JOURNAL OF THE SENATE.

At a General Assembly, begun and held in the City of Raleigh, on the sixteenth day of November, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Independence of the United States of America; being the day 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 the Members being present, on motion of Mr. Polk, William D. Moseley, Esquire, the Senator from the county of Lenoir, was unanimously appointed Speaker: Whereupon, on motion of Mr. Edwards, the Speaker was conducted to the Chair by Mr. Polk, whence he made his acknowledgments to the Senate, in an appropriate address.

On motion of Mr. Little, William J. Cowan was appointed principal clerk, and Daniel Coleman, clerk assistant of the Senate.

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

On motion of Mr. Edwards, ordered that a message be sent to the House of Commons, informing that House of the due organization of the Senate, by the appointment of William D. Moseley, Esq. as Speaker; William J. Cowan, as principal clerk, Daniel Coleman, as assistant clerk; and Thomas B. Wheeler, and Green Hill, as doorkeepers; and of their readiness to proceed to the despatch of public business.

The Senate then adjourned, until to-morrow 10 o'clock.
On motion of Mr. Polk, ordered that a select Committee of five 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. Polk, Edwards, Wyche, Bryan, and Kerr, were appointed to form said committee.

On motion of Mr. Polk, ordered, that the rules of order and decorum adopted for the government of the Senate, 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.

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

On motion of Mr. Wyche, ordered that a message be sent to the House of Commons, proposing that a joint select committee, consisting of five 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.

Received from the House of Commons a message, proposing that a joint select committee of two 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 think proper to make; which proposition being agreed to, Messrs. Edmonston and Joiner 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. Manly and M' Rae are appointed to form the Committee on their part.

Received also from the House of Commons a message, proposing that a joint select committee of three on the part of each House, be raised to prepare and report joint rules of order, regulating the intercourse between the two Houses: which, on motion of Mr. Wyche, was ordered to lie upon the table.

Received also from the House of Commons a message, proposing to ballot immediately for three engrossing clerks, and stating that Thomas G. Stone, Joseph D. Ward, John C. Stone, James I. Thomas, Nehemiah Blackstock, and Wm. W. Hall, are in nomination for the appointment; which proposition was agreed to: Messrs. Little and Arrington were appointed the committee to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and thereupon a message was received from that House, stating that Messrs. L. A. Gwyn, and M'Pherson, form the balloting committee on their part.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate to raise a joint select Committee of five on the part of each House, to prepare joint rules for the government of the two Houses; and that Messrs. Graham, Hoke, Hybart, Poindexter, and Hutchison, form said committee on their part: Whereupon a message was sent to that House, stating that Messrs. Wyche, Wilson, Hill, Waugh, and Morehead, form the committee on the part of the Senate.
Mr. Joiner, from the select committee appointed to wait on his Excellency the Governor, reported that the committee were authorized to state, that he would make a communication to the Legislature at 12 o'clock this day.

Mr. Little, from the select committee appointed to conduct the balloting for three engrossing clerks, reported that Wm. W. Hall, Joseph D. Ward, 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 18, 1835.

Received from the House of Commons a message, communicating the annual Message of his Excellency the Governor, accompanied by a proposition from that House, that the Message be printed, one copy for each Member of the Legislature; which proposition was concurred in, and the House of Commons informed thereof by message.

David W. Simmons, the Senator elect from the county of Onslow, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Polk, 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, to wit:

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 certificates and papers addressed either to the General Assembly or to the Senate; 2d, the reports of standing committees; 3d, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, 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 members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

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 commit 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 opinion, say No." If the Speaker doubt as to
the voice of the majority, or a division be called for, the Speaker shall call on those, in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division of 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 nature, 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 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 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 a committee on Education and the Literary Fund, consisting of eight members each.

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

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 till 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 motion was made by Mr. Wellborn, to amend the sixteenth rule, by adding at the end thereof the words "from each old Judiciary District;" and the question being taken thereon, it was decided in the affirmative. The rules of order and decorum were then read, and adopted as amended.

The Speaker laid before the Senate a communication, containing the proceedings of the Citizens of Charleston, embracing the report of the committee, and the address and resolutions at a general meeting, in reference to the proposed Rail Road from Cincinnati to Charleston; which, on motion of Mr. Edwards, was ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select committee, consisting of five on the part of each house, to whom shall be referred so much of the Governor's Message as relates to the conduct of the abolitionists: Ordered, on motion of Mr. Edwards to lie on the table.

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

**THURSDAY, NOVEMBER 19, 1835.**

Received from the House of Commons a message, communicating the annual report of the Public Treasurer, with a proposition that it be printed; which proposition was concurred in, and the House of Commons was informed thereof by message.

Mr. M'Queen, the Senator elect from the county of Chatham, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Polk presented the following Resolutions, to wit:

_Resolved_, That a message be sent to the House of Commons, proposing to refer so much of the Governor's Message as relates to the claims of the State upon the General Government, and the distribution of the proceeds of the public domain; to a joint select committee.

_Resolved_, That so much of the Message as relates to the subject of Internal Improvement, be referred to the committee on Internal Improvement; so much as relates to education, to the committee on Education; so much as relates to the report of the Public Treasurer, and the subject of revenue, to the committee of Finance; so much as relates to an interchange of Law Reports between the different States, to the Judiciary committee; so much as relates to the proposed alteration of the times of holding the Superior Courts and the creation of an additional circuit, to the committee on the Judiciary; so much as relates to the Public Printer, to a select committee; and that a message be sent to the House of Commons, proposing to refer so much of the Message as recommends the adoption of measures to prevent the interference of Citizens of other States with our domestic police, to a joint select committee of twenty six, consisting of one from each Congressional District, on the part of each House; and that the same have leave to report by bill or otherwise.

Mr. Edwards moved that the Resolutions lie upon the table; which was not agreed to.
Mr. Moore (of Rutherford) moved that the 8th branch of the Resolution be amended, so as to consist of twelve Members, one from each Judicial Circuit, on the part of each House; which motion was not agreed to: the question then recurring on the adoption of the resolutions, it was decided in the affirmative.

Received from the House of Commons a message, communicating joint rules, for the government of the intercourse between the two Houses during the present Legislature, and asking the concurrence of the Senate in their adoption: whereupon the said joint rules were read, and adopted; and thereupon, on motion of Mr. Wellborn, ordered that the same, together with the rules of order and decorum for the government of the Senate, the Constitution of the State, and of the United States, be printed, one copy for each Member of the Senate.

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 Finance: Messrs Wyche, Marsteller, Moody, Selby, Vann, Fox, Gavin, and Wellborn.

On Education, and Literary Fund: Messrs. M'Queen, Gambill, Exum, Alexander, Moore (of Stokes,) Cowper (of Gates,) Dowd and Sharpe.


On Propositions and Grievances: Messrs. Edmondston, Cooper of Martin, Beasley, Kendall, Hussey, Martin, Moye of Pitt, and Williams of Person.

On Claims: Messrs. Moye of Greene, Williams of Franklin, Tillet, Houlder, Young, Ballew, Patterson, and Baker.

On Internal Improvement: Messrs. Hill, Harry, Joyner, Kerr, Lindsay, Staley, Waugh, and Williams of Beaufort.


On Enrolled Bills: Messrs. Marsteller and Moore (of Stokes.)

On the Library: Messrs. Mebane, Morehead, and Hill.

A message was received from the House of Commons; proposing that a joint select committee be raised, upon so much of the message of his Excellency the Governor as relates to the changing the periods at which the Courts are required to be held in the third judicial circuit, to a later period of the year; or so as to provide to commence the circuit in healthy, and terminate in the sickly counties. On motion of Mr. Polk, ordered to lie on the table.

Mr. Wilson presented the certificate of allowance of the county court of Perquimons, in favor of Priscilla Goodwin, a Pensioner of the State; which, on motion of Mr. Wilson, was ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

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

Mr. Hogan presented the resignations of Hiram Phelps, colonel commandant; Samuel Cecil, lieutenant colonel; and Henry Ledford, major of the 88th Regiment of North Carolina Militia; and Mr. Moye (of Greene,) presented the resignation of William A Darden, lieutenant colonel of Greene
county militia; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Marsteller, a message was sent to the House of Commons, proposing to raise a joint select committee on military affairs, to consist of five members on the part of each House.

On motion of Mr. Waugh, the communication containing the proceedings of the citizens of Charleston, embracing the report of the committee, and the address and resolutions at a General Meeting, in reference to the projected Rail Road from Cincinnati to Charleston, was taken up, and, on motion of Mr. Waugh, ordered to be referred to the committee on Internal Improvement.

Received from the House of Commons a message, proposing to raise a joint select committee of five members on the part of each House, to be styled the committee on Military Affairs. On motion of Mr. Edwards, ordered to lie on the table.

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

The Speaker announced to the Senate, the appointment of the following committee, in pursuance of the sixth branch of the Resolutions introduced by Mr. Polk, which requires so much of the Governor’s Message as relates to the Public Printing, to be referred to a select committee, to wit: Messrs. Mebane, Cromartie, Simmons, Rabun and Whitaker.

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

Friday, November 20, 1835.

Mr. Kendall presented the petition of John Mason, of the county of Montgomery, praying to be restored to credit: On motion of Mr. Kendall, ordered to be referred to the committee on Propositions and Grievances.

Mr. Staley presented the petition of Robert Walker, of Randolph county, praying the Legislature to pass an act for the emancipation of his Slave, named James. Ordered to be referred to the committee on Propositions and Grievances.

Mr. Edmonston presented a resolution in favor of Jesse Wright of Haywood county; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Bryan, ordered that the Judiciary committee be instructed to inquire into the expediency of granting to the Supreme Court power and authority, in all cases, before said Court, by appeal or otherwise, to send any special matter or issue arising in said cases to the Court below, from which any of them were brought, that the facts may be more fully and properly ascertained.

Mr. Waugh presented a Resolution, directing the clerks of the two Houses to collect and place in the Government House, the Acts and Journals of the General Assembly, and such State papers as belong to the State; which was read the first time and passed. Mr. Edwards moved to amend the resolution, by striking out the words “and such State papers as belong
to the State;" which amendment was agreed to; the resolution was then read the second time, and, on motion of Mr. Moye, (of Pitt) ordered to lie up on the table.

Received from the House of Commons a message, proposing to ballot immediately for Major General of the 6th Division of North Carolina Militia, and stating that James Whittfield is in nomination for the appointment; which proposition was agreed to: Messrs. Moye, (of Greene) and Hussey were appointed a committee 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. Kenan and Eaton, attend the Senate as superintendents of the balloting on their part.

On motion of Mr. Edwards, the Resolution directing the clerks of the two Houses, to collect and place in the Government House, the Acts and Journals of the General Assembly, heretofore laid on the table, on his motion, was taken up and considered. Mr. Edwards then moved the following as a substitute for the original resolution to wit:

Resolved, That the clerk of the Senate deposite in some convenient room, in the Government House, for the use of the Senate, three copies of the revision of the laws of North Carolina, and three copies each of the pamphlet acts passed since the revival, and three copies of Taylor's Revisal, and copies of the Journals of the Legislature for the last seven years.

Which was read and adopted: whereupon the resolution was read, and adopted as amended.

Received from the House of Commons a message, proposing to ballot immediately for Solicitor of the 6th judicial circuit, and stating that Alexander Troy is in nomination for the appointment Mr. M'Cormick moved to lay the message on the table; which motion was not agreed to. Mr. Little renewed the motion to lay the message on the table; which was agreed to.

On motion of Mr. Little, a message was sent to the House of Commons, proposing to ballot immediately for Solicitor of the 5th judicial circuit, and stating that Alexander Troy is in nomination for the appointment: whereupon a message was received from that House, stating their concurrence in the proposition, and that Messrs. Dudley and J. A. D. M'Neill, attend the Senate to superintend the balloting on their part: Whereupon a message was sent to that House, stating that Messrs Little and Kendall are appointed to conduct the balloting on the part of the Senate.

Mr. Cooper, (of Martin,) presented the following Resolution, to wit:

Resolved, That this General Assembly adjourn on the twentieth day of December next, sine die, and that the clerks be directed to make up their estimates to that day.

Which was read the first time and passed; read the second time and passed, ayes 30, noes 29. The ayes and noes being demanded by Mr. Cooper, (of Martin,) Those who voted in the affirmative, are Messrs. Alexander, Allison, Arrington, Beasley, Bullock, Cooper (of M.) Exum, Hogan, Houlden, Hussey, Kerr, Lindsey, Martin, Moody, Moorehead, Moye (of G.), Moye (of P.) Patterson, Reid, Selby, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Whitehurst, Williams (of B.), Williams (of P.), Wilson.


The resolution was then read the third time. Mr. Cooper submitted the following amendment as a substitute for the original resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that the Speak-
The resolution fixing the day of adjournment of the Legislature, was read the third time, and, on motion of Mr. Hogan, ordered to be laid upon the table.

Mr. Whitehurst presented a bill, entitled a bill to prevent justices of the peace from issuing ca sas, until a return has been made by some lawful officer, that the defendant has no property; providing for appeals, and for other purposes; which was read the first time and passed, and, on motion of Mr. Whitehurst, ordered to be referred to the committee on the judiciary.

Mr. Dowd presented the petition of Daniel McDonald, praying the Legislature to issue to him and the other heirs of Finly McDonald, a warrant for land, as a compensation for the revolutionary services of said Finley McDonald. Ordered that it be referred to the committee on Claims.

Received from the House of commons a message, agreeing to the proposition of the Senate, to raise a joint select committee on military affairs; and stating that Messrs. Hawkins, Irion, Loudermilk, Powell, and Cotten, form their branch of said committee. The Speaker announced that Messrs. Marsteller, Moye of Green, Kerr, Allison, and Williams of Beaufort, have been appointed to form the military committee on the part of the Senate.

Received from the House of Commons a message, stating that Messrs. J.W. Guinn, Ervin, and N. Harrison, form, on the part of that House, the committee on Cherokee lands; that Messrs. Collins, Graham, and Cansler, form the committee on the Library; and that Messrs. Slade, D. McNeil, Hester, Dudley, Jacob, Bedlord, Bryan, and Brummell, form the committee on Finance.

Received also from the House of Commons a message, agreeing to the proposition of the Senate, to refer so much of the Governor's Message as relates to the Public Treasurer's annual Report and the subject of Revenue, to the committee of Finance.

Received also from the House of Commons a message, proposing to ballot immediately for Comptroller of Public accounts; which, on motion of Mr. Mebane, was ordered to lie on the table.

On motion of Mr. Hogan, ordered that a message be sent to the House of Commons, proposing to ballot on Monday next for a Comptroller of Public Accounts.
Received from the House of Commons a message, proposing to ballot immediately for Secretary of State; which proposition was agreed to: Whereupon Messrs. Morehead and Bryan, were appointed a committee 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. Horton and Siler are appointed to superintend the balloting on their part.

Mr. Wellborn presented the resignation of Benjamin McNeil, a justice of the peace for the county of Wilkes; and Mr. Houlder presented the resignation of John Boon, a justice of the peace for the county of Johnson; which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to ballot immediately for Public Printer, and stating that Philo White and Thomas J. Lemay, were in nomination for the appointment. A motion was made by Mr. Wellborn to lay the message on the table; which was not agreed to. The question then recurring on the question of concurrence, it was decided in the affirmative: Whereupon, Messrs. Wilson and Marsteller were appointed a committee 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. Hall and Hill attend the Senate as superintendents of the balloting on their part.

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

Received from the House of Commons a message, proposing to ballot immediately for colonel and lieutenant colonel of Cavalry attached to the 16th brigade, and stating that Henry R. Beard, and Charles R. Eaton, are in nomination for colonel, and Henderson Stanfield for lieut. col.: the proposition was agreed to: Whereupon, Messrs. Wyche and Kerr, were appointed to conduct the balloting on the part of the Senate. Thereupon, a message was received from that House, stating that Messrs. Cotten and Jones attend the Senate as superintendents of the balloting on their part.

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

Received from the House of Commons a message, proposing that the two Houses proceed to ballot immediately for brigadier General of the 2d brigade and sixth division of North Carolina militia, and stating that Alexander McRae is in nomination for the appointment; the proposition was agreed to: Whereupon, Messrs. Hill and Kerr, were appointed to conduct the balloting 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. Baker and Walker attend the Senate as superintendents of the balloting on their part.

Received from the House of Commons, the resignations of the following justices of the peace, and field officers, to wit: Elijah Murrell, a justice of the peace for the county of Onslow; Peter Elliott, a justice of the peace for the county of Camden; William Mills, a justice of the peace for the county of Columbus; George Crowell, a justice of the peace for the county
of Wayne; Robert Gastou, a justice of the peace for the county of Lincoln; Gideon Bynum, a justice of the peace for the county of Pitt; Charles Holland, a justice of the peace for the county of Beaufort; D. G. Holcomb, a justice of the peace for the county of Surry; John Fowler, a justice of the peace for the county of Sampson; Henry Godwin, a justice of the peace for the county of Sampson; W. M. Gold, a justice of the peace for the county of Rutherford; John C. Slocumb, a justice of the peace for the county of Sampson; William Hearing, a justice of the peace for the county of Camden; Lauchlin McKennan, a justice of the peace for the county of Moore; and Solomon Jones, a justice of the peace for the county of Ashe; James McPherson, major of the 2d regiment of the first brigade of North Carolina militia; David Watson, colonel commandant of the 94th regiment of North Carolina militia; George C. Neill, colonel commandant of the 82d regiment of North Carolina militia; and William A. Wilson, major of the 76th regiment of North Carolina militia.

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

MONDAY MORNING, NOVEMBER 23, 1835.

On motion of Mr. Arrington, ordered that Henry G. Williams, the Senator from the county of Franklin, have leave of absence from the service of the Senate, for to-day and to-morrow.

Mr. Wyche, from the committee appointed to conduct the balloting for colonel and lieutenant colonel of cavalry attached to the 16th brigade, reported that no person in nomination had received a majority of votes for colonel; and that Henderson Stanfield having received a majority of votes as lieutenant colonel is duly elected; in which report the Senate concurred.

Mr. Hill, from the committee appointed to conduct the balloting for brigadier general of the 3rd brigade, 6th division of North Carolina Militia, reported that Alexander M'Rae having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Wyche presented a resolution authorising the committee on Finance to burn such treasury notes as may be in the Treasurer's office; which was read the first, second and third times, passed and ordered to be engrossed; and a message was sent to the House of Commons asking their concurrence in the engrossed resolution.

On motion of Mr. Wangh, ordered that the committee on Finance be instructed to inquire into the expediency of authorising the Public Treasurer to provide means for paying the residue of the stock unsubscribed, which was reserved to the State in the Bank of the State; whether it would not be expedient to authorize him to issue stock, bearing an interest not exceeding five per cent. per annum, with authority to dispose of it on the best possible terms, either in or out of the state; provided it can be effected at par; or the expediency of relinquishing the right to take the amount which has not been subscribed and paid for; and that they be further instructed to take into consideration the expediency of increasing the circulating medium of the state.

On Motion of Mr. Bryan,

Resolved, that the Judiciary Committee be instructed to inquire into the expediency of amending the existing statutes on the subject of gaming, so as more effectually to suppress the vice, and to render it highly penal in all concerned to engage in the same.

Resolved, That the said committee be further instructed to inquire into the expediency of amending the act of 1832, chapter 1129, laying a tax on public tables, constructed or erected for playing games of chance, so as to amount to a total prohibition of the same.
Mr. Reid presented a bill, entitled a bill to incorporate the County Guard in Rockingham; which was read the first and second times and passed, and, on motion of Mr. Polk, ordered to be referred to the committee on Military Affairs.

Received from the House of Commons a message, announcing that Messrs. Smallwood, J. Harrison, Sloan, and J. H. Perkins, compose the committee on enrolled bills, on the part of that House.

Mr. Joyner presented a bill, entitled a bill to increase the capital stock of the Weldon toll bridge company; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, announcing that Messrs. Watson and M'Clleese attend the Senate to conduct the balloting on the part of that House for comptroller of public accounts, heretofore agreed on by the two houses to take place this day: Whereupon Messrs. Kendall and Waugh were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Lindsay, ordered that a message be sent to the House of Commons, proposing that a balloting be had immediately for brigadier general of the 1st brigade 1st division of North Carolina Militia, and stating that N. R. M'Pheron, and Samuel Mercer, are in nomination for the appointment: Whereupon a Message was received from that House, stating their concurrence in the proposition, and that Messrs. Bell and Pickett form the balloting committee on their part; and thereupon Messrs. Lindsay and Tillet were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Wilson presented a bill, entitled a bill defining the duty of the county court, in appointing Patrols, and the duty of Patrols; which was read the first time, and, on motion of Mr. Hogan, ordered to be printed.

On motion of Mr. Mebane,

Resolved, That the committee on Military affairs be instructed to inquire into the State of the public arms deposited in the city of Raleigh; and that they report the condition of the same, especially in relation to the strength and sufficiency of the House in which they are deposited.

Received from the House of Commons a message, proposing to ballot again immediately for colonel of cavalry attached to the 16th brigade; which proposition was agreed to, and Messrs. Wyche and Williams (of Person) 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, announcing that Messrs. Bell and Borland attend the Senate as superintendants of the balloting on their part.

Mr. Waugh, from the committee appointed to conduct the balloting for Comptroller of Public Accounts, reported that Nathan A. Stedman, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Reid presented the resignation of Thomas J. Patterson, Lieutenant Colonel of the 67th Regiment of North Carolina Militia; which was read and accepted, and sent to the House of Commons.

Mr. Wellborn presented a statement from George Gilbreath, Captain of the Wilkes county artillery company, of the number of public arms, &c. in his possession, and asking the Legislature to make some disposition of said arms, and to make compensation to him for the expense he has incurred in cleaning them, &c. Ordered, on motion of Mr. Wellborn, to be referred to the committee on Military Affairs.
Mr. Wellborn presented the petition of Archibald Loveless, and his wife Jean, praying the Legislature to pass an act for the emancipation of a coloured woman named Carolina, and her three children, Susan Parmelia Cooke, Acha Tomlinson Cook, and James Ellis Cooke. Ordered, on motion of Mr. Wellborn, to be referred to the committee on Propositions and Grievances.

Mr. Lindsay, from the committee appointed to conduct the balloting for Brigadier General of the 1st brigade of the 1st division of North Carolina Militia, reported that James N. M'Pherson, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Wyche, from the committee appointed to conduct the balloting for colonel of cavalry attached to the 16th brigade, reported that Charles R. Eaton, having received a majority of votes, is duly elected, in which report the Senate concurred.

Mr. Edmonston presented a bill, entitled a bill to authorize a subscription, upon the part of this State, to the capital stock of the Ocmulgy Turnpike Company; which was read the first time and passed, and, on motion of Mr. Hogan, ordered to be referred to the committee on Internal Improvement.

Received from the House of Commons a message, proposing to ballot immediately for Governor of the State, and announcing that Richard Dobbs Spaight, and William B. Mears, are in nomination for the appointment. A motion was made by Mr. Wilson, that the balloting be postponed until Thursday next; which was not agreed to. Ayes 28, Noes 33. The ayes and noes being demanded by Mr. Alexander,

Those who voted in the affirmative, are. Messrs. Alexander, Ballew, Beasley, Bryan, Bullock, Dowell, Harrison, Barry, Hill, Hogan, Joyner, Kendall, Little, McKee, Martin, Moody, Moorehead, Moore, of R., Moore, of Stokes; Mose, of P., Polk, Selby, Staley, Villett, Wellborn, Williams of E., Wilson, Young.


The question then recurring on agreeing to the proposition of the House of Commons, it was decided in the affirmative. Messrs. Marssteller and Polk, 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, announcing that Messrs. Hake and King attend the Senate as superintendents of the balloting on their part.

Mr. Marssteller, from the committee appointed to conduct the balloting for Governor, reported that Richard D. Spaight, having received a majority of votes, is duly elected, in which report the Senate concurred.

Received from the House of Commons, the resignations of the following Justices of the Peace, to wit: William Free, a justice of the peace of the county of Randolph; Allen Rogers, a justice of the peace for the county of Wake; James H. Mumford, a justice of the peace for the county of Onslow; Alexander Little, a justice of the Peace for the county of Robeson; and Athen Wolsey, a justice of the Peace for the county of Hyde; 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.

TUESDAY MORNING, NOVEMBER 24, 1835.

A message was sent to the House of Commons, stating that the Senate
has passed the following engrossed bill to wit: A bill to increase the capital stock of the Weldon Toll Bridge Company; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating the concurrence of that House in the proposition of the Senate, to refer so much of the Governor's Message, as recommends the adoption of measures to prevent the interference of citizens of other States with our domestic police, to a joint select committee of twenty-six members; and that Messrs. Saunders, Muse, Lee, Moore, Coor, Taylor, Jordan, Williamson, Gorrell, Rush, Hutchison, Carson, and Clingman, form their branch of the committee.

Received from the House of Commons the certificate of the county court of Cumberland; on behalf of Mrs. Isabella Campbell, a pensioner of the State, endorsed, "read, and, on motion of Mr. Hybart, ordered to be countersigned by the Speaker of this House and sent to the Senate:" ordered, on motion of Mr. McCormick, to be countersigned by the Speaker of the Senate.

Received also from the House of Commons the certificate of pension of the county court of Mecklenburg, in favor of Martha Thompson, a Pensioner of the State, endorsed "read, and, on motion of Mr. Hutchison, ordered to be countersigned by the Speaker of this House and sent to the Senate:" ordered, on motion of Mr. Fox, to be countersigned by the Speaker of the Senate.

The Speaker announced to the Senate, that Messrs. Polk, Edwards, Little, Mose of G. Hill. Allison, Wellborn, Edmonston, Beasley, Kerr, Mebane, Wilson and Fox, form the committee on the part of the Senate, on so much of the Governor's Message as recommends the adoption of measures to prevent the interference of citizens of other States with our domestic police; and the House of Commons was informed thereof by message.

Mr. Edmonston presented the petition of sundry citizens of the county of Haywood, praying the Legislature to change the amount of the stock subscribed by the State for the use of the Deep Creek Turnpike Road, to the use of the Turnpike Road, on Oconalanufy; also another petition containing the same prayer, from sundry other citizens of said county: which, on motion of Mr. Edmonston, were severally ordered to be referred to the committee on Internal Improvement.

Mr. Wilson presented a bill, entitled a bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slaveholding States; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill, to wit: A bill to amend an act entitled an act, for the cutting a navigable canal from the waters of Elizabeth river in the State of Virginia, to the waters of Pasquotank river in North Carolina, passed in Virginia, December 1st 1787; whereupon the said bill was read the first time and passed. A motion was made by Mr. Wilson, to amend the bill, by inserting the following, so as to stand as the second and third sections of the bill, to wit:

Be it further enacted, That after the next general meeting of the stockholders of the Dismal Swamp Canal Company, on the first Monday in May next, the next general meeting shall be on the first Monday in November, 1836, and continued by adjournment as heretofore, and the first Monday in November in each year afterwards.

Be it further enacted, That at the election of President and Directors of the said company, which shall take place in May next, the same shall be elected until the first Monday in
November, 1836; when the President and Directors shall be elected for one year; and so shall be elected on the first Monday in each year, in manner and form as heretofore.

Which on motion was agreed to; the bill was then read the second time and passed as amended, and the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of amending the road laws, to compete the county courts to assign, in proper proportions, the hands who are required to perform duty in their respective counties, so as not to require the same hands to work more than one public road; and that they report by bill or otherwise.

Mr. Wellborn presented the petition of sundry citizens of the county of Wilkes, praying the legislature to incorporate them into a volunteer rifle company: ordered, on motion of Mr. Wellborn, to be referred to the committee on Military Affairs.

Mr. Brittain presented the petition of William B. Morgan, praying to be divorced from his wife Polly: ordered, on motion of Mr. Brittain, to be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, proposing to raise a joint select committee of two, to wait upon the Governor elect, inform him of his appointment, and ascertain when he will appear before the two Houses to take the oaths of office; which proposition was agreed to, and Messrs. Edwards and Polk were appointed the committee on the part of the Senate, and the House of Commons was informed thereof by message, whereupon a message was received from that House, stating that Messrs. Hoke and Witcher form their branch of the committee.

Received from the House of Commons a message, accompanied by a communication from His Excellency the Governor, with the report of the president and directors of the Literary fund, with a proposition that the same be printed, one copy for each member of the Legislature: the proposition was concurred in, and the House of Commons was informed thereof by message.

Mr. Wyche presented a bill, entitled a bill to provide for the payment of instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina; which was read the first time, and passed, and on motion of Mr. Wyche, ordered to be referred to the committee on Finance.

Received from the House of Commons a message, proposing to ballot on Thursday next for solicitor of the second judicial circuit, and stating that Edward Stanly, Stephen Miller and James W. Bryan, are in nomination for the appointment: the proposition was concurred in, and the House of Commons informed thereof by message.

Received from the House of Commons a message, proposing to ballot on Thursday next, for a Judge of the Superior court of law and Equity, and stating that John L. Bailey is in nomination for the appointment: the proposition was concurred in, and the House of Commons informed thereof by message.

Mr. Wilson presented a bill, entitled a bill authorising the Governor to issue his warrant to some one of the Judges of the Supreme court, commanding him to fill any vacancy that may occur by death resignation or otherwise of any of the Judges of the Superior courts of law and Equity of this State; which was read the first time and passed, and on motion of Mr. Wilson, ordered to be referred to the committee on the Judiciary.
On motion of Mr. Wyche, a message was sent to the House of Commons, proposing to ballot on Friday next for solicitor general, and stating that John F. Poindexter and John M. Dick are in nomination for the appointment.

Received from the House of Commons, the resignations of the following justices of the peace, to wit: Willie Bunting, a justice of the peace for the county of Nash; Thomas M'Call, a justice of the peace for the county of Mecklenburg; also the resignation of Asael Vick, colonel of the 22nd regiment of North Carolina militia; and the resignation of Alney Burgin, brigadier general of the 15th brigade of N. Carolina militia, 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.

**WEDNESDAY, NOVEMBER 25, 1835.**

Mr. Brittain presented the petition of Edward L. Poindexter, of the county of Macon, praying the Legislature to take a portion of the stock of the Smoky Mountain Turnpike Road, &c. Ordered, on motion of Mr. Brittain, to be referred to the committee on Internal Improvement.

Mr. Hogan presented the petition of sundry citizens of the county of Davidson, praying the Legislature to emancipate Luke, a Slave, the property of Richard Loften, of said county: Ordered, on motion of Mr. Hogan, to be referred to the committee on Propositions and Grievances.

Mr. Polk presented the petition of Elizabeth Mc'aw, of Rowan county, praying to be divorced from her husband, E. B. McCaw: Ordered, on motion of Mr. Polk, to be referred, together with the accompanying documents, to the committee on Propositions and Grievances.

Mr. Rabun presented the petition of Catharine Parks, wife of Gabriel L. Parks, of the county of Buncombe, praying to be divorced from her said husband: Ordered, on motion of Mr. Rabun, to be referred to the committee on Propositions and Grievances.

Mr. Dowd presented the petition of Jesse Sanders, of the county of Moore, praying the Legislature to legitimate Hardy Lewis, and Brittain Lewis; and that their names be altered to Hardy Sanders, and Brittain L. Sanders. On motion of Mr. Dowd, ordered to be referred to the committee on Propositions and Grievances.

Mr. Wyche, from the committee on Finance, reported a resolution, requiring the Public Treasurer to procure specie Change for the redemption of the Treasury notes; which was read the first time. Mr. Welborn moved to amend the resolution, in the second line thereof, by striking out the words "of the Coin of the United States," which motion was not agreed to. A motion was made by Mr. Wyche, to amend the Resolution, by striking out, at the end thereof, the words "two thousand five hundred dollars;" which was agreed to. The question then recurring on the passage of the Resolution, it was decided in the affirmative: Whereupon, the Resolution was read the third time, passed, and ordered to be engrossed.

Mr. Edwards, from the committee raised on that subject, reported that Richard D. Spaight would, on Thursday the 10th day of December, wait on the Legislature, for the purpose of taking the oaths of Office.

The Speaker presented to the Senate, the resignation of Richard D. Spaight, the Governor elect, as Senator from the county of Craven; which
was read and accepted, and sent to the House of Commons. Whereupon, on motion of Mr. Edwards, ordered that a writ of election issue to the Sheriff of said county, commanding him to hold an election on the fifth day of December next, to supply the vacancy.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot on Friday next for Solicitor General; and that John S. Guthrie, and John Scott, are in nomination for the appointment.

Mr. Edmonston, from the committee on Propositions and Grievances, to which was referred the petition of Robert Walker, for the emancipation of his Slave, named Jim, reported that it is inexpedient to grant the prayer of the petitioner; and asked leave to be discharged from the further consideration of the subject; which report was concurred in.

Mr. Moye, of Pitt, presented a bill, entitled a bill to alter the name of Amy Boyd, of the county of Pitt, and to legitimate her; which was read the first and second times and passed: Read the third time, and, on motion of Mr. Edwards, ordered to lie on the table.

Mr. Joyner presented a bill, entitled a bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company; which was read the first time and passed, and, on motion of Mr. Joyner, ordered to be referred to the committee on Internal Improvement.

Mr. Hogan presented a bill, 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, on motion of Mr. Hogan, ordered to lie on the table.

On motion of Mr. Hogan, a message was sent to the House of Commons, informing that House that Frederick Nash has been added to the nomination for Judge of the superior courts of law and equity.

The bill, providing a revenue for taking up runaway Slaves, the property of citizens of this State, in non-slave holding States, was read the second time. Mr. Wilson submitted the following amendments to the bill, to wit: "Fill up the first blank, in the first section, with the sum of two hundred dollars," the reward; and third blanks, with the sum of "fifty dollars;" and the fourth and fifth blanks, with the sum of "twenty-five dollars;" which amendments were severally agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative, as amended: Whereupon, on motion of Mr. Wilson, the bill was ordered to lie upon the table, and be printed.

On motion of Mr. Cooper, of Martin,

Resolved, That the Committee on Internal Improvement, be instructed to enquire into the expediency of amending the Road Laws, so as to compel all overseers of Public Roads, to report to their respective county Courts, that may happen after the first day of January, in each and every year, the length of the road over which they are Overseer; and their localities, the number of hands subject to work on said roads; and that it shall be the duty of the Courts, to apportion the hands on each road, and compel the Clerks of the respective County Courts, to make such entry, and to transmit his order to each Overseer of Public Roads, in said county, within thirty days after such order is made; and that they report by bill or otherwise.

Mr. Waugh presented a bill, entitled a bill concerning the courts of pleas and quarter sessions, in the several counties in this State; which was read the first time and passed, and, on motion of Mr. Waugh, ordered to be referred to the committee on the Judiciary.

Received from the House of Commons, the resignation of William H.
McLeary, a justice of the peace for the county of Mecklenburg, was read and accepted; and which was read and accepted by the Senate.

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

THURSDAY, NOVEMBER 26, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed resolution, requiring the Public Treasurer to procure specific changes for the redemption of the Treasury notes; in which they ask the concurrence of that House.

On motion of Mr. Polk, ordered that a message be sent to the House of Commons, informing that House that the name of James W. Bryan is withdrawn from the nomination for Solicitor of the second Judicial Circuit.

Mr. Baker presented the petition of sundry citizens of the county of Yancey, praying that the purchase money for fifty acres of land, paid into the Public Treasury, by Robert Jones of said county, be refunded to him:

Ordered, on motion of Mr. Baker, to be referred to the committee on Claims.

The Speaker presented to the Senate the resignation of Robert Brodnax, a justice of the peace for the county of Rockingham; which was read and accepted, and sent to the House of Commons.

Mr. Marsteller, from the committee on military affairs, to whom was referred the petition of sundry citizens of the county of Wilkes, praying the liberty to form a volunteer rifle company, made a report thereon, unfavorable to the prayer of the petitioners; and asking leave to be discharged from the further consideration of the subject: Ordered, on motion of Mr. Wellborn, to be re-committed to the same committee.

Mr. Wyche presented a bill, entitled a bill to provide for a temporary appointment of Registers in certain cases. Mr. Wyche also presented a bill, entitled a bill fixing the punishment for the crime of Bigamy: Whereupon, the said bills were severally read the first time and passed; and, on motion of Mr. Wyche, ordered to be referred to the committee on the Judiciary.

Mr. Little presented a bill, entitled a bill to give exclusive jurisdiction to the superior courts in this State, in all cases where the intervention of a jury may be necessary; which was read the first time and passed; and, on motion of Mr. Little, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that the name of Wright Stanly, is added to the nomination of Judge of the superior courts of law and equity.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth River in the State of Virginia, to the waters of Pasquotank River in North Carolina, passed in Virginia, December 1st, 1787: Whereupon, the said bill was ordered to be enrolled.

Received from the House of Commons a message from his Excellency the Governor, accompanied by a communication from the commissioners appointed to revise the statute laws of the State, proposing that the message of the Governor, and the report of the commissioners, except the ac-
COMPANYING bills, be printed; and be referred to a joint select committee of six, on the part of each House; which proposition was concurred in; and thereupon, the Speaker announced to the Senate, that Messrs. Wilson, Wyche, Bryan, Edwards, Morehead and Melane, form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution; in which they ask the concurrence of the Senate, to wit:

A bill to allow further time for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; a bill to establish Pleasant Grove Academy, in the county of Currituck, and to incorporate the trustees thereof; a bill for the better regulation of the courts of pleas and quarter sessions for the county of Onslow; a bill to establish Ford Creek Academy, in the county of Granville, and to incorporate the trustees thereof; a bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes, &c: Resolution in favor of Bartlett Dills: Whereupon, the first named bill was read the first time and passed; the last named bills and resolution were severally read the first, second, and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, announcing that Messrs. Neal and Davenport, attend the Senate, as superintendents of the balloting for Solicitor of the 2d judicial circuit: Whereupon, Messrs. Bryan, and Williams of Beaufort, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Hogan, from the committee on the judiciary, to whom was referred a bill, authorizing the Governor to issue his warrant to some one of the judges of the Supreme court, commanding him to fill any vacancy that may occur by death, resignation, or otherwise, of any of the judges of the Superior courts of law and equity of this State, 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. Hogan, from the same committee, made a similar report on the bill to prevent justices of the peace from issuing ca sas, until a return has been made by some lawful officer, that the defendant has no property; providing for appeals, and for other purposes: Whereupon, the said bill was read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message, announcing that Messrs. Byrd and Buie, attend the Senate to conduct the balloting for a judge on the part of that House: Whereupon, Messrs. Waugh and Hogan were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Bryan, from the committee appointed to conduct the balloting for Solicitor of the second judicial circuit, reported that Edward Stanly having received a majority of votes, is duly elected; in which report the Senate concurred.

The Senate then entered upon the orders of the day, and proceeded to the consideration of the bill defining the duty of the county court, in ap-
pointing patrols, and the duty of patrols. Mr. Stanly moved that the bill be indefinitely postponed; which motion was not agreed to. A motion was made by Mr. Cooper, to amend the bill, by inserting in the last line but one, of the 5th section, after the word "discharged," the words "of all cost." A motion was made by Mr. Wellborn, to amend the bill in the 8th line of the 5th section, by inserting after the word "Shop," the words "or other House of ill fame." A motion was made by Mr. Wilson, to amend the bill, by adding the following proviso, at the end of the 10th section: "Provided that nothing contained in this act, shall be so construed, as to prohibit the owner or manager of any slave, to give each slave a pass, to continue for one month, to visit his wife, at such times and places, as may be particularly described in such pass;" and a motion was made by Mr. Wilson, to amend the bill, by inserting in the third line of the 27th section, after the word "Store," the words "and other houses of ill fame." Which amendments were severally agreed to: Whereupon, the bill was read the second time, and passed as amended.

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

Received from the House of Commons, a message proposing that another balloting be had immediately for judge; which proposition was agreed to, and Messrs. M'Cormick and Harrison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: whereupon a message was received from that House announcing that Messrs. Harris and Hassel attend the Senate, as superintendents of the balloting on their part.

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

Received from the House of Commons the resignations of Thomas M. Adams, a justice of the peace for the county of Beaufort; of Samuel Perkins, major of the 19th regiment of North Carolina militia; of John C. Ridley colonel commandant of the 37th regiment of North Carolina militia; and of Jesse M. Cherry, a justice of the peace for the county of Pitt; 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.

Friday, November 27, 1835.

Mr. Brittain presented the petition of sundry citizens of Macon county praying the Legislature to pass an act to prevent persons from ranging the woods with dogs, &c. On motion of Mr. Brittain ordered to be referred to the committee on Propositions and Grievances.

Mr. Baker presented the petition of Rachel Edwards, of the county of Yancey, praying to be divorced from her husband Edmund Edwards. On motion of Mr. Baker ordered to be referred to the committee on Propositions and Grievances.

Mr. Martsteller presented a bill entitled a bill authorizing David Thall of
New Hanover county to erect a bridge across the north cast branch of the Cape Fear river; which was read the first time, and passed.

Mr. Fox presented a bill entitled a bill to repeal so much of an act passed in the year eighteen hundred and thirty one, entitled an act to incorporate the Charlotte fire engine company, as exempts the members of said company from performing military duty; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. M'Cormick from the committee appointed to conduct the balloting for a Judge of the Superior courts of law and equity, reported that no person in nomination had received a majority of votes, in which report the Senate concurred.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington; A bill to abolish the office of county trustee in the county of Moore, and for other purposes; A bill to alter the times of holding the courts of pleas and quarter sessions, for the county of Beaufort: Whereupon the first named bill was read the first, second and third times, passed and ordered to be enrolled; the second named bill was read the first and second times and passed, read the third time, and on of Mr. Dowd, ordered to lie upon the table. The last named bill was read the first and second times, and passed; read the third time, amended on motion of Mr. Williams of Beaufort, and passed as amended: Whereupon a message was sent to the House of Commons asking their concurrence in the amendment.

Mr. Moorehead presented a bill entitled a bill to incorporate the Deep River gold mining company, which was read the first time, and passed.

Received from the House of Commons a message announcing that Messrs. Graham, Clark, Carson, Manly, Hybart, and J. W. Guinn, form their branch of the committee, to whom were referred the message of the Governor, and the communication of the Commissioners appointed to revise the statute laws.

The Senate then entered upon the orders of the day.

The engrossed bill to allow further time, for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; was read the second and third times, passed, and ordered to be enrolled.

The bill amendatory of the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next, was read the second and third times, passed, and ordered to be engrossed.

The bill defining the duty of the county court, in appointing patrols, and the duty of patrols, was read the third time, and on motion of Mr. Wilson, ordered to be referred to a select committee of six, consisting of Messrs. Wilson, Marsteller, Williams of F., Fox, Moye of G., and Dowd.

On motion of Mr. Arrington, a message was sent to the House of Commons, informing that Edward Hall has been added to the nomination for a judge of the superior courts of law and Equity.

Received from the House of Commons a message, proposing to ballot immediately for a judge of the superior courts of law and equity, which proposition was agreed to; Messrs. Joyner and Arrington 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 announcing that Messrs. Tuton and Burgess attend the Senate to conduct the balloting on their part.

Mr. Wyche from the committee on Finance to which was referred the bill to provide for the payment of instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina, reported the same with sundry amendments, to wit, fill up the first blank, with the words 400,000; fill up the second blank, with the words 1000; and strike out the last blank, and the words "of the said," which immediately precede it: Ordered, on motion of Mr. Wyche, that the bill together with the amendments lie on the table; and on motion of Mr. McQueen, that the bill and report be printed.

On motion of Mr. Hogan, a message was sent to the House of Commons, announcing that Messrs. Hogan and Edmonston attend that House to conduct the balloting for solicitor general, heretofore agreed on to take place this day; whereupon a message was received from that House, stating that Messrs. George Smith and Giles Smith attend the Senate, as superintendents of the balloting on their part.

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

Mr. Joyner, from the committee on internal improvement, to whom was referred the bill to authorize a subscription upon the part of this State, to the capital stock of the Oconalufy turnpike company, made a report thereon, recommending its passage into a law, with an amendment, to wit: strike out all of the last section of the bill, after the word "Provided," and insert the following: to wit: "that no part of the subscription on the part of the State, shall be paid by the public treasurer, until the road aforesaid shall have been finished, and received by the commissioners; and provided further, that the said payment be made out of the fund set apart for internal improvement:" which amendment was agreed to; whereupon the bill was read the second time and passed as amended, read the third time and passed, and ordered to be engrossed.

On motion of Mr. Moorehead, a message was sent to the House of Commons proposing to ballot immediately for judge of the superior courts of law and equity: whereupon a message was received from that House stating their agreement to the proposition, and that Messrs. Tomlinson and Walton attend to conduct the balloting on their part; and thereupon a message was sent to the House stating that Messrs. Moorehead and Exum attend as superintendents of the balloting on the part of the Senate.

Mr. Waugh presented a bill entitled a bill to authorize Hardin Franklin of the county of Surry to erect a dam across Fisher's river, which was read the first time, and passed.

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

On motion of Mr. Hogan, a message was sent to the House of Commons proposing to ballot again immediately for solicitor general: whereupon a message was received from that House stating their concurrence.
the proposition, that the name of John S. Guthrie is withdrawn from the nomination, and that Messrs. Cotten and Watts attend the Senate to conduct the balloting on their part; thereupon a message was sent to the House of Commons announcing that Messrs. Moore of S., and Hussey are appointed to conduct the balloting on the part of the Senate.

Mr. Ballew presented the resignations of George Deal and W. Greenway, justices of the peace for the county of Burke; which were read and accepted, and sent to the House of Commons.

On motion of Mr. Wilson, the Senate proceeded to consider the bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slave-holding States: whereupon the bill was read the second time. Mr. Bryan submitted the following amendment to the bill, to stand as the second and third sections thereof, to wit; "Be it further enacted, That every person who shall apprehend any runaway slave belonging to any citizen of this State in any non-slave-holding State, and shall deliver said runaway slave to the owner or other person entitled to receive him or her, in this State, whence said slave absconded, or to any sheriff of this State, shall be entitled to the following reward, to be paid by the owner, or his or her guardian, to wit, for every male slave between the ages of fifteen and fifty, two hundred dollars; for every male slave of the age of fifty and upwards dollars; for every female slave between the ages of twelve and forty five, the sum of dollars; for every female slave of the age of forty five and upwards, the sum of dollars; for every female slave of the age of twelve and under, the sum of dollars; and in case of the delivery of any such runaway, under the provisions of this act, to the sheriff of any county in this State, it shall be the duty of such sheriff to detain the said runaway slave, until the owner or person entitled to receive said runaway has paid the reward, for which he or she is liable under this act; and if the said owner after due advertisement made in one or more of the newspapers of this State by said sheriff, of the apprehension and commitment of said runaway slave, shall fail to apply to said sheriff for the said runaway slave for the space of one month, it shall be the duty of the said sheriff to expose said runaway to public sale, for ready money at the court house door of his county, and said sheriff after paying the reward and charges to the taker up of said runaway, to which he is entitled under this act, and deducting his own commissions and prison charges, is hereby directed to pay over the residue of the amount of sales of said runaway to the county trustee, to be applied as county taxes for the use of said county, provided always, that the said owner may recover the same upon petition to the county court, as prescribed by the act of 1819, chapter 981.

Be it further enacted: That in case any runaway slave taken up according to the provisions of this act shall die after the apprehension and before the delivery of said runaway slave to his or her owner, or to the sheriff of any county in this State, the owner of said runaway slave shall be liable to pay to the taker up of said runaway, all reasonable cost and charges incurred in the apprehension and safe keeping of said runaway, together with such additional compensation as a just regard for the nature and character of his services may entitle him to;" which amendment was agreed to. Mr. Bryan then moved to amend the amendment by filling up the first blank with the word, "fifty;" the second blank with the words, "one
hundred;" the third blank with the words, "twenty five;" and the fourth blank with the words, "twenty five." Mr. Cooper of Martin moved further to amend the amendment by striking out the words "one month, in the 23d line of the first section thereof, and inserting the words "three months," which amendments of the amendment were severally agreed to; and the question then recurring on the passage of the bill as amended, it was decided in the affirmative. Thereupon on motion of Mr. Wyche, ordered to be referred to a select committee consisting of Messrs. Wilson, Cromartie, Bullock, Moye of Pitt, and Hussey.

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

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

SATURDAY MORNING, NOVEMBER 28th, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, in which they ask the concurrence of that House to wit: A bill to authorize a subscription on the part of the State to the capital stock of Oconaluftee Turnpike company; A bill amendatory of the act passed in the year 1822, entitled an act for the relief of insolvent debtors for debts which may be contracted after the first day of May next; A bill to repeal so much of an act passed in the year 1831, entitled an act to incorporate the Charlotte fire engine company, as exempts the members of said company from performing military duty.

Mr. Wellborne presented the petition of James Calloway of the county of Wilkes, a member of the House of Commons, in the year 1831-2, praying the legislature to allow him pay for the time he was detained at Raleigh by sickness, after the adjournment of that body: ordered on motion of Mr. Wellborn to be referred to the committee on claims.

Mr. Edmonston from the committee on propositions and grievances, to whom was referred the petition of Elizabeth M'Caw, of Rowan county wife of William B. M'Caw, praying to be divorced from her husband, made a report thereon, accompanied by a bill to carry into effect the prayer of the petitioner, and recommending its passage into a law: whereupon the said bill was read the first time and passed.

Mr. Edmonston from the same committee to whom was referred the petition of Catharine Parks, praying to be divorced from her husband Gabriel Parks, made a report thereon, accompanied by a bill entitled "a bill to divorce Catharine Parks, from her husband Gabriel Parks, and recommending its passage into a law; whereupon the said bill was read the first time and passed.

Mr. Edmonston from the same committee to whom was referred the petition of Archibald Loveless, and his wife Jane, praying the Legislature to emancipate Caroline, alias Caroline Cook, a slave, and her three children, Susan Parmelia Cook, Acha Cook and James Ellis Cook, made a report thereon, accompanied by a bill entitled a bill to emancipate and set free Caroline, alias Caroline Cook, and her three children named Susan Parmelia Cook, Acha Tomlinson Cook and James Ellis Cook," the property of Archibald Loveless Esq. of the county of Wilkes, and recommending that
said bill be passed into a law; whereupon the bill was read the first time, and passed.

Mr. Moore from the committee appointed to conduct the balloting for solicitor general reported that John P. Poindexter having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Edmonston from the committee on propositions and grievances, to whom was referred the petition of Jesse Sanders of Moore county, praying the Legislature to legitimate Hardly Lewis and Brittain Lewis, and to alter their names, made a report thereon accompanied by a bill entitled a bill to alter the names of Hardly Lewis, and Brittain Lewis of the county of Moore, and to legitimate them, and recommending that said bill be passed into a law: Whereupon the said bill was read the first time and passed.

Mr. Selby presented a bill entitled "a bill to repeal an act entitled an act directing the manner in which constables shall be appointed in this State, as respects the county of Hyde; which was read the first, and second times and passed, read the third time, and on motion of Mr. Cooper of M., ordered that the consideration thereof be postponed, until Monday next.

Received from the House of Commons a message, proposing to ballot again immediately for a judge of the superior court of law and equity, and stating that John D. Toomer is withdrawn from the nomination; which proposition was agreed to, Messrs. Mebane and Moye of G., were appointed to conduct the balloting on the part of the Senate: Whereupon a message was received from that House announcing that Messrs. Whitley and Hooker attend the Senate to conduct the balloting on their part.

Mr. Wilson from the committee, to which was referred the bill defining the duty of the county court in appointing patrols, and the duty of patrols, reported the same with sundry amendments, to wit: In the 6th line of the 8th section of the bill, after the word "manager," insert the words, "unless such slave be on his or her owner's or manager's business;" at the end of the same section add the following proviso, to wit: Provided, that the patrol shall in no case, exceed fifteen lashes, unless by order of the patrol judge: and at the end of the bill, add the following section, to wit: Be it further enacted, that in all such counties, where the trial by jury has been or may be abolished in the county court, it shall be the duty of the clerk of the county court, to transmit the reports of the patrol judge made upon the warrant herein before described, and the notices served by the sheriff, coroner, and constables, to the superior court of the county where it shall be the duty of the solicitor, to take such steps to enforce the collection of all fines imposed upon negligent or delinquent patrols as herein provided to be taken in the county court, where the trial by jury may be in force.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: in which they ask the concurrence of the Senate, to wit: A bill providing that no person shall fish, with seine or net in the waters of the Handle, lying between the great Aligntor river, and the frying pan in the county of Tyrrel, between sunset and day break; A bill to authorize the commissioners of the town of Wilmington to increase the taxes on all the property now taxed by law, in said town; A bill to amend an act entitled an act to establish the Merchants' bank, in the town of Newbern: whereupon the said bills were severally read the first time and passed; and the first named bill was read the second and third times, passed, and ordered to be enrolled.
The Senate then entered upon the orders of the day, and proceeded to the consideration of the bill defining the duty of the county court in appointing patrols, and the duty of patrols: whereupon the bill was read the second time, and the amendments reported by the chairman of the select committee to which the bill was referred, were severally agreed to.

Mr. Bryan moved the following amendment to the bill, to stand as the 29th section, to wit:

Be it further enacted, That it shall be the duty of the patrol judge, to appoint a leader, or captain of the patrol, from the most discreet persons, of whom the patrol is composed, which leader or captain, shall be accountable for the orderly conduct of his patrol detachment. Provided, that if he shall forthwith report any disorderly conduct, or disobedience of any person of his detachment to the patrol judge, he shall be no further accountable, and if any such patrol shall disobey the orders of his leader or captain, when on duty or otherwise, have disorderly, he shall be fined by the Patrol, in a sum not exceeding dollars, to be recovered by warrant, as in proceedings before a justice of the Peace, as heretofore prescribed by law; which when recovered shall accrue to the leader or captain, for the use of the patrol Fund, and such disobedient or disorderly patrol shall be moreover liable to pay any damages which may happen to any individual, or his property, in consequence of such disorderly conduct, to be recovered before any court, having competent jurisdiction thereof.

Which amendment was not 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, passed and ordered to be engrossed.

The bill to incorporate the Deep river gold mining company; the bill to authorize Hardin Franklin of the county of Surry to erect a dam across Fisher's river: the bill authorising David Thally of New-Hanover county to erect a bridge across the north east branch of the Cape Fear River; and the bill to divorce Catherine Parks from her husband Gabriel Parks, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to divorce Elizabeth McCaw, of Rowan county from her husband William B. McCaw, was read the second time and passed, read the third time, and passed, ayes 32, noes 27. The ayes and noes being demanded by Mr. Wyche,

Those who voted in the affirmative, are, Messrs. Allison, Arrington, Baker, Ballew, Britain, Cooper of M., Edmonston, Fox, Gamblin, Gavin, Harrison, Harry, Hussey, Kerr, Martin, Moore of R., Moore of S., Moye of P., Patterson, Polk, Rabun, Selby, Sharpe, Stanley, Tillet, Vann, Wellborn, Whitaker, Williams of B., Williams of F., Williams of P., Young.


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

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

On motion of Mr. Edmonston, a message was sent to the House of Commons proposing that another balloting be had immediately for judge of the superior courts of law and equity, and that Edward Hall is withdrawn from the nomination: whereupon a message was received from that House concurring in the proposition, and stating that Wright Stanley is withdrawn from the nomination, and that Messrs. Waddell and Thomas Bell attend the Senate to conduct the balloting on their part: thereupon a message was
sent to that House stating that Messrs. Edmonston and Moorehead are appointed to conduct the balloting on the part of the Senate.

Mr Waugh presented the following resolutions, to wit:

Resolved by the General Assembly of North Carolina, that if Congress should give the unsold territory or public lands of the United States, to the States in which said lands are situated, it would be a plain breach of the public faith, and a dangerous violation of the rights of all the States.

Resolved further, that all the public revenues are collected from the people directly or indirectly, and ought never to exceed the amount of expenditures necessary to the economical administration of the government, and therefore, whenever the proceeds of the sales of the territory or public lands of the United States are not required (in aid of other revenues) for the legitimate purposes of the National Government, it will be the first duty of Congress to diminish the public taxes imposed upon the people of the United States, and thereby reduce the revenue to a sum which, when added to the land sales, will not exceed the actual wants of the Government. But because the value of our Union is beyond the reach of pecuniary calculation, and as it might be hazardous to its stability, to disturb now the system of taxation, which was so lately adopted on a compromise of conflicting interests and opinions, upon the subject of the tariff, we believe it to be the duty of Congress to devise some safe method of distributing among all the States, any surplus proceeds of the public lands, which may from time to time, remain in the Treasury of the United States, after defraying its expenditures.

Resolved further, that Congress cannot distribute the proceeds of the sales of the territory or public lands belonging to the United States, or the public lands themselves, in any manner which gives a preference to the new States, in which they are located, without violating the rights and prejudicing the claims of all the States of this Union.

Resolved further, that we sincerely deprecate all attempts on the part of citizens of this State to increase the difficulties, and magnify the jealousies already exhibited upon national questions in respect to our public lands, by giving them a party character, which does not belong to the subject, and thereby holding out inducements to the new States, to put forth urgent and unreasonable demands, and on the other hand by denouncing these claims with bitter reproaches, so as to kindle a blaze of discontent in the nation, which (however intended by those who raised it) must ultimately endanger the peace and prosperity of the best government on earth.

Resolved, that His Excellency the Governor of this State be requested to transmit forthwith a copy of the foregoing resolutions, to each of the Senators and Representatives from North Carolina, in the Congress of the United States.

Which resolutions were read the first time and passed, and on motion of Mr. Waugh, ordered to lie on the table, and be printed.

On motion of Mr. Polk, ordered that Mr. Hogan have leave of absence from the service of the Senate, from and after to-day, until Monday next.

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

On motion of Mr. Wilson, a message was sent to the House of Commons, proposing that another balloting be had immediately for a Judge. Whereupon, a message was received from that House, stating their concurrence in the proposition; and that Messrs. Roebuck and Joseph H. Walker, attend the Senate to conduct the balloting. Messrs. Wilson and Reid were thereupon appointed to conduct the balloting on the part of the Senate; and the House of Commons informed thereof by message.

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

MONDAY, NOVEMBER 30, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill defining the duty of the county court in appointing patrols, and the duty of patrols; a bill to incorporate the Deep River Gold Mining Company; a bill to divorce Elizabeth McCaw of Rowan county, from William B. McCaw; a bill to
divorce Catharine Parks, from her Husband Gabriel Parkes; a bill to authorize David Thally, of New Hanover county, to erect a bridge across the North-East branch of the Cape Fear river; and a bill to authorize Hardin Franklin, of Surry, to erect a dam across Fisher's river; in which they ask the concurrence of the House of Commons.

On motion of Mr. Waugh,

Resolved, That the Joint Select Committee, on the subject of the revised Code, be instructed to ascertain, as near as practicable, the probable expense of printing, re-enacting and publishing the revised Code, now in the course of preparation by the Commissioners appointed for that purpose; and report the result of their inquiry to this House.

Mr. Wilson, from the committee appointed to conduct the balloting for a Judge of the superior courts of law and equity, reported that no person in nomination had received a majority of votes; in which report the Senate concurred. On motion of Mr. Wilson, a message was sent to the House of Commons, proposing that another balloting be had immediately for a Judge of the superior courts of law and equity, and that the name of Frederick Nash is withdrawn from the nomination: Whereupon, a message was received from that House, stating their concurrence in the proposition; that the name of John M. Dick, is added to the nomination, and that Messrs. Jordan and Gary, attend the Senate to conduct the balloting on the part of the House: Whereupon, the House of Commons was informed by message, that Messrs. Wilson and Morehead, attend that House, to conduct the balloting on the part of the Senate.

Mr. Cowper, of Gates, presented a bill, entitled a bill giving the county courts of this State authority to abolish the offices of county trustee and treasurer of public buildings; which was 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 to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort: ordered that the bill be enrolled.

Received also from the House of Commons a message, proposing that the report of the commissioners, charged with the superintendence of the rebuilding of the State Capitol, be referred to a joint select committee, to be raised on the subject of public buildings, and that it be printed; which proposition was concurred in.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, to wit: A bill to suppress, more effectually, the vice of gaming in this State; a bill to prevent the obstructing the passage of fish up Sugar town Fork, of the Tennessee river in the county of Macon; a bill making compensation to tale jurors, in the county of Robeson; a bill to alter the time of opening and closing the polls of the elections in the county of Chowan; a bill making valid certain proceedings of the county courts of Haywood county; a bill to amend an act, entitled an act making compensation to the jurors of the county of Chowan; and a resolution directing the Public Treasurer not to commence suits upon the Cherokee bonds, until the first December, 1836: Whereupon the said bills and resolution were severally read the first, second and third times, passed, and ordered to be enrolled; except the first named bill, which was read the first time and passed, and on motion of Mr. Wyche, ordered to be referred to the committee on the judiciary; and the fourth
named bill, which was amended on motion of Mr. Cowper, of Gates, by extending its provisions to the county of Gates; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Joyner, from the committee on Internal Improvement, to which was referred the bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road company, reported the same with an amendment, to wit: strike out the 6th section thereof: Whereupon, the said bill was read the second time, the amendments concurred in, and the bill passed as amended. Read the third time. Mr. Joyner moved further to amend the bill, by filling up the first blank, with the names of "Daniel Turner and Peter R. Davis;" the second blank, with the names of "Russell Kingsbury, and Lansford A. Paschal;" and the third blank, with the names of "William P. Williams, and Henry J. G. Ruffin;" which amendments were severally agreed to: The question then recurring on the passage of the bill and amendments, it was decided in the affirmative, and ordered to be engrossed.

Mr. Joyner, from the same committee, to which was referred the resolution, directing them to enquire into the expediency of amending the road laws, &c. made a report thereon, accompanied by a bill, to carry into effect the object contemplated by said resolution, with a recommendation that said bill be passed into a law: Whereupon, the bill was read the first time and passed.

Mr. Wilson, from the committee appointed to conduct the balloting for a Judge of the superior courts of law and equity, reported that John M. Dick having received a majority of votes, is duly elected; in which report, the Senate concurred.

The bill to repeal an act, entitled an act directing the manner in which Constables shall be appointed in this State, as respects the county of Hyde, was read the second time. A motion was made by Mr. Moye, of Green, to extend the provisions to the county of Green; which was 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, passed, and ordered to be engrossed.

The bill to emancipate and set free Caroline, alias Caroline Cook, and her three children, named Susan Parmelia Cook, Acha Tomlinson Cook, and James Ellis Cook, the property of Archibald Loveless, of the county of Wilkes, was read the second and third times, passed, and ordered to be engrossed.

Mr. Marsteller presented a bill, entitled a bill authorising and empowering the captains or commanding officers of militia, attached to the 30th and 31st regiments of North Carolina militia, to muster their respective companies once in three months; which was read the first time and passed. A motion was made by Mr. Fox, to extend the provisions of the bill to the 68th regiment of North Carolina militia; which amendment was agreed to: Whereupon, the bill was read the second and third times, passed as amended, and ordered to be engrossed.

Received from the House of Commons, a certificate of the county court of Iredell, in behalf of Mary Sloan, a pensioner of the State; countersigned by the Speaker of that House, and on motion of Mr. Young, ordered to be countersigned by the Speaker of the Senate.
The engrossed bill to amend an act, entitled an act to establish the Merchants' Bank of the town of Newbern, was read the second time. A motion was made by Mr. Wyche, to strike out the second section of the bill; which was agreed to: The question then recurring on the passage of the bill, as amended, it was decided in the affirmative: Thereupon, the bill was read a third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill, to authorize the commissioners of the town of Wilmington, to increase the taxes on all the property now taxed by law in said town, was read the second and third times, passed, and ordered to be enrolled.

The bill to alter the names of Hardy Lewis, and Brittain Lewis, of the county of Moore, and to legitimate them, was read the second time, and on motion of Mr. Dowd, ordered to lie on the table.

Mr. Martin presented the resignation of James C. Dockery, major of the 37th regiment of North Carolina Militia; which was read and accepted, and sent to the House of Commons.

Mr. Vann presented a bill, entitled a bill to amend the law so far as respects executors and administrators; which was read the first time and passed: Ordered, on motion of Mr. Bryan, to be referred to the committee on the judiciary.

The bill to alter the name of Amy Boyd, of the county of Pitt, and to legitimate her, heretofore laid on the table, by an order of the House, was taken up on motion of Mr. Moye, of Pitt, and on his motion, ordered to be referred to the committee on the judiciary.

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

Tuesday, December 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 to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company; a bill to emancipate and set free Caroline, alias Caroline Cooke, and her three children, named Susan Parmelia Cooke, Acha Tomlinson Cooke, and James Ellis Cooke, the property of Archibald Loveless, of the county of Wilkes; a bill authorizing and requiring captains or commanding officers, attached to the 30th, 31st, and 68th regiments of North Carolina militia, to muster their respective companies, once in three months; and a bill to repeal an act, entitled an act directing the manner in which Constables shall be appointed in this State, so far as respects the counties of Hyde and Green: In which, they ask the concurrence of that House.

A message was sent to the House of Commons, stating the concurrence of the Senate, in the proposition of the House, to print the report of the commissioners charged with the superintendence of the State Capitol; and to refer the same to a select committee; and stating that Messrs. Hill, Cooper of Martin, Kendall, Reid, and Whitaker, form the committee on the part of the Senate.

Mr. Edmonston, from the committee on propositions and grievances, to which was referred the petition of Richard Lottin, of the county of Davidson, praying the Legislature to emancipate his negro slave Luke, made a report thereon unfavorable to the prayer of the petitioner; and asking to
be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Moye, from the committee on military affairs, to which was referred the bill to incorporate the county Guard in Rockingham, reported the same with an amendment, to wit: "Strike out the second section of the bill;" with which amendment, they recommended its passage into a law: Whereupon, the bill was read the second time, the amendment reported by the committee, agreed to, and the bill passed. The bill was then read the third time and passed, and ordered to be engrossed.

Mr. Wilson, from the select committee, to which was referred the bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slave holding States, reported the same without amendment, with a recommendation that it be passed into a law. Whereupon, the said bill was read the third time. A motion was made by Mr. Wellborn, to amend the bill in the 8th line of the 4th section thereof, by inserting after the word "Philadelphia," the word "Cincinnati," which was agreed to, and the bill was passed, as amended, and ordered to be engrossed.

On motion of Mr. McCormick,
Resolved, That the Committee on Military affairs, be instructed, more effectually, to provide for the safe-keeping of the Public Arms now, or which may hereafter be deposited in the Arsenal in the town of Fayetteville; or, that the Adjutant General may be required to remove the same from that place; and that they report by bill or otherwise.

Mr. Tillet presented the resignation of M. G. Dozier, a justice of the peace for the county of Camden. Mr. Stephens presented the resignation of Levi Sawls, a justice of the peace for the county of Columbus; and Mr. Little presented the resignation of Thomas Griffin, a justice of the peace for the county of Onslow; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Polk, ordered that a message be sent to the House of Commons, proposing to ballot immediately for brigadier general, of the 15th brigade of North Carolina militia; and stating that Solomon Loudermilk and James M'Dowel, are in nomination for the appointment.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to divorce Thomas White, of Craven county, from his wife Mahala; a bill to pay jurors in Yancey county; a bill to alter the name of Martha Ann Screws, and to legitimize her: Whereupon, the first and last named bills, were read the first time and passed, and laid on the table,—the first, on motion of Mr. Edwards, and the last, on motion of Mr. Arrington. The second named bill was read the first, second, and third times, passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to consider the bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer of public buildings. The bill was read the second time Mr. Reid moved to lay the bill on the table; which motion was not agreed to. Mr. Cowper of Gates, moved that the bill be referred to the committee on the judiciary; which motion was also not agreed to. The question then recurring on the passage of the bill, it was decided in the negative—Ayes 30, Noes 30: the question being decided by the casting vote of the Speaker of the Senate, who voted in the negative. The ayes and noes having been demanded by Mr. Cowper of Gates,


The bill to amend the road laws, now in force in this State, relating to public roads, was read the second time. A motion was made by Mr. Edwards to amend the bill, by inserting between the words "the" and "length," in the 9th line of the 1st section thereof, the word "reputed.

A motion was also made by Mr. Reid, to amend the bill, by inserting in the 6th line of the first section, between the words "of" and "in," the word "August;" which was severally agreed to. The question then recurring on the passage of the bill, it was decided in the negative—Ayes 17, Noes 44. The yeas and nays being demanded by Mr. Edmonston,


Mr. Bryan, from the committee on the judiciary, to which was referred the resolution directing them to enquire into the expediency of any further legislation, more effectually to suppress the vice of gaming; and the engrossed bill on that subject, from the House of Commons, reported a bill, entitled a bill more effectually to suppress the vice of gaming in this State, with a recommendation, that it be passed into a law: Whereupon, the said bills was read the first time and passed, and ordered, on motion of Mr. Edwards, to be printed.

Received from the House of Commons a message, stating their disagreement to the proposition of the Senate, to ballot immediately for brigadier general of the 15th brigade of North Carolina militia; but proposing to ballot for that office on to-morrow. The proposition was agreed to; and the House of Commons was informed thereof by message.

Mr. Hogan presented a bill, entitled a bill to incorporate the Conrad Gold Mining Company; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Tillet presented a bill, entitled a bill providing compensation to the Sheriffs of the several counties in this State, for making returns of the votes given at the last election for adoption or rejection of the Constitution: which was read the first time and passed.

Mr. Little presented the following Resolution, to wit:

Resolved, That the Committee on Finance be instructed to enquire into what alterations (if any) are necessary to be made in the law respecting the manner in which lands are assessed for taxation; also, what alterations, if any, are necessary to be made in the present mode of listing taxable polls; and that they further enquire into what, if any, other property, not already enumerated in our Statutes, ought to be subject to taxation; and that they report by bill or otherwise.

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

The Senate then adjourned until to-morrow morning, 10 o'clock.
A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to incorporate the Conrad Gold Mining Company; a bill to incorporate the county Guard, in Rockingham; and a bill providing a reward for taking up runaway Slaves, the property of citizens of this State, in non-slave holding States; in which they ask the concurrence of that House.

Mr. Brittain presented the memorial of Elizabeth M. Starnes of the county of Macon, praying to be divorced from her husband John Starnes; together with a bill to divorce Eliza M. Starnes, of Macon county. Ordered, on motion of Mr. Brittain, to be referred to the committee on Propositions and Grievances, together with the accompanying documents.

Mr. Bryan presented the memorial of sundry citizens of the county of Carteret, praying the Legislature to instruct our Senators and request our Representatives in Congress, to use their best endeavours to procure an appropriation for the improvement of the navigation of Core Sound. On motion of Mr. Bryan, ordered to be referred to the committee on Internal Improvement.

Mr. Edmonson, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Macon, praying the Legislature to pass a law to prevent hunting with dogs in the woods, made a report thereon unfavorable to the prayer of the petitioners; and asking to be discharged from the further consideration of the subject; which was concurred in, and the committee discharged accordingly.

Mr. Edmonson, from the same committee, to which was referred the petition of sundry citizens of the county of Yancy, in behalf of Rachel Edwards, praying that the said Rachel Edwards may be divorced from her husband Edmond Edwards, reported a bill, entitled a bill to divorce Rachel Edwards of Yancy county, 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. Edmonson, ordered to lie on the table.

Mr. Moye of Green, from the committee on claims, to which was referred the petition of James Calloway, a member of the General Assembly in the year 1831, praying the Legislature to allow him pay for the time he was detained in Raleigh, by sickness, after the adjournment of the Legislature, made a report thereon favorable to the prayer of the petitioner; accompanied by a resolution in favor of said James Calloway; and recommending the passage of said resolution: Whereupon, the said resolution was read the first and second times and passed: read the third time and passed—Ayes 36, Noes 25. The ayes and noes being demanded by Mr. Morehead.


Mr. Hogan, from the committee on the judiciary, to which was referred a bill concerning the courts of pleas and quarter sessions, in the several counties in this State, reported the same with sundry amendments, to wit:
In the first section of the bill, after the word "present," strike out the words "and a majority of the acting justices concurring;" and in the second section, after the word "exceeding," strike out the words "one dollar and fifty cents," and insert the words "two dollars."

Mr. Hogan, from the same committee, to which was referred a bill to amend the law so far as respects executors and administrators, reported the same without amendment; with a recommendation that it be rejected.

Mr. Hogan, from the same committee, to which was referred a bill fixing the punishment for the crime of Bigamy, reported the same without amendment; and recommended that it be passed into a law.

Mr. Hogan, from the same committee, to which was referred a bill to provide for the temporary appointment of registers in certain cases, reported the same with the following amendment, to wit: After the word "appoint," strike out the word "such," and insert the article "a."

Mr. Hogan, from the same committee, to whom was referred a bill to suppress, more effectually, the vice of gaming in this State, reported the same without amendment; with a recommendation that it be rejected. Ordered, on motion of Mr. Wyche, that the bill, together with the report, be laid on the table.

On motion of Mr. Harry,

Resolved, That the Military Committee be instructed to enquire into the expediency of prohibiting persons, who may hereafter enrol themselves in any Volunteer Company, from attaching themselves to any other Volunteer Company, as long as said Company may continue in existence.

Mr. Moore of Stokes, presented a bill, entitled a bill to give further time for perfecting titles to entries of vacant land in the county of Stokes; which was read the first time and passed: Read the second time. Mr. Moore of Rutherford, moved to amend the bill, by extending its provisions to the county of Rutherford; which motion was not agreed to: the question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon, the bill was read the third time, passed, and ordered to be engrossed.

Mr. Long presented a bill, entitled a bill to incorporate the Concord Gold Mining Company; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, announcing that Messrs. McRae and Lyon, attend the Senate to conduct the balloting for brigadier general of the 15th brigade, heretofore agreed on, to take place this day. Whereupon, Messrs. Ballew and Young, were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, announcing that Messrs. Carson, Waddell, Dudley, Rogers, and Collins, form their branch of the joint select committee on public buildings.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, in 1817, and 1819, in the counties of Haywood and Macon; a bill to repeal the second section of an act passed in the year 1831, entitled an act to amend, in part, an act passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan, and Robeson counties, to pay the jurors in preference to other claims, so far as respects the county of Moore:
A bill regulating Constables in the county of Onslow; and a bill to legitimate John Willoughby of the county of Bertie: 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 first named bill was ordered to lie on the table. The second named bill was read the second and third times, passed, and ordered to be enrolled. The third named bill was read the second time, and resolved that the same shall not pass; and the last named bill was, on motion of Mr. Wyche, ordered to lie on the table.

The Senate then entered upon the orders of the day, and proceeded to consider the bill providing compensation to the Sheriffs of the several counties in this State, for making the returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the Constitution: Whereupon, the said bill was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the laws, so far as respects executors and administrators, was read the second time, and resolved that the same shall not pass—Ayes 8, Noes 55. The ayes and noes being demanded by Mr. Vann,


Received from the House of Commons a message, proposing to ballot on to-morrow for four Trustees of the University; which proposition was agreed to, and the House of Commons was informed thereof by message.

Mr. Ballew, from the committee appointed to conduct the balloting for brigadier general of the 15th brigade of North Carolina militia, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

The bill to provide for the temporary appointment of registers in certain cases, was read the second time, and the amendment proposed by the committee on the judiciary, was agreed to. Whereupon, on motion of Mr. Marsteller, the bill was ordered to lie on the table.

The bill concerning the courts of pleas and quarter sessions, in the several counties in this State, was read the second time, and the amendments proposed by the committee, were severally agreed to. The ayes and noes, on the second amendment, being demanded by Mr. Allison, were, Ayes 30, Noes 22.


A motion was made by Mr. Allison, to amend the bill by adding the following proviso, at the end of the 2d section thereof, to wit: "Provided
further, that no more than three of the five shall be entitled to receive pay for the same day;" and on the question of adoption, it was decided in the negative,—Ayes 22, Noes 37. "The ayes and noes being demanded by Mr. Allison,

Those who voted in the affirmative are, Messrs. Allison, Arrington, Brittain, Cooper of M., Cowper of G., Edmonston, Exum, Gambill, Houlder, Kerr, McCormick, Moody, Rabun, Reid, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Williams of F., Williams of P.


Mr. Vann then moved that the bill be indefinitely postponed; which motion was not agreed to,—Ayes 21, Noes 42. The ayes and noes being demanded by Mr. Vann,

Those who voted in the affirmative are, Messrs. Allison, Arrington, Brittain, Dowd, Edwards, Gambill, Gavin, Houlder, Kerr, Lindsay, Moye of G., Rabun, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Williams of E., Williams of P.

Those who voted in the negative are, Messrs. Alexander, Baker, Ballew, Beasley, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Edmonston, Exum, Fox, Harrison, Harry, Hill, Hogan, Hussey, Joyner, Kendall, Little, Long, McCormick, McQueen, Marssteller, Martin, Mebane, Moody, Morehead, Moore of R., Moore of S., Moye of P., Patterson, Polk, Reid, Selby, Simmons, Waugh, Wellborn, Whitehurst, Wilson, Wyche, Young.

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 ordered to be engrossed.

The bill fixing the punishment for the crime of Bigamy, was read the second and third times, passed, and ordered to be engrossed.

A message was received from the House of Commons, proposing that another balloting be had immediately for brigadier general of the 15th brigade of North Carolina militia; which proposition was agreed to. Messrs. Ballew and Young 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. Benton and Clement, attend the Senate to conduct the balloting on their part.

The bill to divorce Rachel Edwards of Yancey county heretofore laid on the table by a vote of this House, was taken up on motion of Mr. Edmonston, and read the second time: A motion was made by Mr. Edmonston to strike out all of said bill; after the words "a bill," and insert in lieu thereof, a substitute which was agreed to: the question recurring on the passage of the bill as amended, it was decided in the affirmative; whereupon the bill was read a third time, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating their disagreement to the amendment proposed by the Senate, to the engrossed bill to amend an act entitled an act to establish the Merchants Bank of the town of Newbern: Ordered, on motion of Mr. Wilson, to lie on the table.

Mr. Ballew from the committee appointed to conduct the balloting for a Brigadier general of the 15th brigade, reported that no person in nomination had received a majority of votes: in which report the Senate concurred. On motion of Mr. Wilson, ordered that a message be sent to the House of Commons proposing that another balloting be had immediately for Brigadier general of the 15th brigade of North Carolina militia.
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Received from the House of Commons, a message from his Excellency the Governor, communicating to the General Assembly the resignations of sundry justices of the peace, militia officers, and trustees of the University, received since their last adjournment.

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

THURSDAY, DECEMBER 3, 1835.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bills, to wit: A Bill concerning the courts of pleas and quarter sessions in the several counties in this State; A bill providing compensation to the sheriffs of the several counties in this State for making returns of the votes given in at the late election for adoption, or rejection of the proposed amendments to the Constitution: A bill fixing the punishment for the crime of Bigamy; A bill to incorporate the Concord gold mining company; and a bill for the relief of Rachel Edwards; in which they ask the concurrence of the House of Commons.

On motion of Mr. Joyner, ordered that Mr. Moody have leave of absence from the service of the Senate, from and after to-morrow, until Monday next.

A motion was made by Mr. Marsteller to re-consider the resolution in favor of James Calloway; and on the question will the Senate re-consider said resolution, it was decided in the affirmative: whereupon on motion of Mr. Marsteller, ordered that the resolution be referred to the committee on claims.

On motion of Mr. Hogan,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law directing the manner in which sheriff's bonds in this State, shall be taken.

Mr. Cooper of Martin, presented a bill entitled a bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston in the county of Martin; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Bryan presented a bill entitled a bill to exempt from execution a certain portion of the lands of the citizens of North Carolina, which was read the first time and passed, and on motion of Mr. Bryan, ordered to be printed.

Mr. Wilson gave notice that on to-morrow, he would move that the rules of order and decorum for the government of the Senate, be so amended, that all bills and resolutions shall pass their first reading as a matter of course.

Mr. Cooper of Martin presented a bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston, 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 following engrossed Bills, to wit: A bill to amend an act entitled an act concerning the draining of low lands, passed in the year 1795: in which they ask the concurrence of the Senate: whereupon the said bill was read the first time and passed.

Mr. Martin presented a bill entitled a bill to repeal in part an act for the better regulation of the Fair, held near Laurel Hill in the county of Richmond, passed in the year 1830: which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Wyche, the bill to provide for the payment of instal-
ments on the shares reserved to the State in the capital stock of the bank of the State of North Carolina, heretofore laid on the table by an order of this House, was taken up and considered, and was read the second time.

The first amendment recommended by the committee on Finance being under consideration, before the question was taken thereon, on motion of Mr. Edmiston, ordered that the bill together with the amendments lie on the table.

Received from the House of Commons, a message proposing that another balloting be had immediately for brigadier general of the 15th brigade of North Carolina militia, which proposition was concurred in: Messrs. Patterson and Cowper of Gates, were appointed to conduct the balloting on the part of the Senate: and the House of Commons informed thereof by message: whereupon a message was received from that House stating that Messrs. Swanner and Brown attend the Senate to superintend the balloting on their part.

Received also from the House of Commons a message proposing that the report of Adjutant General, therewith transmitted, be printed; which proposition was concurred in, and the House of Commons informed thereof by message.

Received from the House of Commons a message announcing that Messrs. Irion and Jones attend the Senate to conduct the balloting for four trustees of the University, and stating that Frederick J. Hill, Matthias E. Manly, William B. Meares, James W. Bryan, and the Rev. William M. Green are in nomination for the appointment: whereupon a message was sent to that House, announcing that Messrs. Marsteller and Bullock are appointed to superintend the balloting on the part of the Senate.

Mr. Marsteller, from the committee appointed to superintend the balloting for four trustees of the University, reported that Frederick J. Hill, Matthias E. Manly, William B. Meares, and James W. Bryan having each received a majority of votes, are duly elected, in which report the Senate concurred.

Mr. Cowper from the committee appointed to conduct the balloting for a brigadier general of the 15th brigade, reported that Solomon Loudermilk having received a majority of votes, is duly elected: in which report the Senate concurred.

On motion of Mr. Marsteller, the bill to provide for the appointment of registers in certain cases, heretofore laid on the table by a vote of this House, was taken up, read the third time, passed, and ordered to be engrossed.

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

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

Friday, December 4, 1835.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bills, to wit: A bill to provide for the temporary appointment of registers in certain cases: A bill to repeal in part an act for the better regulation of the Fair, held near Laurel Hill in the county of Richmond passed in the year 1830: A bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Wil-
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liamston in the county of Martin; and, a bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston: In which they ask the concurrence of the House of Commons.

On motion of Mr. Wellborn,
Resolved, That the committee on the Judiciary be requested to examine into the expediency of reducing the fees of the county Solicitors in all cases, where the party indicted shall submit, and that they report by bill or otherwise.

Mr. Wilson, in pursuance of the notice given on yesterday, submitted the following resolution, as an amendment to the rules of order and decorum for the government of the Senate, to wit:

Resolved, that it is expedient to amend the rules of order so as to provide that in all cases all bills and resolutions introduced, shall pass as a matter of course, their first reading.

A motion was made by Mr. Wyche to amend the resolution by adding the following at the end thereof, to wit: "but a motion to reject or postpone indefinitely shall be in order and may be debated: which was not agreed to: whereupon the Resolution was read and adopted.

Mr. Rabun presented a bill entitled a bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of Old Fort in Burke county over the Swannanoah Gap, to Ashville in Buncombe county, and thence to the point of intersection with the road leading through Haywood county, to the southern boundary line of this State;" which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller, ordered that a message be sent to the House of Commons proposing to ballot immediately for colonel of cavalry attached to the 3rd brigade of North Carolina militia, and stating that Evan Larkins is in nomination for the appointment.

The Senate then entered upon the orders of the day, and proceeded to consider the engrossed bill to amend an act concerning the draining of low lands, passed in the year 1795; which was read the second and third times, passed, and ordered to be enrolled.

The bill more effectually to suppress the vice of gaming in this State, was read the second time. A motion was made by Mr. Wilson to amend the bill by striking out in the 21st and 22d lines of the 1st section thereof, the words "and received not less than ten, nor more than thirty nine stripes, on his bare back:" and inserting in lieu thereof the words "imprisoned at the discretion of the court:" which was not agreed to; ayes 29 noes 32. The ayes and noes being demanded by Mr. Cooper of Martin.

Those who voted in the affirmative, are, Messrs. Beasley, Brittain, Bullock, Cooper of M., Cowper of G., Dowd, Gambill, Harry, Hussey, Joyner, Kerr, Lind-sav, Little, McCormick, McQueen, Marsteller, Moorehead, Moya of G., Patterson, Reid, Selby, Sharpe, Simmons, Tiltlet, Vann, Whitelaw, Wilson, Wyche, Young.


A further motion was made by Mr. Wilson to amend the bill, by inserting in the 4th line of the 1st section after the word "tables" the words whereon any money is won or lost, or bets made; which was agreed to: A further motion was made to amend the bill, by Mr. Wilson, by inserting in the 5th line of the first section, after the word "Keno" the words "Billiard and backgammon tables, and all games at cards, where money is lost or
won:” which was not not agreed to: ayes 25 noes 36: the ayes and noes being demanded by Mr. Cooper of M.

Those who voted in the affirmative, are, Messrs. Alexander, Brittain, Bullock, Cooper of M., Cowper of G., Cromarue, Dowd, Hassey, Harry, Kerr, Lindsay, Little, McCormick, Moorehead, Moore of S., Reid, Selby, Simmons, Tillet, Vann, Wellborn, Whitehurst, Williams of F., Wilson, Young.


A motion was made by Mr. Hogan to amend the bill by striking out in the 21st and 22nd lines of the 1st section, the following words to wit: “more than thirty-nine stripes on his bare back,” and insert in lien thereof the words “may receive not more than thirty-nine lashes on his bare back, at the discretion of the court,” which was not agreed to. A motion was made by Mr. McQueen to amend the bill, by inserting after the word “always,” in the 23rd line of the 1st section, the following words, to wit: “that if any Female shall be found in the possession of any table prohibited by this act, upon conviction, the punishment of whipping shall be dispensed with, and she shall be fined at the discretion of the court, not exceeding two thousand dollars;” which was not agreed to: Mr. Wilson moved the following amendments to the bill, to wit: at the end of the 2nd section, insert the following words, to wit: “be recovered by any common informer by an action of assumpsit;” in the 7th and 8th lines of the 3rd section, after the word “offence,” insert the words, “be indicted in the county or superior court, and upon conviction shall or may be fined,” strike out the last clause of third section; which amendments were severally agreed to.

A message was received from the House of Commons, pending the discussion on the above amendments, proposing to ballot immediately for councilors of State; which proposition was concurred in; whereupon a message was sent to that House stating that Messrs. Kerr and Beasley attend that House to conduct the balloting on the part of the Senate, and stating that Messrs. Henry Skinner of Perquimons, Daniel Turner of Warren, George Williamson of Caswell, Peter H. Dilliard of Rockingham, Louis D. Henry of Fayetteville, William S. Ashe of New-Hanover, and Allen Rogers Sen. of Wake, are in nomination for the appointment.

Received also from the House of Commons, a message stating their concurrence in the proposition to ballot immediately for colonel of cavalry attached to the 3rd brigade, and that Messrs. Forman and Hope, attend the Senate to conduct the balloting on their part: whereupon a message was sent to that House announcing that Messrs. Marsteller and Simmons are appointed superintendents of the balloting on the part of the Senate.

Pending the discussion on the passage of the bill more effectually to suppress the vice of gaming in this State, a motion was made that the Senate adjourn until to-morrow morning ten o'clock, but before the question was taken thereon,

Mr. Kerr from the committee appointed to conduct the balloting for councilors of State, with leave of the House, reported that Henry Skinner, Daniel Turner, George Williamson, Peter H. Dilliard, Louis D. Henry, Wm. S. Ashe and Allen Rogers sen. having each received a majority of votes, are duly elected; in which report the Senate concurred.
Mr. Marsteller from the committee appointed to conduct the balloting for colonel of cavalry of the 3rd brigade of North Carolina militia, also with leave, reported that Evan Larkins had received a majority of votes and is duly elected: in which report the Senate concurred.

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

SATURDAY, DECEMBER 5th, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to give further time to perfect titles to entries of vacant lands in the county of Stokes; and a bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of old fort in Burke county, over the Swannano Gap to Asheville in Buncombe county, and thence to the point of intersection with the road leading through Haywood county, to the southern boundary line of this State: In which they ask the concurrence of that House.

Mr. Williams of Beaufort, presented the memorial of Tannenhill and Lavender in behalf of themselves and other citizens of the county of Beaufort, praying the legislature to grant them the exclusive privilege of navigating the Tar river, with steam boats, in consideration of their removing the obstructions in the navigation of said river. Ordered, on motion of Mr. Williams of B., to be referred to the committee on Internal Improvement.

Mr. Moye of Greene, from the committee on Claims, to which was referred the resolution in favor of James Calloway, made an unfavorable report thereon, recommending that it is inexpedient to grant the prayer of the petitioner: whereupon the resolution was read the first time, and passed, read the second time, and on motion of Mr. McQueen, ordered that the further consideration thereof, be postponed until the 4th day of March next.

Received from the House of Commons, a message proposing to ballot for a trustee of the University, to fill the vacancy occasioned by the death of the Rev. Joseph Caldwell, and stating that the Rev. Wm. M. Greene, is in nomination for the appointment; which proposition was concurred in: whereupon a message was sent to that House stating that Messrs. Hill and McQueen attend as superintendents of the balloting, and that Samuel F. Patterson is added to the nomination: thereupon a message was received from the House of Commons announcing that Messrs. Dodson and Speller attend the Senate to conduct the balloting on their part.

Mr. Polk presented a bill entitled a bill to repeal in part an act passed in the year 1833, entitled an act to re-charter the bank of Cape Fear; and Mr. Harry presented a bill entitled a bill to incorporate the Cincinnati and Charleston Rail Road Company; which bills were severally read the first time and passed; the last named bill was on motion of Mr. Fox, ordered to lie on the table, but was subsequently taken up, and on motion of Mr. Wyche, ordered that a message be sent to the House of Commons proposing that said bill be referred to a joint select committee. Mr. Moore of R. moved that the bill be printed; which motion was not agreed to.

Mr. Wilson presented a bill entitled a bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes; which was read the first time and passed.
Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the name of John Pettis Johnson of Warren county, and to legitimize him; 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.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to suppress more effectually the vice of gaming in this State; the question still pending on the second reading of the bill. Mr. Wilson moved to amend the bill by striking out the 4th and 5th sections of the bill, and insert the following, to stand as the 4th, 5th and 6th sections thereof, to wit:

And be it further enacted, that it shall be the duty of any justice of the peace, when he shall have information that any person has in his or her possession any of the tables or instruments, by means of which any of the games enumerated in the first section of this act, are or may be played, or upon which money or property may be won or lost, or bets made, to issue his warrant under his hand and seal, to some lawful officer, commanding said officer to arrest such person having in his or her possession such table or instrument, and to bring him or her before him or some other justice of the peace; and if upon examination before such justice of the peace of such charge, that such person had in his or her possession any such table or instrument as aforesaid, it shall be the duty of said justice of the peace to bind over such person, with good security, to the next county or superior court of his county, or commit such person to jail and it shall also be the said justice's duty to bind over such witnesses as he may think necessary, to the next county or superior court, to testify against such individual as may be possessed of any of the aforesaid tables or instruments, and whom he may have bound over to court.

And be it further enacted, that at the court to which such warrant, or bond, or recognizance may be returned, it shall be the duty of the solicitor to prefer a bill of indictment against such person so bound over, and the charge in the bill of indictment shall be, that the individual indicted had in his or her possession the particular table or instrument found in his or her possession; and upon the trial, proof that the defendant was found in the possession of the table or instrument charged in the bill of indictment, shall be evidence of guilt; and upon conviction, such offender shall be fined not exceeding two thousand dollars, and imprisoned not exceeding six months.

And be it further enacted, That all Backgammon boxes, and Billiard tables, and all games of Backgammon and Billiards, and all persons having in their possession a Backgammon-box or boxes, or Billiard table or tables, shall be subject to the same rules and regulations, pains and penalties as are prescribed for the other tables and games, enumerated in this bill: Provided, nevertheless, that so much of the provisions of the first section of this act, as inflicts the punishment of whipping, shall not apply to offences under this section.

Mr. Wyche moved to amend the amendment, by striking out in the last section thereof, the words "Backgammon boxes and," and the words "Backgammon and," whenever they occur in said section; which motion was agreed to. Mr. Marsteller then called for a division of the question; the question thereupon was taken on striking out the 4th and 5th sections of the bill, and on the question the Senate refused to strike out, ayes 28, noes 32.

The ayes and noes being demanded by Mr. Cooper of M.

Those who voted in the affirmative are, Messrs. Brittain, Bullock, Cooper of M., Cooper of G., Dowd, Gambill, Harry, Hussey, Joyner, Kerr, Lindsay, McCormick, McQueen, Marsteller, Mebane, Moorhead, Reid, Scoby, Sharpe, Simmons, Tillet, Vann, Whitehurst, Williams of F., Williams of P., Wilson. Wyche, Young.


A motion was made by Mr. Little, to amend the bill by striking out in the last line of the first section thereof, but one, the words "Billiard and," which was agreed to. Ayes 31, noes 26. The ayes and noes being demanded by Mr. Marsteller.

The ayes who voted in the affirmative are, Messrs. Alexander, Allison, Baker Brittain Bullock, Cooper of M., Cooper of G., Dowd, Edmonston, Exum, Gambill, Harry, Houlder
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Hussey, Kerr, Lindsay, Little, McCormick, Martin, Moorehead, Patterson Reid, Simmons, Stephens, Tillet, Vann. Waugh, Wellborn, Whitehurst, Williams of F., Williams of P., Wilson, Wyche, Young.

Those who voted in the affirmative, are, Messrs. Ballew, Beasley, Bryan, Edwards, Fox, Gavin, Harrison, Hill, Hogan, Joyner, Kendall, Long, McQueen, Marsteller, Mebane, Moore of R. Moore of S., Moyle of G., Moyle of P., Polk, Rabun, Selby, Sharpe, Staley, Whitaker, Williams of B.

The question then recurring on the passage of the bill, it was decided in the affirmative, ayes 40, noes 20: The ayes and noes being demanded by Mr. Alexander.


Those who voted in the negative, are, Messrs. Britain, Bullock, Cooper of M., Gambill, Hussey, Joyner, Lindsey, McCormick, McQueen, Marsteller, Mebane, Moorehead, Rabun, Reid, Simmons, Tillet, Whitehurst, Wilson, Wyche, Young

Mr. Hill from the committee appointed to conduct the ballotting for a trustee of the University, reported that Samuel F. Patterson 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.

MONDAY, DECEMBER 7th, 1835.

On motion of Mr. Edwards, ordered that Mr. Bryan have leave of absence from the service of the Senate, for this day and to-morrow.

On motion of Mr. Cowper of G., Resolved, that Friday Evening next be set apart for the purpose of recommending justices of the Peace, and militia officers in the different counties within this State, and that the House of Commons be informed thereof by message.

Mr. Brittain presented the following Resolution;

Resolved, That the Joint Select Committee on Military affairs, take into consideration the propriety of repealing the third section of the militia law, passed in the year 1832, requiring Captains of Infantry Companies, not to muster but twice in each year; and to report by bill or otherwise.

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

Mr. Hill presented a resolution in favor of William T. Bain; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Rabun presented a resolution in favor of Zachariah Candler; which was read the first time and passed, and on motion of Mr. Rabun, ordered that it be referred to the committee on claims.

Mr. Cowper of G., presented a bill, entitled a bill to abolish the offices of county trustee and treasurer of public buildings in the county of Gates, and for other purposes; which was read the first time and passed. Read the second time. Mr. Bullock moved that the bill be amended, by extending its provisions to the county of Chowan; and Mr. Fox moved further to amend the same, by extending its provisions to the county of Mecklenburg; which amendments were severally concurred in. The question then recurring on the passage of the bill, it was decided in the affirmative as amended. Whereupon, the said bill was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that a communication of the Treasurer, with the accompanying Bank statements therewith transmitted, be printed; which proposition was concurred in, and the House of Commons informed thereof by message.
Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate, to refer the bill to incorporate the Cincinnati and Charleston Rail Road Company, to a select committee of three, on the part of each House; and announcing that Messrs. Carson, Cansler, and Dudley, form their branch of the committee. Whereupon, the Speaker announced that Messrs. Harry. Wyche, and Moore of Rutherford, form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to prevent the felling of timber, or otherwise obstructing the run of Ellis' Creek, in Bladen county; and a bill to divorce Aquilla S. Bennet, of the county of Pitt: 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. Hill, ordered to lie on the table; the second named bill was read the first, second and third times, passed, and ordered to be enrolled.

The bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes, was read the third time and passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to repeal, in part, an act passed in the year 1833, entitled an act to re-charter the Bank of Cape Fear. The bill was thereupon read the second time. Mr. Wilson moved the following amendment, as an additional section to the bill, to wit: "And be it further enacted, that said Bank shall not issue bank notes under the denomination of five dollars;" which amendment was not agreed to; the question then recurring on the passage of the bill, it was decided in the negative.

The bill more effectually to suppress the vice of gaming in this State, was read the third time, and on motion of Mr. Edwards, ordered to lie on the table.

Mr. Wyche, from the select committee, to which was referred the bill to incorporate the Cincinnati and Charleston Rail Road Company, reported the same without amendment; with a recommendation that it be passed into a law. The rule, requiring the bill to be read, paragraph by paragraph, was, on motion of Mr. Wyche, dispensed with: two-thirds of the Senate voting in favor of the motion. Whereupon, the bill was read the second time and passed.

Mr. Joyner, from the committee on Internal Improvement, to which was referred the engrossed bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, A. D. 1817, and 1819, in the counties of Haywood and Macon, reported the same without amendment, with a recommendation that it be passed into a law. Whereupon, the bill was read the second and third times, passed, and ordered to be enrolled.

The bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county, heretofore laid on the table, by an order of that House, was taken up, on motion of Mr. Hogan. Whereupon, the bill was read the second time. A motion was made by Mr. Polk, to amend the bill, by adding the following sections, to wit: "Be it further enacted, that if the Wardens of the poor in Rowan county, wish and desire to sell their poor-houses, and the lands on which they are situated, the county of Da-
vidson shall purchase and pay for the same, at a fair valuation, to be fixed by two disinterested men,—one to be chosen by the wardens of Rowan county, and the other by the county court of Davidson, neither of whom shall live in Rowan and Davidson counties."

"Be it further enacted, That the paupers in the poor Houses of Rowan county, be divided between the counties of Rowan and Davidson, in the following manner: All the paupers in said poor houses, who originally belonged as citizens, on the Salisbury side of the Yadkin river, shall be taken into Rowan county; and all of said paupers, who belonged as aforesaid, on the Lexington side of said Yadkin river, shall be taken into Davidson county and supported by said county;" which amendment was concurred in. The bill was then passed as amended, and read the third time and passed, and ordered to be engrossed.

On motion of Mr. Waugh, the resolutions respecting the public domain, heretofore laid on the table, by an order of the Senate, were taken up and considered.

Mr. Waugh submitted the following amendment, as a substitute for the second resolution, to wit:

"That all the public revenues are collected from the people directly or indirectly, and ought never to exceed the amount of expenditures necessary to an economical administration of the Government; and therefore, whenever the proceeds of the sale of public lands of the United States are not required (in aid of other revenues) for the legitimate purposes of the National Government, we believe it the duty of Congress to devise and recommend some safe method for distribution, among all the States, any surplus proceeds of the public lands, which may, from time to time, remain in the Treasury of the United States, after defraying its expenditures." Mr. Wilson called for a division of the question: thereupon, the question was taken on striking out the first and second sections, and decided in the affirmative.

A motion was then made to adjourn, which was not agreed to—Ayes 21, Noes 36. The ayes and noes being demanded by Mr. Moye of G.


Those who voted in the negative are, Messrs. Allison, Brittian, Cooper of M., Cowper of G., Dowd, Edmonston, Exum, Fox, Gambill, Gavin, Hogan, Houlker, Hussey, Kendall, Kerr, Lindsay, Marsteller, Mebane, Moore of S., Moye of G., Moye of P., Patterson, Rabun, Reid, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Whitaker, Williams of F., Williams of P., Wyche, Young.

A motion was made by Mr. Moye of Pitt, to lay the resolutions, with the amendments, on the table; which was not agreed to.

Mr. Polk moved that the further consideration of the subject be postponed until to-morrow, and that the resolutions be the order of the day for that day. Mr. Hogan moved that the motion be amended, by striking out the word "to-morrow," and inserting the words, "the day after to-morrow," which motion was not agreed to. The question then recurring on Mr. Polk's motion, it was agreed to. Ordered, on motion of Mr. Edwards, that the resolutions, together with the amendment, be printed.

The engrossed bill to abolish the office of county trustee, in the county of Moore, heretofore laid on the table, by an order of the Senate, was taken up. On motion of Mr. Dowd, read the third time, passed, and ordered to be enrolled.

The engrossed bill to legitimate John Willoughby, and Ann Willoughby, of the county of Bertie, heretofore laid on the table, by an order of the Senate, was taken up. On motion of Mr. Wyche, read the second and third times, passed, and ordered to be enrolled.
The bill to alter the name of Hardy, Lewis, and Brittain Lewis, and to legitimate them, heretofore laid on the table, by an order of the Senate, was taken up. On motion of Mr. Dowd, read the second time. Mr. Dowd moved to amend the bill, by striking out all thereof, except the words "a bill," and inserting a substitute; which amendment was agreed to, and the bill passed as amended—Ayes 40, Noes 8. The ayes and noes being demanded by Mr. Reid,


Those who voted in the negative are, Messrs. Hill, Hogan, Kendall, Long, Marsteller, Reid, Stephens, Waugh.

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

Mr. Hill presented the petition of James S. Green, of the county of New Hanover, praying the Legislature to emancipate Jim, a slave, commonly called Jim Hostler. Ordered, on motion of Mr. Hill, to be referred to the committee on propositions and grievances.

Mr. Exum presented the petition of William Jackson, of the county of Wayne, heretofore convicted of the crime of petit larceny, praying to be restored to credit: Ordered, on motion of Mr. Exum, to be referred to the committee on propositions and grievances.

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

TUESDAY, DECEMBER 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 to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates, Chowan and Mecklenburg; a bill to alter the names of Hardy Lewis, and Brittain Lewis, of the county of Moore, and to legitimate them; a bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan county; a bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes; and a resolution in favor of William T. Bain; in which, they ask the concurrence of that House.

Mr. Marsteller presented the petition of Margaret P. Spier, of New Hanover county, praying to be divorced from her husband Alexander Spier. Ordered, on motion of Mr. Marsteller, to be referred to the committee on propositions and grievances.

Mr. Moye of G., from the committee on claims to which was referred the petition of Leonard Buchanan, praying the Legislature to refund to him the sum of five dollars, which he paid the State for a grant of fifty acres of land, covered by a former grant, made a report thereon favorable to the prayer of the petitioner, accompanied by a resolution in his favor: Whereupon, the resolution was read the first and second times and passed. The resolution was then read the third time and passed—Ayes 28, Noes 25. The ayes and noes being demanded by Mr. Morehead.

Those who voted in the affirmative are, Messrs. Alexander, Baker, Ballew, Brittain, Cooper of M., Edmonston, Fox, Gambill, Gavin, Hill, Hussey, Joyner, McCormick, Marsteller, Martin, Moore of R., Patterson, Polk, Rabun, Selby, Simmons, Tillet, Vann, Waugh, Williams of B., Williams of F., Williams of P., Young.

Those who voted in the negative are, Messrs. Allison, Beasley, Cowper of G., Exum,
Mr. Moye of Greene, from the same committee to which was referred the petition of James McDonald, in behalf of himself and the heirs of Findlay McDonald praying the legislature for a grant of land, as a compensation for the revolutionary services of the said Findlay McDonald, made an unfavorable report thereon, and asked to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

On motion of Mr. Wellborn, Resolved, that the committee on the Judiciary be instructed to examine the law to punish vagrants, and see what amendments are necessary, so as to put said act in full force, with leave to report by bill or otherwise.

Mr. Cowper of G. presented a bill entitled a bill to alter the name of Quinton Robertson of the county of Gates, and to legitimate him: which was read the first time, and passed, and on motion of Mr. Cowper of Gates, ordered to be referred to the committee on the Judiciary.

Mr. Joyner presented a bill entitled a bill to authorize the trustees of Williams church in the county of Martin, to hold and possess one acre of land, on which the said church is situated: and Mr. Staly presented a bill entitled a bill making compensation to Tales Jurors in the county of Randolph; which bills were severally read the first, second, and third times, passed and ordered to be engrossed.

Received from the House of Commons a message stating that the message of his Excellency the Governor, therewith transmitted, with the certificate and proclamation, have been spread at large, upon the Journals of that House, and requesting that the same may be spread upon the Journal of the Senate: The request in said message contained, was assented to, 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, and the report of the Board for Internal Improvement therewith transmitted, be printed; which proposition was concurred in, and the House of commons informed thereof by message.

Received also from the House of Commons, a message stating that they have passed the following bill, and resolution, to wit: A bill to incorporate the North Carolina Rail Road Company, and a Resolution in favor of Neil McAlpin, in which they ask the concurrence of the Senate: Whereupon the bill was read the first time, and passed, and the resolution was read the first, second, and third times, passed, and ordered to be enrolled.

Received also, from the House of Commons, a message stating that they have passed the engrossed resolutions relating to the Public Lands; in which they ask the concurrence of the Senate; whereupon the Resolutions were read the first time and passed; and on motion Mr. Mebane, ordered to lie on the table.

On motion of Mr. Wyche, The bill to incorporate the Cincinnati and Charleston Rail Road Company, was ordered to lie on the table.

On motion of Mr. Little, Resolved, that a message be sent to the House of Commons proposing to raise a joint select committee consisting of three Members on the part of each House, to inquire into, and report what laws are necessary to be enacted at the present Legislature, in consequence of the ratification of the amendments to our Constitution.
The following are the documents, ordered by the Senate, in accordance with a request of the House of Commons, to be spread upon the Journals, to wit:

MESSAGE.

To the General Assembly of the State of North Carolina.

I have the honor to communicate herewith a certificate from the Secretary of State, and Public Treasurer exhibiting statements of the votes given in the several counties of this State, for the ratification and rejection of the amendments to the Constitution. I also transmit a copy of a Proclamation, which has been issued from this Department, in pursuance of an Ordinance of the Convention, announcing to the People of this State, that the amendments to the Constitution have been duly ratified, and will be in force and effect from and after the first day of January next.

Executive Department, December 4, 1835.

DAVID L. SWAIN.

Certificate: The following statements of the votes given by the several counties in this State, in favor of the ratification of the amended Constitution, and for the rejection thereof, were taken from the official statements made by the Sheriffs of the respective counties, as received by the Governor from the said Sheriffs, and opened and compared by him, in our presence. Given under our hands the 3rd day of December 1835.

WM. HILL, Sec. of State.
S. F. PATTERSON, Public Treasurer.

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Majority for Ratification 26,771
Rejection 21,606

PROCLAMATION.

By the Governor of the State of North Carolina.

The Convention which met in the City of Raleigh, on the 4th day of June last, having adopted certain amendments to the Constitution of the State, and having by an Ordinance directed them to be submitted by the Governor to the People, for ratification or rejection, and the said Convention having directed returns of the Votes, to be made to the Governor, to be by him opened in the presence of the Secretary of State, and Public Treasurer; and that in case a majority of the votes given should be in favor of the ratification of the said amend-
Whereupon, Allie agreed to authorize the said amendments having been so submitted to the People, and returns having been made, and opened, and the result ascertained according to the said Ordinance; now therefore, I DAVID L. SWAIN, Governor of the State of North Carolina, do hereby declare, and make known to the People of the State that a majority of all the votes so returned was in favor of the ratification of the said amendments, which said amendments so ratified, are become part of the Constitution of the State, and will be in full force and effect from and after the first day of January 1836. In testimony whereof, I have caused the Great Seal of the State, to be hereunto affixed, and signed the same with my hand.

Done at the City of Raleigh, this 3rd day of December, A. D. 1835, and of the Independence of the said State the 60th.

By the Governor,

WILLIAM T. COLEMAN, Private Secretary.

The Senate then entered upon the orders of the day, and proceeded to consider the Resolutions respecting the public domain, which by order of the Senate, were made the special order of the day for this day: the question still pending on Mr. Waugh’s amendment to the said resolutions: whereupon the said amendment was concurred in. Mr. Reid moved that the resolutions as amended be indefinitely postponed; which motion was not agreed to; ayes 3, noes 54. The ayes and noes being demanded by Mr. Reid,

Those who voted in the affirmative, are, Messrs. Hill, Moore of S., Reid.


Before the question was taken on the second reading of the resolutions respecting the public domain, the Senate adjourned until to-morrow morning 10 o’clock.

WEDNESDAY, DECEMBER 9, 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 to authorize the trustees of Williams’ Church, in the county of Martin, and their successors in office, to hold and possess one acre of land, on which the said church is situated; a bill making compensation to taxes jurors in the county of Randolph; and a resolution in favor of Leonard Buchanan; in which they ask the concurrence of that House.

Mr. Moye of Green, from the committee on claims, to which was referred a resolution in favor of Zachariah Candler, of Buncombe county, reported the same without amendment, with a recommendation that it be adopted: Whereupon, the said resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Wyche, from the committee on Finance, reported that, in compliance with the acts of the General Assembly, passed in 1827, they have examined into the state of the Treasury Department, and find that all the requisites of said act have been duly attended to by the Public Treasurer. They further report, that they have burnt Treasury notes to the amount of three thousand one hundred dollars, and twenty cents.

Whereupon, on motion of Mr. Wyche, a message was sent to the House of Commons, with which was transmitted said report, proposing to ballot immediately for Public Treasurer; and stating that Samuel F. Patterson is in nomination for the appointment.
Mr. Sharpe presented a bill, entitled a bill to amend the revenue laws; which was read the third time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Deep River Gold Mining Company, with the following amendments, to wit: On the third page, after the word "politic," insert the amendment marked "A," add to the bill the amendment marked "B," in which they ask the concurrence of the Senate. Whereupon, said amendments were severally concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee of three members on the part of each House, to enquire into, and report, what laws are necessary to be enacted, at the present session, in consequence of the ratification of the amendments to the Constitution; and stating that Messrs. Graham, Hoke, and Williams, form their branch of the committee. Whereupon, Messrs. Bryon, Wyche, and Little, 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 the concurrence of that House in the proposition of the Senate, that Friday evening, next be set apart for the appointment of justices of the peace, and militia officers.

The bill to incorporate the North Carolina Rail Road Company, was read the second time. Mr. Marsteller moved to amend the bill, by striking out the whole thereof, after the words "A Bill," and inserting a substitute; which amendment was agreed to: and, on motion of Mr. Sharpe, the bill, as amended, was ordered to be referred to the committee on Internal Improvement.

The bill to exempt from execution, a certain portion of the lands of the citizens of North Carolina, was read the second time. A motion was made by Mr. Joyner, to amend the bill, by striking out, in the 12th line of the 1st section, the words "one hundred," and inserting in lieu thereof, the word "fifty," which was agreed to. On motion of Mr. Joyner, ordered that the bill, as amended, lie on the table.

Mr. Brittain presented a bill, entitled a bill regulating the times of holding one of the terms of the Courts of pleas and quarter sessions, for the county of Macon; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Dowd presented the petition of Margaret Muse, of the county of Moore, praying to be divorced from her husband Thomas W. Muse; and Mr. Alexander presented the petition of sundry citizens of Tyrrel, praying the Legislature to repeal, in part, an act of the General Assembly, entitled an act concern[ing] a public road leading from Columbia, in Tyrrel county, to Plymouth. Which petitions, on the motions of Mr. Dowd and Mr. Alexander, were severally ordered to be referred to the committee on propositions and grievances.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot immediately for Public Treasurer; and stating that Messrs. Jervis and Swanner, form the committee, to superintend the balloting on their part. Whereupon, a message was sent to that House, stating that Messrs. Edmonston and Baker, are appointed to superintend the balloting on the part of the Senate.
Mr. Polk, from the joint select committee, to which was referred so much of the Governor's message as relates to incendiary publications by the Abolitionists of the North, reported a preamble, with the following resolutions, to wit:

Resolved. That we are ready and willing to make a common cause of this subject, with the rest of our sister slave-holding States, and hereby invite their co-operation, in passing such laws and regulations, as may be necessary to suppress and prevent the circulation of any such publications within any of the slave-holding States.

Resolved. That although the Constitution secures to Congress the exclusive jurisdiction within the District ceded by the States to the Federal Government, yet we should deprecate any action on the part of Congress, towards liberating the slaves of the said district, without consent of their owners, as a breach of faith towards the States by whom the territory was ceded; and will regard such an interference, as the first step towards legislative action with regard to our own property.

Resolved, That his Excellency, the Governor of this State, be requested to transmit a copy of these Resolutions to each of our Senators and Representatives in Congress, and to the Executives of each of the States of this Union.

Which resolutions were read the first time and passed; and, on motion of Mr. Little, ordered that a message be sent to the House of Commons, with a proposition that the preamble and resolutions be printed; which motion was subsequently reconsidered, on motion of Mr. Wyche: and on motion of Mr. Little, they were ordered to lie on the table and be printed

Mr. Polk, also from the same committee, at the request of the minority of the committee, submitted the following resolutions, to wit:

Resolved, that North Carolina alone has the right to legislate over the slaves, in her territory, and any attempt to change their condition, whether made by Congress, the Legislatures, or the People of other States, are to be regarded as the invasion of our just rights.

Resolved, that we are ready and willing to make on this subject a common cause with our sister slave-holding States, and hereby invite their co-operation, in passing such laws and regulations, as may be necessary to suppress and prevent the circulation of any incendiary publications, within any of the slave-holding States.

Resolved, that the thanks of this State are due and the kindest feelings of the citizens thereof are cherished towards their brethren of the North, who have magnanimously sustained the principles of our Federal Government, and recognised and maintained our rights against the fanatics of those States.

Resolved, that our sister non-slave-holding States are respectfully requested to enact penal laws prohibiting the printing within their respective limits, all such publications as may have a tendency to make our slaves discontented with their present condition, or incite them to insurrection.

Resolved, that although by the Constitution, all legislative power over the District of Columbia is vested in the Congress of the United States, yet we would deprecate any legislative action on the part of that body towards liberating the slaves of that District, as a breach of faith towards those States, by whom the Territory was originally ceded, and would regard such interference, as the first steps towards a general emancipation of the Slaves of the South.

Resolved, that the Governor be, and he is hereby requested to forward a copy of this Preamble and resolutions, to each of our Senators and Representatives in Congress, and to the Executive of each of the States of the Union, with a request that the same be submitted to their respective Legislatures.

Which resolutions, on motion of Mr. Hogan, were also ordered to lie on the table and be printed

On motion of Mr. Hogan, the bill to provide for the payment of instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina, heretofore laid on the table, by an order of the Senate, was taken up. The question still pending on the amendments proposed by the committee on Finance: which amendments were severally agreed to. The ayes and noes being demanded by Mr. Hogan, on the adoption of the first amendment, to wit: Fill the first blank with the sum of 'four hundred thousand,' were—Ayes 34, Noes 26.

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Ballew,
Journal of the Senate.

Brittain, Bullock, Cooper of M., Cooper of G., Edmonston, Exum, Fox, Gambill, Gavin, Harry, Hussey, Kendall, Kerr, Marsteller, Moore of S., Patterson, Rabun, Reid, Selby, Sharpe, Simmon, Stephens, Tillet, Van, Waugh, Wellborn, Whitaker, Whitehurst, Williams of P., Wyche.

Those who voted in the negative are, Messrs. Beasley, Bryan, Dowd, Edwards, Harrison, Hill, Hogan, Houlder, Joyner, Lindsay, Little, Long, McCormick, McQueen, Martin, Mebane, Moorehead, Moore of R., Moye of G., Moye of P., Polk, Staley, Williams of B., Williams of F., Wilson, Young.

A motion was made by Mr. Reid to amend the bill by striking out the 3rd and 4th lines of the second section, after the word "interest," the words "at the rate of," and insert the words not exceeding: which amendment was not agreed to: The question then recurring on the passage of the bill, it was decided in the affirmative, ayes 38, nays 21. The ayes and noes being demanded by Mr. Moye of Pitt.

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Baker, Ballew, Brittain, Bullock, Cooper of M., Cooper of G., Cromartie, Edmonston, Exum, Fox, Gambill, Gavin, Harry, Hogan, Hussey, Kendall, Kerr, McQueen, Marsteller, Moore of S., Patterson, Rabun, Reid, Selby, Sharpe, Stephens, Tillet, Van, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of P., Williams of Wyche, Young.


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

Mr. Hill submitted the following resolution, to wit:

Resolved, that the charter of the bank of North Carolina, be so amended, as to authorize the increase of the amount of capital stock thereof, in a sum not exceeding 200,000 dollars, so as to enable the Board of trustees of the University of North Carolina, and the Treasurer of the Literary fund to subscribe for as many shares in said stock, as to them may appear expedient.

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

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

The Senate then entered upon the orders of the day, and proceeded to consider the resolutions respecting the public domain. The question still pending on the second reading of said resolutions. A motion was made by Mr. Joyner to amend the resolutions by striking out the whole thereof except the word "resolved," and inserting a substitute; but before the question was taken thereon,

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

Thursday, December 10, 1835.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, and resolutions, to wit: A bill to provide for the payment of instalments on the shares reserved to the State, in the capital stock of the bank of the State of North Carolina: A bill regulating the times of holding one of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon; and a resolution in favor of Zachariah Candler: in which they ask the concurrence of that House.

Mr. Joyner from the committee on Internal Improvement to which was referred the bill to incorporate the North Carolina Rail Road Company, reported the same without amendment, with a recommendation that it be passed into a law.

Mr. Edmonston from the committee on Propositions and Grievances, to
which was referred the petition of William Jackson of the county of Wayne, made a favorable report thereon accompanied by a bill to carry into effect the prayer of the petitioner, entitled a bill to restore to credit William Jackson of the county of Wayne: Whereupon the bill was read the first and second times, and passed: read the third time, a motion was made by Mr. Waugh, to amend the bill by extending its provisions in favor of Alfred Dunigan of Surry county, which was not agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative, and ordered to be engrossed.

Mr. Edmonston from the same committee to which was referred the petition of Margaret Spier praying to be divorced from her husband Alexander Spier, made a favorable report thereon, accompanied by a bill entitled a bill to divorce Margaret Spier from her husband Alexander Spier, which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Edmonston from the same committee to which was referred the petition of Margaret Muse praying to be divorced from her husband Thomas W. Muse, made a favorable report thereon, accompanied by a bill to divorce Margaret Muse of Moore county; which was read the first time, and passed: read the second time: Mr. Bryan moved that the bill be referred to the committee on the Judiciary, which was not agreed to. The question then recurring on the passage of the bill, it was decided in the negative.

The resolution fixing the day of adjournment heretofore laid on the table by an order of the Senate, was taken up, on motion of Mr. Cooper of Martin, and read the third time: a motion was made by Mr. Cooper of M. to amend the resolution by striking out the word twentieth, in the second line, and inserting in lieu thereof the words "twenty first," which was agreed to. A motion was then made by Mr. Little that the resolution be postponed indefinitely; which motion was not agreed to: The question then recurring on the passage of the resolution, it was decided in the affirmative, ayes 44, noes 15. The ayes and noes being demanded by Mr. Cooper of M.


Those who voted in the negative are, Messrs. Brittain, Bryan, Dowd, Edmonson, Fox, Harry, Hill, Little, Moore of R., Moore of S., Rabun, Wellborn, Whitaker, Wyche, Young.

Ordered that the resolution be engrossed.

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 time and passed, and on motion of Mr. Baker, ordered to be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message stating that they have passed the engrossed bill to legitimize Thomas Petit of Surry county; 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. Little, ordered to lie on the table.

Received from the House of Commons, certificates of pension in favor of Capt. John Rhem, Christopher Bexley, and Thomas Ewell, countersigned.
The hour having arrived designated by the Governor elect, for his qualification, and the Senate being informed by message, that the House of Commons was in readiness to receive them on the occasion, the two Houses of the General Assembly, convened in the Commons Hall, where the oaths required by law, to be taken by the Governor before entering upon the duties of his office were administered in presence of both branches of the Legislature to Richard D. Spaight, by Allen Rogers, Esq. a justice of the peace for the county of Wake, and a Member of the House of Commons. Whereupon the Senate returned to their chamber for the purpose of legislation.

Mr. Moorehead presented the petition of sundry citizens of the State of Virginia praying the legislature to pass an act incorporating a company, with a capital of two millions of dollars, authorized to construct a Rail Road from the town of Evansham, in the county of Wythe, by Danville, through the territory of North Carolina, to some point on the Roanoke, intersecting the Petersburgh and Roanoke, the Portsmouth and Roanoke, and Greenville and Roanoke Rail Roads. Ordered on motion of Mr. Moorehead, that a message be sent to the House of Commons proposing that said memorial be referred to a joint select committee.

On motion of Mr. Joyner, the bill to incorporate the Cincinnati and Charleston Rail Road Company, heretofore laid on the table by an order of the Senate, was taken up, and the bill was read the third time. A motion was made by Mr. Bryan to amend the 18th section of the bill by adding the following proviso, at the end thereof, to wit, that nothing contained in this act shall prevent the construction of a Rail Road or Rail Roads, to cross or intersect the track or tracks of this Rail Road, which may heretofore be chartered by this State: which was agreed to: The question then recurring on the passage of the bill as amended, it was decided in the affirmative, and the bill ordered to be engrossed.

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

Friday, December 11, 1835.

A message was received from the House of Commons, stating that the Senate has passed the following engrossed bills and resolution, to wit: A bill to divorce Margaret P. Spear, from her husband Alexander Spear; a bill to restore to credit, William Jackson, of the county of Wayne; and a resolution for adjournment of both Houses of the General Assembly; in which, they ask the concurrence of that House.

Thomas J. Pasteur, the Senator elect from the county of Craven, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. McCormick presented the certificate of the county court of Cumberland, in favor of Ann Morrison, a pensioner of the State; ordered, on motion of Mr. McCormick to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Edmonston from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Tyrrell, praying the legislature to repeal an act passed at the last General Assembly,
establishing a public road leading from Columbia on Scuppernong river, to the boundary line between Washington and Tyrrell counties, made a report thereon unfavorable to the prayer of the petitioners, and asked to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Edmonston from the same committee to which was referred the petition of Elizabeth M. Starnes, with the bill to divorce Elizabeth M. Starnes of Macon, made a favorable report thereon, reported the bill without amendments, with a recommendation that it be passed into a law: whereupon the said bill was read the third time and passed; ayes 34 noes 24.

The ayes and noes being demanded by Mr. Hogan.

Those who voted in the affirmative, were, Messrs. Allison, Baker, Bailew, Brittain, Bullock, Cooper of M., Edmonston, Exum, Gambill, Gavin, Harrison, Harry, Hussey, Kerr, Lindsay, McQueen, Marsteller, Martin, Moody, Moore of S., Moyle of P., Pastore, Patterson, Polk, Rabun, Staley, Sharpe, Simmons, Tillet, Vann, Wellborn, Williams of B., Williams of F., Young.


Ordered that the bill be engrossed.

Mr. Edwards presented the resignation of Wm. W. Hall one of the Engrossing clerks, which was read and accepted; and on motion of Mr. Edwards, ordered that it be transmitted to the House of Commons, with a proposition that a balloting be had immediately to fill the vacancy, and informing them that Watson W. Woodburn, and Thomas L. West, are in nomination for the appointment: Whereupon a message was received from that House, stating their concurrence in the proposition, that the name of J. J. Thomas is added to the nomination, and that Messrs. Buie and Henry attend the Senate to conduct the balloting on their part: Thereupon Messrs. Moorehead and Marsteller were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Fox presented a bill entitled a bill to incorporate Campbell's Creek Gold Mining Company; and Mr. Little presented a bill entitled a bill to incorporate the Long Creek Gold Mining Company; which bills were severally read the first, second, and third times, passed and ordered to be engrossed.

Received from the House of Commons a message proposing to refer the memorial of sundry citizens of Virginia, on the subject of a Rail Road from Danville in Virginia to some point on the Roanoke, to a joint select committee; which proposition was concurred in, and a message sent to that House proposing that said committee consist of five, on the part of each House, and that Messrs. Moorehead, Moore of S., Waugh, Reid, Williams of P., compose the Senate's branch of said committee.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to regulate the practice of Hawking and Peddling in this State; A bill to repeal in part the 13th section of an act passed in 1824, authorizing the making a Turnpike Road in the County of Buncombe; in which they ask the concurrence of the Senate; whereupon the first named bill was read the first time and passed: the last named bill was read the first, second, and third times, passed, and ordered to be enrolled.
Mr. Edmonston presented a bill entitled a bill to repeal an act entitled an act to make compensation to the jurors of the Superior Courts of Haywood county; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Marsteller from the committee appointed to conduct the balloting for an engrossing clerk, reported that Thomas L. West had received a majority of votes, and is duly elected; in which report the Senate concurred.

Mr. Mebane moved that the bill to incorporate the Cincinnati and Charleston Rail Road Company, which passed its third reading on yesterday, be reconsidered: and on the question will the Senate reconsider said bill, it was decided in the affirmative: Mr. Wyche moved to reconsider the amendment to the 18th section: and on the question, will the Senate reconsider said amendment, it was decided in the affirmative: The question then recurring on the adoption of the amendment, it was decided in the negative: Whereupon the bill was read the third time, and passed and ordered to be engrossed.

On motion of Mr. Bryan, the bill to divorce Thomas White of Craven county from his wife Mahala White, herefore laid on the table by an order of the Senate, was taken up, and on motion of Mr. Bryan, ordered together with certain documents in relation to the subject presented by Mr. Bryan to be referred to the committee on Propositions and Grievances.

The Senate then entered upon the orders of the day, and proceeded to consider the resolutions respecting the Public Domain, the question still depending on Mr. Kerr's call for a division of the question on Mr. Joyner's motion to strike out all after the word resolved; and insert a substitute: before the question was taken thereon, a motion was made by Mr. Wellborn to amend the resolutions by striking out the 4th section thereof; which was not agreed to, ayes 26, noes 36: The ayes and noes being demanded by Mr. Wilson.


The question then recurring on the motion to strike out, it was decided in the negative, ayes 25, noes 37; The ayes and noes being demanded by Mr. Moye of Pitt.


The question was then taken on the passage of the resolutions and decided in the affirmative; whereupon the resolutions were read the third time. A motion was made by Mr. Little to amend the resolution by striking out all after the word resolved, and inserting a substitute: Mr. Cooper
of M. called for a division of the question; but before the question was taken on striking out, a motion for adjournment prevailed.

Mr. Houlder presented the resignations of James Whittleston, and Henry H. Thorpe, justices of the peace for the county of Johnson; which were read and accepted, and ordered to be sent to the House of Commons.

Received from the House of Commons, the resignations of the following justices of the peace and field officers, to wit: James Harrison, a justice of the peace for the county of Jones; Ashley Tunnel a justice of the peace for the county of Johnson; John Broadway, a justice of the peace for the county of Anson; Samuel T. Hawley, colonel of the regiment of Artillery of North Carolina; George Ferguson, lieut. colonel of the 75th regiment of North Carolina militia; and N. M. Hemby, major of cavalry, 14th brigade of North Carolina militia; endorsed, read and accepted, and which were severally read and accepted by the Senate.

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

SATURDAY, DECEMBER 12, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to incorporate the Cincinnati and Charleston Rail Road Company; A bill to repeal an act entitled an act to make compensation to the jurors of the Superior courts of Haywood county; a bill to incorporate the Long Creek Gold Mining company; a bill to divorce Elizabeth M. Starnes of Macon county: in which they ask the concurrence of that house.

Mr. Hogan from the committee on the judiciary, to which was referred a bill to alter the name of Quinton Robertson, of the county of Gates, and to legitimate him; reported the same with an amendment, to wit: after the word "distribution," insert the words "from his father Thomas Roundtree," whereupon, the bill was read the second time—the amendment concurred in, and the bill passed as amended; the bill was then read the third time—passed, and ordered to be engrossed.

Mr. Hogan, from the same committee, to which was referred the resolution to inquire into the expediency of amending the law directing the manner in which Sheriff's bonds in this State, shall be taken—reported, that it is inexpedient at present, to legislate on the subject; and asking to be discharged from the further consideration of the subject; which report was concurred in.

Mr. Hogan, from the same committee, to which was referred "the bill to give exclusive jurisdiction to the supreme courts in this State, in all cases where the intervention of a jury may be necessary," reported the same without amendment, recommending that it be rejected, as it is inexpedient at this time to legislate on the subject.

Mr. Hogan, from the same committee, to which was referred the resolution instructing them to examine the law to punish vagrants, and see what amendments are necessary to put said act into full operation—reported that it is inexpedient to legislate on the subject—report the act of 1784, and ask leave to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Hussey presented the memorial of sundry citizens of the counties of Duplin and Onslow, praying the Legislature to incorporate a company to
improve the navigation of Cypress Creek—Ordered on motion of Mr. Hussey to be referred to the committee on Internal Improvement.

Mr. Mebane presented a bill, entitled a bill concerning the revisal and digest of the Statute laws of North Carolina: which was read the first time, and passed, and on motion of Mr. Wyche, ordered to be referred to the joint select committee on that subject.

A message was received from the House of Commons, announcing that Messrs. Waddell, Dudley, Poindexter, Buie, and Benton, form their branch of the joint select committee, to whom is referred the memorial of sundry citizens of Virginia, on the subject of a rail road.

Received from the House of Commons, a message proposing that a joint select committee be raised to inquire into the expediency of providing a residence in this city for his Excellency the Governor; which proposition was concurred in. Mr. Fox presented a bill to secure to the trustees of the Baptist church in the town of Charlotte, and their successors in office, the right to hold and possess the lot on which their house of worship is situated; 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 following engrossed bills, to wit: A bill to restore to credit John Masters of the county of Yancy; a bill for the better regulation of the slave laborers in the town and port of Wilmington; in which they ask the concurrence of the Senate; whereupon the first named bill was read the first and second times, and passed, read the third time and passed—

Ayes 54, Noes 8. The ayes and noes being demanded by Mr. McCormick,


Those who voted in the negative are, Messrs. Cromartie, Kendall, McCormick, Reid, Stephens, Waugh, Wilson, Wyche.

Ordered that the bill be enrolled. The last named bill was read the first, and second times, and passed; on motion of Mr. Hill, ordered to lie on the table.

The engrossed bill to incorporate the North Carolina Rail Road Company; was read the third time. A motion was made by Mr. Joyner to amend the bill by inserting the following to stand as the 6th section of the bill to wit:

Be it further enacted. That it shall not be the duty of the said company, to receive produce, goods, wares, and merchandize, to be transported on the said road, at any other places, than their regular depots, which they are required to establish; and it shall be lawful for the said company, to charge fifty cents in addition to the rates established by the act of 1833, to which this is an amendment, for every passenger they may take up at any points on the said road, other than their depots as aforesaid.

Which was agreed to; and the bill was passed as amended; whereupon, a message was sent to the House of Commons, asking their concurrence in the amendments to said bill.

Received from the House of Commons, a message stating their concurrence in the proposition of the Senate, to refer to a joint select committee, the memorial of certain citizens of Virginia, on the subject of a rail road; and announcing that Messrs. Waddell, Dudley, Poindexter, Buie, and Benton, form the committee on their part.
The bill to give exclusive jurisdiction to the superior courts in this State, in all cases where the intervention of a jury may be necessary, was read the second time, and resolved that the same shall not pass—Ayes 4, Noes 55. The ayes and noes being demanded by Mr. Sharpe


Received from the House of Commons, the resignations of the following justices of the peace, and field officers, to wit: Benjamin Tucker, a justice of the peace for the county of Pitt; James Law, a justice of the peace for the county of Davidson; Thomas L. Cotten, a justice of the peace for the county of Montgomery; S. Loundermilk, colonel commandant of the second regiment of Iredell county militia. Endorsed, read and accepted; and which were severally read and accepted by the Senate.

The Speaker announced to the Senate, that Messrs. Edwards, Bryan, and Cooper of Martin, compose the committee to enquire into the expediency of providing a residence for his Excellency the Governor.

The Senate then resumed the unfinished business of yesterday. Mr. Little's amendment, to strike out all of the resolutions respecting the public domain, after the words "Resolved," and insert a substitute, still pending: the question being on the motion to strike out, Mr. Cooper of Martin, called for a division of the question: But before the question was taken thereon,

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

MONDAY, DECEMBER 14, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to secure to the trustees of the Baptist church in the town of Charlotte, and their successors in office, the right to hold and possess the lot on which their house of worship is situated; and a bill to alter the name of Quinton Robertson, of the county of Gates, and to legitimate him; in which, they ask the concurrence of that House.

On motion of Mr. Moye of Pitt, ordered that Mr. Williams of Beaufort, have leave of absence from the service of the Senate, after this day.

Mr. Marsteller presented the resignation of J. W. Nichols, lieutenant colonel of the first regiment of North Carolina militia; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Kerr, from the joint select committee on military affairs, to which was referred the memorial of George Gilbreath, captain of a company of artillery in the county of Wilkes, praying the Legislature to direct the manner in which certain public arms, in his possession, shall be disposed of, made a report thereon, accompanied by a resolution, directing George Gilbreath to deliver the public arms, in his possession, to the commandant of the 74th regiment; whereupon, the resolution was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Hogan, from the committee on the judiciary, to which was referred a bill to alter the name of Amy Boyd of Pitt, and to legitimate her, re-
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ported the same with an amendment to wit: In the 9th line, after the word "distribution," insert the words, "her father Hosea Buck;" which was concurred in. Whereupon, the bill was read the third time and passed as amended, and ordered to be engrossed.

Mr. Gambill presented a bill, entitled a bill appointing commissioners to lay off a road from the Deep Gap, in the Blue Ridge, to Stephen Thomas', in the county of Ashe, and for other purposes; and Mr. Rabun presented a bill, entitled a bill to encourage the destruction of wolves in Buncombe county; which bills were severally read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, announcing that Messrs. L. A. Gayn, Hybart, and McRae, form the committee on their part, to enquire into the expediency of providing a residence for his Excellency the Governor.

Received also from the House of Commons a message, stating that they have postponed, indefinitely, 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 bill to amend an act, to incorporate the Raleigh and Roanoke Rail Road Company, with sundry amendments, to wit: On the second page of the bill, insert the amendment marked "A," add to the bill the sections marked "B" and "C," in which they ask the concurrence of the Senate: Whereupon, the said amendments were read and concurred in, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Wilmington Marine Association; 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.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to amend the revenue laws; which was read the second time and passed, and on motion of Mr. Edmonston, ordered to be referred to the committee on the judiciary.

The engrossed bill to regulate the practice of hawking and peddling in this State, was read the second time and passed, and on motion of Mr. Wilson, ordered to be referred to the committee on the judiciary.

Mr. Sharpe presented a bill, entitled a bill to revive and amend an act passed in 1831, entitled an act to incorporate the Tarborough and Hamilton Rail Road Company.

Mr. Bullock presented a bill supplemental to an act passed in the year 1809, entitled an act directing how persons, injured by the erection of public mills, shall, in future, proceed to recover damages; and Mr. Cowper of Gates, a bill entitled a bill to provide for the election of registers in the several counties in this State, when any vacancy may heretofore arise by death, resignation or otherwise; which were severally read the first time and passed. The first named bill was then read the second and third times, passed, and ordered to be engrossed. The last named bill, on motion of Mr. Little, was ordered to lie on the table.

On motion of Mr. Bryan, the bill more effectually to suppress the vice of gaming in this State, heretofore laid on the table, by an order of that House, was taken up; and thereupon, the bill was read the third time.
A motion was made by Mr. Wyche to amend the bill, by adding the following section between the 7th and 8th sections, to wit: “Be it further enacted, that in every case of conviction under this act, the solicitor presenting the same, shall be entitled to a fee of twenty dollars, to be taxed in the bill of costs, and paid by the defendant, as in other cases of conviction.” And a motion was made by Mr. Bryan, to amend the bill, by striking out, in the 1st line of the 7th section, the words “so much of;” which amendments were severally concurred in. Mr. Wellborn moved further to amend the bill, by inserting in the 5th line of the 1st section, the word “kind;” the words “all games of cards, where money may be won or lost, or bets made;” which was concurred in—Ayes 32, Noes 26. The ayes and noes being demanded by Mr. Wilson.

Those who voted in the affirmative, are, Messrs. Alexander, Baker, Ballew, Beasley, Brittain, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Gamblin, Harry, Houlder, Hussey, Kerr, Lindsey, Little, Long, McCormick, Marsteller, Moorehead, Moore of S., Patterson, Reid, Selby, Simmons, Tillett, Vann, Wellborn, Williams of P., Wilson, Young.


A motion was made by Mr. Wyche, further to amend the bill, by striking out, in the twenty-first line of the first section, after the word “dollars,” the words, “and receive not less than twenty, nor more than thirty-nine lashes on his bare back.” A motion was made by Mr. Bryan, further to amend the bill, by inserting after the same word, in the same line and section, the words, and imprisoned not exceeding six months.” A motion was made by Mr. Marsteller, to strike out the proviso, at the end of said section; which amendments were severally concurred in. A motion was made by Mr. Edwards, that the bill lie upon the table; which was not agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative—Ayes 41, Noes 17. The ayes and noes being demanded by Mr. Alexander.


Those who voted in the negative, are, Messrs. Bullock, Edmonston, Edwards, Exum, Gamblin, Harrison, Hogan, Hussey, Marsteller, Moody, Moorehead, Moye of G., Rabun, Reid, Simmons, Tillett, Williams of P.

Ordered that the bill be engrossed. Mr. Fox presented a bill to incorporate the Hope Gold Mining Company; which was read the first time, and passed.

The Senate then resumed the unfinished business of Saturday, the resolutions respecting the public domain being still under consideration, and the question on striking out, in pursuance of the call of Mr. Cooper of Martin, for a division of the question, on Mr. Little’s amendment, to strike out all of the resolution after the word “resolved,” and insert a substitute, still pending; before the question was taken thereon, the Senate adjourned until to-morrow morning 10 o’clock.

TUESDAY, DECEMBER 15, 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 more effectually to suppress the vice of gaming in this State; a bill ap-
pointing commissioners to view and lay off a road from the deep gap in the Blue ridge to Stephen Thomas's in the county of Ashe, and for other purposes; a bill to review and amend an act passed in 1831, entitled an act to incorporate the Tarboro and Hamilton Rail Road Company; a bill to encourage the destruction of Wolves in the county of Buncombe; a bill to alter the name of Amy Boyd, and to legitimate her; and a resolution directing John Gilbreath to deliver the public arms in his possession to the 74th Regiment; in which they ask the concurrence of the House of Commons.

Mr. Edmondson from the committee on Propositions and Grievances, to which was referred the petition of Wilham B. Morgan, of the county of Macon, praying to be divorced from his wife Polly Morgan, made a report thereon, favorable to the prayer of the petitioner, accompanied by a bill to divorce William B. Morgan from his wife Polly Morgan, with a recommendation that said bill be passed into a law: whereupon the bill was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Wyche from the joint select committee on the revival and digest of the Statute laws of the State; to which was referred the bill concerning the revival and digest of the Statute laws of the State, reported the bill without amendment, with a recommendation that said bill be rejected.

Mr. Marsteller from the joint committee on Military Affairs, to which was referred the petition of sundry citizens of the county of Wilkes, praying the liberty of forming a Volunteer Company, made an unfavorable report, asking to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Wyche presented a resolution in favor of Richard W. Ashton; which was read the first time and passed, and on motion of Mr. Whitaker, ordered to be referred to the committee on claims.

Mr. Edmonston presented a bill, entitled a bill giving further time to the justices of the peace for the county of Haywood, to return the list of the taxable property of said county. Mr. Wellborn, a bill entitled a bill to annex part of Wilkes county to the county of Ashe. Mr. Whitehurst, a bill entitled a bill making compensation to the jurors of the county of Pasquotank; and Mr. Polk, a bill entitled a bill to incorporate the Claremont Gold Mining Company. Which were severally read the first, second and third times, passed, and ordered to be engrossed.

Mr. Wilson presented a bill, entitled a bill giving to widows, who may not dissent from their husband's wills, a distributive share of the residuum of their husbands' personal estate, not given away in their wills: Providing that widows who may dissent from their husbands' wills, may within six months from the Probate, file their petitions in the county court, for one years provisions, and for other purposes; which was read the first time, and passed.

The bill to incorporate the Hope Gold Mining Company in the county of Mecklenburg; was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating their concurrence in the amendments proposed by the Senate to the engrossed bill to incorporate the North Carolina Rail Road Company. Ordered to be enrolled.

Received also from the House of Commons, a message, with which was transmitted a message from his Excellency the Governor, with a proposition
that the accompanying report of the Treasurer of the University, be printed; which proposition was concurred in, and the House of Commons was informed thereof by Message.

Received from the House of Commons, the resignation of the Hon. James Martin, one of the Judges of the superior courts of law and equity, endorsed, read, and accepted, and which was read and accepted by the Senate.

On motion of Mr. Polk, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for a Judge of the superior courts of law and equity, and stating that William J. Alexander is in nomination for the appointment.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills to wit: A bill to divorce Elizabeth Silva; a bill to divorce Margaret Massey; a bill to divorce William Hines; a bill to divorce Lucy Calvert; a bill to divorce Mahala Walls; a bill to divorce Frances Cloud; a bill to repeal an act passed in 1833, entitled an act, directing the Judges of the superior courts of Hyde county, not to take up State cases before the third day of Court, and a bill to incorporate the Raleigh and Gaston Rail Road Company; in which they ask the concurrence of the Senate; whereupon, the six first named bills were severally read the first, second and third times, passed, and ordered to be enrolled; the two last named bills were severally read the first time and passed.

The engrossed bill for the better regulation of the Slave laborers in the town and port of Wilmington, was read the third time, passed, and ordered to be enrolled.

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

Received from the House of Commons, a message, announcing that they have rejected the engrossed bill providing a reward for taking up runaway slaves.

On motion of Mr. Bryan, the engrossed bill to amend an act, entitled "an act" to establish the Merchants' Bank of the town of Newbern, together with the amendment proposed by the House of Commons to said bill, was taken up, and a motion was made by Mr. Bryan, that the Senate do now recede from said amendment; and the question being taken thereon, it was decided in the negative—Ayes 29, Noes 30. The ayes and noes being demanded by Mr. Cooper of M.


Those who voted in the negative are, Messrs. Allison, Bullock, Cooper of M Cowper of G., Cromatic Edwards, Exum, Fox, Gambill, Gavin, Houlder, Kendall, Lindsay, McCormick, Marsteller, Mebane, Moody, Patterson, Reid, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Whithurst, Williams of R., Williams of P., Wilson.

Mr. Marsteller then moved that the Senate do insist upon their amendment; which was concurred in, and the House of Commons was informed by message, that the Senate do insist upon their amendment.

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate, to ballot on to-morrow for a Judge of the Superior courts of law and equity.
The Senate then entered upon the order of the day, and resumed the consideration of the unfinished business of yesterday; the question was then taken on striking out, in pursuance of the call of Mr. Cooper of Martin, for a division of the question on Mr. Little's amendment to the resolutions respecting the public domain, to wit: strike out all after the word "resolved," and insert a substitute, and decided in the negative—Ayes 27, Noes 35.

The ayes and noes being demanded by Mr. Cooper,


A motion was made by Mr. Bryan to amend the resolutions by adding the following clause, at the end of the 2nd resolution, to wit:

And any act on the part of the Congress of the United States, by which the minimum price, at which these said lands are now sold, shall be reduced, would seriously affect the prosperity of the old States, and do great injustice to those States by which they were originally ceded to the confederacy; and moreover, it is the opinion of the General Assembly, that as the public debt has been extinguished, and the object for which the cession of the respective portions of the public domain by the States which originally held them, was made, has been accomplished, and the lien thereon discharged, that such disposition of the public lands, or the proceeds thereof, ought to be made among the States of the Union, as shall be proportioned to the respective sacrifices, and expenditures incurred by them, in the support of the United States; or at least in proportion to the Federal population; and the question being taken thereon, it was decided in the negative—Ayes 26, Noes 35. The ayes and noes being demanded by Mr. Edmonson,


A motion was made by Mr. Little further to amend the resolutions, by adding thereto the following resolution, to wit:

Resolved, That Congress has the constitutional right to distribute the proceeds of the public lands, among the several States of the Union.

And the question being taken thereon, it was decided in the negative—Ayes 27, Noes 34. The ayes and noes being demanded by Mr. Marseller,


A further motion was made by Mr. Moore of Stokes, to amend the resolutions, by adding the following resolution, to wit:

Resolved, That Congress has the constitutional right to distribute the proceeds of the public lands, among the several States of the Union, according to their several and respective proportions, in the general charge and expenditures, or according to Federal population.

And the question being taken thereon, it was decided in the negative—Ayes 26, Noes 34. The ayes and noes being demanded by Mr. Moore of Stokes,

Those who voted in the affirmative were, Messrs. Allison, Ballew, Bryan, Bullock, Dowd, Gamblin, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moore of R., Moore of S., Moye of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B., Young.

Those who voted in the negative were, Messrs. Alexander, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moye of G. Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

A motion was then made by Mr. Wilson to lay the resolutions on the table; which was not agreed to—Ayes 25, Noes 35. The ayes and noes being demanded by Mr. Wilson,


Those who voted in the negative were, Messrs. Alexander, Allison, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Exum, Fox, Gamblin, Gavin, Houlder, Hussey, Kerr, Lindsay McCormick, Marsteller, Mebane, Moye of G. Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

Before the question was taken on the third reading of the resolutions, the Senate adjourned until to-morrow morning 10 o'clock.

Wednesday, December 16, 1835.

A message was sent to the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill supplemental to an act passed in the year 1809, entitled an act, directing how persons injured by the erection of public Mills, shall in future proceed to recover damages; a bill to divorce William B. Morgan of Macon county, from his wife Polly Morgan; a bill giving further time to the Justices of the Peace for the county of Haywood, to return the lists of the taxable property of said county; a bill making compensation to the jurors of the county of Pasquotank; a bill to annex part of Wilkes county to the county of Ashe; a bill to incorporate the Claremont Gold Mining Company, in the county of Mecklenburg; and a bill to incorporate the Hope Gold Mining Company, in the county of Mecklenburgh; in which they ask the concurrence of the House of Commons.

On motion of Mr. Marsteller, ordered that Mr. Simmons have leave of absence from the service of the Senate, from and after Monday next, for the remainder of the session.

The Speaker presented to the Senate, the resignation of Blount Coleman, colonel commandant of the militia of Lenoir county; which was read and accepted, and sent to the House of Commons.

Mr. Edmonson, from the committee on propositions and grievances, to which was referred the engrossed bill to divorce Thomas White from his wife Mahala White, reported the same without amendment; and asked
leave to be discharged from the further consideration of the subject; whereupon, the bill was read the second time, and resolved that the same shall not pass.

Mr. Edmonson from the same committee to which was referred 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, reported the same without amendment, asking leave to be discharged from the further consideration of the subject; Whereupon, the said bill was read the second time, and resolved that the same shall not pass.

Mr. Edmonson from the same committee to which was referred the petition of James S. Green, of the town of Wilmington, praying the Legislature to emancipate his slave James, commonly called James Hostler, made an unfavorable report thereon, asking leave to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharges accordingly.

Mr. Joyner from the committee of Internal improvements, to which was referred the memorial of William Tannehill and Benjamin Lavender, of the town of Washington, praying the General Assembly to give them the exclusive privilege of navigating certain portions of Tar river, in consideration of their removing the obstructions in the navigation of said river, made a favorable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners, entitled a bill securing to William Tannehill, and Benjamin A. Lavender, of the town of Washington, and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pamlico, and Tar river, from the town of Washington upwards, so far as they may see proper to go; with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed.

Mr. Joyner, from the same committee, to which was referred the memorial of sundry citizens of Onslow and Duplin counties, praying to be authorized to open and improve the navigation of Cypress Creek, made a favorable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners, entitled a bill concerning the navigation of Cypress creek. Whereupon, the said bill was read the first time and passed.

Mr. Hogan, from the committee on the judiciary, to which was referred the bill to amend the revenue laws of the State, reported the same with sundry amendments, to wit: In the first section of the bill, strike out the words, "for the year 1835," and insert the words "from and after the first day of January, 1836." In the same section, after the word "counties," insert the words, "and return the same, in the same manner, and under the same rules and regulations now prescribed by law," strike out the second clause, and insert the section marked "A," and add the two sections marked "B."

Mr. Joyner, from the committee on Internal Improvement, to which was referred the petition of E. S. Poindexter, praying the Legislature to aid him in completing a turnpike road along the valley of the Tennessee river, from the top of the Smoky Mountain, to the north of the Tuckasegee river, made a favorable report thereon, accompanied by a bill to authorize the leasing, for a term of years, of certain tracts of land acquired by treaty from the Cherokee Indians, with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed.
Mr. Bryan, from the joint select committee, on the resolution instructing them to enquire what legislation is requisite to carry into effect the provisions of the Constitution, as amended, whenever the same may be necessary, reported two bills to effect the object contemplated by said resolution, to wit: A bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation, or otherwise, before the meeting of the General Assembly; and a bill prescribing the time and places for comparing the polls in the different Senatorial Districts therein named: Whereupon, the said bills were severally read the first time and passed.

Mr. Mebane submitted the following resolution, to wit: A resolution authorizing the Treasurer to transfer bank stock to the University, and to the Literary Fund; which, on motion of Mr. Wyche, was ordered to lie on the table.

Mr. Waugh presented a resolution in favor of the widow of the late William Gulliam, deceased; which was read the first and second times and passed, and, on motion of Mr. Move of Green, ordered to be referred to the committee on claims.

Mr. Wyche presented a bill, entitled a bill to authorize the Bank of Cape Fear, and the Merchants' Bank of Newbern, to deal in any public debt, or in the stock of any corporation authorized or enacted by any law of this State. Also a bill to amend an act, entitled an act to establish a Bank in the State of North Carolina; which bills were severally read the first time and passed; and the last named bill was, on motion of Mr. Edwards, ordered to be printed.

Mr. Wellborn presented a bill, entitled a bill to reduce the county Solicitor's fees in certain cases. Also, a bill to amend two several acts of the General Assembly, passed in the year 1834, to repair, alter and amend the road leading from Holeman's ford, to the Deep Gap on the Blue Ridge; and one other act to alter and amend the road leading from the ford of the Yadkin river, commonly called Cass' ford, to the Ashe county line on the Blue Ridge; and Mr. Hogan presented a bill, entitled a bill to amend an act passed in the year 1824, entitled an act to appoint commissioners for the town of Clemsons ville, in Davidson county. Whereupon, the said bills were severally read the first time and passed; and the two last named bills were severally read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Waugh, the Senate then proceeded to the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still pending on the third reading of the resolutions respecting the public domain.

Mr. Wilson moved to amend said resolutions, by the following, as additional resolutions, to wit:

Be it further resolved, That it is inexpedient at this time, for Congress to propose any amendments to the Constitution of the United States, to the Legislatures of the several States, for the purpose of distributing the surplus proceeds of the public lands among all the States.

Resolved further, That it is inexpedient at this time, for the Legislatures of the States, to apply to Congress, to call a Convention of the States, for proposing amendments to the Constitution of the United States, for the purpose of distributing the surplus proceeds of the public lands among all the States.

Mr. Wyche called for a division of the question. Whereupon, the
question was first taken on the first branch of said resolutions, and decided in the negative—Ayes 23, Noes 39. The ayes and noes being demanded by Mr. Wilson,


The question was then taken on the second branch of said resolutions, and decided in the negative—Ayes 25, Noes 38. The ayes and noes being demanded by Mr. Wilson,


Those who voted in the negative are, Messrs. Alexander, Arrington, Baker, Beasley, Britain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harry, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Martin, Moore of R., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of F., Williams of P.

The question then recurring on the passage of the resolutions, Mr. Wellborn moved that the question be taken on each branch of the resolutions separately. Whereupon, the question was taken on the first branch, and decided unanimously in the affirmative—Ayes 63. The ayes and noes being demanded by Mr. Wellborn,


Mr. Welborne then moved for a division of the question on the second branch of the said resolutions, the question was thereupon taken upon the first member of said branch of the resolutions, and unanimously decided in the affirmative—Ayes 63. The ayes and noes being demanded by Mr. Wellborne,


The question was then taken on the last member of said branch of the resolutions, and decided in the affirmative—Ayes 36, Noes 27. The ayes and noes being demanded by Mr. Wellborne,


The question was then taken on the third branch of said resolutions, and decided in the affirmative—Ayes 62, Noes 1. The ayes and noes being demanded by Mr. Wellborn,


In the negative, Mr. Joyner.

A motion was made by Mr. Hogan, to lay the fourth branch of said resolutions on the table; which was not agreed to—Ayes 28, noes 35. The ayes and noes being demanded by Mr. Hogan,


Those who voted in the negative, are, Messrs. Alexander, Allison, Arrington, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharp, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P.

The question then recurring on the passage of said resolution, it was decided in the affirmative—Ayes 36, Noes 27. The ayes and noes being demanded by Mr. Moye of G.

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharp, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P.


The question was then taken on the last branch of said resolutions, and decided in the affirmative—Ayes 35, Noes 25. The ayes and noes being demanded by Mr. Little.

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Beasley, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Lindsay,
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McCormick, Marsteller, Mebane, Roye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

Who voted in the negative, are, Messrs. Ballew, Bryan, Bullock, Dowd, Harrison, Harry, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moyle of P., Polk, Selby, Staley, Tillet, Webster, Williams of B., Wilson, Young.

Whereupon, said resolutions were ordered to be engrossed.

Received from the House of Commons, the certificate of pension of the county court of Cumberland, in favor of Marthia Spears, widow of the late John Spears, a pensioner of the State; endorsed in that House—ordered to be countersigned by the Speaker of the House of Commons; and which, on motion of Mr. McCormick, was ordered to be countersigned by the Speaker of the Senate. Also the certificate of pension of the county court of Craven, in favor of Alexander Taylor, a pensioner of the State; countersigned by the Speaker of the House of Commons; and which, on motion of Mr. Pasteur, was ordered to be countersigned by the Speaker of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill concerning the inspection of flour in the town of Fayetteville; in which they ask the concurrence of the Senate. Whereupon, said bill was read the first time and passed, and, on motion of Mr. McCormick, ordered to lie on the table.

On motion, the Senate adjourned until 4 o'clock this evening.

WEDNESDAY EVENING, DECEMBER 16, 1835.

The following bills, to wit: A bill concerning the navigation of Cypress creek; which was amended, on motion of Mr. Hussey: a bill giving to widows, who may not disseit to their husband's will, a distributive share of the residuum of their husband's personal estate, not given away in their wills: providing that widows, who may dissent from the probate of their husband's wills may, within six months from the probate, file their petitions in the county court for one years' provision, and for other purposes; and a bill to reduce the county Solicitor's fees in certain cases, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to amend the revenue laws, was read the second time, and the amendments recommended by the committee on the judiciary, were severally concurred in; and the bill passed as amended. The bill was then read the third time. A motion was made by Mr. Hogan, to amend the bill, by inserting in the second line of the last section thereof, after the word "after," the words "the first day of January 1836;" which was agreed to. The question then recurring on the passage of the bill as amended, it was decided in the affirmative. Ordered to be engrossed.

The engrossed bill to legitimate Thomas Petit, of Surry county, heretofore laid on the table by an order of the Senate, was taken up for consideration, and read the second time. A motion was made by Mr. Edwards to amend the bill, by adding, at the end thereof, the words "from his reputed father;" which was agreed to, and the bill passed as amended. The bill was then read the third time. A motion was made by Mr. Moyle of Pitt, further to amend the bill, by striking out, in the last line thereof, the words
"reputed;" which was agreed to. The question then recurring on the passage of the bill, as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to alter the name of Martha Ann Screws, and to legitime her, was taken up for consideration; read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to repeal an act passed in 1833, entitled an act directing the Judges of the superior court of Hyde county, not to take up State cases before the third day of court, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Cincinnati and Charleston Rail Road Company, with sundry amendments, to wit: Fill up the blank on the third page, with "Robert R. Letcher." After the word "Infants," on the 25th page, insert the amendment marked "A." In which they ask the concurrence of the Senate. Whereupon, said amendments were severally read and concurred in; and the House of Commons informed thereof by message.

The bill to authorize the Bank of Cape Fear, and Merchants' Bank of Newbern, to deal in any public debt, or in the stock of any corporation authorized or enacted by any law of this State; the bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed in 1833—34; the bill securing to William Tannehill and Benjamin A. Lavender, of the town of Washington, and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pam-tico and Tar rivers, from the town of Washington and upwards, so far as they may see proper to go with boats propelled by steam; and the bill to authorize the leasing, for the term of eighteen years, of certain tracts of land acquired by treaty from the Cherokee Indians, were severally read the second time and passed; and on the respective motions of Mr. Wyche, Mr. Sharpe, Mr. Moyo of Pitt, and Mr. Edmonston, were severally ordered to lie on the table.

The engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Ellis' creek in Bladen county, heretofore laid on the table by an order of the Senate, was taken up for consideration; read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Conrad Gold Mining Company, with an amendment, to wit: Add the section marked "A." In which, they ask the concurrence of the Senate. Whereupon, the amendment was read and concurred in; and the House of Commons informed thereof by message.

The bill concerning the revival and digest of the Statute laws of North Carolina, was read the second time; and on motion of Mr. Edmonston, ordered to lie on the table.

Mr. Hogan, from the committee on the judiciary, to which was referred the engrossed bill to regulate the practice of Hawking and pedling in this State, reported the same without amendment. Whereupon, said bill was read the second time and passed.

The bill to provide for the election of Registers in this State, when any
vacancy may hereafter arise by death, resignation or otherwise, was taken up for consideration, and, on motion of Mr. Wilson, ordered to lie on the table.

Received from the House of Commons, the resignation of Elisha Sellers, a justice of the peace for the county of Columbus; and the resignation of Nathan Sallen, a justice of the peace for the county of Johnson; endorsed, read and accepted; and which were severally read and accepted by the Senate.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to repeal an act directing the manner in which constables shall be appointed, in this State, so far as respects the counties of Hyde and Green, with an amendment, to wit: "Extend the provisions of the bill to Washington, Tyrrel, and Currituck counties." In which they ask the concurrence of the Senate. Whereupon, the amendments was concurred in, and the House of Commons informed thereof by message.

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

THURSDAY, DECEMBER 17, 1835.

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 giving to widows, who may not dissent to their husband's wills, a distributive share of the residuum of their husband's personal estate, not given away in their wills; providing that widows who may dissent from the Probate of their husband's wills, may within six months from the Probate, file their petitions in the county court, for one years provisions, and for other purposes; a bill to reduce the county Solicitor's fees, in certain cases; a bill to amend the Revenue Laws; a bill to amend two several acts of the General Assembly, passed in 1834, to repair, alter, and amend the road leading from Holeman's Ford, to the Deep Gap on the Blue ridge; and one other act to amend and alter the road leading from the Ford of the Yadkin River, commonly called Cass's Ford, to the Ashe county line, on the Blue ridge; a bill to amend an act passed in the year 1834, entitled an act to appoint commissioners for the town of Clemmonsville, in Davidson county; a bill concerning the navigation of Cypress Creek; and resolutions concerning the public domain; in which they ask the concurrence of that House.

On motion of Mr. Bryan, ordered, that Mr. Pasteur have leave of absence from the service of the Senate, from and after Monday next, for the remainder of the session.

Mr. Moye of Greene, from the committee on claims, to which was referred a resolution in favor of the late William Gilliam dec'd., reported the same with an amendment, to wit: strike out the whole of the original resolution after the word "resolved," and insert a substitute; whereupon the amendment was concurred in, the resolution read the third time, passed as amended, and ordered to be engrossed.

Mr. Moye of G., from the same committee, to which was referred the resolution in favor of Richard Ashton, reported the same with an amendment, to wit: fill the blank in said resolution with the word "fifty," whereupon said amendment was concurred in, and the resolution was read the first, second and third times, passed as amended, and ordered to be engrossed.

On motion of Mr. Wilson, a message was sent to the House of Com-
mons, proposing that a balloting be had immediately for judge of the superior courts of law and equity; whereupon a message was received from that House stating their concurrence in the proposition; that Messrs. Stallings and Hammond, attend the Senate to conduct the balloting on their part, and that Wright Stanley, and Romulus M. Sanders, have been added to the nomination: thereupon Messrs. Polk and Wilson, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by Message.

Mr. Wyche presented a resolution directing the public Treasurer, to pay the Clerk of the Senate for certain acts and journals of the General Assembly, procured for the use of the Senate; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Edmonston,
Resolved, That the committee on Finance, enquire what compensation ought to be made to Nathan A. Stedman, Comptroller, for bringing up the books of his office, up to the time of his qualification, and that they report by bill, or otherwise.

Mr. Kendall presented a bill entitled a bill to abolish the office of county Trustee, and Treasurer of public buildings in the counties therein named, which was read the first time, and passed; a motion was made by Mr. Bullock to extend the provisions of the bill to the county of Chowan; which was agreed to; whereupon, the bill was read the second time, and passed as amended; read the third time, passed, and ordered to be engrossed.

Mr. Moorehead presented a bill entitled a bill to repeal sundry acts here-tofore passed, for the better regulation of the town of Greensboro’, in Guilford county; which was read the first time, and passed, and on motion of Mr. Moorehead, ordered to be referred to the Committee on Propositions and Grievances.

The bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation, or otherwise, before the meeting of the General Assembly, was read the second and third times, passed, and ordered to be engrossed.

The bill prescribing the time and places for comparing the polls in the different Senatorial Districts therein named, was read the second time, amended on the several motions of Mr. Whitehurst, Mr. Vann, Mr. Beasley, Mr. Williams of B., Mr. Hill, Mr. Martin, Mr. Kendall, Mr. Wellborn, Mr. Baker, and Mr. Edmonston, and passed as amended; the bill was then read the third time, passed, and ordered to be engrossed.

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

Received from the House of Commons, a message proposing that another balloting be had immediately for a judge of the superior courts of law and equity, and stating that the name of Wright C. Stanley, is withdrawn from the nomination; the proposition was concurred in. Messrs. Waugh and Marsteller, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by Message; thereupon a message was received from that House, announcing that Messrs. Howerton and Baker, are appointed to conduct the balloting on their part.

Received from the House of Commons, a message, proposing to ballot immediately for Major of Cavalry of the 19th Brigade, and stating that William M. Cole is in nomination for the appointment; the proposition was
concerned. Messrs Staley and Tillet, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by Message; thereupon a message was received from that House announcing that Messrs. Cotton and Gee, are appointed to conduct the balloting on their part.

Mr. Joyner, from the committee on Internal Improvements, to which was referred the bill to incorporate the Raleigh and Gaston Rail Road Company, made a detailed report thereon, unfavorable to the passage of the bill, and reported the same without amendment; whereupon, the bill was read the second time.

Mr. Edmonston moved that the bill be indefinitely postponed; which motion was not agreed to; the question then recurring on the passage of the bill, it was decided in the affirmative.

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

Mr. Staley from the committee appointed to conduct the balloting for Major of Cavalry attached to the 18th Brigade, reported that William Mc Coll having received a majority of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons, a message, proposing that another balloting be had immediately for a judge of the superior courts of law and equity; which proposition was concurred in. Messrs. Kerr and Hogan, were appointed to conduct the balloting 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. Hill and Hoskins, are appointed to conduct the balloting on their part.

Mr. Joyner from the committee on Internal Improvement, to which was referred the memorial of sundry citizens of Carteret county, praying the General Assembly, to obtain from the General Government, an appropriation to deepen the channel of Core Sound, and to improve the navigation thereof, made a report thereon, stating that it is a work of great importance and convenience, and of a national character; and therefore recommended the adoption of the accompanying resolutions, entitled resolutions in aid of the navigation of Core Sound; whereupon, said resolutions were read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Kerr from the committee appointed to conduct the balloting for a judge reported that Romulus M. Sanders, having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Polk, the resolutions heretofore laid on the table, by a vote of the Senate, were taken up and considered.

Mr. Polk moved to amend the resolutions, by striking out all after the word "resolved," and inserting a substitute; but before the question was taken on said amendment,

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

Friday, December 18, 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 to provide for the election of members of the General Assembly of this State,
when vacancies shall occur by death resignation or otherwise, before the meeting of the General Assembly; a bill prescribing the time and places for comparing Polls in the different Senatorial districts therein named; a bill to abolish the offices of county Trustee, and Treasurer of public buildings in the counties therein named; a resolution directing the public Treasurer to pay the Clerk of the Senate for certain acts and Journals of the General Assembly, procured for the use of the Senate; resolution in aid of the navigation of Core Sound; and a resolution in favor of the widow of the late William Gilliam dec'd.; and a resolution in favor of Richard Ashton; in which they ask the concurrence of that House.

Mr. Edmonston from the committee on Propositions and Grievances, to which was referred the bill to repeal sundry acts passed for the better regulation of the town of Greensboro', in Guilford county, reported the same without amendment; whereupon said bill was read the second and third times, passed and ordered to be engrossed.

Mr. Wyche from the committee on Finance, to which was referred the resolution in favor of the Comptroller of public accounts, reported the same without amendment, to wit:

Resolved, That the public Treasurer be authorized and directed to pay to Nathan A. Stedman, the sum of two hundred dollars, as compensation for making the necessary entries on the books of his office, up to the time of his qualification as Comptroller of the State.

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

Mr. Waugh presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of two, on the part of each House, to ascertain whether it be practicable to adjourn sine die, on the 21st inst.

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

Mr. Wyche presented a resolution directing the Comptroller to credit the public Treasurer, with the amount of Treasury notes burnt by the committee on Finance; which was read the first, second and third times, passed, and ordered to 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 incorporate the Lincoln Gold Mining Company; and a bill to incorporate the Craven county Rangers: 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 to regulate the practice of Hawking and Pedling in this State, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Raleigh and Gaston Rail Road Company, was read the third time; a motion was made by Mr. Joyner to amend the bill in the 7th line of the 12th section thereof, by inserting after the word "House," the words kitchen, yard, or Garden; which was agreed to; a motion was made by Mr. Joyner, further to amend the bill, by striking out in the 26th section thereof, after the word "estate," in the 11th line of said section; a motion was made by Mr. Joyner, further to amend the same, by striking out after the word "obstructed" in the 18th line of the 41st section, the remainder of said section; also to amend the same, by inserting after the word "crossed" in the 2nd line of the 42d section, the words "or approached by any other rail road incorporated by this State;"
also to amend the same by limiting its charter to 90 years; which amendments were severally agreed to; the question then recurring on the passage of the bill, as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills to wit: A bill making an appropriation for carrying on and completing the Capitol of the State; A bill for the better regulation of the town of Newbern; a bill compelling the justices of the peace of New Hanover county, to attend the term of the county court of said county, whenever a majority of the justices of said county are required to be present; the bill to incorporate the Franklin Turnpike Company, and for other purposes; a bill directing the time of holding the court of Pleas and Quarter Sessions, in the county of Mecklenburg; a bill to alter the time of holding elections in the counties of Currituck and Camden; and a bill for the better regulation of the county courts of Lincoln; 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; except the first named bill, which was read the first time, passed; and the bill to alter the time of holding the elections in the counties of Currituck and Camden, which was read the first and second times, passed, and on motion of Mr. Waugh, ordered to lie on the table.

Received also from the House of Commons, a message, stating that they have passed the following engrossed resolution, to wit: resolution directing the employment of additional engrossing Clerks, in which they ask the concurrence of the Senate; whereupon the said resolution was read the first time, and passed, a motion was made by Mr. Edmonston to strike out the words "as many" in the third line thereof, and insert the word "two," which was not agreed to; the resolution was then read the second and third times, passed, and ordered to be enrolled.

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 county of Gates, Chowan and Mecklenburg, with an amendment, to wit: extend the provisions of the bill to the county of Onslow; in which they ask the concurrence of the Senate; whereupon the said amendment was concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message, stating that they recede from their disagreement, and agree to the amendment proposed to the engrossed bill, to amend an act entitled an act to establish the Newbern Bank of the town of Newbern: Ordered that said bill be enrolled.

The bill to secure to William Tannehill and Benjamin A. Lavender, of the town of Washington and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pamlico, and Tar River, from the town of Washington, upwards, so far as they may see proper to go, with boats propelled by steam, was on motion of Mr. Moye of Pitt, taken up and considered; Mr. Moye of Pitt, submitted the following amendments to the bill, to wit; in the last line but one of the 1st section of the bill, before the word "rates" insert the word "usual," and in the last line, strike out the words "now established," and at the end of the 2nd section, add a proviso marked A; which amendments were severally concurred in; and
The bill to authorize the leasing, for the term of 18 years, of certain tracts of land, acquired by treaty from the Cherokee Indians, was taken up for consideration. On motion of Mr. Edmonston, read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to raise a committee of two on the part of each House, to ascertain the amount of business before the Legislature; and that they be instructed to report on to-morrow, whether the Houses of the General Assembly will be able to adjourn sine die, on the 21st of this month? Ordered, on motion of Mr. Edwards, that said message lie on the table.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: A bill authorizing the Governor to issue a grant to James Truit, for a tract of land in the county of Macon; a resolution in favor of James Thompson, of Iredell county; and a resolution relative to the Wilmington Marine Hospital Association. Whereupon, the said bill, and the last named resolution, were severally read the first, second, and third times, passed, and ordered to be enrolled. The resolution in favor of James Thompson, of Iredell county, was read the first and second times and passed. Read the third time, and resolved that the same shall not pass.

Received from the House of Commons a message, stating that they have concurred in the amendment by the Senate, to the engrossed bill to legitimate Thomas Petit of Surry county. Ordered that said bill be enrolled.

Mr. Marsteller, from the committee on military affairs, to which were referred resolutions on the subject of the Arsenal at Raleigh, the state of the public arms at Fayetteville; also a resolution on the subject of volunteer companies; made a report on the several subjects referred to them; accompanied by a bill, entitled a bill preventing privates, belonging to volunteer companies, from attaching themselves to any other volunteer companies. Also a resolution authorizing the Adjutant General to repair the Arsenals at Raleigh and Fayetteville. Whereupon, said bill was read the first time and passed. Read the second time, and on motion of Mr. Marsteller, ordered to be indefinitely postponed; and said resolution 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 providing compensation to the Sheriffs of the several counties in this State, for making returns of the votes given in at the late election for the adoption or rejection of the proposed amendments to the Constitution; with an amendment, to wit: Add to the bill the proviso marked "A." In which they ask the concurrence of the Senate. Whereupon, said amendment was read and disagreed to, and a message sent to the House of Commons, stating the disagreement of the Senate to said amendment.

On motion of Mr. Wilson, the Senate then proceeded to consider the resolutions on the subject of incendiary publications; the question still pending on Mr. Polk's amendment to strike out the whole of the original resolutions, after the word "Resolved," and insert a substitute.

Before the question was taken thereon, the Senate adjourned until 4 o'clock this evening.
JOURNAL OF THE SENATE.
FRIDAY EVENING, DECEMBER 18, 1835.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the name of Haywood Waterer, and to legitimate him; a bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancey county. In which they ask the concurrence of the Senate. Whereupon, the said bills were read the first time and passed. The first named bill was amended, on Mr. Little's motion, in the 13th line of the 1st section thereof, by striking out the word "manner," and inserting the words "from his father Nathaniel Walters." The second named bill was also amended, on motion of Mr. Little, in the 16th line of the 1st section thereof, by striking out the word "usual," and inserting the word "reasonable." The said bills were then read the second time, and passed as amended. Read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in said amendments.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act relative to hands working on roads in the counties of Burke and Buncombe; a bill to amend an act, entitled an act to incorporate the town of Stanitonsburgh, in the county of Edgecombe; a bill to amend an act, entitled an act to incorporate the Mattamuskeet canal and Rosebay Turnpike Company, passed at the last session. 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, with which was transmitted the annual report of the Cape Fear, Pedee and Yadkin Rail Road Company.

The Senate then resumed the consideration of the resolutions on the subject of incendiary publications; the question still pending on Mr. Polk's amendment.

Mr. Wilson called for a division of the question; and thereupon, the question was first taken on striking out the whole of the original resolutions, alter the word "resolved," and decided in the affirmative—Ayes 44, Noes 17. The ayes and noes being demanded by Mr. Wilson,


Those who voted in the negative are, Messrs. Britain, Cooper of M., Cowper of G., Edmonson, Edwards, Fox, Gambill, Gavvin, Hussey, Kerr, Patterson, Nabon, Sharpe, Staley, Stephens, Whitaker, Williams of P.

The question then recurring on inserting the resolutions, offered as a substitute, Mr. Wilson called for a division of the question; whereupon, the question was taken on the first branch of said resolutions. It was decided in the affirmative—Ayes 61. The ayes and noes being demanded by Mr. Wilson,

The question was then taken on the second branch of said resolutions, and decided in the affirmative—Ayes 45, Noes 16. The ayes and noes being demanded by Mr. Wilson,


Those who voted in the negative are, Messrs. Allison, Baker, Brittain, Edmonston, Edwards, Fox, Gambill, Gavin, Hussey, Kerr, Patterson, Rabun, Sharpe, Stephens, Vann, Williams of P.

A motion was made by Mr. Fox to amend said amendment by the following, as a substitute for the third and fourth branches thereof, to wit:

Resolved, That notwithstanding the strong and gratifying evidence, that the great body of our Northern brethren recognize our rights, and that they indignantly frown on the fanatical proceedings of the abolitionists; yet we can assure them, that by passing such laws and regulations, as will effectually suppress, and prevent the circulating of incendiary publications, they will contribute more towards allaying the present unpleasant feeling of the South, than all their sympathies can otherwise effect.

Mr. Wilson called for a division of the question on said amendment to the amendment; whereupon the question was first taken on striking out the third and fourth resolutions, and decided in the negative—Ayes 11, Noes 51. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are Messrs. Edmonston, Edwards, Exum, Fox, Gavin, Hussey, Moye of G., Patterson, Sharpe Staley, Stephens.


The question was then taken on the third branch of said resolutions, and decided unanimously in the affirmative—Ayes 61. The ayes and noes being demanded by Mr. Wilson,


The question was then taken on the 4th branch of said resolution, and decided in the affirmative—Ayes 55, Noes 7. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the negative, are, Messrs. Edmonson, Edwards, Fox, Patterson, Sharpe, Stephens, Waugh.

Mr. Fox moved to amend the amendment in the 5th line of the 5th branch of the resolutions, by inserting after the word "district," the words, "without the consent of their owners;" which amendment was not agreed to—Ayes 11, noes 51. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs. Edwards, Exum, Fox, Gambill, Hussey, Kerr, Patterson, Rabun, Staley, Stephens, Waugh.


The question was then taken on the 5th branch of said resolutions, and decided in the affirmative—Ayes 54, Noes 8. The ayes and noes being demanded by Mr. Wilson,


Those who voted in the negative, are Messrs. Edmonston, Edwards, Fox, Gambill, Hussey, Kerr, Sharpe, Staley.

The question was then taken on the 6th branch of said resolutions, and decided in the affirmative—Ayes 62. The ayes and noes being demanded by Mr. Wilson,


The question then recurring on the passage of the resolutions as amended, it was decided in the affirmative; whereupon said resolutions were read the 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 incorporate the Raleigh and Fayetteville Rail Road Company; and a bill to incorporate the Roanoke, Danville and Junction Rail Road Company, and to re-engage with certain alterations, the act to incorporate the Roanoke and Yadkin Rail Road Company, passed in the year 1833; in which they ask the concurrence of the Senate; whereupon, the first named bill was read the first, second and third times, passed, and ordered to be enrolled; and the last named bill was read the first time, and passed.

Received from the House of Commons, the resignation of James Leath-
ers, a justice of the peace for the county of Orange; also the resignation of John J. G. Hightower, as Major of the Regiment of Buncombe Militia; endorsed, read and accepted, and which were severally read and accepted by the Senate.

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

Saturday, December 19, 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 securing to William Tannehill and Benjamin A. Lavender, of the town of Washington and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pamlico and Tar rivers, from the town of Washington and upwards, so far as they may see proper to go, with boats propelled by steam; a bill to repeal certain acts, here-tofore passed, for the better regulation of the town of Greensborough, in Guilford county; resolution directing the Comptroller to credit the public Treasurer with the amount of Treasury notes burnt by the Committee of Finance; resolution authorizing the Adjutant General to repair the Arsenals at Raleigh and Fayetteville; resolution in favor of the public Treasurer; and a preamble and resolution on the subject of incendiary publications. In which they ask the concurrence of the House of Commons.

On motion of Mr. Marsteller, and Mr. Wyche, ordered that Mr. Hussey, Mr. Cromartie, Mr. Patterson, and Mr. Edwards, have leave of absence from the service of the Senate, from and after Monday next, for the remainder of the session.

Mr. Wyche presented a resolution, authorizing the Public Treasurer to borrow money on behalf of the State, if the same should be necessary; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Joyner presented a resolution in favor of Elizabeth C. Grant; which was read the first time and passed. The resolution was then read the second time, and resolved that the same shall not pass.

Mr. Brittian presented a bill entitled a bill relating to the Cavalry of Macon county; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Cowper, the bill to provide for the election of Registrars in this State, when any vacancy may hereafter arise by reason of death, resignation, or otherwise, was taken up for consideration, and read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller, the bill to alter the time of holding the elections in the counties of Currituck and Camden, was taken up for consideration. Read the second time; amended, on motion of Mr. Lindsay, in the 4th line of the 2d section thereof, by striking out the word "Friday," and inserting the word "Thursday;" passed as amended; read the third time, passed, and ordered to be engrossed.

On motion of Mr. Staley, the engrossed bill concerning inspection of flour in the town of Fayetteville, was taken up for consideration, and read the second time. Mr. McCormick moved that the bill be indefinitely postponed; which motion was not agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative. The bill was then read the third time, passed, and ordered to be enrolled.
On motion of Mr. Arrington, ordered that Mr. Mebane have leave of absence from the service of the Senate, from and after to-morrow, for the remainder of the session.

The engrossed bill, making an appropriation for carrying on and completing the capitol of the State, was read the second and third times, passed, and ordered to be enrolled.

On motion of Mr. Hogan, the bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, was taken up for consideration, and read the second time. A motion was made by Mr. Edwards to amend the same, by striking out, in the fourth line of the third section, after the word "debt," the words "or in the stock of any corporation;" which amendment was agreed to.

The question then recurring on the passage of the bill, as amended, it was decided in the affirmative—Ayes 39, Noes 20. The ayes and noes being demanded by Mr. Moye of G.


Those who voted in the negative were: Messrs. Arrington, Ballew, Brittain, Cowper, Edmonston, Edwards, Exum, Houlder, Hussey, Lindsay, McCormick, Mebane, Moore of R., Moye of G., Moye of P., Reid, Sharpe, Vann, Whitaker, Williams of F.

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

The bill to authorize the Bank of Cape Fear, and the Merchants' Bank of Newbern, to deal in the public debt, or in the stock of any corporation authorized or created by any law of this State, was taken up for consideration, on motion of Mr. Wyche, and read the second time. Mr. Wyche moved to amend the bill, by striking out, in the sixth and seventh lines of the first section thereof, after the word "debt," the words "and the stock of any corporation." Mr. Wyche also offered a similar amendment to the bill, "in the fifth line of the second section thereof;" which amendments were severally agreed to, and the bill passed as amended. Read the third time, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution relating to engrossing clerks; in which they ask the concurrence of the Senate. Whereupon, 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 their agreement to the 1st and 4th amendments proposed by the Senate, to the engrossed bill to incorporate the Raleigh and Gaston Rail Road Company; but do not agree to the 2d and 3d amendments.

Mr. Wyche moved that the Senate do now recede from their second amendment; and the question being taken on said motion, it was decided in the negative—Ayes 27, Noes 31. The ayes and noes being demanded by Mr. Joyner.


Those who voted in the negative were: Messrs. Alexander, Arrington, Ballew, Beasley, Bullock, Cooper, Cowper, Dowd, Edmonston, Exum, Gavin, Harry, Hill, Houlder, Joyner, Kendall, Lindsay, McCormick, Martin, Mebane, Moore of G., Moye of P., Selby, Sharpe, Slet, Wellborn, Whitehurst, Williams of B., Williams of P., Wilson, Young.
Mr. Wyche then moved that the Senate do recede from their third amendment to said bill; which motion was not agreed to; and thereupon, on motion of Mr. Joyner, a message was sent to the House of Commons; insisting on their 2d and 3d amendments to said bill.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill to incorporate the Milton and Salisbury Rail Road Company; a bill to establish Hookerton Academy, in the county of Greene, and to incorporate the trustees thereof; and resolutions directing an exchange of the Supreme court reports. In which, they ask the concurrence of the Senate. Whereupon, said bills and resolution were severally read the first, second and third times, passed, and ordered to be enrolled.

On motion of Mr. Wilson, ordered that Mr. Bullock have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session.

On motion of Mr. Wyche, ordered, that the rule of the Senate requiring public bills to be read but once on the same day, be suspended 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 for the better regulation of the county courts of Brunswick; a bill relating to the patrol in Camden county; and a bill concerning the patrol in the counties therein named; in which, they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed. The first named bill was read the second and third times, passed, and ordered to be engrossed. The second named bill was read the second time, and on motion of Mr. Tillet, ordered to lie on the table. The last named bill was read the second time, amended, on motion of Mr. Bryan, by extending its provisions to the county of Lenoir; and, on motion of Mr. Cooper, by extending its provisions to the county of Martin—passed as amended. The bill was then read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to incorporate the Roanoke, Danville, and Junction Rail Road Company; and to re-enact, with certain alterations, the act to incorporate the Roanoke and Yadkin Rail Road Company, passed in the year 1833, was read the second time. Mr. Morehead submitted the following amendments to said bill, to wit: In the 10th line of the last section, after the word "Road," strike out the words, "the construction whereof is herein before provided for." In the 12th line of the same section, after the word "Company," insert the following words, to wit: "Or any other Rail Road which may be constructed by any company, hereafter incorporated." Strike out all in the caption of the bill, after the word "Company," in the second line. Which amendments were severally concurred in, and the bill passed as amended. The bill was then read the third time, passed, and ordered that a message be sent to the House of Commons, asking their concurrence in said amendments.

Mr. Edwards presented a resolution in favor of the door-keepers; which was read the first, second and third times, passed, and ordered to be engrossed.

The Senate then adjourned until half past three o'clock this evening.
Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate: A bill to alter the name of Simon Davis, and to legitimate him; a bill to divorce Thomas Roberts; a bill to divorce Temple Hall; a bill to alter the name of James Atlas Marks, and to legitimate him; a bill to repeal an act, entitled an act concerning the town of Asheville in Buncombe county, passed in the year 1822; a bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county, and for other purposes; a bill relating to the duty of the Sheriff of Chatham county. Whereupon, the said bills were severally read the first, second and third times, passed, and ordered to be enrolled; except the bill to divorce Temple Hall; which was read the second time, and resolved that the same shall not pass. On the second reading of the bill to divorce Thomas Roberts, the ayes and noes were—Ayes 27, Noes 18; and were demanded by Mr. McCormick.

Those who voted in the affirmative, are, Messrs. Allison, Arrington, Baker, Ballew, Brittain, Cooper of M., Edmonson, Edwards, Fox, Gambill, Harrison, Harry, Lindsay, Marsteller, Martin, Moore of S., Moye of P., Pasteur, Rabun, Selby, Sharpe, Staley, Tillet, Wellborne, Williams of F., Williams of P., Young.


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 to amend an act entitled an act to establish a bank in the State of North Carolina, passed in the year 1833—4; a bill to authorize the bank of Cape Fear, and Merchants bank of Newbern, to deal in any public debt, authorized or created by any law of this State; a bill to authorize the leasing for a term of eighteen years, of certain tracts of land acquired by treaty from the Cherokee Indians; a bill to provide for the election of Registers in this State, when any vacancy may hereafter arise by reason of death, resignation, or otherwise; a bill relating to the Cavalry of Macon county; Resolution authorizing the public Treasurer to borrow money on behalf of the state, if the same should be necessary; and a resolution in favor of the doorkeepers; in which they ask the concurrence of that House.

Mr. Joyner presented a resolution in favor of the administrators of James Grant, which was read the first and second times, amended on motion of Mr. Marsteller, by striking out the word administrator in the second line thereof, and inserting the word "widow," and passed as amended; the resolution was then read the third time, passed and ordered to be engrossed.

On motion of Mr. Edwards, ordered that Mr. Waugh have leave of absence from the service of the Senate from and after Monday next, for the remainder of the session.

On motion of Mr. Hill, the bill to suppress more effectually the vice of gaming in this State, was taken up and considered, and read the second time; Mr. Bryan moved to amend the bill by striking out in the 4th line of the 1st section, the words "so much of;" and Mr. Little moved further to amend the bill by striking out in the 15 and 16 lines of the second section thereof, the words "except such as are now denominated Billiard tables;" which amendments were severally concurred in, and the bill passed as
amended; the bill was then read the third time, and passed, and a message sent to the House of Commons, asking their concurrence in said amendments.

On motion of Mr. Hogan, ordered that Mr. Fox have leave of absence from the service of the House, from and after Monday next, for the remainder of the Session.

The bill to amend an act passed in 1830, entitled an act for the better regulation of the Patrol, was read the 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, to wit: A bill to incorporate the Episcopal School of North Carolina; a bill to abolish the office of county Trustee in the county of Bladen; in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed; the first named bill was then read the second time; Mr. Allison moved to amend the bill by limiting the amount of property to be held by said company, to fifty thousand dollars; which amendment was not agreed to; the question recurring on the passage of the bill, it was decided in the affirmative; read the third time, passed, and ordered to be enrolled; the last named bill was on motion of Mr. Marsteller, 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 to amend an act passed in 1829, chapter 57, entitled an act to authorize the court of Pleas and Quarter Sessions of Burke county, to appoint commissioners to view and lay off a Turnpike road from the Lincoln line to Jacob Mull's Mills, passing through the Laurel Gap of the South Mountain, and for other purposes; a bill to amend an act passed at the last session, entitled an act to establish the town of Leachville in Beaufort county, and to appoint commissioners thereof; a bill to prevent the felling of timber in or otherwise obstructing the run of Trumbull creek, in Bladen county; a bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house, in the counties of Jones and Randolph; a bill to incorporate the South Buffalo Gold Mining Company; a bill to establish Coneto academy in the county of Edgecombe; a bill to amend the Militia laws for the encouragement of volunteer companies, in the county of Mecklenburg; a bill to alter the name of, and legitimate William W. Eason, of the county of Edgecombe; a bill to alter and amend an act passed in 1834, chapter 124, entitled an act appointing commissioners to lay off a road from Morganton in Burke county, by Barnesville and Barnets' station to the Tennessee line; a bill amendatory of an act relating to the town of Lawrenceville in Montgomery county; a bill to prevent fire hunting in the night time, in Hyde county; and a bill to divorce Esther E. Nelson; 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 also from the House of Commons, a Message stating that they have passed the following engrossed bills and resolutions, to wit: A bill directing the number of jurors hereafter to be drawn in the county of Chatham; a bill to give further time for paying in entry money; a bill directing the entry taker of Yancy county to issue warrants in certain cases; resolution providing a residence for the Governor, and appropriating 450 dollars for that purpose; resolution in favor of Mark H. Hill; and a resolution re-
lating to Cherokee lands; in which they ask the concurrence of the Senate; whereupon, the said bills and resolutions were severally read the first, second and third times, passed and ordered to be enrolled.

Received also from the House of Commons, a message, stating that they have passed the following engrossed bills and resolutions, to wit: A bill to incorporate the American Gold Mining Company in Mecklenburg county; a bill to amend in part, an act passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrell county to Plymouth; a bill to emancipate Delia; a bill to authorize the laying out and establishing a Turnpike road from the South Carolina line, at some point near the Block house in Rutherford county, to Cain Creek Bridge in Buncombe county; a bill to amend an act passed in 1830, concerning the county court of Rowan; a bill to emancipate Lucy Ann, Emeline, and Priscilla of Cumberland county; a bill authorizing the making a Turnpike road in Haywood county, and incorporating a company for that purpose; resolution in favor of James G. Stockard; and a resolution in favor of John Cooper of Rutherford county, in which they ask the concurrence of the Senate; whereupon the first, fourth, fifth, sixth, and seventh named bills, and the resolutions were severally read the first, second and third times, passed, and ordered to be enrolled; the second named bill was read the first time, and passed; read the second time, and resolved that the same shall not pass; the third named bill was read the first time and passed, read the second time, amended on motion of Mr. Little, by extending its provisions to Nelson, a slave, the property of Betsy Mallett; and resolved that the same shall not pass; whereupon a message was sent to the House of Commons informing them of the rejection of said bills.

Received also from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill for the relief of sick and disabled seamen; a bill concerning the probate of wills made out of the State, and registration of deeds and powers of attorney executed in foreign countries; a bill to declare and amend the law respecting public jails in certain cases; a bill to amend an act passed at Hillsboro' in the year 1781, so far as respects the listing of taxable property within this State; a bill to amend an act entitled an act to provide for the punishment of accessories to felonies, in certain cases, passed in the year 1797; a bill making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described, in which they ask the concurrence of the Senate; whereupon the bill to declare and amend the law respecting public jails in certain cases, and the bill concerning the probate of wills made out of the State, and the registration of deeds and powers of attorney, executed in foreign countries, were severally read the first, second and third times, passed and ordered to be enrolled.

The bill making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described, was read the first time, and passed; read the third time, and passed; and on motion of Mr. Hill, ordered to be postponed indefinitely.

Received from the House of Commons, a message stating that they insist on their disagreement to the amendment proposed by the Senate to the bill incorporating the Raleigh and Gaston Rail Road Company, and proposing a conference; which proposition was concurred in; whereupon, on motion of Mr. Hogan, Messrs. Hogan, Wyche and Joyner, were appoint-
ed to form the committee of conference on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of Matthew Miller; and a resolution in favor of James C. Turrentine; 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, read the second time, and resolved, that the same shall not pass; but was subsequently reconsidered on motion of Mr. Bryan, read the second and third times, passed, and ordered to be enrolled.

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

**Monday, December 21, 1835.**

A message was sent to the House of Commons, stating that the Senate has passed the engrossed resolution in favor of the widow of James Grant; in which they ask the concurrence of that House.

Mr. Wyche presented a bill entitled a bill concerning the board of Internal Improvement, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Bryan presented a bill entitled a bill to prevent obstructions in the navigation of the waters of Carteret county; and to appoint commissioners of navigation in said county; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill to alter the time of holding the elections in the counties of Currituck and Camden, ordered that said bill be enrolled.

Received also from the House of Commons, a message, stating their concurrence in the amendment proposed by the Senate, to the engrossed bill concerning the Patrol in the counties therein named, ordered that said bill be enrolled.

Received also from the House of Commons, a message, stating that they have concurred in the amendment proposed by the Senate, to the bill to prevent fraud in the assessment of land for taxation in Yancy county; also, in the amendments proposed by the Senate to the engrossed bill to incorporate the Roanoke, Danville and Junction Rail Road Company; also, in the amendment proposed by the Senate to the engrossed bill to alter the name of Haywood Waterer, and to legitimate him, ordered that said bill be enrolled.

Received also from the House of Commons, a message, stating that they insist upon their amendment to the engrossed bill providing compensation to the Sheriffs of the several counties of this State for making their returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the constitution; whereupon on motion of Mr. Wyche, a message was sent to the House of Commons, informing them that the Senate have receded from their amendment to said bill.

A message was sent to the House, stating that the Senate has passed the engrossed bill concerning the board for Internal Improvement; in which they ask the concurrence of that House.
Mr. Moore of Stokes, moved to reconsider the engrossed bill, making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described; and on the question, will the Senate reconsider said bill? it was decided in the affirmative; whereupon said bill was read the second and third times, passed and ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed bill to prevent obstructions in the navigation of the waters of Carteret county, and to appoint commissioners of navigation, in said county; in which they ask the concurrence of that House.

Mr. Marsteller moved to reconsider the engrossed bill to emancipate Delia, a slave; and on the question, will the Senate reconsider said bill? it was decided in the affirmative; whereupon the said bill was read the second time, and passed, as amended; read the third time, and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Waugh moved to reconsider the bill to divorce Temple Hall; and on the question, will the Senate reconsider said bill? it was decided in the affirmative; whereupon said bill was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill for the relief of sick and disabled American seamen, 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 passed the following engrossed bills and resolutions, to wit: a bill granting further time for revising and digesting the public statute laws; a bill to amend the several acts heretofore passed to vest the right of electing sheriffs with free white men of this State, and to direct the mode of their qualification when elected; a bill declaratory of the duty of entry takers, in certain cases; a bill to alter in part the dividing line between the counties of Surry and Rowan; resolution directing the sale of dredging machines: resolution for contingent expenses; and a resolution in favor of Daniel L. Barringer; in which they ask the concurrence of the Senate; whereupon the resolutions were severally read the first, second and third times, passed, and ordered to be enrolled. The first and second named bills were read the first and second times, passed, and ordered to lie on the table; the first on the motion of Mr. Waugh, and the second on motion of Mr. McCormick. The bill declaratory of the duties of entry takers in certain cases, was read the first second and third times, passed, and ordered to be enrolled.

The bill to alter in part the dividing line, between the counties of Surry and Rowan, was read the first and second times, amended on motion of Mr. Waugh, by striking out in the 14th line of the bill, the word "Rowan," and inserting in lieu thereof, the words, "and that part of Rowan," passed, as amended, read the third time and ordered to be enrolled.

Mr. Hogan from the committee of conference, to which was referred the disagreeing votes of the two Houses on the amendments to the bill to incorporate the Raleigh and Gaston Rail Road Company, made a report thereon, recommending that the Senate do recede from its amendment marked B.; that the amendment marked E., be added at the end of the 25th section; they further recommend that the House of Commons do recede from their amendment marked C.; in which report the Senate concurred, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill more effectually to suppress the vice of gaming in this State.
The engrossed bill to amend an act entitled, to provide for the punishment of accessories to felonies in certain cases, passed in the year 1797; was read the first and second times, and passed, read the third time, and on motion of Mr. Edwards, ordered to lie on the table; subsequently taken up for consideration, on motion of Mr. Little, and ordered, on motion of Mr. Edwards to be postponed indefinitely.

The engrossed bill to amend an act passed at Hillsboro', in the year 1784, so far as it respects the listing of taxable property in this State, was read the first and second times, and passed, read the third time, and on motion of Mr. Moorehead, ordered to be postponed indefinitely.

On motion of Mr. Bryan, the bill granting further time for revising and digesting the public statute laws, was taken up for consideration, and read the second time; a motion was made by Mr. Edwards, to amend the bill by striking out the second and third sections thereof; which motion was agreed to,—Ayes 26, Noes 25. The ayes and noes being demanded by Mr. Waugh,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Beasley, Cooper of M., Cowper of G., Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Marsteller, Rabun, Reid, Sharpe, Stephens, Tillett, Vann, Waugh, Williams of F., Williams of P.,

Those who voted in the negative are Messrs. Ballew, Bryan Dowd, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Lindsay, Little, M'Cormick, M'Queen, Martin, Moorehead, Moore of R., Moore of S., Polk, Selby, Wellborn, Whitehurst, Williams of B., Wilson, Wyche, Young.

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

Received from the House of Commons, a message, stating that they have passed the engrossed bill to authorize the trustees of Williams' church in the county of Martin, to hold and possess one acre of land, on which said church is situated, with an amendment to wit: add the section marked A.; in which they ask the concurrence of the Senate: whereupon said amendment was concurred in, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, authorizing and requiring the commanding officers of militia, attached to the 30th, 31st, and 68th regiments of militia, to muster their respective companies, once in three months, with the following amendments, to wit: Strike out "68," and insert "49," in the 5th line: After the word "militia," in the 6th line, insert "and of the militia of Mecklenburg, Cabarrus, and Rowan counties." In which, they ask the concurrence of the Senate. Whereupon, said amendments were concurred in; and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to abolish the offices of county Trustee and Treasurer of public buildings, with an amendment, to wit: Strike out the words "Chowan, Mecklenburg," wherever they occur in the bill. In which, they ask the concurrence of the Senate. Whereupon, said amendments were concurred in, and the House of Commons was informed thereof by message.

Mr. Balliry presented the resignation of Abner Payne, a justice of the
peace for the county of Rutherford; and Mr. Allison presented the resignation of George Jordan, lieutenant colonel of the 48th regiment of North Carolina militia; which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignations of the following field officers, and justices of the peace, to wit: Dempsey Winstead, lieutenant colonel of the 22d regiment of North Carolina militia; John D. Summons, lieutenant colonel of the 66th regiment of North Carolina militia; Moses W. Alexander, lieutenant colonel of the 68th regiment; Benjamin F. Pearson, major of the 53d regiment of North Carolina militia; and Hardy Morgan, a justice of the peace for the county of Montgomery; endorsed, read and accepted; and which were severally read and accepted by the Senate.

The Senate then adjourned until 4 o'clock this evening.

MONDAY EVENING, 4 o'clock.

Mr. Little presented the following resolution, to wit:

Resolved, That the resolution heretofore passed, proposing to adjourn sine die on the 21st instant, be, and the same is hereby rescinded.

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

On motion of Mr. Little,

Resolved further, That a message be sent to the House of Commons, proposing that the two Houses adjourn to-morrow morning at 7 o'clock; and that the clerks of the two Houses make up their estimates to that day.

Received from the House of Commons a message, stating that they have passed the engrossed bill, prescribing the times and places of comparing the polls in the different Senatorial districts therein named, with sundry amendments; in which they ask the concurrence of the Senate:

Whereupon, said amendments were concurred in, except the amendments marked "E" and "F"; which were disagreed to, and a message sent to the House of Commons, informing them thereof.

Mr. McQueer presented a bill, entitled a bill to amend an act incorporating the Pittsborough Academy; 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 do not concur in the amendment proposed by the Senate, to the engrossed bill, granting further time for revising and digesting the public statute laws. A motion was made by Mr. Little, that the Senate do now recede from their amendment; which was agreed to, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill to emancipate Delia. Ordered that said bill be enrolled.

Received also from the House of Commons a message, stating their concurrence in the report of the committee of conference, on the disagreement to the amendments marked "B and C," to the engrossed bill to incorporate the Raleigh and Gaston Rail Road Company. Ordered that said bill be enrolled.

A message was sent to the House of Commons, stating that they have passed the engrossed bill to amend an act to incorporate the Pittsborough Academy. In which, they ask the concurrence of that House.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill supplemental to
an act passed at the present session of the General Assembly, entitled an act to amend an act passed in the year 1833, incorporating the Roanoke and Raleigh Road Company; and a bill to regulate the mode of passing private acts of the General Assembly. In which, they ask the concurrence of the Senate. Whereupon, the first named bill was read the first, second, and third times, passed, and ordered to be enrolled. The second named bill was read the first and second times; amended, on motion of Mr. Wyche, and Mr. Gambill, and passed. Read the third time, and on motion of Mr. Bryan, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they have concurred in the amendments proposed by the Senate, to the engrossed bill to suppress, more effectually, the vice of gaming in this State. Also their concurrence in the amendments proposed by the Senate to the engrossed bill to alter, in part, the dividing line between the counties of Surry and Rowan. Ordered that said bills be enrolled.

Received also from the House of Commons a message, stating that they have rejected the engrossed bill, fixing the punishment for the crime of bigamy.

On motion of Mr. Bryan, ordered that Mr. Moore of R., have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session. Also on motion of Mr. Littie, ordered that Mr. Moore of P., and Mr. Williams of F., have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session. Also, on motion of Mr. Moore of R., ordered that Mr. Moorehead have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session. Also, on motion of Mr. Arrington, ordered that Mr. Moye of G., have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session; and, on the motion of Mr. Edwards, and Mr. Bryan, respectively, ordered that Mr. Lindsay and Mr. Tuttle, have leave of absence from the service of the Senate, from and after to-morrow, for the remainder of the session.

The Senate then adjourned until to-morrow morning 7 o'clock.

TUESDAY, DECEMBER 22, 1835.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the revenue laws, with sundry amendments. Ordered, on motion of Mr. Wyche, that the bill, with the amendments, be laid on the table.

Received also from the House of Commons a message, informing that Messrs. Jacocks, Muse, Tuton, Buie, and Gorrell, are added to the committee on enrolled bills.

On motion of Mr. Marsteller, ordered that a message be sent to the House of Commons, informing them that Messrs. Dowd, Beasley and Hill, have been added to the committee on enrolled bills, on the part of the Senate.

On motion of Mr. Little, the engrossed bill to regulate private acts of the General Assembly, was reconsidered. Whereupon, the bill was read the third time. Mr. Wellborn submitted the following amendment, to wit: Strike out all after the word "published," in the 8th line of the 1st section of the bill, and insert the following, to wit: "By advertisement, to be posted up at the Court House door, and three other public places in the county in which said applicants or any of them may reside, for at least
thirty days before the meeting of the General Assembly; and when such private bill shall be presented, upon the request of any member, a copy of the notice, with due proof, that it has been so published, shall be introduced before the same shall be allowed to be read a second time; and on the question of concurrence in said amendment, it was decided in the affirmative—Ayes 23, Noes 15. The ayes and noes being demanded by Mr. Cooper,


Those who voted in the negative are, Messrs. Bryan, Harrison, Joyner, Kerr, Little, McCormick, Martin, Moore of S., Polk, Tillet, Vann, Williams of B., Williams of P., Wilson, Wyche.

A motion was made by Mr. Wilson to amend the bill, by adding the following at the end thereof, to wit: "Be it further enacted, that all persons applying for acts of incorporation, shall, upon filing his or their memorials, pay to the public Treasurer, a tax of ten dollars, and file the receipt of the Treasurer, with his or their memorial;" which was not agreed to—Ayres 7, Noes 34. The ayes and noes being demanded by Mr. Cowper,

Those who voted in the affirmative are, Messrs. Fox, Harrison, Kerr, Moore of L., Moore of S., Vann, Wilson.


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

Received from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: The bill to reduce the county Solicitor's fees in certain cases; the bill supplemental to an act passed in 1809, entitled an act directing how persons injured by the erection of public mills, shall, in future, proceed to recover damages; and that they have postponed, indefinitely, the resolutions concerning the public domain.

Received also from the House of Commons a message, stating that they have passed the following bill and resolution, to wit: A bill to amend an act passed in the year 1833, establishing a female Academy in the county of Northampton; and a resolution in favor of Thomas Jell. In which, they ask the concurrence of the Senate. Whereupon, the bill was read the first, second and third times, passed, and ordered to be enrolled. The resolution was read the first and second times, and passed. Read the third time, and resolved that the same shall not pass.

Mr. McCormick presented a bill, entitled a bill authorizing the court of pleas and quarter sessions of Cumberland county, to lay off the public roads in that county into districts, and for other purposes. Whereupon, the bill was read the first time and passed, and on motion of Mr. Cooper, ordered to be postponed indefinitely.

Mr. Wilson presented a resolution, providing that no member of either of us be entitled to a per diem compensation after this day; which was read the first, second, and third times, passed, and ordered to be engrossed.

On motion, of Mr. Marsteller, a message was sent to the House of Commons, informing them that the Senate has acted on all the business before them; and that they are now ready to adjourn sine die.
Received from the House of Commons a message, stating that they have rejected the engrossed bill to amend an act to establish a Bank in the State of North Carolina, passed in 1833—'4. Also, the engrossed bill to authorize the Bank of Cape Fear, and Merchants' Bank of Newbern, to deal in any public debt, authorized or created by any law of this State. Also a bill authorizing the leasing, for the term of eighteen years, of certain tracts of land acquired by treaty from the Cherokee Indians.

Received also from the House of Commons a message, stating that they have rescinded from their amendments marked "E" and "F," to the engrossed bill prescribing the time and places of comparing the polls in the different Senatorial districts of this State.

Received also from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate, to the engrossed bill to regulate the mode of passing private acts of the General Assembly.

Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that having passed on all the business before them at this session, they are now ready to adjourn sine die.

On motion of Mr. Bryan,

Resolved unanimously, that the thanks of the Senate are due to the Hon. William D. Mosely, for the able, dignified, and impartial manner, in which he has discharged the duties of the Chair, during the present session of the General Assembly.

Whereupon, the Speaker made his acknowledgements to the Senate, in an appropriate address, and adjourned the same sine die.

(Signed) W. D. MOSELEY, S. S.

By order.

WM. J. COWAN,
Clerk of the Senate.