JOURNAL OF THE SENATE.

AT a General Assembly, begun and held in the City of Raleigh, on the twenty-first day of November, in the year of our Lord, one thousand eight hundred and thirty-six, and in the sixty-first 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, viz:

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<th>Washington and Tyrrell</th>
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A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Edwards, William D. Moseley, Esquire, the Senator from the county of Lenoir, was nominated for Speaker; and on motion of Mr. Polk, Hugh Waddell, Esq., the Senator from the
county of Orange, was added to the nomination. The Senate thereupon, proceeded to vote *viva voce*, as follows, viz:—

FOR MR. WADDELL.

Messrs. Albright, Messrs. Montgomery,
Barnett, Moody,
Burney, Meye,
Bryan of Carteret and Jones, Myers,
Capson, Melchor,
Davidson, Morehead,
Dockery, Moore,
Gudger, Polk,
Hargrave, Reding,
Joyner, Spruill,
Jones, Taylor,
Kelly, Williams—24.

FOR MR. MOSELEY,

Messrs. Baker, Messrs. Houlden,
Bryan of Craven, Hussey,
Bunting, Kerr,
Cowper of Gates, Lindsay,
Cooper of Martin, Marsteller,
Dobson, Melbanc,
Exum, McCorrnick,
Edwards, Reid,
Fox, Reindartt,
Hall, Sanders,
Hawkins, Whitaker—22.

Mr. Hugh Waddell, having received a majority of the whole number of votes given, was declared duly elected, when he was conducted to the Chair by Mr. Polk, and made his acknowledgements to the Senate in an appropriate Address.

On motion of Mr. Morehead, Thomas G. Stone was nominated for Principal Clerk. On motion of Mr. Burney, Hardy L. Holmes was added to the nomination; and on motion of Mr. Dobson, Joseph B. Hinton was also added to the nomination.

The Senate thereupon proceeded to vote *viva voce*, as follows, viz:
FOR MR. STONE,

Messrs. Bryan of Carteret, Messrs. Hawkins,
Marsteller, Exum,
Moody, Lindsay,
Bryan, of Craven, Kelly,
Morehead, Fox,
Sanders, Edwards,
Montgomery, Whitaker,
Kerr, Gudger,
Reid, Mebane,
Cooper of Martin, Houlder,
Baker, Reding—23.
Reinhardt,

FOR MR. HOLMES,

Messrs. Waddell, Messrs. Albright,
Joyner, Barnett,
Hargrave, Bunting,
Moseley, Myers,
McCormick, Carson,
Dockery, Polk,
Moore, Jones,
Burney, Davidson—17.
Hussey,

FOR MR. HINTON,

Messrs. Spruill, Messrs. Taylor,
Williams, Dobson,
Moye, Melchor,
Hall, Cowper of Gates—8.

Neither of the persons in nomination having received a majority of the whole number of votes given, the Senate proceeded to vote a second time, viva voce, as follows, viz:

FOR MR. STONE,

Messrs. Bryan of Carteret, Messrs. Hawkins,
Marsteller, Exum,
Moody, Lindsay,
Bryan of Craven, Kelly,
Morehead, Reding,
Sanders, Fox,
Montgomery, Carson,
Kerr, Edwards,
Taylor, Whitaker,
Reid, Gudger,
Messrs. Cooper of Martin,      Messrs. Mebane, 
Baker,              Houlder—25. 
Reinhardt, 

FOR MR. HOLMES,

Messrs. Waddell,      Messrs. Hussey, 
Joyner,            Albright, 
Hargrave,         Barnett, 
Moseley,         Bunting, 
McCormick,     Myers, 
Dockery,         Polk, 
Moore,            Jones, 
Burney,        Davidson—16.

FOR MR. HINTON,

Messrs. Spruill,      Messrs. Dobson, 
Williams,       Melchor, 
Moye,            Cowper of Gates—7. 
Hall, 

Thomas G. Stone having received a majority of the whole number of votes given, was declared duly elected.

Whereupon, on motion of Mr. Jones, James R. Dodge was nominated for Clerk Assistant of the Senate. On motion of Mr. Burney, Issac Dockery, and on motion of Mr. Fox, Nathaniel O. Blake, were added to the nomination.

The Senate thereupon proceeded to vote viva voce, as follows:

FOR MR. DODGE,

Messrs. Waddell,      Messrs. Redding, 
Hargrave,        Moore, 
Joyner,            Baker, 
J. W. Bryan,    Reinhardt, 
Moseley,       Carson, 
Moody,            Gudger, 
Davidson,       Lindsay, 
Morehead,      Montgomery, 
Edwards,        Hawkins, 
Jones,            Hall, 
Dobson,        Moye, 
Polk,            Williams, 
Kelly,            Albright, 
Fox,            Taylor, 
Melchor,       Barnett, 
Kerr,            Cowper—33. 
Reed, 

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FOR MR. DOCKERY,

Messrs. Spruill, Burney,
Marsteller, Myers,
Dockery, Sanders—8.
McCormick,

FOR MR. BLAKE,

Messrs. Bryan of Craven, Messrs. Eum,
Cooper, of Martin, Hussey,
Whitaker, Mebane—7.
Houlder,

Mr. James R. Dodge, having received a majority of the whole number of votes given, was declared duly elected.

Whereupon, on motion of Mr. Reid, Thos. B. Wheeler was appointed Door-keeper without opposition. On motion of Mr. Reid, Green Hill was nominated for Assistant Door-keeper; and on motion of Mr. Hawkins, Nicholas Murphy was added to the nomination.

The Senate proceeded to vote in due form, and upon the votes being counted, it appearing that Green Hill had received all except that of John D. Hawkins, who voted for Nicholas Murphy, thereupon Green Hill was declared duly elected.

On motion of Mr. Marsteller,

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 Mr. Hugh Waddell as Speaker; Thomas G. Stone as Principal Clerk; James R. Dodge, Clerk Assistant; Thomas B. Wheeler, Door-keeper; and Green Hill, Assistant.

On motion of Mr. Baker, the Senate adjourned until tomorrow morning, 10 o'clock.

TUESDAY, NOVEMBER 22, 1836.

On motion of James W. Bryan,

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, Moseley, Edwards, Joyner, and J. W. Bryan, were appointed to form said Committee.

On motion of James W. Bryan,

Ordered, That the Rules of Order and decorum, adopted for the government 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, by the appointment of William H. Haywood, Esq. as Speaker, Charles Manly, Principal Clerk, and Edmund B. Freeman, Clerk Assistant, Isaac Truitt, and Jas. Page, Door-keepers; and that they are ready to co-operate with the Senate in the despatch of public business.

Received a message from the House of Commons, proposing that a joint select Committee of two, on the part of each House, be raised to wait on his Excellency the Governor, and inform him of the organization of both Houses; and their willingness to receive any communications he may be pleased to make. Which proposition being agreed to, Messrs. Edwards and Polk 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. Courts and McRae are appointed to form the Committee on their part.

Received from the House of Commons a message, proposing to raise a joint select Committee of five, on the part of each House, to prepare and report Joint Rules for the government of the two Houses; which proposition being agreed to, Messrs. Hall, Hawkins, Taylor, Moore, and Carson, 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, informing the Senate that Messrs. Fisher Hoke, Graham, Hutchison, and D. Jordan, are appointed to form the Committee on their part.
Received from the House of Commons a message, proposing to proceed to the election of three Engrossing Clerks, and that a joint select committee of three on the part of each House, be appointed to enquire and report immediately as to the best mode of conducting this election; which proposition being agreed to, Messrs. Moseley, Jas. W. Bryan and Dockery, were appointed said Committee on the part of the Senate, and the House of Commons was informed thereof by message. Thereupon, a message was received from the House of Commons, informing the Senate, that Messrs. Clayton, Crawford, and Williamson, are the Committee on the part of that House.

A message was received from the House of Commons, accompanied with a Report of the Joint Committee, on the manner of conducting the election of Engrossing Clerks, and stating that that House had concurred in said Report; the report was read and concurred in by the Senate, and Messrs. Jones, Morehead, and Dobson, were appointed the Committee on the part of the Senate, to compare and report said Election. The message from the House of Commons further stated that John C. Stone, P. R. Lilly, John Saunders, James J. Thomas, William Williamson, Joseph B. Cheshire, and Thomas L. West, are in nomination for the appointment of Engrossing Clerks, and that the House of Commons waited for the nominations in the Senate, if any, before they proceed to vote. No nomination being made in the Senate, and the House of Commons being informed thereof by message, on motion of Mr. Edwards, the Senate proceeded to vote for three Engrossing Clerks—when it appeared that the following votes were given, viz:

FOR JOHN C. STONE,

Messrs. Barnett, Bryan of C.
Cowper of G.
Cooper of M.
Dobson,
Hall,
Hussey,

Messrs. Lindsay,
Morehead,
Moore,
Reid,
Reding,
Spruill,
Williams—14.
FOR JOHN SAUNDERS,

| Messrs. Baker, | Messrs. Hawkins, |
| Barnett, | Houlder, |
| Bunting, | Kerr, |
| Exum, | Reinhardt, |
| Fox, | Saunders—10. |

FOR P. R. LILLY,

| Messrs. Waddell, | Messrs. Montgomery, |
| Albright, | Moye, |
| Burney, | Myers, |
| Cowper of G. | Melchor, |
| Cooper of M. | Morehead, |
| Davidson, | Moore, |
| Dockery, | McCormick, |
| Gudger, | Polk, |
| Hargrave, | Reding, |
| Hall, | Sanders, |
| Kelly, | Spruill, |
| Lindsay, | Carson—25. |
| Marsteller, | |

FOR JAMES J. THOMAS,

| Messrs. Albright, | Messrs. Marsteller, |
| Baker, | Mebane, |
| Bryan of Craven, | Moody, |
| Bunting, | Moseley, |
| Dobson, | Moye, |
| Exum, | Myers, |
| Edwards, | Reid, |
| Fox, | Reinhardt, |
| Hawkins, | Spruill, |
| Houlder, | Taylor, |
| Hussey, | Williams, |
| Kerr, | Whitaker—24. |

FOR WILLIAM WILLIAMSON,

| Messrs. Albright, | Messrs. Melchor, |
| Bryan of Carteret, | Morehead, |
| Davidson, | McCormick, |
| Dockery, | Polk, |
| Gudger, | Reding, |
| Hargrave, | Taylor, |
| Joyner, | Carson—15. |
| Jones, | |
FOR JOSEPH B. CHESHIRE,
Messrs. Waddell, Burney, Bryan of Carteret, Edwards, Hargrave, Joyner, Jones, Kelly,

FOR THOMAS L. WEST,
Messrs. Waddell, Baker, Barnett, Burney, Bryan, of Craven, Bryan, of Carteret, Bunting, Cowper, of Gates, Cooper, of Martin, Davidson, Dobson, Dockery, Exum, Edwards, Fox, Gudger, Hall, Hawkins, Houlder, Hussey,
Messrs. Joyner, Jones, Kelly, Kerr, Lindsay, Marsteller, Mebane, Montgomery, Moody, Moseley, Moye, Myers, Moore, McCormick, Reid, Reinhardt, Sanders, Williams, Whitaker, Carson—40.

The result of the vote in the Senate, for the Engrossing Clerks, having been communicated by message to the House of Commons, whereupon, on motion of Mr. Edwards, the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOVEMBER 23, 1836.

Mr. Morehead, from the joint select Committee appointed to compare and report the votes for 3 Engrossing Clerks, reported that Thomas L. West, and Peter R. Lilly, had
each received a majority of the whole number of votes given, and are declared duly elected; and that no other person in nomination had received a majority; in which report the Senate concurred.

On motion of Mr. J. W. Bryan, a message was sent to the House of Commons, proposing to vote immediately for one Engrossing Clerk, yet to be elected. Received from the House of Commons a message, agreeing to vote immediately for one Engrossing Clerk, and informing the Senate that the names of Mr. Sanders, Mr. Cheshire, Mr. Stone, and Mr. Holding, are withdrawn. Whereupon, the Senate proceeded to vote as follows:

FOR MR. THOMAS,

**Messrs.** Baker, Messrs. Houlder,
Bryan, of Craven, Hussey,
Bunting, Kerr,
Cowper, of Gates, Lindsay,
Cooper, of Martin, Marstaller,
Dobson, Mebane,
Exum, Myers,
Edwards, Reid,
Fox, Reinhardt,
Hall, Sanders,
Hawkins, Whitaker—22

FOR MR. WILLIAMSON,

**Messrs.** Waddell, Messrs. Montgomery,
Albright, Moody,
Barnett, Moye,
Burney, Melchor,
J. W. Bryan, Morehead,
Carson, Moore,
Davidson, McCormick,
Dockery, Polk,
Gudger, Reding,
Hargrave, Spruill,
Joyner, Taylor,
Jones, Williams—25,
Kelly,
On motion of Mr. Morehead, a message was sent to the House of Commons, informing it of the result of the vote in the Senate for Engrossing Clerk; and that Messrs. Marsteller, Kelly, and Reid, are the Committee on the part of the Senate, to compare the votes, and report the result.

Received from the House of Commons a message, communicating the result of the vote for one Engrossing Clerk, and informing that Messrs. Smallwood, L. A. Gwyn, and Blount, are the Committee on the part of the House of Commons, to compare the votes and report the result.

Mr. Marsteller, from the joint select Committee appointed to compare and report the votes for one Engrossing Clerk, reported that James J. Thomas, had received a majority of the whole number of votes given, and is declared duly elected; in which report the Senate concurred.

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.

Mr. Carson presented the following Resolutions, to wit:

Resolved, That it is expedient for the State of North Carolina to accept such portion of the Surplus Revenue of the Federal Government as may, on division, fall to her share, according to an Act of Congress, passed at the last session, entitled "An Act to regulate the deposits of the Public money."

Resolved, That a joint select Committee of five, on the part of each House, be appointed to draft a bill for the acceptance of our proportion of said Surplus Revenue, and for its safe-keeping, when paid over to the State.

Resolved, That so much of the Governor's Message as relates to this subject, and all accompanying papers, be referred to said Committee.

Which were read, and, on motion of Mr. Edwards, ordered to lie on the table.

Mr. Gudger presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to appoint a joint select Committee of five on
the part of each House, to take under consideration the subject of the Cherokee Lands; and that so much of the Governor's message, as relates to this subject, together with all the accompanying papers, be referred to said Committee.

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

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning 10 o'clock.

Thursday, November 24, 1836.

On motion of Mr. Reid, Mr. Arrington, the Senator elect for the county of Nash, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Polk, from the select Committee appointed to prepare and report Rules of Order for the government of the Senate during the present session, reported the following, to wit:

I. 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.

II. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit:

First, the receiving Petitions, Memorials, Pension Certificates and papers addressed either to the General Assembly or to the Senate; 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 elect Officers, shall always be in order.

III. 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 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.

IV. All Bills and Resolutions of a public nature introduced, shall pass, as a matter of course, the first reading.

V. 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 applied 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.

VI. 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 certain day; to postpone it indefinitely; to commit it; to let it lie on the table; or to adjourn.

VII. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form:—"Senators, as many as are of opinion that (as the case may be) say Aye"; and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate, when any
question was put from the Chair, shall not enter his Yea or Nay without leave, unless he shall have been absent on some Committee.

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

IX. In all cases of election 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, would make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

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

XI. 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.

XII. 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 members of the Senate.

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

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

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

XVI. 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 otherwise ordered; and the select Committees of this House shall consist of five members.

XVII. 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 seven members each.

XVIII. 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.

XIX. 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.

XX. 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.

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

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

XXIV. On a motion for adjournment, the question shall be decided without debate.

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

The Rules of Order and Decorum were read; and, on motion of Mr. Moseley, an amendment was offered to the fourth Rule; and the question being taken thereon, it was decided in the affirmative, and then adopted as amended.

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.

Mr. Williams offered the following Resolution, to wit:

Resolved, That the Senate proceed to the appointment of Standing Committees, pursuant to the Rules and Orders of the Senate.

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

Mr. Edwards presented the following Resolutions, to wit:

Resolved, By the General Assembly of North Carolina, that the power to tax, is a trust created for the benefit of the people, and limited by the necessities of Government; and to call from the people, in the shape of taxes or duties, more money than is demanded by the wants of the Government, economically administered, is a breach of that trust.

Resolved, That the accumulation in the Treasury of the United States, of a large Surplus Revenue, is unwise, subversive of the principles of free Government, dangerous to public liberty, and ought to be avoided.

Resolved, That the Senators from this State, in the Congress of the United States, be instructed, and the Representatives be
requested, to use their endeavors to effect such a modification of the existing Tariff of duties, as will bring down the Revenue from imports, to the wants of Government, economically administered, having due regard to all the great interests of the country.

Which were read the first time and passed; and, on motion of Mr. Edwards, ordered to lie upon the table; and, on motion of Mr. Moseley, ordered to be printed, one copy for each member.

On motion of Mr. Gudger, the Resolution respecting the Cherokee Lands, was taken up, read, and adopted; and the House of Commons informed thereof by message.

The Speaker announced to the Senate the following standing Committees, to wit:


*On Propositions and Grievances—Messrs. Montgomery, Hussey, Gudger, Moye, Myers, Cooper, of Martin, Bryan, of Craven.*

*On Internal Improvement—Messrs. Joyner, Jones, Albright, Dobson, Bryan, of Carteret and Jones, Sanders, and Reinhardt.*


*On Education and Literary Fund—Messrs. Moseley, Moore, Taylor, Davidson, Kerr, Spruill, and Fox.*


On motion of Mr. Polk, the Resolutions presented yesterday by Mr. Carson, on the subject of the Surplus Revenue, were ordered to be printed, one copy for each member; and, on motion of Mr. Morehead, were taken up for consideration.

Mr. Edwards moved the following modification thereof; which was accepted by the mover, and then read and adopted, to wit:
Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee of five from each House, whose duty it shall be to enquire into the expediency of accepting that portion of the Surplus Revenue which may be allotted to North Carolina, under an act of Congress, passed at the last session, "entitled an Act to regulate the public deposits;" and of suggesting some plan for the safe keeping of said portion of the Surplus Revenue; and that they report by bill or otherwise.

On motion of Mr. Spruill, the Senate adjourned until to-morrow morning 10 o'clock.

Friday, November 25, 1836.

Mr. Moye presented the resignation of John Cherry, a Justice of the Peace for the county of Pitt. Mr. Spruill also presented the resignation of Benjamin Brickhouse, as Lieutenant Colonel of the seventh Regiment, attached to the thirteenth Brigade of North Carolina Militia; which were severally read and accepted, and sent to the House of Commons.

Mr. Spruill presented a petition from a number of the citizens of Tyrrell county, praying that Ebenezer Pettigrew be authorized and empowered to erect a bridge across the Scuppernong river, in Washington county; which was read, and, on motion of Mr. Spruill, referred to the Committee of Propositions and Grievances.

Mr. Joyner presented the resignation of John Pepper, a Justice of the Peace for the county of Halifax; which was read and accepted, and 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: Woodlief Hooper and Abner Miles, Justices of the Peace of Caswell county; R. L. Stanly, a Justice of the Peace for the county of Duplin; John C. Williams, a Justice of the Peace for the county of Sampson; Samuel Reblin, a Justice of the Peace for the county of Rowan; J. W. Bynum, Colonel Commandant of the forty-fifth Regiment of North Carolina Militia; which were severally read and accepted.
Mr. Edwards presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the Judiciary, be referred to the Judiciary Committee.

Which was read and adopted.

Mr. Joyner presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the subject of Internal Improvement, be referred to the Committee on Internal Improvements.

Which was read and adopted.

Mr. Marstaller presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the passage of laws regulating the appointment of Militia officers in this State, be referred to the joint select Committee on Military Affairs.

Which was read and adopted.

Received from the House of Commons a message, proposing that a joint select Committee of five on the part of each House be raised, on so much of the Governor's Message as relates to the lands lately acquired by treaty from the Cherokee Indians; which was read, and, on motion of Mr. Polk, ordered to lie upon the table.

Received from the House of Commons a message, proposing that a joint select Committee of five on the part of each House be raised, on so much of the Governor's Message as relates to the passage of laws regulating the appointment of Militia Officers in this State; and that they have leave to report by bill or otherwise; which was read, and, on motion of Mr. Marstaller, ordered to lie upon the table.

Received from the House of Commons a message, with a proposition that a joint select Committee be raised on the subject of the Public buildings, and the re-building of the Capitol; which was read, and, on motion of Mr. Moseley; ordered to lie upon the table.

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 informed thereof by message.

On motion of Mr. J. W. Bryan,
Ordered, That the Treaty with the Cherokee Indians, and the Act of Congress, passed at the last session, entitled an "Act to regulate the public deposits," together with such communications as the Secretary of the Treasury may have made to the Governor, be printed; one copy for each member.

Received from the House of Commons a message, with a proposition that a joint select Committee of five on the part of each House, be raised on so much of the Governor's Message as relates to the subject of Abolition and incendiary publications; which was read and concurred in.

Received from the House of Commons a message, with a proposition that a joint select Committee of five on the part of each House, be raised, to whom shall be referred so much of the Governor's Message as relates to the proportion of the Public Revenue accruing to North-Carolina, under the late Act of Congress, entitled the Deposit bill, with instructions to report a bill accepting the same, and providing in what manner the same can be most profitably invested, which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select Committee of two members on the part of each House, whose duty it shall be to provide and designate some signal, by which members may be notified of the hour of meeting of the two branches of the Legislature; which was read and adopted. Whereupon, the Speaker announced that Messrs. Whitaker and Houlder are appointed 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, concurring in the proposition of the Senate to raise a joint select Committee on Military affairs, and informing the Senate that Messrs. Hawkins, Irion, Loudermilk, Cotten and Eaton, compose the Committee on their part; whereupon, the Speaker announced that Messrs. Marsteller, Spruill, Kerr, Dockery and Williams, 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, with a proposition that a joint select Committee of four on the part of each House, be raised, to whom shall be referred so much of the Governor's Message as relates to the administration of Justice, and particularly in the 6th Judicial District, and that the memorial and papers referred to by the Governor, relative to the 6th Judicial Circuit, be printed—which was read and not concurred in.

On motion of Mr. Moseley,

Ordered, That so much of the Governor's Message as relates to the Literary Fund, be referred to the Committee on Education and the Literary Fund.

Mr. Hall, from the joint select Committee appointed to prepare Joint Rules of Order for the government of the two Houses the present session, reported the Rules of Order of the last, with the following amendment, to-wit:

At the end of the sixteenth Rule, add an additional Rule as follows:

All elections requiring a joint vote shall be viva voce, and a select Committee of two members on the part of each House shall be appointed to superintend the same in their respective Houses; after the vote shall have been taken, said select Committee shall confer together, and report the result of such election to their respective Houses.

Which was read and adopted.

On motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning, 10 o'clock.

Saturday, November 26, 1836.

On motion of Mr. Jones, Mr. Polk was added to the Committee on Military affairs, and the House of Commons was informed thereof by message.

Mr. McCormick presented the Pension Certificate of Mrs. Ann Morrison, of Cumberland county; which was read, and, on motion of Mr. McCormick, ordered to be countersigned by the Speaker, and transmitted to the House of Commons.
The Speaker presented the resignation of the Hon. Willie P. Mangum, Senator in the Congress of the United States; which was read and accepted, and on motion of Mr. Mosely, transmitted to the House of Commons.

Mr. Moore presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the validity of issuing Writs of Election, under the Act of last session, be referred to the Judiciary Committee.

Which was read and adopted.

Mr. Marsteller presented the following Resolution, viz:

Resolved, That the Clerks of the Senate collect and place in the Government House, for the use of the Senate, seven numbers of the Revised Code, seven numbers of Taylor's Digest, seven copies of the Journals and Acts of the Legislature, for the last ten years.

Which was read and adopted.

Mr. Fox presented the following Resolution viz:

Resolved, That the two Houses of the Legislature adjourn sine die, on Monday, the second day of January, A. D. eighteen hundred and thirty-seven, and that the Clerks of the two Houses make up their estimates accordingly.

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

Mr. Bryan, of Carteret and Jones, presented the following Resolution, viz:

Resolved, That so much of the Governor's Message, as relates to the Report of the Public Treasurer, the subject of Revenue, and the Treasurer's bond, be referred to the Committee on Finance.

Which was read and ordered to lie upon the table.

Received from the House of Commons a message informing the Senate, that Messrs. Gales and Rand form the Committee on the part of that House, on the mode of notifying members of the daily meeting of the two branches of the General Assembly.

Received from the House of Commons the resignation of the following Justices of the Peace and Field Officers, viz: James Perry, a Justice of the Peace for the county of Per-
quimons; Robert H. Gillespie, a Justice of the Peace for the county of Buncombe; James Miller, a Justice of the Peace, for the county of Guilford; Benjamin Patterson, a Justice of the Peace for the county of Surry; N. Bundy, a Justice of the Peace for the county of Guilford; Daniel Kornegay, a Justice of the Peace for the county of Wayne; William D. Somers, a Justice of the Peace for the county of Surry; John M. Logan, Colonel Commandant, Charles W. Peeples, Lieutenant Colonel, and Pinckney C. Peeples, Major, of the 1st Regiment of Guilford Militia; Abram Clapp, Lieutenant Colonel, and Gravenor Marsh, Major, of the Volunteer Regiment of Guilford Militia; Thomas Millsaps, Major of the eighty-ninth Regiment of North-Carolina Militia;—which were severally read and accepted.

On motion of Mr. Mebane, the Senate adjourned until Monday morning, 11 o'clock.

MONDAY, NOVEMBER 28, 1836.

On motion of Mr. Morehead, John M. Skinner, the Senator elect for the counties of Pasquotank and Perquimons, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Bryan, of Craven, presented the Pension Certificates of Christopher Bexley, of Craven county; Capt. John Rhem, of Craven county; Thomas Ewell, of Craven county; and Alexander Taylor, of Craven county;—which were severally read, and ordered to be countersigned by the Speaker, and transmitted to the House of Commons.

Mr. Spruill presented the following Resolution, viz:

Resolved, That so much of the amended Constitution as relates to the passage of general laws, regulating Divorce and Alimony, and so much as relates to the passage of general laws, regulating the alteration of the name of any person, or legitimating any person, not born in lawful wedlock, or restoring to the rights of citizenship, any person convicted of an infamous crime—be referred to the Committee on the Judiciary, and that they report by bill or otherwise.

Which was read and adopted.
Mr. Cooper, of Martin, presented the following Resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the present existing civil laws, so that no civil law for the future, shall issue, except the plaintiff or plaintiffs; or either of them, or their agent or agents, shall make oath before some Justice of the Peace of the county where such defendant or defendants shall reside, that he or they believe that the defendant or defendants have so concealed or embezzled his or their property, in a fraudulent manner, for the purpose of preventing him or them from the recovery of their just debt; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Polk presented a bill, entitled a bill to alter the mode of appointing certain General and Field Officers of the Militia of the State of North-Carolina; which was read the first time and passed, and, on motion of Mr. Polk, referred to the Committee on Military Affairs.

Mr. Reid presented the following Resolution, viz:

Resolved, That the Committee on Military affairs be instructed to enquire into the expediency of so amending the Militia laws of this State, as to compel the Captains of Companies of Militia, to muster their respective Companies four times a year; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, informing the Senate, that Mr. Maclin is added to the Committee on Military Affairs, on the part of that House.

Received from the House of Commons a message, concurring in the proposition of the Senate, that a joint select Committee of five on the part of each House, be raised, to take under consideration the subject of the Cherokee lands, and informing the Senate that Messrs. J. W. Guinn, Crawford, Hill, Miller, of Burke, and Satterthwaite, form the Committee on the part of that House; whereupon, the Speaker announced that Messrs. Gudger, Reinhardt, Dockery, Carson and Baker, form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.
Mr. Carson presented a Memorial from a number of the citizens of the counties of Rutherford and Lincoln, praying the Legislature to erect a new county out of parts of the counties of Rutherford and Lincoln; which was read, and, on motion of Mr. Carson, was referred to a joint select Committee of three, from each of the counties of Lincoln and Rutherford. Whereupon, the Speaker announced that Messrs. Carson and Reinhardt, compose the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

On motion of Mr. Bryan of Carteret and Jones, the message from the House of Commons, with a proposition that a joint select Committee of five, on the part of each House, be raised, to whom shall be referred so much of the Governor's Message, as relates to the proportion of the Public Revenue, accruing to North Carolina, under the late Act of Congress, entitled "the Deposite Bill," with instructions to report a Bill accepting the same, and providing in what manner the same can be most profitably invested, was taken up for consideration, and adopted. Whereupon, the Speaker announced that Messrs. Bryan, of Carteret and Jones, Moseley, Morehead, Joyner and Hawkins, form the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Whitaker, from the joint select Committee, raised on the subject of providing a signal for the convening of the two Houses, made a Report; which was agreed to.

The Speaker announced that Messrs. Joyner, Moore, Moseley, Fox and Skinner, form the Committee on the part of the Senate, on the subject of Abolition and incendiary publications; and the House of Commons was informed thereof by message.

Received from the House of Commons, the resignations of the following Justices of the Peace, and Field Officers, to wit: James Bennett and Edward Winfield, Justices of the Peace for the county of Anson; George D. Boggan, Lieutenant Colonel of the first Regiment of Anson Militia; John M. Vanhoy, Major of the Volunteer Regiment of Stokes county; William Patterson, Major of
the forty-ninth Regiment of North Carolina Militia; which were severally read and accepted.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning 10 o'clock.

Tuesday, November 29, 1856.

Mr. Mebane presented the resignation of Thomas Wilkinson, a Justice of the Peace for the county of Bertie; which was read and accepted, and sent to the House of Commons.

Mr. Cooper, of Martin, presented a Resolution in favor of Simon Smithwick, Sheriff of Martin county; which was read the first time and passed; and, on motion of Mr. Cooper, of Martin, was referred to the Committee on Claims.

Mr. Moore presented the resignation of William Hester, a Justice of the Peace for the county of Stokes; which was read and accepted, and sent to the House of Commons.

Mr. Exum presented the resignation of William Sherrod, a Justice of the Peace for the county of Wayne; which was read and accepted, and sent to the House of Commons.

Mr. Jones presented the petition of E. Cox and T. Vestal, of the State of Tennessee, praying the Legislature to compensate them for the apprehension of a certain James Meadows, a citizen of this State, who had murdered Daniel Rash, and had fled from justice; which was read; and, on motion of Mr. Jones, referred to the Committee of Propositions and Grievances.

Mr. Reinhardt presented a petition from a number of the citizens of the county of Lincoln, relative to the erection of a new county, of parts of Rutherford and Lincoln counties; which was read, and, on motion of Mr. Reinhardt, was referred to the joint select Committee raised on that subject.
Received from the House of Commons a message, proposing that a joint select Committee of three members, on the part of each House, be raised, on the subject of Public Printing, with instructions to enquire if the law regulating the same does not require amendments; which was read and adopted. Whereupon, the Speaker announced that Messrs. Marsteller, Moore, and McCormick, form the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Fox presented the resignation of Robt. B. Huston, Major of the Regiment of Cavalry attached to the eleventh Brigade and fourth Division of the Militia of North Carolina; which was read and accepted, and 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: Isham Steed, a Justice of the Peace for the county of Randolph; William C. Martin, a Justice of the Peace for the county of Surry; Samuel W. Lucas, Major of the twelfth Regiment of the Beaufort county North Carolina Militia; Hardy S. Phelps, Lieutenant Colonel of the eighth Regiment of North Carolina Militia; which were severally read and accepted.

Received from the House of Commons a message, proposing sundry amendments to the Joint Rules, reported for the government of the two Houses; all of which were concurred in, except the following, proposed as a substitute for the seventeenth rule, to wit:

All Elections, requiring a joint vote, shall be *viva voce*; and they shall be conducted as follows, to wit:

Either House may send a message to the other, proposing a day and hour for voting in both Houses; and the time of voting being once agreed to by both Houses, they shall proceed to take the vote at that time; and, thereupon, a select Committee of two members, in each House, shall be appointed to superintend the same in their respective Houses; and after the vote has been taken, the said Committee shall confer together, and report the result of the joint vote to their respective Houses.
The question on agreeing to this proposition, was decided in the negative. The Ayes and Noes being demanded by Mr. Cooper of Martin, were as follows:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

Wednesday, November 30, 1836.

Mr. Bryan, of Carteret and Jones, presented a petition in favor of James Hart, of Carteret county, praying the Legislature to grant a duplicate warrant for land; which was read, and, on motion of Mr. Bryan, of Carteret and Jones, was referred to the Committee of Propositions and Grievances.

Mr. Davidson presented a petition of James Thompson, of Iredell county, praying the Legislature for restitution of certain sums of money; which was read, and, on motion of Mr. Davidson, referred to the Committee of Propositions and Grievances.

On motion of Mr. Fox, the Resolution that a message be sent to the House of Commons, proposing that the two Houses of the Legislature adjourn sine die on Monday, the second day of January, A. D. one thousand eight hundred and thirty-seven, and that the Clerks of the two Houses make up their estimates accordingly, was taken up for consideration, and adopted.
The Resolution that the Clerks of the Senate collect and place in the Government House, for the use of the Senate, seven numbers of the Revised Code, seven numbers of Taylor’s Revisal, and seven copies of the Journals and Acts of the Legislature for the last ten years, was read the second and third times, passed, and adopted.

Mr. Montgomery, from the Committee on Propositions and Grievances, to whom was referred the petition of Eliakin Cox and Tilman Vestal, praying compensation for having arrested one James Meadows, a fugitive from justice, being charged with the murder of one Daniel Rash, made a Report thereon, accompanied by the following Resolution, viz:

Resolved, That the Public Treasurer pay to Eliakin Cox and Tilman Vestal, the sum of two hundred dollars, out of any monies in the Treasury, not otherwise appropriated, for the apprehension of James Meadows.

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

Received from the House of Commons a message, informing the Senate that Messrs. D. Jordan, Gales, and I. W. Lane, form the Committee on the part of that House, on the joint select Committee, on the subject of the Public Printing.

On motion of Mr. Bryan of Carteret and Jones, the Senate adjourned until to-morrow morning, 10 o’clock.

THURSDAY, DECEMBER 1, 1836.

Mr. Kerr presented the petition of George Williamson, Sheriff of Caswell county, praying that insolvent polls be allowed him; which was read, and, on motion of Mr. Kerr, was referred to the Committee on Claims.

Mr. Reid presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee, to consist of three on the part of each House, to take into consideration so much of
the amended Constitution, as requires the General Assembly to prescribe by law the manner in which it shall determine contested elections for Governor; and that the Committee be requested to report a bill for that purpose.

Which was read and adopted.

Received from the House of Commons a message, proposing that a joint select Committee, consisting of four on the part of each House, be raised, to enquire what alterations and amendments ought to be made in the Revenue laws of the State; and that to said Committee shall be referred so much of the Governor's Message as relates to the laws for the assessment of lands for taxation; which was read, and, on motion of Mr. Moseley, was ordered to lie upon the table.

Mr. Barnett presented the following Resolution, viz:

Resolved, That a select Committee be appointed, whose duty it shall be to enquire whether the Banking Capital of the State ought not to be increased; and if so, whether the better mode of increasing it, be by adding to the capital of Banks already chartered, or by incorporating a new Bank or Banks.

Which was read and adopted.

Mr. Bryan, of Carteret and Jones, moved that a message be sent to the House of Commons, proposing to raise a joint select Committee, consisting of five members on the part of each House, to be selected from the Newbern Judicial District, to enquire into the expediency of altering the time of holding the Superior and County Courts in said Circuit, and to report by bill or otherwise; which was read and adopted.

Mr. Moore presented the memorial of the Commissioned Officers of the North Regiment of Stokes County Militia, praying the Legislature that said Regiment be divided into two separate and distinct Regiments, consisting of six Companies each; which was read, and, on motion of Mr. Moore, referred to the Committee on Military Affairs.

Received from the House of Commons a message, proposing to refer to a joint select Committee of six, on the part of each House, the Report of the Commissioners appointed for revising and digesting the public Statute Laws.
of the State; which was concurred in. Whereupon, the Speaker announced that Messrs. Taylor, Morehead, Mebane, Carson, Kelly and Arrington, 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, proposing that the two Houses of the Legislature, on to-morrow at 12 o'clock, proceed to vote for a Senator of the United States, to supply the vacancy occasioned by the resignation of the Hon. Willie P. Mangum, and informing the Senate, that the Hon. Robert Strange is in nomination for the same.

Whereupon, on motion of Mr. Bryan, of Carteret and Jones,

Ordered, That it lie upon the table.

And the question recurring thereupon, it was decided in the affirmative.

Mr. Hargrave demanding them, the Ayes and Noes were as follows:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received from the House of Commons a message, proposing that the two Houses proceed, on Monday next, to examine the returns and compare the polls of the late election of Governor; which was read, and, on motion of Mr. Bryan, of Carteret and Jones, was ordered to lie upon the table.

Mr. Dobson presented a bill, entitled a bill to amend the law relative to receiving bonds of Sheriffs; which was read the first time and passed, and, on motion of Mr. Moseley, was made the order of the day for to-morrow.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the Resolution
enquire into the expediency of so amending the law relative to the issuing of writs of capias ad satisfaciendum, so that no such writ shall in future issue, except the plaintiff or plaintiffs shall make oath before some Justice of the Peace, that he or they believed that the defendant or defendants have so concealed his or their property, for the purpose of preventing a recovery, 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 were discharged accordingly.

Received from the House of Commons a message, disagreeing to the proposition of the Senate, to refer the memorial of a number of the citizens of Rutherford and Lincoln counties, relative to the erection of a new county, to a joint select Committee of three members from the counties of Lincoln and Rutherford; but proposing to refer it to a joint select Committee of two on the part of the Senate, and four on the part of the House of Commons, from the counties of Lincoln and Rutherford; which was read and concurred in.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of Jas. Thompson, of Iredell county, praying the restitution of a certain sum of money, reported the same to the Senate; and begged to be discharged from the further consideration of the subject; which was concurred in; and thereupon, Mr. Davidson moved its further reference to the Committee on Claims.

The Report of the Commissioners appointed for revising and digesting the Public Statute Laws of the State, was read; and, on motion of Mr. Taylor, was ordered to be printed; and the House of Commons informed thereof by message.

On motion of Mr. Edwards, a message was sent to the House of Commons, proposing to raise a joint select Committee of three members from each House, to arrange and prescribe the time and manner for the assembling the two Houses of the Legislature, in order to compare the votes in the late election of Governor, and announce the result.
Whereupon, the Speaker announced that Messrs. Edwards, Hargrave, and Hall, form the Committee on the part of the Senate.

On motion of Mr. Whitaker, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, DECEMBER 2, 1836.

Received from the House of Commons a message, informing the Senate that Messrs. Hill, Rand, Bedford, Hollingsworth, Stallings, Kenan, and Boon, form the Committee of Finance on the part of that House.

Received from the House of Commons a message, informing the Senate that Messrs. D. Jordan, Fisher, Averitt, A. Perkins, and L. A. Gwyn, form the joint select Committee on the Surplus Revenue, on the part of that House; and that Messrs. Williamson, Courts, Walker, McRae, and Judkins, form the joint select Committee on Abolition and Incendiary pamphlets, on the part of that House; and also Messrs. McNeill, Roberts, and Granberry, form the Library Committee on their part.

Mr. Baker presented the resignation of Jonathan Tipton, a Justice of the Peace for the county of Yancey; which was read and accepted, and sent to the House of Commons.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of Ebenezer Pettigrew, and other citizens of Tyrrell county, praying that said Pettigrew be empowered to build a bridge across Scuppernong river, in Washington county, made a report thereon; which was read, and, on motion of Mr. Mcbane, was ordered to lie upon the table.

Mr. McCormick presented the Pension Certificate of Mrs. Isabella Campbell, of Cumberland county; which was read, and, on motion of Mr. McCormick, was ordered to be countersigned by the Speaker, and sent to the House of Commons.
On motion of Mr. Bryan, of Carteret and Jones, the Resolution, that so much of the Governor's Message as relates to the Report of the Public Treasurer, the subject of Revenue, and the Treasurer's Bond, be referred to the Committee of Finance, heretofore laid upon the table, was taken up for consideration, read and adopted.

Received from the House of Commons, the resignations of the following Justice of the Peace and Field Officer, to wit: James Blanton, a Justice of the Peace for the county of Rutherford; William P. Johnson, Colonel Commandant of the fifty-third Regiment of North Carolina Militia; which were severally read and accepted.

Mr. Bryan, of Carteret and Jones, presented a bill, entitled a bill to amend an Act, entitled an Act to authorize the Governor to appoint Commissioners to take the acknowledgement and proof of deeds, and instruments under seal, and depositions; passed in one thousand eight hundred and thirty-one; Chapter thirty-one; which was read the first time and passed; and, on motion of Mr. Moseley, was made the order of the day for to-morrow.

Received from His Excellency, the Governor, a Message, communicating the Report of Mr. William H. Haywood, Jr. as Agent for the State, to procure a loan of four hundred thousand dollars; which was read, and, on motion of Mr. Moseley, the Message and accompanying documents were ordered to be transmitted to the House of Commons.

Mr. Kelly, from the Committee of Claims, to whom was referred the Resolution in favor of Simon Smithwick, of Martin county, reported the same with the following amendments, to wit: By filling up the blank with the sum of "thirty-eight dollars and forty cents;" and by striking out the year "one thousand eight hundred and thirty-six;" which was read the first, second, and third times, and passed as amended, and ordered to be engrossed.

On motion of Mr. Moseley, the message from the House of Commons, proposing that a joint select Committee be raised on the subject of the Public buildings, and the rebuilding of the Capitol, was taken up for consideration;
and, on his motion, was amended, so as to read after the word "Committee," to consist of "five members on the part of each House;" whereupon, it was read as amended, and adopted.

Received from the House of Commons a message, informing the Senate, that they recede from their proposed amendment, to the seventeenth section of the Joint Rules.

On motion of Mr. Marsteller,

Ordered, That the Rules of the Senate, and Joint Rules, Constitution of the State, and of the United States, be printed.

Mr. Reinhardt presented the following Preamble and Resolution, viz:

Whereas, Overseers of roads frequently recover large sums of money from individuals, who are liable to work on the public highways; and who, after collecting the same, fail to apply the same to the improvement of said highways, or pay over the same to their successors in office:

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of amending the Road Laws, so as to make it the duty of Overseers of the highways, to account for all sums that they may collect from delinquent hands, and remaining in their hands unexpended; and that they report by Bill or otherwise.

Which was read and adopted.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill to amend the law relative to receiving bonds of Sheriffs. The bill was, thereupon, read the second time. Mr. Dockery moved the following amendment, as an additional section to the bill, to wit:

Be it further enacted, That the said number of Justices in each county be, and they are hereby authorised to pass upon county claims, in the same manner that a majority of Justices of the several counties are now by law authorised to adjudicate.

Which was read, and, on motion of Mr. Dockery, the bill and amendment were referred to the Committee on the Judiciary.
The Speaker announced the following Committees, to wit: Messrs. Polk, Whitaker, Albright, Moody and Hussey, compose the Committee on Public Buildings. Messrs. J. W. Bryan, Moseley, Sanders, J. M. Bryan, and Exum, compose the Committee, on the Newbern Judicial Circuit, on the part of the Senate.

Messrs. Reid, Morehead, and Skinner, compose the Committee on contested Elections of Governor, on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 11 o'clock.

Saturday, December 3, 1836.

Received from the House of Commons a message, proposing that the two Houses vote this day at twelve o'clock, for a Senator of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum; which was read and agreed to. Whereupon, Mr. Bryan, of Carteret and Jones, moved that a message be sent to the House of Commons, informing that House, that the Senate agree to their proposition, to vote this day, at twelve o'clock, for a Senator of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum; also, informing them, that the Hon. Thomas Settle is added to the nomination.

Mr. Kelly presented the petition of Daniel McDonald, praying the Legislature to grant him a warrant for land; which was read, and, on motion of Mr. Kelly, was referred to the Committee on Claims.

Mr. Carson presented the following Resolution, viz:

Resolved, That his Excellency, the Governor, be authorised to draw on the Public Treasurer of this State, for such sums of money, as may be necessary to defray the contingent expenses of the Cherokee Land sales, made in pursuance of the Resolution of the last session of the General Assembly.

Which was read; and, on his motion, referred to the Committee on Claims.
Mr. Bryan, of Carteret and Jones, presented a bill, entitled a bill to give to lessors of land, a lien upon the crops of their lessees, for the payment of the rent; which was read the first time and passed.

Received from the House of Commons a message, informing the Senate, that Messrs. Bedford, W. J. T. Miller, Holland, and Ward, compose their branch of the Committee, to whom the Memorial from the citizens of Lincoln and Rutherford is referred; and that Messrs. Gilliam, Gales, Rand, Hartley, McClennahan, compose their branch of the Committee on Public Buildings, and the rebuilding of the Capitol,—also, that Messrs. Graham, Gales, Gilliam, J. W. Guinn, Hoskins, and Moore, form their branch of the Committee on the Report of the Commissioners appointed for revising and digesting the Public Statute Laws of the State.

Received from the House of Commons a message, informing the Senate that Messrs. Hutchison and I. Matthews are the superintendents of the election for United States’ Senator, on the part of that House.

Whereupon, a message was sent to the House of Commons, informing that House that Messrs. Kelly and Arrington are the superintendents of the election for United States’ Senator, on the part of the Senate.

In pursuance of the agreement of the two Houses, the Senate, at 12 o’clock, proceeded to vote for a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum; when, on calling the roll, the following persons voted for

ROBERT STRANGE:

**Messrs. Arrington,**
Baker,
Bryan, of Craven,
Bunting,
Cowper, of Gates,
Cooper, of Martin,
Dobson,
Exum,
Edwards,

**Messrs. Fox,**
Hall,
Hawkins,
Houlden,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Messrs. Moseley
McConnell,
Reid,

And the following, for

THOMAS SETTLE:

Messrs. Waddell,
Albright,
Burney,
J. W. Bryan,
Carson,
Davidson,
Dockery,
Gudger,
Hargrave,
Joyner,
Jones,
Kelly,
Montgomery,

Messrs. Reinhardt,
Sanders,
Whitaker—24

Messrs. Moody,
Melchor,
Morehead,
Moye,
Moore,
Myers,
Polk,
Reding,
Skinner,
Spruill,
Taylor,
Williams—25

Mr. Barnett voted for Wm. D. Moseley.

Mr. Kelly, from the joint select Committee, on the part of the Senate, appointed to superintend the election for Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Willie P. Mangum, reported that Robert Strange had received a majority of the whole number of votes given, and is declared duly elected; in which report the Senate concurred.

Mr. Kelly presented a bill entitled a bill to lay off and establish a county by the name of Gaston; which was read the first time and passed, and, on motion of Mr. Edwards, was referred to the Committee of Propositions and Grievances.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill to amend an act passed in eighteen hundred and thirty, Chapter thirty-one, entitled an act to authorize the Governor to appoint Commissioners to take the acknowledgment and proof of deeds, and instruments under seal, and depositions; which was read the second and third times, and passed, and ordered to be engrossed.
On motion of Mr. J. W. Bryan, a message was sent to the House of Commons, proposing to vote on Monday next, at 12 o'clock, for Comptroller, and Public Printer, and informing that House, that William F. Collins is in nomination for the appointment of Comptroller.

On motion of Mr. Montgomery, the Report of the Committee of Propositions and Grievances, to whom was referred the petition of Ebenezer Pettigrew and other citizens of Tyrrell county, praying that said Pettigrew be empowered to build a bridge across Scuppernong River, in Washington county, was taken up for consideration, and the Committee discharged from its further consideration.

Mr. Spruill then moved to withdraw the petition and papers; which was agreed to.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of James Hart, of Carteret county, praying for a duplicate of a Military Land Warrant, reported the following Resolution, viz:

Resolved, That the Secretary of State be, and he is hereby authorized and directed to issue to Capt. William Williams or his legal representatives, or the assignees of him or them, a duplicate of his Warrant, number eighteen hundred and sixty, the original not having been appropriated by the laws of this State, or the State of Tennessee.

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

Received from the House of Commons a message, stating that they have passed the following engrossed bill, viz: a bill to incorporate the Milton Manufacturing Company;—which was read the first time and passed, and, on motion of Mr. Edwards, was made the Order of the day for Monday next.

Mr. Bryan, of Carteret and Jones, offered the following Resolutions, which were unanimously adopted:

Resolved unanimously, by the Senate of the General Assembly of the State of North-Carolina, that we have heard with deep regret and unfeigned sorrow, of the death of the Hon. Jesse Wilson, a Senator elect of this body from the first Senatorial District of this State; and that, in common with the community at large,
we lament the loss of the talents, the virtues and eminent worth, which by his death we have sustained.

Resolved, That the members of the Senate will wear the usual badge of mourning, as a token of the respect they bear to the deceased.

On motion of Mr. Taylor, the Senate adjourned until Monday morning, 10 o'clock.

Monday, December 5, 1836.

Mr. Edwards presented the following Resolution, viz:

Resolved, That the Principal Door-keeper be authorized to procure to be constructed, under the direction of the Speaker, a railing across the entry, between the Senate Chamber and the Lobby; and also to procure for the use of the Senate, ten writing tables, of plain materials.

Which was read and adopted.

Mr. Marsteller presented the following Resolution, viz:

Resolved, That the Committee of Finance be, and they are hereby authorized to count and burn all small Treasury bills, that may be in possession of that Department, and that the Treasurer be allowed credit for the same, in the settlement of his Public Accounts.

Which was read and adopted.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the memorial of the Bar of the 6th Judicial Circuit, and that part of the Governor's Message relative thereto, reported a bill, entitled a bill to amend an act, entitled an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord 1806; which was read the first time and passed, and the Committee was discharged from its further consideration.

On motion of Mr. Davidson,

Ordered, That the bill be printed.

Mr. Polk presented the following Resolution, viz:

Resolved, That the Speakers of the two Houses of the General Assembly notify the Hon. Robert Strange of his election to
the Senate of the United States, to fill the vacancy occasioned by
the resignation of the Hon. Willie P. Mangum, and transmit to
him certificates thereof, according to the act of one thousand
seven hundred and eighty-nine; and that a message be sent to the
House of Commons, requesting their concurrence therein.

Which was read and adopted.

Received from the House of Commons a message, stating
that they concur in the proposition of the Senate, that the
Report of the Commissioners on the Revised Statutes, be
printed.

Received from the House of Commons a message, stating
that they agree to the proposition of the Senate, that a joint
select Committee of three on the part of each House, be
raised, to take into consideration so much of the amended
Constitution, as requires the General Assembly to prescribe
by law the manner in which it shall determine contested
elections for Governor; also informing the Senate, that
Messrs. Hutcheson, Cotten and Williamson, form the Com-
mittee on the part of that House.

Received from the House of Commons a message, agreeing
to the proposition of the Senate, that a joint select Com-
mittee of three members from each House, be raised, to ar-
range and prescribe the time and manner for the assembling
the two Houses of the Legislature, in order to compare the
votes in the late election of Governor, and announce the re-
sult; and informing that Messrs. Fisher, K. Whitley and
J. H. Hawkins, compose the Committee on the part of that
House.

Received from the House of Commons a message, agreeing
to the proposition of the Senate, that a joint select Com-
mittee, consisting of five, on the part of each House, to be
selected from the Newbern Judicial District, be raised, to
enquire into the expediency of altering the time of holding
Courts in said Circuit; and informing that Messrs. Mar-
shall, Hooker, Jarman, Farrow and Satterthwaite, form the
Committee on the part of that House.

Mr. Bryan, of Carteret and Jones, presented the fol-
lowing Resolution, viz:
Resolved, That a Committee, consisting of two, be appointed to enquire into the expediency of defining what shall be considered private, and what public bills, as contemplated by the Constitution of the State; and that they report by bill or otherwise.

Which was read and adopted.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill, entitled a bill to incorporate the Milton Manufacturing Company; which was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they had passed the following engrossed bills, to wit: A Bill allowing public Officers, or their Deputies, to administer oaths in certain cases; also, a Bill concerning bodies corporate in this State; which were severally read the first time and passed, and made the order of the day for to-morrow.

The Senate then proceeded to consider the bill, entitled a bill to give to lessors of land a lien upon the crops of their lessees, for the payment of the rent; which was read the second time.

Mr. Edwards moved the following proviso, as an amendment to the bill, to wit:

Provided, The lessor or lessors shall proceed to collect the same within three months after the rent shall become due.

Thereupon, on motion of Mr. Carson, the bill was made the order of the day for Wednesday next.

Received from the House of Commons a message, stating that they had passed the following engrossed Resolution, to wit: A Resolution directing the Public Treasurer to receive, in payment of Cherokee Lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina; which was read the first time and passed; and, on motion of Mr. J. W. Bryan, the following amendments were made to the Resolution, to wit: After the word "Georgia," in the ninth line, insert the words "already received;" after the word "and," in the same line, insert the words, "not under the denomination of five dol-
Jars;" and strike out, after the word "and,," all the second branch of the Resolution; which were severally agreed to. The Resolution was then read the second and third times, and passed as amended, and ordered to be enrolled.

On motion of Mr. Polk, the Senate adjourned until to-morrow morning, 10 o'clock.

Tuesday, December 6, 1836.

Mr. Kelly, from the Committee on Claims, to whom was referred a claim presented by George Williamson, late Sheriff of Caswell county, reported the following Resolution, to wit:

Resolved, That the Public Treasurer pay to George Williamson, late Sheriff of Caswell county, one hundred and thirty-nine dollars, for insolvent polls, for the year 1826, and one thousand eight hundred and twenty-seven, 1828, '9, '50, and '31, out of any money remaining in the Treasury; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Kelly, from the same Committee, to whom was referred a Resolution authorizing his Excellency, the Governor, to draw on the Public Treasurer of this State, for such sums of money, as might be necessary to defray the contingent expenses of the Cherokee Land sales, made in pursuance of a Resolution of the last General Assembly, reported the following Resolution, to wit:

Resolved, That his Excellency, the Governor, be authorized to draw on the Public Treasurer of this State, for such sums of money, as may be necessary to defray the contingent expenses of the Cherokee Land sales, made in pursuance of the Resolution of the last session of the General Assembly.

Which was read, and, on motion of Mr. Carson, the following amendment to the Resolution was made, to wit: After the word "State," insert the words, "a sum not ex-
ceeding one hundred and eighty-eight dollars;" which was agreed to. Thereupon, it was read the second and third times and passed, as amended, and ordered to be engrossed.

Mr. Carson presented the following Resolution, viz:

Resolved, That a grant for one hundred and twenty-eight acres of land in Rutherford county, founded on his entry, dated the 10th day of July, eighteen hundred and thirty-three, and surveyed, by warrant No. fourteen hundred and forty-five, date of survey, June the nineteenth, eighteen hundred and thirty-six, issue to Samuel S. Gedney, he paying the purchase money and fees thereon.

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

Received from the House of Commons a message, stating that Messrs. Averitt, K. Whitley, Blount, and Ward, compose the Committee, on enrolled bills, on the part of that House for the present week. Whereupon, the Speaker announced that Messrs. Moore and Bunting, compose the Committee on enrolled bills, on the part of the Senate, for the present week.

Mr. Edwards, from the joint Committee appointed to ascertain and report a mode of examining the votes for a Governor, reported the following Resolution, to wit:

Resolved, That the two Houses shall assemble in the Hall of the House of Commons, on Thursday the 13th day of December, 1836, at 12 o’clock—that one person be appointed teller on the part of the Senate, and two persons be appointed on the part of the House of Commons, to make a list of the votes for Governor of the State, as they shall be declared. That the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled, as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made, agreeably to the Constitution of the State, which annunciation shall be deemed a sufficient declaration of the person elected, and, together, with a list of the votes, shall be entered on the Journals of the two Houses.

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

Mr. Morehead presented the following Resolution, viz:
Resolved, That the Treasurer pay to Turner and Hughes, eighty-four dollars, for books and pamphlets, furnished the Senate on their late order.

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

Mr. Bryan, of Carteret and Jones, presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to prepare and report a bill providing for the biennial election of Comptroller and Public Printer; and prescribing the manner in which the said elections shall take place.

Which was read and adopted.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill, entitled a bill concerning bodies corporate in this State; which was read the second time and rejected.

Mr. Bryan, of Carteret and Jones, presented a bill, entitled a bill to authorise Clerks and Masters in Equity, in this State, to make title to real and personal property, sold under the decree of a Court of Equity; which was read the first time and passed, and made the order of the day for to-morrow.

Received from the House of Commons a message, transmitting the Message of his Excellency, the Governor, and the certificates of Sheriffs of the election of Electors, to vote for President and Vice President of the United States; which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

Received from the House of Commons a message, stating that they had passed the Resolution directing the Speakers of the two Houses of the General Assembly, to notify the Hon. Robert Strange of his election.

Mr. Fox presented the following Resolution, viz:

Resolved, That the Committee, to whom was referred so much of the Executive Message, as relates to the Surplus Revenue, that may be deposited in the State, be instructed to enquire into the expediency of providing, by law, for the distribution of the same, among the several counties of this State, according to population and taxation; and to report by bill or otherwise.
Which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

The Senate then proceeded to consider the bill entitled "a bill allowing Public Officers or their Deputies to administer oaths in certain cases;" which was read the second time, and, on motion of Mr. Cooper, of Martin, the following Proviso was offered to the bill, to-wit:

In the second section and eighth line, after the word ‘it,’ insert Provided he is a sworn Officer.

It then passed, as amended.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to vote for Public Printer, on Wednesday the 7th inst. at 12 o’clock.

Mr. Morehead presented the following Resolutions, viz:

Resolved, That the fifth joint Rule for the government of both Houses, so far as relates to the engrossment of bills, be suspended, as to the Revised Statutes; and that a message be sent to the House of Commons, asking their concurrence therein.

Resolved, That so much of the thirteenth Rule for the government of the Senate, as requires that one day’s notice of the reading of any public bill be given, be suspended, so far as regards the Revised Statutes.

Which were read and adopted.

On motion of Mr. Joyner, the Senate adjourned until to-morrow morning, 10 o’clock.

WEDNESDAY, DECEMBER 7, 1836.

Mr. Williams presented the resignation of Reding Grist, a Justice of the Peace for the county of Beaufort, which was read and accepted, and sent to the House of Commons.

The Senate then entered upon the Order of the day, and proceeded to consider the bill entitled a bill to authorize Clerks and Masters in Equity, in this State, to make title
to real and personal property, sold under the decree of a Court of Equity; which was read the second time, and passed.

The Speaker announced, that Messrs. James W. Bryan and Moseley form the Committee on enquiring into the expediency of defining the distinction between Public and Private bills.

The Senate proceeded to consider a Resolution in favor of George Williamson, late Sheriff of Caswell; which was read the second time and rejected.

Mr. Carson demanding the Ayes and Nocs, were as follows:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the subject of the election of Public Printer, reported the following bill, viz: a bill providing for the election of Public Printer; which was read the first time and passed, and made the Order of the day for to-morrow.

Mr. J. W. Bryan, from the same Committee, to whom was referred the subject of the election of Comptroller, reported a bill, entitled a bill relative to the appointment of Comptroller; which was read the first time, passed, and made the Order of the day for to-morrow.

Received from the House of Commons a message, stating that they had passed the following engrossed bills, to-wit: A bill increasing the liabilities of Sheriffs. Also, a bill, entitled a bill declaring that the shares of stock in incorporated Companies, shall be deemed and taken as personal estate. Also, a bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act making it the
duty of the Governor to convey to the Justices of Haywood county, certain lands therein named—Chapter 159. And also a bill, entitled a bill to receive the proportion of Surplus Revenue, to which the State of North-Carolina is entitled, under the act of Congress to regulate the Deposites of the Public Money. Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they had adopted the engrossed Resolution relative to the election of Governor, with the following amendment, viz:

Strike out the words "Thursday the 15th inst." in the third line, and insert the words "Saturday the 10th."

Which was read and concurred in.

Received from the House of Commons a message, proposing that the whole of the printed bills, reported by the Commissioners in the revision of the Statutes, be immediately distributed to the members of the two Houses; which was read and concurred in.

Received from the House of Commons a message, proposing that the Joint Rules be re-printed; which was read and concurred in.

Received from the House of Commons a message, stating that they had passed the engrossed Resolution directing the burning of Treasury notes; which was read the first time, and passed.

On motion of Mr. Kelly, the bill entitled a bill concerning bodies corporate in this State, heretofore rejected, was reconsidered.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill entitled a bill to give to lessors of land a lien upon the crops of their lessess, for the payment of the rent; which was read the second time, and thereupon, Mr. Reid proposed the following amendment thereto, viz:

After the word "crops," in the last line of the first section, insert the words "Provided that the lien shall not extend beyond the first of January, after the year in which the crop is made."
The question recurring thereon, it was decided in the negative.

The bill then passed its second reading.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.

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Thursday, December 8, 1836.

Mr. Hargrave presented the resignations of the following Justices of the Peace, viz: Alfred Hargrave, a Justice of the Peace for the county of Davidson; Peter Owen, a Justice of the Peace for Davidson county, and John M. Smith, a Justice of the Peace for the county of Davidson—which were read and accepted, and sent to the House of Commons.

Mr. Bryan, of Carteret and Jones, presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, instructing the Committee on Finance to enquire into the expediency of increasing the salary of the Public Treasurer.

Which was read and adopted.

Mr. Barnett presented the resignation of William L. Allen, a Justice of the Peace for the county of Person—which was read and accepted, and sent to the House of Commons.

Mr. Edwards moved that a message be sent to the House of Commons, proposing to vote for a Senator in the Congress of the United States, on Thursday next.

On this motion, Mr. Mebane demanded the Yeas and Nays, which were as follows:

Those who voted in the affirmative, arc:


Those who voted in the negative, arc:

Messrs. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Davidson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Melchor, Moody, Moye, Morehead, Moore, Myers, Reding, Skinner, Spruill, Taylor and Williams—22.
Thereupon, the Speaker voted in the negative, and the motion was lost.

The Senate proceeded to consider the bill, entitled a bill providing for the election of Public Printer; which was read the second time. Thereupon, Mr. Moseley moved the following amendment, to wit: After the word "re-sign," in the second Section, and second line, insert the words, "or remove beyond the limits of the State." The question recurring thereon, the bill was then read the second and third times, and passed, as amended, and ordered to be engrossed.

The Senate then proceeded to consider the engrossed Resolution directing the burning of Treasury Notes; which was read the second and third times and passed, and ordered to be enrolled. Also the engrossed bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act, making it the duty of the Governor to convey to the Justices of Haywood county, certain lands therein named, Chapter 159; which was read the second time, and, on motion of Mr. Gudger, was ordered to lie on the table. Also, the engrossed bill, entitled a bill, declaring that the Shares of Stock in incorporated Companies, shall be deemed and taken as personal Estate; which was read the second time and passed. Also, a bill, entitled a bill concerning bodies corporate in this State; which was read the second time and passed. Also, the engrossed bill, entitled a bill increasing the liabilities of Sheriffs; which was read the second time, and, on motion of Mr. Burney, the following amendment was made thereto, to wit: After the word "diligently," in the first section, strike out the words, "to endeavor:" the question recurring thereon, it was passed the second time as amended. Also, the engrossed bill, entitled a bill allowing public Officers or their Deputies, to administer oaths in certain cases; which was read the third time and passed, and ordered to be enrolled.

The Senate then proceeded to consider the bill, entitled a bill to give to lessors of land, a lien upon the crops of their lessees, for the payment of their rent; which was read the third time and passed, and ordered to be engrossed.
Mr. Sanders presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing that a joint select Committee of five, on the part of each House, be raised, to enquire as to the best mode of disposing of the Surplus Revenue, which may fall to North Carolina, under the late Deposite Act of Congress, entitled "the Deposite Bill;" and report by bill or otherwise.

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

Mr. Jones presented a bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time of paying for entries of land in this State; which was read the first time and passed, and made the order of the day for to-morrow.

The Senate then proceeded to consider the engrossed bill, entitled a bill to receive the proportion of Surplus Revenue to which the State of North Carolina is entitled, under the act of Congress, to regulate the Deposites of the public money; which was read the second time. The question recurring thereon, it was decided in the affirmative. Mr. Moye demanding the Ayes and Noes, were as follows:

Those who voted in the affirmative, are:


Mr. Hall voting in the negative.

Received from the House of Commons a message, stating that they had passed the following Resolution, to wit:

Resolved, By the General Assembly of the State of North Carolina, that the fifth Joint Rule of the two Houses, be suspended in its application to all bills reported from the Joint Select Committee on the Revised Statutes; and that all such bills may be sent from one House to the other, under the signature of the Clerk, without engrossment, unless he may deem it necessary.

Which was read and concurred in.
On motion of Mr. Mebane, the Resolution in favor of George Williamson, late Sheriff of Caswell county, was reconsidered. Thereupon, it was read the second time and passed. Mr. Carson demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

Those who voted in the negative, are:
Messrs. Albright, Bryan, of Craven, Bryan of Carteret and Jones, Carson, Cooper of Martin, Davidson, Dobson, Exum, Gudger, Hargrave, Houlder, Jones, Mebane, Melchor, Moody, Moya, Morehead, Moore, Myers, Skinner, Spruill, Taylor—22.

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

Mr. Hargrave presented a petition from certain citizens of Davidson county, praying the Legislature to pass a law to exempt Military Officers from working on roads; which was read and referred to the Committee on Military Affairs.

Received from the House of Commons a message, stating that they had passed the engrossed bill, entitled a bill to emancipate Henry, Fanny, and John, the slaves and children of Miles Howard; which was read the first time and passed.

Received from the House of Commons a message, stating that they do not concur in the amendments proposed by the Senate, to the engrossed Resolution, directing the Public Treasurer to receive in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina; which was read, and, on motion of Mr. J. W. Bryan, was ordered to lie upon the table.

The Senate then proceeded to consider the bill, entitled a bill to authorise Clerks and Masters in Equity, in this State, to make title to real and personal property, sold under the decree of a court of Equity; which was read the third time and passed, and ordered to be engrossed. Also, the bill, entitled a bill relative to the appointment of Comp-
troller; which was read the second time; and, on motion of Mr. J. W. Bryan, was ordered to lie upon the table.

On motion of Mr. Polk, the Senate adjourned until to-morrow morning, 10 o'clock.

Friday, December 9, 1836.

Mr. Joyner presented the following Resolution, to wit:

Resolved, That the Speaker assign to one or more Stenographers a seat on the floor of the Senate Chamber, for the purpose of reporting the debates of this body, the present session.

Which was read and adopted.

Mr. Moore presented a bill, entitled a bill to incorporate the Salem Manufacturing Company; which was read the first time and passed, and ordered to lie upon the table.

Mr. James W. Bryan 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 enquire what additional salary and compensation shall be allowed the Governor of this State, for the additional time he is compelled to exercise the functions of his Office, by the Ordinance of the late Convention, and for the use of the Government House, by the General Assembly.

Which was read and adopted.

Mr. Albright presented a bill, entitled a bill to lay off and establish a county by the name of Jefferson; which was read the first time and passed; and, on motion of Mr. Edwards, was committed to a Committee of the whole House, and made the order of the day for Tuesday next.

Mr. Moore presented the following Resolution, to wit:

Resolved, That a Committee of three be raised, on the part of this House, to be denominated the Committee on Private Bills, to which all bills of that character shall be referred.

Which was read and adopted.

Mr. Morehead presented the following Preamble and Resolution, to wit:
Whereas, By an act of the General Assembly, passed in 1833, entitled an act directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, no provision is made, prescribing upon what evidence the Public Treasurer shall be authorised to receive the purchase money for lands sold under the authority of the said act, in cases where the whole of the purchase money may have been paid at the time of the sale. Therefore,

Resolved, That the Public Treasurer be authorised to receive the purchase money for any tracts of land, that may have been paid for, in full, at the late sales of the Cherokee Lands, upon the Commissioner, who superintended the same, filing in his Office a certificate list, setting forth the names of the purchasers, with the number of the district and section, together with the number of acres in each tract sold, and the amount for which the same was sold.

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

The bill, entitled a bill to incorporate the Salem Manufacturing Company, was, upon motion of Mr. Moore, referred to the Committee on Private Bills.

Received from the House of Commons a message, stating that they had passed the following engrossed Resolutions, to wit: A Resolution in favor of William D. Alexander; which was read the first, second, and third times, and passed, and ordered to be enrolled. Also, a Resolution in favor of James C. Turrentine; which was read the first and second times and passed; and, on motion of Mr. Cooper, of Martin, was ordered to lie upon the table.

Mr. Bunting presented the following Preamble and Resolutions, viz:

Whereas, By the fourth section of the fourth Article, of the amendments to the Constitution of this State, no person, who shall hold any office, or place of trust or profit, under the United States, or any department thereof, shall be eligible to a seat in either House of the General Assembly. And whereas, Joseph McD. Carson, a Senator in this body, elected in Rutherford county, held the Office
of Post-Master at Green River, in Rutherford county, before and at the time of his election. Whereas, also, Alfred Dockery, a Senator in this body, elected in the thirty-first District, composed of the counties of Robeson and Richmond, held the Office of Post-Master, at Dockery’s Store, in Richmond county, before and at the time of his election. And, whereas, also, William Albright, a Senator in this body, elected in the county of Chatham, held the Office of Post-Master at in Chatham county, before and at the time of his election. Therefore,

Resolved, by the Senate, that the said Joseph McD. Carson, Alfred Dockery, and William Albright, severally, are not eligible to seats in the Senate; and that the seats of the said Joseph McD. Carson, Alfred Dockery, and William Albright, therein, be and the same are hereby vacated.

Which was read, and, on motion of Mr. Edwards, the following amendment was made thereto, to wit:

Resolved, That the Committee on Elections, enquire whether Joseph McD. Carson, Alfred Dockery, William Albright, and David S. Reid, are entitled to their seats on this floor, as Senators from their respective Districts, with power to send for persons and papers.

The Resolution was then read as amended, and adopted.

On motion of Mr. James W. Bryan, the Senate proceeded to consider the bill, entitled a bill to receive the proportion of Surplus Revenue to which the State of North Carolina is entitled, under the act of Congress to regulate the Deposites of the public money; which was read the third time and passed, and ordered to be enrolled.

Mr. Edwards moved to strike out the latter clause of the 4th Section—rejected. Mr. Burney demanding the Ayes and Noes thereupon, was as follows:

Those who voted in the affirmative, are:


Mr. Hall voting in the negative.
Mr. Hall presented the following PROTEST, to wit:

I enter my protest against the acceptance of any portion of the Surplus money, provided for under the Act of Congress of the last session; and consequently, against the passage of the Bill now under consideration, for the acceptance of the same. I am opposed to the principle of distribution, as contended for by some, as well as that of making the State of North Carolina a fiscal agent, to participate in the management of any part of the duties of the Treasury Department of the United State. By accepting the money proffered, North Carolina also accepts the conditions upon which it is offered, and thereby enters into a contract, which the parties thus contracting, are, in my opinion, not constitutionally competent to make. The Act, or rather the thirteenth Section, making the proffered deposit or distribution, is not provided for in any expressly granted power; nor is it necessary or proper to the execution of any granted power. In addition to this, it most palpably violates a settled principle drawn by fair construction from the ninth and tenth amendments to the Federal Constitution, that the powers of the Federal and State Governments should be kept separate and distinct.

This act makes the State a subordinate Executive Agent in the execution of the duties of the Treasury Department. It not only makes the State a subordinate fiscal Agent; but the subordinate to a subordinate Executive Officer—being subject in this matter, to the direction and supervision of the Secretary of the Treasury. In addition to these objections, I think it not only inexpedient and unnecessary, but in its tendencies, dangerous to the principles upon which our institutions are founded. It places the State under the control of the Federal Government thro' its money concerns; making the Federal Government the collector of Revenue for the State—thus tending to a consolidation of the State and Federal authorities. It, in effect, goes to reinstate and sustain the American system, and thereby, keeps up an onerous system of taxation upon the people wholly unnecessary.

The operation of distributing or disposing the Surplus, should a Surplus be continued, will necessarily have an in-
jurious effect upon the commerce of the country, by taking from the proper channels of trade, a large capital, and removing from the Banks, the means of accommodation to the Mercantile class. Another, and not a trifling objection is, that under the forms of the obligation, the State gives her consent to be legally bound to perform the requirements of the Act of Congress, and in my humble judgment, subjects herself, in case of delinquency, to be sued in the Supreme Court of the United States, as a defaulter. Nor is it impossible or altogether improbable, that such delinquency may take place. Suppose the State should become indebted to the amount of even two or three millions, and the money appropriated or spent, as it likely may be, when or how, let me ask, would it be repaid? The only means would be, heavy taxation; which would not likely be resorted to by the Legislature, or permitted by the people. For these reasons, I feel bound to vote against the passage of the Bill.

THOS. H. HALL.

The Speaker announced that Messrs. Moore, Dobson, and Burney, compose the Committee on Private bills.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.

Saturday, December 10, 1836.

Mr. McCormick presented the Memorial of the Trustees of Donaldson Academy and Manual Labor School;—which was read, and, on motion of Mr. McCormick, was referred to the Committee on Education and the Literary Fund.

Mr. Davidson presented the Pension Certificate of Mary Sloan, of Iredell county; which was read, and, on motion of Mr. Davidson, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Taylor presented the following Resolution, viz:

Resolved That a message be sent to the House of Commons, proposing that the two Houses hold Evening Sessions after to-day,
commencing at half past two o'clock, and to be continued from day to day—at which no proposition shall be entertained, except bills reported by the Committee on the revision of the Statute Laws of the State.

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

Mr. Moseley, from the Judiciary Committee, to whom was referred the subject of empowering Courts of Record to change names, reported the following bill, viz: a bill entitled a bill empowering Courts of Record to change names; which was read the first time and passed, and, on motion of Mr. Moseley, the Committee was discharged from the further consideration of the subject.

Mr. Dobson presented the Memorial of the Roanoke Navigation Company; which was read and referred to the Committee on Internal Improvements.

The Senate then proceeded to consider the engrossed bill, entitled a bill concerning bodies corporate in this State; which was read the third time and passed, and ordered to be enrolled.

Also, the bill entitled a bill to amend an act, entitled an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord, one thousand eight hundred and six; which was read the second and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, informing the Senate that they are now ready to receive the members of the Senate, in that House, for the purpose of examining the returns of the late election for Governor of the State; also informing the Senate, that Messrs. Cansler and Rayner are appointed on behalf of that House, the joint select Committee to superintend said examination. Whereupon, the Speaker announced that Mr. Polk is appointed Teller, on behalf of the Senate, to superintend said examination.

Thereupon, on motion of Mr. Moseley, the Senate repaired to the House of Commons.

The Senate proceeded to consider the engrossed bill, en-
titled a bill to emancipate Henry, Fanny, and John, the slaves and children of Miles Howard; which was read the second and third times, and passed, and ordered to be enrolled.

Mr. Exum demanded the Yeas and Nays, which were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Also, the bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time of paying for entries of land in this State; which was read the second time, and, on motion of Mr. Moseley, was ordered to lie upon the table.

The Speaker presented a communication from the Hon. Robert Strange, resigning his commission as Judge of the Superior Courts of Law and Equity of this State, and accepting the appointment of Senator in the Congress of the United States, to fill the unexpired term of the Hon. Willie P. Mangum; which was read and accepted, and, on motion of Mr. Moseley, was ordered to be transmitted to the House of Commons.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the subject, relative to legitimating persons, reported verbally, that the Committee had taken the subject into consideration, and were of opinion that the existing law on that subject was a sufficient remedy, and thereupon prayed that the Committee be discharged from the further consideration of the subject; whereupon, the Committee was discharged accordingly.

Received from the House of Commons a message, stating that they had passed the Revised bills, No. 5, relative to Public Documents, and No. 1, relative to Book Debts.
The first named bill was read the first, second and third times, and passed, and ordered to be enrolled.

The latter, No. 1, was read the first time and passed.

Mr. Moseley prayed to be excused from serving on the Committee on Education and the Literary Fund, and he was excused accordingly; whereupon, the Speaker announced that Mr. McCormick is added to that Committee.

Received from the House of Commons a message, proposing that a joint select Committee, to consist of twenty-six members, one member from each Congressional District, on the part of each House, (to be appointed by the members from the counties composing the several Districts) be raised, to enquire what will be the most judicious investment or appropriation of that portion of the Surplus Revenue to be received by this State; and that the Committee have leave to report by bill or otherwise.

Which was read and concurred in.

On motion of Mr. Taylor, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 12, 1836.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing to vote, on Wednesday next, for a Judge of the Superior Courts of Law and Equity for this State, to supply the vacancy occasioned by the resignation of the Hon. Robert Strange; also informing that House, that Frederick Nash, of Hillsboro', is in nomination for the appointment.

Mr. Polk, from the Military Committee, to whom was referred the petition of the Commissioned Officers of the county of Davidson, praying to be exempted by an act of the Assembly from working on the public highways, reported against the prayer of the petitioners; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.
Mr. Taylor presented the following Resolution, viz:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of repealing so much of the existing laws of the State, as relates to the compensation of Solicitors in the Superior Courts, and of giving to said Officers, a fixed salary for their services; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Arrington presented the following Resolution, viz:

Resolved, That the Governor be requested to communicate to this House, all the information he may possess in relation to the best mode of investing at a profit that portion of the Surplus Revenue which may fall to the State; and that he communicate such offers to borrow it, as may have been made to him officially.

Which was read and adopted.

Mr. Polk, from the Military Committee, to whom was referred the Memorial of a number of citizens of the county of Macon, praying to be erected, into a separate Regiment, West of the Nantahaly, reported unfavorably to the prayer of the petitioners, and asked to be discharged from its further consideration; in which, the Senate concurred.

Mr. Moseley presented the following Preamble and Resolution, to wit:

Whereas, It is necessary, to the preservation of Constitutional liberty, that the fundamental Charter of our Rights should be kept inviolate.

And whereas, The people in their wisdom have ordained, that a member of the Senate shall have usually resided in the District, for which he is chosen for one year immediately preceding his election, and for the same time shall have possessed, and continue to possess in the District which he represents, not less than three hundred acres of land in fee: And further, that no person, who shall hold any Office or place of trust or profit, under the United States, or any department thereof; or under this State, or any other Government, shall hold or exercise any other Office or place of trust or profit, under the authority of the State; or be eligible to a seat in either House of the General Assembly. And whereas, from the frequent violation of the
above recited provision of the Constitution, it may be presumed that a misinterpretation hath been put on the same, or that the attention of the people has not been sufficiently turned to their proper construction; and, in either case, a declaration on the part of the Senate, of the true meaning of said provision, may be useful in perpetuating unbroken, some of the most essential articles of the Charter. Therefore, be it

Resolved, As the opinion of the Senate, that if any person shall be elected to a seat in the Senate of this State, who has not usually resided in the Senatorial District, for which he may be chosen, twelve months immediately preceding the day of his election, he is not entitled to a seat in the Senate.

Resolved, That no person is qualified for a seat in the Senate, who shall not have possessed, in his Senatorial District, for twelve months immediately preceding the day of his election, three hundred acres of land in fee; and that each possession and ownership, should be both of the legal and equitable estate in said land; and that the title thereto, should be absolute; and any promise or understanding, open or secret, between the parties to receive the title for the mere purpose of qualification, and after such purpose i.e. answered to re-convey it, is a palpable evasion of the Constitution, and a direct fraud upon one of its most salutary provisions.

Resolved further, That if any person elected a Senator, shall, at any time after his election, and during the term of his office, or place of trust, cease to possess, bona fide, three hundred acres of land in fee, he is Constitutionally disqualified to hold his seat, during the remainder of his Senatorial term.

Resolved further, That the term eligible, as used in the fourth Article and fourth Section of the amendments of the Constitution, is referable to the day of election; and that if on that day any candidate for the Senate shall hold any office or place of trust or profit, under the United States, or any department thereof, or under this State, or under any other State or Government, he is constitutionally disqualified to be voted for; and if he should be elected, such election is null and void.

Resolved further, That if any Senator, who, at the time of his election, may be constitutionally qualified to receive the suffrages of his electors, shall, after his election, and during the
continuance of his term, accept any office or place of trust or profit, under the United States, or any department thereof, or under this State, or any other Government, he doth, by such acceptance, vacate his seat as a Senator in this House.

Resolved further, That the office of Post-Master, is an office or place of trust or profit, within the meaning of the fourth Section of the fourth Article of the amendments of the Constitution; and that the election of any Senator, holding the office of Post-Master, on the day of his election, is null and void.

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

Received from the House of Commons a message, proposing that the Speakers of the two Houses of the General Assembly, announce to Gen. Edward B. Dudley, his election, as Governor of this State; which was read and concurred in.

Received from the House of Commons the resignation of Moses Hewitt, a Justice of the Peace for the county of Brunswick; which was read and accepted.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly proceed to vote, on Monday next, at eleven o'clock, A.M. for a Comptroller of public accounts; which was read, and, on motion of Mr. Mebane, ordered to lie upon the table.

Received from the House of Commons a message, stating that they had passed the following engrossed bills and Resolution, to-wit: A Bill, entitled a bill to emancipate Isaac, a slave; a Bill, entitled a bill to lay off and establish a county by the name of Davie; a Bill restricting the term of Cumberland Superior Courts to one week; and also, a Bill to amend an act, entitled an act to establish a department for adjusting and liquidating the Public accounts of this State, and for appointing a Comptroller, and for other purposes; also, a Resolution in favor of John Miller; which were severally read the first time and passed.

Received from the House of Commons a message, stating that they had amended and passed the revised bill, No. 5, concerning wrecks and wrecked property; which was read the first and second times and passed.

Received from the House of Commons a message, proposing that the two Houses vote, on Thursday next, at 12
o'clock, for a Judge of the Superior Courts of Law and Equity, to fill the vacancy occasioned by the resignation of the Hon. Robert Strange, and informing the Senate, that John L. Baily is in nomination for the office: which was read, and, on motion of Mr. Taylor, ordered to lie upon the table.

Received from the House of Commons a message, transmitting to the Senate, the Report of the Adjutant General of the Militia of North Carolina, and stating that they had referred it to the joint select Committee on Military Affairs, and with a proposition that it be printed; which was read and concurred in.

On motion of Mr. Baker,

Ordered, That the Bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, be taken up; which was read the second time; and, on motion of Mr. Carson, was ordered to lie upon the table.

Received from the House of Commons a message, transmitting to the Senate the resignation of the Hon. William Norwood, as one of the Judges of the Superior Courts of Law and Equity in this State; which was read and accepted.

The Senate then proceeded to consider the bill entitled a bill relative to the appointment of Comptroller; which was read the second time, and, on motion of Mr. Kelly, the following amendment was made thereto—after the third Section, insert the following, to wit:

Be it further enacted, That the Comptroller shall enter on the performance of his duties, on the 1st day of January, after his election as aforesaid.

The Bill was then read the third time and passed as amended, and ordered to be engrossed.

On motion of Mr. Moseley, the Resolution, that a message be sent to the House of Commons, proposing that the two Houses hold evening sessions after to-day—commencing at half past two o'clock, and to be continued from day to day—at which, no proposition shall be entertained, except bills reported by the Committee on the revision of the
Statute Laws of the State, was taken up for consideration; and, on his motion, the following amendments were made thereto, to wit:

After the word "session," in the second line, strike out the words, "after to-day," and insert, in lieu thereof, the words, "from and after the 14th instant;" and in the third line, strike out the words, "half past two," and insert in lieu thereof, the word "three," and after the word "State," in the last line, add the words, "and that the joint Committee of the two Houses have leave to hold their sessions during the sitting of the two Houses." The question recurring thereon, the several amendments were agreed to. The Resolution was then read as amended, and adopted.

On motion of Mr. Jas. W. Bryan, the bill entitled a bill to amend an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord one thousand eight hundred and six, was re-considered, and, on his motion, ordered to lie upon the table.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that a joint select Committee of two on the part of each House, be raised, to enquire what additional salary and compensation shall be allowed the Governor of this State, for the additional time he is compelled to exercise the functions of his office, by the Ordinance of the late Convention, and for the use of the Government House by the General Assembly; also informing the Senate, that Messrs. Blount and Graham form their branch of the Committee.

Mr. James W. Bryan presented the following Resolution, to wit:

Resolved, That the Committee of Privileges and Elections be instructed to enquire into the expediency of prescribing in what manner proceedings shall be had against members of the General Assembly, who are suggested by Resolution to be ineligible or disqualified from taking their seats, in consequence of disabilities prescribed by the Constitution of this State; and that they report by bill or otherwise.

Which was read and adopted.
Received from the House of Commons a message, transmitting to the Senate the memorial and counter-memorial of the citizens of Hyde county, proposing to refer them to a joint select Committee, to be raised for that purpose—which was read and concurred in. Whereupon,

On motion of Mr. Williams,

Ordered, That said Committee consist of five members on the part of each House.

And the House of Commons was informed thereof by message.

Mr. Morehead presented the following Resolutions, to-wit:

Resolved, That the Committee on Privileges and Elections be empowered to send for persons and papers, and that they, through their Chairman, be authorized to administer an oath.

Resolved further, That whenever any member's seat shall be contested, and it shall be necessary to take depositions, the person or persons desiring such testimony, shall give twenty days' notice, if the witness lives beyond the limits of this State, to such member whose seat is contested, of the time and place of taking such deposition; and if the member or members aforesaid shall desire to take depositions, he or they shall give a like notice, a copy of which shall be served on the Speaker.

Which were read, and, on motion of Mr. Mebane, ordered to lie upon the table.

On motion of Mr. James W. Bryan, the Senate, in accordance with a message received from the House of Commons, proposing to raise a joint select Committee, to consist of twenty-six members, one member from each Congressional District, on the part of each House, on the subject of the Surplus Revenue, appointed the following members to compose said Committee, viz: Messrs. Hawkins, Polk, Joyner, Morehead, Kelly, Davidson, Hussey, Spruill, Skinner, Whitaker, Reinhardt, Carson, and J. W. Bryan; and the House of Commons was informed thereof by message.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.
Tuesday, December 13, 1836.

Mr. Cooper, of Martin, presented the petition of Joseph Lilly, praying the Legislature to legitimate his son, Theophilus Lilly; which was read, and, on his motion, was referred to the Judiciary Committee.

Mr. Marsteller presented the memorial of the Stockholders of the Wilmington and Raleigh Rail Road Company, praying that the State become interested in said Road; which was read, and ordered to be sent to the House of Commons.

Mr. Jas. W. Bryan, from the Judiciary Committee, to whom was referred a bill to amend the law relative to receiving bonds of Sheriffs, reported the same bill, without amendment; in which report the Senate concurred. Thereupon, the Committee asked leave to be discharged from the further consideration of the subject, and it was discharged accordingly.

The bill was then ordered to lie upon the table.

Mr. Kelly, from the Committee on Claims, to whom was referred the petition of James Thompson, of Iredell county, reported the following Resolution, viz:

Resolved, That the Public Treasurer pay James Thompson, of Iredell county, twenty-two dollars and thirty cents, which he paid into the Treasury for two hundred and thirty acres of land, of which he was afterwards divested by an older grant; and that he be allowed the same in the settlement of his Public Accounts.

Which was read the first and second times, and passed.

The question recurring on the third reading, it was decided in the negative—Yeas 13, Nays 36.

Mr. Exum demanded the Yeas and Nays, which were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:
Messrs. Albright, Arrington, Barnett, Bryan, of Craven, Bunting, Caron, Cooper, of Martin, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Hall, Hargrave, Hawkins, Hould, Jones, Lindsay, Marsteller, Mebane, Montgomery, Moody, Moseley, Morehead, Moore, Myers, Reid, Reding, Reinhart, Sanders, Skinner, Spruill, Williams, and Whitaker—36.

On motion of Mr. Taylor, the Resolutions relative to the qualifications of members of the Senate, introduced on yesterday by Mr. Moseley, were taken up for consideration. Whereupon Mr. Taylor offered the following amendment thereto, viz: Strike out the last Resolve, and insert the following in lieu thereof:

Resolved further, That the offices of Postmaster and Deputy Postmaster, the office of Solicitor, the office of County Attorney, the office of Entry Taker, the office of County Trustee, the office of Register, the office of Sheriff, the office of Coroner, the office of Constable, and the office of Notary Public, are offices or places of trust or profit, under the State, and that they, with all other offices or places held under the United States, or any department thereof, or under this State, or any other State or Government, which confer trust or imply confidence in the holder, and from which salaries, fees or perquisites are derived by the holder, are within the clear meaning of the fourth section of the fourth Article of the amendments of the Constitution, unless expressly excepted from its operation by some other clause of the Constitution.

Pending the question, Mr. Montgomery moved to add the offices of Deputy Sheriff and County Surveyor.

The several amendments were read, and, on motion of Mr. Edwards,

Ordered, That the Resolution and amendments lie on the table, and be printed.

Mr. Hall presented the following Resolution, viz:

Resolved, in the opinion of this Senate, that the true intent and meaning of the word eligible, in the fourth section of the fourth Article of the amendments to the Constitution, goes to the disqualification of persons holding any of the offices designated and alluded to in said section, from being elected as members of the Senate, while holding such office.

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

Whereupon, on motion of Mr. Cooper, of Martin,
Ordered, That the said Resolution be taken up, and immediate action had thereon.

Which motion did not prevail.

Mr. McCormick presented a bill, entitled a bill fixing the time for perfecting titles to lands heretofore entered and paid for; which was read the first time and passed.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the engrossed bill, entitled a bill to amend an act, entitled an act to establish a department for adjusting and liquidating the Public Accounts of this State, and for appointing a Comptroller, and for other purposes; which was read the second time, and, on his motion, was amended by striking out the first and second sections.

It then passed its second and third readings, as amended, and was ordered to be enrolled.

On motion of Mr. Hargrave, the message from the House of Commons, proposing to vote for a Judge of the Superior Courts of Law and Equity for this State, on Thursday next, at 12 o'clock, was taken up and adopted, and the House of Commons was informed thereof by message.

On motion of Mr. Hall, the Resolution relative to the Committee on Privileges and Elections, to send for persons and papers, and the taking of depositions in contested elections, introduced on yesterday by Mr. Morehead, was taken up for consideration, and was read. Thereupon, Mr. Hall offered the following as a substitute for the first Resolution, to wit:

Resolved, That to the authority already granted by the Senate to the Committee of Privileges and Elections, to send for persons and papers, be added the power, through its Chairman, to administer oaths.

Which was read and agreed to.

He then moved to strike out the second Resolution.

The question recurring thereon, it was decided in the negative.

Mr. Lindsay demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:
Messrs. Arrington, Baker, Bryan, of Craven, Bunting, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Lindsay, Marsteller, Mebane, Moseley, Reid, Reinhardt, Sanders, and Whitaker—20.

Those who voted in the negative, are:


Mr. Carson prayed to be excused from voting on the question of striking out; and he was excused accordingly.

The Speaker announced the following Committees, viz:

Messrs. Williams, Bryan of Craven, Spruill, Skinner, and Cowper of Gates and Chowan, compose the Committee on the Memorials from Hyde county; and Messrs. Kerr and Barnett, compose our branch of the Committee on the subject of Compensation to the Governor; and the House of Commons was informed thereof by message.

On motion of Mr. Reid,

Ordered, That a message be sent to the House of Commons, proposing to vote, on Monday next, for a Senator in the Congress of the United States. The question recurring thereon, it was decided in the negative.

Mr. Dobson then moved that a message be sent to the House of Commons, proposing to vote, on Tuesday next, for a Senator in the Congress of the United States. Whereupon, Mr. Hargrave moved that said motion lie upon the table; and the question recurring thereon, it was decided in the affirmative—Mr. Exum demanding the Yeas and Noses, were as follows:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr. Morehead, the Senate adjourned until to-morrow morning, 10 o'clock.
Mr. Baker presented the petition of certain citizens of the counties of Burke, Wilkes, Lincoln, and Iredell, praying the Legislature to erect a county out of parts of the above named counties; which was read and referred to the Committee on Propositions and Grievances.

Mr. Montgomery, from the Committee on Propositions and Grievances, to which was referred a bill, entitled a bill to lay off and establish a county by the name of Gaston, reported the same bill to the Senate without amendment. Thereupon, asked leave to be discharged from the further consideration of the subject. The Committee was discharged accordingly.

Whereupon, on motion of Mr. Kelly,

Ordered, That said bill lie upon the table.

Mr. Mebane presented two Memorials from certain citizens of the county of Orange, representing their decided disapprobation of an attempt that is making, to divide the said county; which was read, and, on motion of Mr. Mebane, referred to the Committee of the whole House, on the subject of the division of the county of Orange.

Received from the House of Commons a message, informing the Senate that Messrs. Rayner, Moore, Smallwood, Hooker, Sloan, Blount D. Jordan, Graham, W. A. Lea, Fisher, Cansler, Patton, and Courts, form their branch of the Committee upon the distribution of the Surplus Revenue allotted to North Carolina.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Norfolk and Edenton Rail Road Company; which was read the first time and passed.

Received from the House of Commons the resignations of the following Justices of the Peace, and Field Officers, to wit: Moses Baker, a Justice of the Peace for the county of Edgecomb; Wesley F. Willing, a Justice of the Peace for the county of Johnston; William H. Thompson, a Lieutenant Colonel of the twenty-fourth Regiment of the Militia of the county of Onslow; which were severally read and accepted.
Received from the House of Commons a message, agreeing to the proposition of the Senate, that the joint select Committee on the Memorial, and counter-Memorial from Hyde county, shall consist of five on the part of each House; and stating that Messrs. Farrow, Davenport, Swift, Smallwood, and Pritchard, form their branch of the Committee.

Mr. Carson, from the joint select Committee, to which was referred the Memorial of sundry citizens of Lincoln and Rutherford counties, praying that certain adjoining portions thereof, be erected into a new and separate county, reported a bill, entitled a bill to erect a county by the name of Cleveland, out of parts of Lincoln and Rutherford; which was read the first time and passed.

Mr. Moore, from the Committee on Private Bills, to which was referred the bill, entitled a bill to incorporate the Salem Manufacturing Company, reported the same bill without amendment; in which report the Senate concurred. The bill was then read the second time and passed.

Received from the House of Commons a message, stating that they have passed the following Revised Bills, to wit: No. 9, concerning Attorneys at Law; No. 10, concerning Constables; No. 15, concerning the Comptroller.

The two first named bills were read the first, second, and third times and passed, and ordered to be enrolled.

The latter, number fifteen, was read, and, on motion of Mr. J. W. Bryan,

Ordered, That the same lie upon the table.

Received from the House of Commons a message, informing the Senate, that Messrs. Walker, Tuton, Tomlinson, and Boon, form their branch of the Committee on enrolled bills for this week.

On motion of Mr. Baker, the Senate proceeded to consider the bill, entitled a bill fixing the time for perfecting titles to lands heretofore entered and paid for; which was read the second and third times, and passed, and ordered to be engrossed.
On motion of Mr. J. W. Bryan, the Senate proceeded to consider the bill to amend an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord, one thousand eight hundred and six; which was read the third time. Whereupon, Mr. J. W. Bryan made the following amendments thereto, viz:

After the third section of said bill, insert the following sections:

Be it further enacted, That the sixth Judicial District shall be composed of the counties of Cabarrus, Mecklenburg, Lincoln Iredell, Rowan, Surry, Wilkes and Ashe.

Be it further enacted, That the Superior Courts of Law and Equity, in the counties composing the sixth Judicial District, shall be held on the following times, viz: Cabarrus, on the first Monday in March and September, in each and every year; Mecklenburg, on the second Monday in March and September, in each and every year; Lincoln, on the fourth Monday in March and September, in each and every year; Iredell, on the first Monday after the fourth Monday in March and September, in each and every year; Rowan, on the second Monday after the fourth Monday in March and September, in each and every year; Surry, on the third Monday after the fourth Monday in March and September, in each and every year; Wilkes, on the fourth Monday after the fourth Monday in March and September, in each and every year; Ashe, on the fifth Monday after the fourth Monday in March and September, in each and every year; according to the rules and regulations now prescribed by law.

In the fourth section and seventh line, after the word “Rutherford,” strike out the word “and,” and insert after the word “Burke,” “and Mecklenburg.”

In the sixth section and third line, strike out the word “said,” and insert the words “the seventh”; and in the seventh section and third line, after the word “said,” insert the words “sixth and.”

Which several amendments were agreed to.

The bill then passed its third reading, as amended, and was ordered to be engrossed.

On motion of Mr. J. W. Bryan,
Ordered, That Mr. Taylor have leave of absence from the service of the Senate, from and after to-day, until Saturday next.

The Senate then proceeded to consider the bill, entitled a bill declaring that the shares of stock in incorporated companies, shall be deemed and taken as personal estate; which was read the third time and passed, and ordered to be enrolled.

Also, the bill, entitled a bill empowering Courts of Record to change names; which was read the second time. Thereupon, Mr. Moseley made the following amendment, as an additional section, viz:

Be it further enacted, That all laws and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed.

The bill then passed the second and third readings, as amended, and was ordered to be engrossed.

Also, the engrossed Resolution in favor of John Miller; which was read the second time, and, on motion of Mr. McCormick, was ordered to lie upon the table.

Received from the House of Commons a message, proposing that the two Houses, at one o'clock to-morrow, go into an election of Solicitor for the first Judicial Circuit; also informing the Senate, that David Outlaw, of Bertie, and Thomas Bragg, of Northampton, are in nomination for the appointment.

Received from the House of Commons a message, disagreeing to the amendment proposed by the Senate to the engrossed bill to amend an act, entitled an act to establish a department for adjusting the Public Accounts of this State, and for appointing a Comptroller, and other purposes— which was read, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

The Senate then proceeded to consider the bill, entitled a bill restricting the term of Cumberland Superior Court to one week; which was read the second and third times, and passed, and ordered to be enrolled.

Also, No. 1 of the Revised Statutes, relative to Book-Debts; which was read the second and third times, and passed, and ordered to be enrolled.
Also, the engrossed bill, entitled a bill increasing the liability of Sheriffs; which was read the third time, and passed, and ordered to be enrolled.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the bill allowing Public Officers or their Deputies to administer oaths in certain cases.

Mr. Hall moved that the Resolution relative to the true intent and meaning of the word *eligible*, in the fourth section of the fourth article of the amendments to the Constitution, be taken up.

Which was decided in the negative.

Upon this question Mr. Fox demanded the Yeas and Nays, which were as follows:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Polk, from the Military Committee, to whom was referred the Petition of Jonathan Woods, of the county of Haywood, praying to be paid a certain sum of money, made a report thereon, recommending the rejection of the petition, and asked to be discharged from its further consideration; in which report the Senate concurred.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider No. 3 of the Revised Statutes, relative to wrecks and wrecked property; which was read the third time. Thereupon, Mr. Spruill offered the following proviso, as an amendment to the second Section, to wit:

*Provided always, That the Court of Pleas and Quarter Sessions for the county of Hyde, shall appoint one or more Commissioners for the District of Hyde, as they may deem proper, under the rules and regulations herein prescribed.*
Mr. J. W. Bryan made the following amendments, viz:

In the fifth section and last line, strike out the words two and a half, and insert the words, five per cent on all amount of sales of and under five thousand dollars, and two and a half per cent. on all amounts above that sum. The bill then passed, as amended, the third reading, and was ordered to be engrossed.

Received from the House of Commons a message, stating that they had passed the Revised Bill No. 6, relating to Elections of members of Congress; which was read the first time and passed. It was then put upon the second reading—thereupon, Mr. J. W. Bryan proposed the following amendment, to wit:

In the first Section and third line, strike out the words, by joint ballot of both Houses of the General Assembly elect, and insert in lieu thereof the words, elect by joint vote of both Houses of the General Assembly, the vote being viva voce.

Mr. Edwards moved further to amend the Bill, to wit:

In the sixth Section and second line, strike out the word forty, and insert the words one hundred. In the sixth line of the eighth Section, after the word mentioned, insert as required. The several amendments were agreed to. The Bill then passed the second and third reading, as amended, and ordered to be engrossed.

Received from the House of Commons a message, stating that they had passed the following Revised Bills, to wit: No. 21, Abatement of Suits; No. 20, relating to evidence; No. 17, concerning the Treasurer of the State; No. 12, concerning bail in civil cases; No. 11, providing for the poor; No. 23, concerning the Secretary of State; No. 22, to prevent the destruction of Oysters; No. 24, concerning mad dogs; which was read, and, on motion of Mr. Mars-teller, ordered that the message and accompanying bills lie upon the table.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.
On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to vote on Tuesday next, at 12 o'clock, for a Senator in the Congress of the United States.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the petition of Joseph Lilly, of Martin county, praying the Legislature to legitimize his son, Theophilus Lilly, reported unfavorably to the prayer of the petitioner, and asked leave to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Bryan, of Carteret and Jones, presented the following Resolutions, to wit:

Resolved, That a large portion of the Surplus Revenue, which has accumulated in the Treasury of the United States, has arisen from the sales of the Public Lands, that were ceded to the General Government, for certain purposes specified in the deeds of cession; and that the object of their cession having been accomplished, the said lands or their proceeds in justice belong to the States.

Resolved, as the opinion of this General Assembly, that any act by which the Congress of the United States shall give the Public Lands to the States in which they are situated, or any act by which the minimum price at which those lands are now sold, shall be reduced, would seriously affect the prosperity of all the old States, and do great injustice to those States by which they were originally ceded to the Confederacy.

Resolved further, as the opinion of this General Assembly, that the public debt having been extinguished, and the object for which the cession of the respective portions of the Public Domain by the States which originally held them, having thus been accomplished, 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 support of the United States, or at least, in proportion to their federal population.

Resolved, That the power to tax is a right conferred upon Congress by the Constitution of the United States, and that
the said Congress is the constitutional judge of what amount of revenue ought to be raised; and to call from the people, in the shape of taxes or duties, more money, knowingly, than is demanded by the wants of government, is an abuse of that right or power.

Resolved, That the Tariff Compromise Act was passed in good faith, and ought to be observed; and any act on the part of Congress, to disturb its provisions or frustrate its operation, would be regarded as unjust, and a violation of good faith.

Resolved, That the Governor be, and he is hereby requested to transmit copies of these Resolutions to the Senators and Representatives from this State, in the Congress of the United States.

Which were read, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table, and, on motion of Mr. Spruill, ordered to be printed.

Mr. McCormick presented a bill, entitled a bill for the better regulation of the town of Fayetteville; which was read the first time and passed, and, on motion of Mr. Mars-teller, referred to the Judiciary Committee.

The Senate proceeded to consider the bill entitled a bill to incorporate the Salem Manufacturing Company; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the bill entitled a bill to erect a county by the name of Cleveland, out of parts of Lincoln and Rutherford; which was read the second time, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Mr. Fox presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing an adjournment, sine die, of both Houses of the General Assembly, on the third day of January next; and that the Clerks respectively be directed to make their estimates up to that time.

Which was read and adopted.

Mr. Hargrave presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to postpone the election of Solicitor for the first District, until Monday next, eleven o'clock.

Which was read and adopted.
The Senate then proceeded to consider the engrossed bill, entitled a bill to incorporate the Norfolk and Edenton Rail Road Company; which was read the second time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvements.

Also, the engrossed bill, entitled a bill to emancipate Isaac, a slave; which was read the second time.

The question recurring on the passage thereof, it was decided in the affirmative.

Mr. Montgomery demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

Messrs. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Bunting, Carson, Cowper, of Gates and Chowan, Cooper, of Martin, Davidson, Dobson, Dockery, Edwards, Fox, Gudger, Hall, Hargrave, Hawkins, Hussey, Joyner, Jones, Kerr, Kelly, Lindsay, Marsteller, Melchor, Moody, Moseley, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, Sanders, Spruill, Williams, and Whitaker—41.

Those who voted in the negative, are:


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

Whereupon, Mr. Marsteller asked leave to withdraw from the House the bill of sale for said Isaac; which was granted accordingly.

On motion of Mr. Cooper, of Martin, the engrossed bill, entitled a bill relative to book debts, was re-considered. Thereupon, he proposed the following amendment, to wit:

In the first Section, and second line, strike out the words \textit{emissit, indebitatus assumpsit, quantum meruit, or quantum valebat}, and insert in lieu thereof, the words \textit{upon an express or implied promise}.

Which amendment was agreed to.

Whereupon, on motion of Mr. J. W. Bryan, the bill was referred to the Judiciary Committee.

On motion of Mr. Moseley,

\textit{Ordered}, That a message be sent to the House of Commons, proposing to vote, on Monday next, at 12 o'clock,
for a Judge of the Superior Courts of Law and Equity for this State, to supply the vacancy occasioned by the resignation of the Hon. William Norwood.

Received from the House of Commons a message, informing the Senate that Owen Holmes, of New Hanover, is added to the nomination for Judge, to supply the vacancy occasioned by the resignation of the Hon. Robert Strange.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the two Houses of the General Assembly vote for a Judge, on Monday next, at 12 o'clock, to supply the vacancy occasioned by the resignation of the Hon. William Norwood.

Received from the House of Commons a message, stating that Messrs. Granberry and McNeill are appointed, on behalf of that House, Superintendants of the election for a Judge, to be held this day at 12 o'clock; also, informing the Senate, that they are now ready to vote, and will proceed to vote on the return of the messenger.

Whereupon, the Speaker announced that Messrs. Spruill and Fox, are appointed, on behalf of the Senate, Superintendants of said election. The Senate then proceeded to vote as follows:

Those who voted

FOR JOHN L. BAILEY, ARE:

Messrs. Waddell, (Speaker,) Messrs. Lindsay,
   Albright,
   Barnett,
   J. W. Bryan,
   Burney,
   Carson,
   Cowper of G. & C.
   Davidson,
   Dockery,
   Gudger,
   Hargrave,
   Joyner,
   Jones,
Those who voted

FOR OWEN HOLMES, ARE:

MESSRS. Arrington,
Baker,
Bryan, of Craven,
Bunting,
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,
Houlder,

MESSRS. Hussey,
Kerr,
Kelly,
Marsteller,
Mebane,
Moseley,
McCormick,
Reid,
Reinhardt,
Sanders,
Whitaker, 23

Mr. Spruill, from the Committee appointed on the part of the Senate, to superintend the election of Judge, reported that Owen Holmes, having received a majority of the whole number of votes given in, is duly elected; in which report the Senate concurred.

Mr. Burney moved that the Senate adjourn until 3 o'clock, P. M.

Upon which motion, Mr. Marsteller demanded the Yeas and Nays; which were as follows:

Those who voted in the affirmative, are:

MESSRS. Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Joyner, Kelly, Lindsay, Melchor, Morehead, McCormick, Polk, and Spruill—15.

Those who voted in the negative, are:


So the motion did not prevail.

Mr. Hussey then moved that the Senate adjourn until to-morrow morning, 10 o'clock. The question recurring thereon, it was decided in the negative.

Whereupon, Mr. Burney again moved that the Senate do adjourn until 3 o'clock, P. M.
Upon the question, Mr. Marsteller demanded the Yeas and Nays; which were as follows:

Those who voted in the affirmative, are:

MESSRS. Albright, Barnett, Burney, Davidson, Dockery, Gudger, Hargrave, McCormick, Polk—9.

Those who voted in the negative, are:


So the Senate refused to adjourn.

Whereupon, on motion of Mr. Burney, the Senate then adjourned until 3 o'clock p. m.

THREE o'clock, P. M.

The Senate proceeded to consider the message received from the House of Commons, transmitting to the Senate the following Revised Statutes, to wit:

No. 23, concerning the Secretary of State; which was read three times, passed, and ordered to be enrolled.

No. 11, providing for the support of the poor; which was read three times, passed, and ordered to be enrolled.

No. 12, concerning bail in civil cases; which was read three times, passed, and ordered to be enrolled.

No. 20, concerning evidence; which was read the first, second, and third times, passed, and ordered to be enrolled.

On motion of Mr. Moore, No. 11, providing for the support of the poor, was reconsidered. Thereupon, Mr. Moore offered the following amendment, as the twenty-seventh section, to wit:

The several county Courts within this State, a majority of Justices being present, shall have full power and authority to allow the Wardens of the Poor, a sum not exceeding one dollar per day, as a compensation for performing the services herein prescribed.
Which was agreed to. The bill then passed as amended, and ordered to be enrolled.

No. 22, concerning Oysters; No. 21, relative to abatement; No. 24, concerning mad dogs; which were severally read three times, passed, and ordered to be enrolled.

On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

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Friday, December 16, 1836.

Mr. Joyner presented the Memorial from certain citizens of the counties of Halifax and Edgecomb, praying the Legislature to remove obstructions in Fishing creek, for the free passage of fish up said creek; which was read, and referred to the Committee of Propositions and Grievances.

Mr. James W. Bryan presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of increasing the fees, allowed by law, to County Surveyors.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of Mary Sloan; which was read three times and passed, and ordered to be enrolled.

Mr. J. W. Bryan presented a bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity in the Newbern Judicial District; which was read the first time and passed.

Mr. Moore presented the resignation of Wm. Pearce, a Justice of the Peace of the county of Stokes; and Mr. Bryan, of Craven, the resignation of Joseph Physioc, as Justice of the Peace for the county of Craven;—which were severally read and accepted, and sent to the House of Commons.
Received from the House of Commons the resignation of Abraham Lawrence, a Justice of the Peace for the county of Granville; which was read and accepted.

Received from the House of Commons a message, disagreeing to the proposition of the Senate, to postpone the election of Solicitor for the first Circuit; which was read and ordered to lie upon the table.

Received from the House of Commons a message, transmitting to the Senate the Report of the President of the Raleigh and Gaston Rail Road Company; which was read and referred to the Committee on Internal Improvement.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of John H. Hill; which was read three times, passed, and ordered to be enrolled.

Also, the engrossed bill making compensation to the Jurors of Ashe county; which was read the first and second times, and passed. Thereupon, Mr. Gudger made the following amendment, viz:

In the first section and fifth line, after the word "summoned," insert the words "as Jurors."

The bill was then read the third time, amended as passed, and ordered to be enrolled.

Also, the engrossed bill, entitled a bill to incorporate the General Mining and Manufacturing Association; which was read the first and second time and passed. Thereupon, Mr. Kelly moved the following Proviso to the fourth section, viz:

Provided always, that the real estate which shall be received in payment of stock as aforesaid, shall be subject to the same taxation as other lands in this State.

Which was agreed to. The bill was then read the third time, as amended; and the question recurring on the passage thereof, it was decided in the affirmative, and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate that John S. Guthrie is added to the nomination for Solicitor of the first Judicial Circuit.
Mr. James W. Bryan presented a bill, entitled a bill to incorporate the North-Carolina Central Rail Road Company; which was read the first time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvement.

On motion of Mr. Carson, the bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, was taken up for consideration; which was read the second time.

Thereupon, Mr. Carson proposed the following amendment, viz:

In the eighth line, after the word "convene," insert the words "at their regular biennial sessions."

Which amendment was agreed to. The bill then passed its second reading as amended. Thereupon, it was read the third time and rejected.

On motion of Mr. J. W. Bryan, the message received from the House of Commons, heretofore laid upon the table, in which they do not concur in the amendment proposed by the Senate to the engrossed bill to amend an act, entitled an act to establish a department for adjusting the Public Accounts of this State, was taken up for consideration.

Thereupon, the Senate receded from their amendment, and the House of Commons was informed thereof by message.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, proposing that an election for Solicitor of the first Judicial Circuit, be held to-morrow, at 12 o'clock; which was read, and, on motion of Mr. Hargrave, was ordered to lie upon the table.

The Senate proceeded to consider the bill of the Revised Statutes, No. 17, concerning the Treasurer of the State;—which was read the first time and passed.

It was then read the second time; thereupon, Mr. Carson moved the following amendment, viz:
In the first section and second line, strike out the word "fifteen," and insert in lieu thereof the words "twenty-one."

Mr. Marsteller further moved to amend it, viz:
Strike out the word "fifteen," wherever it occurs in the bill, and insert the words "twenty-one."

Which several amendments were agreed to.

Thereupon, Mr. Morehead moved the following amendment, viz:
In the first section and fifth line, strike out the words "two hundred and fifty," and insert in lieu thereof the words "one hundred."

The question recurring thereon, it was decided in the negative—Yeas 8, Nays 33.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albright, Arrington, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Carson, Cooper, of Martin, Edwards, Exum, Fox, Gudger, Hall, Houlder, Joyner, Jones, Kerr, Kelly, Lindsay, Marsteller, Mebane, Melchor, Montgomery, Moody, Moseley, Moye, Moore, Myers, Reid, Reding, Reinhardt, Williams and Whitaker—33.

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

Received from the House of Commons a message, stating that they have passed the following Revised Statutes, viz:
No. 19, relating to Religious Societies; No. 16, relating to Quarantine.

Which were severally read three times, passed, and ordered to be enrolled.

The Speaker announced that Messrs. Kerr and Moye compose the Committee on enrolled bills, the present week.

On motion of Mr. Marsteller, the Senate adjourned until to-morrow morning, 10 o'clock.
Mr. Morehead presented the resignations of the following Field Officers, to wit: Allen Peeples, as Colonel Commandant of the Cavalry attached to the eighth Brigade of North Carolina Militia; William Gilbreath, as Lieutenant Colonel of Cavalry, in the eighth Brigade of this State; William Denny, as Major of Cavalry in the eighth Brigade; which were read and accepted, and sent to the House of Commons.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the subject of increasing the fees allowed by law to the County Surveyor, reported that it was inexpedient to legislate on the subject, and asked leave to be discharged from its further consideration; and the Committee was discharged accordingly.

Mr. J. W. Bryan, from the same Committee, to whom was referred the bill, entitled a bill for the better regulation of the town of Fayetteville, reported the same bill without amendment, and recommended that it be passed into a law. Thereupon, the Committee asked leave to be discharged from its further consideration. It was discharged accordingly. The bill was then read the second time, and, on motion of Mr. McCormick, ordered to lie upon the table.

Mr. J. W. Bryan presented a bill, entitled a bill making compensation to the Public Treasurer for his services; which was read the first and second times and passed, and ordered to be referred to the Committee on Finance.

The Senate proceeded to consider the bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity, in the Newbern Judicial District; which was read the second time. Thereupon, Mr. Williams moved that said bill be rejected; which was decided in the negative. The bill then passed.

On motion of Mr. Gudger, the bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act making it the duty of the Governor to convey to the Justices of Haywood county, certain lands therein nam-
ed, Chapter 159, was taken up for consideration, and, on his motion, referred to the Committee on Finance.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate, that the two Houses of the General Assembly, adjourn sine die, on the third day of January next.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to vote, at 12 o'clock, on Tuesday next, for a Senator in the Congress of the United States, from the third of March, 1837.

Mr. Marsteller moved to re-consider the bill of the Revised Statute, No. 17, concerning the Treasurer of the State. Upon this motion, Mr. Cooper, of Martin, demanded the Yeas and Nays; which were decided in the affirmative, as follows:

Those who voted in the affirmative, are:

Those who voted in the negative, are:

Whereupon, on motion of Mr. Morehead,
Ordered, That said bill lie upon the table.

Received from the House of Commons a message, stating that they have passed the Revised Bill, No. 38, concerning Pilots and Commissioners of Navigation; which was read the first and second times and passed. Thereupon, Mr. Spruill moved the following amendment, to wit:

Strike out the thirty-first Section; which was agreed to.

The bill was then read the third time, and passed, as amended, and ordered to be enrolled.

Mr. Fox presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing an adjournment of both Houses of the General Assembly, sine die, on the fifth day of January next; and that the Clerks be directed to make up their estimates to that time.

Which was read and adopted.
Mr. Moseley presented the Memorial of a number of Citizens, praying the Legislature, that the State of North Carolina, take two fifths of the Stock in the Cape Fear and Yadkin Rail Road Company; which was read, and, on his motion, referred to the Committee on Internal Improvement.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the engrossed bill, entitled a bill to incorporate the Norfolk and Edenton Rail Road Company, reported the same bill, and recommended the adoption of the following amendments, to wit:

At the end of the eighth section, add "Provided always, that either party dissatisfied with the sentence, order or decree of the County Court, may appeal to the Superior Court of said county."

In the fourth line of the tenth Section, counting from the end of the Section, strike out twelve and one-half, and insert twenty-five.

In the fifth line of the fourteenth Section, strike out the word eight, and insert six.

In the thirty-third of the same Section, after the word same, add—"It shall be the duty of the said Company, to transport all produce and other commodities, which may be delivered at any place of deposite, established by said Company, according to the order of time, in which the same may be received, so as to do equal justice to all, and to give preference to no one."

In the fourth line of the twenty-ninth Section, strike out the word nine.

Which several amendments were read and agreed to.

The bill was then read as amended, and passed, and ordered to be enrolled.

On motion of Mr. Reinhardt, the bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, rejected on yesterday, was reconsidered; and, on motion of Mr. Jones, referred to the Judiciary Committee.

On motion of Mr. Fox, the Senate adjourned until Monday morning, 10 o'clock.
Mr. McCormick presented the Memorial of the Magistrate of Police, and of the Commissioners of the town of Fayetteville, asking that they may be authorised and empowered to have the lots within the limits of the town, with their improvements, annually assessed; which was read and referred to the Committee on Private Bills.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a Resolution instructing said Committee to enquire into the expediency of amending the Road Laws, reported a bill, entitled a bill regulating the duties of Overseers of Public Roads; which was read the first time and passed, and the Committee discharged from its further consideration.

Mr. Gudger, from the joint select Committee, to whom was referred so much of the Governor's Message as relates to the lands acquired by the late treaty with the Cherokee Indians, reported a bill, entitled a bill prescribing the mode of surveying and selling the lands of this State, lately acquired by treaty from the Cherokee Indians; which was read the first time and passed.

Mr. Polk, from the Committee on Finance, to whom was referred so much of the Governor's Message as relates to the Treasury Department, reported, that they find from a minute and thorough examination of the books and accounts of the Office, that the various requisitions of the Act of 1827, entitled an act concerning the Public Treasury, have been fully complied with; and further report, that they have counted and burnt Treasury Notes, unfit for circulation, the sum of one thousand three hundred and sixty-eight dollars and eleven cents, and recommend that the same be allowed the Treasurer in the settlement of his Public Accounts; which was read and concurred in, and the Committee discharged from its further consideration. Thereupon, on motion of Mr. Moseley, ordered that said report be transmitted to the House of Commons.

On motion of Mr. Edwards,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election
for Solicitor, for the first Judicial Circuit, at one o'clock to-day.

Mr. Polk, from the Committee on Finance, to whom was referred so much of the Governor's Message, as relates to the Revenue, and the Revenue laws of the State, reported that the subject should be referred to a joint select Committee of two, on the part of each House, with instructions to report a bill. The Committee asked to be discharged from the further consideration of the subject. It was accordingly discharged. Thereupon, on motion of Mr. Moseley, ordered that said report lie upon the table.

Received from the House of Commons a message, informing the Senate that Messrs. Braswell, Brummell, Keenan, and Byrd, compose their branch of the Committee on enrolled bills, this week. Whereupon, the Speaker announced that Messrs. McCormick and Burney, form the Committee on the part of the Senate, on enrolled bills, this week.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the General Assembly vote this day, at 1 o'clock, for a Solicitor of the first Judicial Circuit.

Received from the House of Commons the Pension Certificate of Martha Thompson, of the county of Mecklenburg; which was, on motion of Mr. Fox, countersigned by the Speaker of the Senate.

Received from the House of Commons a message, informing the Senate that John R. J. Daniel is in nomination for Judge.

Received from the House of Commons a message, in which they do not concur in the amendment proposed by the Senate to the engrossed bill increasing the liabilities of Sheriffs. Whereupon, the Senate receded from their amendment.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate, to the engrossed bill making compensation to Jurors in Ashe county.
The Senate proceeded to consider the bill entitled a bill to alter the time of holding the Superior Courts of Law and Equity; which was read the third time. Thereupon, Mr. Williams moved it be indefinitely postponed, which was not agreed to; and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Mr. J. W. Bryan, from the Committee on the Judiciary, to whom was referred the bill ascertaining the mode of proving book debts, reported, and recommended to the Senate to strike out the amendment proposed, viz: the words "upon an express or implied promise," and to insert the words "emissit, indebitatus assumpsit, quantum meruit, or quantum valebat;" which amendment was agreed to.

The bill then passed as amended, and was ordered to be enrolled.

Received from the House of Commons a message, stating that the name of John S. Guthrie is withdrawn from the nomination for Solicitor of the first Judicial Circuit.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote to-morrow; at eleven o'clock, for Comptroller; which was read and concurred in.

On motion of Mr. Joyner, the bill, entitled a bill to incorporate the Norfolk and Edenton Rail-Road Company, was re-considered. Thereupon, he moved the following as an amendment to a former amendment, viz:

In the fourth line of the tenth section, counting from the end of the section, strike out "twenty-five," and insert "twelve and a half."

Which amendment was agreed to. The bill then passed as amended.

Received from the House of Commons a message, informing the Senate, that Messrs. Cansler and Graham form their branch of the Committee to superintend the election of Judge. Whereupon, the Speaker announced that Messrs. Marsteller and Hargrave compose our branch of the Committee to superintend said election. The Senate then proceeded to vote as follows, viz:
Those who voted

**FOR MR. NASH, ARE:**

**MESSRS.** Waddell, (Speaker)  **MESSRS.**

Albright,
Baker,
Barnett,
Bryan, of C. & J.
Burney,
Carson,
Davidson,
Dobson,
Dockery,
Edwards,
Gudger,
Hall,
Hawkins,
Hargrave,
Joyner,
Jones,

**MESSRS.**

Kelly,
Melchor,
Moody,
Moscley,
Morehead,
Moye,
Moore,
McCormick,
Myers,
Polk,
Reding,
Reinhardt,
Sanders,
Spruill,
Taylor,
Williams—33.

Those who voted

**FOR MR. DANIEL, ARE:**

**MESSRS.** Bryan, of Craven  **MESSRS.**

Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Exum,
Fox,
Hussey,

**MESSRS.**

Kerr,
Lindsay,
Marsteller,
Montgomery,
Reid,
Whitaker—13.

Mr. Arrington voted for Edward Hall; and Messrs. Mebane and Skinner, for John L. Bailey.

Mr. Marsteller, from the Committee appointed on the part of the Senate, to superintend the election of Judge of the Superior Courts of Law and Equity for this State, reported that Frederick Nash had received a majority of the whole number of votes given in, and is declared duly elected. Thereupon, the Committee was discharged from the further consideration of the subject. In which report the Senate concurred.
Received from the House of Commons a message, informing the Senate that Messrs. Stallings and Rayner, are Superintendents of the vote for Solicitor of the first Judicial Circuit. Whereupon, the Speaker announced that Messrs. Taylor and Hall, form our branch of the Committee, to superintend said election.

The Senate then proceeded to vote, as follows, to wit:

Those who voted

FOR DAVID OUTLAW, ARE:


Those who voted

FOR THOMAS BRAGG, ARE

Messrs. Bryan of C. Kerr, Bunting, Lindsay, Cowper of G. & C. Marsteller, Cooper of M. Mcbane, Dobson, Moseley, Edwards, McCormick, Exum, Reid, Fox, Reinhardt, Hall, Sanders, Hawkins, Whitaker—21

Mr. Taylor, from the Committee appointed on the part of the Senate, to superintend the election of Solicitor for the first Judicial Circuit, reported that David Outlaw having
received a majority of the whole number of votes given in, is duly elected; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Reinhardt, the Senate proceeded to consider the bill, entitled a bill regulating the duties of Overseers of Public roads; which was read the second time.

Thereupon, Mr. Carson moved that it lie upon the table. The question recurring thereon, it was decided in the negative.

Whereupon, on motion of Mr. Skinner, the bill was postponed indefinitely.

On motion of Mr. Moseley, the Senate adjourned until to-morrow morning, 10 o’clock.

Tuesday, December 20, 1836.

Mr. Williams presented the proceedings of a public meeting of the citizens of Hyde county, relative to draining Mattamuskeet Lake; which was read, and, on his motion, referred to the Committee on Internal Improvement.

Mr. McCormick presented the Pension Certificate of Martha Spears, the widow of the late John Spears, of Cumberland county; which was read, and, on motion of Mr. McCormick, was countersigned by the Speaker, and ordered to be transmitted to the House of Commons.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the Report of the President of the Raleigh and Gaston Rail Road Company, reported that they deem no legislative action on the subject necessary; and, therefore, ask leave to be discharged from its further consideration. Thereupon, the Committee was discharged accordingly.

Received from the House of Commons a message, informing the Senate that William F. Collins, and Ralph McNair, are in nomination for Comptroller.
Received from the House of Commons a message, informing the Senate that they are now ready to proceed in voting for a Comptroller, according to the agreement of the two Houses; and also stating that Messrs. Hutchison and Adams, are the Committee on the part of their House, to superintend the election; and that they will vote on the return of the messenger.

Thereupon, the Speaker announced that Messrs. Williams and Reid, are appointed the Committee on the part of this House, to superintend said election.

Thereupon, the Senate proceeded to vote as follows, to wit:

Those who voted

FOR WILLIAM F. COLLINS, ARE:

Messrs. Waddell, (Speaker) Messrs. Melchor,
Albright,
Arrington,
Barnett,
Bryan of C. & J.
Burney,
Carson,
Davidson,
Dockery,
Gudger,
Hargrave,
Joyner,
Jones,
Kelly,

Those who voted

FOR RALPH McNAIR, ARE:

Messrs. Baker,
Bryan of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

Messrs. Houlder,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
Reid,
Saunders,
Whitaker—21.
Mr. Williams, from the Committee on the part of the Senate, appointed to superintend the election of Comptroller, reported that William F. Collins having received a majority of the whole number of votes given in, is duly elected; in which the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Moseley, the report from the Committee on Finance, to whom was referred so much of the Governor's Message, as relates to the Revenue, and the Revenue Laws of the State, heretofore laid upon the table, was taken up for consideration; which was read, and ordered to be transmitted to the House of Commons, with a proposition to print.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses proceed to vote tomorrow, at 11 o'clock, for Public Treasurer of the State.

Received from the House of Commons a message, informing the Senate, that Messrs. Hoke and Erwin, superintend the vote for Senator on behalf of the House of Commons.

Thereupon, the Speaker announced that Messrs. Joyner and Edwards, are appointed superintendents on the part of the Senate of said election.

Thereupon, the Senate proceeded to vote as follows, viz:

Those who voted

FOR ROBERT STRANGE, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan, of Craven,
Bunting,
Cowper of G. & C.
Cooper of M.
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
McCormick,
Reid,
Reinhardt,
Sanders,
Whitaker—24.
Those who voted

FOR JOHN OWEN, ARE:

Messrs. Waddell, (Speaker) Messrs. Montgomery,
Albright, Moody,
Bryan, of C. & J. Moye,
Burney, Morehead,
Carson, Moore,
Davidson, Myers,
Dockery, Polk,
Gudger, Reding,
Hargrave, Skinner,
Joyner, Spruill,
Jones, Taylor,
Kelly, Williams—25.
Melchor,

Mr. Barnett voted for Wm. D. Moseley.

Mr. Edwards, from the Committee appointed on the part of the Senate, to superintend the election for a Senator in the Congress of the United States, from the third of March one thousand eight hundred and thirty-seven, reported that Robert Strange having received a majority of the whole number of votes given in, is duly elected; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Cowper, of Gates and Chowan, presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a Committee of two, on the part of each House, to enquire and propose at what time the two Houses shall be adjourned, sine die.

Which was read and adopted.

Received from the House of Commons a message, agreeing to vote to-morrow, at eleven o'clock, for Treasurer.

Mr. Montgomery presented the following Resolution, to-wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of altering the Fall Term of the first Judicial District, and report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Cowper, of Gates and Chowan,
Ordered, That a message be sent to the House of Commons, proposing to set apart Friday evening next, for the purpose of recommending Justices of the Peace.

Mr. J. W. Bryan presented a bill, entitled a bill to cure certain errors in Judicial proceedings, in the Supreme Court; which was read the first time and passed.

On motion of Mr. Polk, the Senate proceeded to consider the bill, entitled a bill to lay off and establish a county by the name of Davie; which was read the second time.

The question recurring on the passage thereof, it was decided in the affirmative.

Mr. Montgomery demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

Those who voted in the negative, are:

The bill was then read the third time. The question recurring on its passage, it was decided in the affirmative.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

Those who voted in the negative, are:

The bill was then ordered to be enrolled.

Received from the House of Commons the resignations of the following Field Officers, to-wit: Owen B. Cox, as
Colonel commanding the Regiment of Militia for the county of Jones; Thomas Battle, as Colonel commanding the 24th Regiment of Militia for the county of Onslow; which were severally read and accepted.

Mr. Polk, from the Military Committee, to whom was referred No. 4 of the Revised Code, relative to the Militia, reported the same bill, with sundry amendments; which was read the first and second times, and passed, as amended.

On motion of Mr. Moye, the Senate adjourned until 3 o'clock P. M.

THREE o'clock, P. M.

The Senate proceeded to consider the message from the House of Commons, transmitting to the Senate the following Revised Code bills, to-wit:

No. 33, concerning the draining of low lands; No. 32, concerning the Currency of the State; No. 34, providing for the appointment of Notaries; No. 28, for restraining the taking of excessive Usury; No. 27, concerning Overseers; No. 26, concerning Pensions; No. 14, concerning Coroners; No. 31, concerning Hunting.

Which were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate to the Revised bill No. eleven, concerning the Poor. Thereupon, the Senate receded from their amendment.

Ordered, That said bill be enrolled.

Also, a message, concurring in the amendment marked A, proposed by the Senate to the Revised bill No. 3, concerning Wrecks; but they do not concur in the proposed amendment marked B. Thereupon, the Senate receded from their amendment marked B.

Ordered, That said bill be enrolled.
On motion of Mr. Marsteller, the Senate proceeded to consider the bill No. 17 of the Revised Statutes, concerning the Treasurer of the State: which was read. Thereupon, Mr. Morehead moved the following amendment, viz:

In the first section and fifth line, strike out the word "two," and insert in lieu thereof, the word "one."

The question recurring thereon, it was decided in the negative.

Mr. Exum demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Baker, Bryan, of Craven, Bunting, Burney, Cooper of Martin, Exum, Fox, Gudger, Houlder, Kerr, Marsteller, Melchor, Moseley, Moore, Myers, Reid, Reding, Spruill, and Whitaker—19.

Mr. Morehead then moved the following amendment as an additional section, to wit:

If any person appointed Treasurer, of his own head and imagination, or by false conspiracy, or fraud with others, shall wittingly, or falsely make, or cause to be made, any false entry, or charge, in any book, or books, which he is required by law to keep, or shall wittingly and falsely form, or procure to be formed any statement of the Treasury, to be by him laid before the General Assembly, or any Committee thereof, or to be by him used in any settlement, which he is required to make with the Comptroller, with intent in either, or any of said instances, to defraud the State, or any person or persons; such Treasurer shall be deemed and held guilty of a misdemeanor, and upon due conviction thereof, in any of the Superior Courts of this State, shall be fined at the discretion of the Court, not exceeding one thousand dollars, and imprisoned not exceeding three years.

The question recurring thereon, it was decided in the affirmative. The bill then passed the third reading as amended.

The Senate proceeded to consider the bill of the Revised
Statutes, No. 15, concerning the Comptroller; which was read three times, and passed, and ordered to be enrolled.

Received from the House of Commons a message, concurring in all the amendments proposed by the Senate, to the Revised Bill, No. 6, concerning elections of members of Congress, except the proposed amendment, to the first section, in which they do not concur, and ask a conference; to which the Senate agreed.

Mr. Marsteller then moved that a Committee of conference be raised. Whereupon, Messrs. Edwards and J. W. Bryan, were appointed said Committee.

Received from the House of Commons a message, in which they do not concur in the amendment proposed by the Senate to the Revised Bill, No. 38, concerning Pilots. Thereupon, the Senate receded from their amendment.—Whereupon, on motion of Mr. Spruill, the vote was subsequently reconsidered, and, on his motion, a Committee of conference was agreed to.

On motion of Mr. Moseley, the Senate adjourned until to-morrow morning 10 o'clock.

Wednesday, December 21, 1836.

Mr. Moore presented the resignation of Andrew Steel a Justice of the Peace for the county of Stokes, which was read and accepted, and sent to the House of Commons.

Mr. Bunting presented a memorial from certain members of the corporation of the town of Fayetteville, protesting against the passage of a bill, entitled a bill, for the better regulation of the Town of Fayetteville, which was read, and ordered to lie upon the table.

Mr. Baker presented sundry memorials from certain citizens of Burke county, praying the Legislature to repeal an act, entitled an act to appoint commissioners to lay off a road from Morganton in Burke county, to Burnsville in Yancy county, passed in the year 1833-4, so far as respects Burke county, which was read, and referred to the Committee on Propositions and Grievances.
On motion of Mr. Moseley, a message was sent to the House of Commons, proposing to that House to rescind the agreement of the two Houses, to vote this day for Treasurer, and that the two Houses vote on Monday next, at 12 o'clock, for Treasurer.

Received from the House of Commons a message, agreeing to rescind the agreement to vote this day for Treasurer; and they also agree to the proposition of the Senate, that the two Houses of the General Assembly vote on Monday next, at 12 o'clock, for Treasurer.

Mr. James W. Bryan, from the select Committee to whom was referred the Resolution to inquire into the expediency of defining the distinction between what are denominated Public and Private Acts, reported, that the difficulty of the subject has prevented them from defining any precise rule, by which the character of every bill might be easily tested. Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Taylor,

Ordered, That said Report be printed.

Mr. Polk, from the Committee of Finance, to whom was referred the bill making compensation to the Public Treasurer for his services, reported the same bill, and recommended that the blank be filled up with the sum of two thousand dollars.

The question recurring thereon, it was decided in the negative.

Mr. Houlder demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Mr. Edwards then moved to fill up the blank with *eighteen hundred dollars*; and the question recurring thereon, it was decided in the affirmative.

Mr. Houlder demanding the Yeas and Nays, were as follows, to wit:

**Those who voted in the affirmative, are:**


**Those who voted in the negative, are:**

MESSRS. Albright, Arrington, Bryan, of Craven, Bunting, Cooper, of Martin, Dobson, Exum, Fox, Hall, Houlder, Hussey, Kerr, Kelly, Lindsay, Moseley, Moye, Morehead, McCormick, Reid, Reding, Sanders, Spruill and Whitaker—23.

The bill was then read the third time as amended. The question recurring on the passage thereof, it was decided in the affirmative.

Mr. Arrington demanding the Yeas and Nays, were as follows, to wit:

**Those who voted in the affirmative, are:**


**Those who voted in the negative, are:**

MESSRS. Albright, Arrington, Bryan, of Craven, Bunting, Cooper, of Martin, Dobson, Exum, Hall, Houlder, Hussey, Kerr, Kelly, Lindsay, Moseley, Moye, McCormick, Reid, Reding, Sanders, and Whitaker—20.

The bill was then ordered to be engrossed.

On motion of Mr. Edwards, the Senate proceeded to consider the Resolutions relative to the existing Tariff law, heretofore introduced by him, and the Senate having spent some time therein, pending the question, Mr. Moseley moved that the Senate adjourn until 3 o'clock, P. M; which motion was agreed to.
THREE o'clock, P. M.

Received from the House of Commons a message, stating that they have postponed indefinitely, the engrossed bill, relative to the appointment of Comptroller.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote to-morrow, at 12 o'clock, for seven Councillors of State; and informing the Senate that the following gentlemen are in nomination, to wit:

Johnston Busbee, of Wake,
Alfred Webb—Rutherford,
Charles E. Johnston—Chowan,
Joseph T. Rhodes—Duplin,
Willie Perry—Franklin,
Alfred Jones—Wake,
W. A. Blount—Beaufort,
Abram McRae—Cabarrus,
Allen Goodwin—Chatham,
Edmund Jones—Wilkes,
Samuel McCombs—Mecklenburg,
George Williamson—Caswell,
Daniel Turner—Warren,
Allen Rogers, Sr.—Wake,
William S. Ashe—New Hanover,
John Haywood—Bertie,
Archibald McDiarmid—Cumberland.

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

It was then ordered that a message be sent to the House of Commons, proposing to vote for Councillors of State, on Monday next, at 11 o'clock.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the engrossed bill, to incorporate the General Mining and Manufacturing Association. Ordered that said bill be enrolled.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate, to the
engrossed bill, to incorporate the Norfolk and Edenton Rail Road Company.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorise Clerks and Masters in Equity, to make title to real and personal property, sold under the decree of a Court of Equity, with sundry amendments; which were read and agreed to.

Received from the House of Commons a message, stating that they have passed the following Revised bills; in which they ask the concurrence of the Senate.

The Senate then proceeded to consider the Revised Bills No. 41, concerning Idiots and Lunatics; No. 35, concerning Corporations; and No. 29, providing for the appointment of Electors, to vote for a President and Vice President of the United States.

The two first named bills were read three times, and passed, and ordered to be enrolled.

The last named bill was read the first and second times, and passed.

Thereupon, Mr. Jones moved the following amendment, to wit:

In the first Section and nineteenth line, after the word Thursday, insert and Friday; which was agreed to.

Thereupon, on motion of Mr. Marsteller, ordered to lie upon the table.

The Speaker presented to the Senate, a communication from his Excellency, the Governor, transmitting a letter from Louis McLane, on behalf of the Morris Canal and Banking Company, relative to borrowing that portion of the Surplus Revenue, which may fall to North Carolina; which was read, and ordered to be sent to the House of Commons, with a proposition to refer it to the Committee on the Surplus Revenue.

The Senate proceeded to consider No. 4, of the Revised Code, concerning the Militia of this State; which was read the third time, amended and passed, and ordered to be transmitted to the House of Commons.
On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 23, 1836.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the memorial of the Roanoke Navigation Company, made a report thereon, and recommended the passage of the following Resolution, viz:

Resolved, That the Public Treasurer be, and he is hereby authorized and required to pay to the Roanoke Navigation Company, the sum of one thousand dollars, being for interest on the deferred payments made on the State's last subscription of twenty-five thousand dollars, to the Capital Stock of said Company; payment to be made out of any dividend now due, or that may hereafter become due to the State, from said Roanoke Navigation Company.

Which was read the first time, and passed.

Mr. Dockery presented the following Preamble and Resolutions, to wit:

Whereas, the Constitution of this State makes it the duty of the Legislature to establish Schools for the education of the people; and whereas, a faithful compliance with the said requisition of the Constitution, is calculated to perpetuate the blessings of a free government to posterity, since all such governments must mainly depend upon the intelligence and virtue of the mass of the people, who are the rightful source of all political power; and whereas, this State is about to receive a large amount of money from the Government of the United States, which will not, in all probability, be required for a great number of years, if ever, by the legitimate wants of said Government: Therefore,

Resolved, That the joint select Committee on the Surplus Revenue, be instructed to enquire into the expediency of adding thousand dollars to the Literary Fund.

Resolved, That they be further instructed to enquire into the expediency of distributing the interest of said fund among the several counties of this State, in proportion to their
federal population, to be applied to the purposes of educating the indigent youth of the State; and that they have leave to report by bill or otherwise.

Which were read and referred to the Committee on the Surplus Revenue.

Received from the House of Commons the following resignations, to-wit: John Weeks, a Justice of the Peace for the county of Mecklenburg; Solomon Reid, as Colonel Commandant of the 69th Regiment of North Carolina Militia, and South Regiment of Mecklenburg county: which were read and accepted.

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 the Charter of the Cape Fear, Yadkin and Pedee Rail Road Company;

A bill for the relief of John Timson, a native Cherokee Indian, and his family.

The first named bill was read the first and second times and passed, and, on motion of Mr. Jones, referred to the Committee on Internal Improvement.

The latter bill was read the first and second times and passed, and, on motion of Mr. Morehead, postponed until to-morrow.

On motion of Mr. Dockery,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly vote to-morrow, at 1 o'clock, for Public Printer.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, informing them that the name of Edmund Jones, of Wilkes, is withdrawn from the nomination for Councillors of State.

Mr. Edwards presented the petition of James S. Green, a citizen of Wilmington, on behalf of James Hostler, a slave; which was read, and, on motion of Mr. Edwards, referred to the Committee on Propositions and Grievances.
Received from the House of Commons a message, stating that they have passed the following engrossed bill, to-wit: To incorporate the Rockfish Manufacturing Company of Fayetteville—in which they ask the concurrence of the Senate; which was read the first and second times and passed; thereupon, on motion of Mr. Mebane, ordered to lie upon the table.

Whereupon, on motion of Mr. J. W. Bryan, said bill was subsequently taken up for consideration. Thereupon, he moved the following amendment thereto, to-wit:

At the end of the second section, add "upon Rockfish Creek, in the county of Cumberland, and for no other purpose whatsoever."

Which was agreed to. The bill was then read the third time and passed as amended.

On motion of Mr. Edwards,

Ordered, That Messrs. Hargrave and Moseley have leave of absence from the service of the Senate, from and after to-day, until Tuesday next.

Mr. Spruill presented the resignation of Joseph Alexander, a Justice of the Peace for the county of Tyrrell;—which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, informing the Senate that they have postponed indefinitely the engrossed bill to give to lessors of land a lien upon the crops of their lessees, for the payment of the rent.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate, to set apart Friday evening next for the purpose of appointing Justices of the Peace; but propose that the two Houses meet on Friday, the 30th inst. 3 o'clock, P.M. for that purpose: which was read, and, on motion of Mr. Sanders, ordered to lie upon the table.

Received from the House of Commons a message, proposing that a joint select Committee of five on the part of each House, be raised, to enquire into the expediency of
erecting a Penitentiary in this State, and report by bill or otherwise; which was read and concurred in.

Whereupon, the Speaker announced to the Senate, that Messrs. Joyner, Dobson, Taylor, Jones and Fox, form our branch of the joint select Committee, on the subject of erecting a Penitentiary.

On motion of Mr. Marsteller, the Senate proceeded to consider the following Bill and Resolution, to wit:

A bill, entitled a bill, to amend the law relative to receiving bonds of Sheriffs; which was, on motion of Mr. Dobson, ordered to lie upon the table.

Also, the Resolution in favor of James C. Turrentine; which was, on motion of Mr. Marsteller, referred to the Committee of Claims.

The Senate then proceeded to consider the bill entitled a bill to cure certain errors in Judicial proceedings in the Supreme Court; which was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed Resolution, to wit:

A Resolution in favor of Daniel Bryson; which was read the first time and passed.

Received from the House of Commons a message, transmitting to the Senate, a Message from his Excellency, the Governor, and the accompanying papers; which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

Received from the House of Commons a message, proposing that the agreement of the two Houses, to vote on Monday next, for Treasurer, be rescinded; and that the General Assembly vote for that Officer on Wednesday next, at 11 o'clock; which was read and concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Marsteller, the Senate proceeded to consider the message of the House of Commons, relative to the Cherokee lands, heretofore laid upon the table.

Whereupon, Mr. Gudger moved that the Senate recede.
from their amendments to the engrossed Resolution, directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina; which motion was not agreed to.

Thereupon, on motion of Mr. Marsteller, the Senate insisted upon their amendment.

Also, a Resolution in favor of John Miller; which was read the second time and passed; and, on motion of Mr. Marsteller, referred to the Committee on Private Bills.

On motion of Mr. Hargrave,

Ordered, That a message be sent to the House of Commons, proposing to rescind the agreement of the two Houses, to vote this day, at 12 o'clock, for Councillors of State; and that the General Assembly vote, on Wednesday next, at 12 o'clock, for Councillors of State.

The Resolutions relative to the existing Tariff law, the unfinished business of yesterday, were taken up for consideration.

Whereupon, on motion of Mr. James W. Bryan,

Ordered, That said Resolutions lie upon the table.

Received from the House of Commons a message, informing the Senate, that Messrs. Hartley and Granberry, form the Conference Committee on the part of that House, raised on the disagreement between the two Houses, to the amendment proposed by the Senate to the Revised Bill, No. 38.

Whereupon, the Speaker announced to the Senate, that Messrs. Spruill and Marsteller, form our branch of said Committee.

Mr. Marsteller, from the Committee of Conference, to whom was referred a bill, No. 38, concerning Pilots, made a report thereon, and the Committee unanimously recommended that the House of Commons agree to the amendment proposed by the Senate; in which report, the Senate agreed.

Thereupon, the Committee was discharged from further consideration of the subject.
Received from the House of Commons a message, stating that Messrs. Hutchison and Graham, form their branch of the Committee of Conference, on the Revised Bill, No. 6, relative to the election of President and Vice President.

On motion of Mr. Sanders, the Senate adjourned until to-morrow morning, 10 o'clock.

Friday, December 23, 1836.

Mr. Joyner presented the resignation of Joseph R. Ballard, a Justice of the Peace for the county of Martin; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing that a Committee of two, on the part of each House, be raised, to take into consideration the Revenue Laws of the State; and that said Committee be instructed to report a bill for amending the same; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bill fixing the time for perfecting titles to lands heretofore entered and paid for, with the following amendment, to wit:

Add to the bill the Section marked A.

And be it further enacted, That this Act shall be in force from and after its ratification.

In which they ask the concurrence of the Senate:

Which was read and concurred in.

Received from the House of Commons a message, concurring in all the amendments proposed by the Senate, to the Revised Bill, No. 17, except the last; and in that they concur, with the following amendment: Between the words laid before, and the General Assembly, insert the words, the Governor; which was read and concurred in. The bill was then ordered to be enrolled.
Received from the House of Commons, a message disapproving to the proposition of the Senate, that the two Houses vote on Monday next, for Councillors of State, but propose to go into that election on Wednesday next, at 12 o'clock; which was read, and concurred in. Also, informing the Senate, that Messrs. Alfred Webb, William A. Blount and Joseph T. Rhodes, are withdrawn from the nomination; James Ellison of Beaufort is added to the nomination.

Received from the House of Commons, a message agreeing to the proposition of the Senate, that the message of his Excellency the Governor, be referred to the Committee on the Surplus Revenue.

Received from the House of Commons a message, proposing that the Order of the two Houses, for going into an election, this day, for a Public Printer, be rescinded; which was read and concurred in.

Mr. Albright presented a bill, entitled a bill to incorporate the Cane Creek, Farmers', and Mechanics' Cotton Manufacturing Company, of Orange and Chatham; which was read the first time and passed; and, on motion of Mr. Albright, referred to the Committee on Private Bills.

Received from the House of Commons, the resignation of Reddick Freeman, a Justice of the Peace for the county of Burke; which was read and accepted.

On motion of M. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to raise a joint select Committee, to consist of two on the part of each House, to wait upon his Excellency, Edward B. Dudley, to ascertain of him, at what time it will suit his convenience to take the oaths of Office:

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the two Houses vote for Public Printer, this day at 1 o'clock.

Mr. Jones, from the Committee of Finance, to whom was referred a bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act making
it the duty of the Governor, to convey to the Justices of Haywood county, certain lands therein named, Chapter 159, reported the same bill, and recommended its rejection; which was concurred in, and the bill rejected accordingly.

Thereupon, the Committee was discharged from its further consideration.

The Senate proceeded to consider the bill, entitled a bill prescribing the mode of surveying and selling the lands of this State, lately acquired by Treaty from the Cherokee Indians; which was read the second time and passed.

On motion of Mr. Marsteller, the vote to refer the Resolution, in favor of John Miller, to the Committee on Private Bills, was reconsidered. Thereupon, the Resolution was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 44, concerning Mines; No. 42, concerning Weights and Measures; No. 45, concerning Fences; No. 40, concerning Strays; No. 37, concerning Partition.

Which were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote for Public Printer, on Wednesday next, at 1 o'clock, P. M. in which, they ask the concurrence of the Senate.

Which was read and concurred in.

Mr. Moye presented the Petition of sundry citizens of the counties of Pitt, Green, Lenoir, and Craven, praying the Legislature to grant them permission to erect a bridge across great Contentnea Creek, at or near Washington's Ferry on said Creek; which was read, and, on motion of Mr. Moye, referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, enclosing the following communication, addressed to the Speakers of both Houses of the Legislature:
Gentlemen:

I have had the honor of receiving your communication of the 12th instant, informing me of my election, as Governor of the State of North Carolina, for two years, commencing with the 1st January, 1837; and that it would be acceptable to the Legislature, to be informed at what time it would be convenient to me, to appear before the two Houses, to take the oaths prescribed for the qualification of a Governor.

I will do myself the honor of appearing before the two Houses of the General Assembly, on Saturday the 31st instant, for that purpose, unless it shall suit the convenience of the Assembly to name some earlier day.

With very high respect,
I am, gentlemen,
Your obedient servant,

Edward B. Dudley.

Said message proposed to appoint a joint select Committee of two, on the part of each House, to wait upon the Governor elect, and inform him that it will be convenient for the two Houses of the General Assembly, to meet together on 31st December, 1836, for the purpose of his taking the oaths prescribed for his qualification as Governor of the State; and that said Committee make suitable arrangements for that purpose, and report to the two Houses.

The message was concurred in, and Messrs. J. W. Bryan and Hall, appointed the Committee on the part of the Senate, and the House of Commons informed thereof by message.

Upon motion of Mr. Marstaller, the bill for the relief of John Timson, a native Cherokee Indian and his family, were taken up, and, upon motion of Mr. Williams, referred to the Committee on the Judiciary.

The Resolution in favor of Daniel Bryson was taken up, and read, and, on motion of Mr. Polk, ordered to lie on the table.

The Resolution in favor of the Roanoke Navigation
Company was also taken up, read, and, on motion of Mr. Joyner, ordered to lie on the table.

On motion of Mr. Baker, the Senate adjourned until to-morrow morning, 10 o'clock.

Saturday, December 24, 1856.

Mr. McCormick presented a memorial of a number of citizens of Fayetteville, against the right of free negroes voting in elections of Officers of said town; and, upon his motion, said memorial, and the counter memorial from citizens of said town, and the bill concerning the town of Fayetteville, now on the table, were referred to the Committee on Private Bills.

A memorial signed by David L. Swain, J. H. Bissell, and Isaac T. Avery, on behalf of the Delegation from N. Carolina, to the Knoxville Rail Road Convention, held at that place the 4th of July past, and addressed to the General Assembly, was presented by Mr. Carson, and, upon his motion, referred to the Committee on Internal Improvements.

Mr. Marsteller presented the resignation of Lewis Thomas, a Justice of the Peace of New-Hanover county; which was read and accepted, and sent to the House of Commons.

The Senate proceeded to consider a bill prescribing the mode of surveying and selling the lands of the State, lately acquired by treaty from the Cherokee Indians.

Mr. Houlder moved that said bill lie on the table and be printed, one copy for each member; which was negatived, and the bill was read the the third time.

Mr. Gudger moved to strike out the first Monday of October, and insert the first Monday of September, as the time of sale of said lands; which was carried, and, upon his motion, the blank was filled with four thousand dollars, and the bill ordered to lie on the table.

Mr. Bryan, of Carteret and Jones, from the Judiciary
Committee, to whom was referred the bill for the relief of John Timson, a native Cherokee Indian, and his family, reported said bill, with the recommendation of a majority of the Committee, that it should pass.

The said bill being put upon its third reading, Mr. Bryan moved to strike out the second section; which was negatived.

The question recurring upon the passage of said bill, its third reading, Mr. Montgomery demanded the Yeas and Nays, and it passed its third reading, Ayes 29, Noes 16, and was ordered to be enrolled.

Those who voted in the affirmative, are:

Those who voted in the negative, are:
Messrs. Bryan, of Carteret and Jones, Cooper, of Martin, Exum, Houlder, Hussey, Kelly, Lindsay, Mebane, Melchor, Montgomery, Moye, McCormick, Skinner, Taylor, Williams and Whitaker.

Received from the House of Commons a message, accompanying an engrossed bill, entitled a bill to change the site of the Court House and Jail of the county of Hyde; which bill was read three times, passed, and ordered to be enrolled.

Mr. Joyner, from the Committee on Internal Improvements, reported the bill, entitled a bill to amend the Charter of the Cape Fear, Yadkin and Pedee Rail Road Company, with sundry amendments; which were adopted, and the bill put on its third reading, and, on motion of Mr. Dobson, ordered to lie on the table.

Received from the House of Commons a message, containing Revised Statute No. 69, concerning Justices of the Peace; which was read the first time and passed.

The Resolutions of Mr. Edwards, lying upon the table, on motion of Mr. Edwards, were taken up, and, on motion of Mr. Bryan, of Carteret and Jones, made the Order of the day for Thursday next.

On motion of Mr. Bryan, of Carteret and Jones, the following Resolution was adopted:
Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee of three on the part of each House, to enquire into the expediency of fitting up the Government House, and furnishing the same for the Governor of the State, and to ascertain the amount of money required to fit up and furnish the same—and that they report a bill or Resolution, if expedient, to carry the same into effect.

Mr. Reid introduced a certificate of the Postmaster General, relative to his appointment of Postmaster, and requested that it be referred to the Committee of Privileges and Elections. Whereupon, Mr. Bryan, of Carteret and Jones, moved that the Committee of Privileges and Elections be discharged from the further consideration of the case of Mr. Reid, as referred; which was ordered, and the Committee discharged.

On motion of Mr. Edwards, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 26, 1836.

Mr. Moore, from the Committee on Private Bills, to which was referred the bill concerning the regulation of the town of Fayetteville, and the memorial and counter memorial, reported said bill, and recommended its passage.

It was accordingly read the second and third times, and passed, and ordered to be engrossed.

Mr. Moore, from the same Committee, reported the bill to incorporate the Cane Creek Farmers' and Mechanics' Cotton Manufacturing Company of Orange and Chatham, with a recommendation that it should pass.

Said bill was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. James Calloway, Calvin Coor, Thomas Marshall, and Joshua S. Swift, form their branch of the Committee on enrolled bills, the present week.

Whereupon, the Speaker announced to the Senate, that
Messrs. Jones and Whitaker, form our branch of the Committee on enrolled bills this week.

The Senate proceeded to consider the bill, No. 69, of the Revised Statutes, concerning Justices of the Peace; which was read the second and third times, and passed, and ordered to be enrolled.

Mr. Polk, from the joint select Committee on Public buildings, to whom was referred the Report of the Commissioners appointed to superintend the re-building of the Capitol, reported a bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the first and second times and passed.

Ordered, That it lie on the table.

On motion of Mr. Joyner, the Senate proceeded to consider the engrossed bill, entitled a bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company; which was read the third time.

Thereupon, on motion of Mr. J. W. Bryan, ordered to lie on the table.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of Jas. S. Green, of Wilmington, praying for the emancipation of a certain mulatto Slave, called James Hostler, reported unfavorably to the prayer of the petitioner; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Baker presented the petition of sundry citizens of the county of Yancy, praying the Legislature to repeal an act, entitled an act, making compensation to Jurors in Yancy county, passed in the year 1835, accompanied by a bill to carry their prayer into effect, to wit:

A bill, entitled a bill to repeal an act making compensation to Jurors in Yancy county.

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

Received from the House of Commons a message, in-
forming the Senate, that Messrs. Boon, Graham, J. F. Lee, Courts, and Guthrie, form their branch of the joint select Committee raised to enquire into the expediency of erecting a Penitentiary.

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

Francis McGee, as Lieutenant Colonel of Haywood county Militia; Isham Swols, a Justice of the Peace for the county of Columbus; which were accepted.

Received from the House of Commons a message, concurring in the report of the Committee of Conference, on the amendment of the Senate, to the Revised Bill concerning Pilots.

Also, a message, stating that they have rejected the engrossed bill to increase the salary of the Public Treasurer.

Received from the House of Commons a message, informing the Senate that they have passed the following Revised Statutes; in which they ask the concurrence of the Senate, to wit:

No. 36, on Internal Improvement; No. 47, concerning Patrol; No. 51, repeal of Statutes; No. 52, concerning Incorporated Towns; No. 53, concerning Slander of Women; No. 55, Ordinances; No. 57, concerning Vice and Immorality; No. 58, Official Bonds; No. 61, Governor and Council; No. 71, concerning Fairs; No. 72, Common Law; No. 74, concerning Officers; No. 75, burning of woods; No. 59, concerning Attorney General and Solicitors. No. 52, No. 55, No. 56, No. 51, No. 58, No. 61, No. 71, No. 72, and No. 75, of the Revised Statutes, were severally read three times and passed, and ordered to be enrolled.

Bill No. 74, of the Revised Statutes, concerning Officers, was read the first and second times and passed. Thereupon, on motion of Mr. Edwards, was referred to the Judiciary Committee.

Bill, No. 53, of the Revised Statutes, concerning the slander of women, was read the first time and passed. The bill was then read the second time. The question re-
By adding the words—"And, moreover, shall be subject to indictment, and, on conviction, shall be fined or imprisoned at the discretion of the Court: Provided, nothing herein contained, shall be so construed, as to permit the party slandered, to give evidence, or to prevent the party indicted, from giving the truth in evidence."

Thereupon, on motion of Mr. Carson, the bill and amendment were ordered to lie on the table.

Bill No. 57, of the Revised Statutes, relative to vice and immorality, was read the first and second times and passed; and, on motion of Mr. Taylor, ordered to lie on the table.

Bill No. 39, of the Revised Statutes, concerning the Attorney General and Solicitors of the State, was read the first time and passed; and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Mr. Spruill presented the following Resolution, to wit:

Resolved, That so much of the Report of the Adjutant General, as relates to the Public Arms, be referred to the Military Committee.

Bill No. 47, of the Revised Statutes, relative to the Patrol, was read the first and second times and passed. Mr. Montgomery then moved that it lie upon the table; which was agreed to.

On motion of Mr. Marsteller, the Senate proceeded to consider the bill No. 29, of the Revised Statutes, concerning the President and Vice President; which was read the third time, and amended by striking out the words, and Friday. The bill then passed as amended, and was ordered to be enrolled.

Received from the House of Commons a message, informing the Senate that Messrs. Hill and Guthrie, compose the joint select Committee on the part of that House, on the Revenue Laws of the State.

Mr. Morehead moved, that the Senate adjourn until to-morrow morning, 10 o'clock. The question recurring thereon, it was decided in the negative.
Thereupon, Mr. Moseley moved that the Senate adjourn; which motion was not agreed to.

Whereupon, Mr. Carson moved that the Senate proceed to consider the Revised Statute, No. 53, concerning the slander of women; which motion did not prevail.

On motion of Mr. Montgomery, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 27, 1836.

Mr. Polk presented a bill, entitled a bill to ensure a fair valuation of land in this State, when the same is given in for taxation; which was read the first time and passed. Thereupon, on motion of Mr. Polk, was referred to the joint select Committee on the Revenue and Revenue Laws of the State.

Received from the House of Commons a message, informing the Senate, that Messrs. Gilliam, Moore, and Gales, form their branch of the Committee, upon the subject of fitting up the Government House, and furnishing the same.

Received from the House of Commons a message, stating that they have passed the engrossed bill, empowering Courts of Record to change names, with the following amendments, to wit:

After the word any, in the sixth line of the first Section, insert Superior; and strike out the words of Record, in the same line.

In which, they ask the concurrence of the Senate; which were read, and not concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of George Williamson, with an amendment; in which they ask the concurrence of the Senate; which was read and concurred in.

Received from the House of Commons a message, informing the Senate that they have passed the Revised bills,
No. 88, concerning Gaming; No. 87, concerning Waste; No. 67, Courts of Equity; and No. 18, Revenue; in which they ask the concurrence of the Senate.

The three first bills were read three times and passed and ordered to be enrolled.

The last named bill, No. 18, concerning the Revenue, was read the first time and passed. Thereupon, on motion of Mr. Polk, was referred to the Committee on the Revenue.

The Speaker announced to the Senate, that Messrs. J. W. Bryan, Hawkins, and Skinner, form our branch of the Committee, upon the subject of fitting up the Government House, and furnishing the same; and the House of Commons informed thereof by message.

On motion of Mr. Albright, the Senate proceeded to consider the Resolution in favor of the Roanoke Navigation Company; which was read the second and third times, and passed, and ordered to be engrossed.

On motion of Mr. Moseley, the bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State, was read the third time.

Thereupon, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

On motion of Mr. Taylor, the Senate proceeded to consider the bill of the Revised Statutes, No. 57, concerning vice and immorality; which was read the third time. Thereupon, he moved the following amendment, to wit:

Strike out the words one dollar, at the end of the first Section, and insert the words five dollars, to be recovered by warrant, in the name of the State, to the use of any person suing for the same.

The question recurring thereon, it was decided in the negative.

Whereupon, he moved to strike out all of the bill, except the first Section; which amendment was agreed to. The bill then passed its third reading, as amended.

On motion of Mr. Marsteller, the Senate proceeded to consider the engrossed Resolution in favor of Daniel Bry-
son; which was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Dobson, the Senate proceeded to consider the bill, entitled a bill prescribing the mode of surveying and selling the lands of this State, lately acquired by treaty from the Cherokee Indians; which was read the third time, and, on motion of Mr. Dobson, sundry amendments were made thereto. The bill then passed as amended, and ordered to be engrossed.

Mr. Joyner moved that a message be sent to the House of Commons, proposing to postpone the election of Councillors of State, to Monday next.

Whereupon, Mr. Marsteller moved that the election of Public Treasurer and Printer, also be postponed to that day. The question recurring thereon, it was decided in the negative.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

**Wednesday, December 28, 1836.**

Received from the House of Commons a message proposing a Conference (a Committee of two on the part of each House) on the disagreement between the two Houses, to the amendments proposed by the Senate, to the engrossed Resolution, directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 46, to regulate Descents; No. 49, concerning Cattle, Horses, and Hogs; No. 50, for the relief of sick and disabled American Seamen; No. 63, concerning Mills and Millers; No. 81, concerning lands of deceased Debtors; No. 89, concerning Processioning; in which they ask the concurrence of the Senate.
No. 89, concerning Processioning, was read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate, that Messrs. Cornelius Dowd and Daniel W. Courts, are in nomination for Public Treasurer.

Received from the House of Commons a message, stating that they are now ready to proceed to the election of Public Treasurer, as heretofore agreed on; and informing the Senate, that Messrs. Clayton and Hollingsworth, compose their branch of the Committee to superintend said election.

Whereupon, the Speaker announced to the Senate, that Messrs. Moye and Sanders, form our branch of the Committee, to superintend said election.

The Senate then proceeded to vote as follows, to wit:

Those who voted

FOR DANIEL W. COURTS, are:


Those who voted

FOR CORNELIUS DOWD, are:

**Messrs.** Albright, Messrs. Melchor, Dockery, Moye, Jones, McCormick, Kelly, Reding—8.

Those who voted

FOR SAMUEL F. PATTERSON, are:


Joyner,
Those who voted

FOR JOHN H. WHEELER, ARE:

Messrs. Arrington, Messrs. Hussey,
Bunting, Kerr,
Cooper of M. Lindsay,
Edwards, Marsteller,
Exum, Mebane,
Fox, Montgomery,
Hall, Polk,
Hawkins, Skinner,
Houlder, Whitaker—18.

Mr. Moye, from the Committee appointed on the part of the Senate, to superintend the election of Public Treasurer of the State, reported that Daniel W. Courts, having received a majority of the whole number of votes given, is declared duly elected. In which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Houlder presented the resignation of Simon Goodwin, as a Justice of the Peace for the county of Johnston; which was read and accepted, and sent to the House of Commons.

Mr. Kelly presented a bill, entitled a bill to establish the Bank of North Carolina; which was read the first time and passed; and, on motion of Mr. Kelly, ordered to lie upon the table and be printed.

The Speaker announced to the Senate, that Messrs. Edwards and Carson, form the Committee on the part of the Senate, on the disagreement between the two Houses to the amendments proposed by the Senate to the engrossed Resolutions directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina; and the House of Commons was informed thereof by message.

On motion of Mr. Joyner,

Ordered, That William Moody have leave of absence from the service of this House, from and after to-day, until to-morrow week.
Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a Resolution relative to increasing the salary of Solicitors of this State, reported that the Committee were of opinion, that it was inexpedient to legislate on the subject at the present time; and asked to be discharged from its further consideration.

The Committee was discharged accordingly.

Mr. Polk asked permission to withdraw from the file of the Senate, the papers of Jonathan Wood, of Haywood county; which was granted.

Received from the House of Commons a message, proposing that the order to vote for a Public Printer, this day, be rescinded; which was read and not concurred in.

Whereupon, Mr. Marsteller moved that a message be sent to the House of Commons, informing them, that the Senate do not agree to rescind the order, to vote to-day for Public Printer.

Received from the House of Commons a message, again proposing that the joint order, to vote this day for Public Printer, be rescinded; which was read and concurred in; and the House of Commons informed thereof by message.

Bill No. 81, concerning lands of deceased Debtors; No. 50, concerning Seamen; and No. 46, of the Revised Statutes, concerning Descents, were severally read three times and passed, and ordered to be enrolled:

Bill No. 49, of the Revised Statutes, concerning Cattle, Horses, and Hogs, was read the first and second times and passed; and, on motion of Mr. Carson, ordered to lie on the table.

Bill No. 63, of the Revised Statutes, concerning Mills and Millers, was read the first and second times and passed.

Whereupon, Mr. Spruill moved the following amendment thereto, to wit:

In the first Section, and first line, after the word Mill, add the words, or Wind Mill; which was agreed to.

He further moved to amend the bill, by adding the following as an additional section, to wit:
All keepers of Public Mills shall be exempt from working on Roads, or serving on Juries.

The question recurring thereon, it was decided in the affirmative. The bill was then read the third time, as amended, and passed and ordered to be enrolled.

On motion of Mr. Cooper of Martin, the Senate proceeded to consider the bill, No. 53, of the Revised Statutes, concerning the slander of Women; which was read the second time, and passed, and, on his motion, ordered to lie on the table.

Received from the House of Commons, a message stating, that James Watt of Rockingham, Francis L. Dancy of Edgecomb, and Archibald H. Davis of Franklin, are added to the nomination for Councillors of State; and Samuel McCombs, Daniel Turner and John Haywood, are withdrawn from the nomination.

Also, informing the Senate, that Messrs. Hutchison and Gales, form their branch of the Committee, to superintend said election; and that the House of Commons are now ready to proceed in the election of Councillors of State, in pursuance of the joint agreement of the two Houses.

Whereupon, the Speaker announced to the Senate, that Messrs. William W. Cowper and Alfred Dockery, compose our branch of the Committee, to superintend said election.

Thereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. BUSBEE, ARE:

Messrs. Waddell, (Speaker)  Messrs. Joyner,
Albright,                          Jones,
Barnett,                          Kelly,
Bryan, of C. & J.                 Melchor,
Burney,                           Montgomery,
Carson,                           Morehead,
Davidson,                         Moye,
Dockery,                          Moore,
Gudger.
Those who voted

FOR MR. ALFRED JONES, ARE:

Messrs. Waddell, (Speaker)  Messrs. Montgomery,
Albright,                  Moye,
Barnett,                  Morehead,
Bryan of C. & J.          Moore,
Burney,                   McCormick,
Carson,                   Myers,
Davidson,                 Polk,
Dockery,                  Reding,
Gudger,                   Skinner,
Joyner,                   Spruill,
Jones,                    Taylor,
Kelly,                    Williams,

Those who voted

FOR MR. JOHNSTON, ARE:

Messrs. Waddell, (Speaker,)  Messrs. Montgomery,
Albright,                  Moye,
Barnett,                  Morehead,
Bryan, of C. & J.          Moore,
Burney,                   Myers,
Carson,                   Reding,
Davidson,                 Skinner,
Dockery,                  Spruill,
Gudger,                   Taylor,
Joyner,                   Williams—23.
Jones,                    Whitaker.
Kelly,
Melchor,

Those who voted

FOR MR. PERRY, ARE:

Messrs. Waddell, (Speaker)  Messrs. Montgomery,
Albright,                  Moye,
Bryan, of C. & J.          Morehead,
Burney,                   Moore,
Barnett,  
Carson,  
Davidson,  
Dockery,  
Gudger,  
Joyner,  
Jones,  
Kelly,  
Melchor,  

McCormick,  
Myers,  
Polk,  
Reding,  
Skinner,  
Spruill,  
Taylor,  
Williams—25.

Those who voted

FOR MR. McREE, ARE:

MESSRS. Waddell, (Speaker)  MESSRS. Melchor,
Albright,  
Barnett,  
Bryan of C. & J.  
Burney,  
Carson,  
Davidson,  
Dockery,  
Gudger,  
Joyner,  
Jones,  
Kelly,  

Montgomery,  
Moye,  
Moore,  
McCormick,  
Myers,  
Polk,  
Reding,  
Skinner,  
Spruill,  
Taylor,  
Williams—24.

Those who voted

FOR MR. WATT, ARE:

MESSRS. Arrington,  MESSRS. Hussey  
Baker,  
Bryan, of Craven,  
Bunting,  
Cooper, of G. & C.  
Cooper of Martin,  
Dobson,  
Edwards,  
Exum,  
Fox,  
Hall,  
Hawkins,  
Houlder,  

Kerr,  
Lindsay,  
Marsteller,  
Mebane,  
Moseley,  
Morehead,  
McCormick,  
Reid,  
Reinhardt,  
Sanders,  
Whitaker, 25
Those who voted
FOR Mr. WILLIAMSON, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

Those who voted
FOR MR. DANCY, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of M.
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

Those who voted
FOR MR. ROGERS, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,
Those who voted

FOR MR. DAVIS, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

Those who voted

FOR MR. ASHE, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

Those who voted

FOR MR. McDIARMID, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,
Those who voted

FOR MR. ELLISON, are:

MESSRS. Waddell, (Speaker) MESSRS. Montgomery,
Albright, Moye,
Barnett, Morehead,
Bryan of C. & J., Moore,
Burney, McCormick,
Carson, Myers,
Davidson, Polk,
Dockery, Reding,
Gudger, Skinner,
Jones, Spruill,
Joyner, Taylor,
Kelly, Williams—25.
Melchor,

Those who voted

FOR MR. GOODWIN, are:

MESSRS. Waddell, (Speaker) MESSRS. Montgomery,
Albright, Moye,
Barnett, Morehead,
Bryan, of C. & J. Moore,
Burney, McCormick,
Carson, Myers,
Davidson, Polk,
Dockery, Reding,
Gudger, Skinner,
Joyner, Spruill,
Jones, Taylor,
Kelly, Williams—25.
Melchor,

Mr. Dockery, from the Committee appointed on the part of the Senate, to superintend the election of Councillors of State, reported that James Watt, George Williamson, Allen Rogers, sen., Archibald H. Davis, and Allen Goodwin, having each received a majority of the whole number of votes given, are duly elected, and that no other person in nomination had received a majority of the votes given; in which report, the Senate concurred.

On motion of Mr. Taylor, the Senate adjourned until to-morrow morning, 10 o'clock.
Thursday, December 29, 1836.

On motion of Mr. Kelly,

Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after to-day, until Monday next.

Received from the House of Commons a message, transmitting to the Senate, a Message from his Excellency, the Governor, with accompanying documents, and proposing that the two Acts of the Legislature of South Carolina, among said documents, be printed; which was read and concurred in, and, on motion of Mr. Edwards, ordered to lie on the table, and be made the Order of the day for Monday next, at 12 o'clock.

Whereupon, he moved that a seat in the Senate be tendered by the Speaker of the House, to Col. Memminger, of South Carolina, Commissioner of that State, appointed by the Governor, to give to the Executive and Legislative Departments of this State, such explanations and information as may be required, on the day the subject is taken up for consideration, and that the Senate will hear any explanation he may have to make on the subject of his mission.

Received from the House of Commons a message, informing the Senate, that Messrs. J. W. Guinn and Smith, form their branch of the Committee of Conference, upon the disagreement existing between the two Houses, on the amendments proposed by the Commons to the engrossed Resolution authorizing the Treasurer to receive certain Bank Notes in payment for Cherokee Lands.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Roanoke Valley Rail Road Company, in which they ask the concurrence of the Senate; which bill was read the first time and passed, and, on motion of Mr. J. W. Bryan, referred to the Committee on Internal Improvements.

Mr. Montgomery, from the Committee on Propositions and Grievances, to whom was referred the petition of a number of the citizens of Burke county, praying the Legis-
lature to repeal an act of the General Assembly, passed at
the session of 1833-4, appointing Commissioners to lay off
and lay out a road from Morganton, in Burke county, to
Burnsville, in Yancy county, reported, that it is inexpedient
to legislate on the subject, as the County Courts have full
power to lay off, open out, or change, any or all the roads
in their respective counties, and asked to be discharged
from the further consideration of the subject; in which the
Senate concurred.

Received from the House of Commons a message, stat-
ing that they have passed the engrossed bill, entitled a bill
to amend an act, for the more uniform and convenient ad-
ministration of justice within this State, with sundry a-
meniments; in which they ask the concurrence of the
Senate; which was read, and, on motion of Mr. Edwards,
ordered to lie on the table.

Received from the House of Commons the following re-
signations, to wit:

Nasa Farrow, a Justice of the Peace for the county
of Hyde; Wm. E. Bellamy, a Justice of the Peace for the
county of Edgecomb; which were read and accepted.

Received from the House of Commons a message, pro-
posing that the two Houses adjourn sine die, on Monday
the 16th day of January next; which was read, and, on
motion of Mr. Edwards, ordered to lie on the table.

Whereupon, Mr. Edwards moved that a message be
sent to the House of Commons, proposing that the two
Houses adjourn sine die, on Monday the 9th day of Janu-
ary next. The question recurring thereon, it was decided
in the affirmative:

Mr. Sanders demanding the Ayes and Noes, were as
follows, to wit:

Those who voted in the affirmative, are:

Messrs. Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunt-
ing, Cowper of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox,
Gudger, Hall, Hussey, Kerr, Lindsay, Marsteller, Moseley, Moye, Morehead,
Reid, Reding, Reinhardt, Sanders, Skinner, and Williams—24.

Those who voted in the negative, are:

Messrs. Albright, Arrington, Barnett, Burney, Carson, Davidson, Dobson,

Received from the House of Commons a message, proposing that the two Houses vote immediately for two Councillors of State, yet to be elected. Also, informing the Senate, that Johnston Busbee, A. C. McRee, Willie Perry, and James Ellison, are withdrawn from the nomination; which was read. Thereupon, Mr. Taylor moved that it lie on the table. The question recurring thereon, it was decided in the affirmative, by the casting vote of the Speaker.

Mr. Marsteller demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:

Those who voted in the negative, are:

Mr. Moslely moved that the Committee on the Revenue and Revenue Laws of the State, have leave of absence from the service of the House to-day, for the purpose of attending to the duties of that Committee; which was granted.

On motion of Mr. Montgomery, the Senate proceeded to consider the bill No. 4, of the Revised Statutes, concerning the Patrol. Thereupon, he offered an amendment as an entire substitute for the bill. He then moved that the bill and amendment be referred to the Judiciary Committee; which was agreed to.

On motion of Mr. Edwards, the Senate proceeded to consider the Resolutions relative to the modification of the existing Tariff Law, heretofore introduced by him.

Thereupon, on motion of Mr. Kelly, the Senate resolved itself into a Committee of the whole, Mr. Joyner being called to the Chair. The Resolutions were read.
Whereupon, Mr. J. W. Bryan moved to strike out all the Resolutions, after the word Resolved, and offered the Resolutions, introduced by him on Thursday the 15th instant, as a substitute therefor.

The Senate having spent some time therein, pending the question, Mr. Montgomery moved that the Committee rise, report progress, and ask leave to sit again; which motion prevailed.

On motion of Mr. Morehead, the Senate adjourned until three o'clock, p.m.

THREE o'clock, P. M.

Received from the House of Commons a message, stating that they have passed the following Revised Statutes, to-wit:

No. 56, concerning the University; No. 70, concerning Commissioners of Affidavits; No. 82, concerning Auctions and Auctioneers; No. 83, concerning Clerks of the County and Superior Courts;—in which they ask the concurrence of the Senate.

Bills, No. 82 of the Revised Statutes, concerning Auctions and Auctioneers; No. 70 of the Revised Statutes, concerning Commissioners of Affidavits; No. 56, concerning the University of North Carolina; No. 83, concerning the Clerks of the County and Superior Courts—were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 30, 1836.

Mr. Moye presented the following Preamble and Resolution, viz:

Whereas, it is believed, by the existing laws of the State,
no payment whatever is allowed to the several Sheriffs, for holding elections and making return thereof, for Governor of the State: For remedy whereof,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of providing by law, payment to the several Sheriffs of the State, for holding said election and making return thereof; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Lindsay presented the resignation of Samuel Salyear, a Justice of the Peace for the county of Currituck—which was read and accepted, and sent to the House of Commons.

Mr. Morehead presented a bill, entitled a bill to incorporate the Caldwell Institute, in the town of Greensboro', North Carolina; which was read the first time and passed, and, on his motion, referred to the Committee on Private Bills.

Mr. Carson presented a bill, entitled a bill to confer Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; which was read the first time and passed, and, on motion of Mr. Carson, made the Order of the day for Monday next.

Received from the House of Commons a message, proposing that the two Houses vote to-day, at 12 o'clock, for two Councillors of State, and informing the Senate, that Archibald McDiarmid is withdrawn from the nomination; which was read. Thereupon, Mr. McCormick moved that it lie on the table—which was not agreed to.

The question then recurring on agreeing to the proposition, it was decided in the negative.

The Senate proceeded to consider the amendments proposed by the House of Commons to the engrossed bill, entitled a bill to amend an act for the more uniform and convenient administration of justice within this State.

Mr. Melchor moved an amendment to the amendment, altering the time of holding said Courts; which was rejected.
The several amendments were then read and concurred in.

Mr. Spruill demanding the Yeas and Nays on the amendment fixing the salary of the Judges of the Superior Courts of Law and Equity in this State, at nineteen hundred and fifty dollars, were as follows, viz:

Those who voted in the affirmative, are:

Those who voted in the negative, are:
- Arrington, Barnett, Cowper of Gates and Chowan, Cooper of Martin, Exum, Houlder, Lindsay, Melchor, Montgomery, Moye, McCormick, Reid, Reding, Sanders, Spruill, Taylor and Whitaker—17.

On motion of Mr. Edwards, the Senate resolved itself into a Committee of the Whole, on the unfinished business of yesterday, Mr. Joyner in the Chair.

The Senate having made considerable progress therein, pending the question, Mr. Taylor moved the Committee rise, report progress, and ask leave to sit again; which was agreed to.

Mr. Kelly moved that a message be sent to the House of Commons, proposing that a joint select Committee of two on the part of each House, be raised, to enquire and ascertain if more Engrossing Clerks than are already employed, are necessary to keep up the business of the Legislature, and if so, that the Clerks be authorized and empowered to employ one or more assistants; which was agreed to.

On motion of Mr. Moseley, the Senate adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Received from the House of Commons a message, stating that they insist upon their amendment to the engrossed bill empowering Courts of Record to change names; which was read. Thereupon, the Senate receded from their disagreement.
Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate to the Revised bill No. 57, for the more effectual suppression of Vice and Immorality; which was read. Thenceupon, the Senate receded from their amendments.

The bill was then ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 43, concerning Attachment; No. 48, concerning Legacies, &c.; No. 77, Principal and Surety; No. 85, concerning Sheriffs; No. 86, Limitation; No. 60, Oaths; No. 54, concerning Charities; in which they ask the concurrence of the Senate.

Bills No. 43, No. 48, No. 54, and No. 77, were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have concurred in the report of the Committee of Conference, upon the proposed amendment to the engrossed Resolution, directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina, and transmitting it to the Senate, and asking its concurrence; which was read and concurred in. The bill was then ordered to be enrolled.

On motion of Mr. Marsteller, the Senate adjourned until to-morrow morning, 10 o'clock.

Saturday, December 31, 1836.

Mr. Polk, from the Military Committee, to whom was referred the Memorial of the commissioned Officers of the North Regiment of Stokes county Militia, praying a division of said North Regiment, reported unfavorably to the prayer of the Memorialists; and asked to be discharged from the further consideration of the subject.

The Committee was discharged accordingly.

Mr. Polk, from the joint select Committee on the Rev-
venue and Revenue Laws of the State, to whom was referred No. 18 of the Revised Code, concerning the Revenue of the State, reported the same bill, with an amendment; which was read and concurred in. The bill was then read the second time, as amended, and passed; and, on motion of Mr. Morehead, ordered to lie on the table.

Mr. Moore presented the following Resolution, to wit:

Resolved, That the joint select Committee, raised on the subject of a Penitentiary, be instructed to enquire and report also, as to the expediency of constructing one, or more Lunatic Asylums, in this State.

Which was read and adopted.

Received from the House of Commons the resignations of the following Field Officers, and Justices of the Peace, to wit:

David Ramsay, as Colonel of the 1st Regiment of Iredell county Militia; Isaac McCurdy, as Lieutenant Colonel of the 2d Regiment of the Iredell county Militia; Samuel Wilson, as Major of the 69th Regiment of North Carolina Militia; Wilson D. Webb, as a Justice of the Peace for the county of Franklin; which were severally read and accepted.

The Speaker presented to the Senate, the resignation of Henry L. Sweeny, as first Colonel of the 50th Regiment, 16th Brigade, and 3d Division of North Carolina Militia; which was read and accepted and sent to the House of Commons.

Received from the House of Commons a message, transmitting to the Senate, a message from his Excellency, the Governor, proposing to print it, together with the letter from C. G. Memminger, Esq. special agent from South Carolina, and asking the concurrence of the Senate thereto; which was read and agreed to.

Received from the House of Commons a message, concurring in the first and second amendments proposed by the Senate to the Revised bill No. 63, concerning Mills and Millers, with an additional amendment—After Wind Mill, insert Steam Grist Mill. In which amendment, the Senate do not concur.
Received from the House of Commons a message, stating that they have passed the following Revised Bills, viz:

No. 59, concerning Apprentices; No. 62, Rivers and Creeks; No. 76, Seat of Government, and Public Buildings; No. 78, Literary Fund; in which they ask the concurrence of the Senate.

Bills No. 76, of the Revised Statutes, concerning the seat of Government and Public Buildings, was read the first, second, and third times and passed, and ordered to be enrolled.

No. 78, concerning the Literary Fund, was read the first and second times and passed.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the bill, entitled a bill to incorporate the North Carolina Central Rail Road Company, reported the same bill with sundry amendments. The bill was then read the second and third times and passed, as amended, and ordered to be engrossed.

Mr. J. W. Bryan, from the joint select Committee, appointed on the part of the Senate, to wait upon his Excellency, the Governor elect, reported that the Committee had waited upon his Excellency, and that he would attend in the Commons Hall to-day, at 12 o'clock, accompanied by the Judges of the Supreme Court; and that the Chief Justice would administer the Oaths of Office to him; in which report, the Senate concurred.

Received from the House of Commons a message, informing the Senate, that they are now ready to receive the Senate in their Hall, for the purpose of witnessing the qualification of the Governor elect.

Whereupon, on motion of Mr. Moseley, the Senate repaired to the Commons Hall.

On motion of Mr. Marsteller, the Senate adjourned until Monday morning, 10 o'clock.
Monday, January 2, 1837.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Resolution instructing the Judiciary Committee to enquire into the expediency of restoring any person convicted of an infamous crime, to the rights of citizenship, reported a bill, entitled a bill to restore any person convicted of any infamous crime, to the rights of citizenship; and asked to be discharged from the further consideration of the subject. It was accordingly discharged. The bill was then read the first time and passed.

Mr. J. W. Bryan, from the same Committee, to whom was referred the bill, No. 74, of the Revised Statutes, concerning Offices, reported the same without amendment; and asked to be discharged from its further consideration. It was discharged accordingly.

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

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate, to the engrossed bill to incorporate the Rockfish Manufacturing Company of Fayetteville.

Ordered, That said bill be enrolled.

Mr. Moseley moved that a message be sent to the House of Commons, proposing to vote to-day, at 11 o'clock, for a Judge of the Superior Courts of Law and Equity, for the seventh Judicial Circuit; and nominating for the office, Richmond M. Pearson. The question recurring thereon, it was decided in the negative.

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 to incorporate the Franklin Turnpike Company; also, a bill concerning the Superior Courts of Law and Equity in and for the counties of Moore, Montgomery, and Anson. In which, they ask the concurrence of the Senate.

The two above named bills were read the first, second, and third times, passed, and ordered to be enrolled.
On motion of Mr. Dobson,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election of a Judge for the seventh Judicial Circuit, to-morrow, at 11 o'clock; and informing that House, that Richmond M. Pearson is in nomination for the office. Also, proposing to vote for a Solicitor for said Circuit, at 12 o'clock to-morrow, and informing that House, that James W. Guinn is in nomination for that appointment.

Received from the House of Commons a message, proposing that a joint select Committee of five, on the part of each House, from the first Judicial Circuit, be raised to enquire into the expediency of altering the time of holding the Superior and County Courts in that Circuit; and that they have leave to report by bill or otherwise.

Which was read and concurred in.

The Senate proceeded to consider Bill No. 59, of the Revised Statutes, concerning Apprentices; and bill No. 62, of the Revised Statutes, concerning Rivers and Creeks; which were read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go into an election, on to-morrow, at 11 o'clock, for a Judge, and at 12, for a Solicitor for the seventh Judicial Circuit; and informing the Senate, that the name of Thomas P. Devereux is added to the nomination for Judge.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote for a Judge of the Superior Courts of Law and Equity, to-morrow, at 12 o'clock; and informing the Senate, that Richmond M. Pearson is in nomination for the office; which was read, and, on motion of Mr. Moseley, ordered to lie on the table.

On motion of Mr. Joyner, the Senate proceeded to consider the engrossed bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company; which was read the third time.

Thereupon, Mr. J. W. Bryan moved the following amendment thereto, as an additional Section, to wit:
Be it further enacted, That if the North Carolina Central Rail Road Company, shall determine in favor of constructing their Rail Road from or near the Harbor of Beaufort, to intersect and unite with the Rail Road authorised to be constructed by this act, it shall be the duty of the said Fayetteville and Western Rail Road Company, to give a preference in the transportation of all produce and other commodities brought to their Rail Road, by the North Carolina Central Rail Road so as to occasion no delay thereof. And if the said Company shall refuse or neglect to transport the said produce and other commodities, as required by this Section, the said Company shall be liable to the person or persons aggrieved, for any damage or injury which may result from such refusal or neglect, to be recovered before any Court of Record, having cognizance thereof.

The question recurring thereon, the amendment was adopted. The bill then passed as amended, and ordered to be enrolled.

Mr. Marsteller presentnd to the Senate, a communication from Owen Holmes, Esq. declining to accept the office of Judge of the Superior Courts of Law and Equity of this State, conferred upon him the present session; which was read, and ordered to be transmitted to the House of Commons.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, reported the same with a proposition that the whole thereof be stricken out, except the enacting clause, and an amendment, which he had been instructed to report by the Committee, be inserted in lieu thereof.

The question recurring thereon, it was decided in the affirmative.

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

The Senate proceeded to consider the Revised bill No. 85, concerning Sheriffs; which was read the first and second times and passed.
Thereupon, Mr. J. W. Bryan moved the following amendments, to wit:

In the eighth section and eighth line, after the word "majority," insert "or twelve." In the tenth section, after the word "majority," insert "or twelve; and in the thirteenth section, insert "or twelve."

Which several amendments were agreed to.

The bill was then read the third time as amended, and passed, and ordered to be enrolled.

The hour of twelve o'clock having arrived, the Senate, on motion of Mr. Edwards, proceeded to consider the Order of the day.

Messrs. Edwards and James W. Bryan were appointed a Committee to wait on the Hon. Mr. Memminger, Commissioner from the State of South Carolina, and invite him to the seat prepared for him in the Senate Chamber.

Whereupon, the bill, entitled a bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, was read the second time—When, Mr. Memminger rose and addressed the Senate at considerable length, in support of the measure, and in explanation of the objects of his mission.

After he concluded his remarks, the Senate, on motion of Mr. Cooper, of Martin, adjourned until 4 o'clock, P. M.

FOUR o'clock, P. M.

The Senate proceeded to consider Bill, No. 60, of the Revised Statutes, concerning Oaths; which was read three times, passed, and ordered to be enrolled.

Bill, No. 86, concerning Limitations, was read the first and second times, passed, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider Bill, No. 39, concerning Attorney General and
Solicitors; which was read the second time. Thereupon, he moved the following amendment, to wit:

In the second Section, and second line, strike out the word *five*, and insert in lieu thereof, the word *six*.

Which amendment was agreed to.

The bill was then read the third time, as amended, and passed; and ordered to be enrolled.

On motion of Mr. Marsteller, the Senate proceeded to consider Bill, No. 49, concerning Cattle, Horses, and Hogs; which was read the third time, passed, and ordered to be enrolled.

Also, the Bill, No. 78, of the Revised Statutes, concerning the Literary Fund; which was read the third time. Thereupon, Mr. Kelly moved that it lie on the table; which was agreed to.

On motion of Mr. Marsteller, the Senate proceeded to consider Bill, No. 53, of the Revised Statutes, concerning the slander of women; which was read the third time.

Thereupon, Mr. Cooper, of Martin, offered the following amendment thereto, at the end of the bill, to wit:

"And shall, moreover, be subject to indictment in the County or Superior Court; and upon conviction, the Defendant or Defendants shall be fined or imprisoned at the discretion of the Court: *Provided, always,* That the truth of the words alleged in the indictment, may be given in evidence; and if established to the satisfaction of the Jury, shall constitute a good and sufficient defence—any law to the contrary, notwithstanding.

"*And provided further,* That the woman or women, of whom the words may be alleged to have been spoken, shall, in no case, be a witness on the trial of such indictment."

The question recurring thereon, it was decided in the negative.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:
MESSRS. Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Exum, Fox, Kerr, Lindsay, Marsteller, Mebane, Sanders, and Whitaker—11.

Those who voted in the negative, are:


The bill then passed, and was ordered to be enrolled.

On motion of Mr. Dobson, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 3, 1837.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Bill, No. 49, of the Revised Code, concerning the Patrol, reported the bill and amendment to the Senate; and asked to be discharged from the further consideration of the subject.

Thereupon, Mr. J. W. Bryan moved that said bill lie on the table; which was agreed to.

Mr. Dobson presented the following Resolution, to wit:

Resolved, That the Public Treasurer pay to the widow of the late William Gilliam, of Surry county, or to Wm. P. Dobson, her agent, the sum of seven dollars and eighty-four cents; the same having been allowed her by Resolution of the last session, and by mistake, omitted to be paid her.

Which was read three time, passed, and ordered to be engrossed.

Mr. J. W. Bryan presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of repealing the proviso, contained in the tenth section of an act, entitled an act, supplemental to an act concerning the Supreme Court, passed in the year 1818, Chapter 963.

Which was read and adopted.

Mr. McCormick presented a bill, entitled a bill authorising the Court of Pleas and Quarter Sessions of Cum-
berland county, to lay off the Public Roads in said county, into Districts, and for other purposes; which was read the first time, passed, and referred to the Committee on Private Bills.

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

William R. White, as Colonel Commandant of the 38th Regiment of North Carolina Militia, and 2d Regiment of Granville county; Elias S. Jenkins, as Lieutenant Colonel of the 38th Regiment of North Carolina Militia, and 2d Regiment of Granville county; which were read and accepted.

Mr. Carson presented a bill, entitled a bill to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company; which was read the first and second times and pressed, and, on his motion, ordered to lie on the table.

Received from the House of Commons the resignation of the following Justice of the Peace, to wit: James Biggs, as a Justice of the Peace, for the county of Edgecomb; which was read and accepted.

On motion of Mr. Marsteller,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly vote this day, at 1 o'clock, for two Councillors of State, yet to be elected; and informing that House, that William S. Ashe, of New Hanover, and Francis L. Dan- cy, of Edgecomb, are in nomination.

Mr. Spruill presented a bill, entitled a bill concerning the Public Arms, now in the Arsenals in Raleigh and Fayetteville; which was read the first time and passed.

Received from the House of Commons a message, informing the Senate that Messrs. Hutchison and Braswell, form their branch of the Committee, to enquire into the necessity of appointing one or more additional Engrossing Clerks. Whereupon, the Speaker announced to the Senate, that Messrs. Marsteller and Melchor, form our branch of said Committee; and the House of Commons was informed thereof by message.
The Senate proceeded to consider the bill, entitled a bill to restore any person convicted of an infamous crime to the rights of citizenship; which was read the second and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they recede from their amendment to the first amendment proposed by the Senate, to the Revised Bill, No. 63, and concur in the Senate's amendment. Ordered that said bill be enrolled.

Received from the House of Commons a message, transmitting to the Senate, the Message of his Excellency, the Governor, with the Report of the Treasurer of the University, which they propose shall be printed; which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. Chambers, Clement, Flemming, and Henry, form their branch of the Committee on enrolled bills this week.

Whereupon, the Speaker announced to the Senate, that Messrs. Moore and Reid, compose our branch of the Committee on enrolled bills the present week.

The Senate proceeded to consider the bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the third time. Thereupon, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Received from the House of Commons a message, stating that Messrs. Cansler and Rayner, form their Committee, to superintend the vote for Judge. On the return of the messenger, the Commons will proceed to vote.

Whereupon, the Speaker announced to the Senate, that Messrs. Mebane and Davidson, form our branch of said Committee to superintend said election.

The Senate then proceeded to vote as follows, to wit:

Those who voted

FOR MR. DEVEREUX, ARE:

JOYNER, Myers,
Jones, Skinner,
Kelly, Williams,
Lindsay, Whitaker—13.
Mebane,

Those who voted

FOR MR. PEARSON, ARE:

Messrs. Arrington, Messrs. Marsteller,
Albright, Melchor,
Baker, Moseley,
Barnett, Moye,
Bryan, of Craven, Morehead,
Bunting, Moore,
Burney, McCormick,
Cooper, of M. Polk,
Davidson; Reid,
Dobson; Reding,
Edwards, Reinhardt,
Exum, Sanders,
Fox, Spruill,
Hall, Taylor—29.
Houldcr,

Mr. Cowper, of Gates and Chowan, voted for John L. Bailey; Messrs. Dockery and Gudger, for David L. Swain; Mr. Hawkins, for John D. Toomer; and Mr. Kerr, for James T. Morehead.

Mr. Mebane, from the Committee appointed to superintend the vote for Judge of the Superior Courts of Law and Equity, for the seventh Judicial Circuit, reported that Richmond M. Pearson, having received a majority of the whole number of votes given, is duly elected; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, proposing that the Message of his Excellency the Governor, and the accompanying documents, transmitted to the Senate, be printed; which was read and concurred in.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill
to amend an act passed in 1830, Chapter 31, entitled an act to authorize the appointment of Commissioners to take the acknowledgement and proof of deeds, &c.

On motion of Mr. Moseley, the Senate proceeded to consider the bill, entitled a bill to repeal an act making compensation to Jurors in Yancy county; which was read the second time and passed. Thereupon, Mr. Baker moved to strike out all the bill but the enacting clause, and insert an amendment which he proposed. The question recurring thereon, it was decided in the affirmative. The bill was then read the third time as amended, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Wm. S. Ashe is withdrawn from the nomination for Councillors of State, and that Archibald McDiarmid is added to the nomination.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to vote this day, at 1 o'clock, for two Councillors of State.

Received from the House of Commons the resignation of P. W. Kittrell, as Trustee of the University of North Carolina; which was read and accepted.

Received from the House of Commons a message, stating that Messrs. Rand and Howard compose their branch of the Committee to superintend the election of a Solicitor for the seventh Judicial Circuit—and that the Commons would proceed to vote on the return of the messenger.

Whereupon, the Speaker announced that Messrs. McCormick and Barnett are appointed a Committee on the part of the Senate to superintend the vote for Solicitor of the seventh Judicial Circuit.

Whereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. GUINN, ARE:

Messrs. Arrington, Messrs. Bunting,
Baker, Cowper, of G. & C,
Bryan, of Craven, Cooper, of M.
Those who voted FOR MR. GAITHER, ARE:


Mr. McCormick, from the Committee appointed to superintend the vote for Solicitor for the 7th Judicial Circuit, reported that James W. Guinn, having received a majority of the whole number of votes given, is duly elected; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Carson, the Senate proceeded to consider the bill, entitled a bill to confer Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company; which passed its second reading, and, on his motion, was made the Order of the day for Thursday next.

Whereupon, on motion of Mr. Kelly, the bill, entitled a bill to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company, was also made the Order of the day, for that day.
Mr. Edwards moved that the Resolutions relative to the existing Tariff Law, heretofore introduced by him, be taken up for consideration, and that the Senate resolve itself into a Committee of the Whole; which proposition did not prevail.

Thereupon, Mr. Hall moved that the Committee of the Whole be discharged from the further consideration of the subject. The question recurring thereon, it was decided in the affirmative, and the Committee discharged accordingly.

Mr. Hargrave then moved that the whole subject be laid on the table; which was agreed to.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote for a Judge yet to be elected, to-morrow, at eleven o'clock, and nominating for the office Edward Hall, of Warren; and, on motion of Mr. Spruill, Robert R. Heath was added to the nomination.

Received from the House of Commons a message, proposing that the two Houses vote to-morrow, at 11 o'clock, for a Judge to fill the vacancy now existing; which was read and concurred in.

Mr. Kelly moved that a message be sent to the House of Commons, informing it that the name of John D. Too-mer is added to the nomination for Judge.

Received from the House of Commons a message, stating that Messrs. Henry and Kenan are the Committee on the part of the Commons to superintend the vote for Councillors, and that they will vote on the return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Fox and Hargrave are appointed the Committee to superintend said election.

The Senate then proceeded to vote as follows, viz:

Those who voted

FOR MR. McDIARMID, ARE.

Messrs. Baker, Messrs. Cowper, of G. & C
Bryan, of Craven, Dobson,
Cooper, of Martin, Edwards,
Those who voted

FOR MR. DANCY, ARE:

MESSRS. Arrington, Messrs. Hussey,
Baker, Kerr,
Bryan, of Craven, Lindsay,
Bunting, Marstiller,
Cowper, of G. & C. Mebane,
Cooper, of Martin, Moseley,
Dobson, McCormick,
Edwards, Polk,
Exum, Reid,
Fox, Reinhardt,
Hall, Sanders,
Hawkins, Skinner,

Those who voted

FOR MR. JOHNSTON, ARE:

MESSRS. Waddell, (Speaker) Messrs. Kelly,
Albright, Mebane,
Barnett, Melchor,
Bryan, of C. & J. Moye,
Burney, Morehead,
Carson, Moore,
Davidson, Myers,
Dockery, Reding,
Gudger, Skinner,
Hargrave, Spruill,
Joyner, Taylor,
Jones, Williams—24.

Those who voted

FOR MR. JONES, ARE:

MESSRS. Waddell, (Speaker) Messrs. Arrington,
Albright, Barnett,
Bryan, of C. & J.  Melchor,  
Bunting,  Moye,  
Burney,  Morehead,  
Carson,  Moore,  
Davidson,  Myers,  
Dockery,  Polk,  
Gudger,  Reding,  
Hargrave,  Spruill,  
Joyner,  Taylor,  
Jones,  Williams—25.  
Kelly,  

Those who voted  
FOR MR. ASHE, ARE:  
Messrs. Hussey, Kerr, and Marsteller—3.  

Received from the House of Commons a message, informing the Senate, that John D. Toomer is in nomination for Judge.  
The Speaker announced to the Senate, that Messrs. Spruill, Mebane, Lindsay, Skinner, and Cowper, of Gates and Chowan, compose the Committee on the subject of altering the times of holding the County and Superior Courts of the first Judicial District; and the House of Commons was informed thereof by message.  
On motion of Mr. Morehead, the Senate adjourned until to-morrow morning, 10 o'clock.  

WEDNESDAY, JANUARY 4, 1837.  

On motion of Mr. J. W. Bryan,  
Ordered, That a message be sent to the House of Commons, proposing to postpone the election of Judge to Friday next, at 12 o'clock.  

Mr. Fox, from the Committee appointed on the part of the Senate, to superintend the election of two Councillors, reported that Francis L. Dancy, and Charles E. Johnston, having each received a majority of the whole number of votes given, are duly elected. In which report the Senate
concurred, and the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, stating that Messrs. Granberry, Stallings, Rayner, Davenport, and Hoskins, form their branch of the Committee, to enquire into the expediency of altering the times of holding the Courts in the first Judicial Circuit.

Received from the House of Commons a message, proposing to the Senate, that the two Houses of the General Assembly adjourn sine die, on Saturday the 14th instant; which was read and concurred in.

Received from the House of Commons a message, concurring in the proposition of the Senate, to rescind the order to vote for Judge this day, and agree to vote for that Officer, at 12 o'clock on Friday next; and stating that Thomas, P. Devereux, and James T. Morehead, are in nomination for the office.

On motion of Mr. Kelly, the Senate proceeded to consider the bill, entitled a bill to lay off and establish a county by the name of Gaston; which was read the second time. The question recurring thereon, it was decided in the negative. So the bill was rejected.

On motion of Mr. Marsteller,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote this day, at 12 o'clock, for Secretary of State; and informing that House that Wm. Hill is in nomination for the appointment.

The Senate proceeded to consider the bill, entitled a bill concerning the Public Arms, now in the arsenals in Raleigh and Fayetteville; which was read the second and third times, passed, and ordered to be engrossed.

Mr. Sanders presented a bill, entitled a bill concerning special Magistrates in this State; which was read the first, second, and third times, passed, and ordered to be engrossed.

On motion of Mr. Polk, the Senate proceeded to consider the bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the third time.
Thereupon, Mr. Polk moved to strike out the words seventy-five, and insert in lieu thereof, the words one hundred and twenty; which was agreed to.

Mr. Edwards then moved to add, after the word completing, the words, and finishing; which was also agreed to.

The bill then passed, as amended, and was ordered to be engrossed.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity in the Newbern Judicial District; which was read the third time.

Thereupon, Mr. Hussey moved that the further consideration of the bill be postponed until the third Monday of November, 1838. The question recurring thereon, it was decided in the affirmative.

Mr. Hussey demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:
Messrs. Albright, Arrington, Baker, Bryan, of Craven, Bunting, Burney, Cooper, of Martin, Dobson, Exum, Fox, Gudger, Hall, Hargrave, Houlder, Hussey, Jones, Kerr, Lindsay, Marsteller, Melchor, Moseley, Moye, McCormick, Reid, Reinhardt, Skinner, Spruill, Williams and Whitaker—29.

Those who voted in the negative, are:

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

Thursday, January 5, 1837.

Mr. Barnett presented the resignation of Thomas Lawson, a Justice of the Peace for the county of Person; which was read and accepted, and sent to the House of Commons.

Mr. Mebane presented the following Preamble and Resolutions, to wit:
Whereas, The Senate has learnt, with deep regret, the death of George W. Montgomery, Senator from the county of Hertford:

Be it therefore Resolved, That a message be sent to the House of Commons, informing that body of the melancholy event, asking them to unite with the Senate in paying the last honors to the deceased, and in raising a joint select Committee of four, from each House, whose duty it shall be to superintend the funeral ceremonies.

Resolved, That in testimony of the high respect which this body entertains for the virtues of the deceased, they will wear the usual badge of mourning for the space of thirty days.

Which were read and unanimously adopted.

Whereupon, the Speaker announced to the Senate, that Messrs. Mcbane, J. W. Bryan, Spruill, and Hargrave, form said Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate, that they unanimously concur in the adoption of the Resolutions transmitted this morning from the Senate; and also informing the Senate, that Messrs. Gales, Rayner, Stallings, and Hoskins, form their branch of the Committee.

Whereupon, on motion of Mr. J. W. Bryan, the Senate adjourned until to-morrow morning, 10 o'clock.

Friday, January 6, 1837.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the Memorial of sundry citizens of Hyde county, praying the Legislature to provide some aid, in draining Mattamuskeet Lake, reported unfavorably to the prayer of the Memorialists; and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Jones presented the following Preamble and Resolutions, to wit:
Whereas, By a Resolution, passed at the session of the General Assembly of 1834, the Public Treasurer is directed to commence suits upon all Cherokee bonds, on which one fourth of the principal and interest due, shall not be paid on or before the first day of December, 1836. And whereas, the number and amount of the bonds so required to be put in suit, is matter of great importance to the State:

Be it therefore Resolved, That the Judiciary Committee be instructed to enquire if any, and what amendments to the Revenue Laws are necessary, to secure the faithful collection, and accounting for the monies which may be received on said bonds so put out for collection.

Resolved further, That said Committee also enquire what compensation shall be allowed by the Public Treasurer, to the Agents or Attorneys, who may be employed by him in the collection of the bonds aforesaid, and report by bill or otherwise.

Which were read, and referred to the Committee on the Judiciary.

Received from the House of Commons a message, proposing that the two Houses vote this day, at 11 o'clock, for Solicitor of the 6th Judicial Circuit; and stating that Thomas Wilson and James R. Dodge, are in nomination.

Mr. Joyner presented a bill, entitled a bill to increase the Capital Stock of the Halifax and Weldon Rail Road Company; which was read the first, second, and third times, and passed, and ordered to be engrossed.

Mr. Joyner presented a bill, entitled a bill to amend the Charter of the Portsmouth and Roanoke Rail Road Company; which was read the first time and passed; and on motion of Mr. Joyner, was referred to the Committee on Internal Improvements.

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 repeal an act, entitled an act for the better administration of justice in the county of Haywood, passed in the year 1833, Chapter 41, and for other purposes; which was read the first time and passed, and ordered to lie on the table.
Also, a bill supplemental to an act passed at the present General Assembly, entitled an act to lay off the county of Davie; which was read the first and second times, passed, and, on motion of Mr. Morehead, ordered to lie on the table.

Also, a bill to alter the time of holding elections in the counties of Halifax, Northampton, and Martin; which was read three times and passed, and ordered to be enrolled.

Also, a Resolution concerning Old Military Land Warrants; which was read three times and passed, and ordered to be enrolled.

Also, a bill to regulate the Courts of Pleas and Quarter Sessions in the county of Ashe; which was read three times and ordered to be enrolled.

A bill concerning the Public printing of the State; which was read three times and passed, and ordered to be enrolled.

Also, a bill to authorize Ebenezer Pettigrew, to build a bridge across Scuppernong river; which was read three times and passed, and ordered to be enrolled.

Mr. Moore, from the Committee on Private Bills, to whom was referred a bill authorising the Courts of Pleas and Quarter Sessions of Cumberland county, to lay off the Public roads in said county into Districts, and for other purposes, reported the same bill to the Senate, and asked to be discharged from its further consideration. The Committee was discharged accordingly. Thereupon, the bill was read three times and passed, and ordered to be engrossed.

Mr. Moore, from the same Committee, to whom was referred a bill to incorporate the Caldwell Institute, in the town of Greensborough, North Carolina, reported the same bill, and asked to be discharged from the further consideration of the subject. The Committee was discharged accordingly. Thereupon, the bill was read the 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 vote for Secretary of State, this day at half past 12 o'clock, and stating that William Hill is in nomination for that appointment.
Mr. Taylor presented the following Resolution, to wit:

Resolved, That the Act of Congress, approved the 2d March, 1833, commonly called the Compromise Act, was passed in good faith, and ought to be observed; and any act on the part of Congress, to disturb its provisions, or frustrate its operation, would be regarded as unjust, and a violation of good faith.

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

Received from the House of Commons, a message stating that Messrs. Hutchison and Williamson, form their branch of the Committee, to superintend the vote for Solicitor of 6th Judicial Circuit. The Commons will proceed to vote on return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Kerr and Reding, form our branch of the Committee, to superintend said election, and the House of Commons was informed thereof by message.

Thereupon, the Senate proceeded to vote as follows to-wit:

Those who voted

FOR THOMAS WILSON, ARE:

Messrs. Baker, Messrs. Kerr,
Bryan, of Craven, Lindsay,
Bunting, Marssteller,
Dobson, Mebane,
Edwards, Moseley,
Exum, Reid,
Fox, Reinhardt,
Hawkins, Sanders,
Houlder, Whitaker—19.
Hussey,

Those who voted

FOR JAMES R. DODGE, ARE:

Messrs. Waddell, (Speaker) Messrs. Kelly,
Albright, Melchior,
Arrington, Moye,
Barnett, Morehead,
Bryan, of C. & J. Moore,
Mr. Kerr, from the Committee on the part of the Senate, to superintend the election of Solicitor for the 6th Judicial Circuit, reported that James R. Dodge, having received a majority of the whole number of votes given, is duly elected, in which report the Senate concurred.

Received from the House of Commons a message, stating that Messrs. Smith and N. J. King, form their branch of the Committee, to superintend the vote for Judge. The Commons will proceed to vote on the return of messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Moseley and Skinner, form our branch of the Committee, to superintend said election, and the House of Commons was informed thereof by message.

Thereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR THOMAS P. DEVEREUX, ARE:

Messrs. Joyner, Jones, Mebane, Moye,
Polk, Skinner, Taylor—7.

Those who voted

FOR JOHN D. TOOMER, ARE:

Messrs. Waddell, (Speaker) Messrs. Kelly,
Burney, Barnett, Davidson, Hawkins,
Melchior, McCormick, Myers—9.
Those who voted

FOR JAMES T. MOREHEAD, ARE:

MESSRS. Albright, Messrs. Hargrave,
Bryan, of C. & J. Kerr,
Carson, Reid,
Dobson, Reding—9.
Dockery,

Those who voted

FOR ROBERT R. HEATH, ARE:

MESSRS. Bryan, of Craven, Messrs. Hussey,
Cowper, of G. & C. Lindsay,
Cooper, of Martin, Marsteller,
Exum, Sanders,
Fox, Spruill,
Houlder,

Those who voted

FOR EDWARD HALL, ARE:

MESSRS. Arrington, Messrs. Moseley,
Baker, Moore,
Bunting, Reinhardt—7.
Edwards,

Mr. Williams voted for John L. Bailey.

Mr. Moseley, from the Committee on the part of the Senate, to superintend the election for Judge, reported that no person in nomination having received a majority of the whole number of votes given, there is no election, in which the Senate concurred.

On motion of Mr. Hargrave,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote to-day at 1 o'clock for Judge, and informing the House that Edward Hall is withdrawn from the nomination.

Received from the House of Commons a message, stating that they do not agree to vote at 1 o'clock for Judge.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Resolution instructing the Judiciary
Committee to enquire into the expediency of repealing the proviso, contained in the 10th section of an act, entitled an act, supplemental to an act, concerning the Supreme Court, passed in the year 1818, chapter 963, reported that it was inexpedient at this time, to legislate on the subject, and asked to be discharged from its further consideration.

The Committee was discharged accordingly.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a Judge of the Superior Courts; and also, stating to the Senate, that Thomas P. Devereux is withdrawn from the nomination, which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. Byrd and Hollingsworth, compose the Committee on the part of their House, to superintend the voting for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Hargrave and Reid, form our branch of the Committee, to superintend said election.

Whereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

**FOR MR. TOOMER, ARE:**

Messrs. Waddell, (Speaker)
Barnett,
Burney,
Davidson,
Hawkins,
Joyner,

Those who voted

**FOR MR. HEATH, ARE:**

Messrs. Arrington,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Edwards, Sanders, Spruill, Whitaker—19.

Exum,

Fox,

Houlder,

Those who voted

FOR MR. MOREHEAD, ARE:

Messrs. Albright, Messrs. Jones,

Bryan, of C. & J. Kerr,

Carson, Moore,

Dobson, Polk,

Dockery, Reid,

Gudger, Reding,

Hargrave, Skinner—14.

Mr. Williams voted for John L. Bailey.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate, to the engrossed bill to amend the charter of the Cape Fear, Yadkin and Pedee Rail Road Company.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge of the Superior Courts immediately; which was read and not concurred in.

Mr. Reid, from the Committee appointed on the part of the Senate, to superintend the voting for Judge, reported that neither of the persons in nomination had received a majority of the votes given, and that no one is elected; in which report the Senate concurred.

The Senate proceeded to consider the Bill No. 18, of the Revised Code, concerning the Revenue; which was read the third time, and, on motion of Mr. Morehead, amended, and passed.

On motion of Mr. Carson, the Senate proceeded to consider the bill, entitled a bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions; which was read the third time. The question recurring thereon, it was decided in the negative.
Mr. Marsteller demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

Messrs. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, McCormick, Polk, Reding, Reinhardt, Sanders, Skinner and Spruill—22.

Those who voted in the negative, are:


So the bill was rejected.

Whereupon, Mr. Polk moved that the Senate adjourn until to-morrow morning 10 o'clock; which was decided in the negative.

Mr. Marsteller demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Edwards then moved that the Senate adjourn until to-morrow morning, 10 o'clock; which motion prevailed.

Saturday, January 7, 1837.

The Speaker presented the resignation of Alexander Mebane, as a Justice of the Peace for the county of Orange; which was read and accepted, and sent to the House of Commons.

Mr. Moye, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry
citizens of the counties of Halifax and Edgecomb, praying the Legislature to pass an act to prevent obstructions to the free passage of fish up Fishing Creek, from the mouth thereof to Biggs' Mill, on said Creek, reported a bill, entitled a bill to prevent obstructions to the passage of fish up Fishing Creek, and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Thereupon, said bill was read three times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Mutual Insurance Company, of Fayetteville; in which they ask the concurrence of the Senate.

Thereupon, said bill was read the first and second times, amended, and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land, with sundry amendments; which were read and concurred in.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the Revised bill No. 85, concerning Sheriffs.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution, concerning the Office of Public Treasurer; in which they ask the concurrence of the Senate.

The Resolution was read and adopted, and ordered to be enrolled.

Received from the House of Commons, the resignations of the following Justices of the Peace and Field Officer, to wit:

D. H. Bryan, as Justice of the Peace for the county of Johnston; John Shamberger, as Justice of the Peace for the county of Moore; Zebulon Morris, as Lieutenant Colonel of the 69th Regiment of North-Carolina Militia;—which were severally read and accepted.

Received from the House of Commons a message, proposing to the Senate, that the two Houses vote for a Judge
of the Superior Courts, to-day, at half past 11 o'clock—which was read and agreed to.

Mr. Edwards presented a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money; which was read the first time and passed, and, on motion of Mr. Edwards, ordered to be printed, and, on motion of Mr. Moseley, made the Order of the day for Tuesday next.

Received from the House of Commons a message, informing the Senate that Messrs. Dunn and Hoskins are appointed on the part of their House, superintendents of the vote for Judge, and that the Commons are ready to proceed in the election.

Whereupon, the Speaker announced to the Senate, that Messrs. Myers and Hussey compose our branch of the Committee to superintend said election.

Thereupon, the Senate proceeded to vote as follows, viz:

Those who voted

FOR MR. HEATH, ARE:

Messrs. Arrington, Messrs. Hussey,
Bryan, of Craven, Lindsay,
Bunting, Marsteller,
Cowper, of G. & C. Mebaster,
Cooper, of Martin, Moseley,
Edwards, Reinhardt,
Exum, Sanders,
Fox, Spruill,
Houlder, Whitaker—18.

Those who voted

FOR MR. TOOMER, ARE:

Messrs. Waddell, (Speaker) Messrs. Kelly,
Barnett, Melchior,
Burney, Moye,
Davidson, McCormick,
Hawkins, Myers,
Joyner, Taylor—12.
Those who voted

**FOR MR. MOREHEAD, ARE:**

- Messrs. Albright
- Messrs. Kerr
- Baker
- Moore
- Bryan, of C. & J.
- Polk
- Carson
- Reid
- Dobson
- Reding
- Hargrave
- Skinner
- Gudger
- Williams—15.
- Jones

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

- No. 30, concerning the action of Replevin;
- No. 95, concerning Marriage;
- No. 93, concerning Court Houses, Prisons and Stocks;
- No. 111, concerning Boats, Canoes and Pettiaugers;

in which they ask the concurrence of the Senate.

The above named bills were severally read three times, and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised bills, in which they ask the concurrence of the Senate, viz:

- No. 108, concerning Bank Notes;
- No. 64, concerning Guardian and Ward;
- No. 79, concerning County Trustee;
- No. 80, Bills, Bonds and Promissory Notes;
- No. 91, Registers;
- No. 98, Frauds and fraudulent Conveyances;
- No. 99, concerning Estates;

Which were severally read three times, passed, and ordered to be enrolled.

And also, No. 2, concerning Entries and Grants of Land; which was read the first time and passed, and, on motion of Mr. Jones, referred to the Committee on the Judiciary.

Mr. Hussey, from the Committee on the part of the Senate, to superintend the vote for Judge, reported, that no person in nomination having received a majority of the votes given, consequently there is no election; in which report the Senate concurred.
Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge of the Superior Courts immediately; which was read and concurred in.

Whereupon, on motion of Mr. Dobson,

Ordered, That a message be sent to the House of Commons, informing that House, that the name of James T. Morehead is withdrawn from the nomination.

Mr. Wm. W. Cowper presented the following Resolution, viz:

Resolved, That the Governor of this State be requested to transmit immediately a copy of the Act of Assembly, to incorporate the Norfolk and Edenton Rail Road Company, to the Governor of the State of Virginia, and request a confirmation by the Legislature of said State.

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

Received from the House of Commons a message, stating that Messrs. Smallwood and D. Jordan form their branch of the Committee to superintend the vote for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Marsteller and Bunting compose our branch of the Committee to superintend said election; and the House of Commons was informed thereof by message.

The Senate then proceeded to vote as follows, viz:

Those who voted

FOR MR. HEATH, are:

Messrs. Albright, Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of G. & C; Cooper, of Martin, Dobson, Edwards, Exum, Fox, Gudger, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, Reid, Reinhardt, Saunders, Spruill, Whitaker—24.
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Those who voted

FOR MR. TOOMER, ARE:

Messrs. Waddell, (Speaker)  Messrs. Melchor,
Barnett,
Bryan, of C. & J.
Burney,
Carson,
Davidson,
Dockery,
Hargrave,
Hawkins,
Joyner,
Jones,
Kelly,

Mr. Marsteller, from the Committee on the part of the Senate, to superintend the election for Judge of the Superior Courts of Law and Equity, reported that neither of the persons in nomination had received a majority of the whole number of votes given, and consequently, there was no election; in which the Senate concurred.

Thereupon, the Committee was discharged from its further consideration.

On motion of Mr. Polk, the Senate proceeded to consider the engrossed bill, entitled a bill supplemental to an act passed at the present General Assembly, entitled an act to lay off the county of Davie; which was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge of the Superior Courts immediately; which was read and concurred in, and the House of Commons was informed thereof by message.

The Speaker presented to the Senate the resignation of the Hon. John R. Donnell, as Judge of the Superior Courts of Law and Equity for this State; which was read and accepted; and, on motion of Mr. Moseley, ordered to be transmitted to the House of Commons.

Received from the House of Commons a message, stating to the Senate, that Messrs. J. F. Lee, and Kenan,
form their branch of the Committee to attend to the vote for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Moye and Mebane, are appointed our branch of the Committee, to attend to said election.

The Senate then proceeded to vote as follows, to wit:

Those who voted

FOR MR. HEATH, ARE:

Messrs. Arrington, Messrs. Hussey,
Baker, Kerr,
Bryan, of C. Lindsay,
Bunting, Marsteller,
Cowper, of G. & C. Mebane,
Cooper, of M. Moseley,
Dobson, Reid,
Edwards, Reinhardt,
Exum, Sanders,
Fox, Spruill,
Gudger, Whitaker—23.
Houlder,

Those who voted

FOR MR. TOOMER, ARE:

Messrs. Waddell, (Speaker) Messrs. Melchor,
Albright, Moye,
Barnett, Morehead,
Bryan, of C. & J. Moore,
Burney, McCormick,
Carson, Myers,
Davidson, Polk,
Hargrave, Reding,
Hawkins, Skinner,
Joyner, Taylor,
Jones, Williams—23.
Kelly,

Mr. Moye, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts of Law and Equity for this State, reported that John D. Toomer having received a majority of the whole
number of votes given, is duly elected; in which report, the Senate concurred.

The Committee, thereupon, was discharged from the further consideration of the subject.

Mr. Burney moved that the Senate do now re-consider the vote of yesterday, by which, a bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions, was rejected.

The question recurring thereon, it was decided in the affirmative—Yea 24, Nays 21.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Whereupon, on motion of Mr. Dobson, the bill was made the order of the day for Monday next.

On motion of Mr. Marsteller, the Senate adjourned until Monday morning, 9 o'clock.

MONDAY, JANUARY 9, 1837.

The Speaker announced to the Senate that Messrs. Arrington and Hargrave, compose the Committee on the part of the Senate, on enrolled bill this weeks.

Mr. Moye, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Burke, Lincoln, Wilkes, and Iredell, praying the Legislature that an act be passed, to
erect a new county from a portion of each of the respective counties above named, reported unfavorably to the prayer of the petitioners; and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Kelly, from the Committee on Claims, to whom was referred the petition of Daniel McDonald, praying the Legislature to authorize the Secretary of State, to issue a Military Land Warrant to the petitioner and others, reported a Resolution to carry out the prayer of the petitioner.

Thereupon, the Committee was discharged from its further consideration.

The Resolution was then read three times and passed, and ordered to be engrossed.

On motion of Mr. Kelly,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly vote to-day at 12 o'clock, for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of the Hon. J. R. Donnell; and informing that House, that John L. Bailey, and Robert R. Heath, are in nomination for the office.

Mr. Moye, from the Committee on Propositions and Grievances, to whom was referred the petition of numerous citizens of the counties of Pitt, Lenoir, Craven, and Greene, praying the Legislature to permit them to erect a bridge across great Contentnea Creek, reported a bill, entitled a bill to authorize William L. Blount and his associates, to erect a bridge across Great Contentnea Creek, near Washington's Ferry, on said Creek; which was read the first time and passed.

Mr. Kelly, from the Committee on Claims, to whom was referred an engrossed Resolution in favor of James C. Turrentine, reported the same Resolution; which was read three times and passed, and ordered to be enrolled.

The Senate proceeded to consider the bill, entitled a bill to incorporate the Mutual Insurance Company of Fayetteville; which was read the third time and passed.
On motion of Mr. Marsteller, the Senate proceeded to consider Bill No. 47, of the Revised Code, concerning the Patrol; which was read the third time, and a substitute adopted therefor as an amendment.

Thereupon, Mr. Hargrave moved that the bill be postponed indefinitely; which was decided in the affirmative, Ayes 25, Noes 20.

Mr. Hargrave demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Arrington, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dockery, Edwards, Exum, Fox, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Melchor, Moseley, Moye, Myers, Taylor, and Williams—20.

Whereupon, Mr. Morehead moved that the vote of indefinite postponement be re-considered; which was agreed to. He further moved that the substitute also be reconsidered; which was decided in the affirmative. The question then recurring on the adoption of the substitute, it was decided in the negative. The bill was then put upon its third reading and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that Messrs. Farrow, Rand, William B. Lane, and Stallings, form their branch of the Committee on enrolled bills this week.

Received from the House of Commons a message, agreeing to vote at 12 o'clock for Judge; and informing the Senate that Wright C. Stanly is added to the nomination.

On motion of Mr. Polk, the Senate proceeded to consider the bill to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company; which was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the Joint Order, to vote this day, at 12 o'clock,
for Judge, be rescinded; which was read and not agreed to.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred a bill to incorporate the Roanoke Valley Rail Road Company, reported the same bill, and recommended its rejection; in which report the Senate concurred. The Committee was then discharged from its further consideration.

Whereupon, Mr. Joyner moved that said bill lie on the table; which was agreed to.

Received from the House of Commons a message, informing the Senate, that Messrs. Hartley and Davenport, form their branch of the Committee to superintend the vote for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Dockery and Dobson, form our branch of the Committee, to superintend said election, and the House of Commons being informed thereof by message,

The Senate then proceeded to vote as follows, to-wit:

Those who voted

FOR MR. HEATH, ARE:

Messrs. Arrington, Baker, Barnett, Bunting, Cowper, of G. & C. Cooper, of Martin, Dobson, Edwards, Fox, Hall,

Messrs. Hawkins, Houlder, Kerr, Lindsay, Marsteller, Mcbaine, Reid, Reinhardt, Spruill, Whitaker—20.

Those who voted

FOR MR. BAILEY, ARE:

Messrs. Waddell, (Speaker) Albright, Bryan, of C. & J. Burney, Carson, Davidson,

Messrs. Kelly, Melchor, Moye, Morehead, Moore, McCormick,
Dockery,  
Gudger,  
Hargrave,  
Joyner,  
Jones,  
Myers,  
Polk,  
Reding,  
Skinner,  
Taylor—22.

Those who voted
FOR MR. STANLY, ARE:

MESSRS. Bryan, of Craven, MESSRS. Moseley,
Exum,              Sanders,
Hussey,            Williams—6.

Received from the House of Commons a message, stating that they have passed the following Revised bills, to-wit:

No. 97, concerning Prisoners; No. 107, concerning Writs of quo warranto and mandamus; No. 92, prescribing the disposition of money remaining in the hands of Clerks and Sheriffs a certain time.

In which they ask the concurrence of the Senate.

The above named bills were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. Reid,

Ordered, That Mr. Fox have leave of absence from the service of the Senate, from and after Thursday next, the balance of the session.

Mr. Dockery, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts, reported that neither of the persons in nomination having received a majority of the whole number of votes given, consequently there is no election, in which the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. J. W. Bryan, the Senate resolved itself into a Committee of the whole; whereupon, Mr. J. W. Bryan being called to the Chair, the Senate then proceeded to consider the order of the day, to-wit:

A bill to confer Banking privileges on the Stockholders
of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions.

Thereupon, Mr. Moseley moved that the Committee rise, report the bill to the Senate, and recommend its passage, which motion did not prevail.

Mr. Carson moved to strike out the 26th section, which was agreed to.

Mr. Mebane then moved to strike out in the 11th section and second line, the word "five," and insert in lieu thereof, the word "ten," which was not agreed to.

Thereupon, Mr. Morehead moved an amendment to the bill, as two additional sections; which was agreed to.

The Committee having spent some time therein, on motion of Mr. Moseley, the Committee rose.

Thereupon, the Chairman reported the bill and amendments to the Senate, and was discharged from its further consideration.

The bill was then put upon its third reading, and the several amendments proposed by the Committee, were adopted.

Mr. Spruill then moved the following amendment, to wit:

Eleventh section and second line, after the word dollars, insert the words "until the Road is completed, nor less than ten dollars after the completion of said Rail Road," which was decided in the affirmative.

The question then recurring on the passage of the bill as amended, it was decided in the affirmative, Yeas 25, Nays 22.

Mr. Reid demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:
Mssrs. Arrington, Bryan, of Craven, Bunting, Cowper, of Gates and Chow-
an, Cooper of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hus-
sey, Kerr, Kelly, Lindsay, Marsteller, Mebane, Moyer, Reid, Taylor, Williams and
Whitaker—22.

Whereupon, said bill was ordered to be engrossed.

On motion of Mr. Hargrave, the Senate adjourned un-
til to-morrow morning, 10 o'clock.

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Tuesday, January 10, 1837.

On motion of Mr. Marsteller,

Ordered, That Mr. Edwards have leave of absence from
the service of the Senate, from and after Friday next, the
balance of the session.

Mr. Joyner, from the Committee on Internal Improve-
ments, to whom was referred a bill to amend the charter of
the Portsmouth and Roanoke Rail Road Company, report-
ed the same bill to the Senate, and asked to be discharged
from its further consideration.

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

Mr. Polk presented a bill, entitled a bill, concerning
the Fayetteville and Western Rail Road, which was read
the first time and passed.

Mr. Spruill asked leave to withdraw from the file of the
Senate the memorial and counter-memorial of the citizens
of Hyde county, relative to removing the Court House of
said county, which was granted.

On motion of Mr. Mebane,

Ordered, That a message be sent to the House of Com-
mons, proposing that the two Houses vote to-day at 11 o'-
clock, for Judge of the Superior Courts.

Mr. Polk presented a bill, entitled a bill, to authorize
the Commissioners of Salisbury to borrow money and for
other purposes, which was read the first time and passed.

Received from the House of Commons a message, stat-
ing that they have passed the following engrossed bills, to-
it:
A bill authorizing County Courts to settle disputed boundaries between counties.

A bill empowering the Halifax and Weldon Rail Road Company, to subscribe their Stock to the Wilmington and Raleigh Rail Road Company.

Also, a bill to amend an act, entitled an act authorizing the entering of the unsurveyed lands acquired by Treaty from the Cherokee Indians, A. D. 1817 and 1819, in the counties of Haywood and Macon.

In which they ask the concurrence of the Senate.

The three above named bills were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons, the resignation of Thomas Y. Wright, as Lieutenant Colonel of the 29th Regiment of N. C. Militia, which was read and accepted.

Received from the House of Commons a message, agreeing to vote at 11 o'clock this day for a Judge, and informing the Senate, that Wright C. Stanly is withdrawn from the nomination.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill concerning Brokers, and a bill to incorporate the town of Greensboro'.

In which they ask the concurrence of the Senate.

The first named bill was read three times and passed, and ordered to be enrolled.

The last named bill was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Marshall and Boon, form their branch of the Committee, to superintend the vote for Judge, and stating that they will proceed to vote on return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Bryan of Craven and Spruill, compose our branch of the Committee, to superintend said election.

The Senate then proceeded to vote as follows, to wit:
Those who voted

FOR MR. HEATH, ARE:

Messrs. Arrington, Messrs. Houlder, Baker,
Bryan, of Craven, Hussey,
Bunting, Kerr,
Cowper, of G. & C. Lindsay,
Cooper, of Martin, Marsteller,
Dobson, Mebane,
Edwards, Moseley,
Exum, Reid,
Fox, Reinhardt,
Hall, Spruill,
Hawkins, Whitaker—23.

Those who voted

FOR MR. BAILEY, ARE:

Messrs. Waddell, (Speaker) Messrs. Kelly, Albright,
Bryan, of C. & J. Melchor,
Burney, Moya,
Carson, Moore,
Davidson, McCormick,
Dockery, Myers,
Gudger, Polk,
Hargrave, Reding,
Joyner, Skinner,
Jones, Taylor—21.

Messrs. Morehead, Sanders, and Williams, voted for John H. Bryan; and Mr. Barnett, voted for T. P. Deve-
reux.

On motion of Mr. Moseley,

Ordered, That the bill, entitled a bill concerning the Fayetteville and Western Rail Road be printed, and made
the order of the day for Thursday next.

Mr. Spruill, from the Committee on the part of the Sen-
ate, to superintend the election of Judge of the Superior
Courts, reported that neither of the persons in nomination
having received a majority of the whole number of votes given, consequently there is no election, in which report the Senate concurred.

Thereupon, the Committee was discharged from its further consideration.

On motion of Mr. Edwards, the Senate proceeded to consider the order of the day, to-wit:

A bill to provide for the investment and safe keeping of the money's, which shall be deposited with this State, under the act of Congress, to regulate the deposits of the public money; which was read the second time, amended, and passed.

Received from the House of Commons, a message stating that they have passed the following Revised bills; viz:

No. 73, concerning Salaries and Fees; No. 106, concerning forcible Entry and Detainer; No. 114, Habeas Corpus; No. 109, concerning amendments of Process &c; No. 94, concerning Clerks and Masters in Equity.

In which they ask the concurrence of the Senate.

No. 114, concerning Habeas Corpus, was read the first and second times and passed and, on motion of Mr. Edwards, referred to the Judiciary Committee.

The other named bills were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. Edwards,

Ordered, That a message be sent to the House of Commons, proposing to vote for a Judge to-morrow at 12 o'clock, and informing that House, that Robert R. Heath is withdrawn from the nomination; and that the name of Edward Hall, is added thereto.

The Senate proceeded to consider the bill, entitled a bill to repeal an act, for the better administration of Justice in the County of Haywood, passed in the year 1833, chapter 41, and for other purposes; which was read the second and third times and passed, and ordered to be enrolled.

A bill, entitled a bill, to authorize William L. Blount and his associates, to erect a bridge across great Contentnea
Creek, near Washington's Ferry on said Creek, was taken up for consideration, and, on motion of Mr. J. W. Bryan, was ordered to lie upon the table.

On motion of Mr. Arrington, the Senate adjourned until to-morrow morning, 10 o'clock.

**Wednesday, January 11, 1837.**

Mr. Bunting presented the resignation of John Spell, as Major of the 32d Regiment of North Carolina Militia, which was read and accepted, and sent to the House of Commons.

The Senate proceeded to consider the engrossed bill, entitled a bill to incorporate the Town of Greensboro' in the county of Guilford, which was read the second and third times and passed, and ordered to be enrolled.

The bill, entitled a bill to authorize the Commissioners of Salisbury to borrow money, and for other purposes, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, concurring in the proposition of the Senate, to go into an election of a Judge of the Superior Courts, this day, at twelve o'clock, and stating that Messrs. Hawkins and Granberry form their branch of the Committee of superintendance.

Received from the House of Commons a message, stating that they have passed the following Revised bills, to-wit:

No. 13, Executors and Administrators; No. 66, concerning the Supreme Court; No. 84, Deeds and Conveyances; No. 113, Criminal Proceedings.

In which they ask the concurrence of the Senate.

The above named bills were severally read three times and passed, and ordered to be enrolled.

The hour of 12 having arrived, the Speaker announced to the Senate, that Messrs. Albright and Bunting form our branch of the Committee, to superintend the election of
Judge; and the House of Commons was informed thereof by message.

Whereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. BAILEY, ARE:

Messrs. Waddell, (Speaker) Messrs. Melchor,
Albright,
Bryan, of C. & J.
Burney,
Carson,
Davidson,
Dockery,
Hargrave,
Jones,
Kelly,

Those who voted

FOR MR. HALL, ARE:

Messrs. Arrington, Messrs. Joyner,
Baker,
Barnett,
Bryan, of Craven,
Bunting,
Dobson,
Edwards,
Hall,
Hawkins,

Messrs. Exum, Hussey and Marsteller, voted for Mr. Stanly; Messrs. Fox, Houlder and Reid, for Mr. Heath; Mr. Cooper, of Martin, for Mr. Moseley; Mr. Gudger, for Mr. Morehead; and Mr. Sanders, for Mr. Bryan.

Mr. Albright, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts, reported that no person in nomination having received a majority of the whole number of votes given, consequently, there is no election; in which report the Senate concurred.
Whereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge immediately; which was read and agreed to.

Received from the House of Commons a message, stating that Messrs. Byrd and Loudermilk form their branch of the Committee to superintend the election for Judge. The Commons will vote on the return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Burney and Cooper, of Martin, form our branch of the Committee, to superintend said election; and the House of Commons being informed thereof by message,

The Senate then proceeded to vote as follows, to wit:

Those who voted

FOR MR. BAILEY, ARE:

Messrs. Waddell, (Speaker) Messrs. Kelly,
Albright, Moody,
Bryan, of C. & J. Moye,
Burney, McCormick,
Carson, Myers,
Dockery, Polk,
Davidson, Reding,
Hargrave, Skinner,
Joyner, Taylor,
Jones, Williams—20.

Those who voted

FOR MR. HALL, ARE:

Messrs. Arrington, Messrs. Houlder,
Baker, Kerr,
Bryan, of C. Mcbane,
Bunting, Moseley,
Cooper, of M. Morehead,
Dobson, Moore,
Dobson, Reid,
Edwards, Reinhardt,
Fox, Whitaker—19.

Hall,
Hawkins,
Mr. Barnett voted for Mr. Devereux; Messrs. Exum, Hussey and Marsteller, for Mr. Stany; and Messrs. Melchor and Sanders, for Mr. Bryan.

Mr. Cooper, of Martin, from the Committee on the part of the Senate, to superintend the election of Judge for the Superior Courts of Law and Equity for this State, reported that John L. Bailey, having received a majority of the whole number of votes given, is duly elected; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Resolution instructing that Committee to enquire into the expediency of allowing compensation to the several Sheriffs of this State, for making returns of the election of Governor, reported a bill, entitled a bill to amend an act, entitled an act concerning the election of Governor and Members of the General Assembly, passed in the year one thousand eight hundred and thirty-five;—which was read the first, second and third times, and passed, and ordered to be engrossed.

On motion of Mr. Edwards, the Senate proceeded to consider the bill, entitled a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money; which was read the third time.

Thereupon, Mr. McCormick moved that it lie on the table.

The question recurring thereon, it was decided in the affirmative—Yea 23, Nays 22.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

Those who voted in the negative, are:

Messrs. Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hall, Hargrave, Hawkins, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, Sanders and Spruill—22.

So the bill was laid on the table.

On motion of Mr. Kelly, the Senate proceeded to consider bill No. 78 of the Revised Code, concerning the Literary Fund; which was read the third time, passed, and ordered to be engrossed.

On motion of Mr. Mebane, the Senate resolved itself into a Committee of the Whole, Mr. Edwards being called to the Chair. Whereupon, the bill, entitled a bill to lay off and establish a county by the name of Jefferson, was read the second time.

The Committee having spent some time therein, on motion of Mr. Marsteller, the Committee rose, and the Chairman reported the bill to the Senate.

The question recurring on the passage of the bill, it was decided in the negative Yeas 20, Nays 24.

Mr. Mebane demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the bill was rejected.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning, 10 o’clock.

Thursday, January 12, 1837.

Mr. Marsteller, from the joint select Committee, appointed on the part of the Senate, to enquire into the ne-
cessity of appointing one or more additional engrossing Clerks, reported a Resolution authorising the Principal Clerks of the two Houses, to employ one or more Assistant Engrossing Clerks; which was agreed to.

Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, concurring in the amendment made by the Senate, to the Revised Bill concerning Attorney General and Solicitors. Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed Resolutions, to wit:

- Resolution in favor of the heirs at law, of James McIntire, deceased, or their legal Representatives; Resolution in favor of Edward Stauly, Solicitor; Resolution in favor of George Hoover, Sheriff of Randolph county; Resolution authorising the Governor to make provision for receiving the Surplus Revenue; in which they ask the concurrence of the Senate; which were severally read three times, passed, and ordered to be enrolled.

Mr. J. W. Bryan presented the following Resolutions, to wit:

Resolved, That the Surplus money of the United States, to be deposited in the Treasury of this State, ought to be profitably employed; and that the same shall be invested in such manner, as to secure the capital, and also to advance the great interests of the State.

Resolved, That the money in the Treasury, and all the Stocks belonging to the State, and debts owing to the State, except the bonds for Cherokee Lands not paid, shall be restored to the Public Treasury, notwithstanding they may have heretofore been allotted to the Board of Internal Improvement, or the Literary Fund; and that these, together with the Surplus money, to which the State is entitled, under the Act of Congress, "to regulate the depositories of the public moneys," shall constitute a common fund, to be regulated and disposed of as follows:

1st. That the State debt of four hundred thousand dollars, shall be purchased in, and such provisions made by
law, as will stop the interest, and prohibit the re-issue of the scrip, except it shall be made necessary on a demand by the General Government, for re-payment of the surplus money deposited in this State.

2d. The Literary Fund shall consist of the Swamp lands of this State, not heretofore entered by individuals. And also, the following Stocks, to wit:

- 6,000 Shares of Stock in State Bank, cost $600,000
- 2,122 " of do. in Bank of Cape Fear, 212,200
- Cash to be immediately invested in Stock (Bank) 187,800

which is to accumulate as heretofore, for purposes of Education; and also, $200,000 to be appropriated, as far as it may be needed, and can be judiciously applied in reclaiming the Swamp lands of said Board.

The Internal Improvement Fund shall consist of the Cherokee bonds, not yet paid, as is now required by law, the Cherokee lands not sold, the debts owing to said Board, as heretofore constituted, or to the State for funds loaned from the Internal Improvement Fund, and one million and forty thousand dollars of the money now or hereafter to be received into the Treasury, until otherwise provided by law.

3. Resolved, That the President and Directors of the Literary Fund, shall be authorised to expend not exceeding $200,000, to reclaim the lands belonging to said Fund: Provided, the Board think it can be beneficially laid out. It is expedient to provide, by law, for re-organizing the said Board, and to clothe them with power by themselves, or their agents, to enter on the lands of other persons, for the purpose of surveying, &c; to devise a system of equitable assessment on the lands, which may be drained by the works belonging to individuals, and to enforce its payment with proper restrictions, or to establish rules, by which individuals may be allowed to share in their works when projected, and be exempted from any assessment, and such other constitutional powers as may be needed to put into execution the great improvement herein contemplated, and to sell the lands reclaimed; but the canal, or canals that may be excavated by them, shall, in no event,
be sold to individuals. The Board, however, shall drain the lands by contract or contracts, with others, at specified prices agreed on with contractors, who shall give bond and security to perform the contracts, under such restrictions, and upon such conditions, as may be prescribed.

4. Resolved, That the Board of Internal Improvement ought to be re-organized; and that they be authorized to subscribe the whole disposable amount of the Internal Improvement Fund, to be divided pro rata among the several incorporated Rail Road Companies, hereinafter mentioned, according to the amount of Capital Stock which it may require to construct, or complete the same, viz: To the North Carolina Central Rail Road Company, according to the amount of Capital which may be required to build the same from Beaufort to Fayetteville; to the Wilmington and Raleigh Rail Road Company, according to the amount of Capital which may be required to construct said Rail Road; to the Edenton and Norfolk Rail Road, according to the amount of Capital that may be ascertained to be necessary to construct the same from Edenton to the Virginia line; and to the Fayetteville and Yadkin Rail Road Company, as soon as individuals, able to pay, shall subscribe the balance of the Capital that may be ascertained to be necessary to construct said Rail Roads by competent Engineers: Provided, That no subscription on the part of the State, shall exceed two-fifths of the Capital required to construct any of the said roads, and twenty-five per cent. or more on the Shares of individuals, shall be actually paid in before the State shall be called on to pay any thing on her subscription, so as to prevent any imposition by individual Stockholders, first expending the money of the public, and then failing to pay their own subscriptions, or to enforce collections from individuals.

5. Resolved, That in case any of the said Rail Road Companies should fail to receive the proportion of said Fund, so sought to be invested, or should be unable, from any cause, to go into operation upon the terms herein proposed, the share or proportion of any such Company shall be profitably invested by the President and Directors of the Literary Fund, for the benefit of said Fund.

6. Resolved, That the interest and dividends accruing on the Internal Improvement Stocks, shall be appropriated to the Fund for
Resolved, That the foregoing Resolutions shall be referred to a joint select Committee, with instructions to prepare bills for carrying the same into effect; and said Committee shall have leave to sit during the session of both Houses.

Which was read. Thereupon, on motion of Mr. J. W. Bryan, ordered to lie on the table.

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 concerning the county of Davie; a bill to lay off and construct a road from the town of Franklin, in Macon county, across the Nantahala Mountain, to Valley River, and thence to the Georgia line.

The first named bill was read three times, passed, and ordered to be enrolled.

The last named bill was read the first, second, and third times. The question recurring on the passage of the bill the third reading, it was decided in the affirmative—Yeas 24, Nays 21.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The Bill was then ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised Bill, No. 95, concerning county Revenue and Charges; in which they ask the concurrence of the Senate.

The bill was read three times and passed, and ordered to be enrolled.

Mr. Edwards moved that the Senate proceed to consider the bill, entitled a bill to provide for the investment and
safe-keeping of the monies which shall be deposited with this State, under the Act of Congress “to regulate the depositories of the public money.” The question recurring thereon, it was decided in the affirmative, Yeas 27, Nays 18.

Mr. Sanders demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Whereupon, on motion of Mr. Taylor, the Senate resolved itself into a Committee of the whole, Mr. Polk being called to the Chair, and then took into consideration the aforesaid bill, and after some time spent therein, on motion of Mr. Kelly, the Committee rose, and the Chairman reported the bill to the Senate, and obtained leave to sit again.

On motion of Mr. Spruill, the Senate adjourned until to-morrow morning, 9 o'clock.

**Friday, January 13, 1837.**

On motion of Mr. Cowper, of Gates and Chowan,

 Ordered, That Mr. Lindsay have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

The Senate proceeded to consider the engrossed bill to incorporate the Hiwassee Turnpike Company, and for other purposes; which was read the first and second times and passed. Read the third time. Thereupon, on motion of Mr. Exum, ordered to lie on the table.

Mr. Reid, from the joint select Committee, to whom was referred a Resolution relative to contested elections for
Governor, reported a bill, entitled a bill prescribing the manner in which contested elections of Governor shall be determined in this State; which was read the first and second times and passed.

Received from the House of Commons a message, proposing that the joint Resolution to adjourn sine die, on the 14th instant, be rescinded, and proposing that the two Houses adjourn sine die, on Wednesday the 18th instant; which was read and ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed Resolutions, to wit:

Resolution concerning enrolled bills; Resolution in favor of William Merry, Sheriff of Camden county; in which they ask the concurrence of the Senate.

The first named Resolution was read; and, on motion of Mr. Edwards, ordered to lie on the table.

The last named Resolution was read three times, passed, and ordered to be enrolled.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing that the Committee on enrolled bills of the two Houses, be increased, in the Senate to six, and twelve on the part of the House of Commons; and that they have leave to sit during the session of the two Houses.

On motion of Mr. Edwards, the proposition from the House of Commons, that the joint Resolution, to adjourn sine die, on the 14th instant, be rescinded, and proposing that the two Houses adjourn sine die, on Wednesday, the 18th instant, was taken up for consideration, read, and concurred in; and the House of Commons informed thereof by message.

Mr. Moseley presented the following Resolution, viz:

Resolved, That the Public Treasurer pay to Green Hill, the sum of thirty dollars and eleven cents, for sundry articles furnished for the use of the Legislature; and that he be allowed the same in the settlement of his public accounts.
Which was read three times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller,

Ordered, That Mr. Mebane have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Edwards,

Ordered, That Mr. Hall have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Edwards, the Senate resolved itself into a Committee of the whole, Mr. Polk being called to the Chair. Thereupon, the unfinished business of yesterday was taken up, to wit:

A bill to provide for the investment and safe-keeping of the monies which shall be deposited with this State, under the Act of Congress, "to regulate the deposits of the public money;" and, after having spent some time therein, thereupon, on motion of Mr. Waddell, the Committee rose, and the Chairman reported progress, and obtained leave to sit again.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

**Saturday, January 14, 1837.**

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolution, to wit:

A bill concerning depositions of persons confined in jail; a Resolution in favor of the Oconalufy Turnpike Company; in which they ask the concurrence of the Senate.

The above named bill and Resolution were read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution, that the
Principal Clerks of the two Houses be, and they are hereby authorised to employ two additional Engrossing Clerks, with an amendment; which was read and concurred in.

Received from the House of Commons a message, concurring in the amendments made by the Senate, to the Revised Bill, No. 18. Ordered that said bill be enrolled.

On motion of Mr. Arrington,

Ordered, That Mr. Polk have leave of absence from the service of the Senate, from and after Tuesday next, the balance of the session.

Received from the House of Commons a message, stating that they have passed the Revised Bill, No. 4, concerning the Militia of the State, with sundry amendments; which were read and concurred in.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election immediately, for a Trustee of the University, to supply the vacancy occasioned by the resignation of P. W. Kittrell; and informing that House, that Andrew Joyner is in nomination for the appointment.

The Senate proceeded to consider the bill prescribing the manner in which contested elections of Governor shall be determined in this State; which was read the third time and passed, and ordered to be engrossed.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a Resolution relative to altering the times of holding the Courts in the Edenton District, reported unfavorably thereon; in which report the Senate concurred. The Committee was then discharged from the further consideration of the subject.

Mr. Baker presented the following Resolution, to wit:

Resolved, That the Committee on Internal Improvement, be instructed to enquire into the expediency of making an appropriation of dollars to complete a road leading from Morganton, in Burke county, across the Great Iron Mountain, into the State of Tennessee; and that they report by bill or otherwise.

Which was read and adopted.
Received from the House of Commons, the resignation of John C. Taylor, as a Justice of the Peace for the county of Granville; which was read and accepted.

The Senate proceeded to consider the engrossed bill, entitled a bill to incorporate the Hiwasse Turnpike Company, and for other purposes; which was read the third time, and thereupon, on motion of Mr. Edwards, was postponed indefinitely.

Received from the House of Commons a message, in which they do not agree to vote immediately for a Trustee of the University.

On motion of Mr. Edwards, the Senate resolved itself into a Committee of the Whole, Mr. Polk being called to the Chair. Thereupon, the Committee took up the unfinished business of yesterday, to-wit: a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money.

After having spent some time therein, the Committee rose, and the Chairman reported the bill, with an amendment, to the Senate.

Thereupon, Mr. Williams moved that the bill and amendment be postponed indefinitely.

The question recurring thereon, it was decided in the negative—Yeas 5, Nays 40.

Those who voted in the affirmative, are:
Messrs. Arrington, Hall; Houlder, Spruill and Williams—5.

Those who voted in the negative, are:

The question then recurred on the adoption of the following amendment, to-wit:
Strike out all the bill, after the second section, and insert in lieu thereof the following:

Be it enacted, That the Governor for the time being, and four other persons elected by joint vote of both Houses of the General Assembly, be, and they are hereby constituted
a Board, to be known as the "Board of Public Works," to which shall be assigned the superintendance of all such works as are hereinafter provided for.

Be it further enacted, That the residue of the monies received by North-Carolina from the United States, under the provisions of the act of Congress aforesaid, be, and the same are hereby constituted a Fund for the Internal Improvement of this State, and that the Board of Public Works be authorized and directed to subscribe two-fifths of the Capital Stock of the Wilmington and Raleigh, and Fayetteville and Western Rail Roads, or such other sum, in just proportion between the said Companies, as the Fund hereby created shall enable the said Board to subscribe, whenever three-fifths of said stock shall be subscribed by individual subscribers, and twenty-five per centum on each share so subscribed, shall have been paid.

Upon this question Mr. Edwards called for the Yeas and Nays, which was decided in the negative—Yeas 19, Nays 26.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Whereupon, Mr. J. W. Bryan moved that the bill be laid on the table; and the question recurring thereon, it was decided in the affirmative—Yeas 27, Nays 18.

Mr. Houlder demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

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MESSRS. Albright, Arrington, Baker, Bryan, of Craven, Bunting, Cooper, of Martin, Edwards, Exum, Fox, Hall, Houlder, Kerr, Marsteller, Mebane, Morehead, Sanders, Skinner and Williams—18.

So the bill was laid upon the table.

Received from the House of Commons, the resignation of Thomas G. Polk, as a Justice of the Peace for the county of Rowan; which was read and accepted.

On motion of Mr. Exum, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 16, 1837.

Mr. Taylor, from the Committee on Education and the Literary fund, to whom was referred the memorial of the Trustees of Donaldson Academy and Manual labor School, reported unfavorably to the prayer of the memorialists, and asked to be discharged from the further consideration of the subject. The Committee was discharged accordingly.

On motion of Mr. Moye, the Senate proceeded to consider the bill, entitled a bill to authorize William L. Blount and his associates, to erect a bridge across Great Contentnea Creek near Washington's Ferry on said Creek, which was read the second time, and, on motion of Mr. Moye, amended and passed. The bill was then read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, concurring in the proposition of the Senate, to increase the Committee on enrolled bills, and informing the Senate that Messrs. Blount, Brummell, Cansler, Clement, Covington, Gilliam, Granberry, Howard, Jefferson, Patton, Satterthwaite and E. Jordan, form their branch of the Committee.

Whereupon, the Speaker announced to the Senate, that Messrs. Moseley, Davidson, Taylor, Moore, Arrington and Marsteller, form our branch of the Committee on enrolled bills, and the House of Commons was informed thereof by message.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the bill for the better security of per-
sonal liberty, being No. 114 of the Revised Code, reported the said bill to the Senate with the following amendment, to-wit:

Strike out in the second line of the first section of the bill the following words, "unless for treason or felony plainly expressed in the warrant of commitment." The Committee was then discharged from the further consideration of the subject.

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

Mr. Moseley presented a Resolution in favor of the Door-keepers, which was read three times and passed, and ordered to be engrossed.

On motion of Mr. Edwards, the Senate proceeded to consider the bill, entitled a bill to provide for the investment and safe-keeping of the monies, which shall be deposited with this State, under the act of Congress to regulate the depositories of the public money, which was read the third time.

Thereupon, Mr. J. W. Bryan moved to strike out all after the words "a bill," and insert in lieu thereof a substitute therefor, embracing the two-fifths system.

The question recurring thereon, it was decided in the negative, Yeas 23, Nays 24.

Mr. Edwards demanding the Yeas and Nays, were as follows, to-wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Whereupon, Mr. Hargrave moved that the bill lie on the table, which was decided in the negative, Yeas 17, Nays 30.
Mr. Sanders called for the Yeas and Nays, which were as follows, to wit:

Those who voted in the affirmative, are:
Messrs. Albright, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Jones, Kelly, Melchor, Moore, McCormick, Polk, Reding and Taylor—17.

Those who voted in the negative, are:

The question then recurred on the passage of the bill the third reading, which was decided in the affirmative, Yeas 26, Nays 21.

Upon this question, Mr. Edwards called for the Yeas and Nays, which were as follows, to-wit:

Those who voted in the affirmative are:

Those who voted in the negative, are:
Messrs. Albright, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Hall, Hargrave, Jones, Kelly, Melchor, Moore, McCormick, Myers, Polk, Reid, Reding, Taylor, Williams and Whitaker—21.

The bill was then ordered to be engrossed.

Mr. Dobson presented the following Preamble and Resolution, to-wit:

Whereas, Surveys and Estimates are not only necessary to the successful construction of each particular line of Rail Road, but essential to enlightened legislation with respect to a general system of Internal Improvements,

Be it therefore Resolved, That the Board of Internal Improvement be authorized and directed to cause accurate surveys and estimates to be made by competent Engineers, for the purpose of ascertaining the best routes and probable cost of the construction of a Rail Road from Fayetteville, to the Yadkin River, in the direction to Beattie’s Ford, and from said line to Wilkesborough; and that the sum of thousand dollars be appropriated for this purpose.
Which was read and referred to the Committee on Internal Improvements.

The Senate proceeded to consider a bill, entitled a bill to amend an act passed in the year 1833, entitled an act to establish a Bank in the State of North-Carolina; which was read the first time, passed, and read the second time.

Thereupon, Mr. J. W. Bryan moved the following amendment, as an additional section, to-wit:

*Be it further enacted, That in case the stockholders of the said Bank should refuse to accept this amendment of the Charter, upon the terms therein prescribed, the amount of monies appropriated by the State, to be invested therein, shall be placed to the credit of the Public Treasurer, to be disposed of according to the third and fourth sections of an act, entitled an act to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money, passed at this session of the General Assembly.*

Which was agreed to. The bill then passed the second and third readings as amended, and was ordered to be engrossed.

The Senate proceeded to consider a bill, entitled a bill concerning the Bank of Cape Fear; which was read the first time and passed, and read the second time.

Thereupon, Mr. Joyner moved to strike out, in the tenth section and first line, the word "hereafter," and insert the words "within five years from the passage of this act, and not thereafter;" which was agreed to.

Mr. Morehead further moved to strike out the eleventh section; which was agreed to.

Mr. J. W. Bryan proposed the same amendment to this bill which he offered to the State Bank Bill; which was adopted.

The bill then passed its second and third readings, as amended, and was ordered to be engrossed.

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

A bill to incorporate the town of Rolesville; a Resolution in favor of Wm. Thompson.

Which were read three times, passed, and ordered to be enrolled.

Mr. Morehead presented a bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Stokes and Guilford; which was read three times and passed, and ordered to be engrossed.

Also a bill, entitled a bill to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Caswell; which was read three times and passed, and ordered to be engrossed.

Mr. Joyner presented the following Resolution, to wit:

Resolved, That the Public Treasurer be authorized and directed to pay to Leander Truitt, one dollar per day, for his services as Messenger to the Senate and Assistant Doorkeeper, the present session—and that he be allowed the same in the settlement of his Public Accounts.

Which was read three times, passed, and ordered to be engrossed.

Mr. Marsteller presented the following Resolution, to wit:

Resolved, That from and after to-morrow, no bill shall be introduced by any member of this body, during the balance of this session, without the consent of two-thirds of said body, first had and obtained.

Which was read, and not agreed to.

Mr. Taylor presented the following Resolution, to-wit:

Resolved, That hereafter, it shall be the duty of the Principal Clerks of the Senate and House of Commons, to appoint the Engrossing Clerks for both branches of the Legislature.

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

On motion of Mr. Carson, the Senate proceeded to consider the bill, entitled a bill to erect a county by the name of Cleveland, out of parts of Lincoln and Rutherford.
Thereupon, Mr. Spruill moved that said bill be postponed indefinitely.

The question recurring thereon, it was decided in the affirmative—Yeas 26, Nays 17.

Mr. Marsteller called for the Yeas and Nays, which were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albright, Baker, Carson, Davidson, Dobson, Gudger, Hargrave, Jones, Kelly, Melchor, Morehead, Moore, McCormick, Myers, Polk, Reid and Reding—17.

So the bill was postponed indefinitely.

The Senate proceeded to consider a bill to incorporate the Roanoke Valley Rail Road Company; which was, on motion of Mr. Joyner, rejected.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning, 10 o'clock.

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Tuesday, January 17, 1837.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to ballot immediately for a Trustee of the University, to supply the vacancy occasioned by the resignation of P. W. Kittrell; and informing that House that Col. Andrew Joyner is in nomination for the appointment.

Mr. Hawkins, from the joint select Committee, to whom was referred the repairs of the Governor's House, the furniture for the same, and the repairs for the out Houses, and the enclosures of the grounds, reported the following Resolution, to wit:
Resolved, That the sum of five thousand dollars be paid by the Public Treasurer, for the repairs of the Government House, out buildings and enclosures, and for furniture to furnish the same, to be drawn by warrant from the Governor, and expended by his directions.

Which was read three times, passed, and ordered to be engrossed.

Mr. J. W. Bryan presented the following Resolution, to wit:

Resolved, That the Public Treasurer be, and he is hereby authorised to pay to the Hon. Richard D. Spaight, late Governor of this State, the sum of four hundred dollars, in payment of the balance of salary due him, for the additional time he was compelled to perform the duties of Governor, according to the Ordinance of the late Convention, and for the use of the Government House by the General Assembly.

Which was read three times, passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot immediately for a Trustee of the University, and informing the Senate that Messrs. Adams and Byrd, are the Committee on the part of that House.

Whereupon, the Speaker announced to the Senate that Messrs. Burney and Marsteller, form our branch of the Committee to superintend said election; and the House of Commons was informed thereof by message.

Mr. Marsteller, from the Committee on the part of the Senate, to conduct the balloting for Trustee of the University, reported that Andrew Joyner, having received a majority of the whole number of votes given, is duly elected; in which report, the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred Bill, No. 2, of the Revised Code, concerning Entries and Grants of Land, reported the same bill to the Senate; which was read the second time.

Thereupon, Mr. J. W. Bryan moved to strike out the amendment marked "A."
The question recurring thereon, it was decided in the affirmative. The bill then passed its third reading as amended.

Mr. Reinhardt moved that the Senate do now reconsider the vote of yesterday, by which was passed the bill, entitled a bill to provide for the investment and safe-keeping of the monies which shall be deposited with this State, under the Act of Congress, "to regulate the deposits of the public money."

Upon this question, Mr. Edwards demanded the Yeas and Nays; and the question recurring thereon, it was decided in the negative—Ayes 22, Noes 23.

Those who voted in the affirmative, are:

Those who voted in the negative, are:

So the Senate refused to reconsider said bill.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the bill No. 86, of the Revised Code, concerning Limitations; which was read the third time.

Thereupon, Mr. J. W. Bryan moved the following Provisio, to the end of the first section, to wit:

Provided also, That if in any action of ejectment for the recovery of any lands, tenements, or hereditaments, judgment be given for the Plaintiff, and the same be reversed for error, or a verdict pass for the Plaintiff, and upon matter alleged in arrest of Judgment, the judgment be given against the Plaintiff, that he take nothing by his plaint, writ, or bill, or a verdict be given against the Plaintiff, in all such cases, the party Plaintiff, his Heirs or Executors, as the case shall require, may commence a new action or suit, from time to time, within one year after such judgment reversed, or judgment given against the Plaintiff.

The question recurring thereon, it was decided in the
affirmative. The bill then passed, as amended, and ordered to be enrolled.

On motion of Mr. Marsteller, an appeal from the decision of the Chair was taken, whether it was in order, to lay on the table, an engrossed bill, amended in the House of Commons, and returned to the Senate for its concurrence in said amendments.

Upon this motion, Mr. Cooper, of Martin, demanded the Yeas and Nays; and the question recurring thereon, it was decided against the decision of the Chair.

Those who voted to sustain the decision of the Chair, are:

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Joyner, Jones, Melchor, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner and Taylor—19.

Those who voted in the negative, are:

MESSRS. Arrington, Barnett, Bryan, of Craven, Bunting, Buracy, Cooper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hargrave, Hawkins, Houlder, Hussey, Kerr, Kelly, Marsieller, Moody, Moseley, Mote, McCormick, Reid, Sanders, Spruill, Williams, and Whitaker—27.

Mr. Baker presented the following Preamble and Resolution, to wit:

Whereas, John and Thomas Webb, of the county of Yancy, through their Agent, Thomas Baker, have overpaid into the Treasury of this State, in their purchase money for the entry of land, the sum of seven dollars and fifty cents. Therefore

Resolved, That the Public Treasurer refund to the said Thomas Baker, agent as aforesaid, the sum of seven dollars and fifty cents, overpaid as aforesaid.

Which was read three times, passed, and ordered to be engrossed.

On motion of Mr. Spruill,

Ordered, That Mr. Skinner have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, stating that they have passed the engrossed bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on cer-
tain terms and conditions, with sundry amendments; in which they ask the concurrence of the Senate.

The amendment marked A. was read. Thereupon, Mr. Reid moved the following as an amendment thereto, to wit:

"But nothing herein contained, shall be so construed, as to prevent the Legislature of this State from repealing, altering, or amending this act, at any time hereafter."

The question recurring thereon, it was decided in the negative. There being an equal division, the Speaker voted in the negative, and the amendment was lost.

Mr. Fox demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Kelly moved the following Proviso to the first amendment, to wit:

Provided, That no Note or Bill shall be allowed to be issued by the Branch in this State, which shall not be payable at the said Branch.

Which was agreed to.

Whereupon, the amendment marked B., was read and concurred in.

Thereupon, Mr. Marsteller moved the following amendment thereto, to wit: Add the words, none but citizens of the United States shall be Stockholders.

The question recurring thereon, it was decided in the affirmative, Yeas 26, Nays 21.

Mr. Cooper, of Martin, demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:
Those who voted in the negative, are:

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner, and Taylor—21.

WHEREUPON, Mr. Marsteller moved that the bill and amendments be laid on the table.

The question recurring thereon, it was decided in the negative—Yeas 24, Nays 23.

The Speaker voting in the negative, making an equal division, consequently the motion was lost.

Mr. Kerr called for the Ayes and Noes, which were ordered.

Those who voted in the affirmative are:


Those who voted in the negative, are:

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Sanders, Skinner Spruill, and Taylor—23.

So the amendments proposed by the House of Commons were concurred in.

Mr. J. W. Bryan presented the following Resolution, to wit:

Resolved, That the Committee on Internal Improvement, be instructed to enquire into the expediency of reporting a bill making an appropriation for a survey of the Central Rail Road route, from Beaufort to the termination of the Fayetteville and Yadkin Rail Road, at the town of Fayetteville:

Which was read and adopted.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the memorial of several hundred citizens of Fayetteville, praying the Legislature to authorise a subscription of two-fifths of the Capital necessary to construct a Rail Road from Fayetteville to the Yadkin river, whenever three-fifths thereof shall have been
subscribed by individuals, reported a bill making an appropriation in favor of the Fayetteville and Western Rail Road Company; which was read the first time and passed. Read the second time. The question recurring thereon, it was decided in the affirmative—Yea 24, Nays 17.

Mr. Skinner demanding the Yeas and Nays, were as follows, to-wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Arrington, Bryan of Craven, Edwards, Exum, Hall, Hargrave, Houlder, Kerr, Lindsay, Marsteller, Moody, Moxe, Reid, Sanders, Skinner, Spruill and Williams—17.

The bill then passed its second and third reading, and ordered to be engrossed.

The Senate then adjourned until four o'clock, P. M.

FOUR o'clock, P. M.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 115, concerning Inspections and Public Landings; No. 90, concerning Courts of Justice; No. 104, concerning Roads, Ferries and Bridges; No. 112, concerning Public Arms; No. 103, concerning the General Assembly; No. 105, Slaves and Free Persons of Colour; No. 102, Appeals and Proceedings in the nature of Appeals.

In which they ask the concurrence of the Senate.

No. 115, concerning Inspections and Public Landings, was read three times, amended and passed, and ordered to be enrolled.

All of the above named bills were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. J. W. Bryan, the Senate adjourned until to-morrow morning, 10 o'clock.
Mr. Polk, from the Committee on Finance to whom was referred the report of the Public Treasurer, reported the following Resolution:

Resolved, That the Public Treasurer be allowed a credit for the sum of one hundred and eighty-four dollars and eighty cents, the amount of Treasury notes burnt, in the settlement of his Public accounts.

Which was read three times and passed, and ordered to be engrossed.

Mr. Polk, from the same Committee, to whom was referred a resolution instructing them to enquire into the propriety of making a suitable compensation to the Public Treasurer, for additional services performed by him in relation to the Cherokee bonds, as well as additional labor and expense incurred in preparing the scrip for the State loan of four hundred thousand dollars, reported the following Resolution, viz:

Resolved, That Samuel F. Patterson, Public Treasurer, be allowed the sum of two hundred dollars for extra services in taking Cherokee bonds.

Which was read three times, passed, and ordered to be engrossed.

Mr. Cooper, of Martin, presented the following Preamble and Resolution, to-wit:

Whereas, This General Assembly has caused the Revised Statute laws of North-Carolina, to be re-enacted, and here become the laws of the land, and the acts of this General Assembly.

Be it therefore Resolved, That it shall be the duty of the Secretary of State, to have the same bound in a book, with a reasonable quality of leather, and that he transmit one copy of the said laws to each Member of the Legislature, and one copy to each Justice of the Peace, within the several counties of this State, and one to each of the Clerks of the County and Superior Courts within this State, and that the Treasurer shall, on the warrant of the Governor, pay to the Secretary of State, the amount of the increased expense for usual copies of the Acts of Assembly.

Which was read the first time and passed, and ordered to lie on the table.
Mr. Marsteller presented the following Resolution, viz:

Resolved, That the Public Treasurer pay to Thomas G. Scott, P. M. in the City of Raleigh, the amount of postage incurred by the Speakers of the two Houses of this General Assembly, in their official capacity, and that he be allowed a credit for the same, in the settlement of his public accounts.

Which was read three times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to amend the Charter of the Portsmouth and Roanoke Rail Road Company, with sundry amendments; which were severally read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company, with sundry amendments; which were severally read and concurred in.

Received from the House of Commons a message, transmitting to the Senate a message from his Excellency the Governor, with a communication from the Executive of the State of Georgia, which was read, and, on motion of Mr. Moseley, ordered to lie on the table, and, on his motion, ordered to be printed.

Mr. Joyner, from the Committee on Internal Improvement to whom was referred the Resolution of the Senate, directing the Committee to cause surveys and estimates to be made of the most suitable route for a Rail Road, from the Town of Fayetteville to the Yadkin river, reported that the purpose contemplated by the said Resolution has been fully accomplished, so far as the same depended on the action of your Committee, by the bill accompanying the report of said Committee on the memorial of sundry citizens of the Town of Fayetteville, and therefore, asked to be discharged from its further consideration.

The Committee was discharged accordingly.

Received from the House of Commons, a message stating that they have passed the engrossed bill, prescribing the mode of surveying and selling the lands of this State
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lately acquired by Treaty from the Cherokee Indians, with sundry amendments, which were severally read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of the legal representatives of the late George W. Montgomery, and ask the concurrence of the Senate therein. Said Resolution was read three 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 provide for draining the Matamuskeet Lake in Hyde county; a bill to incorporate the Raleigh and Columbia Rail Road Company; also, a bill to encourage the Culture and Manufacture of Silk and Sugar, and ask the concurrence of the Senate therein.

The first named bill was read three times, passed, and ordered to be enrolled.

The bill to encourage the Culture and Manufacture of Silk and Sugar, was read the first time and passed, read the second time and amended, and, on motion of Mr. Cooper, of Martin, ordered to lie on the table.

Mr. Carson asked leave to withdraw from the file of the Senate, the papers relative to the county of Cleveland, which was granted.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the Resolution directing the Committee to enquire into the expediency of making an appropriation to complete a Road across the Iron Mountain, in the county of Yancy, reported a bill making an appropriation in favor of constructing a Road over the Iron Mountain, in the county of Yancy; which was read the first and second times, passed, and read the third time.

The question recurring thereon, it was decided in the affirmative—Yeas 28, Nays 11.

Mr. Exum called for the Yeas and Nays, which were as follows, to-wit:

Those who voted in the affirmative, are:

Messrs. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan, of
Carteret and Jones, Bunting, Carson, Cowper, of Gates and Chowan, Davidson, Dobson, Dockery, Edwards, Gudger, Hargrave, Joyner, Jones, Kerr, Kel- ly, Melchor, Moseley, Morehead, McCormick, Myers, Reid, Reding, Spruill and Williams—28.

Those who voted in the negative, are:

Messrs. Cooper, of Martin, Exum, Houkler, Hussey, Marsteller, Moody, Moye, Polk, Sanders, Taylor and Whitaker—11.

The bill then passed its third reading, and was ordered to be engrossed.

The bill to incorporate the Raleigh and Columbia Rail Road Company was read the first time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvement.

Mr. Spruill moved that the Senate do now re-consider the vote of yesterday, by which were passed sundry amendments to the amendments made by the House of Commons to the engrossed bill, entitled a bill conferring Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, and for other purposes.

The question recurring thereon, it was decided in the affirmative—Yeas 23, Nays 22.

Mr. Exum demanding the Ayes and Noes, were as fol- lows, to wit:

Those who voted in the affirmative, are:

Messrs. Albright, Baker, Bryan, of Carteret and Jones, Burney Carson; Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Mose- key, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner, Spruill and Taylor—23.

Those who voted in the negative, are:


Whereupon, the amendment proposed by Mr. Kelly, to- wit: "Provided, That no note or bill shall be allowed to be issued by the Branch in this State, which shall not be pay- able at said Branch"—was read, and the question recurring on its adoption, it was decided in the negative—Yeas 22, Nays 24.
Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Marsteller then moved the following amendment, to-wit:

“And the said Bank, at its Branch in this State, shall redeem the Notes of the Principal Bank and any of its Branches, with specie, whenever demanded—which should they fail to do, this Charter is hereby declared to be forfeited.”

The question recurring on its adoption, it was decided in the negative—Yeas 22, Nays 24.

Mr. Edwards called for the Yeas and Nays, which were ordered.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Whereupon, the following amendment proposed by Mr. Marsteller, to-wit: “None but citizens of the United States shall be Stockholders”—was read, and not agreed to.

So the amendments to said bill, proposed by the House of Commons, were concurred in, and the bill was transmitted thereto.

On motion of Mr. Morehead,
Ordered, That Mr. Kerr have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, proposing that the joint Resolution appointing this day for the final adjournment of the Legislature, be rescinded; which was read and concurred in.

On motion of Mr. Reinhardt, the Senate adjourned until 4 o'clock, P. M.

FOUR o'clock, P. M.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 65, concerning Insolvent Debtors; No. 110, concerning Widows; No. 101, Execution and Execution Sales; No. 25, Wills and Testaments; No. 8, concerning Divorce and Alimony; No. 100, concerning Crimes and Punishments.

In which they ask the concurrence of the Senate.

The above named bills, except No. 100, were severally read three times, passed, and ordered to be enrolled.

No. 100, concerning Crimes and Punishments, was read the first and second times, amended and passed, read the third time and passed, and ordered to be enrolled.

The Senate proceeded to consider bill No. 2, of the Revised Code, concerning Entries and Grants of Land; which was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Edwards,

Ordered, That Mr. Reinhardt have leave of absence, from and after to-morrow, from the service of the Senate, the remainder of the Session.

On motion of Mr. J. W. Bryan, the Senate adjourned until to-morrow morning, 10 o'clock.
Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the Resolution, instructing the Committee to enquire into the expediency of reporting a bill making an appropriation for a survey of the Central Rail Road route from Beaufort to the termination of the Fayetteville and Western Rail Road at the town of Fayetteville, reported a bill entitled a bill making an appropriation in favor of the North-Carolina Central Rail Road Company, and asked to be discharged from its further consideration. The Committee was discharged accordingly; whereupon the bill was read the first time and passed, and then read the second time. The question recurring thereon, it was decided in the affirmative, Yeas 23—Nays 10.

Mr. Edwards demanding the Yeas and Nays, were as follows, to-wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The bill then passed its second and third readings, and ordered to be engrossed.

Mr. Carson presented the following Resolution, to-wit:

Resolved, That the Principal Clerks of the two Houses be authorized to employ six or more Clerks, to assist the engrossing Clerks, to bring up the arrears of business in their hands, preparatory to the adjournment of this General assembly, at a price not exceeding six dollars per day.

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

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred a bill "entitled a bill," to incorporate the Raleigh and Columbia Rail Road Company, reported that the bill contains the usual provision of all similar acts, and recommended its passage, with an amendment, to-wit: Add the following, as an additional section:
Be it further enacted, That it shall be the duty of the said Company, to construct the said Rail Road by such route as may be deemed most eligible from Raleigh to Fayetteville, and from thence by the most eligible route to the dividing line between the States of North and South Carolina.

The question recurring on the adoption of the amendment, it was decided in the negative, Yeas 14, Nays 25.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

Messrs. Arrington, Bunting, Burney, Davidson, Dobson, Hargrave, Hussey, Joyner, Marsteller, Morehead, Moore, McCormick, Myers and Sanders—14.

Those who voted in the negative, are:


Mr. McCormick moved the following amendment viz:

Be it further enacted, That in determining the route for the said Rail Road from the City of Raleigh to the dividing line of the States of North and South Carolina, none but bona fide Stockholders, resident in the State of North Carolina, shall be permitted to vote on the question.

Which was read, and not agreed to.

Thereupon, the bill was read the second time and passed, and read the third time.

Mr. Taylor moved to lay the bill on the table.

The question recurring thereon, it was decided in the affirmative—Yeas 19, Nays 17.

Mr. Kelly demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albright, Arrington, Carson, Cowper, of Gates and Chowan, Cooper,

So the bill was laid upon the table.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution, relative to the Governor’s House, with an amendment.

Which was read and not concurred in.

On motion of Mr. Morehead,

Ordered, That Mr. Dockery have leave of absence from the service of the Senate, from and after to-morrow.

On motion of Mr. Taylor,

Ordered, That Mr. Dodge, Assistant Clerk to the Senate, have leave of absence from and after Saturday next, the remainder of the session.

Received from the House of Commons a message stating that they have passed the engrossed Resolution, in favor of Kenneth Rayner.

Which was read three times, passed and ordered to be enrolled.

Received from the House of Commons the resignation of Lewis Y. Christmass, as a Justice of the Peace for the county of Warren; which was read and accepted.

Received from the House of Commons a message concurring in the amendment proposed by the Senate, to the engrossed bill to incorporate the Mutual Insurance Company of Fayetteville; also the amendments to the Revised Bills, Nos. 115 and 86. Ordered that said bills be enrolled.

Mr. J. W. Bryan presented a bill, entitled a bill to authorise and empower the Commissioners of Fayetteville, to raise, by way of loan, the sum of two hundred thousand dollars; which was read the first and second times and passed. Read the third time. The question recurring thereon, it was decided in the affirmative—Yea 28, Nays 7.

Mr. Cooper, of Martin, demanding the Ayes and Noes were as follows, to wit:

Those who voted in the affirmative, are:

Messrs. Albright, Bryan, of Craven, Bryan, of Carteret and Jones, Bun-
ting Burney, Dobson, Dockery, Gudger, Hargrave, Hussey, Joyner, Kelly, Marsteller, Melchor, Moody, Moseley, Moye, Morehead, McCormick, Myers, Polk, Reding, Reinhardt, Sanders, Spruill, Taylor, Williams, and Whita-ker—28.

Those who voted in the negative, are:


Ordered, that said bill be engrossed.

On motion of Mr. Kelly,

Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate, to the Revised Bills, Nos. 2, and 100. Ordered that said bills be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the North Carolina Central Rail Road Company, with an amendment; and asking the concurrence of the Senate therein; which was read and agreed to.

Mr. Polk, from the Committee of Finance, respectfully reported, that Daniel W. Courts, the Treasurer elect, having executed the bonds required by law, took the prescribed Oaths on the 18th day of January, 1837; and, on the morning of the 19th of the same month, commenced the duties of his office. He received from Samuel F. Patterson, late Public Treasurer, all the books, papers, furniture, and effects of every description belonging to the Office of Public Treasurer, together with all the public money's on hand on said day, amounting to the sum of fifty-five thousand one hundred and thirteen dollars and six cents.

Which was read and the Committee discharged from further consideration of the subject.

Ordered, That said Report be transmitted to the House of Commons, with a proposition that it be printed and attached to the laws.

Received from the House of Commons, the resignation
of Daniel A. Paschall, as Major of the 38th Regiment of North Carolina Militia.

Which was read and accepted.

On motion of Mr. Moore, the Senate adjourned until half past three o'clock, P. M.

Half past Three o'clock, P. M.

The Senate proceeded to consider the engrossed bill entitled a bill to encourage the culture and manufacture of Silk and Sugar; which was read the second time, amended on motion of Mr. J. W. Bryan, and passed, read the third time and passed, and ordered to be enrolled.

On motion of Mr. J. W. Bryan,

Ordered, That Mr. Spruill have leave of absence from the service of the Senate, from and after Saturday next, the remainder of the session.

On motion of Mr. Polk,

Ordered, That Mr. Gudger have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Marsteller,

Ordered, That Mr. Sanders have leave of absence from the service of the Senate, from and after Saturday next.

Received from the House of Commons a message, stating that they have passed the Revised bill, No. 7, concerning Bastardy:

In which they ask the concurrence of the Senate.

Said bill was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill making an appropriation in favor of constructing a Road over the Iron Mountain, in Yancey county.
Received from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit:

A bill to restore any person convicted of an infamous crime to the rights of citizenship; also, a bill allowing the several County Courts of this State to make compensation to Tales Jurors.

Received from the House of Commons a message, concurring in the Report of the Committee of Conference upon the Revised bill, No. 6.

Ordered, That said bill be enrolled.

On motion of Mr. Edwards, the Senate proceeded to consider the bill, entitled a bill to incorporate the Raleigh and Columbia Rail Road Company; which was read the third time.

Thereupon, Mr. Joyner moved to amend the bill, by striking out in the 30th section and 10th line, the word "eight," and insert in lieu thereof, the word "six."

Which was agreed to.

The question then recurring on the passage of the bill as amended, it was decided in the affirmative—Yeas 26, Nays 10.

Mr. Hargrave demanding the Yeas and Nays, which were ordered.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


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

Friday, January 20, 1837.

On motion of Mr. Arrington,

Ordered, That Mr. Moye have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.
Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolutions, to wit:

A bill to prevent frauds on the Cherokee Indians residing in this State; a Resolution in favor of John B. Jasper; also, a Resolution concerning Contingent expenses; in which they ask the concurrence of the Senate.

The bill to prevent frauds on the Cherokee Indians residing in this State; also, the Resolution concerning Contingent expenses, were each read three times and passed, and ordered to be enrolled.

The Resolution in favor of John B. Jasper, was read the first time and passed. Read the second time and rejected.

On motion of Mr. Taylor, the Senate proceeded to consider the Resolution relative to the appointment of Engrossing Clerks hereafter; which was read and rejected.

Received from the House of Commons a message, stating that they have rejected the engrossed bill, authorising the Courts of Pleas and Quarter Sessions of Cumberland county, to lay off the Public roads in said county into Districts, and for other purposes.

On motion of Mr. Reinhardt, the Resolution in favor of John B. Jasper, was re-considered.

Thereupon, on motion of Mr. Dobson, was ordered to lie on the table.

Received from the House of Commons a message, stating that they recede from their amendment, to the engrossed Resolution relative to the Government House.

On motion of Mr. Moseley,

Ordered, That Mr. Exum have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

And, on motion of Mr. Bunting,

Ordered, That Mr. Marsteller have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.
Mr. J. W. Bryan presented the following Resolution, to wit:

Resolved, That the Speaker of the Senate cause to be issued a writ of election to the Sheriff of Bertford county, authorising and empowering him to hold an election for Senator, at the several places of election in said county, on the second Thursday in August next, to fill the vacancy occasioned by the death of George W. Montgomery, late Senator from that county.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the redemption of scrip; and a bill to aid the Internal Improvements of this State; and asking the concurrence of the Senate.

The bill to aid the Internal Improvements of this State was read the first time and passed. Read the second time.

Thereupon, Mr. Taylor moved to add the following amendment, after the sixth Section, to wit:

Be it further enacted, That it shall be the duty of the Board of Internal Improvement, to subscribe two hundred thousand dollars in the Stock of the Raleigh and Gaston Rail Road Company, upon the same terms, conditions, and restrictions, as subscriptions are authorised to be made to the Wilmington and Raleigh, the Fayetteville and Western, and the North Carolina Central Rail Road Companies.

Which was read and rejected.

The question then recurring on the passage of the bill, the second reading, it was decided in the affirmative—Yeas 25, Nays 13.

Mr. Arrington called for the Ayes and Noes; which were ordered.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs Arrington, Bunting, Cowper, of Gates & Chowan, Exum, Houlder.
Hussey, Moody, Moye, Morehead, Myers, Reid, Williams, and Whitaker—13.

The bill being on its third reading, Mr. Reid moved the following amendment to the end of the sixth Section, to wit:

"And two-fifths of the Stock to the Milton and Salisbury Rail Road Company, upon the conditions of the other appropriations before mentioned in this act."

The question recurring thereon, it was decided in the negative—Yea 6, Nays 33.

Those who voted in the affirmative are:


Those who voted in the negative, are:


Mr. Morehead then moved to strike out Wilmington and Weldon Rail Road, and, upon this question, he demanded the Yeas and Nays, which were as follows, to wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Thereupon, Mr. Morehead moved that the bill be postponed indefinitely, and demanded the Yeas and Nays; and the question recurring thereon, it was decided in the negative, Yeas 13, Nays 26.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

The question then recurring on the passage of the bill, the third and last reading, it was decided in the affirmative—Yeas 26, Nays 13.

Mr. Houlden demanding the Yeas and Nays, were as follows, to-wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Ordered, That said bill be enrolled.

On motion of Mr. Moore, the Senate adjourned until four o'clock, p. m.

FOUR o'clock, P. M.

The Senate proceeded to consider the engrossed bill, entitled a bill to provide for the redemption of the Scrip issued by the State, under the act of the General Assembly, passed in the year 1835, and entitled an act to provide for the payment of the instalments on the Shares reserved to the State, in the Capital Stock of the Bank of the State of North-Carolina; which was read three times, passed, and ordered to be enrolled.

Received from the House of Commons the following Resolution, in which they ask the concurrence of the Senate, to-wit:

Resolved, by the General Assembly, that the President and Directors of the Literary Fund of North-Carolina be instructed to digest a plan for Common Schools, suited to the condition and resources of this State, and report the same to the next General Assembly.

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

On motion of Mr. J. W. Bryan,
Ordered, That Mr. Moseley have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the Session.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Bank of Cape Fear; in which they ask the concurrence of the Senate.

The bill was then read the first time and passed, and read the second time.

Thereupon, Mr. Morehead moved to strike out the last section of the bill; which was agreed to.

He further moved the following, as an additional section thereto, to-wit:

Be it further enacted, That in addition to the powers heretofore granted to the said Bank, they shall also have power to deal in bonds and promissory notes payable at the said Bank, or elsewhere, and shall not take more than at the rate of a half per cent for thirty days, for and on account of its loans or discounts; but this clause shall not be so construed as to prevent the charge of a commission for the collection of notes or bills payable without the limits of the State, for the transmission of money by check or draft: Provided further, that the said Bank shall not purchase or discount the bond or promissory note of any individual, or corporation payable elsewhere, than at said Bank, at a sum less than the true amount, or than would be the true amount actually due upon an equation of payment on such bond or promissory note.

The question recurring thereon, it was decided in the negative—Yeas 6, Nays 21.

Mr. Joyner demanding the Yeas and Nays, were as follows to-wit:

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albright, Arrington, Barnett, Bryan of Craven, Bryan of Carteret and Jones, Bunting, Burney, Davidson, Dobson, Exum, Gudger Hargrave, Houldcr, Joyner, Jones, Kelly, Marsteller, Melchor, Moody, Moseley, Moye,
Polk, Reid, Reding, Reinhardt, Sanders, Spruill, Taylor, Williams and Whitaker—31.

The bill then passed its second and third readings, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to drain the Swamp Lands of this State, and to create a Fund for Common Schools; in which they ask the concurrence of the Senate.

Said bill was read the first and second times, and passed.

Thereupon, Mr. Reid moved to strike out the words "two hundred thousand dollars;" which was not agreed to.

Whereupon, the bill was read the third time. The question recurring on its passage, it was decided in the affirmative—Yeas 27, Nays 10.

Mr. Reid demanding the Yeas and Nays, were as follows, to-wit:

Those who voted in the affirmative, are:

Messrs. Albright, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Gudger, Hargrave, Hussey, Joyner, Kelly, Marsteller, Melchor, Moody, Moseley, Moye, Moore, McCormick, Myers, Polk, Reinhardt, Sanders, Spruill, Taylor and Williams—27.

Those who voted in the negative, are:


Ordered, That said bill be enrolled.

On motion of Mr. Marsteller,

Ordered, That Mr. Lindsay have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

On motion of Mr. J. W. Bryan,

Ordered, That the three bills, disposing of the Surplus Revenue be printed, ten copies for each member.

On motion of Mr. Spruill, the Senate took up the Resolution in favor of John B. Jasper, which was read, and, on motion of Mr. Joyner, ordered to lie on the table.

On motion of Mr. Burney,
Ordered, That a message be sent to the House of Commons, proposing that the two Houses adjourn sine die to-morrow night, at 11 o'clock.

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

Saturday, January 21, 1837.

Mr. McCormick presented the following Resolution, to-wit:

Resolved, That the Governor issue his warrant on the Public Treasurer, in favor of Richard W. Ashton, for such sum as he may think him justly entitled to, in consideration of his services as Superintendent of the Government House.

Which was read the first time and passed, and read the second time.

Thereupon, Mr. McCormick moved to amend the Resolution by inserting the words, "shall not exceed two hundred dollars."

Which motion did not prevail.

Whereupon, on motion of Mr. J. W. Bryan, the Resolution was ordered to lie on the table.

Mr. Carson presented the following Resolution, to-wit:

Resolved, That the Secretary of State have re-bound such old Record books in his Office as require it, and that the Public Treasurer pay for the same on the Secretary's certificate.

Which was read three times and passed, and ordered to be engrossed.

Mr. J. W. Bryan presented a bill, entitled a bill to amend an act, entitled an act to aid Internal Improvements in this State, passed at the present session; which was read three times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they concur in the first amendment of the Senate, to the bill concerning the Bank of Cape Fear; but do not concur in the second amendment.
Whereupon, on motion of Mr. Morehead, the Senate insisted upon their amendment; and a message was sent to the House of Commons, informing them thereof.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill altering the time of holding the Courts of Pleas and Quarter Sessions of the county of Caswell, with an amendment which was read and concurred in—and the House of Commons was informed thereof by message.

On motion of Mr. Marsteller, the Senate proceeded to consider the engrossed Resolution in favor of John B. Jasper; which was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they recede from their disagreement to the amendment of the Senate, proposing to strike out section marked A, of the engrossed bill concerning the Bank of Cape Fear.

Ordered, That said bill be enrolled.

Mr. Bunting presented the following Resolution, viz:

Resolved, That the Governor be authorised to procure, at the expense of the State, twelve copies of the debates in Convention, to be deposited in the Public Library; and one copy for each State and Territory of the Union, and transmit the same to the respective Governors thereof.

Which was read three times and passed, and ordered to be engrossed.

Mr. Morehead presented the following Resolution, viz:

Resolved, That the thanks of the General Assembly be tendered to the Elders and Members of the Presbyterian Church in the City of Raleigh, for the use of their Bell during the present session.

Which was read and adopted.

On motion of Mr. Morehead,

Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Mr. Moseley presented the following Resolution, to wit:

Resolved, That the Public Treasurer be authorised to pay
to William Hill, Secretary of State, the sum of dollars, for extra services, in superintending the Public Printing, distributing the Acts and Journals of the General Assembly, and performing the duties of Librarian.

Which was read the first time and passed. Read the second time. Thereupon, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill, authorising William L. Blount and his associates, to erect a bridge across Great Contentnea Creek near Washington's Ferry on said Creek, with sundry amendments; which were read and concurred in, and the House of Commons was informed thereof by message.

The Senate then adjourned until four o'clock.

FOUR o'clock, P. M.

Mr. Marsteller moved that Mr. Bunting have leave of absence from the service of the Senate, from and after today, the remainder of the session; which was granted.

On motion of Mr. Joyner,

Ordered, That Mr. Kelly have leave of absence from the service of the Senate, from and after Monday next, the balance of the session.

Received from the House of Commons a message, stating that they have rejected the engrossed bill concerning the Bank of Cape Fear; also, the bill concerning the Bank of the State; also, a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money; also, the bill to authorize the Commissioners of Salisbury to borrow money, and for other purposes.

Mr. Taylor presented a bill, entitled a bill concerning Internal Improvement; which was read three times and passed, and ordered to be engrossed.
Received from the House of Commons a message, stating that they have rejected the engrossed bill to cure certain errors in Judicial proceedings in the Supreme Court; also, the engrossed bill concerning Special Magistrates in this State; also, a bill making an appropriation in favor of the Fayetteville and Western Rail Road Company; also, the bill making an appropriation in favor of the North-Carolina Central Rail Road Company.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to incorporate the Raleigh and Columbia Rail Road Company.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Revised Statutes, and asking the concurrence of the Senate.

The bill was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolutions, to-wit:

A bill to repeal in part an act, entitled an act for the better regulation of the town of Edenton, passed in 1831; a Resolution, directing an inquiry into the affairs of the Cape Fear Navigation Company; also, a Resolution relating to New River—in which they ask the concurrence of the Senate.

The above named bill and Resolutions were severally read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolution, to-wit:

A bill to make compensation to the Secretary of State for additional services required of him. A resolution relating to the Cape Fear Navigation Company.

In which they ask the concurrence of the Senate.

The bill and Resolution above mentioned, were each read three times and passed, and ordered to be engrossed.
Received from the House of Commons a message, stating that they have passed the engrossed bill, authorizing and empowering the Court of Pleas and Quarter Sessions, to appoint special Magistrates in counties, where there are now or hereafter may be incorporated Cities and Towns within the State.

In which they ask the concurrence of the Senate.

Said bill was read the first time and passed, and read the second time.

Thereupon, on motion of Mr. Williams, the bill was postponed indefinitely.

Mr. Polk presented the following Preamble and Resolution to-wit:

Whereas, it may so happen that there will be a necessity for money to meet the demands on the Public Treasurer, for the wages of members and the other current expenses of the Government, before the funds already appropriated to this purpose are actually received into the Treasury:

Therefore Resolved, That the Treasurer be, and he is hereby authorised to apply any of the money of the President and Directors of the Literary Fund, in the Treasury, which may be needed to defray the expenses of the State; but the same shall be replaced as soon as the Revenues of the State are received sufficient for that purpose.

Resolved further, That (if it shall become necessary) the Treasurer of the State may borrow from either of the Banks of this State, such sums as may be required to meet the current demands on the Treasury, not otherwise provided for, at a rate of interest, not exceeding six per cent. per annum: Provided, he shall not borrow more than fifty thousand dollars.

Which was read three times and passed, and ordered to be engrossed.

On motion of Mr. McCormick, the Senate proceeded to consider the Resolution in favor of Richard W. Ashton, which was read the second time.

Thereupon, Mr. Hargrave moved that the Resolution be referred to a select Committee of five, with power to send for persons and papers; which was agreed to.
Whereupon, the Speaker announced to the Senate, that Messrs. Hargrave, Dobson, McCormick, Melchor, and Reid, compose said Committee.

Thereupon, the Committee retired for a short time, and having had the subject under consideration, Mr. Hargrave reported the Resolution to the Senate, and recommended its rejection. The Resolution was rejected accordingly.

Thereupon, the Committee was discharged from its further consideration.

The Senate then adjourned until Monday morning, 7 o'clock.

MONDAY MORNING, JANUARY 23, 1837.

The Senate met at 7 o'clock.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Public Printing; and asking the concurrence of the Senate therein.

Said bill was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill, supplemental to an Act, entitled an Act to aid the Internal Improvements of the State; and an Act, entitled an Act to drain the Swamp Lands; and an Act concerning the Bank of Cape Fear, with an amendment; which was read and concurred in, and the House of Commons informed thereof by message.

The Speaker announced to the Senate, that Messrs. Joyner, Taylor, Reid, Morehead, Dobson, and Arrington, form the Committee on enrolled bills, on the part of the Senate, the present week.

Received from the House of Commons a message, stating that they have acted on all the business before them; and proposing to adjourn, sine die.

Whereupon, a message was sent to the House of Commons, agreeing thereto.
Mr. Moseley presented the following Resolution, viz:

Resolved, unanimously, That the thanks of the Senate be given to the Hon. Hugh Waddell, for the able, dignified, and impartial manner in which he has discharged the duties of the Chair during the present session.

Upon this Resolution, the question being put by the Clerk, it was adopted unanimously.

Whereupon, the Hon. Speaker made an appropriate address to the Senate, and adjourned the House sine die.

HUGH WADDELL, S. S.

By Order,

THOMAS G. STONE, C. S.