed the following engrossed resolutions, to wit: A resolution relating to a map of the Cherokee lands; a resolution directing the Adjutant General to collect the public arms; a resolution in favor of Elizabeth Forbes; and a resolution in favor of Caleb Barco; in which they ask the concurrence of the Senate. Whereupon, the three first named resolutions were read the first, second and third times, passed, and ordered to be enrolled; and the resolution in favor of Caleb Barco, was read the first and second times and passed. Mr. Barco moved an amendment, to wit: in the second line thereof, strike out the words "the agent of," which was agreed to; and the resolution was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendment.

Mr. M'Queen presented a bill entitled a bill to provide a fund for the establishment of free schools, in the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Wilson, ordered to be printed.

Received from the House of Commons, a message agreeing to the proposition to ballot for cavalry officers, of the second brigade and eighth division, and stating that Messrs. Harty and Foscue, attend the Senate as superintendents of the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Moye of Greene, and Harrison, attend that House as superintendents of the balloting on the part of the Senate.

Mr. Durham presented a bill entitled a bill for the better regulation of the County and Superior Courts, of the county of Rutherford; which was read the first time and passed, and, on motion of Mr. Durham, was ordered to lie on the table.
On motion of Mr. Hogan, the bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan county, was taken up, read the second time and passed. Mr. Beard moved to amend the bill by adding a proviso at the end thereof, in the following words, to wit: "Provided that this act shall not take effect before the first day of January, 1836; which amendment was agreed to. Whereupon, the bill was read the third time and passed, as amended, and ordered to be engrossed.

The Senate then entered upon the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert the amendment offered by him as a substitute; and, after some time spent in discussion, the Senate adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 22, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill, to wit: A bill to amend an act passed in the year 1822, entitled an act, for the division of Rowan county; in which they ask the concurrence of that House.

Mr. Montgomery of Orange, presented the resignation of John Eleendenin, a justice of the peace; which was read and accepted, and sent to the House of Commons.

Mr. Kendall presented the petition of sundry citizens of the county of Montgomery, praying to be annexed to the county of Moore; which, on motion of Mr. Kendall, was ordered to be referred to the committee on Propositions and Grievances.

Mr. Moye of Greene, from the committee appointed to conduct the balloting for cavalry officers, of the second brigade and eighth division, reported that Wm. M. Allbritton, having received a majority of votes for colonel, Josiah Barrett, for lieutenant colonel, and William Dixon, for major, are duly elected; in which report the Senate concurred.

Mr. Lockhart presented the following resolution, to wit:

Whereas it appears from the report of the Treasurer of the Literary Fund, that the amount thereof, is inadequate to the purpose of a system of general education; and whereas, the State of North Carolina, is destitute of native, civil and military engineers: Therefore

Resolved, That the committee on Education be instructed to enquire into the expediency of appropriating a part of the Literary Fund, to the purpose of establishing a professorship of civil and military engineering, in the University of North Carolina, for the purpose of instructing native youths in those branches of education, so that the practical services of the professor or professors and students shall be devoted to making such surveys, as the Legislature may from time to time order and direct, with a view to the internal improvement of the State; and that the committee have leave to report by bill or otherwise.

Whereupon the said resolution was read and adopted.

Mr. Wilson presented a bill, entitled a bill supplemental to an act entitled an act, for the relief of debtors for debts which may be contracted after the first day of May next, passed in the year 1822; which was read the first time and passed.

Mr. Mebane presented the petition of Alfred M. Slade, praying to be relieved from his liability as one of the securities of Edward Griffin, late sheriff of Martin county; which was on motion of Mr. Mebane, ordered to be referred to the committee on Claims.

Received from the House of Commons a message, stating that they have postponed indefinitely, the following engrossed bills, to wit: A bill to le-
A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act passed in the year, 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates, so far as respects the county of Perquimons; a bill to repeal part of an act, passed at the last session, entitled an act better to promote the administration of justice, in Macon county; a bill for the better regulation of the militia of Buncombe county; and a bill supplemental to an act, passed in the year, 1829, chapter 53, entitled an act for the payment of the jurors of the county of Beaufort, Onslow, Hyde, Anson; Columbus and Duplin; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed, and ordered, on motion of Mr. Wilson, to lie upon the table; the second and third named bills were read the first, second and third times, passed and ordered to be enrolled; the last named bill was read the first time and passed. Mr. Sherard moved to strike out the word "Wayne," wherever it occurs in the bill; which amendment was agreed to, read the second time and passed, as amended, and on motion of Mr. Hussey, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to divorce Eleanor M. Cobb; a bill to amend the charter of the bank of Cape Fear; and a bill to quiet the titles to certain lands in this State; in which they ask the concurrence of the Senate. Whereupon the first named bill was read the first and second times and passed, and on motion of Mr. Hogan, ordered to lie upon the table; and the second and last named bills were read the first time and passed.

Mr. Spencer presented a bill, entitled a bill to incorporate the Mattamuskeet canal and rose bay turnpike company; which was read the first time and passed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to divorce William Harvey of Beaufort county; a bill to amend an act, entitled an act to incorporate a company in the county of Mecklenburg, under the name of the Franklin gold mining company; a bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed at the last session of the General Assembly; and a bill to establish the Merchants bank, in the town of Newbern; in which they ask the concurrence of the Senate. Whereupon the first named bill was read the first time, and on motion of Mr. McCormick, ordered to be indefinitely postponed. Ayes 47, Noes 13. The ayes and noes being demanded by Mr. McCormick, are as follows, to wit:

JOURNAL OF THE SENATE.

[Text continues...]

TUESDAY, DECEMBER 23, 1834.

Mr. Moye of Greene, presented the resignation of Wm. N. Allbritton, lieutenant colonel of cavalry of the 2nd brigade, 8th division; which was read and accepted.

Mr. Kerr, from the committee on Military Affairs, to which was referred a memorial of the officers of the 13th regiment, on the subject of petty musters, reported that the committee have instructed their chairman to report a bill to the other branch of this body, upon the same subject, in compliance with the prayer of the memorial heretofore referred to them, and ask to be discharged from the further consideration of said memorial; which was concurred in.

Mr. Kerr, from the same committee to which was referred a resolution of inquiry, on the expediency of compelling captains of companies to muster their companies four times in each and every year, reported that their chairman is instructed to report a bill to the other branch of the Legislature, upon the subject contemplated in the resolution, and ask to be discharged from the further consideration of the subject; which report was concurred in.

Mr. Kerr, from the same committee to which was referred a resolution, instructing them to inquire into the expediency of abolishing the present militia system, &c., made a report thereon, with a recommendation that it is inexpedient to legislate upon the subject; which report was concurred in.

Mr. Hawkins, from the joint select committee on Public Buildings, to which was referred the report of the commissioners appointed to rebuild the capitol, made a detailed report, accompanied by a bill, entitled a bill to make an appropriation for completing the capitol, in the city of Raleigh; on motion of Mr. Wyche, ordered, that the report be printed. Whereupon the said bill was read the first time and passed, and on motion of Mr. Hogan, made the order of the day for Monday next.
Mr. Whitehurst presented a bill, entitled a bill to build a court house, in the county of Pasquotank; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Phelps presented a bill, entitled a bill to regulate the levying and collection of town taxes, in and for the town of Plymouth. Mr. M'Queen presented a bill, entitled a bill to improve the navigation of Cape Fear river, above Fayetteville. Whereupon the said bills were read the first time and passed; and the last named bill, on motion of Mr. Holmes, was made the order of the day for Tuesday next.

Mr. Baker presented the following resolution, to wit:

Whereas, it is well known that the owners of large tracts of land in the Western section of this State, by concealing the extent of their claims, and misrepresenting its value to the receivers of taxable property, have withheld from the Public Treasury, large sums of money justly due for taxes.

Resolved, That the committee on the Judiciary, in conjunction with the Attorney General, be instructed to inquire whether such lands cannot now be subjected to the payment of the taxes thus withheld.

Which was read and adopted.

On motion of Mr. Dobson, a message was sent to the House of Commons, proposing to ballot for councillors of State, and stating that Peter H. Dilliard of Rockingham, Henry Skinner of Perquimons, Peter Clingman of Surry, Daniel Turner of Warren, William S. Ashe of New Hanover, Allen Rogers, senr. of Wake, Lewis D. Henry of Cumberland, George Williamson of Caswell, George W. Jeffries of Person, Alfred Jones of Wake, Isham Matthews of Halifax, Jonathan Haralson of Chatham, and James Iredell of Wake, are in nomination for the appointment.

The engrossed bill to establish the Merchants bank of the town of Newbern, was read the first time and passed.

Received from the House of Commons the following messages: A message, stating their concurrence in the amendment proposed by the Senate, to the engrossed resolution in favor of Caleb Barco; a message stating their concurrence in the amendment proposed by the Senate, to the engrossed bill to incorporate the Fayetteville mechanics' benevolent society. Ordered, that said bills be enrolled.

Mr. Carson presented the following bills, to wit: A bill directing how feme covert may hereafter be privately examined, when conveying land; a bill to make good and valid titles to lands granted to entry takers, in certain cases therein specified; which bills were each read the first time and passed, and on motion of Mr. Carson, ordered to be referred to the committee on the Judiciary.

Mr. Lockhart presented a bill, entitled a bill to amend an act, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, passed in the year, 1741; which was read the first time and passed.

On motion of Mr. Carson, the engrossed bill to divorce Ellena M. Cobb, was taken up, read the third time, and it was resolved that the same shall not pass.

Mr. Martin presented the memorial of the president and directors of the Leaksville toll bridge company, praying the Legislature to grant to their corporation during its existence, all the vacant land, if any, lying at and around the North abutment of their bridge, between Barnett and Morehead's line and Dan river, not exceeding one half acre. Ordered, on motion of Mr. Martin, to be referred to the committee on Propositions and Grievances.
On motion of Mr. Mebane, the Senate then entered upon the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert his amendment as a substitute; a division of the question having been called for by Mr. Martin. After some time spent in discussion, Mr. Beard moved that the Senate adjourn until to-morrow morning 10 o'clock, and, on the question of adjournment, it was decided in the negative—ayes 26, noes 36. The ayes and noes being demanded by Mr. Beard,

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Klutts, Little, Lowry, M'Cornick, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


Mr. Sawyer then submitted the following resolution, to wit:

Resolved, That the Senate do now adjourn until Wednesday morning 10 o'clock.

And on the question, will the Senate adopt said resolution, it was decided in the negative—ayes 21, noes 37. The ayes and noes being demanded by Mr. Montgomery of Orange,

Those who voted in the affirmative, are Messrs. Bateman, Barco, Beard, Branch, Carson, Fairley, Harrison, Hogan, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Moye of Pitt, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


Mr. Hogan submitted the following resolution, to wit:

Resolved, That the consideration of the political resolutions now before the Senate be suspended, to consider the subject of Convention and other legislative business now before the Senate.

And on the question, will the Senate adopt said resolution, it was decided in the negative—ayes 23, noes 36. The ayes and noes being demanded by Mr. Wellborn.

Those who voted in the affirmative, are Messrs. Beard, Caldwell, Carson, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


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

Wednesday, December 24, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed bill, entitled a bill to build a Court House, in the county of Pasquotank; in which they ask the concurrence of that House.

Mr. Wyche presented a bill, entitled a bill to amend and suspend for a time, the several acts prohibiting the circulation of due bills and notes under five dollars; which was read the first time and passed.
Mr. Britain presented a bill, entitled a bill to amend an act, establishing the Tennessee River Turnpike Road.

Mr. Gavin presented a bill, entitled a bill authorizing John Treadwell, seur. of Sampson county, to erect a gate at his bridge, across Cohany, on the road leading from Clinton to Elizabethtown, in Bladen county, and to receive toll for crossing the same; and Mr. Cowper of Gates, presented a bill, entitled a bill to incorporate the Gatesville Turnpike Company; which bills were severally read the first time and passed.

On motion of Mr. Branch, the name of James Irredell, was withdrawn from the nomination for councillors of State.

The engrossed bill, entitled a bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed at the last session of the General Assembly, was read the first time and passed; and the engrossed bill, entitled a bill to amend an act, entitled an act to incorporate a company, in the county of Mecklenburg; under the name of the Franklin Gold Mining Company, was read the first, second and third times, passed, and ordered to be enrolled.

Mr. Spaight moved to reconsider the vote, taken on the engrossed bill to divorce Ellena M. Cobb; which by a vote of this House, was rejected of yesterday; and, on the question will the House reconsider said vote, it was decided in the affirmative; and, on motion of Mr. Caldwell, the bill was ordered to lie on the table.

Mr. Edwards presented the resignation of Alexander W. Mebane, major of cavalry, in the ———— brigade; which was read and accepted.

On motion of Mr. Spaight, a message was sent to the House of Commons, proposing to ballot immediately for colonel and lieutenant colonel of cavalry, attached to 10th brigade and 3rd division; and stating that Joseph Abernathy is in nomination for colonel, and Richard Rankin, for lieutenant colonel.

Received from the House of Commons a message, stating that they have passed the following bill and resolution, to wit: A bill to restore to credit Win. Brown, of the county of Beaufort; 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 said resolution was read the first and second times and passed, and on motion of Mr. Montgomery of Orange, ordered to lie on the table.

Received from the House of Commons a message stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of James M'Lean; resolution directing the distribution of military tactics; resolution in favor of John Cherry; and resolution in favor of Owen Carrol; in which they ask the concurrence of the Senate. Whereupon, the two first named resolutions were read the first, second and third times; passed, and ordered to be enrolled. The resolution in favor of John Cherry, was read the first time and passed. Mr. Carson moved the following amendment, to wit: in the third line after the word "Rutherford," insert the words "of agent;" which was agreed to. Whereupon, the resolution was read the second time and passed, and, on motion of Mr. Wyche, ordered to lie upon the table; and the resolution in favor of Owen Carrol, was read the first and second times, and passed, and on motion of Mr. M'Millan, ordered to lie upon the table.
Mr. Little presented a bill, entitled a bill to repeal an act passed in 1832, appointing lay days on Rocky river, joining Anson and Montgomery counties; 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 for altering or turning roads in certain cases; a bill vesting the power to authorise the erection of gates across public roads, in the several county courts; a bill to amend the several acts heretofore passed to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification, when elected; a bill to provide for the temporary appointment of registers, in certain cases; a bill concerning coroner's fees; and a bill to divorce Sally Flowers; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed. On motion of Mr. Wyche, the third named bill was ordered to be referred to the committee on the judiciary; and on motion of Mr. Wyche, the last named bill was ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill compelling the county courts of Beaufort to appoint two surveyors for said county; a bill to authorize the forming a fire engine company in the town of Fayetteville; a bill to repeal an act passed in 1826, to reduce the license of Peddlars, on the south side of Albemarle Sound; a bill to give further time for paying in Entry money; and a bill to alter the name of, and legitimate Zadoch Best of Currituck county; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed, and the last named bill was further read the second and third times, passed, and ordered to be enrolled; and the first named bill, on motion of Mr. McWilliams, was ordered to lie on the table.

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. Latham and Brummel, attend the Senate as superintendents of the ballotting on the part of that House. Whereupon, a message was sent to the House of Commons, informing them that Messrs. Edmonston and Moye of Pitt, attend that House as superintendents of the ballotting on the part of the Senate.

Received also, a message from the House of Commons, agreeing to the proposition of the Senate to ballot immediately for colonel and lieutenant colonel of cavalry of the 10th brigade and 3d division, and stating that Messrs. Hoke and Hamrick attend the Senate, as superintendents of the ballotting on their part. Whereupon, a message was sent to the House of Commons, informing them that Messrs. Fairley and Shipp attend that body to conduct the ballotting on the part of the Senate.

Received from the House of Commons, the resignation of James A. Henderson, a justice of the peace for the county of Lincoln; of Joel McLean, lieutenant colonel of cavalry, in the 8th brigade and 9th division; of Samuel Brooks, a justice of the peace for the county of Hyde; of Solomon Swain, a justice of the peace for the county of Surry; of H. M. Cave, a justice of the peace for the county of Orange; and of Isham Malone, a justice of the peace for the county of Person; which resignations were severally endorsed in that House, read and accepted; and which were read and accepted by the Senate.
JOURNAL OF THE SENATE.

A message was received from the House of Commons, proposing that when the two houses adjourn to-day, they agree to meet again on Friday next; which proposition was concurred in, and a message sent to the House of Commons, stating the concurrence of the Senate.

The Senate then entered upon the orders of the day, and resumed the consideration of the unfinished business of yesterday. The question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert the amendment by him as a substitute. He having called for a division of the question, when Mr. Caldwell submitted the following resolution, to wit:

Whereas, this General Assembly has been in session for the space of thirty eight days, with out passing any general measure of importance; and whereas, this General Assembly has been engaged sixteen days, in discussing and acting upon a series of political resolutions, proposing to instruct the Honorable Willie P. Mangum, our Senator in Congress, without any final disposition of the same: and whereas, said political resolutions have not only consumed a large portion of the time of the Legislature, but a large amount of treasure, exceeding the sum of 10,000 dollars, and also had the effect to expunge harmony, good feeling, and deliberation from the councils of the State. And whereas the convention assessment and revenue bills, and other measures of deep and vital importance to the people, now remain upon the table neglected and undisposed of.

Resolved therefore, That said political resolutions be suspended, and that the Senate proceed forthwith to consider the convention bill, or some other measure pertaining to the general good of the people of North Carolina;

Which was read, and on the question will the Senate adopt said resolution? it was decided in the negative—ayes 27, noes 32. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Queen, M'Williams, Martin, Mast, Moyle of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


Mr. Little then moved an adjournment until Friday morning ten o'clock, and on the question of adjournment it was decided in the negative—ayes 21 noes 36. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Beard Branch, Caldwell, Carson, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Phelps, Sawyer, Shipp, Wellborn, Wilson.


Mr. Wellborn submitted the following resolution, to wit:

Whereas it is five o'clock P. M. Resolved, That the Senate now adjourn.

And on the question, will the Senate now adjourn? it was decided in the negative—ayes 23, noes 36. The ayes and noes being demanded by Mr. Edmonston,


Mr. Klutts submitted the following resolution to wit:
WHEREAS, from fatigue, hunger, lassitude and irritation of feeling, the Senate is not in a state of mind to decide upon questions of constitutional law; and it is half past 6 o'clock P. M. Christmas Eve;

Resolved, That the further consideration of the resolutions before the Senate, be postponed till Friday next.

Mr. Parker moved that the Senate now adjourn; and on the question, will the Senate now adjourn? it was decided in the negative—ayes 23, noes 37. The ayes and noes being demanded by Mr. Spaight,


Mr. McQueen moved that the Senate now adjourn, and on the question will the Senate now adjourn? it was decided in the negative,—ayes 27 noes 34. The ayes and noes being demanded by Mr. Staley,

Those who voted in the affirmative, are Messrs. Beard, Branch, Caldwell, Carson, Dowd, Fairly, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, McMillan, M'Williams, McQueen, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.


Mr. Branch moved that the Senate now adjourn, and on the question of adjournment, it was decided in the negative,—ayes 23, noes 33. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, McMillan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.


The question then recurring on the adoption of Mr. Klutts' resolution, it was decided in the negative—ayes 26, noes 35. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Lowry, M'Cormick, McMillan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wilson.


Mr. Caldwell, submitted the following resolutions, to wit:

WHEREAS Mr. Carson, the Senator from Burke, is indisposed:

Resolved further, That he have leave of absence from the Senate, until Friday next.

And on the question of adoption, it was decided in the affirmative.

Mr. Caldwell also submitted the following resolutions, to wit:

WHEREAS Mr. M'Williams, the Senator from Beaufort county, is indisposed:

Resolved therefore, That he have leave of absence from the Senate, until Friday morning next.

And on the question of adoption, it was decided in the affirmative.

Mr. Wellborn moved that the Senate do now re-consider their vote, on
the rejection of the resolution, submitted by Mr. Klutts; and on the question, will the Senate re-consider said vote, it was decided in the negative—ayes 17, noes 42. The ayes and noes being demanded by Mr. Staley,


Mr. Wellborn moved that the Senate now adjourn, and on the question of adjournment, it was decided in the negative—ayes 26, noes 23. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moye of P., Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.


Mr. Wilson submitted the following resolution:

Resolved, That the Senate will postpone the orders of the day, till Saturday next.

And on the question of adoption, it was decided in the negative—ayes 13, noes 45. The ayes and noes being demanded by Mr. Spaight,


Mr. Wilson then submitted the following resolution, to wit:

Resolved, That the Senate will postpone the consideration of the orders of the day, till Monday next.

And on the question of adoption, it was decided in the negative—ayes 12, noes 46. The ayes and noes being demanded by Mr. Spaight,


Mr. Little moved that the Senate do now adjourn, and on the question of adjournment, it was decided in the negative—ayes 23, noes 34. The ayes and noes being demanded by Mr. Spaight,

Those who voted in the affirmative, are Messrs. Barco, Branch, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.


Mr. Wilson submitted the following resolution, to wit:

Resolved, That the Senate will postpone the consideration of the order of the day, in order
JOURNAL OF THE SENATE,

that they may enter upon the all-important petition of Mrs. Sally Flowers, to be divorced from her husband, Mr. Christopher Flowers.

Which Resolution was declared by the Speaker to be out of order; from which decision of the Speaker, Mr. Wilson appealed to the House: and on the question, Is the decision of the Speaker correct? it passed in the affirmative,—ayes 38, noes 13. The ayes and noes being demanded by Mr. Edmiston,


Mr. Hogan moved that the Senate take a recess of one hour. Mr. Little moved that the Senate do now adjourn; and on the question, will the Senate adjourn? it was decided in the negative,—ayes 21, noes 34. The ayes and noes being demanded by Mr. Edmiston,

Those who voted in the affirmative, are Messrs. Barco, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millau, M'Queen, Martin, Mast, Moye of Pitt, Parker, Sawyer, Shipp, Wellborn, Wilson.


Mr. Wilson submitted the following Resolution, to wit:

Resolved, That the Senate postpone the orders of the day, till Tuesday next.

And on the question of postponement, it was decided in the affirmative,—ayes 12, noes 40. The ayes and noes being demanded by Mr. Edmiston,


Mr. Sawyer moved that the Senate now adjourn; and on the question, Will the Senate adjourn? it was decided in the negative,—ayes 22, noes 32. The ayes and noes being demanded by Mr. Cooper of Martin,


Mr. Hogan's motion for a recess being still pending;

Mr. Martin moved an amendment thereto, to wit: strike out the word “one,” and insert the words “a half;” which was not agreed to,—ayes 17, noes 37. The ayes and noes being demanded by Mr. Martin,


Mr. Caldwell moved that the Senate now adjourn; and on the question, will the Senate adjourn? It was decided in the negative—ayes 22, noes 33. The ayes and noes being demanded by Mr. Lindsay.


Mr. Caldwell moved that the Senate now adjourn; and on the question, will the Senate adjourn? It was decided in the negative—ayes 22, noes 33. The ayes and noes being demanded by Mr. Staley.

Those who voted in the affirmative, are Messrs. Barco, Beard, Caldwell, Fairley, Harrison, Hogan, Klutts, Little, M'Cormick, M'ILLIAN, M'Queen, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


Mr. Little moved that the Senate now adjourn, and on the question, will the Senate adjourn, it was decided in the negative—ayes 21, noes 30. The ayes and noes being demanded by Mr. Arrington.

Those who voted in the affirmative are, Messrs. Barco, Beard, Caldwell, Fairley, Hogan, Klutts, Little, M'Cormick, M'ILLIAN, M'Queen, Martin, Mast, Moore, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.


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

In Senate, December 25, 1834, 15 minutes after 12 A. M.

Whereas the tenth section of the declaration of rights of North Carolina, provides that the two Houses of the Legislature “shall sit upon their own adjournments, from day to day,” and whereas the Senate met yesterday at 10 o'clock A. M.; and while sitting agreed to the proposition of the House of Commons to adjourn the session of that day the 24 instant, over to Friday, the day after Christmas, and whereas Christmas day as the nativity of our Saviour, is kept holy by several Christian sects, and is now at hand:

Therefore resolved, That the Senate be, and is adjourned to Friday morning the 26th instant at 10 o'clock.

And on the question, will the Senate adopt said resolution, it was decided in the negative—ayes 22, noes 31. The ayes and noes being demanded by Mr. Arrington.


Those who voted in the negative are, Messrs. Arrington, Baker, Britain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Ed-
Friday, December 26, 1834.

Mr. Fairley, from the committee appointed to superintend the ballotting for colonel and lieut. colonel of cavalry of the 10th brigade and 3d division, reported that Joseph Abernathy, having received a majority of the votes for colonel, and Richard Rankin for lieutenant colonel, are duly elected; in which report the Senate concurred.

Mr. Edmonston, from the committee appointed to conduct the ballotting for councillors of State for the ensuing year, reported that William Ashe, Louis D. Henry, Allen Rogers, Daniel Turner, George Williamson, Peter H. Dillard, and Henry Skinner, having a majority of votes, are duly elected; in which report the Senate concurred.

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

Resolved, That during the remainder of the present session of the Legislature, the Senate will meet at the hour of 9 o'clock A. M. and shall sit until the hour of 4 o'clock P. M. or until all the business that is regularly before the Senate, shall be disposed of on each and every day thereof.

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

Mr. M'Williams submitted the following resolutions to wit:

Resolved by the General Assembly of the State of North Carolina, That the sum of five hundred dollars be, and that the same is hereby appropriated from the fund for internal improvement, to construct a canal from the head of Goose creek in Beaufort county, to that point on Jones' Bay where the dividing line between the counties of Craven and Beaufort strikes said Bay, or some point near thereto.

Be it further resolved, That the Public Treasurer, as treasurer to the fund for internal improvement, pay from time to time as may be required, such part of the sum appropriated by the above resolution; to construct a canal from the head of Goose creek in Beaufort county, to Jones' Bay, to Daniel Lewis, David Watson Esq., Noah Gaskill, Silas Lupton, and James Potter.

And it is hereby further resolved, That the before mentioned Daniel Lewis, David Watson, Esq. Noah Gaskill, Silas Lupton and James Potter, are hereby appointed a board of managers to let out and superintend the construction of said canal, and procure by purchase or gift, a right to the land, which may be required to effect the object contemplated.

Ordered to be referred to the committee on Internal Improvement.

Mr. Hogan submitted the following resolution, to wit:

Resolved, That if the right to instruct Senators in Congress, exists in our form of Government, it belongs to the people in their sovereign capacity. They have a right to meet in their primary assemblies, to consider of great questions of national policy, to modify any instructions this Legislature may give to Senators in Congress, or to give new and different instructions; any thing this Legislature can do to the contrary notwithstanding.

Which was read the first time and passed.
Mr. Spaight presented a bill, entitled a bill securing to Needham Whitfield of Lenoir county, and those whom he may associate with, the right of navigating the waters of Neuse river, from the town of Newbern upwards, so far as they may see proper to go; which was read the first and second times and passed.

Mr. Brittain presented a bill, entitled a bill for the better regulation of the militia of the county of Macon; which was read the first time and passed.

On motion of Mr. Durham, the bill for the better regulation of the county and Superior courts of the county of Rutherford was taken up. Mr. Lowry moved to amend the bill, by extending its provisions to the county of Buncombe; which amendment was agreed to. Whereupon, the said bill was read the second time and passed, and on motion of Mr. Durham, ordered to lie on the table.

The bill to regulate Attorneys' fees, and State tax fees, in the county of Washington, in certain cases, was read the second time. Mr. Sawyer moved to amend the bill, by extending its provisions to the counties of Chowan and Tyrrell. Mr. Barco, to extend its provisions to the county of Camden. Mr. Whitehurst, to extend its provisions to the county of Pasquotank; and before the question was taken on said amendment, ordered, on motion of Mr. Sawyer, to be referred to the committee on the judiciary.

The engrossed bill to authorize the forming of a fire engine company in the town of Fayetteville, was read the second time. Mr. M'Cormick submitted the following amendment, to wit: Strike out all after the word "that," in the second line of third section, and insert the following words, to wit: "The persons who are now, and those who shall hereafter be enrolled as members of the fire engine company No. 2, of the town of Fayetteville, shall serve for the term of eight years, from the time of their being enrolled, and shall be exempt from military duty during the said term; which amendment was adopted, and the question recurring on the passage of the bill, it was decided in the affirmative; and on motion of Mr. Holmes, ordered to lie upon the table.

The following bills, to wit: A bill authorizing A. R. H. Hunter of Macon county, to erect a bridge across Hiwassee river, near the mouth of Valley river; a bill to repeal an act passed at the last session of the General Assembly, entitled "an act to create one additional wreck District in the county of Hyde, and for other purposes;" a bill to amend an act, establishing the Tennessee River Turnpike Road; a bill to regulate the levying and collection of town taxes in and for the town of Plymouth; a bill to repeal an act, passed in 1832, entitled an act appointing lay days on Rocky river, joining Anson and Montgomery counties; a bill authorising John Tredwell, son, of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabethtown, in Bladen county; and to receive toll for crossing the same; a bill to prevent nuisances in the river Roanoke; and a bill to incorporate the Gatesville Turnpike Company, were severally read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message proposing to ballot on Monday next, for trustees of the University; which proposition was agreed to, and that House informed thereof by message.

Received from the House of Commons, a message proposing to ballot to-morrow for major of cavalry, attached to the 18th brigade, and stating that John R. Gilliam and James Southall, are in nomination for the appoint-
On motion of Mr. Beard, the Senate entered upon the orders of the day and resumed the consideration of the unfinished business of yesterday; the question depending on the second reading of the "political resolutions;" Mr. Wyche moved to strike out the second resolution, and insert the following as an amendment, to wit:

Resolved, That while this General Assembly does not approve the course pursued by the President of the United States, in relation to the removal of the public deposits from the bank of the United States, it regards many of the votes of the honorable Willie P. Mangum, one of the Senators from this State in the Congress of the United States, as evincing a feeling of hostility to the administration of the present Chief Magistrate, wholly incompatible with a correct discharge of his duty as a representative of this State, and particularly so, his vote in favor of the resolution declaring "that the President in his late executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution, but in derogation of both."

Mr. Hogan called for a division of the question; thereupon the question was taken on striking out, and decided in the negative. Ayes 28, Noes 33.

The ayes and noes being demanded by Mr. Moye of Pitt,

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Knits, Little, Lowry, M'Millan, M'Queen, M'Williams, Mast, Montgomery of Hertford, Moye of P., Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.


Mr. M'Williams submitted the following amendment as an additional resolution, to wit: "Resolved, that the Hon. Bedford Brown, and the Hon. Willie P. Mangum, be requested to vote for the repeal of, or for expunging the bill commonly called "the Bloody Bill," from the statute book of the United States;" which was subsequently withdrawn by Mr. M'Williams.

Mr. M'Queen submitted the following amendment, to wit:

Resolved, That whilst in the opinion of this Legislature, our Senators and Representatives in the Congress of the United States, are bound to yield a respectful share of attention to the opinions expressed by the States and districts, which they respectively represent; yet, it believes that the right of instruction resides in the people alone, and not in the Legislatures of the respective States, farther than the clearly ascertained will of the people may be embodied in any resolutions adopted by the Legislature of a sovereign State instructing a Senator in Congress to vote in a particular way, on any question of national policy.

Resolved further, That in the opinion of the Legislature, the Senators in the Congress of the United States, being bound by the solemn sanction of an oath to support and maintain the Constitution of the United States; they alone are responsible for their acts under the said Constitution, both at the bar of their God and their country; and that consequently a share of discretion must be vested in said Senators, to pronounce on the constitutionality of all measures submitted for their consideration and action, which should be controlled by nothing beyond the operation of those checks which are already provided by the Federal Constitution, and that the people consequently possess the right of instructing their Senators on questions of national policy, connected with their own immediate interests, and not upon questions of constitutional law.

Ordered, on motion of Mr. M'Queen, to lie on the table. The question then recurring on the passage of the resolutions, Mr. Montgomery of Hertford, moved that the question be first taken, on the first resolution, which motion was agreed to; and the question was decided in the affirmative—ayes 41, noes 19. The ayes and noes being demanded by Mr. Arrington,


Those who voted in the negative, are Messrs. Barco, Beard, Caldwell, Carson, Dowd, Fairly,
The question was then taken on the passage of the second and third resolutions, and decided in the affirmative—ayes 33, noes 23. The ayes and noes being demurred by Mr. Cooper of Martin,


Those who voted in the negative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairlavy, Harrison, Hogan, Kendall, Khuus, Little, Lowry, Mil'lan, M'Queen, Mil'Williams, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Whereupon, the said resolutions were read the third time, passed, and ordered to be enrolled.

Mr. Montgomery of Orange, nominated William A. Graham of Orange, and Owen Holmes of New Hanover, as trustees of the University. Mr. Dobson moved that Burton Craig, be added to the nomination; and Mr. Wilson moved that John B. Muse, be added to the nomination. Ordered that a message be sent to the House of Commons, informing them of said nominations.

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

MONDAY, DECEMBER 29, 1834.

On motion of Mr. Dobson, ordered that Mr. Moye of Greene, have leave of absence for this day.

Mr. Little presented the resignation of A. Duren, senr. colonel of cavalry, attached to the 14th brigade; which was read and accepted.

Mr. Cowper of Gates, from the committee appointed to conduct the balloting for major of cavalry, of the 18th brigade, reported that John R. Gilliam, having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Little, a message was sent to the House of Commons, proposing to ballot immediately for lieutenant colonel of cavalry, attached to the 14th brigade, and stating that Joseph White, is in nomination for the appointment.

Mr. Holmes, from the select committee to which was referred the petition of Sarah A. Fitzgerald, made a favorable report thereon, accompanied by a bill, entitled a bill for the benefit of Edward Fitzgerald, of the county of Brunswick; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Holmes presented a bill, entitled a bill concerning mills, erected in the county of New Hanover; Mr. M'Queen presented a bill, entitled a bill to incorporate the Chatham Guards; Mr. Caldwell presented a bill, entitled a bill to incorporate Mountain Island Gold Mining Company. Whereupon, the said bills were severally read the first, second and third times, passed, and ordered to be engrossed.

Mr. Lindsay presented a bill, entitled a bill to amend an act, passed in the year 1805, concerning wrecks; which was read the first time and passed.

Mr. Cowper of Gates, presented a bill, entitled a bill to repeal an act of last session, entitled an act regulating lay days on Frying Pan, in Tyrrell county, and for other purposes; which was read the first time and passed, and ordered, on motion of Mr. Cowper, to be referred to the committee on Propositions and Grievances.
ment; which proposition was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Wilson, the Senate entered upon the orders of the day, and resumed the consideration of the unfinished business of Wednesday last; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert his amendment as a substitute. Mr. Martin, having called for a division of the question, the question first taken on striking out, and decided in the negative—ayes 26, noes 34. The ayes and noes being demanded by Mr. Whitaker,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch; Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Kluth, Little, Lowry, M'ilian, M'Queen, M'Williams, Mast; Montgomery of Hertford; M'oye of Pitt, Parker, Phelps, Sawyer, Sherard; Sapp, Wellborn, Wilson.


Mr. Holmes gave notice that on to-morrow, he would submit a resolution to amend the rules of order for the government of the Senate, so that any member of the Senate may call for the previous question, and if sustained by the House, that the question shall be decided without debate.

On motion of Mr. Sherard, ordered, that Mr. Branch have leave of absence from and after to-morrow, for the remainder of the session.

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

Saturday, December 27, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to prevent nuisances in Roanoke river; a bill to incorporate the Gatesville turnpike company; a bill to amend an act establishing the Tennessee turnpike company; a bill authorising A. R. T. Hunter, of Macon county, to erect a bridge across the Hiwassee river, near the mouth of Valley river; a bill to regulate the levying and collecting of taxes, in and for the town of Plymouth; a bill authorising John Treadwell, sr. to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabeth town, in Bladen county, and to receive toll for crossing the same; a bill to repeal an act passed in 1832, entitled an act, appointing lay days on Rocky river, joining Anson and Montgomery counties; and a 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; in which they ask the concurrence of that House.

Mr. Cowper of Gates, presented the memorial of sundry citizens of the counties of Gates and Tyrrell, praying to repeal an act passed at the last session, prohibiting fishermen on the Frying Pan, in Tyrrell county, from drawing the seine two days in the week. Ordered to be referred to the committee on Propositions and Grievances.

Mr. M'Williams presented a bill, entitled a bill to prohibit hawling of seines or drag nets, within two miles of the bars and inlets within this State; which was read the first time and passed, and on motion of Mr. Lindsay, ordered to be referred to the committee on Propositions and Grievances.

On motion of Mr. Edmonston, the engrossed bill authorizing the county
courts of Burke and Yancey counties, to appoint commissioners for laying
off roads, &c. was taken up. Mr. Edmondston moved the following
amendment, to wit: in the first section of the bill after the enacting clause,
strike out the words commencing at the word "the," in the third line and
ending at the word "three," in the seventh line, and insert the following, to
wit: "Colonel Wm. Dickson, Alfred Perkins, Wm. Murphy, jr. of Burke
county, and John G. Philips, Backus S. Smith, and Colonel David D. Ba-
ker, of Yancey county, be and they are hereby appointed; in the seventh line
of the same section, after the word "commissioners," strike out the word
"each," in the second line of the second section, after the word "commiss-
ioners," strike out the words "when appointed;" which amendments
were severally concurred in. Whereupon the bill was read the third time;
Mr. Edmondston moved that the title correspond with the body thereof.
Ordered that the title be a bill appointing commissioners to lay off a road
from Morganton, in Burke county, by Burnsville and Barnett's station to the
Tennessee line, and the question recurring on the passage of the bill, it
was decided in the affirmative, and a message was sent to the House of
Commons asking their concurrence in the amendments.

The engrossed bill to amend an act, entitled an act to establish a bank in
the State of North Carolina, passed at the last session of the General As-
sembly, was read the second time; Mr. Wyche submitted the following
amendment as an additional section, to stand as the fourth section of the
bill to wit: "And be it further enacted, that it shall not be lawful for the
president and directors of said bank, after the 31st of December, 1835, to
issue any bills or notes of said bank, under the denomination of five dol-
lars, or to reissue any bills or notes under the denomination of five dollars,
that may have been by said bank previously issued;" which amendment
was not agreed to. Ayes 19, Noes 41. The ayes and noes being demand-
ed by Mr. Mebane,

Those who voted in the affirmative, are Messrs. Arrington, Barco, Bateman, Cooper
of Martin, Cowper of Gates, Edwards of Person, Edwards of Warren, Flowers, Gavin,
Hawkins, Hussey, Lockhart, Mebane, Montgomery of Hertford, Moore, Moye of Pitt,
Parker, Sawyer, Wyche.

Those who voted in the negative, are Messrs. Baker, Beard, Branch, Brittian, Caldwell,
Carson, Dobson, Dowd, Durham, Edmondston, Ennett, Fairley, Flynt, Harrison, Hogan,
Holmes, Howell, Kendall, Kerr, Khuts, Lindsay, Little, Lowry, McComb, McMillan,
M'Queen, M'Williams, Mast, Montgomery of Orange, Moye of Greene, Phelps, Sherard,

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

Received from the House of Commons a message, stating that Messrs.
Crump and Carter attend the Senate to conduct the balloting for a major of
cavalry, attached to the 18th brigade. Whereupon, a message was sent
to that House stating that Messrs. Cowper of Gates, and Staley, attend
the House of Commons to conduct the balloting on the part of the Senate.

Received from the House of Commons a message from his Excellency
the Governor, and proposing that it be referred to a joint select committee,
and stating that Messrs. Fleming, Marsteller, Graham, Haywood and
Houlder form the committee on the part of that House. The proposition
was concurred in, and a message was sent to the House of Commons in-
forming them that Messrs. M'Queen, Caldwell, Hawkins, Wyche and
Arrington, form the committee on the part of the Senate.
Mr. Montgomery of Orange, submitted the following resolution:

Resolved, That the joint select committee be instructed to inquire into the expenditures upon the capitol, and into the causes that led to the dismissal of the late superintendent William Drummond, and in what particulars the act of 1832, have been violated, and what additional expenses have been incurred in consequence of such violation, be authorized and empowered to send for persons and papers.

And before the question was taken on the adoption of the resolution, the Senate adjourned until to-morrow morning, 10 o'clock.

Tuesday, December 30, 1834.

Mr. Cowper of Gates, presented the petition of sundry citizens of Chowan county, praying that James Simpson, hereetofore convicted of the crime of forgery, may be restored to credit; ordered to be referred to the committee on Propositions and Grievances.

Mr. Wellborn presented the petition of sundry citizens of the county of Wilkes, praying that Willis Alexander, hereetofore convicted of the crime of perjury, may be restored to credit; ordered to be referred to the committee on Propositions and Grievances.

Mr. Moye of Pitt, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Montgomery, praying for the passage of an act to alter the dividing line between the counties of Montgomery and Moore, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which was concurred in. Mr. Kendall asked and obtained leave to withdraw the documents accompanying said report, from the files of the Senate.

The bill securing to Needham Whitfield of Lenoir county, and those whom he may associate, the right of navigating the waters of Neuse river, from the town of Newbern, upwards, so far as they may see proper to go, was read the third time, passed and ordered to be engrossed.

A message was received from the House of Commons, stating that Messrs. Cotton and Cansler, attend the Senate as superintendents of the balloting for a trustee of the University of North Carolina on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Moye of Pitt, and Caldwell, attend that body as superintendents of the balloting on the part of Senate, and that the name of Burton Craig is withdrawn from the nomination.

The bill fixing the punishment for the crime of bigamy was read the third time. A motion was made by Mr. Wilson to amend the bill by adding the following proviso, at the end of the last section of the bill, to wit: "Provided that it shall be discretionary with the court, when any free white woman shall be convicted under this act, to inflict the punishment of whipping or not as may seem proper;" and the question thereon being taken, it was decided in the affirmative; and the question recurring on the passage of the bill, it was decided in the affirmative. Ordered to be engrossed.

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

On motion of Mr. Kendall, a message was sent to the House of Commons, proposing to ballot again immediately for a trustee of the University of North Carolina.
On motion of Mr. Dobson, the Senate entered upon the orders of the day, and proceeded to consider the engrossed bill to give further time for paying in entry money; which was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Lockhart, the orders of the day were suspended, and Mr. Lockhart presented a bill, entitled a bill to incorporate the Northampton manufacturing company; which was read the first time and passed.

On motion of Mr. Montgomery of Hertford, the Senate then resumed the consideration of the orders of the day, and proceeded to consider the bill defining the duty of the county courts in appointing patrols; and the duty of patrols. "The question depending on the amendment, reported from the select committee to which the bill was referred, as a substitute for the bill. Mr. Montgomery of Hertford, moved to amend the amendment, by striking out the last clause of the 8th section after the word "pass;" in the 10th line of the section. Mr. Wilson moved to amend the amendment in the same section by inserting between the word "shop," and the word "by," in the fifth line the words "or any place where spirituous liquors are sold in quantities less than one gallon." Mr. Montgomery of Hertford, moved the following amendments to the amendment: in the 4th and 5th lines of the 9th section, strike out the words "if said slave have no pass;" in the sixth line of the 14th section, fill the blank with the word "twelve;" and in 7th line of the same section; fill the blank with the words "twenty-five;" in the 7th line of the 19th section, fill the blank with the words "county trustee or officer performing the duties of county trustee;" at the end of the 21st section, add the words "county trustee or officer filling the place of county trustee, unless the magistrate should believe the same to be frivolous or malicious;" in the last section in the third line, between the words "appoint" and "patrols," insert the words "such number of." Mr. Hogan moved the following amendments to the amendment, to wit: in the 6th line of the 1st section before the word "and," insert the words "the sons of slave-holders of the age of eighteen years, who live with their fathers, and all overseers;" and in the 22d, insert the same words after the word "year," in the second line thereof. Mr. Beard moved the following amendment to the amendment, as an additional section: "Be it further enacted, that the several county courts in this State, shall have the discretion to adopt the provisions of this bill or not, as may seem to them expedient and necessary, a majority of the justices composing such courts being present;" which amendments to the amendment were severally adopted, and the question recurring on the adoption of the amendment as amended, it was decided in the affirmative; and thereupon the bill was read the second time and passed, as amended; the bill was then read the third time. Mr. Wyche moved to amend the bill by striking out the words "one dollar," wherever they occur in the 18th section of the bill, and insert in lieu thereof the words "fifty cents." Mr. Edwards moved to amend the bill by striking out all after the word "all," in the first line of the 22d section, and insert the following, to wit: "Persons appointed to patrol by virtue of this act, shall be subject to do duty as such, for one year from and after their appointment. Mr. Hogan moved to amend the bill in the last line of the 13th section, by striking out the word "and," and inserting the word "or." Mr. Holmes moved to amend the bill by adding the following, as an additional section;
Received from the House of Commons, a message proposing to ballot immediately for major of cavalry, of the 9th brigade, and stating that William Peyton, is in nomination for the appointment; which proposition was concurred in, and a message sent to that House stating such concurrence, and that Messrs. Barco and M'Williams, attend the House of Commons, to conduct the ballotting on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Albritton and Williams, attend the Senate to conduct the ballotting on their part.

Received from the House of Commons, a message stating Messrs. M'Lean and Swanner, attend the Senate as superintendents of the ballotting, for trustees of the University. Whereupon, a message was sent to that House, stating that Messrs. Dobson and Little, attend that House to conduct the ballotting, on the part of the Senate.

Mr. Beard presented a bill, to emancipate Waller a slave; which was read the first time and passed.

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

Received from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: A bill to build a court house in the county of Pasquotank; and a bill to prevent nuisances in the river Roanoke.

Received also from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to provide for the payment of the instalments on the shares reserved to the State, in the capital stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina; a bill authorizing the Northampton Blues, to draw on the adjutant general for a stand of arms; a bill to appoint commissioners for the town of Clinton, and for other purposes; and a bill to incorporate a company by the name and style of the Montgomery Gold Mining Company; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed; the second named bill was read the second time and passed, and ordered, on motion of Mr. Sherard, to lie on the table; and the third named bill, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating their concurrence in the proposition of the Senate, to ballot immediately for lieutenant colonel of cavalry, attached to the 14th brigade, and stating that Messrs. Martin and Register, attend the Senate to conduct the ballotting, on their part. Whereupon, a message was sent to the House of Commons, stating that Messrs. Kendall and Baker, attend that House as superintendents of the ballotting, on the part of the Senate.

The Senate then entered upon the orders of the day, and proceeded to the consideration of the bill to make an appropriation for completing the Capitol in the city of Raleigh; which was heretofore made the special order of the day for this day, and the bill being read the second time, it was ordered, on motion of Mr. Wellborn, to be referred to a select committee, consisting of Messrs. Holmes, Edwards of Warren, Wilson, Montgomery of Orange, and Sawyer, with instructions to inquire whether any alteration can be made in the plan of the Capitol, which will require a less expenditure of public mo-
Mr. Little, from the committee appointed to conduct the balloting, for trustees of the University, reported that Wm. A. Graham, Henry S. Clark and Owen Holmes, having received a majority of votes, are duly elected; which report was concurred in.

Mr. M'Williams, from the committee appointed to conduct the balloting for major of cavalry, attached to the 9th brigade, reported that Wm. Peyton, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Kendall, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry, attached to the 14th brigade, reported that Joseph White, having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Little, a message was sent to the House of Commons, proposing to ballot again immediately for a trustee of the University, yet to be elected.

Mr. Hogan presented a resolution in favor of E. W. Hancock; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Sawyer, the bill defining and limiting the power of courts, in inflicting punishments for contempts, was taken up and read the third time; a motion was made by Mr. Dowd, to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that whenever any judge, justice or justices of the peace, shall commit any free white man to jail, for any space of time, for any crime or contempt whatever, that if the person or persons so committed shall think proper, he may appeal from such decision of such judge, justice or justices of the peace, then the said judge, justice or justices of the peace, shall cause a jury to be empannelled immediately (if he or they think proper) who shall try the case, and their verdict shall decide the term of time (if any) such person shall remain in jail, and the question on said amendment, being taken, it was decided in the negative. The question then recurring on the passage of the bill, it was decided in the negative—ayes 27, noes 29. The ayes and noes being demanded by Mr. Cooper of Martin.
And be it further enacted, That if the patrol shall find any white person or persons, or free person or persons of color, loitering about any negro house or houses, drinking, gambling or associating with any slave or slaves in the night time, or on the Sabbath day, it shall be the duty of the said patrol to arrest said person or persons, and carry them before some justice of the peace, who shall have the power to bind said person or persons and witnesses to the next superior court, which shall be held for said county, and said offences shall be indictable in said court, and upon conviction, shall be fined and imprisoned at the discretion of the court.

Mr. Beard moved the following amendment as an additional section of the bill:

And be it further enacted, That if any patrol shall find any slave loitering in or about any grog shop, tavern, distilling or other place, where spirituous liquors are retailed, at night or on Sundays, it shall be the duty of the said patrol to give information of the same, to the court of the county, and upon conviction by presentment or indictment, the said keeper of a grog shop, tavern, or distiller or retailer of spirituous liquors, shall be fined not less than fifty dollars for each and every offence, at the discretion of the court.

Which amendments were severally adopted. Mr. Beard moved the following amendment to the bill; in the 7th line of the 7th section, after the word “books” insert the following words, “except the Sacred Scriptures, Prayer books and books of Hymns and Psalms.” Mr. Spaight moved to amend the bill by striking out the word “twelve” in the 14th section, and insert the word “six.” Which amendments were severally rejected, and the question recurring on the passage of the bill, it was decided in the affirmative, and the bill ordered to be engrossed.

Received from the House of Commons, a message agreeing to the proposition to ballot immediately for a trustee of the University, and stating that Messrs Latham and Monk form the balloting committee on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Sherard and Barco, form the committee on the part of the Senate.

Mr. Hogan, from the committee on the Judiciary, to which was referred the resolution directing them to enquire into, and report to the Senate the propriety and the manner of amending the laws giving the courts of the State jurisdiction over cases of divorce and alimony, made a report thereon, accompanied by a bill, entitled a bill supplemental to the several acts giving the court exclusive jurisdiction in all cases of divorce. Whereupon, the said bill was read the first time and passed.

Mr. Hogan, from the same committee to which was referred the resolution instructing them to inquire into the expediency of amending the law on the subject of usury, made a report thereon, accompanied by a bill, entitled a bill amendatory of the usury laws. Whereupon, the said bill was read the first time and passed.

Mr Hogan, from the Judiciary committee to which was referred the bill to make good and valid titles to land, granted to entry takers in certain cases therein specified, reported the same without amendment, with a recommendation that it be rejected. On motion of Mr. Hogan, ordered to lie on the table.

Mr Hogan, from the same committee to which was referred the resolution instructing them to inquire into the expediency of amending the existing laws on the subject, so as to authorize a less number of magistrates than a majority to take sheriff bonds, appoint county trustees, authorize the payment of county claims, &c. &c. and to report by bill or otherwise, made a report thereon, accompanied by a bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this
Mr. Hogan, from the same committee to which was referred the bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected, reported the same without amendment, and recommending its rejection; ordered to be the order of the day for to-morrow.

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

Mr. Lockhart, from the committee on Finance, reported a bill, entitled a bill in addition and supplemental to an act, passed in the year 1822, entitled an act to provide a revenue for the payment of the civil list, and to defray the contingent charges of government, with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed, and, on motion of Mr. Wyche, ordered to be printed.

On motion of Mr. Montgomery of Orange, the Senate resumed the consideration of the resolution presented by him yesterday, for the joint select committee on the expenditures on the Capitol, and which was pending at the hour of adjournment; and on the question of adoption, it was decided in the affirmative.

On motion of Mr. Moye of Pitt, the resolution prescribing the time the Senate shall sit each day, was taken up, and, on motion of Mr. Sherard, ordered to lie on the table.

On motion of Mr. Wilson, the bill for rewarding persons for taking up runaway slaves, the property of citizens of this State, beyond the boundaries of this State, was taken up, read the second time, and, on motion of Mr. Shipp, ordered to lie on the table.

The bill to repeal the several processioning laws in this State, was read the second time, and, on motion of Mr. Edwards of Warren, ordered to lie on the table.

The Senate then adjourned until to-morrow morning, 10 o'clock.
Mr. Kendall, from the same committee to which was referred the petition of Willis Alexander, of the county of Wilkes, praying the Legislature to restore him to credit, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Kendall, from the same committee to which was referred a bill to prohibit hauling of seines or drag nets within two miles of the Bars and Inlets within this State, reported the bill with an amendment, to wit: strike out the whole of the bill after the enacting clause, and insert a substitute. Ordered that the bill with the amendment be the order of the day for to-morrow.

Mr. Kendall, from the same committee to which was referred the bill to repeal the act of the last session, entitled an act regulating lay days on Frying Pan, in Tyrrell county, and for other purposes, reported the bill without amendment, recommending its rejection. Whereupon, the bill was read the second time, and, on motion of Mr. Lindsay, ordered to lie on the table.

Mr. Kendall, from the same committee to which was referred the petition of sundry citizens of the county of Chowan, praying the Legislature to restore James Simpson to credit, made an unfavorable report thereon, asking to be discharged from the further consideration of the subject; which was concurred in.

A message was received from the House of Commons, proposing to ballot immediately for a trustee of the University; which proposition was concurred in, and a message sent to the House of Commons, stating the concurrence of the Senate, and that Messrs. Montgomery of Hertford, and —— attend the House of Commons as superintendents of the balloting, on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Smallwood and Norcom, attend the Senate as superintendents of the balloting, on their part.

Mr. Edmundston presented a bill, entitled a bill to authorize a subscription on the part of the State, to the capital stock of the Oconolufy Turnpike Company. Mr. Beard presented a bill, entitled a bill to incorporate the Pioneer Mills Gold Mining Company, in the county of Cabarrus; which bills were severally read the first time and passed.

Received from the House of Commons, a message stating their concurrence in the amendments proposed by the Senate, to the engrossed bill authorizing the county court of Burke and Yancy counties, to appoint commissioners for laying off roads. Ordered that the bill be enrolled.

Received from the House of Commons, a message proposing that the two Houses of the Legislature adjourn sine die on Monday next, the 5th day of January, 1835. Ordered on motion of Mr. Edmundston, to lie on the table —ayes 31, noes 23. The ayes and noes being demanded by Mr. Montgomery of Hertford.


Mr. Hawkins, from the select committee on the expenditures of the Capi-
tol, to which was referred the bill to make an appropriation for completing the Capitol in the city of Raleigh, made a detailed report thereon, recommending that it is expedient for the work on the Capitol to progress, that seventy five thousand dollars be appropriated for that purpose, and report the bill without amendment, with a recommendation that it be passed into a law. Ordered on motion of Mr. Wilson, that the report be printed.—

Whereupon the bill was read the second time. Mr. Shipp moved to lay the bill on the table, which was not agreed to—aes 24, noes 34. The ayes and noes being demanded by Mr. Wilson,


The question then recurring on the passage of the bill, it was decided in the affirmative—aes 34, noes 25. The ayes and noes being demanded by Mr. Wilson,


Whereupon, the bill was read the third time. Mr. Wellborn moved to amend the bill by striking out the words "seventy-five" in the fifth line of the bill, and insert "fifty," which motion was not agreed to—aes 28, noes 31

The ayes and noes being demanded by Mr. Staley,


The question then recurring on the passage of the bill, it was decided in the affirmative. Ordered to be engrossed.

The Senate then proceeded to consider the bill concerning a Convention, to amend the Constitution of the State of North Carolina. Ordered, on motion of Mr. Wellborn to lie upon the table.

Mr. Montgomery of Hertford, from the committee appointed to conduct the balloting for a trustee of the University, reported that Pleasant W. Kittrell having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Cowper of Gates, the bill to repeal the act of last session, entitled an act regulating lay days on Frying Pan, in Tyrrell county, was taken up and read the second time. Mr. Cowper of Gates, moved to amend the bill by striking out all of the first section of the bill, after the word "water," in the eighth line of said section; which amendment was not agreed to, and the question recurring on the passage of the bill, it was decided in the negative.
On motion of Mr. Hawkins, leave of absence was granted to Mr. Moore, for the remainder of the session.

The bill directing the conveyance of the commons, adjoining the town of Franklin, to the chairman of Macon county court; the bill giving compensation to sheriffs and coroners, for issuing writs of capias ad satisfaciendum, in certain cases; the bill authorising the Governor to procure a new great seal, for the use of the State; were severally read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill to quiet the titles of certain lands in this State, was read the second and third times, passed and ordered to be enrolled.

Mr. Bateman presented the resignation of Richard Hewitt, a justice of the peace for the county of Tyrrell; which was read and accepted.

Received from the House of Commons a message, from his Excellency the Governor, transmitting certain resignations of certain justices of the peace, and a field officer, received by him since his last communication.

The engrossed bill to amend the charter of the Cape Fear bank, was read the second and third times, passed and ordered to be enrolled.

The bill to incorporate the Mattamuskeet canal and rose, bay turnpike company, was read the second time and passed.

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

Thursday, January 1, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill giving compensation to sheriffs and coroners, for executing writs of capias ad satisfaciendum, in certain cases; a bill directing the conveyance of the commons, adjoining the town of Franklin, to the chairman of Macon county court; a bill to authorize the Governor to procure a new great seal of State; a bill to make an appropriation for completing the capitol, in the city of Raleigh; a bill securing to Needham Whitfield, of Lenoir county, and those whom he may associate, the right of navigating the waters of Neuse river, from the town of Newbern, upwards, so far as they may see proper to go; a bill fixing the punishment for the crime of bigamy; and a bill defining the duty of the county court in appointing patrols, and the duty of patrols, in which they ask the concurrence of the House of Commons.

On motion of Mr. Parker, a message was sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 8th brigade, and stating that Allen Peoples is in nomination for colonel commandant, Wm. Gillbreth, lieutenant colonel, and William Denny, for major.

Mr. Phelps presented a bill, entitled a bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery, six thousand dollars for cutting a canal, in Washington county, passed in 1833; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Sawyer, from the committee on the Judiciary, to which was referred the bill to regulate attorney's fees and State tax fees, in the county of Washington, reported the same without amendment, with a recommendation that it be passed into a law. Whereupon the bill was read the second time. Mr. Cowper of Gates, moved to extend the provisions of the bill to the county of Gates; Mr. Edmonston moved to extend its provisions to the county of Haywood; Mr. Cooper of Martin, moved to extend its provisions
to the county of Martin; Mr. Montgomery of Hertford, moved to extend its provisions to the county of Hertford; Mr. Bateman moved to extend its provisions to the county of Tyrrell; Mr. Whitehurst moved to extend its provisions to the county of Pasquotank; Mr. Lindsay moved to extend its provisions to the county of Currituck; Mr. Flowers moved to extend its provisions to the county of Edgecombe; which amendments were severally agreed to, and the question recurring on the passage of the bill, it was decided in the affirmative.

Mr. M‘Queen presented a bill, entitled a bill amendatory of an act, authorizing the citizens of the town of Haywood, to appoint commissioners; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Spaight presented a bill, entitled a bill to authorize Thomas J. Pastor, of Craven county, to keep a ferry in said county, and for other purposes; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Wellborn, from the joint select committee on Cherokee lands, to which was referred the petition of sundry inhabitants of the county of Macon, praying the Legislature to grant them five acres of land, for a grave yard, meeting and school house, made a favorable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners. Whereupon the said bill was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to ballot immediately for cavalry officers of the 8th brigade, and stating that Messrs. Brummil and Ziglar, attend the Senate to conduct the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Parker and Flynt, attend that House as superintendents of the balloting on the part of the Senate.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the memorial of the president and directors of the Leaksville toll bridge company, made a favorable report thereon, accompanied by a resolution in favor of the president and directors of the Leaksville toll bridge company. Whereupon the resolution was read the first time and passed. Read the second time; Mr. Beard moved an amendment as a substitute for the original resolution; which was adopted, and the question recurring on the passage of the resolution as amended, and was decided in the affirmative.

Mr. Martin moved to reconsider the vote just taken on the resolution, in favor of the Leaksville toll bridge company, and the amendment thereto; and on the question, will the Senate reconsider said vote? it was decided in the affirmative. The resolution was then read the second and third times and passed, and ordered to be engrossed,—the resolution submitted by Mr. Beard as a substitute, having been rejected.

Mr. Wellborn presented a bill, entitled a bill to appoint commissioners to view and lay off the road from the foot of the Laurel hill to the top of the Blue ridge, at the Ashe county line, and for other purposes; which was read the first time and passed, and on motion of Mr. Wellborn, ordered to lie on the table.

Mr. Bateman presented a bill, entitled a bill concerning a public road
leading from Columbia, in Tyrrell county to Plymouth; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Wellborn presented a bill, entitled a bill to repeal an act of the General Assembly, passed in the year 1833, entitled an act concerning the Wilkes county volunteer artillery company; which was read the first and second time and passed.

Received from the House of Commons a message, proposing to ballot on to-morrow for attorney general; which proposition was concurred in, and a message sent to the House of Commons, stating such concurrence.

On motion of Mr. Sawyer, the bill to regulate attorney’s fees and State tax fees, in the counties of Washington, &c. was taken up, and read the third time; Mr. Sawyer moved to amend the bill by striking out the whole thereof, after the word “where,” in the 4th line of the bill, and to add the following, to wit: “any bond shall be taken and returned under the act passed in the year, 1822, entitled an act for the relief of honest debtors, to the court of pleas and quarter sessions of any county in this State; it shall not be lawful for the clerks of said courts to charge any State tax or attorney’s fees, except in such cases where an issue suggesting fraud shall be made up, when and in such case, the party cast shall pay all costs, any law, usage or custom to the contrary notwithstanding;” which amendment was adopted, and the question then recurring on the passage of the bill, it was decided in the affirmative. On motion of Mr. Sawyer, it was ordered, that the title of the bill shall be a bill regulating costs, in certain cases. Ordered, that said bill be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate Springvale Academy, in Sampson county, and to appoint the trustees thereof; a bill to incorporate the Tuckaleeche Smokey mountain turnpike company; a bill to repeal an act, entitled an act to alter the name of Kinston, in Lenoir county; a bill to repeal an act, entitled an act respecting the courts of pleas and quarter sessions, in the county of Tyrrell, passed in the year, 1825; and a bill to prevent the obstruction to the passage of fish up Frying Pan, in the county of Tyrrell; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first, second and third times, passed and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution to wit: A bill to amend and explain the several sections of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be elected in this State; a bill concerning the corporation of the town of Washington, in Beaufort county; a bill to authorise the commissioners of Kenansville, in Duplin county, to sell part of the town commons; a bill to incorporate the North Carolina gold mining company; and a resolution in favor of Mark H. Hill. Whereupon the first named bill was read the first time and passed, and the other bills and resolution named in said message, were severally read the first, second and third times, passed and ordered to be enrolled.

On motion of Mr. Durham, the bill for the better regulations of the county and superior courts, of the counties of Rutherford and Buncombe, was taken up, read the third time, passed, and ordered to be engrossed.

On motion of Edmondston, the bill to divorce Elizabeth M. Starnes, of
Macon county, was taken up, read the second time, and resolved that the same shall not pass.

The bill to incorporate the Pioneer Gold Mining Company, in the county of Cabarrus, was read the second and third time; 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 empower the county court of Yancey county, to lay a tax to encourage the distinction of wolves, in said county; a bill for the better regulation of the superior courts, in Burke and Yancey counties; a bill to regulate the courts of pleas and quarter sessions of Haywood county; a bill to repeal the second section of an act, passed in the year 1832, making additional compensation to the Secretary of State, for certain services therein named; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed; read the second time, Mr. Baker moved to amend the bill by inserting after the word “wolf” in the last line of the first section, and in the second line of the second section, the word “panther.” Mr. Lowry moved further to amend the bill by inserting in the 8th line of the second section, after the word “wolf” the word “panther,” and after the word “wolves” insert the word “panthers,” and after the word “wolf” in the 9th line of the same section, insert the word “panther.” Mr. Lowry moved further to amend the bill by making its title correspond with the body thereof; which amendments were severally adopted: and the question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon, the bill was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.—

The other bills named in the message, were severally read the first time and passed. The second named bill on motion of Mr. Shipp, was ordered to lie on the table. The third named bill was read the second time, and, on motion of Mr. Montgomery of Hartford, ordered to be postponed indefinitely.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill granting further time to perfect titles to lands in this State; a bill to incorporate Mallard Creek Classical School, in the county of Mecklenburg; a bill to prevent the felling of timber in or otherwise obstructing the run of lower Little river, in Iredell county; a bill to establish the town of Leachville, in Beaufort county, and appoint commissioners thereof; and a bill altering the time of holding the courts of pleas and quarter sessions of the counties of Buncombe and Yancy, and for other purposes; 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 giving further time to perfect titles to land in this State; which was read the first time and passed.

Received from the House of Commons, a message stating that they have passed the engrossed bill concerning a Convention, to amend the Constitution of the State; 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. Wilson, ordered to be the order of the day for to-morrow.

On motion of Mr. Martin, the Senate then entered upon the order of the day, and proceeded to consider the engrossed bill, to provide for the payment of the instalments in the shares reserved to the State, in the capital
stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina. Whereupon, the said bill was read the second time, and resolved that the same shall not pass—ayes 23, noes 33. The ayes and noes being demanded by Mr. Montgomery of Orange,

Those who voted in the affirmative, are Messrs. Baker, Bateman, Beard, Brittain, Caldwell, Dobson, Fairley, Hogan, Kendall, Kerr, Little, Lowry, M'Millan, M'Queen, Martin, Mast, Mebane, Montgomery of Hertford, Sawyer, Shipp, Wellborn, Wilder, Wyche.


The engrossed bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected, was read the second time, and, on motion of Mr. Edwards of Warren, ordered to be indefinitely postponed.

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

Friday, January 2, 1833.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolution, to wit: A bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery six thousand dollars for cutting a canal in Washington county, passed in the year 1833; a bill concerning a public road leading from Columbia, in Tyrrell county, to Plymouth; a bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, and for other purposes; a bill regulating costs in certain cases; a bill amending of an act authorizing the citizens of the town of Haywood to appoint commissioner; a bill for the better regulation of the county and superior courts of the counties of Buncombe and Rutherford; a bill to incorporate the Pioneer Mills Gold Mining Company, in the county of Cabarrus; and a resolution in favor of the president and directors of the Leaks ville Toll Bridge Company; in which they ask the concurrence of that body.

On motion of Mr. Spaight, leave of absence was granted to Mr. Edwards of Warren, from and after Monday next, for the remainder of the session.

Mr. Flynt, from the committee appointed to conduct the balloting for cavalry officers of the 8th brigade, reported that Allen Peoples having received a majority of votes for colonel, Wm. Gilbreath for lieutenant colonel, Wm. Denny for major, are duly elected; in which report the Senate concurred.

A message was received from the House of Commons, stating that they have passed the engrossed bill to amend an act, establishing the Tennessee river turnpike road, with an amendment, to wit: in the title of the bill strike out all, after the word "act," and insert amendment marked A; in which they ask the concurrence of the Senate. Whereupon the said amendment was concurred in.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to amend part of the second section of an act, passed in the year 1833, entitled an act to regulate the proceedings in the courts of pleas and quarter sessions, in Craven county; a bill to establish and incorporate a town at Trent bridge; in the county of Jones, by the name of Pollocksville; a bill supplemental to an
act passed at the last session, entitled an act to improve the State road, from the bank of the Tuckasegee river, by the way of Franklin to the Georgia line; a bill to alter the time of holding the courts of pleas and quarter sessions, for the county of Beaufort; and a bill to authorise the appointment of two surveyors, in the counties of Anson and Richmond; in which they ask the concurrence of the Senate. Whereupon the three first named bills were severally read the first, second and third times, passed and ordered to be enrolled; the fourth named bill was read the first time and passed,—read the second time, and Mr. M'Williams moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that all writs and other process which the clerks of the courts of pleas and quarter sessions for said county, from and after the Monday next, before the last Monday in February 1835, shall be and the same is hereby made returnable, under the same rules, regulations and penalties as are already prescribed by law, to the term of said court, which is to be held on the second Monday in April next succeeding, as provided for in the first section of this act, and that all causes which may be continued at the February term of said court as heretofore constituted, which shall happen next after the passage of this act, shall stand for trial at April term of said court as aforesaid;" which amendment was read and agreed to. The question then recurring on the passage of the bill as amended, it was decided in the affirmative. Whereupon the bill was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment; the last named bill was read the first time and passed,—the bill was read the second time; Mr. Wellborn moved to amend the bill by extending its provisions to the county of Wilkes; which was agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon the said bill was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to restore George B. Grier, of the county of Buncombe, to the privileges of a free citizen.

Received from the House of Commons a message, stating that Messrs. Poindexter and Gwinn, attend the Senate to conduct the balloting on their part, for attorney general. Whereupon, a message was sent to the House of Commons, stating that Messrs. Wilson and Holmes, attend that House to conduct the balloting on the part of the Senate.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions, declaring the office of attorney general vacant; in which they ask the concurrence of the Senate. Whereupon, on motion of Mr. Montgomery of Orange, ordered that the resolutions lie on the table.

Received from the House of Commons, the resignation of Romulus M. Saunders, attorney general of the State; endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

On motion of Mr. Shipp, the engrossed bill to divorce Ellena M. Cobb, was taken up, read the third time and passed, and ordered to be enrolled. Ayes 31, noes 15. The ayes and noes being demanded by Mr. Wyche,

Those who voted in the affirmative, are Messrs. Baker, Bateman, Beard, Britain, Burns, Caldwell, Carson, Cooper of Martin, Dobson, Durham, Edmerson, Edwards of Person,
On motion of Mr. Baker, the report of the committee on Propositions and Grievances, on the petition of Rachel Edwards, was taken up. The question being on concurring with said report; and on the question, will the Senate concur in the report? It was decided in the affirmative.

Mr. Beard, from the joint select committee, to which was referred that part of the Governor's Message which relates to the outrage committed on American citizens at Nassau, made a detailed report thereon, accompanied by the following Resolutions, with a recommendation that they be adopted, to wit:

Resolved, That the forcible detention by the authorities of the British Island of New Providence, of the property of American citizens thrown upon that Island by shipwreck was a breach of the rites of hospitality, and an infraction of the laws of nations.

Resolved, That the General Assembly of North Carolina, will not recognize any distinction in principle between property in Persons, (as known to the constitution of the United States) and property in things.

Resolved, That the General Assembly of North Carolina, has full confidence in the good faith of the respective members of the Union, in regard to all those rights guaranteed to each by the Federal compact; and doubts not that the General Government as the common agent of the States, will take such measures at the present juncture as may be wise and expedient.

Resolved, That his Excellency the Governor, be requested to transmit a copy of this report, and these resolutions, to the President of the United States, to the Executive of each of the States, and to the Senators and Representatives of North Carolina, in the Congress of the United States.

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

Mr. Wilson, from the committee appointed to conduct the balloting for Attorney General, reported that John R. J. Daniel, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Little moved to re-consider the vote taken on the rejection of the bill, to divorce Elizabeth M. Starres, of Macon county, and on the question, will the Senate re-consider said vote? it was decided in the affirmative. Whereupon the bill was read the second time, and resolved that the same shall not pass.

Mr. Moye of Pitt, moved to re-consider the vote, on the rejection of the bill, to provide for the payment of the instalments on shares reserved to the State, in the capital stock of the bank chartered by the act of 1833; to establish the Bank of the State of North Carolina, and on the question, will the Senate re-consider said vote? it was decided in the affirmative.

The Senate then entered upon the orders of the day, and proceeded to consider the bill concerning a Convention to amend the Constitution of the State. Whereupon the said bill was read the second time. Mr. Edwards of Warren, moved to amend the bill by inserting in the 4th line of the 4th section, after the word "sheriffs," the following words, "in the presence of the Secretary of State, Public Treasurer and Comptroller." Mr. Edwards of Warren, moved further to amend the bill by striking out in the 4th line of the 12th section, the word "sheriffs," and inserting the words, "county court clerk." Mr. Mebane moved further to amend the bill by striking out in the 13th line of the 13th section, the word "forty," and inserting the word "fifty." Mr. Mebane moved further to amend the bill by striking out in the 23d, 24th, 25th, 26th, 27th and 28th lines, the words "one hundred not more
than one hundred and seven, the borough members included, to be elected one member by each of the borough towns of Wilmington, Fayetteville, Newbern, Edenton, Halifax, Hillsborough and Salisbury, and inserting the following words, "not less than ninety; nor more than one hundred and twenty, exclusive of borough members, which the Convention shall have the discretion to exclude in whole or in part." Which amendments were severally adopted. Mr. Arrington moved that the bill be indefinitely postponed, and on the question, will the Senate indefinitely postpone the bill? it was decided in the negative—ayes 28, noes 33. The ayes and noes being demanded by Mr. Arrington, are as follows:


The question then recurring on the passage of the bill, it was decided in the affirmative—ayes 31, noes 30. The ayes and noes being demanded by Mr. Cooper of Martin,


Mr. Durham moved that the Senate adjourn until to-morrow morning 10 o'clock, and on the question, will the Senate adjourn? it was decided in the negative—ayes 27, noes 32. The ayes and noes being demanded by Mr. Montgomery of Hertford,


Those who voted in the negative, are Messrs. Arrington, Barco, Bateman, Cooper of Martin, Cowper of Gates, Dowd, Ennett, Flynt, Flowers, Gavin, Harrison, Hogan, Holmes, Howell, Kendall, Kerr, Lindsay, Little, Lockhart, M'Williams, Mebane, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Parker, Sawyer, Sherard, Staley, Spencer, Stephens, Wilson, Whitehurst.

On motion of Mr. Wyche, leave of absence was granted to Mr. Mebane from and after to-morrow, for the remainder of the session.

On motion of Mr. Wilson, the resolutions providing for the compiling and publishing a list of all the names and grade of officers, of ensigns and superior officers, who served during the Revolutionary War or were killed in service, was taken up, and read the second time. Mr. Kendall moved to amend the second resolution in the last line thereof, by striking out the word "ten," and inserting the word "five;" which amendment was not agreed to. The question then recurring on the passage of the resolutions, it was decided in the affirmative. Whereupon the resolutions were read the third time, passed, and ordered to be engrossed.

On motion of Mr. Durham, the engrossed resolution in favor of John Cherry, was taken up, read the third time, passed, and ordered that a mes-
A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolutions, to wit: A resolution on the subject of the outrage committed on American citizens at Nassau; resolution providing for compiling and publishing a list of all the names and grade of officers, of ensigns and superior officers, who served during the Revolutionary war, and were killed in the service; in which they ask the concurrence of the Senate.

Mr. Lockhart, from the joint select committee to which was referred the communication of his Excellency the Governor, and the correspondence accompanying the same relative to a contract with Ball Hughes, of New York, for the restoration of the Statue of Washington, made a report thereon, recommending that it is unnecessary from the peculiar situation of the said Ball Hughes, to resort to coercive measures against him, and asking to be discharged from the further consideration of the subject; which report was concurred in.

On motion of Mr. Montgomery of Orange:

Resolved, That the joint select committee to inquire into the causes that led to the dismissal of Wm. S. Drummond, as superintendent of the Capitol, be instructed to inquire into the amount of the monthly expenditures for superintending the work, and monthly progress of the work previous to and since the dismissal of Wm. S. Drummond; and report the same.

Mr. Baker presented a bill, entitled a bill to prevent persons residing in the State of Tennessee and the adjoining counties in this State, from driving stock to range in the county of Yancy; which was read the first and second times and passed, and on motion of Mr. Baker, ordered to lie on the table.

Mr. Phelps presented a bill, entitled a bill concerning the Plymouth Turnpike company; which was read the first and second times, passed, and on motion of Mr. Shipp, ordered to lie upon the table.

The bill for the better regulation of the militia of the county of Macon, was read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. McWilliams, the bill to prohibit the hauling seine or drag-nets within two miles of certain bars and inlets within this State was considered: The question depending on the adoption of the amendment reported by the committee on propositions and grievances as a substitute; and on the question, it was decided in the affirmative. Whereupon, the said bill was read the second and third times, passed as amended, and ordered to be engrossed.

On motion of Mr. M'Millan, the resolution in favour of Owen Carrol of Bladen county was taken up; read the second and third times, passed, and ordered to be enrolled.

Mr. Shipp presented a resolution, directing the Public Treasurer to commence suits on bonds for Cherokee lands; which was read the first and second times and passed, and on motion of Mr. Edmonston, ordered to be referred to a select committee, consisting of Messrs. Shipp, Edmonston, Britain, Montgomery of Orange, and Dobson.
Mr. Hogan, from the committee on the judiciary, to which was referred a bill, directing how Femes Covert may hereafter be privately examined; reported an amendment as a substitute for said bill. Ordered that the bill, together with the amendment, be the order of the day for Monday next.

The engrossed bill to incorporate a company by the name and style of the "Montgomery Gold Mining Company," was read the second time and passed.

The bill to repeal an act of the General Assembly, passed in 1833, entitled an act concerning the Wilkes county volunteer artillery company, was read the third time. Mr. Wellborn moved to amend the bill, by striking out in the 7th line of the 4th section of the bill, the words "same, and the money arising from such," and inserting the words, "sum of twelve dollars;" which amendment was agreed to, and the question recurring on the passage of the bill, it was decided in the affirmative. Ordered to be engrossed.

On motion of Mr. Caldwell, the bill to regulate the times of holding the superior courts in the fourth and fifth judicial circuits, and to attach the county of Surry to the fourth judicial circuit, was taken up, read the second time, and resolved that the same shall not pass.

Mr. Carson presented a bill, entitled a bill directing the manner in which suits shall be brought hereafter in this State; which was read the first time and passed.

On motion of Mr. Beard, the Senate proceeded to consider the bill to provide for the payments of the instalments in the shares reserved to the State, in the capital stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina. The bill was read the third time, and resolved that the same shall not pass—ayes 20, noes 29. The ayes and noes being demanded by Mr. Edwards of Warren:

Those who voted in the affirmative, are Messrs. Buteman, Beard, Brittain, Caldwell, Carson, Coopper of Gates, Dobson, Durham, Farly, Hogan, Kendall, Kerr, Little M'Millan, M'Queen, Martin, Mssi, Shipp, Wellborn; Wyche.


The bill concerning a Convention to amend the Constitution of the State, was read the third time.

Mr Edwards of Warren, moved to amend the bill in the 6th line of the 9th section, by striking out the words, "Monday the 29th of," and inserting the words, "first Thursday in;" which amendment was adopted.

Mr. Wilson moved further to amend the bill in the 6th and 7th lines of the 11th section of the bill, by striking out "one dollar and fifty cents," and inserting "three dollars," which amendment was not agreed to.

Mr. Mebane then moved to amend the bill, by striking out, in the same lines, of the same section, the same words, and inserting the words "two dollars," which amendment was not agreed to.

Mr. Wilson moved to amend the bill, by striking out the words "one dollar and fifty cents," which amendment was not agreed to—ayes 12, noes 46. The ayes and noes being demanded by Mr. Cooper of Martin.

Those who voted in the affirmative, are Messrs. Barco, Cooper of Martin, Flowers, Gavin, Harrison, Holmes, Hussey, Montgomery of Hertford, M'ye of Pitt, Phelps, Wilson, Whitehurst.

Mr. Wilson moved further to amend the bill, by striking out all of the sections of the bill after the 12th section, and inserting the following, to wit: "That when the delegates of the people shall assemble themselves together in Convention, according to the provisions herein before made, it shall be the duty of the said delegates to make such alterations and amendments to the existing Constitution, as they may be authorized by the people. Mr. Hogan called for a division of the question; the question was then taken on striking out, and decided in the negative. Ayes 22, Noes 37. The ayes and noes being demanded by Mr. Montgomery of Hertford,

Those who voted in the affirmative are, Messrs. Arrington, Barco, Cooper of Martin, Cooper of Gates, Ennett, Flowers, Gavin, Harrison, Howell, Hussey, Lindsay, M'Williams, Montgomery of Hertford, Moye of Pitt, Moye of Green, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilder, Wilson, Whitchurch.


Mr. Holmes moved further to amend the bill by striking out the word "shall," in the 20th line of the 13th section, after the word "assembled," and insert the words "may consider of and in their discretion." Mr. called for a division of the question. The question was then taken on striking out, and decided in the negative—aye 29, noes 30. The ayes and noes being demanded by Mr. Wilson,


A motion was made by Mr. Beard, further to amend the bill by inserting in the 29th line of the 13th section, after the word "district," the following words, "and where there are one or more counties having an excess of taxation above the ratio, required to form a senatorial district, adjoining a county or counties, deficient in such ratio, the excess or excesses aforesaid, shall be added to the county or counties deficient, and if with such addition the county or counties receiving it, shall have the requisite ratio, such county and counties each shall constitute a senatorial district;" and the question being taken, it was determined in the affirmative. A motion was made by Mr. Wilson, further to amend the bill by adding the following at the end of the 8th paragraph of the 13th section, to wit: "That the said Convention shall frame and devise amendments to the present Constitution, whereby a remedy shall be provided by the Constitution for the removal of officers from office, whereby the Governor shall be elected for four years by the free white men qualified to vote for members of the most numerous branch of the Legislature, whereby the judges of superior and supreme courts, shall be elected by the Legislature for the term of seven years, whereby the attorney gene-
shall be elected by the General Assembly for the term of four years;{28 and the question being taken thereon, it was decided in the negative—ayes 23, noes 36. The ayes and noes being demanded by Mr. Wilson,


A motion was made by Mr. Sawyer, to strike out the first, second, third and part of the fourth lines of the 4th paragraph, including the words, "to wit;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Sawyer, further to amend the bill by striking out all after the word "provide," in the third paragraph of the thirteenth section, and inserting the words, "that the capitation tax upon slaves and free white polls shall be equal throughout the State;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Beard, further to amend the bill by adding the following section at the end thereof, to wit: "Be it further enacted, that the Convention shall provide in what manner amendments shall be made in future, to the Constitution of the State;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Beard, further to amend the bill by inserting in the 5th line of the 9th section, after the word "in," the words "for near;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Holmes, further to amend the bill by inserting in the 23th line of the 13th section, after the word "part," the words "it shall be imperative on the delegates in Convention, to exclude from representation the boroughs of Edenton, Halifax, Salisbury and Hillsborough;" and the question being taken thereon, it was decided in the negative—ayes 26, noes 35. The ayes and noes being demanded by Mr. Hussey,


The question then recurring on the passage of the bill as amended, it was decided in the affirmative. Ayes 31, Noes 30. The ayes and noes being demanded by Mr. Lindsay,


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

The Senate then adjourned until Monday morning, 10 o'clock.
Mr. Moye of Pitt, presented the petition of Willoughby Witchard, of Pitt county, praying to be divorced from his wife Tripheny Witchard, of Pitt county; ordered to be referred to the committee on Propositions and Grievances.

Mr. Wyche, from the select committee to which was referred so much of the Governor's message, as relates to the transmission of certain public documents, and the publication of acts of Assembly, made a report thereon, accompanied by the following resolutions, to wit:

Resolved, That the Governor be authorized to procure and transmit to each branch of the legislative department of the United States, and of the several States in the Union, a copy of the public laws of this State, as published annually by the public printer.

Resolved, That the Governor be authorized to appoint annually a person properly qualified, to arrange the order in which the laws shall be published, to receive the proof sheets, prepare a table of contents, a general index, and marginal notes, who shall receive such compensation as may be deemed adequate to this service, not exceeding one hundred dollars.

Resolved, That the Governor shall be authorized to transmit to the executive of the United States and of the several States, any public documents which may be published by order of the public authorities of the State.

Whereupon the resolutions were read the first time and passed; read the second time. A motion was made by Mr. Edmonston, to strike out the second resolution, and the question being taken thereon, it was decided in the affirmative. The question then recurring on the passage of the resolutions, it was decided in the affirmative. The resolutions were then read the third time, passed, and ordered to be engrossed.

Mr. Montgomery of Orange, presented a resolution in favor of the doorkeepers, was read the first, second and third times, and ordered to be engrossed.

Mr. Beard presented a bill, entitled a bill further to amend an act, entitled an act to establish a Bank of the State of North Carolina; Mr. Edmonston presented a bill, entitled a bill to extend the limits of the city of Raleigh. Whereupon the said bills were severally read the first time and passed.

Mr. Sawyer presented a bill, entitled a bill supplemental to an act, passed at the present session, entitled an act concerning a Convention, to amend the Constitution of the State of North Carolina; which was read the first time and passed.

On motion of Mr. Edwards, the twelfth rule of the Rules of Order, of the Senate was suspended for the remainder of the session. Whereupon the said bill was read the second time. A motion was made by Mr. Wyche, to amend the bill by adding the following words at the end of the first section thereof, to stand as the 7th paragraph of the section, to wit: "To provide against unnecessary private legislation;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Sherard, to amend the bill by adding the following at the end of the 2d section of the bill, to wit: "Divorces from the bonds of matrimony, shall not be granted but in cases provided for by law, by suits in the superior courts, and no decree for such divorce shall have effect until the same shall be sanctioned by both Houses of the General Assembly;" and the question being taken thereon, it was decided in the negative. The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon the said bill was read the third time, and, on motion of Mr. Shipp, ordered to lie upon the table.

Mr. Caldwell presented a bill, entitled a bill regulating the time of hold-
ing the superior courts in the counties of Rutherford, Lincoln and Iredell; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates and Hyde, with the following amendments, to wit: strike out the word "Hyde," wherever it occurs in the bill, and extend its provisions to the county of Anson; in which they ask the concurrence of the Senate. Ordered, on motion of Mr. Little, to lie upon the table.

Received also from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill, to empower the county courts of Yancy county, to lay a tax to encourage the destruction of wolves in said county. Ordered that said bill be enrolled.

Mr. Martin presented a bill, entitled a bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Spencer, the bill to incorporate the Mattamuskeet Canal and Rose Bay Turnpike Company, was taken up, and, on motion of Mr. Phelps, the bill concerning the Plymouth Turnpike Company, was taken up, and the said bills were severally read the third time and passed, and ordered to be engrossed.

The Senate then entered upon the orders of the day, and proceeded to consider the bill rewarding persons for taking up runaway slaves, the property of citizens of this State. The amendment reported by the Judiciary committee, still pending, Mr. Wilson submitted the following amendments to the amendment, to wit: In the 6th line of the 1st section, after the word "New York," insert the words "or in the State of Connecticut, or in the State of New Jersey;" in the 12th line of the same section, fill the blank with the words "two hundred dollars;" in the 13th line of the same section, fill the blank with the words "one hundred dollars;" in the 15th line of the same section, fill up the blank with the words "one hundred dollars;" in the 17th line of the same section, fill up the blank with the words "one hundred and fifty dollars;" in the 20th line of the same section, fill up the blank with the words "fifty dollars;" in the last line of the same section, fill up the blank with the words "fifty dollars;" in the fourth line of the 2d section, after the word "New York," insert the words "Connecticut, New Jersey;" in the third line of 3d section, after the word "Pennsylvania," insert the words "Connecticut, New Jersey;" in the 7th line of the same section, after the word "New York," insert the words "Connecticut, New Jersey;" after the word "three," in the 3d line of the 4th section, strike out the word "six," and insert the word "three;" in the 5th line of the same section, after the word "New York," insert the words "Connecticut, New Jersey." Which amendments to the amendment were severally adopted. The question then recurring on the adoption of the amendment, as amended, it was decided in the affirmative. Whereupon the bill was read the second and third times, passed as amended, and ordered to be engrossed. Ordered, that the title of the bill be, "a bill rewarding persons for taking up runaway slaves, the property of citizens of this State in Pennsylvania, New York, Connecticut, New Jersey and Massachusetts.
The bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer or commissioner of public buildings, was read the second time. A motion was made by Mr. Wyche, to amend the bill by striking out the repealing clause, and the question being taken thereon, it was decided in the affirmative; and the question recurring on the passage of the bill, as amended, it was decided in the affirmative. The bill was then read the third time and passed, and ordered to be engrossed.

The bill to provide a fund for the establishment of free schools in the State of North Carolina, was read the second time. Mr. M'Queen submitted the following amendments to the bill to wit: at the end of the 2d section add the words "so far as he can recollect;" in the 11th line of the 3d section, fill up the blank with the words "such compensation as the county court shall direct;" in the 20th line of the same section, fill up the blank with the word "ten;" in the 14th line of the same section, fill up the blank with the word "ten;" in the last line of the same section, fill up the blank with the words "twenty-five;" in the 15th line of the same section, fill up the blank with the words "such compensation as the county court may direct;" in the last line of the same section, fill up the blank with the words "twenty-five;" in the 30th line of the same section, fill up the blank with the words "such compensation as the county court may direct;" in the last line of the same section, fill up the blank with the words "twenty-five;" in the 19th line of the 6th section, fill up the blank with the words "such a tax as the commissioners of the poor may direct;" in the 10th line of 8th section, fill up the blank with the word "three;" in the 17th and 18th lines of the 9th section, fill up the blank with the words "such a tax as the commissioners as the county court may direct;" in the last line but one of the 14th section, fill up the blank with the word "four;" which amendments were severally adopted. The question then recurring on the passage of the bill, it was decided in the negative.

On motion of Mr. Carson,

Resolved, That the bill entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, shall be printed and appended to the laws passed at this session.

The Senate proceeded to consider the bill directing how fees of covert may hereafter be privately examined. The question depending on the amendment proposed by the Judiciary committee as a substitute for the bill; a motion was made by Mr. Shipp, to amend the bill by inserting in the 6th and tenth lines of the bill, after the word "attorney," in each line insert the words "and other instruments of writing;" and the question being taken thereon, it was decided in the affirmative; the amendment as amended was then adopted. Whereupon the bill was read the second and third times, passed as amended, and ordered to be engrossed.

The bill granting further time to perfect titles to lands within this State, was read the second time; a motion was made by Mr. Hogan to amend the bill, by striking out the word "next," in the last line of the last section, and insert the figures "1835," and the question being taken thereon, it was decided in the negative; a motion was made by Mr. Edmonston further to amend the bill, by striking out the words "first day of January," in the last line of the bill, and inserting the words "ratification thereof," and the question being taken thereon, it was decided in the affirmative; the question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon the bill was read the third time, and on motion of Mr. Shipp, ordered to lie upon the table.
The bill supplemental to an act, entitled an act for the relief of debtors for debts, which may be contracted after the first day of May next, passed in the year 1822; the bill to amend an act passed in the year 1805, concerning wrecks; the bill to amend and suspend for a time, the several acts prohibiting the circulation of due bills and notes under five dollars, were severally read the second time, and on motion of Mr. Hogan, the last named bill was ordered to be postponed indefinitely.

The bills granting to persons therein named, certain lands for a burying ground and a place of public worship, for all denominations of Christians, in Macon county, was read the second and third times, passed and ordered to be engrossed.

The bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy, was read the third time; a motion was made by Mr. Carson to amend the bill by adding the following proviso. at the end of the bill, to wit: "Provided also, that it shall and may be lawful for any persons owning lands in said county of Yancy, and cultivating the same, or procuring the same or part thereof to be cultivated, shall be entitled to drive their own stock, and none other into the said county, for the benefit of the range; and the question being taken thereon, it was decided in the affirmative. The question then recurring on the passage of the bill as amended, it was decided in the affirmative, and ordered to be engrossed.

The bill directing the manner in which suits shall be brought hereafter in this State, was read the second time; a motion was made by Mr. Carson to amend the bill by adding the following proviso, at the end of the last section, to wit: "Provided, that this act shall not extend to any bank corporation;" and the question being taken thereon, it was decided in the negative. The question then recurring on the passage of the bill, it was decided in the negative.

The engrossed bill vesting in the county courts, the power to authorize the erection of gates across public roads in this State, was read the second and third times, and ordered to be enrolled. The ayes and noes were demanded on the third reading of the bill by Mr. M'Cormick, and were—ayes 35, noes 15.


Those who voted in the negative, are Messrs. Arrington, Baker, Caldwell, Cooper of Martin, Durham, Edwards of Person, Flowers, Harrison, Hussey, Lindsay, M'Cormick, M'Iljan, M'Queen, Parker, Wilson.

The bill to incorporate a company by the name and style of the Montgomery gold mining company, was read the second time, and on motion of Mr. Edwards of Warren, ordered to lie upon the table.

The bill to amend an act, entitled an act for the better observation and keeping of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; and the bill to emancipate Waller, a slave, were severally read the second time, and resolved that the same shall not pass.

The bill to incorporate the Northampton manufacturing company, was read the second and third times, passed and ordered to be engrossed.

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 resolutions, to wit: A bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; a bill regulating the time of holding the superior courts, in the counties of Rutherford Lincoln and Iredell; a bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; a bill for providing a reward for the taking up of runaway slaves, belonging to the citizens of this State, in the State of Pennsylvania, New York, Connecticut, New Jersey and Massachusetts; a bill to prohibit the hauling of seines or drag nets, within two miles of certain bars and inlets within this State; a bill giving the county courts of this State, authority to abolish the offices of county trustees and treasurer or commissioners of public buildings; a bill granting to certain persons therein named, certain lands for a burying ground and a place of public worship, for all denominations of Christians, in Macon county; a bill to repeal an act of the General Assembly, passed in 1833, entitled an act concerning the Wilkes county volunteer artillery company; a bill for the better regulation of the county of Macon; a bill to incorporate the Northampton manufacturing company; a bill additional to the acts now in force, directing how feme covert may pass land; a bill concerning the Plymouth turnpike company; a bill to incorporate the Mattamuskeet canal and rose bay turnpike company; a resolution authorizing the Governor to procure and transmit the acts of Assembly, in certain cases therein named, and for other purposes; a resolution in favor of the doorkeepers; and a resolution to print a bill, entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the acts of Assembly; in which they ask the concurrence of the House of Commons.

Mr. Hawkins, from the committee on internal improvements, to which was referred the resolution directing them to inquire into the expediency of granting a charter for a rail road, from the sea board to the seat of government, and thence to the Yadkin river, to the most eligible point above Beard's bridge; and of providing that the Public Treasurer, shall (as soon as three fifths of the stock necessary to construct it shall be subscribed, and the payment thereof secured by individuals,) subscribe for the remaining two fifths on behalf of the State, made a report thereon, recommending that it is inexpedient to legislate upon the first part of the resolution, that it is expedient to grant the charter, and that the three fifth system in regard to public works is incompatible with the policy, which should govern and control the internal improvement of the State; on motion of Mr. Edwards of Warren, ordered to lie upon the table.

Mr. Hawkins, from the same committee to which was referred the petition of sundry persons, inhabitants of the county of Beaufort, which was accompanied by a resolution, asking for an appropriation of five hundred dollars, to enable said persons to cut a canal from Goose creek to Jones' bay, made a report thereon, recommending that it is inexpedient to grant the prayer of the petitioners, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Hawkins, from the same committee to which was referred a bill to
amend the road laws, reported the same without amendment, with a recommendation that it be rejected. Whereupon the said bill was read the second time, and resolved that the same shall not pass.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the petition of Willoughby Witchard, of Pitt county, praying to be divorced from his wife, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Wellborn presented a bill, entitled a bill to repair, alter and amend the road, leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line on the Blue ridge; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. M'Williams asked and obtained leave to withdraw the petition of sundry citizens of Beaufort county.

Mr. Moye of Pitt, asked and obtained leave to withdraw the petition of Willoughby Witchard.

On motion of Mr. Edwards, leave of absence was granted to Mr. Little, from and after to-morrow, and Mr. Fairley, from and after to-day, for the remainder of the session.

On motion of Mr. Montgomery of Orange, leave was granted to Mr. Staley, from and after to-day for the remainder of the session.

Mr. Wyche, from the committee on Finance, made a report, setting forth that Samuel F. Patterson the Treasurer elect, having executed the bonds required by law, taken the prescribed oaths and commenced the duties of his office, and setting forth the amount of public moneys transferred to him by his predecessor, Wm. S. Mhoon, and the state of the Treasury generally; which report was accompanied by the following resolution, to wit:

Resolved, That if it should become necessary to enable the treasury to discharge any demands on it, during the present fiscal year, the Public Treasurer be, and he is hereby authorized and empowered to borrow, on behalf of the State, such sum or sums of money as may be required to meet such demands, not exceeding forty thousand dollars; and he is hereby authorized, at his discretion, to borrow the same of either of the banks in this State, or elsewhere, and for such length of time as the exigencies of the Treasury may require: Provided, he shall in no case pay more than at the rate of six per cent. per annum interest on any such loan.

Which resolution was read the first, second and third times, passed, and ordered to be engrossed. Ordered that a message be sent to the House of Commons, proposing to print the report.

A message was received from the House of Commons, stating that they have passed the engrossed resolutions relative to public lands; in which they ask the concurrence of the Senate. Whereupon the resolutions were read the first time, and, on motion of Mr. Wilson, ordered to lie upon the table—ayes 33, noes 24. The ayes and noes being demanded by Mr. Wilson,


Those who voted in the negative, are Messrs. Barco, Bateman, Beard, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Little, Lowry, M'Milan, M'Queen, M'Williams, Martin, Mast, Montgomery of O., Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn.

On motion of Mr. Wellborn, the bill to appoint commissioners to view and lay off the road, from the foot of the Laurel Hill, to the top of the Blue Ridge, at the Ashe county line, was taken up, read the second time. A
motion was made by Mr. Wellborn, to amend the bill by a substitute, which
was agreed to; and the question recurring on the passage of the bill, it was
decided in the affirmative. Whereupon the said bill was read the third time,
passed, and ordered to be engrossed. Ordered, that the title of the bill be, a
bill to repair, alter, and amend the road leading from Holeman's Ford, to the
Deep Gap, Ashe county line.

Received from the House of Commons, a message proposing that a joint
select committee of two from each House, be raised to confer with the officers
of both Houses upon the State of public business, and ascertain and report
on what day the General Assembly can adjourn, and stating that Messrs.
Norcom and Boddie compose the committee on the part of that House.—
Whereupon the proposition of the House of Commons was concurred in;
and a message sent to the House of Commons, informing them thereof, and
stating that Messrs. Arrington and Montgomery of Hertford, form the com-
mittee on the part of the Senate.

A message was received from the House of Commons, concurring in the
amendment proposed by the Senate, to the engrossed bill to alter the time
of holding the courts of pleas and quarter sessions for the county of Beauf-
fort; ordered, that the said bill be enrolled.

A message was received from the House of Commons, concurring in the
amendments proposed by the Senate, to the engrossed bill concerning a
Convention, to amend the Constitution of the State, and proposing that
fifty copies of the bill be printed for each member of the Legislature; the
proposition was concurred in, and the House of Commons informed thereof
by message. Ordered, that the said bill be enrolled.

A message was received from the House of Commons, concurring in the
amendment proposed by the Senate, to the engrossed resolution in favor of
John Cherry Ordered, that said resolution be enrolled.

A message was received from the House of Commons, concurring in the
amendments proposed by the Senate, to the engrossed bill authorizing the
appointment of two surveyors in the counties of Anson and Richmond.—
Ordered, to be enrolled.

A message was received from the House of Commons, proposing to bal-
lot immediately for major of cavalry, attached to the 5th brigade, and stat-
ing that William E. Crump, is in nomination for the appointment; which
proposition was concurred in, and a message sent to that House stating the
concurrence of the Senate, and that Messrs. Arrington and Montgomery of
Hertford, attend the House of Commons as superintendents of the ballot-
ing, on their part of the Senate. Whereupon a message was received from the
House of Commons, stating that Messrs. Ousby and Bynum, attend the Se-
rate to superintend the ballot, on their part.

On motion of Mr. Sawyer, the bill supplemental to an act passed at the
present session, entitled an act concerning a Convention to amend the Con-
sitution of the State of North Carolina, was taken up, and read the third
time. Mr. Sawyer moved to strike out the words "years," and insert the
words "for a term of," in the 12th line of the 1st section. Mr. Beard moved
to amend the bill by striking out the words "the recommendation," in the
3d line of the 4th paragraph, 1st section, and inserting the words "a concur-
rent resolution." Mr. Little moved to amend the bill by striking out the
word "sixtieth," in the second line of the 5th paragraph, of the same sec-
tion, and inserting the words "sixty-fifth." Which amendments were se-
verally read and adopted. The question then recurring on the passage of
the bill, as amended, it was decided in the affirmative. Ordered to be en-
grossed.

Received from the House of Commons a message, stating that they have
passed the following engrossed bills, to wit: A bill to amend an act vesting
the right of electing the clerks of the county and superior courts, in the se-
veral counties within this State, in the free white men thereof, passed in the
year 1832; a bill supplementary to the act, entitled an act to incorporate
the Cape Fear, Yadkin and Pedee Rail Road Company; a bill to amend an
act, passed in the year of our Lord 1833, entitled an act concerning market
fees, in the town of Fayetteville; a bill for the better regulation of the town
of Bath, in Beaufort county; in which they ask the concurrence of the
Senate. Whereupon the first and third named bills were severally read the
first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to establish the Merchants Bank, of the town of New-
bern, was read the second time. A motion was made by Mr. Martin, to
postpone the bill indefinitely, and on the question of indefinite postponement,
it was decided in the negative—ayes 25, noes 28. The ayes and noes be-
ing demanded by Mr. Martin,

Those who voted in the affirmative are, Messrs. Arrington, Barco, Cooper of Martin, Cow-
per of Gates. Dobson, Dowd,Flynt, Flowers, Gavin, Kendall, Lind-say, M'Corn-
mick, M'illian, Martin, Montgomery of Hertford, Montgomery of Orange, M'oye of Greene, M'oye

Those who voted in the negative are, Messrs. Baker, Bateman, Beard, Brittain, Caldwell,
Carson, Durham, Edmonston, Edwards of Warren, Harrison, Hawkins, H'gan, Holmes, How-
ell, Hussey, Kerr, Little, Lockhart, Lowry, M'Queen, M'Williams, Mast, Phelps, Ship-
Spight, Wellborn, Wilson, Whitaker.

A motion was made by Mr. Martin, to amend the bill by striking out
"twenty-five," and inserting "seventy-five," in the 2d line of the third sec-
tion of the bill; which was agreed to. The question then recurring on the
passage of the bill, it was decided in the negative—ayes 25, noes 26. The
ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative are Messrs. Baker, Bateman, Beard, Brittain, Burns,
Caldwell, Durham, Edmonston, Edwards of Warren, Harrison, Hawkins, H'gan, Holmes, How-
ell, Hussey, Kerr, Little, Lockhart, Lowry, M'Queen, M'Williams, Mast, Phelps, Ship-
Spight, Wellborn, Wilson, Whitaker.

Those who voted in the negative are Messrs. Arrington, Barco, Cooper of Martin, Cow-
per of Gates, Dobson, Dowd, Flynt, Flowers, Gavin, Kendall, Lockhart, M'Corn-
mick, M'illian, Martin, Montgomery of Hertford, Montgomery of Orange, M'oye of Pitt, M'oye

Received from the House of Commons, the resignation of Joseph Ed-
mondson, a justice of the peace for the county of Edgecomb, enfor-
sed in that House, read and accepted; and which was read and accepted by
the Senate.

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

**WEDNESDAY, JANUARY 7, 1835.**

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
repair, alter and amend the road leading from Holmes' ford on the Deep
Gap; a bill to repair, alter and amend the road leading from the ford of the
Yadkin river, where Cass formerly lived, to the Ashe county line, on the
Blue Ridge; a bill supplemental to an act, passed at the present session, en-
titled an act concerning a Convention, to amend the Constitution of the State
of North Carolina; a resolution authorizing the Public Treasurer, to borrow
money in behalf of the State; in which they ask the concurrence of the House of Commons.

Mr. Martin from the committee of claims, to which was referred the petition of George Bullock of Granville county, in behalf of himself and the other heirs of Jeremiah Bullock, a lieutenant in the Revolutionary War, praying for pay for services rendered by said J. Bullock, made a report thereon favorable to the prayer of the petitioner, accompanied by a resolution in favour of the heirs of Jeremiah Bullock, deceased; which resolution was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Montgomery of Hertford, from the committee appointed to conduct the balloting for major of cavalry of the 5th brigade, reported that William E. Crump, had received a majority of votes, and is duly elected; which report was concurred in.

On motion of Mr. Wilson,

Resolved, That a select committee be appointed to inquire whether hands employed at the quarry, in quarrying rock for the State House be industriously and economically employed; and that said committee have leave to send for persons and papers to aid them in the investigation; also to inquire whether any overseer be employed at said quarry, and at what price.

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

Mr. Montgomery of Hertford, from the select committee, who were directed to inquire into the state of the public business, and report when the two Houses can adjourn, reported the following resolution, to wit:

Resolved, That the two Houses of this General Assembly do adjourn on Saturday the 10th instant, and that the Clerks be directed to make up the estimates accordingly.

On motion of Mr. Lockhart, the engrossed bill, authorizing the Northampton blues to draw on the Adjutant General for a stand of arms was taken up, read the third time, passed, and ordered to be enrolled.

Messrs. Holmes, Hogan, Sherard, Moye of Pitt, and Montgomery of Orange, were appointed to compose the committee on Mr. Wilson's resolution, concerning hands employed on the Rock Quarry.

Mr. Montgomery or Hertford asked and obtained leave to withdraw from the files of the Senate, the petition of Richard G. Cowper, for the emancipation of certain slaves.

Mr. Sawyer presented a resolution in favor of Charles M'CLEESE, agent of the Executor of Ephraim Mann deceased, and Jesse H. Lindsey, agent of the Executor of William Adams deceased; which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Holmes, leave of absence was granted to Mr. Arrington, and to Mr. Montgomery of Hertford, from and after to-morrow, for the remainder of the session.

On motion of Mr. Lockhart, leave of absence was granted to Mr. Hawkins from yesterday, for the remainder of the session.

Mr. Shipp, from the select committee, to which was referred the resolutions directing the Public Treasurer to commence suits on bonds for Cherokee lands, reported the same with an amendment, to wit: In the last line of the resolution, strike out the words, "in the course of the present fiscal year," and insert the words, "on or before the first day of December, 1835," which was concurred in. Whereupon the resolution was read the third time, passed and ordered to be engrossed.

The bill supplemental to an act, entitled an act for the relief of debtors
for debts, which may be contracted after the first day of May next, passed in the year 1822, and the bill to amend an act, passed in the year 1805, concerning wrecks; were severally read the third time and passed, and ordered to be engrossed.

A bill to extend the limits of the city of Raleigh, was read the second time, amended on motion of Mr. Edmonston and passed. Whereupon the bill was read the third time, passed and ordered to be engrossed.

On motion of Mr. Wilson, the Senate proceeded to consider the bill to subject legacies, distributive shares, &c. to attachment in like manner as other property. A motion was made by Mr. Shipp to postpone the bill indefinitely, and on the question of postponement, it was decided in the negative—ayes 21, noes 23. The ayes and noes being demand by Mr. Parker,


The question then recurring on the passage of the bill, it was decided in the negative—ayes 18, noes 28. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are Messrs. Beard, Durham, Ennett, Gavin, Holmes, Kerr, Lindsay, Lockhart, Montgomery of Hertford, Montgomery of Orange, Parker, Phelps, Sawyer, Sherard, Spencer, Wilson, Whitehurst, Wyche.


On motion of Mr. Kendall, the bill to incorporate a company by the name and style of the Montgomery Gold Mining Company, was taken up, and, on motion of Mr. Kendall, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill authorizing the freemen of the town of New Salem, in Randolph county, to elect a constable; a bill to incorporate a company of light artillery in the town of Wilmington; a bill to amend the charter of the Halifax and Weldon Rail Road Company; a bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; a bill to amend the several acts now in force for incorporating the town of Charlotte, in the county of Mecklenburg; and a bill to incorporate the Albermarle Rail Road Company; in which they ask the concurrence of the Senate. Whereupon the said bills, except the first named, were severally read the first, second and third times, passed, and ordered to be enrolled; and the first named was read the first time and passed; read the second time, and, on motion of Mr. Hogan, ordered to be postponed indefinitely.

On motion of Mr. Beard,

Resolved, That the committee appointed to inquire into the causes which led to the removal of Wm. S. Drummond, late superintendent of the Capitol, be instructed to inquire and report whether the public interest would not be promoted by the re-employment of said Drummond, either as superintendent of all the work connected with the re-building of the Capitol, or of such branches of the work as have not been committed to the direction of Mr. Peyton.

On motion of Mr. Hogan, Mr. Shipp and Mr. Montgomery of Orange, were added to the committee to inquire into the causes which led to the dismissal of Wm. S. Drummond.
A motion was made by Mr. Sawyer, to reconsider the bill to establish the Merchants' Bank in the town of Newbern; which was agreed to, and thereupon the bill was read the second time. A motion was made by Mr. Spaight to strike out the words "seventy five," and insert the words "twenty five," in the 12th line of the 3d section; and the question being taken thereon, it was decided in the affirmative; and the question then recurring on the passage of the bill, it was decided in the affirmative—ayes 29, noes 23. The ayes and noes being demanded by Mr. Martin,


Whereupon the bill was read the third time. A motion was made by Mr. Wyche, to amend the bill by adding the following, as an additional section, to wit: "Be it further enacted, That the president and directors of the bank aforesaid, shall establish branches or agencies, in any town, the commerce of which passes out at Ocracock Inlet, if required at any time by the Legislature to do so;" and the question being taken thereon, it was decided in the negative. A motion was made by Mr. M'oye of Greene, to amend the bill by striking out the name of "Wyatt M'oye," in the last line but one of the first section, and inserting the name "William Williams, clerk;" and the question being taken thereon, it was decided in the affirmative; a motion was made by Mr. Martin to amend the bill, by inserting at the end of the 9th section, the following words to wit: "putting in pillory, public whipping not exceeding thirty lashes on his bare back, all or any of them, at the discretion of the court;" and the question being taken thereon, it was decided in the negative. A motion was made by Mr. Martin, further to amend the bill by inserting between the 4th and 5th sections, the following as an additional section to wit: "Be it further enacted, That the bank may go into operation, whenever 100,000 dollars shall have been paid in; and that no dividends on the profits of the bank shall be declared by the president and directors, until the whole amount of the capital stock shall be subscribed to the bank in gold or silver, or its equivalent;" and the question being taken thereon, it was decided in the affirmative. The question then recurring on the passage of the bill, as amended, it was decided in the affirmative—ayes 23, noes 22. The ayes and noes being demanded by Mr. Martin;


A motion was made by Mr. Shipp, to take up and consider the resolutions concerning the public lands; and the question being taken thereon, it was decided in the negative—ayes 20, noes 31. The ayes and noes being demanded by Mr. Hogan;

Those who voted in the affirmative, are Messrs. Bateman, Beard, Caldwell, Dowd, Harrison, Hogan, Kendall, Little, Lowry, M'Cillan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sherard, Shipp, Wellborn.

The engrossed bill for the better regulation of the town of Bath, in Beaufort county, was read the first time and passed, read the second time. On motion of Mr. M'Williams, the following amendments to the bill were adopted, to wit: In the 4th line of the 3d section, after the “commissioners,” strike out the word “shall,” and insert the word “may;” in the 13th line of the 4th section, strike out the word “forty,” and insert the word “sixty;” and in the 3d line of the last section, after the word “this,” insert the word “act.” The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon said bill was read the third time and passed, and ordered to be enrolled. Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill supplementary to the act, entitled an act to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company, was read the first, second and third times, passed, and ordered to be enrolled.

A bill to authorize a subscription upon the part of this State, to the capital stock of Oconalufy Turnpike Company, was read the second and third times, passed, and ordered to be engrossed.

Mr. M'Queen presented a bill, entitled a bill to authorize Wiley Roberts, to build a bridge across Deep river; which was read the first, second and third times, passed, and ordered to be engrossed.

The Speaker laid before the Senate the resignation of Romulus M. Saunders, one of the commissioners for rebuilding the Capitol; which was read and accepted, and ordered to be sent to the House of Commons.

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

Thursday, January 8, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill supplemental to an act, entitled an act for the relief of debtors for debts, which may be contracted after the first day of May next, passed in the year 1832; a bill to authorize a subscription on the part of this State, to the capital stock of the Oconalufy Turnpike Company; a bill to amend an act, passed in the year 1805, concerning wrecks; a bill to authorize Wiley Roberts, to build a bridge across Deep river; a bill to extend the limits of the city of Raleigh; a resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands; a resolution in favor of the heirs at law, of Jeremiah Bullock, dec’d; and a resolution in favor of Charles M’Cleese, agent of the executor of Ephraim Mann, dec’d, in which they ask the concurrence of the House of Commons.

Mr. Martin, from the committee on Claims, to which was referred the petition of Alfred M. Slade, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which report was concurred in.

On motion of Mr. Martin, ordered that the committee on Clams be discharged from any further duty during the present session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to establish the Merchant’s and Farmer’s Bank, in the town of Washington; a bill authorizing the
election of constables in Greensborough, and in Jamestown and its vicinity, in the county of Guilford; a bill to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the trustees thereof; a bill to amend an act, entitled an act to prevent the felling of timber in the run of Hogan's creek, in Caswell county, passed in the year 1833; and a bill to repeal an act, passed at the last session of the General Assembly, entitled an act for the better administration of justice in Carteret county; in which they ask the concurrence of the Senate. Whereupon the third, fourth and fifth named bills were severally read the first, second and third times, passed, and ordered to be enrolled. The first named bill was read the first time and passed, read the second time. A motion was made by Mr. M'Williams, to amend the bill by inserting the following between the fourth and fifth sections of the bill to stand as the fifth section, to wit: “Be it further enacted, that the bank may go into operation when one hundred thousand dollars shall have been paid in; and that no dividend on the profits of the bank shall be declared by the president and directors, until the whole amount of the capital stock subscribed shall be realized to the bank in gold or silver, or its equivalent; and the question being taken thereon, it was decided in the affirmative. The question then, recurring on the passage of the bill, it was decided in the negative—ayes 15, noes 29. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative, are Messrs. Beard, Burns, Caldwell, Durham, Flowers, Hogan, Hussey, Kerr, M'Cormick, M'Queen, Al'Williams, Phelps, Spaight, Spencer, Wellborn.


The second named bill was read the first time, and resolved that the same shall not pass.

A message was received from the House of Commons, stating that they have passed the engrossed bill supplemental to an act, passed at the present session, entitled an act concerning a Convention, to amend the Constitution of the State of North Carolina, with the following amendments, to wit: In the 10th line of 1st section after the word “Carolina,” insert the amendment marked A, strike out of the bill the proposition numbered “five,” at the end of the first section, add the amendment marked B; in which they ask the concurrence of the Senate. Whereupon the amendments marked A and B, were concurred in, and the amendment to strike out the proposition numbered “five,” was disagreed to, and a message sent to the House of Commons, stating such concurrence and disagreement.

A message was also received from the House of Commons, stating that they have passed the following engrossed bill; to wit: A bill for the better regulation of the superior courts of the counties of Rutherford and Buncombe, with an amendment, to wit: “Extend its provisions to the counties of Haywood and Macon; in which they ask the concurrence of the Senate. Whereupon the amendment was concurred in, and a message sent to the House of Commons informing them thereof.

A message was received from the House of Commons, stating that they have passed the engrossed bill regulating costs in certain cases, with certain amendments; which were concurred in by the Senate, and a message sent to the House of Commons informing them thereof.

A message was also received from the House of Commons, stating that
JOURNAL OF THE SENATE.

they have passed the engrossed bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, with an amendment; which was concurred in by the Senate, and a message sent to the House of Commons informing them thereof.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to grant to the Mecklenburg Gold Mining Company, an amended charter; a bill to incorporate the Juvenile Library Society of Providence; a bill to incorporate the trustees of the Rock Fish Academy, in New Hanover county; and a bill to alter the name of William Pollard, of Martin county, and to legitimate him. Whereupon the first, second and third named bills were severally read the first, second and third times, passed, and ordered to be enrolled; and the last named bill was read the first time, and on motion of Mr. Caldwell, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to establish the Sulphur Spring Academy, in the county of Buncombe, and to incorporate the trustees thereof; a bill to authorize the commissioners of Wilmington, to assess and cause to be collected a tax on slaves, whose owners reside out of town, but permit their slaves to work in town; a bill to exempt vessels owned in this State under seventy-five tons burthen, entering in at Ocracoke Bar from paying pilotage; a bill amendatory of an act, passed at the present session, entitled an act granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin, in Macon county; in which they ask the concurrence of the Senate. Whereupon the first and second named bills were severally read the first, second and third times, passed, and ordered to be enrolled; the last named bill was read the first time and passed, and, on motion of Mr. Burns, ordered to be postponed indefinitely; the last named bill was read the first time and passed, and, on motion of Mr. Holmes, ordered to lie on the table.

The engrossed bill to alter the name of William Pollard, of the county of Martin, was taken up on motion of Mr. Cooper of Martin, read the first, second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: Resolution directing a new roll of the several justices of the peace; resolution in favor of Frances H. Reeder; resolution in favor of Matthew Miller; in which they ask the concurrence of the Senate. Whereupon the first and second named resolutions were severally read the first, second and third times, passed, and ordered to be enrolled; the last named resolution was read the first time and passed, and, on motion of Mr. Caldwell, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize the making of a Turnpike Road in Haywood county, and to incorporate a company for that purpose; a bill for the preservation of the public buildings in the county of Buncombe, and for the improvement of the town of Asheville; a bill to attach the militia of the county of Yancey, to the 15th brigade; a bill relative to the hands called to work on the State road, leading from Old Fort in Burke county, to Asheville in Buncombe county; a bill authorizing the county court of Graafville, to make allowances in certain cases; in which they ask the concurrence of the Senate. Whereupon the first, second, third and
fourth named bills were severally read the first, second and third times, passed, and ordered to be enrolled; the last named bill was read the first time and passed, and, on motion of Mr. Wyche, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act to amend an act, passed in the year 1819, chapter 103, entitled an act to prevent obstructions to the passage of fish up Neuse river, and also to repeal an act, passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's creek and Trent river; a bill to restore to credit Eldridge Smith, of Wake county; a bill concerning part of Drysboro; a bill requiring the sheriff of New Hanover, to give bonds of increased amount; a bill to regulate drill musters in the 88th regiment of North Carolina militia, in Davidson county; in which they ask the concurrence of the Senate. Whereupon the said bills except the first named bill, were severally read the first, second and third times, passed, and ordered to be enrolled; and the first named bill was read the first time and passed, and read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message, announcing the rejection of the following engrossed bills, to wit: A bill additional to the acts now in force directing how fermen covert may pass lands; a bill providing a reward for the taking up of runaway slaves belonging to the citizens of this State, in the States of Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts.

Received from the House of Commons a message, stating their concurrence in the proposition to print the report of the committee of Finance.

Received also from the House of Commons a message, stating that they have postponed indefinitely, the engrossed resolution providing for the compiling and publishing a list of all the names and grades of officers, who served during the Revolutionary war, or were killed in service; and the engrossed bill defining the duty of the county court in appointing patrols, and the duty of patrols.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of the engrossing clerks; in which they ask the concurrence of the Senate. Whereupon the said resolution was read, and, on motion of Mr. Sherard, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution, to wit: A bill to incorporate the Bible Society, of North Carolina; and a resolution in favor of Hon. James Martin; in which they ask the concurrence of the Senate. Whereupon the bill was read the first time and passed, and, on motion of Mr. Cooper of Martin, ordered to lie on the table. The resolution was read the first, second and third times, passed, and ordered to be enrolled—ayes 28, noes 12. The ayes and noes demanded by Mr. Durham, on the third reading of the resolution.


Those who voted in the negative, are Messrs. Barco, Burns, Cowper of Gates, Durham, Edwards of Person, Ennet, Flynt, Flowers, Gavin, Lindsay, Mast, Wyche.

On motion of Mr. Sherard, ordered that Mr. Wilson have leave of absence from and after to-morrow for the remainder of the session.
On motion of Mr. Sawyer, ordered that Mr. Lockhart have leave of absence from and after to-morrow 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 incorporate the Howard's Gap Turnpike Company; a bill to repeal the 6th section of an act concerning the warden of the poor of the county of Lincoln; a bill for the better regulation of the court of pleas and quarter sessions in the county of Guilford; a bill authorizing the several county courts to appoint one or more surveyors in their districts for each county; and a bill to regulate the public ferry at Edenton; in which they ask the concurrence of the Senate. Whereupon the 4th and last named bills were severally read the first, second and third times, passed, and ordered to be enrolled. The first named bill was read the first and second times and passed, and, on motion of Mr. Lowry, ordered to lie on the table. The second named bill was read the first and second times and passed and, on motion of Mr. Wellborn, ordered to lie on the table; and the the third named bill was read the first time and passed; read the second time; a motion was made by Mr. Parker to amend the bill by striking out the words "two dollars," in the 13th line of the 1st section, and inserting the words "one dollar and fifty cents;" which amendment was agreed; and the question recurring on the passage of the bill it was decided in the affirmative. Whereupon the bill was read the third time and passed; ordered that a message be sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. M Cormick, the engrossed bill to authorize the forming of a fire engine company in the town of Fayetteville, was taken up and read the third time; a motion was made by Mr. Sherard to amend the bill, by adding the following words to the end of the third section, to wit: "Except in cases of insurrection or invasion;" which amendment was adopted, and the question recurring on the passage of the bill, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Phelps, the bill directing the manner in which lands shall be sold for taxes in the county of Washington was taken up, and read the third time. A motion was made by Mr. Phelps, to amend the bill by a substitute; and the question being taken thereon, it was decided in the affirmative; and the question recurring on the passage of the bill, it was resolved that the same shall not pass.

Received from the House of Commons, a message stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of John B. Jasper; resolution in favor of John Williams; resolution in favor of the heirs of Joseph Hale, deceased; resolution in favor of Mary Sloan; and resolution in favor of David Royester; in which they ask the concurrence of the Senate. Whereupon the second, fourth, and last named resolutions were severally read the first, second and third times, passed, and ordered to be enrolled; the first named resolution was read the first time, and resolved that the same shall not pass; the third named resolution was read the first time and passed, it was then read the second time, and, on motion of Mr. Holmes, ordered to be indefinitely postponed.

Received from the House of Commons, the resignation of Pettis Finch, a justice of the peace for the county of Randolph, and the resignation of James Fulton, a justice of the peace for the county of Guilford; which was en-
JOURNAL OF THE SENATE.

121
dorsed in that House, read and accepted, and which were read and accept-
ed by the Senate.

On motion of Sherard, ordered that Mr. Holmes have leave of absence
from and after to-day, for the remainder of the session.

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

FRI DAY, JANUARY 9, 1835.

Mr. Hogan, from the select committee to which was referred a resolution,
directing them in conjunction with the Attorney General, to inquire whether
certain lands in the Western part of the State cannot be subjected to the
payment of public taxes, made a report thereon, stating that there is but
little doubt but frauds are committed on the revenue of the State by the
owners of large tracts of land, concealing their boundaries and value; but
have been unable to collect sufficient information upon the subject, upon
which to base any action to remedy the evil, and beg to be discharged from
the further consideration of the subject; which was concurred in.

Received from the House of Commons a message, proposing certain
amendments to the engrossed bill, to authorize the Governor to procure a
new great seal for the use of this State; which were concurred in, and
ordered that a message be sent to the House of Commons, stating such
concurrency.

Received from the House of Commons a message, stating their concur-
rence in the amendments proposed by the Senate, to the engrossed bill for the
better regulation of the town of Bath, in Beaufort county, ordered to be
enrolled.

Received from the House of Commons a message, stating that they have
rejected the engrossed bill to amend an act, passed in the year 1805, con-
cerning wrecks; and the engrossed resolution, authorizing the Governor to
procure and transmit the acts of Assembly in certain cases therein named,
and for other purposes.

Received from the House of Commons a message, stating that they have
passed the following engrossed resolutions, to wit: Resolution in favor of
John Cooper; resolution authorizing the appointment of a clerk, by the
commissioners to revise the laws; resolutions in favor of Wm. Thompson;
resolution in favor of Lewis Bond, late sheriff of Bertie; resolution in favor
of John Cooper; in which they ask the concurrence of the Senate. Where-
upon the first, third and last named resolutions, were severally read the
first, second and third times, passed and ordered to be enrolled. The third
named resolution was read the first time, and on motion of Mr. Sherard, was
ordered to lie on the table. The fourth named resolution was read the first
time and passed, and on motion of Mr. Sherard, was ordered to lie on the table.

A message was received from the House of Commons, concurring in the
amendment proposed by the Senate to the engrossed bill to establish the
merchants' bank of the town of Newbern; ordered, that the bill be enrolled.

Received from the House of Commons a message, stating that they have
passed the following engrossed resolutions, to wit: A resolution in favor
of Allen Jones; a resolution in favor of Micajah Hicks; a resolution in
favor of the heirs of Wm. Gilliam; a resolution in favor Edward Rigsbe;
in which they ask the concurrence of the Senate. Whereupon the third and
last named resolutions were severally read the first, second and third times,
passed and ordered to be enrolled. The second named resolution was read
the first time and passed; read the second time. A motion was made by Mr. Wellborn to amend the resolution, by striking out the words "four hundred and twelve," and inserting the words "six hundred and forty;" which amendment was agreed to. The question then recurring on the passage of the resolution as amended, it was decided in the affirmative; the resolution was then read the third time and passed. Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendment; the resolution in favor of Allen Jones, was read the first time, and on motion of Mr. Sherard, ordered to be indefinitely postponed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize and empower the county court of Yancy county, to alter the dividing line between the two regiments of North Carolina militia, in said county; a bill authorizing the entering the unsurveyed lands acquired by treaty, from the Cherokee Indians, A. D. 1818; a bill amending the act of the last session of the General Assembly, entitled an act to regulate times of holding the superior courts in the sixth judicial circuit; and a bill concerning the wardens of the poor; in which they ask the concurrence of the Senate. Whereupon the first, third and last named bills were severally read the first, second and third times, passed and ordered to be enrolled; and the second named bill was read the first time and passed, and on motion of Mr. Montgomery of Orange, ordered to be indefinitely postponed.

Mr. Beard presented the following resolution, to wit:

Resolved, That the report submitted by the committee on Finance, on the 6th of January, 1835, be published as an appendix to the acts passed at the present session of the General Assembly.

Which was read the first, second and third times, 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 prescribing in what manner copies of administration or returns of property of deceased persons in another State, shall be read in evidence; a bill to enable any two of the judges of the supreme court to hold the same; a bill appointing commissioners for rebuilding the capitol; a bill amendatory of the act of 1833, concerning the injury done by the erection of mills; a bill concerning divorces; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill for turning or altering roads in certain cases, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill amendatory of the usury laws, was read the second time, and on motion of Mr. Sherard, was ordered to lie on the table.

The engrossed bills, to wit: A bill concerning coroners fees; a bill to provide for the temporary appointment of registers, in certain cases; and a bill to repeal an act, passed in 1826, to reduce the license of pedlars, on the South side of Albemarle sound; were severally read the second time, and it was resolved that the same shall not pass.

The engrossed bill, authorizing the county court of Granville to make allowances in certain cases, was taken up on motion of Mr. Wyche, and on motion of Mr. Hogan, ordered to be postponed indefinitely.

The engrossed bill to repeal the second section of an act, passed in the
The engrossed bill to amend and explain the several sections of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be appointed in this State, 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 proposition of the Senate, that the two Houses adjourn sine die, on Saturday, the tenth instant.

Received from the House of Commons, a message stating that they have postponed indefinitely, the following engrossed bills, to wit: A bill to repair, alter and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line, on the Blue ridge; a bill to extend the line of the city of Raleigh; and a bill to repair, alter and amend the road leading from Holeman's ford to the Deep gap.

Mr. Edmonston presented a resolution in favor of Caleb Barco; which was read the first and second times and passed. Mr. Edmonston submitted an amendment, as a substitute for the original resolution; which was adopted. Whereupon the resolution was read the third time and passed, as amended, and ordered to be engrossed.

A message was received from the House of Commons, insisting upon their amendment to the engrossed bill, supplemental to an act passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina, to wit: to strike out the 5th provision of the bill. Whereupon, on motion of Mr. Wellborn, a message was sent to the House of Commons, proposing to raise a committee of Conference, on the disagreement of the two Houses to said amendment, and stating that Messrs. Sawyer, Wellborn, Beard, Edmondston and Wyche, form the committee on the part of the Senate; and thereupon a message was received from the House of Commons, stating their concurrence in the proposition of the Senate to raise a committee of Conference, and that Messrs. Graham, Gorrell, Haywood, Battle and Barringer, form the committee on their part.

Mr. Beard, from the committee of Conference on the disagreement of the two Houses, on the amendment proposed by the House of Commons, to the bill supplemental to an act, passed at the present session, entitled an act to amend the Constitution of the State of North Carolina, made a report, recommending that the Senate recede from their disagreement to said amendment; which was concurred in, and a message sent to the House of Commons informing them thereof.

The bill to amend the several acts of Assembly, heretofore passed to vest the right of electing sheriffs in the free white men of this State, was read the second time, and on motion of Mr. Sherard, ordered to be postponed indefinitely.

The bill in addition to and supplemental to an act, passed in the year 1822, entitled an act to provide a revenue, for the payment of the civil list, and to defray the contingent charges of government, was read the second time, and motion of Mr. M'Cormick, ordered to lie on the table.

A bill further to amend the act, entitled an act to establish a bank of the State of North Carolina, was read the second time, and motion of Mr. Cooper of Martin, ordered to lie on the table.
The bill to improve the navigation of Cape Fear river above Fayetteville, was read the second time, and on motion of Mr. M'Millan, ordered to lie on the table.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolutions, to wit: Resolution directing the report of the committee of Finance, to be appended to the acts of the General Assembly; and a resolution in favor of Caleb Barco; in which they ask the concurrence of that House; the resolution declaratory of the opinion of the Legislature on the right of instruction, was read the second time, and on motion of Mr. Cooper of Martin, was ordered to lie on the table.

The bill supplemental to the several acts, giving the superior courts exclusive jurisdiction in all cases of divorce, was read the second time, and resolved that the same shall not pass.

On motion of Mr. Brittain, the bill amendatory of an act passed at the present session, entitled an act granting to certain persons therein named, certain lands for the use of the Methodist Episcopal church at Franklin in Macon county, was taken up, read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, the resignation of Henry Seawell, one of the commissioners for rebuilding the Capitol; endorsed in that House, read and accepted, and which was read and accepted by the Senate.

The Senate then adjourned till 4 o'clock this afternoon.

Friday Afternoon, January 9, 1835.

Mr. M'Queen, from the select committee, to which was referred the resolution directing them to enquire into the causes which led to the dismissal of Wm. S. Drummond, made a detailed report thereon, and in conclusion, that from the character and complexion of the whole matter, they refrain from a positive expression of opinion, relative to the weight of the reasons which have been assigned for his removal, whilst at the same time, the committee express their decided opinion, that the said Wm. S. Drummond, still deserves the public confidence, and they ask to be discharged from the further consideration of the subject; which was concurred in.

Mr. Shipp presented a resolution in favor of James Wellborn; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating the concurrence of that House, in the amendments proposed by the Senate to the engrossed bill, to authorize a fire engine company in the town of Fayetteville. Ordered that said bill be enrolled.

Received also a message concurring in the amendments proposed by the Senate, to the engrossed bill, for the better regulation of the courts of pleas and quarter sessions, in the county of Guilford. Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill for arming volunteer companies; in which they ask the concurrence of the Senate. Which was 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 following engrossed bill and resolution, to wit: A bill to authorize the president and directors of the Literary Fund, to sell certain portions of the Swamp lands; and a resolution in favor of Richard W. Ashton;
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 of Orange, ordered to lie upon the table. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

A motion was made by Mr. M'oye of Pitt, to re-consider the bill to establish the Merchant’s and Farmer’s Bank, in the town of Washington; and on the question of re-consideration, it was decided in the affirmative. Whereupon the said bill was read the second time, and, on motion of Mr. Shipp, ordered to be indefinitely postponed.

A message was received from the House of Commons, stating their concurrence in the amendments proposed by the Senate, to the engrossed resolution in favor of Micajah Hooks. Ordered that the resolution be enrolled.

A message was also received proposing amendments to the engrossed resolution, directing the Public Treasurer to commence suits on bonds for Cherokee lands, and a message sent to the House of Commons, stating such concurrence.

A message was also received from the House of Commons, stating that they have passed the engrossed bill concerning the publication of the acts relative to a Convention, and the payment thereof by the Governor; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message was received from the House of Commons; proposing that when the two Houses adjourn, they adjourn to meet at half past six to-morrow morning; which proposition was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Sawyer,

Resolved, That a message be sent to the House of Commons, proposing to rescind the joint order to print fifty copies of the Convention bill, for each member of the Legislature.

Mr. M'Williams asked and obtained leave to withdraw from the files of the Senate, the petition of William Harvey.

The Senate then adjourned until to-morrow morning, half past six.

Saturday, January 10, 1835.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit; Resolution directing the Public Treasurer to pay certain monies to certain agents; a resolution in favor of R. M. Saunders; in which they ask the concurrence of the Senate. Whereupon the first named resolution was read the first, second and third times, passed, and ordered to be enrolled; the last named resolution was read the first time and passed, the resolution was then read the second time. Mr. Wellborn called for a division of the question. Whereupon the question was taken on striking out the last branch of the resolution, and was decided in the affirmative. The question then recurring on the passage of the first branch of the resolution, and decided in the affirmative. The resolution was then read the third time and passed, and a message sent to the House of Commons informing them thereof.

A message was received from the House of Commons proposing to ballot for a superintendent of public works, and stating that James Wyche is in nomination for the appointment. The proposition of the House of Commons was concurred in, and a message sent to that House informing them thereof, and that Messrs. Caldwell and Mast, attend the House of Commons
to conduct the balloting on the part of the Senate. Whereupon a message was received from that House, stating that Messrs. Allison and Cotten, attend the Senate to conduct the balloting on the part of that House.

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

Mr. Edmonston presented the following resolution, to wit:

Resolved, That the Governor be required to have a copy of the Convention act, and of the act supplemental thereto, to be printed by the Public Printer.

Which was read the first time and passed. A motion was made by Mr. Beard, to amend said resolution by a substitute, to wit:

Resolved, That the Public Printer be employed to print the bills passed at the present session, relative to a State Convention.

And the question being taken thereon, it was decided in the affirmative. Whereupon the said resolution was read the second and third times and passed, as amended, and ordered to be engrossed.

Mr. Caldwell, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche, having received a majority of votes is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that having disposed of all the public business that has been brought before them, they are now ready to adjourn sine die. Whereupon, on motion of Mr. Montgomery of Orange, a message was sent to the House of Commons, stating that the Senate have also disposed of all the public business before them, and are now ready to adjourn sine die.

On motion of Mr. Beard,

Resolved unanimously, That the thanks of the Senate are due, and they are hereby tendered to the Honorable William D. Moseley, Speaker thereof, for the able, impartial, and dignified 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.

WM. J. COWAN,
Clerk of the Senate.