AT a General Assembly, begun and held in the City of Raleigh, on the nineteenth day of November, 1838, and in the sixty-third 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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<tr>
<th>District</th>
<th>Number</th>
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<tr>
<td>1st</td>
<td>2d</td>
<td>William B. Shepard.</td>
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<td>1st</td>
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<td>Currituck,</td>
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<td>1st</td>
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<td>1st</td>
<td>8th</td>
<td>Northampton—William Moody,</td>
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<td>1st</td>
<td>9th</td>
<td>Bertie—William W. Cherry,</td>
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<td>10th</td>
<td>Martin—Jesse Cooper,</td>
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<td>1st</td>
<td>11th</td>
<td>Halifax—Andrew Joyner,</td>
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<td>1st</td>
<td>12th</td>
<td>Nash—Samuel L. Arrington.</td>
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<td>Wake—Samuel Whitaker.</td>
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<td>Franklin—John D. Hawkins.</td>
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<td>Johnston—Josiah Houlder.</td>
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<td>Warren—Weldon N. Edwards.</td>
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<td>17th</td>
<td>Edgecomb—Louis D. Wilson.</td>
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<td>18th</td>
<td>Wayne—John Exum.</td>
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<td>1st</td>
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<td>Lenoir,</td>
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<td>Pitt—Alfred M. Moye.</td>
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<td>Hyde,</td>
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<td>1st</td>
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<td>Carteret and? Jones,</td>
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</table>
A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Kerr, Louis D. Wilson, Esq., the Senator from the county of Eggecomb was nominated for the appointment of Speaker. The Senate thereupon, proceeded to vote, \textit{viva voce}, as follows, to wit:

\textbf{FOR MR. WILSON,}

\begin{itemize}
  \item \textbf{Messrs.} Cooper, Arrington, Whitaker, Hawkins, Houlder,
  \item \textbf{Messrs.} Hill, Foy of Onslow, Melvin, Kerr, Reid,
\end{itemize}

FOR MR. JOYNER,


Mr. Joyner voting for Mr. Jones, and Mr. Wilson for Mr. Edwards.

No person having received a majority of the votes given, consequently there is no election. Whereupon, on motion of Mr. Edwards, the Senate again proceeded to vote for Speaker in due form, which resulted as follows, to wit:

FOR MR. WILSON,


FOR MR. JOYNER,

Messrs. Shepard, Spruill, Messrs. Cherry, Harper,
Mr. Joyner voted for Mr. Jones, and Mr. Wilson for Mr. Edwards—Neither of the persons voted for, having received a majority of the votes given, there was no election.—Whereupon, on motion of Mr. Jones, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, NOVEMBER 20, 1838.

The Senate met according to adjournment. On motion of Mr. Dockery, the roll was called, and the Senate then proceeded to the election of Speaker, which resulted as follows, to wit:

FOR MR. WILSON,

Messrs. Cooper,
  Arrington,
  Whitaker,
  Hawkins,
  Houlder,
  Edwards,
  Exum,
  Williams of Person,
  McDiarmid,
  Bunting,

Messrs. Hill,
  Foy of Onslow,
  Melvin,
  Kerr,
  Reid,
  Allison,
  Baker,
  Reinhardt,
  Rabun,
  Fox—20.

FOR MR. JOYNER,

Messrs. Shepard,
  Spruill,
  Moody,
  Sharp,
  Cherry,
  Harper,

Messrs. Melchor,
  Montgomery,
  Reding,
  Morehead,
  Moore,
  Ribelin,
Col. Andrew Joyner, having received a majority of the whole number of votes given, was declared duly elected, when he was conducted to the Chair by Messrs. Morehead and Jones, and made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Morehead, Thomas G. Stone was nominated for Principal Clerk. The Senate thereupon proceeded to vote, viva voce, as follows, to wit:

FOR MR. STONE,

Messrs. Speaker— Messrs. Spruill—
Cooper— Shepard—
Wilson— Moody—
Arrington— Sharp—
Whitaker— Cherry—
Hawkins— Harper—
Houlder— Moye—
Edwards— Williams of Beaufort—
Exum— Biddle—
Williams of Person— Albright—
McDiarmid— Taylor—
Bunting— Dockery—
Hill— Melchor—
Foy of Onslow— Montgomery—
Melvin— Reding—
Kerr— Morehead—
Reid— Moore—
Allison— Ribelin—
Baker— Holt—
Reinhardt— Franklin—
Rabun— Davidson—
Fox— Carson—44.

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

Whereupon, on motion of Mr. Taylor, Henry W. Miller was nominated as Clerk assistant to the Senate; on motion of Mr. Jones, James Cook; and on motion of Mr. Spruill,
Asa Biggs, were added to the nomination. The Senate thereupon proceeded to vote in due form, as follows:

FOR MR. MILLER,

**Messrs.** Speaker, Messrs. Moye,
Shepard, Williams of Beaufort,
Cherry, Biddle,
Whitaker, Albright,
Hawkins, Taylor,

FOR MR. COOK,

**Messrs.** Moody, Messrs. Reding,
Dockery, Morehead,
Melchor, Moore,
Montgomery, Ribelin,
Franklin, Davidson,
Jones, Carson,
Baker, Rabun—15.
Reinhardt,

FOR MR. BIGGS,

**Messrs.** Spruill, Messrs. McDiarmid,
Sharp, Bunting,
Cooper, Hill,
Arrington; Foy of Onslow,
Houlder, Melvin,
Edwards; Kerr,
Wilson, Reid,
Exum, Allison,
Williams of Person, Fox—18.

Neither of the Persons in nomination having received a majority of the whole number of votes given, there was no election. Whereupon, on motion of Mr. Reid, the Senate again proceeded to vote, as follows:

FOR MR. MILLER,

**Messrs.** Speaker, Messrs. Moye,
Shepard, Williams of Beaufort,
Whitaker, Albright,
Harper, Taylor,
Biddle, Holt—10.
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FOR MR. COOK,


FOR MR. BIGGS,


Upon counting the votes, it appeared that neither of the persons in nomination had received a majority of the whole number of votes given, and there was no election.

On motion of Mr. Taylor, the Senate again proceeded to vote for Clerk Assistant, as follows, to wit:

FOR MR. MILLER,


FOR MR. COOK,

Messrs. Moody, Albright, Dockery, Melchor, Montgomery, Morehead, Messrs. Franklin, Jones, Baker, Reinhardt, Davidson, Carson,
Moore, Rabun, Rabun, Reding—16.
Ribelin, Reding—16.

FOR MR. BIGGS,

Messrs. Spruill, Messrs. Reid, 
Sharp, Edwards, 
Cherry, Wilson, 
Cooper, Exum, 
Arrington, Williams of Person, 
Hawkins, McDiarmaid, 
Houlder, Bunting, 
Foy, Hill, 
Melvin, Allison, 
Kerr, Fox—20.

It appearing that neither of the persons in nomination had received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Dockery, the Senate again proceeded to vote in due form, as follows, to wit:

FOR MR. MILLER,

Messrs. Speaker, Messrs. Taylor, 
Shepard, Morehead, 
Williams of Beaufort, Holt—7. 
Biddle, 

FOR MR. COOK,

Messrs. Moody, Messrs. Reding, 
Moye, Moore, 
Albright, Ribelin, 
Dockery, Franklin, 
Melchor, Jones, 
Montgomery, Baker, 
Reinhart, Carson, 
Davidson, Rabun—16. 

FOR MR. BIGGS,

Messrs. Spruill, Messrs. Harper, 
Sharp, Williams of Person, 
Cherry, McDiarmid, 
Cooper, Bunting,
Neither of the persons in nomination having received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Arrington, the Senate again proceeded to vote as follows, to wit:

FOR MR. MILLER,

MESSRS. Speaker, Messrs. Taylor,
Shepard, Morehead,
Williams of Beaufort, Holt—7.
Biddle,

FOR MR. COOK,

MESSRS. Moody, Messrs. Ribelin,
Moye, Franklin,
Albright, Jones,
Dockery, Baker,
Melchor, Reinhardt,
Montgomery, Davidson,
Reding, Carson,
Moore, Rabun—16.

FOR MR. BIGGS,

MESSRS. Spruill, Messrs. Harper,
Sharp, Williams of Person,
Cherry, McDiarmid,
Cooper, Bunting,
Arrington, Hill,
Whitaker, Foy of Onslow,
Hawkins, Melvin,
Houlder, Kerr,
Edwards, Reid,
Wilson, Allison,
Exum, Fox—22.

Neither of the persons in nomination having received a
majority of the whole number of votes given, there was no election. Whereupon, on motion of Mr. Cooper, the Senate again proceeded to the election of Assistant Clerk, which was as follows, to wit:

FOR MR. MILLER,

MESSRS. Speaker, Messrs. Albright,
Cherry, Taylor,
Williams of Beaufort, Morehead,
Biddle, Holt—8.

FOR MR. COOK,

MESSRS. Moody, Messrs. Franklin,
Moye, Jones,
Dockery, Baker,
Melchor, Reinhardt,
Montgomery, Davidson,
Reding, Carson,
Moore, Rabun—15.
Ribelin,

FOR MR. BIGGS,

MESSRS. Shepard, Messrs. Exum,
Spruill, Harper,
Cooper, Williams of Person,
Arrington, McDiarmid,
Whitaker, Bunting,
Hawkins, Hill,
Houlder, Foy of Onslow,
Edwards, Melvin,
Wilson, Kerr,
Reid, Fox—21.
Allison,

Neither of the persons in nomination having received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, NOVEMBER 21, 1838.

On motion of Mr. Dockery, the Senate proceeded to the
election of Assistant Clerk. On motion of Mr. Jones, James Cook was withdrawn from the nomination; and on motion of Mr. Williams of Beaufort, Joseph B. Hinton was added to the nomination: thereupon the Senate proceeded to vote, as follows, to wit:

FOR MR. MILLER.

MESSRS. Speaker, Biddle, Carson, Cherry, Dockery, Franklin, Harper, Holt, Jones, Morehead, Moore,

MESSRS. Moye, Montgomery, Melchor, Reding, Ribelin, Sharp, Shepard, Speed, Taylor, Whitaker, Albright—22.

FOR MR. BIGGS,

MESSRS. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Exum, Fox, Foy, Hawkins, Hill,


FOR MR. HINTON,

MESSRS. Davidson, Moody—3.

MESSRS. Williams of Beaufort,

Neither of the persons in nomination having received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Moore, the Senate again proceeded to the election of Clerk Assistant: thereupon, on motion of Mr. Williams of Beaufort, Mr. Hinton was withdrawn from the nomination. The Senate then voted as follows, to wit:
FOR MR. MILLER,

MESSRS. Speaker, Albright, Biddle, Carson, Cherry, Dockery, Davidson, Franklin, Harper, Holt, Jones, Morehead, Moore,


FOR MR. BIGGS,

MESSRS. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Exum, Fox, Foy of Onslow, Hawkins,


Mr. Henry W. Miller, having received a majority of the whole number of votes given, was declared duly elected.

Mr. Spruill moved that the Senate proceed to elect a principal Door Keeper. Whereupon, on motion of Mr. Hawkins, Thomas B. Wheeler was nominated for that appointment; on motion of Mr. Moore, John Crews; on motion of Mr. Whitaker, J. B. King; on motion of Mr. Morehead, Thompson Parham; and on motion of Mr. Albright, Archibald Utley, were added to the nomination. The Senate thereupon proceeded to vote, as follows, to wit:

FOR MR. WHEELER,

MESSRS. Speaker, Allison, Arrington, Baker,

MESSRS. Houlder, Kerr, Morehead, Moody,
FOR MR. CREWS,

Messrs. Cherry, Dockery, Davidson, Franklin, Holt, Jones, Moore,


FOR MR. PARHAM,

Mr. Taylor.

FOR MR. KING,


FOR MR. UTLEY,

Messrs. Albright, Reding — 2.

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

On motion of Mr. Edwards, the Senate proceeded to vote for assistant Door Keeper; and nominated Green Hill for that appointment.

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

FOR MR. HILL,

Messrs. Speaker, Albright,

Messrs. Kerr, Moorehead,

Green Hill, having received the whole number of votes given, was declared duly elected.

Received from the House of Commons a message, stating that they had organised by the appointment of Wm. A. Graham, Speaker; Charles Manly, Principal Clerk; Edmund B. Freeman, Clerk Assistant; and James Page and Thomas J. Anderson, Door-keepers; and that they are now ready to proceed to despatch of public business.

On motion of Mr. Arrington,

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.

On motion of Mr. Carson,

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 Andrew Joyner Speaker; Thos. G. Stone as principal Clerk; Henry W. Miller, Clerk Assistant; Thomas B. Wheeler, Door Keeper, and Green Hill Assistant.

On motion of Mr. Dockery,

Ordered, That a message be sent to the House of Commons, proposing to raise a joint Select Committee, consisting
of two on the part of each House, to wait on His Excellency, the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication which he may be pleased to make.

Received from the House of Commons a message, proposing to raise a Joint Select Committee, consisting of two, on the part of each House, to wait upon his Excellency, the Governor, and inform him of the organization of the Legislature, and of its readiness to receive such communications as he may think proper to make—which was read and concurred in.

Received from the House of Commons a message, concurring in the proposition of the Senate to appoint a Joint Select Committee to wait on His Excellency, the Governor, and inform him of the organization of the two Houses, and their readiness to receive any communications he may think proper to make, and further stating, that Messrs. Wilson and Waddell form the Committee on their part.

Ordered, That a message be sent to the House of Commons, informing them that Messrs. Edwards and Shepard form the Committee on the part of the Senate to wait upon his Excellency, the Governor.

On motion of Mr. Morehead,

Ordered, 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 report immediately, rules for the government of the two Houses in voting for Engrossing Clerks.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate to raise a joint select Committee of three on the part of each House, to report immediately rules for the government of the two Houses in voting for Engrossing Clerks; and further stating that they propose to conduct the elections under the joint rules as they now exist; which was read and concurred in.

Received from the House of Commons a message, proposing to vote immediately for three Engrossing Clerks, which was concurred in.

On motion of Mr. Jones,

Ordered, That a message be sent to the House of Commons, stating that the Senate concur in their proposition to vote immediately for three Engrossing Clerks; and further stating that the following persons are in nomination, to wit:

3
James McLeland, Thomas L. West, Constantine Banner, James J. Thomas, Nixon White, Benjamin B. Rogers, Edward T. Fowkes, James T. Littlejohn, Gould Hoyt, William T. Bain, Solomon Terrell, William Key, W. D. Dowd, James M. A. Drake, Adolphus Miller, Isaac H. Foust, William A. Williams, Moses Swaim; and also stating that Messrs. Morehead and Wilson compose the committee on the part of the Senate to conduct the election.

Received from the House of Commons a message, stating that Manger London, Samuel Silliman, and Benjamin F. Grady are added to the nomination for Engrossing Clerks; and further stating that Messrs. J. P. Caldwell and Stallings form the Committee on the part of that House to superintend the election; and also that the voting will commence in their House on the return of the Messenger; which was read and concurred in.

Whereupon, the Senate proceeded to vote for three Engrossing Clerks, as follows, to wit:

FOR MR. McLELAND,

Messrs. Baker, Messrs. Jones,
Davidson, Rabun.—6.
Franklin,

FOR MR. WEST,

Messrs. Speaker,
Allison,
Baker,
Bunting,
Carson,
Cherry,
Cooper,
Edwards,
Exum,
Fox,
Foy,
Harper,
Hill,
Houlder,
Jones,

Messrs. Kerr,
Shepard,
Rabun,
Reinhardt,
Reed,
Moore,
Moody,
Melvin,
McDiarmid,
Melchor,
Spruill,
Williams of Beaufort,
Williams of Person,
Whitaker,
Wilson—30.

FOR MR. BANNER,

Messrs. Arrington,

Messrs. Moore,
FOR MR. THOMAS,

Messrs. Allison, Arrington, Baker, Cooper, Edwards Exum, Fox, Hawkins,


FOR MR. WHITE,

Messrs. Speaker, Biddle, Cherry, Harper, Sharp,


FOR MR. ROGERS,

Mr. Whitaker.

FOR MR. FOWLKES,

Messrs. Arrington, Hawkins,


FOR MR. LITTLEJOHN,

Messrs. Cherry, Edwards, Hawkins, Moody, Ribelin,


FOR MR. HOYT,

Messrs. Biddle, Dockery, Harper, Moore, Moye,

FOR MR. BAIN,
Mr. Albright.

FOR MR. TERRILL,
Mr. Dockery.

FOR MR. KEY,

FOR MR. DOWD,
Messrs. Albright, Biddle, Dockery, Moye,

FOR MR. DRAKE,
Messrs. Albright, McDiarmid, Montgomery, Melchor,

FOR MR. MILLER,
Messrs. Carson, Davidson, Franklin,
Messrs. Melchor, Ribelin—5.

FOR MR. FOUST,
Messrs. Allison, Fox, Holt,
Messrs. Kerr, Reid—5.

FOR MR. WILLIAMS,

FOR MR. SWAIM,
Mr. Reding.
On motion of Mr. Morehead,
Ordered, That a message be sent to the House of Commons, 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 both Houses.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to raise a joint select Committee of five on the part of each House to prepare and report joint rules for the government of both Houses; and further stating that Messrs. Hoke, H. C. Jones, Hill, W. P. Williams, and Gilliam form the Committee on the part of their House; which was read and concurred in.

Ordered, That a message be sent to the House of Commons informing them that Messrs. Morehead, Wilson, Ribelin, Kerr, and Cherry, form the Committee on the part of the Senate to prepare and report joint rules of order for the government of both Houses.

Mr. Edwards, from the joint select Committee appointed on the part of the Senate to wait upon his Excellency, the Governor, reported they received for answer, that he would be pleased to make a communication to the Legislature on to-morrow at 12 o'clock.

On motion of Mr. Spruill,
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.
On motion of Mr. Cooper, the Senate adjourned until tomorrow morning ten o'clock.

Thursday, November 22, 1838.

Mr. Doekery presented the resignation of Joseph White, the Senator elect for the county of Anson, which was read and accepted.

Whereupon, on motion of Mr. Doekery,

Ordered, That a writ of election be sent to the Sheriff of Anson county, commanding him to hold an election for a Senator on the first Monday of December next, to supply the vacancy occasioned by the resignation of Joseph White.

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

Received from the House of Commons a message, proposing that the two Houses vote immediately for two Engrossing Clerks; and further stating that Messrs. Swaim, Foust and Terrell are withdrawn from the nomination; which was read and concurred in. Whereupon a message was sent to the House of Commons concurring in their proposition to vote for two Engrossing Clerks yet to be elected, and informing them that the names of Messrs. Williams and Rogers are withdrawn from the nomination, and that Messrs. Reid and Montgomery form the Committee on the part of the Senate to superintend said election.

Received from the House of Commons a message, informing the Senate that Messrs. Crawford and Bedford are appointed a Committee on their part to superintend the election of two Engrossing Clerks. Whereupon the Senate proceeded to vote, as follows, to wit:

FOR MR. McCLELLAND,

Messrs. Allison, Baker, Davidson, Edwards, Fox,

FOR MR. BANNER,

Messrs. Arrington, Franklin, Holt, Jones,
Messrs. Morehead, Moore, Reid, Rabun—8.

FOR MR. THOMAS,

Messrs. Allison, Baker, Bunting, Cooper, Edwards, Exum, Fox, Hawkins, Houlder,

FOR MR. WHITE,

Messrs. Speaker; Cherry, Sharp,
Messrs. Shepard, Spruill, Speed—6.

FOR MR. FOWLKES,

Messrs. Arrington, Hawkins,

FOR MR. LITTLEJOHN,

Messrs. Cherry, Moody, Speed,

FOR MR. HOYT,

Messrs. Biddle, Dockery, Harper, Moore, Moye,

FOR MR. KEY,

Mr. Houlder.
Mr. Reid, from the joint select committee appointed to compare and report the votes for two Engrossing Clerks, reported that neither of the persons in nomination had a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, propos-
ing to raise a joint select committee of three on the part of each House to designate and report some mode of giving notice of the meeting of the two Houses; which was read and agreed to. Whereupon the House of Commons was informed thereof by message, and stating that Messrs. Moody, Baker and Montgomery form the committee on the part of the Senate.

The Speaker announced to the Senate that Messrs. Spruill, Arrington, Dockery, Holt and Hawkins, form the committee for the purpose of preparing permanent Rules of Order and Decorum for the government of the Senate during the present session.

Received from the House of Commons a message, proposing to vote immediately for two Engrossing Clerks, and stating that Messrs. Bain and Silliman are withdrawn from the nomination; which was read and concurred in. Whereupon the Speaker announced that Messrs. Harper and Cooper form the Committee on the part of the Senate to superintend the election, and that Messrs. Littlejohn and Key are withdrawn from the nomination: and the House of Commons was informed thereof by message.

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

Friday, Nov. 23, 1838.

Mr. Dockery, from the Committee appointed to prepare permanent Rules of Order and Decorum for the government of the Senate during its present Session, reported the Rules of Order and Decorum of the last Session without amendment; which were read and adopted, and are as follows, to wit:

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

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit: 1st, the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate; 2d, the reports of standing commit-
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.

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

4. All bills and resolutions of a public nature, introduced, shall pass, as a matter of course, the first reading.

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

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

7. 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.
tive; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee.

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

9. 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, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

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

11. 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.

12. 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.

13. 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.

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

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

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

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

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

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the chair.

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

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

Mr. Rabun presented the resignation of Epaphroditus Hightower and P. Brittain, as Justices of the Peace for the County of Buncombe; which were read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to vote immediately for two Engrossing Clerks; which was read and concurred in. Whereupon the Speaker announced that Messrs. Harper and Cooper 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, informing the Senate that Messrs. Nye and Brummell compose the Committee on their part to superintend the election, and that they will commence voting upon the return of the messenger. Whereupon the Senate proceeded to vote as follows, to wit:

FOR MR. THOMAS,

MESSRS. Allison
Baker,
Cooper,
Etheridge,
Edwards,
Exum,
Foy, (of Onslow,)
Fox,
Hawkins,

MESSRS. Houlden,
Kerr,
Melvin,
Reid,
Reinhardt,
Williams of Person,
Wilson,
Whitaker—17.

FOR MR. McLEELAND,

MESSRS. Allison,
Baker,
Davidson,
Edwards,
Exum,

MESSRS. Fox,
Houlden,
Jones,
Kerr,
Reinhardt—10.

FOR MR. FOWLKES,

MESSRS. Hawkins,
McDiarmid,
Williams of P.—3.
FOR MR. GRADY,

Messrs. Hill,
Melvin—2.

FOR MR. BANNER,

Messrs. Franklin,
Jones,
Morehead,
Moore,

Messrs. Moody,
Reid,
Rabun,
Spruill—8.

FOR MR. DRAKE,

Messrs. Albright,
Cooper,
McDiarmid,
Melchor,

Messrs. Reding,
Ribelin,
Speed,
Whitaker—8.

FOR MR. HOYT,

Messrs. Biddle,
Cherry,
Dockery,
Harper,
Moore,
Moye,
Moody,

Messrs. Montgomery,
Sharp,
Shepard,
Spruill,
Taylor,
Williams of B.—13.

FOR MR. LONDON,

Messrs. Speaker,
Foy,
Hill,

Messrs. Morehead,
Rabun.—5.

FOR MR. WHITE,

Messrs. Speaker,
Cherry,
Etheridge,
Harper,
Sharp,

Messrs. Shepard,
Speed,
Taylor,

FOR MR. DOWD,

Messrs. Albright,
Biddle,

Messrs. Moye,
Montgomery,
Dockery,    Reding,    Williams of B.—8.
Franklin,    

FOR MR. MILLER,

Messrs. Davidson,    
Melchor,    Ribelin—3.

Received from the House of Commons a message, communicating the annual Message of his Excellency the Governor, with accompanying documents, and proposing that the message be printed, ten copies for each member of the Legislature. Whereupon Mr. McDiarmid moved that the message be laid on the table, and the question recurring thereon, it was rejected. Mr. McDiarmid thereupon demanded the yeas and nays upon the proposition of the House of Commons, which are as follows, to wit:

Those who voted in the affirmative, are,


Those who voted in the negative, are,


So the proposition from the House of Commons was concurred in.

On motion of Mr. Cooper, Mr. Etheridge, the Senator elect from the counties of Currituck and Camden, appeared, produced his credentials, was qualified before the House, and took his seat.

Received from the House of Commons a message, transmitting communications, one from the Board of Directors of the Wilmington and Raleigh Rail Road Company, the other from the citizens of Wilmington, with a proposition that they be referred to a joint select committee to be raised for that purpose; which was read and concurred in:
Whereupon Mr. Spruill moved that the committee consist of five members on the part of each House; which was adopted. Thereupon the Speaker announced that Messrs. Jones, M'Diarmid, Franklin, Bunting and Cherry form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Morehead, from the joint select committee appointed to prepare and report joint rules for the government of the two Houses during the present session, reported the rules of the last session of the Legislature without amendment; which were read and adopted.

On motion of Mr. Jones, ordered that a message be sent to the House of Commons, proposing to vote for Secretary of State on Monday next at 12 o'clock, and nominating for that appointment William Hill.

On motion of Mr. Dockery,

Ordered, That the rules of the Senate, the joint rules of the two Houses, the Constitution of the State with its amendments, and the Constitution of the United States, be printed, one copy for each member.

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

Saturday, November 24, 1838.

Mr. Cooper, from the joint select Committee appointed on the part of the Senate to compare and report the vote for two Engrossing Clerks, reported that neither of the persons in nomination had received a majority of the whole number of votes given, and there was no election.

Received from the House of Commons a message, proposing that the two Houses vote immediately for two Engrossing Clerks; which was read and agreed to. Whereupon the Speaker announced that Messrs. Spruill and Fox compose the committee on the part of the Senate to superintend the election, and the House of Commons was informed thereof by Message.

Received from the House of Commons a message, stating that Messrs. Stockard and Mc Cleese form the committee on their part to superintend the vote for Engrossing Clerks;
and that they will commence voting on the return of the messenger.

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

**FOR MR. THOMAS,**

| Messrs. Allison, | Messrs. Hill, |
| Arrington,      | Kerr,        |
| Baker,          | Melvin,      |
| Bunting,        | McDiarmid,   |
| Cooper,         | Reid,        |
| Edwards,        | Reinhardt,   |
| Etheridge,      | Rabun,       |
| Exum,           | Shepard,     |
| Fox,            | Speed,       |
| Foy,            | Williams of Person, |
| Hawkins,        | Whitaker—22. |

**FOR MR. MCLEELAND,**

| Messrs. Allison, | Mrsrs. Franklin, |
| Arrington,       | Hawkins,        |
| Baker,           | Kerr,           |
| Carson,          | Reid,           |
| Davidson,        | Reinhardt,      |
| Edwards,         | Rabun,          |
| Fox,             | Williams of P.—14. |

**FOR MR. WHITE,**

| Messrs. Speaker, | Messrs. Shepard, |
| Cherry,          | Speed,          |
| Moody,           | Spruill,        |
| Sharp,           | Taylor—8.      |

**FOR MR. HOYT,**

| Messrs. Speaker, | Messrs. Moye, |
| Albright,        | Montgomery,    |
| Biddle,          | Reding,        |
| Cherry,          | Sharp,         |
| Harper,          | Spruill,       |
| Melchor,         | Taylor,        |
| Morehead,        | Williams of Beaufort, |
| Moore,           | Etheridge—17.  |
| Moody,           | 5              |
FOR MR. DRAKE,

Messrs. Albright,  
Biddle,  
Melchor,  
Morehead,  
Moore,  
Moye,  

Messrs. Montgomery,  
Ribelin,  
Reding,  
Williams of Beaufort,  
Whitaker—11,

FOR MR. GRADY,

Messrs. Bunting,  
Cooper,  
Exum,  
Foy,  

Messrs. Harper,  
Hill,  
Melvin,  
McDiarmid—3.

FOR MR. MILLER,

Messrs. Carson,  
Davidson,  

Messrs. Franklin,  
Ribelin—4.

Received from the House of Commons a message, concurring in the proposition of the Senate, that the two Houses vote on Monday at 12 o'clock for Secretary of State.

Mr. Spruill, from the joint select committee on the part of the Senate to compare and report the vote for two Engrossing Clerks, reported that no person having received a majority of the whole number of votes given, there was no election; in which the Senate concurred.

Received from the House of Commons a message, proposing that the Report of the Public Treasurer, therewith transmitted, be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Rand, Massey, and Taylor form their branch of the joint select committee to designate some mode of giving notice of the meeting of the two Houses; and further stating that Messrs. W. P. Williams, Crawford, J. T. Miller, Hoke, and Boyden form the committee on their part upon the communications of the citizens of Wilmington and the Directors of the Wilmington and Raleigh Rail Road.

Received from the House of Commons a message, transmitting a communication from the Secretary of State, with a proposition that it be referred to a joint select committee
to be raised for that purpose; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the rules of the two Houses, the joint rules, the Constitution of the United States and of this State, be printed for the use of the Legislature; which was read and concurred in.

Mr. Moody, from the joint select committee appointed to procure and give some signal for the meeting of both Houses of the Legislature, reported that the members of the Presbyterian Church had kindly tendered to them the use of their bell the present session, which was read and concurred in.

Mr. Jones, from the joint select committee to whom was referred the communications of the citizens of Wilmington and the representatives of the Wilmington and Raleigh Rail Road Company, reported that they recommended the acceptance of the invitations contained in the above communications; and that a committee be appointed to determine the number of members who shall repair to Wilmington, under the invitations aforesaid; which was read and concurred in.

Mr. M'Diarmid presented two pension certificates of Isabella Campbell, widow of the late James Campbell, of Cumberland County; which were read and ordered to be countersigned by the Speaker, and transmitted to the House of Commons.

On motion of Mr. Exum, ordered that a message be sent to the House of Commons, proposing that the two Houses vote on Tuesday next, at twelve o’clock, for Solicitor of the Second Judicial Circuit, and that William H. Washington is in nomination for the appointment.

On motion of Mr. Rabun,
Ordered, That Mr. Wilson, Senator from Edgecomb, have leave of absence from the service of this House from and after to-day until Thursday next.

On motion of Mr. Morehead,
Ordered, That Mr. Houlder, Senator from the county of Johnston, have leave of absence from the service of this House for Monday next.

Received from the House of Commons the pension certificate of Martha Spiers, widow of the late John Spiers, of Cumberland county; which was read, and, on motion of Mr. M'Diarmid, ordered to be countersigned by the Speaker.

Received from the House of Commons the following re-
signations: Ollon Regal and John Wright, Justices of the Peace for the county of Sampson; William H. Whitfield, Justice of the Peace for the county of Lenoir; Myrick Howard, Justice of the Peace for the county of Montgomery; Charles Gregory, Justice of the Peace for the county of Onslow; Jacob Parker, a Justice of the Peace for the county of Chowan; David Mebane, a Justice of the Peace for the county of Orange; Henry Cobb, a Justice of the Peace for the county of Caswell; David Dalton, a Justice of the Peace for the county of Stokes; and Thomas G. Polk, as Major General of North Carolina Militia; which were severally read and accepted.

Received from the House of Commons a message, proposing to vote immediately for Engrossing Clerks; which was read and concurred in. Whereupon the Speaker announced that Messrs. Reid and Taylor form the committee on the part of the Senate to superintend the election; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Cardwell and W. A. Blount form the committee on their part to superintend the election for Engrossing Clerks; and that they will commence voting on the return of the messenger.

The Senate then proceeded to vote as follows:

FOR MR. THOMAS,

MESSRS. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Exum, Foy, Fox, Hawkins,

MESSRS. Hill, Kerr, McDiarmid, Melvin, Reid, Reinhardt, Rabun, Shepard, Taylor, Williams of Person, Whitaker—22

FOR MR. HOYT,

MESSRS. Speaker, Albright, Biddle, Carson,

MESSRS. Moody, Moyer, Montgomery, Reid,

FOR MR. DRAKE,

Messrs. Speaker, Messrs. Moye, Albright, Montgomery, Biddle, Reding, Cherry, Ribelin, Carson, Sharp, Harper, Speed, Melchor, Spruill, Morehead, Williams of Beaufort, Moore, Whitaker—18, Moody,

FOR MR. McLELAND,

Messrs. Allison, Messrs. Foy, Arrington, Hawkins, Baker, Kerr, Cooper, Melvin, Davidson, Reinhardt, Exum, Rabun, Fox, Williams of P.—15, Franklin,

FOR MR. GRADY,

Messrs. Hill, Bunting, McDiarmid.—3.

Mr. Taylor, from the joint select Committee, on the part of the Senate, to superintend the vote for two Engrossing Clerks, reported that Gould Hoyt had received a majority of the whole number of votes given, and was declared duly elected.

On motion of Mr. Whitaker,
Ordered, That a message be 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, concurring in the proposition of the Senate to vote immediately for one Engrossing Clerk, yet to be elected; and stating that Messrs. J. T. Miller and Walker compose the committee on the part of that House, to superintend the election; and that Messrs. Grady and McLeland are withdrawn from the nomination.

The Speaker announced that Messrs. Speed and Williams of Person, form the Committee, on the part of the Senate, to superintend the election of Engrossing Clerk, and the House of Commons was informed thereof by message.

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

Those who voted in favor of Mr. THOMAS, are,

**MESSRS.** Allison, Baker, Bunting, Cooper, Etheridge, Exum, Foy, Fox, Hawkins, Hill,

**MESSRS.** Houlder, Kerr, Melvin, McDiarmid, Reid, Reinhardt, Rabun, Shepard, Taylor, Williams of P.—20.

**FOR MR. DRAKE,**

**MESSRS.** Speaker, Albright, Biddle, Carson, Cherry, Davidson, Harper, Franklin, Jones, Melchor, Morehead,

**MESSRS.** Moore, Moody, Moye, Montgomery, Reding, Ribelin, Sharp, Speed, Spruill, Williams of Beaufort, Whitaker—22.

Mr. Speed, from the joint select Committee, on the part of the Senate, to superintend the election for an Engrossing Clerk, reported that James M. A. Drake, having received
a majority of the whole number of votes given, was declared duly elected.

The Speaker announced to the Senate the following standing Committees:

ON PROPOSITIONS AND GRIEVANCES,

MESSRS. Moore,                MESSRS. Reinhardt,
    Albright,                   Cooper,
    Moody,                     Houlder,
    Sharp,

ON PRIVILEGES AND ELECTIONS,

MESSRS. Taylor,                MESSRS. Allison,
    Speed,                     Moye,
    Baker,                     Exum,
    Montgomery,

ON CLAIMS,

MESSRS. Dockery,               MESSRS. Whitaker,
    Fox,                      Reding,
    Melchor,                  Foy of Onslow,
    Harper,

JUDICIARY,

MESSRS. Morehead,              MESSRS. Davidson,
    Edwards,                  Hill,
    Cherry,                   Wilson,
    Carson,

INTERNAL IMPROVEMENT,

MESSRS. Shepard,               MESSRS. McDiarmid,
    Holt,                     Hawkins,
    Kerr,                     Ribelin,
    Franklin,

EDUCATION AND LITERARY FUND,

MESSRS. Cherry,                MESSRS. Arrington,
    Shepard,                 Bunting,
    Biddle,                   Reid,
    Spruill,
On motion of Mr. Montgomery, the Senate adjourned until Monday Morning ten o'clock.

MONDAY, NOV. 26, 1838.

Mr. Cooper presented the credentials of Enoch Foy, Senator elect for the counties of Carteret and Jones, which were read, and on motion of Mr. Edwards, laid upon the table.

Mr. Speed presented the resignations of William Goodman and William Lee, Justices of the Peace for the county of Gates; which were read and accepted, and transmitted to the House of Commons.

Mr. Biddle presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons proposing to raise a joint select committee on the Public Buildings and the re-building of the Capitol; and that said committee report whether the amount of money already appropriated for re-building the Capitol has been judiciously expended, and what amount will be further required for its completion.

Which was read and adopted, and the House of Commons was informed thereof by message.

Mr. Biddle presented two pension certificates of Captain John Rhem, of Craven county; also, two pension certificates of Alexander Taylor, of Craven county; which were severally read, and on motion of Mr. Biddle, were countersigned by the Speaker and transmitted to the House of Commons.

Mr. Biddle also presented two pension certificates of Thos. Ewell, of Craven county, and two pension certificates of Christopher Bexley, of Craven county; which were severally read, and on motion of Mr. Biddle, were ordered to be countersigned by the Speaker and transmitted to the House
of Commons.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote to-morrow at twelve o'clock for Solicitor of the 2d Judicial Circuit.

Received from the House of Commons a message, proposing to raise a joint select committee on Cherokee Lands, to consist of five on the part of each House; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons the pension certificate of Martha Spears, the widow of the late John Spears, deceased, of Cumberland county; which was read and ordered to be countersigned by the Speaker.

Received from the House of Commons a message, informing the Senate that Messrs. William P. Williams, M'Williams, Rand, Huggins, Clegg, Matthews, Guynn, and Reid form the Committee on Finance on their part.

The Speaker presented the Report of the Commissioners entrusted with the superintendence of the re-building of the State Capitol; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

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

The Speaker announced to the Senate that Messrs. Franklin, Reinhardt, Davidson, Biddle, and Allison form the Committee on Cherokee Lands; and the House of Commons was informed thereof by message.

Mr. Reinhardt presented the petition of Robert Brown, of Lincoln county, praying the Legislature to grant him a pension; which was read, and, on motion of Mr. Reinhardt, referred to the Committee on Claims.

The Speaker announced that Messrs. Carson, Davidson, and Williams, of Beaufort, compose the Committee on the part of the Senate on the Library.

Received from the House of Commons the resignations of Simon Mars, a Justice of the Peace for the county of Anson; James Brevard, a Justice of the Peace for the county of Buncombe; Joel Waters, a Justice of the Peace for the county of Wilkes; which were severally read and accepted.

The Speaker announced to the Senate that Messrs. Melvin and Ribelin form the Committee on the part of the Senate to superintend the election of Secretary of State, and the House of Commons was informed thereof by message.
Received from the House of Commons a message, informing the Senate that Messrs. Braswell and Dunlap form their branch of the Committee to superintend the vote for Secretary of the State, and that they will commence voting on the return of the messenger.

Whereupon the Senate voted as follows, to wit:

FOR MR. HILL,


Mr. Melvin, from the joint select committee on the part of the Senate to superintend the election of Secretary of State, reported that Mr. William Hill had received the whole number of votes given, and was therefore duly elected; in which the Senate concurred.

Mr. Carson presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire if any, and what amendments to the revenue laws of this State are necessary to relieve persons from the penalty of a double tax, and to provide for the more convenient mode of listing their taxable property, and such other amendments as may be deemed useful, so as to secure the faithful payment of all taxes to which
the citizens may be liable, with as little inconvenience as practicable.

Which was read and adopted.

Received from the House of Commons a message, informing the Senate that Messrs. Robards, Amis and Waddell form the Committee on the Library on their part.

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

TUESDAY, NOVEMBER 27, 1838.

Mr. Williams, of Person, presented the resignation of John Holloway, a Justice of the Peace for the county of Person; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Melvin presented the resignation of John Mears, a Justice of the Peace for the county of Columbus; which was read and accepted, and ordered to be sent to the House of Commons.

Received from the House of Commons a message, stating that they do not concur in the report of the joint select committee on the communications from the citizens of Wilmington, and the Directors of the Wilmington and Raleigh Rail Road Company; but propose that a joint select committee of three on the part of each House be raised, whose duty it shall be to make a suitable response to these communications; which was read, and, on motion of Mr. Taylor, ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select committee of three members on the part of each House, to take into consideration the expediency of authorizing limited co-partnerships; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

Mr. Redding presented the memorial of Christopher Vickery, praying the Legislature to refund to him certain taxable polls heretofore paid by him; which was read, and on motion of Mr. Morehead, ordered to be referred to the committee on claims.

Received from the House of Commons a message, propos-
ing that a joint select committee of five members on the part of each House be raised upon that part of the Governor’s Message which recommends the establishment of Banks within the State, to be offered to the General Government as places of deposite of the public monies and fiscal agents of the General Government; which was read, and, on motion of Mr. Edwards, not concurred in.

Received from the House of Commons a message, informing the Senate that Messrs. Siler, Boyden, McLaurin, Howerton, and Guyther form their branch of the Joint Select Committee on Cherokee Lands.

Mr. M’Diarmid presented a bill, entitled a bill concerning the Public Roads, Ferries, and Bridges in this State; which was read the first time and passed, and, on motion of Mr. M’Diarmid, was referred to the Committee on the Judiciary.

Mr. Reid presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee on Military Affairs, to consist of five on the part of each House.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee on the subject of the Public Buildings and the re-building the State Capitol, &c.; and further stating that Messrs. Rand, Hyman, Carson, Wileox and Killiam form their branch of the committee.

Whereupon the Speaker announced to the Senate that Messrs. Biddle, Whitaker, Spruill, Albright, and Foy, of Onslow, form the committee on the part of the Senate on the subject of the Public Buildings and the re-building the State Capitol, &c.; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Redding and Exum form the committee on the part of the Senate to superintend the election of Solicitor of the 2d Judicial Circuit; and the House of Commons was informed thereof by message.

Mr. Jones presented a bill, entitled a bill to change the time of holding the Courts of Pleas and Quarter Sessions of the county of Wilkes; which was read the first, second, and third times, passed, and ordered to be engrossed.
Received from the House of Commons a message, stating that Messrs. Wadsworth and Brogden compose the committee on their part to superintend the election for Solicitor of the 2d Judicial Circuit, and that they will proceed to vote on the return of the messenger. Whereupon the Senate proceeded to vote as follows, to wit:

**FOR MR. WASHINGTON,**

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<td>Whitaker—44.</td>
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Mr. Exum, from the joint select committee on the part of the Senate to superintend the election of Solicitor for the 2d Judicial Circuit, reported that William H. Washington, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Hill presented the following Resolution, to wit:

*Resolved*, That the Committee on Finance be instructed to enquire into the expediency of so amending the Revenue Laws as to reduce the amount of revenue derived from land and poll tax to the amount received from the same source prior to the enactment of the assessment law of 1836, and that they report by bill or otherwise.

Which was read and adopted:
On motion of Mr. Edwards,
Ordered, That a message be sent to the House of Commons proposing that the Report of the Comptroller for the fiscal year, 1837, be printed.

On motion of Mr. Taylor, the message from the House of Commons relative to the invitation of the citizens of Wilmington to the members of the Legislature, was taken up and read, and not concurred in.

Whereupon, on motion of Mr. Morehead,
Ordered, That a message be sent to the House of Commons, proposing that a joint select committee of three on the part of each House be raised, whose duty it shall be to make a suitable response to the communications from the citizens of Wilmington and the Directors of the Wilmington and Raleigh Rail Road Company, respectfully declining their invitation.

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

Wednesday, November 28, 1838.

Mr. Arrington presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to lunatics and idiots.

Which was read and adopted.

Mr. McDiarmid presented the following resolution, to wit:

Resolved, That the Committee on Military affairs be instructed to inquire into the propriety of so amending the law as to exempt all persons from performing military duty until they shall have attained the age of twenty-one years, except in cases of invasion or insurrection; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating
that they concur in the proposition of the Senate to print for the use of the General Assembly, the report of the Comptroller of Public accounts for the year 1837.

Mr. Dockery presented a bill, entitled a bill to incorporate a Light Infantry Company in the city of Raleigh; which was read the first time and passed; and, on motion of Mr. Dockery, was referred to the Committee on Military Affairs.

Mr. McDiarmid presented a bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes "entitled an Act concerning the General Assembly of the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Moore, was referred to the Committee on the Judiciary.

Mr. Whitaker presented the memorial of the President and Directors of the Raleigh and Gaston Rail Road Company; which was read, and on motion of Mr. Whitaker, referred to the Committee on Internal Improvements.

Mr. Moore presented the memorial of the Roanoke Navigation Company; which was read, and on motion of Mr. Moore, referred (together with the accompanying papers) to the Committee on Internal Improvements.

The Speaker presented to the Senate the resignation of Peter R. Davis, a justice of the peace for the county of Warren; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing that the two Houses vote to day at 12 o'clock for Solicitor of the fourth Judicial circuit, term of office to commence on the first January, 1840; and further stating that John F. Poindexter is in nomination for the appointment; which was read and concurred in.

On motion of Mr. Baker, ordered that Mr. Jones be added to the committee on Cherokee lands.

Received from the House of Commons a message, proposing to raise a joint select committee of three on the part of the Senate, and six on the part of the House of Commons, for the purpose of examining the Wilmington and Raleigh Rail Road, and that said committee be instructed to report upon the condition and progress thereof; which was read, and the question recurring thereon, Mr. Edwards called for the yeas and nays, which were as follows, to wit:
Those who voted in the affirmative, are,

Messrs. Biddle, Messrs. Jones,
Bunting, Montgomery,
Cherry, Ribelin,
Davidson, Speed,
Hawkins, Taylor—11 yeas.
Hill,

Those who voted in the negative, are,

Messrs. Allison, Messrs. Melchor,
Albright, Morehead,
Arrington, Moore,
Baker, Moody,
Carson, Move,
Cooper, McDiarmid,
Dockery, Reid,
Edwards, Reding,
Etheridge, Reinhardt,
Exum, Rabun,
Fox, Sharp,
Foy of Onslow, Shepard,
Franklin, Spruill,
Harper, Williams of Beaufort,
Houlder, Williams of Person,
Kerr, Whitaker—33 nays.
Melvin, 

So the proposition of the House of Commons was not concurred in.

The Speaker announced to the Senate that Messrs. Allison and Moye form the committee on the part of the Senate to superintend the election of Solicitor for the fourth judicial circuit, and the House of Commons was informed thereof by message.

Mr. Taylor presented the memorial of Joel Strong, relative to the dividing line between Virginia and North Carolina, and praying the Legislature to take some means to establish said line; which was read, and, on motion of Mr. Cooper, ordered to lie upon the table.

Received from the House of Commons a message, stating that Messrs. Gilliam and Covington form the committee on their part, to superintend the election of Solicitor for the fourth judicial circuit, and that they will commence voting on the return of the messenger.
Whereupon, the Senate proceeded to vote, as follows, to wit:

**FOR MR. POINDEXTER,**

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Mr. Moye, from the joint select committee on the part of the Senate to superintend the election of Solicitor of the 4th Judicial Circuit, reported that John F. Poindexter, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Taylor presented the following resolutions, to wit:

Resolved, That a message be sent to the House of Commons, proposing that so much of the message of his Excellency the Governor as relates to the subject of the currency, and to the subject of the depositories of the federal government, be referred to the committee on Finance.

Also that so much of said message as relates to public arms, and to a compilation of military tactics, be referred to the joint select committee on Military Affairs.

Also to refer so much of said message as relates to reports from the institutions of the State in which the State has a pecuniary interest, to the Executive, to the committee on Finance.
Resolved, That so much of said message as relates to internal improvements, be referred to the committee on Internal Improvements:

So much as relates to a topographical, geological, and mineralogical examination and survey of the State, to the committee on Internal Improvements:

Also so much as relates to common schools, to the committee on Education and the Literary Fund:

So much as relates to a report of cases of conviction in criminal prosecutions; and so much as relates to limited copartnerships, be referred to the committee on the Judiciary.

Which were severally read and adopted.

Mr. Moore presented the following Resolutions, to wit:

Resolved, That so much of the Message of His Excellency the Governor as relates to an Agricultural Survey, be referred to the Committee on Agriculture.

Resolved, That so much of the Governor's message as relates to a uniform set of weights, be referred to a select committee of five.

Resolved, That so much of the Governor's message as relates to securing to every family a certain portion of land in proportion to their number, be referred to the Judiciary Committee.

Which were severally read and adopted.

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

THURSDAY, NOV. 29, 1838.

Mr. Morehead, from the Judiciary committee, to whom was referred a bill, entitled a bill to amend an act concerning the public roads, ferries and bridges in this State, reported the bill without amendment. The bill was read the second time. Mr. Morehead moved to strike out all but the enacting clause, and insert in lieu thereof the following amendment:

"That it shall be the official duty of the County Attorney, in-
each and every county in this State, to prosecute all suits brought by the overseer of any public road, for the fine imposed by law for failing or neglecting to work on any public road agreeably to the provisions of said act; and when any overseer shall fail to prosecute such suit with effect, it shall and may be lawful for the court before which such suit is tried to say and determine whether such suit was founded on frivolous or malicious pretences and grounds, and to order and direct that the costs of such suit be paid by the plaintiffs, or out of the county funds, at its discretion.

"Be it further enacted, That nothing herein contained shall extend to trials before a single magistrate."

Which was read, and, on motion of Mr. Wilson, the bill and amendment were ordered to lie upon the table and be printed.

Received from the House of Commons a message, proposing to vote to-day at 12 o'clock for Solicitor of the 5th judicial circuit; and further stating that Alexander Troy is in nomination for that appointment; which was read and concurred in, and the House of Commons informed thereof by message.

Whereupon the Speaker announced to the Senate that Messrs. Bunting and Williams, (of Beaufort and Hyde,) form the committee to superintend the election of Solicitor of the fifth Judicial Circuit.

Received from the House of Commons a message, stating that they had passed the engrossed bill, entitled a bill fixing the time for perfecting the titles to land heretofore entered and paid for, and asking the concurrence of the Senate; which was read the first time and passed.

Mr. Moore presented the following Resolution, to wit:

Resolved, That a committee of three members on the part of the Senate be appointed on private bills.

Which was read and adopted.

On motion of Mr. Cooper,

Ordered, That a message be sent to the House of Commons, proposing that Thursday, the 13th December next, be set apart for the purpose of appointing Justices of the Peace.
Mr. Morehead presented the following Resolution, to wit:

Resolved, That it be referred to the committee on the Judiciary to enquire into the expediency of altering the time of holding the Superior Courts of Law and Courts of Equity of the first, second, and third Judicial Circuits in this State; and that said committee have leave to report by bill or otherwise.

Which was read and adopted. Whereupon, on motion of Mr. Morehead, the above resolution was re-considered, and amended, by referring it to the members representing the first, second, and third Judicial Circuits; which was read and adopted.

Received from the House of Commons the pension certificate of Priscilla Goodwin, of Perquimons county; which was read, and ordered to be countersigned by the Speaker.

Received from the House of Commons the following resignations, to wit: The resignation of C. C. Durham, a justice of the peace for the county of Rutherford; Joel Lee, a justice of the peace for the county of Johnston; Martin Quin, a justice of the peace for the county of Rutherford; Alexander Torrence and D. Little, justices of the peace for the county of Iredell; Jesse Holmes, a justice of the peace for the county of Davidson; and Robert Milson, a justice of the peace for the county of Bladen; which were severally read and accepted.

Mr. Hill presented the resignation of John Linton and A. Ward, justices of the peace for the county of Duplin; and Mr. Reding presented the resignation of John Hendley, a justice of the peace for the county of Randolph; which were severally read and accepted, and ordered to be sent to the House of Commons.

Mr. Taylor presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of amending the existing laws so as to allow to witnesses residing in a different county from that to the Court of which they may be summoned, a compensation for each day's travel to and from Court, in addition to that already allowed; and that they report by bill or otherwise.

Which was read and adopted.
Received from the House of Commons a message, stating that Messrs. Pemberton and Sloan form their branch of the committee to superintend the election for Solicitor of the fifth Judicial Circuit; and further stating that they will commence voting on the return of the messenger. Whereupon the Senate proceeded to vote as follows, to wit:

**FOR MR. TROY,**

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Mr. Melvin voted for Mr. Winslow.

On motion of Mr. Cooper, the memorial of Joel Strong, heretofore laid upon the table, was taken up and ordered to be sent to the House of Commons, with a proposition that it be referred to a committee to consist of the members representing the counties adjacent to the Virginia line.

On motion of Mr. Carson, the Senate adjourned until tomorrow morning ten o'clock.
Friday, November 30, 1838.

Mr. Williams, (of Beaufort and Hyde,) from the joint select committee on the part of the Senate to superintend the election of Solicitor for the fifth Judicial Circuit, reported that Alexander Troy, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Dockery, from the committee on claims, to whom was referred the petition of Christopher Vickry, of Randolph county, reported adversely to the claim of the petitioner; which was read and concurred in.

Mr. Dockery, from the same committee, to whom was referred the petition of Robert Brown, a citizen of the county of Lincoln, reported unfavorably to the claim of the petitioner; which was read and concurred in, and the committee discharged from its further consideration.

Mr. Cooper presented a bill, entitled a bill to alter the mode of electing Constables in this State, so far as relates to the county of Martin; which was read the first time and passed, and ordered to lie upon the table.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to raise a joint select committee on Military Affairs; and further stating that Messrs. Brittain, Trollinger, Peden, Whitaker, and J. T. Miller form their branch of the committee.

Received from the House of Commons a message, stating that Messrs. Holland, Mills, Massey, H. C. Jones and Puryear form their branch of the joint select committee to which is referred the communication of the Secretary of State relative to the Public Printing.

Received from the House of Commons a message, transmitting the report of the Commissioners for draining Matamuskeet Lake, in Hyde county, with a proposition that one copy for each member of the General Assembly be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to add Mr. Patton to the joint select committee on Cherokee lands; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to print
the report of the Commissioners superintending the re-
building of the Capitol.

Mr. Whitaker presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to William Ashley
the sum of fifty-five dollars and twenty-five cents, for furnishing
the Senate and House of Commons with tables and spit boxes,
and that the same be allowed him in the settlement of his public
accounts.

Which was read the first time and passed, and, on motion
of Mr. Reid, was referred to the Committee on Claims.

Received from the House of Commons a message, stating
that they have passed the engrossed bill, entitled a bill to
incorporate Junto Academy, in Orange county, in which
they ask the concurrence of the Senate; which was read
the first time and passed, and, on motion of Mr. Edwards,
referred to the Committee on Private Bills.

The Speaker announced to the Senate, that Messrs. Reid
and Montgomery form the Committee on enrolled bills on
the part of the Senate, and the House of Commons was in-
formed thereof by message.

Mr. Albright presented a bill, entitled a bill to authorize
the issuing of Treasury Notes; which was read the first time
and passed, and, on motion of Mr. Edwards, referred to
the Committee on Finance.

Received from the House of Commons a message, propos-
ing to refer the communication of his Excellency, the Gov-
ernor, together with the report of William H. Haywood,
Jun. Esq., therewith transmitted to the Senate, to a joint
select committee to be raised for that purpose, consisting of
five on the part of each House; which was read and concurred
in, and the House of Commons was informed thereof by
message.

Mr. Davidson presented a bill, entitled a bill concerning
the Court of Pleas and Quarter Sessions for the county of
Iredell; which was read the first, second and third times
and passed and ordered to be engrossed.

Received from the House of Commons a message, trans-
mittting to the Senate a communication of his Excellency the
Governor, touching the renting and fitting up a House for
the present session of the General Assembly; which was
read, and, on motion of Mr. Edwards, referred to the Com-
mittee on Claims.
The Speaker announced to the Senate, that Messrs. Morehead, Spruill, Bunting, Arrington and Speed, form the committee on the Governor’s message, transmitting a communication from William H. Haywood, Jun.; Messrs. Wilson, Dockery, Harper, Hill and Cooper, form the committee on Military Affairs; Messrs. Edwards, Carson, Kerr, Biddle and Ribelin, form the committee on so much of the Governor’s message as relates to weights and measures; and that Messrs. Moody, Holt, Reinhardt, Montgomery and Reid, form the Committee on Agriculture; and the House of Commons was informed thereof by message.

On motion of Mr. Cooper, the Senate adjourned until tomorrow morning ten o’clock.

Saturday, December 1, 1838.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred a bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina, reported the bill without amendment, and recommended its rejection. The bill was read a second time; thereupon Mr. M'Diarmid moved to amend the bill by striking out the word four, and inserting in lieu thereof the word five, and the question thereon was decided in the negative. The question then recurred on the passage of the bill, which was decided in the negative.

Mr. Williams (of Beaufort and Hyde,) presented the following resolution, to wit:

Resolved, That the committee on Education and the Literary Fund be instructed to enquire into the expediency of establishing Free Schools in each and every county in the State, and report by bill or otherwise.

Which was read and adopted.

Mr. M'Diarmid presented the pension certificate of Ann Morrison, widow of the late Alexander Morrison, dece’d, of Cumberland county, which was read and ordered to be coun-
tensigned by the Speaker and to be sent to the House of Commons.

Received from the House of Commons a message, proposing to refer so much of the Governor’s Message as relates to the securing to the citizens of this State home- stead or freeholds to a joint select committee of five on their part, and three on the part of the Senate; 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 five on the part of each House to enquire into the expediency of building a Penitentiary in this State: which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to vote on Monday next, at 12 o’clock, for Counsellors of State; which was read and adopted, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. E. P. Miller, Walker, Stafford, and Furman form their branch of the committee on enrolled bills.

Received from the House of Commons a message, proposing to refer so much of the Governor’s Message as relates to the request made by the State of Louisiana to hold a Southern Convention to adopt measures against the machinations of northern fanaticks, to a joint select committee of three on the part of each House; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

On motion of Mr. Cooper, the bill to alter the mode of electing Constables in this State, so far as it relates to the county of Martin, was taken up, and, on his motion, amended, and was then read the second time and passed, and ordered to lie upon the table.

Mr. Jones presented the petition of Elizabeth Bentley, of Wilkes county; praying the Legislature to secure to her such property as she may hereafter acquire; which was read, and, on motion of Mr. Taylor, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: A Bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift. Also, a Bill for the better regulation of the town of Greenville; and a Resolution for printing the
Comptroller's Report; in which they ask the concurrence of the Senate.

The first named bill, entitled a Bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift, was read the first time, and, on motion of Mr. Jones, was amended, and passed.

The bill for the better regulation of the town of Greenville was read the first time and passed.

The Resolution for printing the Comptroller's Report was read the first time and rejected.

The Speaker announced to the Senate the following committees, to wit:

ON THE PUBLIC PRINTING,

Messrs. Davidson, Messrs. Baker,
Fox, Sharp,
Albright,

ON PRIVATE BILLS,

Messrs. Holt, Messrs. Rabun,
Exum, Melchor,
Reding

And the House of Commons was informed thereof by message.

Mr. Dockery presented the petition of a number of citizens of Robeson county, praying the Legislature to grant them an appropriation for the purpose of removing obstructions in Lumber river; which was read and referred to the Committee on Internal Improvements.

Mr. Spruill presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that a joint select committee of three on the part of each House be appointed to make the necessary arrangements, and to prescribe the time and manner for the assembling of the two Houses of the General Assembly to compare the votes given at the late election in this State for Governor, and to declare the result thereof.

Which was read and adopted.
On motion of Mr. Reinhardt, the Senate adjourned until Monday ten o'clock.

Monday, December 3, 1838.

On motion of Mr. Allison,
Ordered, That Mr. Exum have leave of absence from the service of this House for this day.

Mr. Edwards presented the following Resolutions, to wit:

Resolved, By the General Assembly of North Carolina, that it is expedient so to amend the first and second sections of the first article of the amendments to the Constitution, as to restore to the people the right of choosing annually the members of the Senate and House of Commons.

Resolved, That a select committee of three members be appointed to report a bill agreeably to the provisions of the Constitution, to carry into effect the foregoing resolution.

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

Mr. Moody presented the following resolution, to wit:

Resolved, That a committee be appointed to wait upon his Excellency the Governor, requesting him to lay before the Legislature, at as early a day as convenient, the resolution of the last Legislature, and all papers relative to Free Schools in the State.

Which was read and adopted.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate, that so much of the Governor's Message as relates to reports from the Institutions of the State, in which it has a pecuniary interest, be referred to the Committee on Finance.

Received from the House of Commons a message, stating they do not concur in the proposition of the Senate to refer to the Committee on Finance, so much of the Governor's
Message as relates to the subject of the currency, and of the Depositories of the Federal Government.

Received from the House of Commons a message, concurring in the proposition of the Senate, that Thursday, 13th December next, be set apart for the appointment of justices of the peace.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that so much of the Governor's Message as relates to the public arms and a compilation of military tactics, be referred to the Committee on Military affairs.

Mr. Sheppard presented a bill, entitled a bill to amend an Act, passed in the year one thousand eight hundred and twenty-one, entitled an Act to incorporate a company entitled the Roanoke Inlet Company, and for other purposes; which was read the first time and passed.

Mr. Baker presented a bill; entitled a bill to lay off and establish a county by the name of Boon; which was read the first time and passed, and, on his motion, ordered to be referred to a committee to be composed of the members from the counties of Burke and Wilkes.

The Senate proceeded to consider the Bill, entitled a bill for the better regulation of the town of Greenville; which was read the second time, and, on motion of Mr. Moye, ordered to be referred to the Committee on Private Bills.

The Senate proceeded to consider the bill, entitled a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read a second time and passed.

On motion of Mr. Reinhardt, the bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina, was reconsidered and read the second time, amended on motion of Mr. Cherry, and passed.

On motion of Mr. Speed, the resolution for printing Comptroller's Report, was re-considered, and, on motion of Mr. Taylor, ordered, that a message be sent to the House of Commons, proposing to refer the resolution to the Committee on Public Printing.

Received from the House of Commons a message, informing the Senate that John A. Anderson, of Hertford county; Allen Goodwin, of Chatham county; James P. Leak, of Richmond county; Johnson Busbee, of Wake county; Thos.
McGehee of Person county; Doctor Willie Perry, of Franklin county; and Isaac T. Avery of Burke county, are in nomination for Counsellors of State.

On motion of Mr. Kerr,

Ordered, That a message be sent to the House of Commons, informing that House that Messrs. James Watt, of Rockingham county; George Williamson, of Caswell county; Allen Rogers, sr. of Wake county; Archibald H. Davis, of Franklin county; Allen Goodwin, of Chatham county; Charles E. Johnson, of Chowan county; and Thomas H. Hall, of Edgecomb county, are in nomination for the appointment of Counsellors of State.

The Speaker announced to the Senate, that Messrs. McDiarmid and Biddle form the committee on the part of the Senate to superintend the election of Counsellors of State, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. E. J. Erwin and Daniel form the committee on their part to superintend the election for Counsellors of State, and that they will commence voting on the return of the messenger. Whereupon, the Senate proceeded to vote as follows:

FOR MR. ANDERSON,

| Messrs. Speaker, | Messrs. Morehead, |
| Albright, | Moore, |
| Biddle, | Moody, |
| Carson, | Moye, |
| Cherry, | Montgomery, |
| Dockery, | Reding, |
| Davidson, | Ribelin, |
| Franklin, | Sharp, |
| Harper, | Shepard, |
| Holt, | Speed, |
| Jones, | Spruill, |
| Melchor, | Williams, of B.—24. |

FOR MR. GOODWIN,

| Messrs. Speaker, | Messrs. Melchor, |
| Albright, | Melvin, |
| Arrington, | Moore, |
| Baker, | Moody, |

FOR MR. LEAK,

MESSRS. Speaker, Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Jones, Melchor, Morehead, MESSRS. Moore, Moody, Moye, Montgomery, Reding, Ribelin, Sharp, Shepard, Spruill, Speed, Taylor, Williams, of B.—25.

FOR MR. BUSBEE,

MESSRS. Speaker, Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, MESSRS. Moore, Moody, Moye, Montgomery, Reding, Ribelin, Sharp, Shepard, Speed, Spruill,
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Harper, Shepard,  
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Jones, Taylor,  

FOR MR. WATT,

Messrs. Allison, Messrs. Kerr,  
Arrington, Melvin,  
Baker, Morehead,  
Bunting, McDiarmid,  
Cooper, Reid,  
Edwards, Reinhardt,  
Etheridge, Rabun,  
Fox, Williams, of P:  
Foy, Wilson,  
Hill, Whitaker—21.

FOR MR. WILLIAMSON,

Messrs. Allison, Messrs. Houlder,  
Arrington, Kerr,  
Baker, Melvin,  
Bunting, McDiarmid,  
Cooper, Reid,  
Edwards, Reinhardt,  
Etheridge, Rabun,  
Fox, Williams, of P.  
Foy, Wilson,  
Hill, Whitaker—20.

FOR MR. ROGERS,

Messrs. Allison, Messrs. Houlder,  
Arrington, Kerr,  
Baker, Melvin,  
Bunting, McDiarmid,  
Cooper, Reid,  
Edwards, Reinhardt,  
Etheridge, Rabun,  
Fox, Williams, of P.  
Foy, Wilson,  
Hill, Whitaker—20.
FOR MR. DAVIS,

Messrs. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Fox, Foy, Hill,

Messrs. Houlder, Kerr, Melvin, McDiarmid, Reid, Reinhardt, Rabun, Williams, of P. Wilson, Whitaker—20.

FOR MR. HALL,

Messrs. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Fox, Foy, Hill,

Messrs. Houlder, Kerr, Melvin, McDiarmid, Reid, Reinhardt, Williams, of P. Wilson, Whitaker—19.

Mr. Allison voted for Mr. Kerr.

FOR MR. JOHNSTON,

Messrs. Allison, Arrington, Bunting, Cooper, Edwards, Etheridge, Fox, Foy, Hill,


Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate to refer the memorial of Joel Strong to a committee consisting of the members of both Houses representing the counties adjacent to the Virginia line.
On motion of Mr. Cooper, the bill, entitled a bill to alter the mode of electing constables in this State so far as it relates to the county of Martin, was taken up and read a third time and passed, and ordered to be engrossed.

Mr. Jones, from the committee on finance, to whom was referred so much of the Message of His Excellency the Governor as relates to the currency, and also, so much as relates to the depositories of the General Government, reported that the committee ask leave to be discharged from the further consideration of those subjects; and recommend that they be referred to a joint select committee to consist of five to be raised for that purpose; which was read and concurred in, and the committee was discharged accordingly.

Mr. Jones presented the memorial of Jeremiah Gilreath, praying the Legislature to authorise the Secretary of State to issue to him a duplicate warrant for six hundred and forty acres of land; which was read, and, on his motion, referred to the committee on propositions and grievances.

Mr. Shepard presented the following Preamble and Resolutions:

Whereas, the exchange and the currency of the country are much deranged, and it is indispensable for the general prosperity that this state of things should be speedily corrected, and the industry of the country placed upon that steady and permanent footing that hereafter its exertions may not be in any way periodically paralyzed by the action of the Federal Government; and whereas, there are conflicting opinions among the people of North Carolina upon the subject of a National Bank, and upon the policy of an Independent Treasury under the exclusive control of the Federal Executive, therefore

Resolved, by the General Assembly of North Carolina, That it would be eminently conducive to the prosperity of the people of the United States and tend much for the future to withdraw the business of the country from those entangling alliances with national politics which have been found injurious to both, that the Congress of the United States should charter three separate, distinct, and independent Banks, to be located with their branches in the three great sections of the Union, North, South, and West.

And be it further Resolved, That in the opinion of this Assembly, the united capitals of these Banks should not exceed fifty millions of dollars, to be distributed in such portions to the different sections of the Union as to Congress might seem just and proper.
Which were read, and, on motion of Mr. Shepard, ordered to lie on the table and be printed.

Mr. Biddle presented the following Resolution, to wit:

Resolved, That the committee on the judiciary be instructed to report a bill amending the law respecting the election of constables.

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

Mr. Biddle also presented the following Resolution, to wit:

Resolved, That the Clerk of the Senate procure two of the most approved maps of the State of North Carolina, one for the use of the Senate, and one for the use of the House of Commons.

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

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

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Tuesday, Dec. 4, 1838.

The Speaker announced to the Senate, that Messrs. Moody and Reinhardt form the committee to wait on his Excellency the Governor, to obtain papers relating to common schools.

The Speaker also announced to the Senate the following committees, to wit:

ON ENROLLED BILLS,

Messrs. Spruill,
Wilson.

ON THE SUBJECT OF THE PENITENTIARY,

Messrs. Morehead, Messrs. Shepard,
Edwards, Kerr.
Holt,
And the House of Commons was informed thereof by message.

Mr. Dockery, from the Committee on Claims, to whom was referred the resolution in favor of William Ashley, reported the same with the following amendment, to wit, strike out fifty-five, and insert in lieu thereof the word forty-eight; which was read the second time and passed as amended.

Mr. Dockery, from the same committee, to whom was referred the communication of his Excellency the Governor, relative to renting a house for the use of the Legislature the present session, reported the following resolution, to wit:

Resolved, That the Public Treasurer pay to B. B. Smith the sum of twelve hundred and fifty dollars, as a compensation for the use of the house now occupied by the General Assembly, for and during its present session, agreeably to the contract of his Excellency the Governor, and that the same be allowed him in the settlement of his public accounts.

Which was read the first time and passed.

Received from the House of Commons a message, proposing that the joint select committee heretofore raised for the purpose of providing a signal for the meeting of the two Houses, be instructed to inquire what repairs are necessary in the building where the bell now stands, and what expenses will be incurred thereby; which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. E. S. Bell, Proctor, Hester and Baker form their branch of the committee on enrolled bills for this week.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to raise a joint select committee of three on the part of each House to make the necessary arrangements to prescribe the time and manner for the assembling of the two Houses to compare the votes given at the late election in the State for Governor; and further stating that Messrs. Waddell, J. T. Miller and Patton, form their branch of the committee.

Received from the House of Commons a message, stating
that they concur in the proposition of the Senate to add Mr. Jones to the joint select committee on Cherokee lands.

Mr. Whitaker presented the following resolution, to wit:

Resolved, That the Committee on Claims be instructed to examine the account of Osborne Bowers, and report to the House by resolution or otherwise.

Which was read and adopted.

Mr. Harper presented the petition of J. Moore and others of Greene county, praying the Legislature to compensate them for services rendered in holding a Court Martial; which was read, and, on motion of Mr. Harper, was referred to the Committee on Military Affairs.

The Senate proceeded to consider the bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina; which was read the third time, and, on motion of Mr. McDiarmid, amended and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Brummell, S. A. Williams, Faison, G. W. Caldwell and Waddell form their branch of the committee to whom is referred the communication of his Excellency the Governor; and the report of William H. Haywood, Jun. Esq., accompanying the same upon the subject of the military claim of North Carolina against the General Government.

The Senate proceeded to consider the resolution relative to the election of constables, heretofore laid on the table, which was read: thereupon, Mr. Biddle asked leave to withdraw the resolution, which was granted accordingly.

The Senate also proceeded to consider the bill, entitled a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read the third time and passed, and ordered to be enrolled.

Mr. McDiarmid, from the joint select committee on the part of the Senate to superintend the election for Counsellors of State, reported that John A. Anderson, Allen Goodwin, James P. Leak, Johnson Busbee, Thomas McGehee, Dr. Willie Perry, and Isaac T. Avery, having each receiv-
ed a majority of the whole number of votes given, were duly elected; in which the Senate concurred.

The Speaker announced to the Senate that Messrs. Spruill, Arrington, and Moye form the committee on the part of the Senate to make arrangements in relation to the late election for Governor; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to refer to a joint select committee of three on the part of each House that part of the Governor's Message which relates to the establishment of Banks within the States to be tendered to the Government of the United States as places of deposite of the public moneys and the fiscal agents of the General Government; which was read and concurred in.

The Speaker presented to the Senate the report of the Adjutant General of the Militia of North Carolina; whereupon, on motion of Mr. Wilson, ordered that it be referred to the committee on Military Affairs and be printed.

Mr. Biddle presented the memorial of many citizens of the county of New Hanover, praying the Legislature to amend the inspection laws so as to provide for the appointment of an inspector of timber and lumber; which was read, and referred to the committee on propositions and grievances.

The Senate proceeded to consider the bill, entitled a bill to amend an act passed in the year 1821, entitled an act to incorporate a company entitled the Roanoke Inlet Company and for other purposes; which was read the second time and passed.

Mr. Jones, from the committee on finance, reported that they have counted in Treasury notes which have been redeemed by the Public Treasurer the sum of $1,290 67-100, which have been burned; and they recommend the passage of the following Resolution, to wit:

Resolved, That Daniel W. Courts, Public Treasurer, be allowed the sum of one thousand two hundred and ninety dollars and sixty-seven cents, amount of Treasury Notes counted and burnt by the committee on Finance, in the settlement of his public accounts.

Which was read the first, second, and third times, and passed, and ordered to be engrossed.
Mr. Moore presented a bill, entitled a bill to incorporate the Salem Light Infantry Company; which was read the first time and passed, and referred to the committee on private bills.

Mr. Biddle presented the following Resolution, to wit:

Resolved, That the committee on propositions and grievances enquire into the expediency of amending the laws respecting the inspection of lumber and measurement of ton or square timber, so as to make them uniform in this State; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Moody, from the select committee appointed to wait upon His Excellency the Governor to obtain papers relating to Free Schools, reported that he was authorized to say that all the papers relative thereto have been transmitted to the House of Commons; which was read and concurred in.

On motion of Mr. Hill, the Senate adjourned until tomorrow morning ten o'clock.

WEDNESDAY, DEC. 5, 1838.

Mr. Spruill, from the joint select committee appointed to make the arrangement, and prescribe the time for the assembling of the two Houses to compare the votes given at the late election for Governor, reported the following resolution, to wit:

Resolved, That the two Houses shall assemble in the Hall of the House of Commons on Friday the 7th day of December, 1838, at 12 o'clock; that one person be appointed Teller on the part of the Senate, and two persons be appointed Tellers 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, the announcement shall be deemed a sufficient declaration of the person
electe\n, and together with a list of the votes shall be entered on the Journals of the two Houses.

Which was read and adopted.

Mr. Jones, from the Committee on Finance, to whom was referred the bill, entitled a bill to authorize the issuing of Treasury Notes, reported the same without recommending either its passage or rejection. Whereupon, on motion of Mr. Albright, ordered to lie upon the table. The committee was discharged from its further consideration.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill, entitled a bill fixing the time for perfecting titles to land heretofore entered and paid for, reported that they recommend the passage of said bill with an amendment; which was read the second time, and passed as amended, and the committee was discharged from its further consideration.

Mr. Morehead, from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of amending the existing laws relative to witnesses in certain cases, reported that the committee deemed it inexpedient to make any amendment to the existing law on that subject, and asked leave to be discharged from its further consideration. The committee was discharged accordingly.

Mr. Harper, from the Committee on Military Affairs, to whom was referred the petition of Jesse M. Moore, William R. Dupree and Thomas Hughes, Captains of the Militia in the county of Greene, reported the following resolution to wit:

Resolved, That the Public Treasurer be directed to pay to Jesse M. Moore, William R. Dupree, and Thomas Hughes the sum of eight dollars sixty-two and half cents each for their services in Court Martial in Newbern in August last, in the case of Col. Luke Russell.

Which was read the first time and passed.

Received from the House of Commons a message, stating that the report of the commissioners appointed to superintend the sales of the lands acquired by treaty from the Cherokee Indians therewith transmitted to the Senate, has been referred to the joint select committee on Cherokee lands; and further proposing to print it; which was read and concurred in.
Received from the House of Commons a message, proposing to add Mr. McWilliams to the joint select committee on public printing; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: A bill to authorize Robert Walker, of Wilkes county, to build a mill on his own land, on Roaring river, at or near a place called the Rock House; a bill making valid certain surveys made by the deputy surveyor of Haywood county; a bill to circumscribe the corporate limits of the town of Milton; and a bill to establish a toll bridge over the South Yadkin river near Hall's Mills, in Davie county; also, a resolution in favor of Joseph Brindle; in which they ask the concurrence of the Senate.

The first named bill, entitled a bill to authorize Robert Walker, of Wilkes county, to build a mill on his own land on Roaring river, at or near a place called the Rock House, was read the first and second times and passed, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

The bill making valid certain surveys made by the deputy surveyor of Haywood county; the bill to circumscribe the corporate limits of the town of Milton; and the bill to establish a toll bridge on the South Yadkin River near Hall's Mills in Davie county, were severally read the first time and passed.

The resolution in favor of Joseph Brindle was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to lay off and establish a county by the name of Henderson; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The Senate proceeded to consider the resolution in favor of William Ashley, which was read the third time and passed, and ordered to be engrossed.

The Senate also considered the resolution in favor of B. B. Smith, which was read the second time and passed.

Mr. Dockery presented the following Resolution, to wit:

Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of so amending the Militia Laws
of the State as to require captains to muster their companies once in three months; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Spruill presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that the standing committees of both Houses on Education and the Literary Fund be constituted a joint select committee.

Which was agreed to.

The Senate proceeded to consider the bill, entitled a bill to amend an act passed in the year 1821, entitled an act to incorporate a company entitled the Roanoke Inlet Company and for other purposes; which was read the third time and passed, and ordered to be engrossed.

The Speaker announced to the Senate that Messrs. Carson, Moore, and Hawkins form the Committee on the part of the Senate on so much of the Governor's Message as relates to Banks and Depositories of the public moneys; and the House of Commons was informed thereof by message.

Mr. Speed presented the following Resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to report a bill for the suppression of contagious diseases.

Which was read and adopted.

Received from the House of Commons the resignation of W. B. M'Corkle, a Justice of the Peace for the county of Anson; which was read and accepted.

On motion of Mr. Morehead, the message from the House of Commons relating to a Southern Convention, was taken up and read; thereupon Mr. Shepard moved that the same be concurred in, subject to the following conditions: "with instructions to the committee that they report to the two Houses the reasons why, in the opinion of the Legislature of North Carolina, it is inexpedient at this time to summon a Convention of the Southern States;" which was agreed to.

On motion of Mr. McDiarmid, the bill, entitled "a bill to amend an act entitled an act concerning the public roads,"
ferries, and bridges in this State," was taken up and read the third time; thereupon Mr. McDiarmid moved to amend the bill by striking out the second section thereof; which was agreed to; also, to amend the bill by striking out the title, and inserting in lieu thereof the following, viz: "A bill to exempt miners from working on public roads, and concerning the appointment of overseers of roads;" which was likewise agreed to. Mr. Morehead then moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof an amendment which he proposed. Mr. McDiarmid called for a division of the question, and on the motion to strike out demanded the yeas and nays; which were ordered, and are as follows:

Those who voted in the affirmative, were,

Messrs. Albright, Baker, Biddle, Bunting, Carson, Cherry, Davidson, Dockery, Edwards, Etheridge, Fox, Franklin, Harper, Hill, Holt,


Those who voted in the negative, were,

Messrs. Allison, Arrington, Cooper, Exum, Foy, of O. Hawkins, Henry, Houlden, Kerr,

Messrs. Melvin, Moore, M'Diarmid, Montgomery, Sharp, Shepard, Taylor, Williams, of Person, Whitaker—18 nays.

So the motion to strike out was carried.
The question then recurred on inserting the amendment proposed by Mr. Morehead; which was decided in the negative. Mr. McDiarmid then moved that the title of the bill lie upon the table; which prevailed.

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

Thursday, December 6, 1838.

Mr. Arrington presented the resignation of Bartley Deans, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Shepard presented a bill, entitled a bill to authorise the justices of the Court of Pleas and Quarter Sessions for the county of Perquimons, to purchase the Bridge across Perquimons River; which was read the first time and passed.

Mr. Holt presented a bill, entitled a bill to incorporate the Lexington Manufacturing Company; which was read the first time and passed.

On motion of Mr. Rabun, the Senate proceeded to consider the bill, entitled a bill to lay off and establish a county by the name of Henderson; which was read the second time, and the question recurring thereon, it was decided in the affirmative.

Mr. Spruill demanded the yeas and nays which were ordered, and are as follows:

Those who voted in the affirmative, were,

Messrs. Allison, Albright, Baker, Bunting, Carson, Cherry, Davidson, Dockery, Edwards, Fox, Franklin, Messrs. Kerr, Melchor, Morhead, Moore, McDiarmid, Montgomery, Reid, Reding, Reinhardt, Rabun, Ribelin,
Hawkins,              Shepard,
Hill,                 Taylor,
Holt,                 Williams of P.
Jones,                Whitaker—30 yeas,

 Those who voted in the negative, were,

Messrs. Arrington,    Messrs. Melvin,
Biddle,               Moody,
Cooper,               Moye,
Etheridge,            Sharp,
Exum,                 Speed,
Foy, of Onslow,       Spruill,
Harper,               Williams, of B.
Henry,                Wilson—17 nays
Houlder,

Received from the House of Commons a message, stating that Messrs. E. J. Erwin, Gilliam, Eaton, Amis and Lindsay form their branch of the joint select committee on the subject of a Penitentiary.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a county by the name of Jefferson, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The Senate proceeded to consider the engrossed bill, entitled a bill fixing the time for perfecting titles to land herebefore entered and paid for; which was read the third time, and, on motion of Mr. Morehead, amended, by adding the words “nor to the swamp lands in this State;” and on motion of Mr. Wilson, further amended by striking out the word eleven in the seventh line of the first section, and inserting the words “twenty-two.” Mr. Edwards then moved that the bill be indefinitely postponed; and the question recurring thereon, it was decided in the affirmative.

Mr. Whitaker demanding the yeas and nays, were as follows:

 Those who voted in the affirmative, were,

Messrs. Allison,    Messrs. Melchor,
Albright,          Moore,
Arrington,         Moody,
Bunting,
Cooper, McDiarmid,
Edwards, Reid,
Etheridge, Rabun,
Exum, Shepard,
Fox, Speed,
Foy of Onslow, Spruill,
Hawkins, Taylor,
Henry, Williams, of B. & H.
Hill, Williams, of P.
Houlder, Wilson,
Melvin, Whitaker—30 yeas.

Those who voted in the negative, are,

Messrs. Baker, Messrs. Jones,
Biddle, Kerr,
Carson, Morehead,
Cherry, Montgomery,
Davidson, Reding,
Dockery, Reinhardt,
Franklin, Ribelin,
Harper, Sharp—17 nays.
Holt,

Mr. Dockery presented the following preamble and Resolution, 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 has now a large fund known as the Literary Fund, set apart by former Legislatures for the purpose of diffusing information among the people:

Resolved therefore, That the Committee on Education and the Literary Fund, be instructed to inquire 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, subject to the control, direction and supervision of a Literary Board, to be created by the County Court of each respective county; and that they have leave to report by bill or otherwise.

Which was read and adopted.
On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

Friday, December 7, 1838.

Received from the House of Commons a message, stating that they concur in the arrangements made for comparing the votes for Governor this day at 12 o'clock, and further stating that Messrs. Rayner and William P. Williams are the Tellers on the part of the Commons. Whereupon the Speaker announced to the Senate that Mr. Morehead is appointed Teller 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 refer so much of the Governor's Message as relates to the currency and to the depositions of the General Government, to a joint select committee of five on the part of each House; and further stating that Messrs. Paine, Whitaker, Hill, Wadsworth and Walker form their branch of said committee.

Received from the House of Commons a message, thereupon transmitting to the Senate the message of his Excellency the Governor, with the report of the Literary Board, and other documents which they propose to refer to a joint select committee consisting of six on the part of each House; and further propose to print the whole, with the exception of C. B. Shaw's first report, one copy for each member of the General Assembly; and they also propose to print the report on Common Schools, nine copies for each member of the General Assembly; which was read, and, on motion of Mr. Wilson, ordered to be laid upon the table.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the petition of a portion of the citizens of Burke and Wilkes, praying the establishment of a new county, and the bill to carry the same into effect, to a joint select committee composed of the members of both Houses from the said counties, and therewith transmitting the bill and petition to the Senate.

Mr. Moye presented the following Preamble and Resolution, to wit:
Whereas, it hath been latterly held by one of the Judges of the Superior Courts of Law and Equity in this State, in relation to the crime of robbery, that the act must be committed on the public highway, before the charge can be sustained under the existing laws:

Therefore Resolved, That the Committee on the Judiciary enquire into the expediency of amending the law in relation to this matter; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Moody, from the joint select committee appointed for the purpose of ascertaining at what expense the steeple of the Presbyterian Church in this City can be repaired, reported that they believe, after examination, one hundred dollars will be required to make the ringing of the bell secure; which was read, and, on motion of Mr. Whitaker, ordered to lie on the table.

Mr. Spruill presented the following resolution, to wit:

Resolved, That the Committee on Education and the Literary Fund be instructed to inquire into the expediency of establishing the following system of Public Schools in this State:

At the first County Court which may happen in each and every county in the State, after the first day of January, 1840, it shall be the duty of the said Courts to lay off their several counties into School Districts. The Courts shall appoint a Constable in each district, whose duty it shall be to open polls and hold an election on a given day in his district; that every man entitled to vote for members of the House of Commons shall be entitled to vote. The vote shall be 'school' or 'no school.'

It shall be the duty of the Constable to make returns of said election to the next County Court; and in every district where a majority of the votes had been cast for 'school,' the court shall appoint five discreet persons as a School Committee.

The said Committee shall procure a school house, and agree upon the wages of the teacher.

The said Committee shall levy a tax on the lands and polls of the district to one half the amount of the sum necessary to pay the teacher; and the Court shall certify the same to the Public Treasurer, who shall pay the other half out of any moneys in the Treasury belonging to the Literary Fund.

In every district where, by the votes, the School System was not adopted, the Court shall order an election once in every year.

Which was read and adopted.
Mr. Moore presented the petition of Salathiel Stone, Sheriff of Stokes county, praying the Legislature to pass an act making him an allowance for one hundred and forty-six insolvent taxables; which was read, and, on motion of Mr. Moore, referred to the Committee on Claims.

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

Resolved, That the select committee on the subject of a Penitentiary be instructed to enquire and report on the propriety of erecting one or more lunatic asylums in this State.

Which was read and adopted.

The Senate proceeded to consider the resolution in favor of Jesse M. Moore and others; which was read and adopted.

The Senate proceeded to consider the engrossed bills to establish a toll bridge over the South Yadkin River near Hall's Mills, in Davie county; a bill to circumscribe the corporate limits of the town of Milton; and a bill making valid certain surveys made by the deputy surveyor of Haywood county; which were severally read the second and third times and passed and ordered to be enrolled.

Mr. Bunting presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the revenue law as to legalize the assessment made by the assessors appointed at the first County Court after the month of February, 1838; and that they authorize the Sheriffs in those counties where persons gave in their land in 1837, without any valuation being annexed thereto, to collect the taxes on the same by the assessment made in 1838; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Etheridge presented the petition of many citizens of Currituck county, praying the Legislature to pass an act to prevent the citizens of Virginia from driving their cattle and other stock into this State for the purpose of grazing, &c.; which was read and referred to the Committee on Propositions and Grievances.

The Senate proceeded to consider the bill to authorize the Justices of the Court of Pleas and Quarter Sessions for the
county of Perquimons to purchase the bridge across Perquimons river; and the resolution in favor of Benj. B. Smith. Said bill was read the second and third times and passed and ordered to be engrossed. Said resolution was read the third time and passed and ordered to be engrossed.

The Senate proceeded to consider the engrossed resolution in favor of Joseph Brindie; which was read the second time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the memorial of Jeremiah Gilbreath, of Wilkes county, asking the passage of a resolution directing the Secretary of State to issue to him a duplicate warrant for 640 acres of land for the military services of Wm. Crosley, reported that, after full investigation of the matter, they recommend that the prayer of the memorialist be rejected, and asked to be discharged from the further consideration thereof. The committee was discharged accordingly.

Whereupon Mr. Jones asked leave to withdraw said papers from the file of the Senate; which was granted.

Mr. McDiarmid presented the following resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending or altering the law respecting runaway slaves, so that any male slave who shall absent himself from his owner or owners for months, without first obtaining his, her, or their consent, shall be considered an outlaw, and may be dealt with accordingly; and to provide that where the owner shall find it necessary to resort to the use of unlawful weapons, for the purpose of subduing or apprehending a runaway slave, and shall shoot, maim, or otherwise injure him, it shall not be deemed a criminal offence, and the person committing the act shall not be arraigned nor put upon trial for the same; and that they report by bill or otherwise.

And be it further Resolved, That the said committee be instructed to enquire into the expediency of compelling all Jailors to advertise all runaway slaves that have been committed to jail, in the State Gazette; and that they report by bill or otherwise.

Which was read and adopted.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the second time. Thereupon Mr. Reid moved the following amendment, as an additional section, to wit:
"Be it enacted, That the private property of the stockholders shall be liable for all debts, contracts and liabilities of the Company."

Pending the question, Mr. Wilson moved that the bill and amendment lie on the table; which was agreed to.

Received from the House of Commons a message, stating that they are now ready to receive the Senate pursuant to an arrangement between the two Houses, for the purpose of comparing the votes given at the late election for Governor; which was read. Whereupon, on motion of Mr. Morehead, the Senate repaired to the House of Commons. The counting of the votes, according to the joint resolution of the two Houses, having been concluded, Mr. Morehead, in behalf of the tellers of both Houses, reported.

Mr. Speaker Joyner then made the following announcements, viz:

Gentlemen of the Senate and House of Commons—The Tellers appointed by the two Houses to compare the returns, and to make a list of the votes given at the late election for Governor in this State, report that Edward B. Dudley received 34,329, being the highest number of votes given to any person; and that John Branch received 20,153 votes—no objection being made to the report, I declare Edward B. Dudley duly elected Governor of the State of North Carolina for two years from first January next.

The Tellers further report that no return has been received from the county of Rutherford, and that no legal returns have been received from the counties of Ashe, Guilford and Perquimans, though, according to documents delivered to the Speaker of the Senate by the Secretary of State, but not certified by the Sheriffs of said counties as returns in the election, there appeared to be additional votes for Dudley of 2177, and for Branch 541, in those counties; and that according to the return of the Sheriff of Gates, 323 votes were given for "Gen'l L. Dudley," none of which are included in the statement first aforesaid.

The following is a statement of the votes for Governor of the State, as reported by the Tellers of the two Houses:

<table>
<thead>
<tr>
<th>Counties</th>
<th>For E. B. Dudley</th>
<th>For John Branch</th>
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<tbody>
<tr>
<td>Anson</td>
<td>908</td>
<td>161</td>
</tr>
<tr>
<td>Ashe</td>
<td>768</td>
<td>217</td>
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<tr>
<td>County</td>
<td>Dudley</td>
<td>Branch</td>
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<tr>
<td>Bertie</td>
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<td>225</td>
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<td>Bladen</td>
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<td>Jones</td>
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<td>New Hanover</td>
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<td>Person</td>
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<td>Pitt</td>
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<tr>
<td>Randolph</td>
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<td>59</td>
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Upon the invitation of the Speaker of the Senate, the Senators returned to the Senate Chamber. Whereupon, on motion of Mr. Morehead, the Senate adjourned until tomorrow morning ten o'clock.

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<td>Dudley</td>
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<td></td>
<td>34,329</td>
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<td>20,153</td>
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Saturday, Dec. 8, 1838.

On motion of Mr. Dockery, Mr. Myers, the Senator elect for the county of Anson, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Baker presented the following Resolution, to wit:

Resolved, That the Secretary of State, be, and he is hereby authorised to issue the following grants on warrants and surveys in his office, the purchase money for which has been heretofore paid into the Public Treasury, viz:

Thomas Winkler, 100 acres, Entry No. 11698.
Shadrach Green, 50 acres, Entry No. 837.
Shadrach Green, 50 acres, Entry No. 719.
Thomas Willis, 100 acres, Entry No. 27.
Levy Hensley, 50 acres, Entry No. 384.
John Buchanan, 100 acres, Entry No. 255.
Henry Hensley, 50 acres, Entry No. 410.

Which was read and referred to the Committee on Claims.

Mr. Taylor presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to bring in a bill to suppress the practice of wearing arms concealed about the persons of individuals.

Which was read and adopted.

On motion of Mr. Carson,

Ordered, That leave of Absence from the services of this House be Granted to Mr. Wilson from and after to-day until Thursday next.

On motion of Mr. Arrington,

Ordered, That Mr. McDiarmid have leave of absence from the service of this House from and after to-day until Tuesday next.

Mr. Deckery presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws relative to roads and toll bridges now in force, so as to more effectually guard against the collection of toll for crossing any bridge where a portion of the community are permitted to cross toll free, whether the same be over a stream dividing counties, or otherwise; and that they report by bill or otherwise.

Which was read and adopted.

The Senate proceeded to consider the engrossed bill to lay off and establish a county by the name of Henderson; which was read the third time and passed, and ordered to be enrolled.

Mr. Carson presented a bill, entitled a bill to exempt the aged and infirm from being compelled to serve in fire companies and upon guards in any of the incorporated towns and cities of this State; which was read the first time and pass-
ed, and, on his motion, referred to the Committee on the Judicary.

The Senate proceeded to consider the engrossed resolution in favor of Joseph Brindle; which was read the third time and rejected.

Received from the House of Commons a message, concurring in the proposition of the Senate that the Standing Committees of both Houses on Education be constituted a Joint Select Committee.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a county by the name of Stanly; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Mr. Biddle presented a bill, entitled a bill to compel owners of bridges to construct draws; which was read the first time and passed, and, on motion of Mr. Biddle, was ordered to be referred to the Judiciary Committee.

On motion of Mr. Taylor, the message from the House of Commons relative to the report of the Literary Board and other documents, heretofore laid on the table, was taken up for consideration, and read, and the first branch of the proposition, to wit, to refer to a joint select committee consisting of six on the part of each House, was not agreed to; the second and third propositions were read and concurred in.

Whereupon, on motion of Mr. Spruill,

Ordered, That a message be sent to the House of Commons, proposing to refer the Report of the Literary Board and other documents to the Joint Select Committee on Education and the Literary Fund.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the second time. Whereupon Mr. Reid asked to withdraw a former amendment, and substitute in lieu thereof the following amendment, to wit:

And be it further enacted, That the Stockholders in said Company shall be liable, in their individual capacity, for all debts contracted by said Company.

The question recurring thereon, it was decided in the negative. Mr. Cooper demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative were,

Messrs. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Exum, Fox, Foy, of O. Harper,


Those who voted in the negative were,

Messrs. Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Hawkins, Holt, Jones, Melchor, Morehead,

Messrs. Moore, Moye, Montgomery, Myers, Reding, Ribelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams of B., 24 nays.

The bill then passed the second reading.

Mr. Morehead presented a bill, entitled a bill to incorporate the Greensborough Female College, in the county of Guilford; which was read the first time and passed.

On motion of Mr. Taylor, the Senate adjourned until Monday morning ten o'clock.
The Speaker announced to the Senate that Messrs. Bunting and Speed form the Committee on Enrolled Bills this week; and the House of Commons was informed thereof by message.

Mr. Edwards, from the Judiciary Committee, to whom was referred a resolution to report a bill for the suppression of contagious diseases, reported a bill, entitled a bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases; which was read the first time and passed.

Mr. Cherry, from the Judiciary Committee, to whom was referred a resolution relative to idiots and lunatics, reported "a bill, entitled a bill to amend an act entitled an act concerning idiot's and lunatics;" which was read the first time and passed.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill for the better regulation of the town of Greenville, reported the same with sundry amendments; which was read the second time and passed as amended.

Mr. Dockery, from the Committee on Military Affairs, to whom was referred the resolution instructing them to enquire into the expediency of so amending the Militia Laws as to require Captains or other Commanders once in three months to muster their respective Companies, reported a bill, entitled a bill to amend the Militia Laws of this State; which was read the first time and passed.

On motion of Mr. Shepard, the resolution relating to the establishment of three banks, heretofore laid on the table, was taken up for consideration; and, after some time having been spent thereon, on motion of Mr. Shepard, the resolution was ordered to lie on the table.

The Senate proceeded to consider the engrossed bill, entitled a bill to lay off and establish a county by the name of Jefferson; which was read the second time. The question recurring thereon, it was decided in the negative. Mr. Melvin demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

**Messrs.** Allison,
Albright,
Baker,

**Messrs.** Morehead,
Moore,
Montgomery,
Carson, Myers,  
Davidson, Reid,  
Fox, Reding,  
Franklin, Reinhardt,  
Holt, Rabun,  
Jones, Ribelin,  
Kerr, Williams of P., 21 yea.  
Melchor,*

Those who voted in the negative, were;

Messrs. Arrington, Messrs. Hill,  
Biddle, Houlder,  
Bunting, Melvin,  
Cherry, Moody,  
Cooper, Moyer,  
Dockery, Sharp,  
Edwards, Shepard,  
Etheridge, Speed,  
Exum, Spruill,  
Foy, of Onslow, Taylor,  
Harper, Williams, of Beaufort,  
Hawkins, Whitaker—25 nays.  
Henry,

So the bill was rejected.

On motion of Mr. Morehead, the Senate proceeded to consider the bill to incorporate the Greensborough Female College in the county of Guilford; which was read the second time and passed.

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

Tuesday, December 11, 1838.

Mr. Morehead, from the Judiciary Committee, to whom was referred a bill, entitled a bill to authorise Robert Walker, of Wilkes county, to build a mill on his own land on Roaring River, at or near a place called the Rock House, reported the same without amendment; which was read the third time and passed; and ordered to be enrolled.
Mr. Dockery, from the Committee on Claims, to whom was referred the claim in favor of Osborn Bowers, reported the following resolution, to wit:

Resolved, That the Treasurer pay to Osborn Bowers the sum of fifteen dollars, for four tables, purchased of him for the use of the Clerks of the two Houses; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Dockery, from the same Committee, to whom was referred the petition of Salathiel Stone, Sheriff of Stokes county, reported adversely to the prayer of the petitioner; which was read and concurred in; and the Committee was discharged from the further consideration of the subject.

Mr. Carson 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 three on the part of each House, to inquire into the failures of Sheriffs who have not duly made returns of the votes polled for their respective counties at the late election for Governor of this State; and that they report the result of their inquiry.

Which was read and adopted.

Mr. Shepard presented the following resolutions, to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to the conveyance of property sold at Sheriff's Sale, so that a Sheriff may make a deed for property sold by a predecessor, when the predecessor neglected to give a deed.

Resolved further, That said Committee be instructed to inquire into the expediency of so amending the law in relation to the sale of the real estate of deceased persons, that when the personal property is not sufficient to discharge the debts, a sufficiency of the real estate for that purpose may be sold, without such an accumulation of costs as now exists.

Which were read and adopted.

Mr. Houlder presented the following Resolution, to wit:

Resolved, That the Committee on Finance inquire into the ex-
pediency of distributing among the several counties in this State, according to their representation in the House of Commons respectively, the unexpended balance of the surplus now on hand; and also the fourth installment of such surplus, should the same ever be received. The said sums to be received by the counties in aid of the county funds, or to be loaned out by them, and the accruing interest only to constitute a portion of such funds; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Jones presented a resolution in favor of certain entries of lands paid for and not granted, in Wilkes county; which was read the first time and passed; and, on motion of Mr. Morehead, ordered to be referred to the Committee on Claims.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of two on the part of each House, to wait on His Excellency Edward B. Dudley and inform him of his re-election as Governor of this State, and to ascertain at what time it will be agreeable to him to appear before the two Houses and take the oaths of office; which was read and concurred in; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate that the Joint Select Committee on the communication from the State of Louisiana relating to a Southern Convention, be instructed to report to the two Houses the reasons why, in the opinion of the General Assembly, it is inexpedient at this time to summon a Convention of the Southern States; and further stating that their branch of said committee are Messrs. Waddell, Hoke, Boyden, Jas. Williams, and M'Neil.

Received from the House of Commons a message, informing the Senate that Messrs. Amis, B. L. Beale, Doak and Gorham form their branch of the Committee on Enrolled Bills for this week.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the memorial of the proprietors of Steam Saw Mills in the vicinity of the town of Wilmington, asking that the inspection laws may be so amended as to provide more effectually for the appointment of inspectors of timber and lumber for each of the mills aforesaid, reported a bill, entitled a bill to amend the inspection laws; which was read the first time and passed.
Mr. Moore presented a bill, entitled a bill to compel the Jailor of Stokes county to live in the Jail, and for other purpose; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to extend the time for paying in Entry money; a bill to allow Charles B. Morris, late Sheriff of New Hanover county further time for the collection of Taxes; a bill to amend the 39th section of the Revised Statutes, entitled an Act concerning Courts of Justice, Practice, Pleas and Process; a bill to emancipate Caroline Cook and her four children, viz: Pamela, Archibald T., James Ellis and Martha Jane; a bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimons; and a bill to incorporate the Trustees of Davidson College; in which they ask the concurrence of the Senate.

The bill to allow Charles B. Morris, late Sheriff of New Hanover county, further time for the collection of taxes, and the bill to incorporate the Trustees of Davidson College, were read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: Resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee lands in certain cases; Resolution in favor of David Royster, and Resolution directing Secretary of State to issue certain grants. In which they ask the concurrence of the Senate. Said Resolutions were severally read the first time and passed, and referred to the Committee on Claims.

On motion of Mr. Holt, the Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the third time, when Mr. Edwards moved the following amendment, to wit:

*And be it further enacted,* That for all debts and liabilities which shall be due and owing by the Company at the time of its dissolution, the persons then composing the company shall be individually responsible to the extent of their respective shares of stock, and no farther.

Mr. Shepard then moved to strike out all the amendment proposed by Mr. Edwards, except the enacting clause, and insert in lieu thereof the following amendment:

*That upon the dissolution of this corporation, the directors of*
managers existing at the time, shall be Trustees for the creditors and stockholders, and shall have power to settle the concerns of the corporation, pay the debts, and divide the surplus property among the stockholders; which was read and decided in the negative.

Mr. Edwards demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question then recurred on the adoption of the amendment proposed by Mr. Edwards, which was decided in the affirmative. Mr. Edwards demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

Messrs. Allison, Arrington, Baker, Messrs. Kerr, Melvin, Moore,
Bunting,  
Carson,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Harper,  
Henry,  
Hill,  
Houlder,  

Moody,  
Moye,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Sharp,  
Spruill,  
Williams, of Person,  
Whitaker—27 yeas:

Those who voted in the negative, were:

Messrs. Albright,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Hawkins,  
Holt,  
Jones,  

Messrs. Melchor,  
Morehead,  
Montgomery,  
Ribelin,  
Shepard,  
Speed,  
Taylor,  
Williams of B. 16 nays:

On motion of Mr. Morehead,

Ordered, That said bill lie on the table.

Mr. Dockery moved that the Senate do now re-consider the vote by which the bill, entitled a bill to lay off and establish a county by the name of Jefferson, was on yesterday rejected. Upon this question Mr. Spruill demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

Messrs. Allison,  
Albright,  
Baker,  
Carson,  
Davidson,  
Dockery,  
Fox,  
Franklin,  
Holt,  
Jones,  
Kerr,  

Messrs. Melchor,  
Morchead,  
Moore,  
Montgomery,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Williams of P. 21 yeas.
Those who voted in the negative, were,


Messrs. Houlder, Melvin, Moody, Moyer, Sharp, Shepard, Speed, Spruill, Taylor, Williams of Beaufort; Whitaker—22 nays.

So the Senate refused to reconsider the vote.

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

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Wednesday, December 12, 1838.

The Speaker announced to the Senate the following Committees, to wit: Messrs. Cherry and Henry are added to the Committee on the Currency and Banks as Depositories of the public money; Messrs. Davidson and Kerr form the Committee to wait on His Excellency the Governor; Messrs. Shepard, Edwards, Morehead, Exum, and Myers form the Committee on the Louisiana Resolutions; and the House of Commons was informed thereof by message.

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

Mr. Melchor presented the resignation of John L. Beard, a Justice of the Peace for the county of Cabarrus; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom was referred a resolution relative to roads and toll bridges, reported adversely thereon, and asked to be discharged from its further consideration; which report was concurred in, and the Committee was discharged accordingly.
Mr. Morehead, from the same Committee, to whom was referred a bill, entitled a bill to exempt the aged and infirm from the performances of certain services, reported the same without amendment; which was read the second time and passed.

Mr. Jones, from the Committee on Finance, to whom was referred a resolution relative to distributing among the several counties of this State the unexpended surplus now on hand, reported unfavorably thereto, and asked to be discharged from its further consideration; which was agreed to; and the committee was discharged accordingly.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill entitled a bill to incorporate Junto Academy, in Orange county, reported the same without amendment; which was read the second time and passed.

Mr. Morehead, from the Judiciary Committee, to whom was referred a bill to compel owners of bridges to construct draws, reported the same with sundry amendments; which was read the second time and passed as amended.

Mr. Rabun presented the following resolution, to wit:

Resolved, That the Secretary of State issue to Benjamin Hawkins a grant for one hundred acres of land in Buncombe county, entry No. 5106, and for which the purchase money has been paid, as per Comptroller's certificate, dated 15th Dec. 1836.

Which was read the first time and passed, and, on motion of Mr. Edwards, referred to the Committee on Claims.

Mr. Cooper presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that this General Assembly adjourn sine die, on Wednesday, 22d day inst., and that the Clerks of both Houses be directed to make up their estimates to that day.

Which was read and ordered to lie on the table.

Mr. Exum presented a bill allowing compensation to the Wardens of the poor in the county of Wayne; which was read the first time and passed, and, on his motion, referred to the Committee on Private Bills.

On motion of Mr. Montgomery, the Senate proceeded to consider the bill to lay off and establish a county by the name
of Stanly; which was read the second time and rejected.
Mr. Melvin demanded the yeas and nays, which were as follows:

Those who voted in the affirmative were:

**MESSRS.** Allison,      **MESSRS.** Morehead;
      Albright,       Moore,
      Baker,         McDiarmid,
      Carson,        Montgomery;
      Davidson,      Myers,
      Dockery,       Reid,
      Fox,           Reding,
      Franklin,      Reinhardt,
      Holt,          Rabun,
      Jones,         Ribelin,
      Kerr,          Taylor,
      Melchor,       Williams of P., 24 yeas.

Those who voted in the negative, were:

**MESSRS.** Arrington,      **MESSRS.** Hill,
      Biddle,         Houlder,
      Bunting,        Melvin,
      Cherry,         Moody,
      Cooper,         Moye,
      Edwards,        Sharp,
      Etheridge,      Shepard,
      Exum,           Speed,
      Foy, of O.      Spruill,
      Harper,         Williams, of Beaufort.
      Hawkins,        Whitaker—23 nays.
      Henry,

The Speaker voted in the negative, so the bill was rejected.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend the 16th section of an act of the Revised Statutes, entitled an act concerning the General Assembly.

Received from the House of Commons a message, transmitting to the Senate the Message of His Excellency the Governor and the Report of the Board of Internal Improvements, proposing to print one copy for each member of the General Assembly; which was read and concurred in.

On motion of Mr. Edwards, the Senate proceeded to con-
sider the bill, entitled a bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases; which was read the second time and passed.

On motion of Mr. Fox, the Senate proceeded to consider the engrossed bill to incorporate the Trustees of Davidson College; which was read the second time, and, on motion of Mr. Edwards, referred to the committee on Education and the Literary Fund.

Mr. Cherry presented the following resolution, to wit:

Resolved, That the committee on Public Printing be instructed to inquire whether any, and if any, what mode can be adopted for expediting the printing for the Legislature.

Which was read and adopted.

Mr. Dockery presented the following resolution, to wit:

Resolved, That the Treasurer pay to Matthew Waddell the sum of twenty-four dollars and forty cents, for carrying a writ of election to the Sheriff of the county of Anson, to supply the vacancy occasioned by the resignation of Col. J. White; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed, and, on motion of Mr. Exum, referred to the Committee on Claims.
On motion of Mr. Cooper, the Senate adjourned until to-morrow morning ten o'clock.

Thursday, Dec. 12, 1838.

On motion of Mr. Morehead,
Ordered, That a message be sent to the House of Commons, proposing to postpone the appointment of Justices of the Peace until Saturday evening next.

Mr. Spruill presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law, declaring the steal-
ing of Mulberry trees or the branches thereof growing in orchards felony; and that they be authorized to report by bill or otherwise.

Which was read and adopted.

Mr. Morehead presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to Messrs. Turner & Hughes, sixteen dollars, the price of Maps purchased for the use of the present Legislature.

Which was read the first time and passed.

Mr. McDiarmid presented the pension certificate of the County Court of Cumberland, in favor of Ann Morrison; which was read and ordered to be countersigned by the Speaker and transmitted to the House of Commons.

Mr. Morehead presented the following Resolution:

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of encouraging the culture of silk in this State by suitable premiums; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Dockery, from the Committee on Claims, to whom were referred the resolutions in favor of certain Entries of lands paid for and not granted, in Wilkes county; the resolution in favor of David Royster; the resolution in favor of Matthew Waddell; and the resolution in favor of Benjamin Hawkins, reported the resolutions without amendment; which were severally read the second time and passed.

Mr. Dockery, from the same committee, to whom was referred the resolution in favor of Thomas Winkler and others, reported the same without amendment; which was read the second time and passed.

Mr. Moody presented the following preamble and Resolution:

Whereas the Legislature have had the use of the bell of the Presbyterian Church for four sessions past, and by the frequent use the Steeple has become unsafe for the ringers of the bell:

Therefore resolved, That the Treasurer pay to the Trustees of
the Presbyterian Church, one hundred dollars for repairing the Steeple of said Church, and to be allowed the same in his settlement of the public accounts.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to postpone until Saturday evening next, the recommendation of Justices of the Peace.

Mr. Moore presented a bill to alter the times of holding Superior Courts of Law and Equity for the counties of Stokes and Guilford; which was read the first time and passed.

The Senate proceeded to consider the bill, entitled a bill to amend an Act concerning quarantine, and to prevent the introduction and communication of contagious diseases; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Morehead, the Senate proceeded to consider the bill, entitled a bill to incorporate the Greensborough Female College in the county of Guilford; which was read the third time, and, on motion of Mr. Edwards, referred to the Committee on Education and the Literary Fund.

On motion of Mr. Moye, the Senate proceeded to consider the engrossed bill for the better regulation of the town of Greenville; which was read the third time and passed, and ordered to be enrolled.

Mr. M'Diarmid presented the following resolution:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of amending the law so as to provide for the payment of pension certificates in the year that the General Assembly is not in session; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Reinheart presented the following Resolution:

Resolved, That his Excellency, the Governor of the State of North Carolina, be authorised and requested to procure a house for the use of the Legislature, and give such price as he may
think proper, provided there should be a call session before the regular meeting of the Legislature.

Which was read the first time and passed.

On motion of Mr. Moore, the Senate proceeded to consider the bill to amend the inspection laws; which was read the second time, and, on motion of Mr. Morehead, ordered to lie on the table.

On motion of Mr. Edwards, the Senate proceeded to consider the resolution relative to an adjournment of the Legislature; which was read.

Mr. Cooper moved to amend the resolution by striking out the words "twenty-second," and insert in lieu thereof the words "thirty-first"; which was agreed to.

Mr. Carson then moved to lay the resolution on the table; which was decided in the negative.

Mr. Cooper demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

Messrs. Carson, Cherry, Davidson, Edwards, Etheridge, Exum, Foy, Franklin, Hawkins, Jones, Morehead,


Those who voted in the negative, were,

Messrs. Allison, Albright, Arrington, Baker, Biddle, Bunting, Cooper, Dockery, Fox,

Messrs. Houlder, Kerr, Melvin, Melchor, Moore, Moody, Moye, Myers, Reid,
Mr. Biddle moved that the resolution be postponed indefinitely; which motion did not prevail. Upon this motion, Mr. Cooper demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

Messrs. Biddle, Cherry, Davidson, Jones,


Those who voted in the negative were,


Messrs. Houlder, Kerr, Melvin, Melchor, Morehead, Moore, Moody, Moye, McDiarmid, Myers, Reid, Reding, Reinhardt, Rabun, Ribelin, Sharp, Williams of Beaufort, Williams of Person, Wilson—38 nays.

Whereupon, on motion of Mr. Edwards, the resolution was postponed until Thursday next.

Mr. McDiarmid presented the resignation of L. Bethune, a Justice of the Peace for the county of Cumberland; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Allison presented the resignation of Benjamin Hurdle, a Justice of the Peace for the county of Orange; which
was read and accepted, and ordered to be sent to the House of Commons.

The Senate proceeded to consider the engrossed bill to incorporate Junto Academy, in Orange county; which was read the third time and passed and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate that Messrs. Hill and Amis form their branch of the Joint Select Committee to wait on His Excellency the Governor to inform him of his election, and ascertain at what time it will be agreeable to him to appear before the two Houses and take the oaths of office.

Received from the House of Commons a message, stating that they have passed the engrossed bill to appoint Commissioners for the town of Hertford and for other purposes, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The engrossed bill to extend the time for paying in entry money, was read the first time and passed.

The engrossed bill to amend the thirty-ninth section of the Revised Statute, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, was read the first time and passed, and, on motion of Mr. Wilson, was referred to the Committee on the Judiciary; and a bill to allow Charles B. Morris, late Sheriff of New Hanover county, further time for the collection of taxes, was read the second time, and, on motion of Mr. Edwards, referred to the Committee on Claims.

The Senate proceeded to consider the bill to exempt the aged and infirm from being compelled to serve in Fire Companies, and upon guards in any of the incorporated towns and cities of this State; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the bill to amend an Act, entitled an Act concerning Idiots and Lunatics; which was read the second time, amended and passed.

The Senate also proceeded to consider the bill, entitled a bill to compel owners of bridges to construct draws; which was read the third time, and, on motion of Mr. Biddle, ordered to lie on the table.

Mr. Dockery presented the petition of many citizens of the county of Robeson, praying the Legislature to pass a law putting free persons of color under the same restriction as slaves in buying and selling spirituous liquors; which was read and referred to the Committee on Propositions and Grievances.
Received from the House of Commons the following resignations, to wit: The resignations of Benjamin Sumner, a Justice of the Peace for the county of Person; James B. Williams, a Justice of the Peace for the county of Duplin; John Carter, a Justice of the Peace for the county of Surry; William Loudermilk, a Justice of the Peace for the county of Randolph; E. A. Chamlee, a Justice of the Peace for the county of Hertford; A. Hartly, a Justice of the Peace for the county of Burke; and William A. Lee, a Justice of the Peace for the county of Caswell; which were severally read and accepted.

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

Friday, Dec. 14, 1838.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred the memorial of the President and Directors of the Raleigh and Gaston Rail Road Company, reported a bill, entitled a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and, on motion of Mr. Shepard, ordered that the bill and report lie on the table and be printed.

Mr. Rabun presented a bill, entitled a bill to amend an act passed in the year 1835, entitled an act to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of Old Fort, in Burke county, over the Swannanoah Gap to Asheville, in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the Southern boundary line of this State; which was read the first time and passed, and referred to the Committee on Internal Improvements.

Mr. Reding presented the following Preamble and Resolution:

Whereas, it is believed that doubts exist whether, according to the existing laws of the State, a defendant who has been convicted of a misdemeanor and ordered into custody by the Court till the fine and costs are paid, can discharge himself from the costs of the
prosecution by taking the oath of insolvency; and whereas, the practice of the Courts in different counties is understood to be various, therefore

Resolved, That the Committee on the Judiciary investigate the subject, and report such explanatory bill on the subject as may render the law certain and the practice uniform throughout the State.

Which was read and adopted.

Mr. Moore presented a bill to authorise the forming of a Fire Company in the town of Bethania, Stokes county; which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Moore also presented a bill, entitled a bill to appoint Commissioners for the town of Bethania, in the county of Stokes; which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Cherry, from the Committee on Education and the Literary Fund, to whom was referred a bill, entitled a bill to incorporate the Trustees of Davidson College, reported the same with sundry amendments; which was read the third time and passed as amended, and ordered to be enrolled.

Mr. Cherry, from the same Committee, to whom was referred a bill, entitled a bill to incorporate the Greensboro' Female College, in the county of Guilford, reported the same with sundry amendments; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the bill, entitled a bill to amend an act, entitled an act concerning idiots and lunatics; which was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the state of affairs of the Bank of Cape Fear there-with transmitted to the Senate, be printed one copy for each member of the General Assembly, and to refer it to the Committee on Finance, with instructions to report whether it is in conformity with the requisitions of the charter; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate: a bill to incorporate the town of Morganton, in Burke; a bill to authorize
Jesse T. and George S. Walton to construct a mill dam across the Catawba river; a bill concerning last Wills and Testaments; and a bill to establish a new county by the name of Cleveland.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the third time.

Mr. Morehead moved to commit the bill to the Committee on Private Bills, with instructions to strike out the amendment making the Stockholders liable in their individual capacity. Upon this question being taken, it was decided in the negative.

Mr. Edwards demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

**Messrs.** Biddle, Cherry, Davidson, Dockery, Franklin, Hawkins, Holt, Jones, Melchor, Moorehead, Montgomery, Myers, Reding, Ribelin, Sharp, Shepard, Speed, Taylor, Williams of B.

Those who voted in the negative, were,


Said bill then passed, and was ordered to be engrossed.
The Senate proceeded to consider the bill to compel owners of bridges to construct draws; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the resolution in favor of David Royster; which was read the third time and passed, and ordered to be enrolled.

The Senate proceeded to consider the following resolutions, to wit: a resolution in favor of Matthew Waddell; a resolution in favor of certain entries of lands paid for and not granted in Wilkes county; a resolution in favor of Thos. Winkler and others; and a resolution in favor of Benjamin Hawkins; which were severally read the third time and passed and ordered to be engrossed.

The Senate also took up for consideration the following resolutions, to wit: a resolution in favor of Matthew Waddell; a resolution in favor of certain entries of lands paid for and not granted in Wilkes county; a resolution in favor of Thos. Winkler and others; and a resolution in favor of Benjamin Hawkins; which were severally read the third time and passed and ordered to be engrossed.

The Senate proceeded to consider the following resolutions, to wit: a resolution in favor of Turner & Hughes, and the resolution for repairing the Steeple of the Presbyterian Church; which were each read the second time and passed.

The Senate also proceeded to consider the engrossed bills to appoint Commissioners for the town of Hertford, and other purposes; and the bill to extend the time for paying in entry money; which was read the second time and passed.

The Senate proceeded to consider the engrossed bills to incorporate the town of Morganton, in the county of Burke; the bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimans; and a bill to emancipate Caroline Cook and her four children, Pamela, Archibald T., James Ellis and Martha Jane; which were severally read the first time and passed.

The Senate proceeded to consider the engrossed bill to authorize Jesse T. Walker and George S. Walton to construct a mill dam across the Catawba river; which was read the first time and passed, and, on motion of Mr. Carson, refer-
red to the Committee on Private Bills. Also, the engrossed bill concerning last Wills and Testaments; which was read the first time and passed, and, on motion of Mr. Shepard, referred to the Committee on the Judiciary. Also, the engrossed bill to establish a new county, by the name of Cleveland; which was read the first time and passed.

The Senate then took into consideration the resolution relating to the Governor's procuring a house for the General Assembly; which was read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee of three on the part of each House, to inquire into the failure of Sheriffs who have not made due returns of votes polled for their respective counties at the late election for Governor of this state; and further stating, that Messrs. J. P. Caldwell, G. Thomas and Whitaker, form their branch of the committee.

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

Saturday, December 15, 1838.

Mr. Wilson presented the memorial of many citizens of the County of Edgecomb, praying the Legislature to repeal the law, in relation to the election of ministerial officers of the courts, so far as it respects the county of Edgecomb; which was read, and on motion, ordered to lie on the table.

The Senate proceeded to consider the resolution in favor of Osborn Bowers; which was read the third time and passed, and ordered to be engrossed. Also, the bill to compel the Jailer of Stokes county to live in the Jail, and for other purposes; which was read the third time and passed, and ordered to be engrossed. Also, the engrossed bill to extend the time for paying in entry money, and the bill to appoint Commissioners for the town of Hertford and for other purposes; which were read the third time and passed, and ordered to be enrolled. And, also the resolutions in favor of Turner & Hughes, and the resolution for repairing the Steeple of the Presbyterian Church; which were severally read the third time and passed, and ordered to be engrossed.
The Senate then proceeded to consider the resolution relating to procuring a house for the use of the General Assembly; which was read the third time, and, on motion of Mr. Reinhardt, amended. Mr. Wilson moved that it be postponed indefinitely; which motion did not prevail. He then moved that it lie on the table; which was agreed to. — Also, the engrossed bills to incorporate the town of Morganton, in the county of Burke; and a bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimons; which were read the second time and passed. Also, the bill to alter the times of holding the Superior Courts of Law and Equity, for the counties of Stokes and Guilford; which was read the third time and passed, and ordered to be engrossed.

The Speaker announced to the Senate that Messrs. Carson, Morehead, and Speed form the Committee on the failure of Sheriffs to make returns of votes for Governor at the late election in this State; and the House of Commons was informed thereof by message.

The Senate took up for consideration the engrossed bill to emancipate Caroline Cook and her four children, Pamela, Archibald T., James Ellis, and Martha Jane; which was read the second time and passed.

On motion of Mr. Dockery, the bill to amend the Militia Laws of this State, was taken up for consideration; which was read the second time. Mr. Speed, moved to amend the bill by striking out the word authorized, and insert in lieu thereof the word required; which was agreed to; the bill then passed. Mr. Dockery then moved that said bill be made the order of the day for Wednesday next.

Mr. Franklin presented the following Resolution, to wit:

Whereas, it appears by the Treasurer's receipt, No. 771, that Hiram Higgins did, on the 2d December, 1835, pay into this office the sum of five dollars for fifty acres of land, by him entered in the county of Ashe, as per Entry Taker's receipt, No. 7,263; and that Solomon Perry did, on 7th January, 1828, pay into the Treasurer's Office the sum of five dollars for fifty acres of land, by said Perry entered in the county of Ashe, as per Entry Taker's certificate, No. 4,615; therefore,

Resolved; That the Secretary of State make out grants for the above named persons, any thing to the contrary notwithstanding.

Which was read the first time and passed, and, on motion of Mr. Morehead, referred to the Committee on Claims.
Mr. Davidson, from the Joint Select Committee appointed on the part of the Senate to wait upon His Excellency the Governor to ascertain at what time it would be convenient for him to appear before the two Houses to take the oath of office, reported that he would appear before the two Houses on Saturday, 29th instant, for that purpose.

On motion of Mr. Reid,
(Ordered, That Mr. Spruill be added to the Committee on Agriculture.

On motion of Mr. Spruill, the Senate adjourned until Monday morning ten o'clock.

Monday, December 17, 1838.

Mr. Arrington presented the resignation of Joseph A. Drake, a Justice of the Peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred the memorial of the President and Directors of the Roanoke Navigation Company, reported the following resolution, to wit:

Resolved, That the Public Treasurer be, and he is hereby authorised and required, to pay to the Roanoke Navigation Company one thousand dollars, this sum being in full for all claim or claims of said Company on account of deferred payments of the last subscription of twenty-five thousand dollars made by order of the State to the capital stock of said Company; and the said Treasurer is hereby authorised to pay the said one thousand dollars out of any moneys in the Treasury not otherwise appropriated:

Which was read the first time and passed.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred that part of the Governor's Message which relates to limited co-partnerships, reported adversely thereto, and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Morehead, from the same Committee, to whom was
referred the Resolution relative to the crime of robbery, reported unfavorably thereto, and asked to be discharged from the further consideration of the subject. The Committee was discharged accordingly.

Mr. Jones, from the Committee on Finance, to whom was referred the resolution relative to amending the revenue laws, reported adversely thereto, and the Committee was discharged from its further consideration.

Mr. Moody, from the Committee on Agriculture, directed to inquire into the expediency of encouraging the culture of silk in this State by suitable premiums, reported adversely thereto, and the Committee was discharged from its further consideration.

Mr. Allison presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to inquire into the propriety of amending the existing law in relation to the number of Jurors to be drawn for the County and Superior Courts, so as to authorise the County Courts of this State, if deemed necessary, to draw and have summoned forty-two Jurors for each term, instead of thirty-six, as now provided for by law; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Wilson presented the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law directing in what manner vacancies shall be filled which may hereafter occur by resignation of Clerks of the Superior and County Courts, Clerks and Masters, and Sheriffs, and Superior and County Court Solicitors; and report by bill or otherwise.

Which was read and adopted.

Mr. Wilson also presented the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law ratifying and declaring the several laws passed at the last session of the General Assembly, and known as the Revised Statutes, to be in full force as published by the Commissioners appointed for that purpose.

Which was read and adopted.
Mr. Myers presented the following Resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of requiring greater publicity to be given than now required by law to all conveyances in trust when made for the purpose of securing the payment of any debt or debts, when the property conveyed remains in the possession of the assigner; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Wilson presented a bill, entitled a bill to amend the law in relation to the sale of lands of deceased debtors; which was read the first time and passed, and, on his motion, ordered to be referred to the Committee on the Judiciary.

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

Mr. Fox presented the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law now in force relative to trading with slaves as to require every owner or overseer to set forth in the permission given to the slave to sell property, an accurate statement of the article, the quantity and description of the same, so far as it can be done; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Exum presented a bill, entitled a bill making compensation to the Wardens of the poor; which was read the first time and passed.

Received from the House of Commons a message, proposing that the two Houses vote on Thursday next, at twelve o'clock, for Comptroller, and on the same day, at 12 o'clock, for Public Treasurer; which was read, and, on motion of Mr. Spruill, ordered to lie on the table.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill for the better regulation of the town of Greenville.

Received from the House of Commons a message, stating that they have passed the engrossed bill to repeal the act of Assembly of 1835, allowing compensation to jurors in the
county of Yancy, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Mr. Carson presented the following Resolution:

Resolved, That the Judiciary Committee inquire if any, and what further legislation is necessary to supply records of courts and other valuable public papers destroyed by fire, or other accidents; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly adjourn sine die, on Monday the 31st inst.; which was read, and, on motion of Mr. Spruill, ordered to lie on the table.

The Speaker announced to the Senate that Messrs. Montgomery and McDiarmid form the Committee on the part of the Senate on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

The Senate proceeded to consider the resolution relating to procuring a House for the General Assembly; which was read the third time, and, on motion of Mr. Wilson, postponed indefinitely.

Mr. Rabun presented the following Resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of furnishing the Company of Cavalry in Buncombe county, commanded by Col. Reuben Deaver, with the necessary arms for its equipment; and that they report by bill or otherwise.

Which was read and adopted.

The Senate took up for consideration the engrossed bill to emancipate Caroline Cook and her four children, Pamelia, Archibald T. James Ellis, and Martha Jane; which was read the third time and passed, and ordered to be enrolled.

Mr. Exum demanded the yeas and nays; which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison, 
    Albright, 
    Arrington, 
    Baker,

MESSRS. Morehead, 
    Moore, 
    Moody, 
    Moya,

Those who voted in the negative, were,

Messrs. Exum, Houlder, Melvin—3 nays.

The Senate then proceeded to consider the engrossed bill to incorporate the trustees of Pleasant Grove Academy, in the county of Perquimons; which was read the third time and passed, and ordered to be enrolled. Also, the engrossed bill to incorporate the town of Morganton, in the county of Burke; which was read the third time and passed, and ordered to be enrolled.

The Senate also took up for consideration the bill to amend the Inspection Laws; which was read the second time, and, on motion of Mr. Cooper, ordered to be re-committed to the Committee on Propositions and Grievances.

Mr. Dockery presented a bill, entitled a bill to amend an act to establish a Literary and Manual Labour Institution in the county of Wake, passed in 1833; which was read the first time and passed, and, on his motion, referred to the Committee on Education and the Literary Fund.

Received from the House of Commons the following resignations: The resignation of John B. Miller, a Justice of the Peace for the county of Stokes; Benjamin Ellis, a Justice of the Peace for the county of Rutherford; Edward McCallum, a Justice of the Peace for the county of Montgomery; which were severally read and accepted.
On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

Tuesday, Dec. 18, 1838.

Mr. Biddle presented the following resolution, to wit:

Whereas building lots in the city of Raleigh, are said to be much in demand, and would probably command good prices, and the State owning a number of lots and squares still unsold, and understood to be favorably located for improvement, but alike useless to the public and to the city unless brought into market:

Therefore resolved, That the Secretary of State sell at public auction, on a credit of twelve months, on bond and good security, all the aforesaid lots and squares, except the Capitol Square, the Government House Square, the two most northerly acres on the Baptist Meeting House Square, heretofore reserved by law as a site for said Meeting House; and that in selling said property, he sell the squares at each corner of the city in a body, and all the rest in single acre lots, and execute deeds conveying title in fee, from the State to the purchasers.

Which was read the first time and passed, and on his motion referred to the Committee on Finance.

Mr. Spruill presented a bill, entitled a bill to amend the 25th section of the Revised Statutes, concerning the General Assembly; which was read the first time and passed.

Mr. Dockery, from the Committee on Claims, to whom was referred a resolution in favor of Hiram Higgins and Solomon Perry of Ashe county, reported the same without amendment. Said resolution was then read the second time and passed.

Mr. Dockery, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of amending the pension laws, so as to provide for the payment of pensions in the year in which there shall be no session of the General Assembly, reported a bill, entitled a bill to amend an act, entitled an act for the relief of such persons as have been disabled by wound, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this State, and providing for the widows and orphans of such as have died; which was read the first time and passed.
Mr. Dockery, from the same committee, to whom was referred the engrossed resolution directing the Secretary of State to issue grants to John Carson, Jasper Billings and others, the purchase money for which has been heretofore paid into the public Treasury, reported the same without amendment; which was read the second time and passed.

Mr. Dockery, from the same committee, to whom was referred the engrossed resolution directing the Secretary of State to issue grants for lands sold at the late sales of Cherokee lands, in certain cases, reported the same without amendment; which was read the second time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Robeson, praying the Legislature to pass a law placing free persons of color under the same restrictions as slaves are, as regards buying and selling spirituous liquors, reported adversely to the prayer of the petitioners, and asked to be discharged from its further consideration. Upon this question, Mr. Cooper demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, were,

MESSRS. Allison, 
Arrington, 
Baker, 
Cooper, 
Edwards, 
Foy, 
Franklin, 
Harper, 
Hawkins, 
Jones, 
Kerr, 
Melvin, 
Moore, 

MESSRS. Moody, 
Moye, 
McDiarmid, 
Reid, 
Reinhardt, 
Rabun, 
Sharp, 
Shepard, 
Speed, 
Spruill, 
Williams of Beaufort, 
Williams of P., 25 yea,

Those who voted in the negative, were,

MESSRS. Albright, 
Biddle, 
Bunting, 
Carson, 
Cherry, 
Davidson, 
Dockery,

MESSRS. Holt, 
Houlder, 
Melchor, 
Morehead, 
Montgomery, 
Myers, 
Reding,
Etheridge, Exum, Fox, Henry, Hill, Ribelin, Taylor, Wilson, Whitaker—23 nays.

The committee was discharged accordingly.

The Senate took up for consideration a bill, entitled a bill making compensation to wardens of the poor; which was read the second time, and, on motion of Mr. Montgomery, ordered to lie on the table.

On motion of Mr. Shepard, the Senate proceeded to consider the resolution in favor of the Roanoke Navigation Company; which was read the second time, and, on his motion, amended and passed.

Mr. Carson, from the Judiciary Committee, to whom was referred two resolutions relative to the revenue laws of this State, reported a bill, entitled a bill to amend the revenue laws of this State; which was read the first time and passed, and, on motion of Mr. Shepard, ordered to lie on the table and be printed.

Mr. Spruill moved that the resolution in favor of the Roanoke Navigation Company, be now taken up for consideration; which was agreed to. He then moved that the rule of the Senate which prohibits the reading of public resolutions twice in on the same day be dispensed with; which was also conccurred in.

The Senate then, on motion of Mr. Spruill, resolved itself into a committee of the whole House, Mr. Dockery being called to the Chair. The resolution was then read the third time; and after having spent some time thereon, the the committee rose, and the Chairman reported the resolution to the House without amendment. The resolution was then put upon its third reading; which was decided in the affirmative—yeas 25—nays 20.

Mr. Reid demanded the yeas and nays, which were as follows:

Those who voted in the affirmative were,

Messrs. Albright, Cherry, Davidson, Messrs. McDiarmid, Myers, Reding,
Those who voted in the negative, were,

Messrs. Allison, Arrington, Baker, Biddle, Bunting, Carson, Cooper, Etheridge, Exum, Foy,


Ordered that said resolution be engrossed.

Mr. M'Diarmid presented the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of amending the law so as to require the County Courts to tax the county with all the costs in prosecutions for misdemeanor, when the defendant is acquitted; and that they report by bill or otherwise.

Which was read and adopted.

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

Wednesday, Dec. 19, 1838.

Received from the House of Commons a message, stating that Messrs. Foreman, D. Thomas, Barksdale, and Cardwell form their branch of the Committee on Enrolled Bills for this week.
Mr. Dockery, from the Committee on Claims, to whom was referred the engrossed bill to allow Charles B. Morris, late Sheriff of New Hanover county, further time for the collection of taxes, reported adversely thereto, and recommended the rejection of the bill; which was read and accordingly rejected.

Mr. Morehead, from the Judiciary Committee, to whom was referred the engrossed bill concerning last wills and testaments, reported the same without amendment; which was read the second time and passed.

Mr. Jones, from the Committee on Finance, made the following Report, to wit:

That they have carefully examined all the books and vouchers in the Treasurer's and Comptroller's Offices, and find that they correspond with the reports made by the two officers presiding over those departments to the present General Assembly for the two last fiscal years ending the 31st October, 1838.

They have also examined the deposits in Bank, and find them to correspond with the amount stated in the Treasurer's Report. The vouchers which have been examined by the Committee in the Comptroller's Office have been all cancelled as far as your Committee can judge; all the accounts have been kept in conformity with the laws regulating those departments.

The Committee think it but justice to say, that much credit is due to the Comptroller and Treasurer, for the able and faithful manner they have discharged the duties of the departments over which they preside.

Which was read, and, on motion of Mr. Wilson, ordered to be transmitted to the House of Commons with a proposition to print.

Mr. Holt, from the Committee on Private Bills, to whom was referred the bill to appoint Commissioners for the town of Bethania, in the county of Stokes; and the bill to authorize the forming of a Fire Engine Company in the town of Bethania, Stokes county, reported the same without amendment; which were each read the second time and passed.

Mr. Cherry, from the Committee on Education and the Literary Fund, to whom was referred a bill to amend an act, entitled an act to establish a Literary and Manual Labor Institution in the county of Wake, passed in 1833, reported the same without amendment; which was read the second time. Mr. Houlder moved to strike out six, in the
4th section, and insert in lieu thereof the word five; which motion did not prevail. The bill then passed its second reading.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill to incorporate the Salem Light Infantry Company, reported the same with an amendment; which was read the second time. Mr. Spruill moved to strike out the fifth section; which was agreed to. Thereupon the bill was rejected.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution relative to trading with slaves, reported adversely thereto, and asked to be discharged from the further consideration of the subject. The committee was discharged accordingly.

Mr. Morehead, from the same Committee, to whom was referred the resolution requiring them to inquire into the expediency of so providing by law as to make it larceny to steal growing Mulberry Trees, reported adversely thereto; which was read. and, on motion of Mr. Davidson, ordered to lie on the table.

On motion of Mr. Spruill, the message from the House of Commons, proposing to vote on Thursday next, at eleven o'clock for Comptroller, and on the same day at 12 o'clock for Public Treasurer, was taken up and read and concurred in.

On motion of Mr. Shepard, the bill for the relief of the Raleigh and Gaston Rail Road Company, was taken up for consideration, and, on motion of Mr. Morehead, made the order of the day for Friday next at 11 o'clock.

Mr. Reding offered the following resolution:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of instructing the Secretary of State to issue two grants to William Leach, of the county of Randolph, the purchase money for which has been heretofore paid, as per Treasurer's receipt, Nos. 307 and 457.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed a resolution relating to the Public Printing, in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of three on the part of each House to take into consideration the expediency of es-
establishing a Lunatic Asylum in this State; and that said committee report by bill or otherwise; which was read and con-
curred in.

On motion of Mr. Carson, the Senate proceeded to con-
sider the engrossed bill to establish a new county by the
name of Cleaveland; which was read the second time and
rejected—yeas 21, nays 27. Mr. Reinhardt demanded the
yeas and nays, on the passage of the bill its second reading;
which were as follows:

Those who voted in the affirmative, were,

Messrs. Allison, Messrs. Montgomery,
Albright, Melchior,
Baker, Morehead,
Carson, Moore,
Davidson, Myers,
Dockery, Reid,
Fox, Reding,
Franklin, Reinhardt,
Holt, Rabun,
Jones, Ribelin—yeas 21.
Kerr,

Those who voted in the negative were,

Messrs. Arrington, Messrs. Melvin,
Biddle, Moody,
Bunting, Myoe,
Cherry, M'Diarmid,
Cooper, Sharp,
Edwards, Shepard,
Etheridge, Speed,
Exum, Spruill,
Foy of Onslow, Taylor,
Harper, Williams of Beaufort;
Hawkins, Williams of Person,
Henry, Wilson,
Hill, Whitaker—27 nays.
Houlder,

The Senate proceeded to consider the special order of the
day, to wit: A bill to amend the Militia Laws of this State;
which was read the third time. Mr. Dockery moved to
amend the bill by striking out the words and Battalions, in
the second section; which was agreed to. Also, to amend
by striking out the words each year, in the same section,
and inserting in lieu thereof the words two years; which was also agreed to. Mr. Reid then moved to amend the bill, after the word commands, in the second section, by inserting the words "at their usual regimental muster grounds;" which was likewise agreed to. Also, by adding an additional section; which was rejected. Mr. McDiarmid then moved an additional section; which was rejected. The bill then passed its third reading as amended, and was ordered to be engrossed.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill to incorporate the trustees of Davidson College.

The Senate proceeded to consider the resolution in favor of Hiram Higgins and Solomon Perry, of Ashe; which was read the third time and passed, and ordered to be engrossed.

Also, the engrossed resolution directing the Secretary of State to issue certain grants, and the Resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee lands, in certain cases; which were each read the third time and passed and ordered to be enrolled.

The Senate then took up for consideration the bill to amend 25th section of the Revised Statutes, concerning the General Assembly; which was read the second time and decided in the negative—yeas 9, nays 38. Mr. Cooper demanded the yeas and nays, as follows:

Those who voted in the affirmative were,

MESSRS. Baker, Carson, Cherry, Davidson, Kerr,

MESSRS. Moore, Reinhardt, Rabun, Spruill—9 yeas.

Those who voted in the negative, were,

MESSRS. Allison, Albright, Arrington, Biddle, Bunting, Cooper, Dockery, Etheridge,

MESSRS. Melvin, Melchor, Moorehead, Moody, Moye, Montgomery, Myers, McDiarmid,
Exum,  Reid,
Fox,    Reding,
Foy, of Onslow, Reding,
Franklin, Ribelin,
Harper, Sharp,
Hawkins, Shepard,
Henry, Speed,
Hill, Taylor,
Holt, Williams of Beaufort,
Houlder, Williams of Person,
Jones, Wilson,

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

THURSDAY, DECEMBER 20, 1838.

The Speaker announced to the Senate the following committees, to wit:
On the subject of establishing a Lunatic Asylum, Messrs. Franklin, Hill, and Albright.
To Superintend the election of Comptroller of Public Accounts, Messrs. Myers and Henry.
To superintend the election of Public Treasurer, Messrs. Fox and Reding.
And the House of Commons was informed thereof by message.

Mr. Albright offered the following resolution:

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of so amending the law as to allow slaves and free persons of colour, to exercise their gifts in religious assemblies by prayer or exhortation, under certain restrictions; and that they report by bill or otherwise.

Which was read and rejected.

Mr. Shepard offered the following Resolution:

Resolved, That hereafter it shall be the duty of the Public Printer, to deliver to the Secretary of State six copies of all such
documents as either branch of the Legislature may order to be printed; which documents, the Secretary of State shall have bound in six separate volumes, two to be deposited in the Public Library, two in the Senate Chamber, and two in the Chamber of the House of Commons.

Which was read the first time and passed.

Received from the House of Commons the following resignations, to wit: the resignation of John Gatlin, a Justice of the Peace for the county of Perquimons; Alexander Murchison, a Justice of the Peace for the county of Cumberland; which were read and accepted.

The Senate proceeded to consider the Engrossed bill, concerning last wills and testaments; which was read the third time, and, on motion of Mr. Edwards, ordered to lie on the table.

Received from the House of Commons a message, stating that Daniel W. Courts is in nomination for Public Treasurer; and William F. Collins is in nomination for Comptroller of Public Accounts.

Received from the House of Commons a message, informing the Senate that Messrs. Young and Baker form their branch of the committee to superintend the voting for Comptroller of Public Account; and further stating that they will commence voting on the return of the messenger.

The Senate proceeded to vote as follows:

FOR MR. COLLINS,

MESSRS. Speaker,
Allison,
Albright,
Arrington,
Baker,
Biddle,
Bunting,
Cherry,
Cooper,
Davidson,
Dockery,
Edwards,
Etheridge,
Exum,
Fox,
Foy,
Franklin,

MESSRS. Kerr,
Melvin,
Melchor,
Morehead,
Moore,
Moody,
Moye,
McDiarmid,
Montgomery,
Myers,
Reid,
Reding,
Rabun,
Ribelin,
Sharp,
Shepard,
Speed,
Harper, Spruill,
Hawkins, Taylor,
Henry, Williams of B.
Hill, Williams of P.,
Holt, Wilson,
Houlder, Whitaker—47.
Jones,

The Senate took up for consideration the bill, entitled a bill to amend an act to establish a Literary and Manual Labor Institution in the county of Wake, passed in 1833; which was read the third time. Mr. Taylor moved to amend the bill, by striking out all from the word otherwise to the words and shall dispose, in the first section; which was not agreed to. The bill then passed, and was ordered to be engrossed.

The Senate took up for consideration the bill to prevent betting on elections, which was read the second time. Mr. Moore moved to amend it, by inserting the words "wagered or bet;" which was agreed to. Mr. Cooper then moved that the bill be postponed indefinitely; which motion did not prevail. Upon this motion, Mr. Cooper demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

Messrs. Arrington, Messrs. Kerr,
Bunting, Melvin,
Cherry, Melchor,
Cooper, Moody,
Harper, McDiarmid,
Hawkins, Reid,
Henry, Sharp,
Hill, Speed,
Holt, Williams of P., 18 yea,

Those who voted in the negative, were,

Messrs. Allison, Messrs. Morehead,
Albright, Moore,
Baker, Moye,
Biddle, Montgomery,
Carson, Myers,
Davidson, Reding,
Edwards, Rabun,
Etheridge, Ribelin,
Exum, Shepard,
On motion of Mr. Moore, the bill was referred to the Judiciary Committee.

Mr. Myers, from the joint select committee, appointed to superintend the election of Comptroller of Public Accounts, reported that William F. Collins, having received a unanimous vote, was duly elected; in which the Senate concurred.

Received from the House of Commons a message, stating that Messrs. Proctor and McNeill form their branch of the Committee to superintend the vote for Public Treasurer, and further stating that they will commence voting on the return of the messenger.

The Senate then proceeded to vote as follows:

FOR MR. COURTS,


FOR MR. COURTS;

The Senate then took up the engrossed resolution relating to the Public Printing; which was read the second time and passed.

On motion of Mr. Cooper, the Senate proceeded to consider the resolution relating to an adjournment of the two Houses; which was read, and, on motion of Mr. Wilson, ordered to lie on the table.

On motion of Mr. Wilson, the Senate took up for consideration the message from the House of Commons, proposing to adjourn sine die on the 31st instant; which was read, and, on motion of Mr. Spruill, ordered to lie on the table.

Mr. Fox, from the Joint Select Committee appointed to superintend the vote for Public Treasurer, reported that Daniel W. Courts, having received a unanimous vote, was duly elected; in which the Senate concurred.

Mr. Carson, from the Committee on Weights and Measures, to whom was referred so much of the Governor's Message as relates to the same subject, reported a bill, entitled a bill concerning Weights and Measures, adopted by resolution of Congress as standards throughout the United States; which was read the first time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the petition of certain citizens of the county of Currituck, praying the Legislature to pass a law so as to prevent citizens of Virginia from driving their stock into this State for the purpose of ranging, reported a bill, entitled a bill to amend an act, entitled an act concerning cattle, horses, and hogs; which was read the first time and passed.

On motion of Mr. Moore, the Senate took up for consideration the bill making compensation to Wardens of the poor; which was read the second time. Mr. Speed then moved that the bill be indefinitely postponed; which motion prevailed.

Mr. Exum demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

**Messrs.** Allison, Messrs. Moody,
Albright, Moye,
Arrington, McDiarmid,
Biddle, Montgomery,
Bunting, Myers,
Carson, Reid,
Cherry,          Sharp,  
Cooper,         Speed,  
Davidson,      Spruill,  
Edwards,        Taylor,  
Hill,           Williams of Beaufort,  
Houlder,        Wilson,  
Melvin,         Whitaker—26 yeas.

Those who voted in the negative, were,

Messrs. Baker,     Messrs. Jones,  
Dockery,          Kerr,  
Etheridge,        Melchor,  
Exum,             Moore,  
Fox,              Reding,  
Foy,              Reinhardt,  
Franklin,         Rabun,  
Harper,           Ribelin,  
Hawkins,          Williams of P. 19 nays.
Henry,            

So the bill was indefinitely postponed.

The Senate took up for consideration the bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds; which was read the second time, and amended, on motion of Mr. McDiarmid, and passed.

Also, the engrossed bill to repeal the act of Assembly of 1835, allowing compensation to Jurors in the county of Yaney; which was read the second time and passed.

On motion of Mr. Spruill, the engrossed resolution relating to the Public Printing was taken up for consideration; which was read the third time and passed and ordered to be enrolled.

On motion of Mr. Taylor, the report of the Judiciary Committee on the resolution relative to stealing mulberry trees, was taken up for consideration; which was read, and on his motion, re-committed to the same Committee.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to empower the Courts of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; a bill supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; a bill appointing commissioners to lay off a public road from Burnsville,
(Yancy county,) to the Tennessee line; a bill to incorporate the trustees of the Rutherfordton Male and Female Academies; in which they ask the concurrence of the Senate.

The bill to empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; the bill appointing commissioners to lay off a public road from Burnsville, (Yancy county,) to the Tennessee line; and the bill to incorporate, the trustees of the Rutherfordton Male and Female Academies, were severally read the first time and passed.

On motion of Mr. Albright, the bill to authorise the issuing of Treasury notes, heretofore laid on the table, was taken up for consideration; which was read the second time. Mr. Morehead moved to amend the bill by striking out all after the words a bill, and inserting a substitute therefor. Mr. Jones then moved an amendment to the amendment in the second section, by filling up the blank with one hundred thousand dollars; which was agreed to. The amendment was then accepted by Mr. Albright. Mr. Wilson then moved that the bill and amendment be postponed indefinitely.

Pending this motion, the Senate, on motion of Mr. Morehead, adjourned until to-morrow ten o'clock.

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**Friday, Dec. 21, 1838.**

Mr. Wilson, from the Judiciary Committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law ratifying and declaring the several laws passed at the late session of the General Assembly, and known as the Revised Statutes, to be in full force as published by the Commissioners appointed for that purpose, reported a bill to give effect to the Revised Statutes as the same have been published by the commissioners appointed for that purpose; which was read the first time and passed.

Mr. Baker presented a bill, entitled a bill limiting the time in which title to lands heretofore entered and paid for, may be perfected; which was read the first time and passed.

Mr. Dockery presented a bill, entitled a bill to prevent free negroes and mulattoes from trafficking in spirituous liquors; which was read the first time and passed.
The engrossed bill supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson, was read the first time and passed.

The Senate took up for consideration the engrossed bill to repeal the act of Assembly of 1835, allowing compensation to jurors in the county of Yancy; which was read the third time and passed and ordered to be enrolled.

On motion of Mr. Shepard, the resolution imposing duties on the Public Printer and Secretary of State, was taken up for consideration; which was read the second time, and, on his motion, amended and passed. Mr. Spruill then moved to amend the rule of the Senate so as to allow the resolution to be read the third time; which was done accordingly. The resolution passed, and was ordered to be engrossed.

The Senate then proceeded to consider the bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds, &c.; which was read the third time, and, on motion of Mr. Spruill, amended and passed, and ordered to be engrossed.

Also, the bill to amend an act, entitled an act concerning cattle, horses, and hogs; which was read the second time, and, on motion of Mr. Shepard, ordered to lie on the table.

The Senate then took up for consideration the engrossed bill to incorporate the Trustees of the Rutherfordton Male and Female Academies, and the bill to empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; which were each read the second time and passed.

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

The Senate proceeded to consider the special order of the day, to wit: A bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the second time and rejected.

The Senate then took up for consideration the unfinished business of yesterday, to wit: "The bill to authorise the issuing of Treasury notes;" which was read the second time and postponed indefinitely. Mr. Albright demanded the yeas and nays, which are as follows, to wit:
Those who voted in the affirmative, were,

**Messrs.** Allison,
Arrington,
Baker,
Biddle,
Bunting,
Cherry,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Fox,
Foy,
Harper,
Hawkins,
Henry,
Hill,
Holt,
Houlder,

**Messrs.** Kerr,
Melvin,
Moody,
Moye,
McDiarmid,
Myers,
Reid,
Reinhardt,
Rabun,
Sharp,
Shepard,
Speed,
Spruill,
Taylor,
Williams of Beaufort,
Williams of Person,
Wilson,
Whitaker—37 yeas.

Those who voted in the negative, were,

**Messrs.** Albright,
Carson,
Davidson,
Franklin,
Jones,

**Messrs.** Melchor,
Morehead,
Moore,
Reding,
Ribelin—10 nays.

So the bill and amendment were indefinitely postponed.

Mr. Spruill moved that the Senate do now re-consider the vote by which the bill for the relief of the Raleigh and Gaston Rail Road Company was rejected; which motion prevailed.

Mr. Whitaker demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

**Messrs.** Albright,
Biddle,
Carson,
Cherry,
Davidson,

**Messrs.** Moore,
McDiarmid,
Montgomery,
Myers,
Reding,

Those who voted in the negative were,


So the vote was re-considered; and, on motion of Mr. Shepard, the bill was made the order of the day for Friday next.

The Senate proceeded to consider the bill concerning weights and measures, adopted by resolution of Congress as standards throughout the United States; which was read the second time, and, on motion of Mr. Carson, amended and passed.

Also, the engrossed bill appointing commissioners to lay off a public road from Burnsville, (Yancey county,) to the Tennessee line; which was read the second time and passed.

Mr. Baker from the Committee to whom was referred the bill to erect a new county out of portions of Wilkes and Burke counties, reported the same without amendment; which was, on his motion, ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a new county by the name of Union; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, proposing that the Statements of the Bank of the State of North-Carolina, the Bank of Cape Fear, and the Merchants' Bank
of Newbern, be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

On motion of Mr. Morehead,

Ordered, That Mr. Edwards have leave of absence from the service of this House, from and after to-morrow, until Wednesday next. Also, on his motion, leave of absence was granted to Mr. Taylor, from and after to-morrow, until Wednesday next; and, on motion of Mr. Hill, leave of absence was granted to Mr. Bunting, from and after to-day, until Thursday next.

Mr. Carson, from the Joint Select Committee to whom was referred the resolution of the Senate concerning the failure of the sheriffs of certain counties to make returns of the votes for Governor at the late election, reported the following Resolution, to wit:

That, whereas the returns made by the Sheriffs of the counties of Gates, Perquimons, and Guilford, of the votes for Governor in the late election, were by them believed to be duly made, and that the defects therein were in form, and not in substance; and whereas, those made by the Sheriff of Rutherford were by him duly made, and in full discharge of his duty:

Resolved therefore, That no proceedings in law be taken thereupon, and that they stand severally acquitted and discharged from all liability whatever.

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

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

Saturday, Dec. 22, 1838.

On motion of Mr. Spruill,

Ordered, That Green Hill, Assistant Door-keeper, have leave of absence from the service of this House for to-day.

Mr. Melchor presented the resignation of G. W. Spears, a Justice of the Peace for the county of Cabarrus; which was read and accepted, and ordered to be sent to the House of Commons.
Mr. Moore presented the resignation of Alexander Hampton, a Justice of the Peace for the county of Stokes; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom was referred the engrossed bill to amend the thirty-ninth section of the Revised Statutes, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, reported the same with an amendment; which was read and agreed to. The bill then passed the second time as amended.

On motion of Mr. Davidson,

Ordered, That the Committee on Public Printing have leave to sit during the session of the Senate.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution relative to wearing arms concealed about the persons of individuals, reported a bill entitled a bill to suppress the practice of wearing arms concealed about the persons of individuals; which was read the first time and passed, and, on motion of Mr. Morehead, ordered to lie on the table and be printed.

Mr. Morehead, from the same Committee, to whom was referred the resolution relative to deeds in trust and mortgages, reported adversely thereto; which was read and concurred in, and the committee was discharged from its further consideration.

Mr. Holt, from the Committee on Private Bills, to whom was referred the bill allowing compensation to the Wardens of the poor in the county of Wayne, reported the same without amendment; which was read the second time and passed. Mr. Exum moved to suspend the rules of the Senate, so as to allow the bill to be read the third time. The bill was then read the third time and passed, and ordered to be engrossed.

Mr. Dockery, from the Committee on Claims, to whom was referred the resolution in favor of William Leach, of Randolph county, reported the following resolution, to wit:

Resolved, That the Secretary of State be, and he is hereby instructed, to issue to William Leach, of the county of Randolph, two grants for land heretofore paid for, as per Treasurer's receipt, No. 307, entry taker's certificate, No. 1682, for 9 acres; and receipt No. 439, entry taker's certificate, No. 1681, for 25 acres.

Which was read the first time and passed.
Mr. Cherry, from the Judiciary Committee, to whom was referred the resolution instructing them to inquire into the propriety of so amending the existing law in relation to the number of Jurors to be drawn for the County and Superior Courts, reported a bill, entitled a bill to amend the 27th section of an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process; which was read the first time and passed.

Mr. Holt presented the following Resolution:

Resolved, That the Committee on Banks as Depositories of the public money, inquire into the condition of those Banks of the State in which the State is interested as stockholder, so far as regards their paying specie for their bills, when presented; the amount of bills they have issued at their different branches and agencies; where made payable, and what facilities they furnish different sections of the State in obtaining a supply of specie change; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Taylor presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons; proposing to instruct the Committee on Finance to inquire whether the revenue laws may not be so amended as to obtain a more equal valuation of the lands in this State; and also to inquire whether said laws may not be so amended as to give to the proprietors of lands a more speedy and convenient mode of redress, when dissatisfied with the assessment thereof by the commissioners.

Which was read and adopted.

Mr. Biddle, 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 and for other purposes; which was read the first time and passed, and, on motion of Mr. Taylor, ordered that the report be printed.

Mr. Williams, of Person, presented a bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, so as to alter the times for holding the County Courts of Person county; and for other purposes; which was read the first time and passed.
Received from the House of Commons a message, stating that they concur in the proposition of the Senate to print the report of the Committee of Finance.

Received from the House of Commons a message, stating that they have passed the following engrossed bill concerning the election and qualification of Constables in certain cases, in which they ask the concurrence of the Senate.—

Said bill was read the first time and passed.

Mr. Morehead then moved to suspend the rules of the Senate, so as to allow the bill to be read the second and third times; which was agreed to.

The bill was then read the second time, and, on motion of Mr. Morehead, amended, and then read the third time and passed as amended, and ordered to be enrolled.

Received from the House of Commons a message, transmitting therein the memorial of the Internal Improvement Convention to the Senate, proposing that it be referred to a Joint Select Committee to be composed of the Committees on Internal Improvements in each House, and to print it, ten copies for each member of the General Assembly; which was read and concurred in.

On motion of Mr. Carson, the Senate proceeded to consider the bill to amend the revenue laws of this State; which was read the second time and amended, on motion of Mr. Carson. Mr. Cherry further moved to amend it by adding an additional section; which was also agreed to. Then, on motion of Mr. Biddle, ordered to lie on the table until Monday next.

On motion of Mr. Fox, the Senate took up for consideration a bill, entitled a bill to lay off and establish a new county by the name of Union; which was read the first time and passed.

On motion of Mr. Morehead, the Senate also took up for consideration the bill limiting the time in which title to lands heretofore entered and paid for may be perfected; which was read the second time and passed.

On motion of Mr. Kerr, the vote by which was passed the bill, entitled a bill concerning the election and qualification of Constables in certain cases, was re-considered. He then moved to amend the bill by adding an additional section; which was agreed to. The bill then passed its third reading as amended, and was ordered to be enrolled.

Mr. Dockery then moved that the Senate do now take up for consideration the bill to prevent free negroes and mu-
latees from trafficking in spirituous liquors; which was agreed to. The bill was then read the second time, and, on motion of Mr. Dockery, amended, and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution: A bill to incorporate the Rocky Mount Manufacturing Company—a resolution in favor of Charles L. Hinton; in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.

On motion of Mr. Carson, the Senate adjourned until Monday morning ten o'clock.

Monday, December 24, 1838.

The Speaker presented to the Senate a communication from the Public Printer relative to the printing of a map included in the report of the Board of Internal Improvements; which was read, and, on motion of Mr. Wilson, ordered to be referred to the Committee on Public Printing.

On motion of Mr. Melvin,

Ordered, That Mr. McDiarmid have leave of absence from the service of this House from and after to-day until Thursday next.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution requiring them to inquire into the expediency of amending the laws relative to runaway slaves; also, the expediency of further legislating on the subject of outlawry against that species of population, reported adversely thereon; which was read and concurred in, and the committee was discharged from the further consideration of the subject.

Mr. Reinhardt presented the petition of sundry citizens of the counties of Burke, Lincoln, Iredell, and Wilkes, praying the Legislature to erect a new county out of portions of said counties; which was read, and, on his motion, referred to the Senators of said counties.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was re-committed the bill to amend the Inspection Laws, reported the same with an amendment,
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which was read the third time, and, on motion of Mr. Melvin, ordered to lie on the table.

Mr. Williams, (of Beaufort,) presented the resignation of Frederick Grist, a Justice of the Peace for the county of Beaufort; which was read and accepted, and ordered to be sent to the House of Commons.

On motion of Mr. Moore, the Senate proceeded to consider the bill to appoint Commissioners for the town of Bethania, in the county of Stokes; which was read the third time, and, on motion of Mr. Moore, ordered to be engrossed.

The Senate then took up for consideration the bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county; which was read the third time, and, on motion of Mr. Moore, amended and passed, and ordered to be engrossed.

Also, the bill to amend an act, entitled an act concerning cattle, horses, and hogs, which was read the third time, and, on motion of Mr. Moore, amended, and passed and ordered to be engrossed.

Mr. Rabun presented a bill, entitled a bill authorising the making a turnpike road in Haywood county; which was read the first time and passed, and, on his motion, referred to the Committee on Propositions and Grievances.

Mr. Shepard offered the following resolution, to wit:

Resolved. That the Committee on the Judiciary be instructed to inquire into the expediency of allowing the Comptroller of the Treasury compensation for the additional services imposed upon him by an act of the last Legislature; by which act he is required to open an account with each individual purchaser of land sold at the Cherokee land sales,

Which was read and adopted.

The Senate then took up for consideration the bill concerning weights and measures, adopted by resolution of Congress as standards throughout the United States; which was, on motion of Mr. Moore, ordered to lie on the table.

Also, the engrossed bill to empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; which was read the third time and passed, and ordered to be enrolled.
Mr. Spruill presented the following resolution, to wit:

Resolved, That Green Hill be appointed to collect all the books and papers which have been furnished for the use of the Legislature, and deposit them in the Public Library; and that he collect all the furniture which has been procured for the use of the Legislature, immediately on the adjournment thereof, and that he deposit the same in the Public Arsenal, and that the Governor be directed to allow him a reasonable compensation for his services, which shall be paid by the public Treasurer.

Which was read the first time and passed.

The Senate proceeded to consider the engrossed bill to incorporate the Trustees of the Rutherfordton Male and Female Academies; which was read the third time and passed, and ordered to be enrolled.

Mr. Cherry presented a bill, entitled a bill to authorize the business of Banking; which was read the first time and passed, and, on his motion, ordered to be printed.

The Speaker announced to the Senate, that Messrs. Davidson and Whitaker, form the committee on the part of the Senate, on enrolled bills this week; and the House of Commons was informed thereof by message.

On motion of Mr. Myers, the Senate took up for consideration, the engrossed bill to lay off and establish a new county, by the name of Union; which was read the second time, and on his motion, amended. Mr. Biddle then moved that the bill and amendment lie on the table; which was agreed to.

The Speaker presented to the Senate a communication from Thomas J. Lemay, informing the Senate that the memorial of the Internal Improvement Convention to the Legislature, is printed one copy, for each member of the General Assembly, and that the remaining copies will be ready for delivery on Wednesday or Thursday next.

Mr. Biddle presented a bill, making the measurement of ton timber and saw mill lumber uniform in the State; which was read the first time and passed.

The Senate then proceeded to consider the engrossed bill, to amend the thirty-ninth section of the Revised Statute, entitled an act concerning Courts of Justice, Practice, Pleas and Process; which was read the third time and passed, and ordered to be enrolled.
Also the bill to prevent free negroes and mulattoes from trafficking in spirituous liquors, was taken up for consideration; which was read the third time and passed, and ordered to be engrossed.

Also the bill limiting the time in which title to lands here-tofore entered and paid for, may be perfected; which was read the third time, and amended and passed, and ordered to be engrossed.

On motion of Mr. Reinhardt,

Ordered, That a message be sent to the House of Commons, proposing to vote on Wednesday next, for Col. and Major of the Cavalry of the tenth Brigade of North Carolina Militia; and inform them that Thomas N. Herndon is in nomination for the appointment of Colonel, and Andrew Motz is in nomination for the appointment of Major for said Brigade.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions relating to the General Government; in which they ask the concurrence of the Senate. Said resolutions were read first time and passed, and, on motion of Mr. Wilson, ordered to lie on the table.

The Senate then proceeded to consider the engrossed bill, appointing Commissioners to lay off a public road from Burnsville, (Yancey county,) to the Tennessee line; which was read the third time and passed, and ordered to be enrolled.

Also, the bill to incorporate the Rocky Mount Manufacturing Company; which was read the first time and passed.

The Senate proceeded to consider the bill to amend the revenue laws of this State; which was read the second time, and, on motion of Mr. Albright, amended and passed.

Also, the engrossed bill, supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; which was read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Gilliam, Hoke, and Petty form their branch of the Joint Select Committee on the subject of a Lunatic Asylum.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Flealden Hensley and others; in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.
Received from the House of Commons the following resignations, to wit: The resignation of Golden Davis, a Justice of the Peace for the county of Ashe; R. Kendall, a Justice of the Peace for the county of Montgomery; and Vineyard E. Campbell, a Justice of the Peace for the county of Beaufort; which were severally read and accepted.

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

Tuesday, Dec. 25, 1838.

The Senate proceeded to consider the bill, entitled a bill to amend the revenue laws of this State; which was read the third time, and, on motion of Mr. Morehead, ordered to lie on the table.

Also the engrossed bill supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; which was read the third time and passed, and ordered to be enrolled.

Mr. Davidson, from the Judiciary committee, to which was referred so much of the Governor's message as relates to exempting lands from execution, reported a bill to secure a homestead freehold to the citizens of North Carolina; which was read the first time and passed, and, on motion of Mr. Spruill, ordered to be printed.

The Senate then took up for consideration the bill making an appropriation for carrying on and completing the capitol, and for other purposes; which was read the second time and passed.

Also the engrossed resolution in favor of Charles L. Hinton, and the resolution in favor of Ftalden Hensley and others; which were each read the second time and passed.

Also the bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, so as to alter the time for holding the County Courts of Person county, and for other purposes; which was read the second time and passed.

Also the resolution concerning the books, papers and furniture of the General Assembly; and the resolution in favor of William Leach, were each read the second time and passed.
The Senate then proceeded to consider the engrossed bill to incorporate the Rocky Mount Manufacturing Company; which was read the second time and passed.

Also the bill to amend the 27th section of an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process; which was read the second time and passed.

The Senate then took up for consideration a bill making the measurement of ton timber and saw mill lumber uniform in this State; which was, on motion of Mr. Moore, ordered to lie on the table.

Also the bill to give effect to the Revised Statutes, as the same have been published by the Commissioners appointed for that purpose; which was read the second time and passed. Mr. Morehead moved to suspend the rules of the Senate, so as to read the bill the third time; which was agreed to. The bill was then read the third time and passed, and ordered to be engrossed.

Also the bill concerning weights and measures, adopted by resolution of Congress as standards throughout the United States; which was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Cape Fear and Western Steamboat Company of North Carolina; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Received from the House of Commons a message, informing the Senate that Messrs. Stockard, Keener, Young, and Tuton form their branch of the committee on enrolled bills for this week.

The Senate then took up for consideration the engrossed bill, entitled a bill to lay off and establish a new county by the name of Union; which was read the second time. Mr. Fox then moved an amendment thereto; and, before the question was taken thereon, the Senate, on motion of Mr. Exum, adjourned until to-morrow morning ten o'clock.
WEDNESDAY, DECEMBER 26, 1838.

Mr. Davidson, from the joint select committee on Public Printing, to whom was referred a communication from Thomas Loring, relative to a lithographic map, reported the following resolution, to wit:

Resolved, That the joint order to print the report of the board of Internal Improvements and certain documents accompanying it, be rescinded, so far as relates to a lithographic map, included in said order.

Which was read and adopted.

Mr. Davidson, from the same committee, to whom was referred a resolution instructing them to inquire whether any; and if any, what mode can be adopted for expediting the printing for the Legislature, reported the following resolution:

Resolved, That the Committee on Printing be instructed to confer with the Public Printer, and adopt such means as will expedite the printing which now is, or hereafter may be required for the use of this House.

Which was read and adopted.

Mr. Albright presented the following resolution, to wit:

Resolved, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of regulating by law the weight of sack salt; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Morehead, from the Judiciary Committee, to whom was referred a resolution relative to stealing Mulberry trees, reported a bill to prevent the stealing of Mulberry trees; which was read the first time and passed.

Mr. Baker presented the following resolution, to wit:

Resolved, That the Committee on Internal Improvements inquire into the expediency of the State's making a contribution in aid of clearing out the road, leading from Morganton in this State over the Iron Mountain to the Tennessee line; and that they report by bill or otherwise.

Which was read and adopted.
Received from the House of Commons a message, concurring in the proposition of the Senate to vote at 11 o'clock this day for Major, and at 12 o'clock for Colonel Commandant of Cavalry of the 10th Brigade; and further stating that Messrs. Killian and E. S. Bell form their branch of the committee to superintend the vote for the first officer named; and Messrs. McLaughlin and J. Blount form their committee to superintend the election for the other.

The Speaker announced to the Senate that Messrs. Williams, (of Beaufort) and Allison form the committee to superintend the vote for Major of the Cavalry of the 10th Brigade; and that Messrs. Moye and Williams, (of Person,) form the committee on the part of the Senate to superintend the election for Colonel Commandant of the 10th Brigade of North Carolina Cavalry; and the House of Commons was informed thereof by message.

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

FOR MR. MOTZ,

MESSRS. Speaker,
Allison,
Albright,
Arrington,
Baker,
Biddle,
Carson,
Cherry,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Fox,
Franklin,
Harper,
Hawkins,
Henry,
Hill,
Holt,
Houlder,
Kerr,

MESSRS. Melvin,
Melchor,
Moorehead,
Moore,
Moody,
Moye,
Montgomery,
Myers,
Reid,
Reding,
Reinhardt,
Rabun,
Ribelin,
Sharp,
Shepard,
Sprunt,
Speed,
Taylor,
Williams of Beaufort,
Williams of Person,
Wilson,
Whitaker—44.
Mr. Ribelin offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law as not to allow women to swear illegitimate children before they are born; and that the said committee be instructed to inquire into the expediency of increasing the fine for not swearing from five dollars to twenty-five dollars.

Which was read and rejected.

Mr. Spruill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of this Legislature adjourn on Monday the 7th day of January next sine die; and that the Clerks make up the estimates to that day inclusive.

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

Mr. Melvin offered the following resolution:

Resolved, That the Secretary of State be, and he is hereby authorised to issue to John McGee, of Bladen county, a grant for fifty acres of land on his entry No. 84, for which the purchase money has been paid.

Which was read the first time and passed, and, on motion of Mr. Spruill, was referred to the Committee on Claims.

The Speaker presented to the Senate the memorial of Chang-Eng, the Siamese twin brothers, praying the Legislature to relieve them from a tax imposed on them by certain Sheriffs; which was read, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

Mr. Williams, (of Beaufort,) from the Joint Select Committee to superintend the vote for Major of the Cavalry of the 10th Brigade, reported that Andrew Motz, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Morehead, from the Judiciary Committee, to whom was referred the bill to prevent betting on elections, reported the same with an amendment; which was read the second time and postponed indefinitely.

Mr. Cooper demanded the yeas and days, which are as follows, to wit:
Those who voted in the affirmative, were,

Messrs. Allison,  Messrs. Houlder,  
Arrington,  Kerr,  
Cherry,  Melvin,  
Cooper,  Melchor,  
Edwards,  Moody,  
Etheridge,  Reid,  
Exum,  Reinhardt,  
Foy,  Sharp,  
Harper,  Speed,  
Hawkins,  Williams of Beaufort,  
Henry,  Williams of Person,  
Hill,  Whitaker—25 yeas.  
Holt,  

Those who voted in the negative, were,

Messrs. Albright,  Messrs. Moye,  
Baker,  Montgomery,  
Biddle,  Myers,  
Carson,  Reding,  
Davidson,  Rabun,  
Dockery,  Ribelin,  
Fox,  Shepard,  
Franklin,  Spruill,  
Morehead,  Taylor,  
Moore,  Wilson—20 nays.  

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred the memorial of the Internal Improvement Convention, reported the following resolutions, to wit:

Resolved, That it is expedient that the State guarantee a loan to be effected by the Raleigh and Gaston Rail Road Company, to the amount of five hundred thousand dollars.

Resolved, That the Committee on Internal Improvements be instructed to report a bill authorising a subscription on the part of the State of four-fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company, provided the remainder of the stock be taken by individuals, and the capital of said Company does not exceed two millions of dollars.

Resolved, That the Committee on Internal Improvements be instructed to report a bill authorising the subscription by the State of three-fifths of the capital stock of the Roanoke Inlet Company, provided individuals take the remaining two-fifths, and the capi-
tal stock of said company does not exceed one million two hundred and fifty thousand dollars.

Resolved, That one hundred and fifty thousand dollars, the balance due of the State's subscription to the Raleigh and Wilmington Rail Road, ought to be advanced immediately, and that a survey for a MacAdamized Turnpike Road from Raleigh to Greensborough, via Hillsborough, be ordered.

Resolved, That it is proper that three millions of dollars be borrowed by the State to carry the above objects into execution, and that a bill be reported for that purpose by the Committee on Internal Improvements.

Which was read, and, on his motion, ordered to lie on the table and the report and resolutions be printed.

The Senate proceeded to vote for Col. Commandant of the 10th Brigade of Cavalry as follows, to wit:

FOR MR. HERNDON,

Messrs. Speaker, Allison, Albright, Arrington, Baker, Biddle, Carson, Cherry, Cooper, Davidson, Dockery, Edwards, Etheridge, Exum, Fox, Foy, Franklin, Harper, Hawkins, Henry, Hill, Houlder, Jones,

Messrs. Kerr, Melvin, Melchor, Morehead, Moore, Moody, Moxe, Montgomery, Myers, Reid, Reding, Reinhardt, Rabun, Ribelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams, of Beaufort, Williams, of Person, Wilson, Whitaker—46 yeas.

Mr. Cherry presented the memorial of Susan D. Nye Hutchison on the subject of Female Education; which was, on his motion, ordered to be referred to the Committee on Education.
Mr. Moye, from the joint select committee, appointed to superintend the vote for Col. Commandant of the 10th Brigade of Cavalry, reported that Thomas N. Herndon, having received a majority of the whole number of votes given, was duly elected. In which the Senate concurred.

On motion of Mr. Carson, the Senate took up for consideration, the bill to amend the revenue laws of this State; which was read the third time. Mr. Moore moved the following amendment thereto, to wit: in the first section, after the word lands, insert the words and improvements, such as Factories and Merchant Mills and costly dwellings and edifices, which may be made or erected during the interval between the appointments of the regular Boards of assessors. The question being taken on this amendment, it was decided in the negative—yeas 10, nays 36.

Mr. Moore demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

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<th>Messrs. Allison,</th>
<th>Messrs. Henry,</th>
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<td>Dockery,</td>
<td>Moore,</td>
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<td>Edwards,</td>
<td>Myers,</td>
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<td>Etheridge,</td>
<td>Reid,</td>
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<td>Franklin,</td>
<td>Reinhardt—10 yeas.</td>
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Those who voted in the negative were,

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<tr>
<th>Messrs. Albright,</th>
<th>Messrs. Melchor,</th>
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<td>Arrington,</td>
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<td>Carson,</td>
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<td>Harper,</td>
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<td>Hawkins,</td>
<td>Taylor,</td>
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<td>Hill,</td>
<td>Williams of B.</td>
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<td>Holt,</td>
<td>Williams of P.,</td>
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<td>Houlder,</td>
<td>Wilson,</td>
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<td>Jones,</td>
<td>Whitaker—36 nays.</td>
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<td>Kerr,</td>
<td>Kerr,</td>
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</table>
Mr. Carson then moved sundry amendments thereto; which were agreed to. The bill then passed, and was ordered to be engrossed.

The Senate then took up for consideration the unfinished business of yesterday, to wit: the engrossed bill to lay off and establish a new county by the name of Union; which was read the second time. Mr. Fox moved the following amendment thereto, to wit: beginning at the corner of Anson, Montgomery, Cabarrus, and Mecklenburg, running up the Cabarrus line four miles; thence nearly south-west, till it strikes the South Carolina line about twelve miles above the stone corner; thence with the South Carolina line to the Anson corner: Provided, That the said division line shall not at any point, approach the town of Charlotte nearer than sixteen miles. Pending this question, Mr. Exum moved that the bill and amendment be indefinitely postponed; which motion prevailed, and, upon this question, demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Arrington, Messrs. Melvin,
    Biddle,       Moody,
    Cherry,      Moye,
    Cooper,      Reid,
    Edwards,     Reinhardt,
    Etheridge,   Sharp,
    Exum,        Shepard,
    Foy,         Speed,
    Harper,      Spruill,
    Hawkins,     Taylor,
    Henry,       Williams of Beaufort,
    Hill,        Williams of Person,
    Holt,        Wilson,
    Houlder,     Whitaker—29 yeas,
    Kerr,

Those who voted in the negative, were,

MESSRS. Allison, Messrs. Melchor,
    Albright,    Morehead,
    Baker,       Moore,
    Carson,      Montgomery,
    Davidson,    Myers,
    Dockery,     Reding,
So the bill and amendment were indefinitely postponed.

On motion of Mr. Dockery, the resolutions relating to the General Government were taken up for consideration. Mr. Shepard then moved that they be made the order of the day for to-morrow at 11 o'clock; which motion prevailed. Upon this question, Mr. Biddle demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

Messrs. Allison, Arrington, Baker, Carson, Cooper, Edwards, Etheridge, Exum, Fox, Foy, Hawkins, Henry, Hill,

Messrs. Houlder, Jones, Kerr, Melvin, Morehead, Reid, Reinhardt, Rabun, Shepard, Taylor, Williams of Person, Wilson, Whitaker—26 yeas.

Those who voted in the negative, were,

Messrs. Albright, Biddle, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Melchior, Moore,

Messrs. Moody, Moye, Montgomery, Myers, Reding, Ribelin, Sharp, Speed, Spruill, Williams of B. 20 nays.

So the resolutions were made the order of the day for to-morrow at 11 o'clock.

On motion of Mr. Henry, the Senate adjourned until to-morrow morning ten o'clock.
Thursday, Dec. 27, 1838.

Received from the House of Commons a message, stating that they concur in the reference made by the Senate to the Committee on Finance, upon the subject of the valuation of lands for taxation.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Charlotte Male and Female Academies.

Also, the engrossed resolution relating to the Sheriff of Ashe; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have postpned indefinitely the engrossed bill to exempt the aged and infirm from being compelled to serve in fire companies and upon guards in any of the incorporated towns and cities of this State.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions: A bill to incorporate the Yadkin Manufacturing Company; a bill to improve a part of the State Road leading from the town of Franklin across the Nantahala and Valley River Mountain to the new town site called Murphy; a bill to incorporate the High Shoals Manufacturing Company; resolution in favor of Samuel Shem; resolution in favor of Dove Pannell; resolution in favor of Simon M. Smithwick; resolution in favor of James C. Turrentine, Sheriff of Orange county; and a resolution relating to the Public Domain; in which they ask the concurrence of the Senate.

Mr. Cherry, from the Committee on Education and the Literary Fund, to whom was referred the resolution instructing them to inquire into the expediency of establishing Common Schools in every county of the State, reported a bill to divide the counties into School Districts and for other purposes; which was read the first time and passed, and, on motion of Mr. Moore, ordered to be printed, one copy for each member of the Legislature.

Mr. Spruill offered the following Resolution, to wit:

*Resolved,* That a message be sent to the House of Commons, proposing that the Secretary be directed to have the reports of the Chairman of the Committee on Education and the Literary Fund printed and attached to the acts passed at this session of the Le-
gislature; and that ten copies of said report be printed for each member of the General Assembly.

Which was read and adopted.

Mr. Jones, from the Committee on Finance, to whom was referred a resolution directing the sale of certain squares and lots of land belonging to the State, in and about the city of Raleigh, reported the following resolution, to wit:

Resolved. That the Secretary of State, after due notice given, sell at public auction, on a credit of twelve months, on bonds and good security, the square of land on which stands the old Male and Female Academies, between the lots of John H. Bryan and Mrs. Delia Haywood; that said square shall be divided and sold in four equal sized lots. Also, an acre lot of land near John Hutchins', joining his own lot, and which is intersected by the rail road. And the Secretary of State is hereby authorised and required to execute deeds of conveyance in fee from the State to the purchaser, so soon as the purchase money for said lots are paid for.

Which was read the first time and passed.

Mr. Jones, from the same Committee, to whom was referred the resolution on the subject of amending the revenue laws and equalizing the valuation of lands,

Reported, that a bill amending the revenue laws and, as your Committee believe, embracing the defects the resolution inquires into, has passed the Senate, and no doubt will pass the other branch of the Legislature; and therefore recommend the rejection of the said resolution.

Which was read and concurred in.

Mr. Carson presented the petition of the South Western Rail Road Bank, praying that the clause in the Bank charter of this State above recited, may be so modified as to legalize the subscriptions made to this institution by certain Banks, and to allow them to hold in it to the amount subscribed for by them; which was read, and, on his motion, ordered to lie on the table.

The Senate then proceeded to consider the order of the day, to wit: The Resolutions relating to the General Government; which were read the second time.

Pending the question, the Senate, on motion of Mr. Shepard, adjourned until 4 o'clock, P. M.
Four O'clock, P. M.

The Senate met according to adjournment, and took up for consideration the unfinished business of the day, to wit: The Resolutions relating to the General Government. The Preamble and Resolutions are as follows, to wit:

Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which, we conceive the safety of our free institutions to depend—and whereas, we consider it our bounden duty, as the Representatives of the Freemen of North Carolina, to express in calm and dispassionate language, our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

Resolved therefore, That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States expunging the records of that body, as a palpable violation of the plain letter of the Constitution, and as an act of party servility calculated to degrade the character of the Senate.

Which resolution was read the second time.

Mr. Edwards moved to strike out the words "and as an act of party servility calculated to degrade the character of the Senate;" and upon that question demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, are,

MESSRS. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Exum, Fox, Foy of Onslow, Hawkins,  
MESSRS. Hill, Henry, Houlder, Kerr, McDiarmid, Reid, Reinhardt, Rabun, Williams of Person, Wilson, Whitaker—23 yeas.

Those who voted in the negative, were,

MESSRS. Albright, Biddle, Carson,  
MESSRS. Moody, Moye, Montgomery,
Mr. Wilson then moved to add thereto the words, "Provided, that we do not mean hereby to condemn the patriotic efforts of our late President against the United States Bank;" which was rejected. Mr. Wilson demanded the yeas and nays; which are as follows, to wit:

Those who voted in the affirmative were,


Those who voted in the negative were,

MESSRS. Albright, Moody, Biddle, Moye, Carson, Montgomery, Cherry, Myers, Davidson, Reding, Dockery, Ribelin, Franklin, Sharp, Harper, Shepard, Holt, Speed, Jones, Spruill, Melchor, Taylor, Morehead, Williams of B, 25 n'ys, Moore,
Mr. Reid then offered the following resolution as an amendment thereto, to wit:

Resolved, That all political power resides with the people. That Representatives are the agents of the people. That the people have a right, through their representatives in the General Assembly, to instruct their Senators in Congress, and that when a Senator is so instructed there rests on him a moral obligation to OBEY or RESIGN, which ought not to be disregarded.

Which was read and rejected; and upon this amendment he demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

Messrs. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Exum, Fox, Foy, of Onslow, Hawkins, Henry,


Those who voted in the negative were,

Messrs. Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Jones, Melchor, Morehead, Moore,


Mr. Reid further moved to amend it, by adding thereto, the following, to wit:
Resolved, That we approve of the course pursued by our Senators in Congress, in defending the Constitution and the rights of the people, against the abolition fanatics of the North, who have attempted to jeopardize the lives and property of our citizens.

Which was read and also rejected, and upon this question demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

Messrs. Allison, Messrs. Hill, 
Arrington, Houlder, 
Baker, Kerr, 
Bunting, Melvin, 
Cooper, McDiarmid, 
Edwards, Reid, 
Etheridge, Reinhardt, 
Exum, Rabun, 
Fox, Williams, of Person, 
Foy, of Onslow, Wilson, 
Hawkins, Whitaker—23 yeas, 
Henry, 

Those who voted in the negative were,

Messrs. Albright, Messrs. Moody, 
Biddle, Moye, 
Carson, Montgomery, 
Cherry, Myers, 
Davidson, Reding, 
Dockery, Ribelin, 
Franklin, Sharp, 
Harper, Shepard, 
Holt, Speed, 
Jones, Spruill, 
Melchor, Taylor, 
Morehead, Williams of B. 25 nays, 
Moore, 

The first resolution then passed by the following vote, to wit:

Those who voted in the affirmative were,

Messrs. Albright, Messrs. Moore, 
Biddle, Moody, 

Moore,
Carson,                Montgomery,
Cherry,               Myers,
Davidson,             Reding,
Dockery,              Ribelin,
Franklin,             Sharp,
Harper,               Shepard,
Holt,                 Speed,
Jones,                Spruill,
Melchor,              Taylor,
Morehead,             Williams of B. 25 yeas.
Moye,

Those who voted in the negative, were,

MESSRS. Allison,                  MESSRS. Hill,
Arrington,                      Houlder,
Baker,                          Kerr,
Bunting,                        Melvin,
Cooper,                         McDiarmid,
Edwards,                        Reid,
Etheridge,                      Reinhardt,
Exum,                           Rabun,
Fox,                            Williams of Person,
Foy, of Onslow,                 Wilson,
Hawkins,                        Whitaker—23 nays.
Henry,

2. Resolved, That resolutions ought to be passed by the Senate of the United States, condemnatory of that act, and rescinding the resolutions authorising it to be done.

Which was read the second time, and passed. The yeas and nays being demanded, were as follows:

Those who voted in the affirmative, were,

MESSRS. Albright,               MESSRS. Moody,
Biddle,                         Moye,
Carson,                         Montgomery,
Cherry,                         Myers,
Davidson,                       Reding,
Dockery,                        Ribelin,
Franklin,                       Sharp,
Harper,                         Shepard,
Holt,                           Speed,
Jones,                          Spruill,
Those who voted in the negative, were,

MESSRS. Allison, MESSRS. Hill,
Arrington, Houlder,
Baker, Kerr,
Bunting, Melvin,
Cooper, McDiarmid,
Edwards, Reid,
Etheridge, Reinhardt,
Exum, Rabun,
Fox, Williams of Person,
Foy, of Onslow, Wilson,
Hawkins, Whitaker—23 nays.
Henry,

3. Resolved, That this General Assembly do condemn the sub-
treasury system, which this administration is endeavoring to es-
establish, as another item in that series of fatal experiments, of this
and the past administration, which are the main source of that
derangement in the currency, and prostration of commercial cred-
it, that have been so severely felt of late, in every branch of in-
dustry—and which, if suffered to become a law, will by its ten-
dency to augment executive power, to unite the purse and the
sword in the hands of the executive, and to destroy the credit
system, by the exaction of specie in the Government dues, ultima-
tely change the real character of our Government, and place
in peril the liberties of our country.

Which resolution was read the second time and passed, by
the following vote, 24 to 23:

Those who voted in the affirmative, were,

MESSRS. Albright, MESSRS. Moore,
Biddle, Moye,
Carson, Montgomery,
Cherry, Myers,
Davidson, Reding,
Dockery, Ribelin,
Franklin, Sharp,
Harper, Shepard,
Holt, Speed,
Jones, Spruill,
Melchor,  
Morehead,  
Taylor,  
Williams of B. 24 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,  
MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays,

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

Resolved, That the Public revenue is collected from the people for the support of government, and not for Banking purposes, and no more revenue ought to be collected than is absolutely necessary for the wants of Government.

Which was read and rejected.

Mr. Wilson demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Hawkins,  
Henry,  
MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 yeas.
Those who voted in the negative were,

MESSRS. Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Jones, Melchor, Moorehead, Moore,

MESSRS. Moody, Moye, Montgomery, Myers, Reding, Ribelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams of B.

25 nays.

4. Resolved, That we consider the public lands of the United States, as the common property of all the States, and that we therefore condemn the late act of Congress, allowing settlers on the public lands the right of pre-emption at the minimum price, as an act of gross injustice to the old States, who originally ceded them, or who contributed to a common fund for their purchase.

Which was read the second time and passed by the following vote—26 to 22.

Those who voted in the affirmative were,

MESSRS. Allison, Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Jones, Melchor, Moorehead, Morehead,

MESSRS. Moore, Moody, Moye, Montgomery, Myers, Reding, Ribelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams, of B., 26 yrs.

Those who voted in the negative were,

MESSRS. Arrington, Baker, Bunting, Cooper, Edwards,

MESSRS. Hill, Houlder, Kerr, Melvin, McDiarmid,
5. Resolved, That we believe that the proper and equitable disposition of the public domain, is, to divide the proceeds arising from their sales, among the several States of the Union, according to the ratio of the Federal population.

Which was read the second time.

Mr. Wilson moved the following proviso thereof:

Provided, nevertheless, That the said distribution should not render necessary an increase of the Taxes or Tariff.

Which was read and rejected.

Mr. Fox demanded the yeas and nays:

Those who voted in the affirmative, are,

**MESSRS.** Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Exum, Fox, Foy of Onslow, Hawkins, Hill,

**MESSRS.** Henry, Houlder, Kerr, Melvin, McDiarmid, Reid, Reinhardt, Rabun, Williams of Person, Wilson, Whitaker—23 yeas.

Those who voted in the negative, were,

**MESSRS.** Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper,

**MESSRS.** Moody, Moyer, Montgomery, Myers, Reding, Ribelin, Sharp, Shepard,
The resolution then passed by the following vote:

Those who voted in the affirmative were,

Messrs. Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Jones, Melchor, Morehead, Moore,

Messrs. Moody, Moye, Montgomery, Myers, Reding, Bibelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams of B, 25 ye's

Those who voted in the negative were,

Messrs. Allison, Arrington, Baker, Bunting, Cooper, Edwards, Etheridge, Exum, Fox, Foy, of Onslow, Hawkins, Henry,

Messrs. Hill, Houlder, Kerr, Melvin, McDiarmid, Reid, Reinhardt, Rabun, Williams of Person, Wilson, Whitaker, 23 nays.

6. Resolved, That we do most solemnly protest against the wasteful extravagance of the present administration, and their profligate expenditure of the public money, which not only creates a demand for heavy taxation, in order to meet the exorbitant appropriations of the General government, but which tends to the corruption of public morals and the degradation of the national character.
Said resolution was read the second time, and passed by the following vote:

Those who voted in the affirmative were,

MESSRS. Albright, Messrs. Moody,  
Biddle, Moye,  
Carson, Montgomery,  
Cherry, Myers,  
Davidson, Reding,  
Dockery, Ribelin,  
Franklin, Sharp,  
Harper, Shepard,  
Holt, Speed,  
Jones, Spruiil,  
Melchor, Taylor,  
Morehead, Williams of B. 25 yeas.  
Moore,

Those who voted in the negative were,

MESSRS. Allison, Messrs. Hill,  
Arrington, Houlder,  
Baker, Kerr,  
Bunting, Melvin,  
Cooper, McDiarmid,  
Edwards, Reid,  
Etheridge, Reinhardt,  
Exum, Rabun,  
Fox, Williams of Person,  
Foy, of Onslow, Wilson,  
Hawkins, Whitaker—23 nays.  
Henry,

7. Resolved, That the power and patronage of the Executive Department of the Federal Government, have increased to an alarming extent, and ought to be diminished.

Which was also read the second time and passed. The yeas and nays being demanded, are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Albright, Messrs. Moody,  
Biddle, Moye,  
Carson, Montgomery,  
Cherry, Myers,
Resolved, That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing resolutions.

Which was read the second time.

Mr. Wilson then moved to add thereto, the words "and they are instructed so to do," which was read and rejected. Upon this question he demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Allison, Messrs. Hill,
Arrington, Houlder,
Baker, Kerr,
Bunting, Melvin,
Cooper, McDiarmid,
Edwards, Reid,
Etheridge, Reinhardt,
Exum, Rabun,
Fox, Williams, of Person,
Foy, of Onslow, Wilson,
Hawkins, Whitaker—23 nays,
Henry, 

Those who voted in the negative were,

MESSRS. Allison, Messrs. Hill,
Arrington, Houlder,
Baker, Kerr,
Bunting, Melvin,
Cooper, McDiarmid,
Edwards, Reid,
Etheridge, Reinhardt,
Exum, Rabun,
Fox, Williams, of Person,
Foy, of Onslow, Wilson,
Hawkins, Whitaker—23 nays,
Henry, 

8. Resolved, That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing resolutions.
Those who voted in the negative, were,

MESSRS. Albright, Messrs. Moore,
    Biddle, Moody,
    Carson, Montgomery,
    Cherry, Myers,
    Davidson, Reding,
    Dockery, Ribelain,
    Franklin, Sharp,
    Harper, Shepard,
    Holt, Speed,
    Jones, Spruill,
    Melchor, Taylor,
    Morehead, Williams of B.
    Moore, 25 nays.
    Moye,

The resolution then passed by the following vote:

Those who voted in the affirmative, were,

MESSRS. Albright, Messrs. Moody,
    Biddle, Moye,
    Carson, Montgomery,
    Cherry, Myers,
    Davidson, Reding,
    Dockery, Ribelain,
    Franklin, Sharp,
    Harper, Shepard,
    Holt, Speed,
    Jones, Spruill,
    Melchor, Taylor,
    Morehead, Williams of B.
    Moore, 25 yeas.

Those who voted in the negative, were,

MESSRS. Allison, Messrs. Hill,
    Arrington, Houlder,
    Baker, Kerr,
    Bunting, Melvin,
    Cooper, McDiarmid,
    Edwards, Reid,
Etheridge,    Reinhardt,  
Etheridge,    Rabun,    
Exum,        Williams of Person, 
Fox,         Wilson,    
Foy, of Onslow,  Whitaker—23 nays.
Hawkins,     
Henry,       

Mr. Wilson then proposed the following amendment:

Resolved, That our Senators are hereby INSTRUCTED, and our Representatives requested to vote for an entire separation of the funds of the Government from all Banks.

Which was read and rejected.

Mr. Wilson demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

Messrs. Allison,        Messrs. Hill,  
Arrington,              Houlder,  
Baker,                  Kerr,  
Bunting,                Melvin,  
Cooper,                 McDiarmid,  
Edwards,                Reid,  
Etheridge,              Reinhardt,  
Exum,                   Rabun,      
Fox,                    Williams of Person,  
Foy, of Onslow,         Wilson,  
Hawkins,               Whitaker—23 yeas,  
Henry,  

Those who voted in the negative, were,

Messrs. Albright,       Messrs. Moody,  
Biddle,                 Moye,  
Carson,                 Montgomery,  
Cherry,                 Myers,  
Davidson,               Reding,  
Dockery,                Ribelin,  
Franklin,               Sharp,  
Harper,                 Shepard,  
Holt,                   Speed,  
Jones,                  Spruill,  
Melchor,               Taylor,  
Morehead,             Williams of B. 24 nays,  
Moore,
9. Resolved, That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States—and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

Which was read the second time, and, on motion of Mr. Biddle, the question was taken on said resolution and the preamble, and passed. The yeas and nays being demanded, were as follows, to wit:

Those who voted in the affirmative were,

**MESSRS.** Albright, Biddle, Carson, Cherry, Davidson, Dockery, Franklin, Harper, Holt, Jones, Melchor, Morehead, Moore, Moody, Moye, Montgomery, Myers, Reding, Ribelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams of B. 25 yeas.

Those who voted in the negative, were,


So the preamble and resolutions passed their second reading without amendment.

Mr. Shepard then moved to suspend the rules of the Senate, so that the resolutions may be read the third time;
which was agreed to. The preamble and resolutions were then read and passed.

Mr. Fox demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Albright, Biddle, Moody,
Carson, Montgomery,
Cherry, Myers,
Davidson, Reding,
Dockery, Ribelin,
Franklin, Sharp,
Harper, Shepard,
Holt, Speed,
Jones, Spruill,
Melchor, Taylor,
Morchead, Williams of B.
Moore, 25 yeas.

Those who voted in the negative, were,

MESSRS. Allison, Hill,
Arrington, Houlder,
Baker, Kerr,
Bunting, Melvin,
Cooper, M'Diarmid,
Edwards, Reid,
Etheridge, Reinhardt,
Exum, Rabun,
Fox, Williams of Person,
Foy of Onslow, Wilson,
Hawkins, Whitaker—23 nays.
Henry,

Ordered, said preamble and resolutions to be enrolled.

On motion of Mr. Biddle, the Senate adjourned until to-morrow morning ten o'clock.
FRIADY, DEC. 23, 1838.

Received from the House of Commons the resignation of Rt. Haywood, a Justice of the Peace for the county of Wake; which was read and accepted.

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

Whereas, there are vast bodies of valuable Swamp Land in the lower part of Craven county, a part belonging to the State, and a part to individuals; and it being impossible for the owners to drain it without the assistance of the State; and whereas, by means of canals it would be brought into cultivation, yielding both to the interest of individuals and of the Literary Fund:

Therefore Resolved, That the President and Directors of the Board of Internal Improvements be, and they are hereby authorized, to cause a survey to be made, to test the practicability of uniting by canal South Dividing Creek and Chapel Creek; the first of said Creeks running into Pamptico river; the other into Bay river.

Resolved, That said Board be authorized to cause a survey to be made for the purpose of uniting by canal Trent Creek and Smith's Creek; the first of said Creeks running into Bay river; the other into Neuse river; and, if said works are practicable, to commence them forthwith.

Which was read the first time and passed.

Mr. Jones presented the following resolution, to wit:

Resolved, That the Secretary of State deposite the Sale Book, (containing an account of the State Sales of Cherokee Lands,) with the Comptroller of Public Accounts.

Which was read the first time and passed. Mr. Jones then moved to suspend the rules of the Senate, so that the resolution may be read the second and third times; which was agreed to. The resolution then was read the second and third times and passed, and ordered to be engrossed.

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

Whereas, it is believed that a great deficiency of specie change now exists in the United States, and that at points remote from the Mints authorized to coin this kind of currency, there exists a scarcity perplexing and obstructive to the interests not only of the trading and manufacturing classes, but to the great injury of all the productive branches of trade and industry—so much so as to induce the Legislatures of many of the States to seek relief in the issue of Treasury notes:
And whereas, it is known that the operations of the Branch Mint in this State are frequently suspended at long intervals for the want of bullion to coin, and that its coinage is confined to gold bullion alone, and that it is located in a region suffering peculiarly from the want of small coin as change.

Be it therefore Resolved, That our Senators and Representatives in Congress be requested to use their best endeavors to have a law passed directing the coinage of small change at the Branch Mint at Charlotte, in this State; and that the Governor forward to our Senators and Representatives a copy of this resolution.

Which was read the first time and passed.

Mr. Ribelin presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law so as to give magistrates power to act on accounts as high as one hundred dollars, and no higher.

Which was read and adopted.

Mr. Carson presented a bill to modify an act, entitled an act, &c.; which was read the first time and passed, and ordered to be referred to the Judiciary Committee.

Mr. Cherry presented a bill, entitled a bill to punish persons who may maliciously obstruct any Rail Road in North Carolina; which was read the first time and passed, and, on his motion, referred to the Judiciary Committee.

Mr. Franklin presented the following resolution, to wit:

Resolved, That the Committee on Public Buildings be instructed to inquire and report to this House what amount has been expended in the purchase of furniture for the same.

Which was read and adopted.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend the militia laws of this State.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a county by the name of Cherokee; in which they ask the concurrence of the Senate.

The Senate then proceeded to consider the engrossed resolutions in favor of Charles L. Hinton, and one in favor of Flealden Hensley and others; which were each read the third time and passed, and ordered to be enrolled.

Also, the bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, so as to alter the times for holding the County Courts of Person county and for other purposes; and the bill to amend the 27th section of an act, entitled an act concerning Courts of
Justice, Practice, Pleas, and Process; which were each read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the resolution in favor of Wm. Leach, and one concerning the books, papers and furniture of the General Assembly; which were each read the third time and passed, and ordered to be engrossed.

The Senate then proceeded to consider the special order of the day, to wit: The bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the second time. Mr. Shepard then moved to strike out the whole of the original bill after the enacting clause, and insert in lieu thereof an amendment which he proposed; which was read and agreed to. Mr. Morehead then moved to amend the amendment, by striking out the 13th section of said amendment, and insert in lieu thereof a section which he proposed; which was read and agreed to. The bill then passed its second reading as amended.

Mr. Exum demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative were,

**Messrs.** Albright, Baker, Bunting, Carson, Cherry, Davidson, Dockery, Etheridge, Franklin, Hawkins, Holt, Jones,

**Messrs.** Morehead, Moore, McDiarmid, Montgomery, Myers, Reding, Rabun, Ribelin, Shepard, Spruill, Taylor, Whitaker, 25 yeas.

Those who voted in the negative were,

**Messrs.** Allison, Arrington, Biddle, Edwards, Exum, Fox, Foy,

**Messrs.** Melvin, Melchor, Moody, Moyer, Reid, Reinhardt, Sharp.
Harper,  
Hill,  
Houlder,  
Kerr,  
Williams of B,  
Williams of Person,  
Wilson, 21 nays.

The Senate then proceeded to consider the resolutions relating to Internal Improvement; which were read the second time, and, on motion of Mr. Biddle, made the order of the day for Monday next, at 11 o'clock.

Also, the bill to amend the Inspection Laws; which was read the third time, and, on motion of Mr. McDiarmaid, ordered to lie on the table.

On motion of Mr. Biddle, the Senate took up for consideration the bill making the measurement of ton timber and saw mill lumber uniform in this state; which was read the second time and amended and passed. Mr. Biddle then moved to suspend the rules of the Senate, so that the bill may be read the third time; which was agreed to. The bill was then read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the engrossed bill to incorporate the High Shoals Manufacturing Company; which was read the first time and passed. Mr. Carson then moved to suspend the rules of the Senate, so as to read the bill the second and third times; which was agreed to. The bill was then read the second and third times and passed and ordered to be enrolled.

Also, the engrossed bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina; which was read the second time. Mr. Wilson moved to strike out the word perpetual, in the first section; which was agreed to. The bill then passed the second reading as amended. Mr. Morehead then moved to suspend the rules of the Senate so as to read the bill the third time. The bill was accordingly read and passed and ordered to be enrolled.

Mr. Rabun presented a bill, entitled a bill making an appropriation to aid in cutting a road from the Old Fort in Buncombe county through the Swanannoo Gap, &c.; which was read the first time and passed, and, on his motion, referred to the Committee on Propositions and Grievances.

The Senate then proceeded to consider the engrossed bill to incorporate the Rocky Mount Manufacturing Company, which was read the third time and passed, and ordered to be enrolled.
On motion of Mr. Rabun, the Senate proceeded to consider the engrossed resolution in favor of Samuel Chunn; which was read the first time and passed. Mr. Rabun then moved to suspend the rules of the Senate, so as to read the resolution a second time; which was agreed to. The resolution was then read and passed, and, on his motion, referred to the Committee on the Judiciary.

On motion of Mr. Taylor, the Senate adjourned until tomorrow morning ten o'clock.

Saturday, Dec. 29, 1838.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred a bill authorising the making a turnpike road in Haywood county, reported the same without amendment; which was read the second time, and passed.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred a bill to amend an act passed in the year 1835, entitled an act, to amend an act passed in 1829, Chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of the old Fort, in Burke county, over the Swannanoah Gap to Asheville, in Buncombe county, and thence to the point of intersection with the road leading through Haywood county, to the Southern boundary line of this State, reported the same without amendment; which was read the second time and passed.

Mr. Melchor presented a bill to incorporate the Cabarrus County Cotton Factory; which was read the first time and passed, and on his motion referred to the Committee on Private Bills.

Mr. Cooper presented a bill, entitled a bill to prevent the issuing of writs of capias ad satisfaciendum, in certain cases; which was read the first time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the resolution instructing them to inquire into the expediency of regulating by law the weight of sack salt, reported a bill to regulate the weight of sacks of salt; which was read the first time and passed.
Mr. Moore presented a bill, entitled a bill to prevent frauds in voting at elections for members of Assembly; which was read the first time and passed.

The Senate proceeded to consider the engrossed resolution in favor of James C. Turrentine, sheriff of Orange county; which was read the first time and passed.

Received from the House of Commons a message, proposing to raise a joint select committee of two, on the part of each House, to superintend the qualification of the Governor elect; which was read and concurred in.

The Speaker then announced to the Senate, that Messrs. Shepard and Edwards form the committee on the part of the Senate for that purpose; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Waddell and William P. Williams form the committee on their part, to make arrangements for the qualification of the Governor elect.

On motion of Mr. McDiarmid, the Senate proceeded to consider the bill to amend the inspection laws; which was read the third time. Mr. McDiarmid moved to strike out all the bill after the first section, and insert in lieu thereof an amendment which he proposed; which was read and agreed to. Mr. Moore then moved to strike out the word "only" in the first section, and insert the words "and, also, ton timber: provided, it be required by all the parties interested;" which was read and rejected. The bill then passed as amended, and was ordered to be engrossed.

Received from the House of Commons a message, informing the Senate that they are now ready to receive the Senate in their hall to witness the qualification of the Governor elect. The Senate, thereupon, repaired to the House of Commons, and, after witnessing the qualification of the Governor elect, returned to the Senate Chamber, and proceeded to business.

The Senate then took up for consideration the following engrossed resolution, to wit: A resolution relating to the Public Domain; a resolution in favor of Simon M. Smithwick; a resolution in favor of Dove Pannell; which were severally read the first time and passed.

The resolution relating to the Sheriff of Ashe was taken up and read the first time and passed. Mr. Morehead moved to suspend the rules of the Senate, so as to read the resolution the second and third times; which was agreed to.—
The resolution then passed the second and third readings and was ordered to be engrossed.

The Senate then proceeded to consider the following engrossed bills, to wit: A bill concerning the Charlotte Male and Female Academy; a bill to lay off and establish a county by the name of Cherokee; a bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain, to the new town site called Murphy; and a bill to incorporate the Yadkin Manufacturing Company; which were severally read the first time and passed. Also, the resolution in favor of John McGee; which was read the second time and passed.

Also, the bill making an appropriation for carrying on and completing the Capitol and for other purposes; which was read the third time, and, on motion of Mr. Dockery, ordered to lie on the table.

Also, a bill, entitled a bill to prevent stealing Mulberry Trees; which was read the second time and passed.

The resolution relating to the sale of Public Lots in the City of Raleigh was taken up and read the second time and passed.

On motion of Mr. Morehead, the Senate adjourned until Monday morning ten o'clock.

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**Monday, Dec. 31, 1838.**

Mr. Foy, (of Carteret & Jones,) appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Morehead, from the Judiciary Committee, to whom was referred the subject of further providing by law for the execution of deeds to purchasers under certain considerations, reported a bill, entitled a bill authorising Sheriffs and Coroners to make deeds in certain cases; which was read the first time and passed.

Mr. Foy, (of Onslow,) presented the resignation of Gardner Shepard, a Justice of the Peace for the county of Onslow; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom
was referred the resolution requiring them to inquire into the expediency of extending the jurisdiction of a single magistrate, reported adversely thereto; which was read and concurred in; and the committee was discharged from the further consideration of the subject.

Mr. Davidson, from the committee to whom was referred the memorials of sundry citizens of Burke, Lincoln, Wilkes, and Iredell, praying the erection therefrom of a new county, reported adversely thereto; which was read and concurred in; and the committee was discharged from the further consideration of the subject.

Mr. Biddle, from the Committee on Public Buildings, to whom was referred the resolution instructing them to inquire and report to this House what amount has been expended in the purchase of furniture for the same, reported that five hundred dollars have been furnished for the same; which was read, and the committee discharged from its further consideration.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend an act concerning cattle, horses, and hogs.

Received from the House of Commons a message, proposing to print the Communication of his Excellency the Governor, with the Report of the Treasurer of the University, one copy for each member of the General Assembly; and further proposing that the two Houses vote on this day for eight Trustees, at 12 o'clock; which was read, and the first proposition concurred in, and the other not agreed to.

On motion of Mr. Biddle,

Ordered, That a message be sent to the House of Commons, proposing to vote for Trustees on to-morrow at four o'clock.

Received from the House of Commons a message, stating that they have concurred in the proposition of the Senate, that the two Houses adjourn sine die, on the 7th January, 1839.

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 Cape Fear and Western Steam Boat Company of North Carolina.

Mr. Dockery presented the following resolution, to wit:

Resolved, That the Committee on Public Buildings be, and they are hereby instructed to inquire whether any, and if any, what amount is now due for work and labor done upon the State House,
over and above the amount drawn by the Governor from the State and Cape Fear Banks, included in the bill now upon the table of the Senate; and that they report to the Senate as early as possible.

Resolved further, That said Committee report to this House the amount, as near as possible, necessary to complete the Senate Chamber and Commons Hall, and prepare the same for the reception of the Legislature.

Which was read and agreed to.

On motion of Mr. Williams, (of Beaufort,) Ordered, That Mr. Dockery be added to the Committee on Public Buildings and the Re-building of the Capitol.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the better regulation of the County Courts of Rutherford; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases with sundry amendments; which were read and not concurred in.

Received from the House of Commons a message, informing the Senate that John C. Williams, of Cumberland, David C. Freeman, of Beaufort, Charles Chalmers, of Moore, Spier Whitaker, of Halifax, Wm. Eaton, of Warren, James T. Morehead, of Guilford, George F. Davidson, of Iredell, Louis D. Wilson, of Edgecombe, M. Q. Waddell, of Chatham, Wm. B. Shepard, of Pasquotank, Cad. Jones, sr. of Hillsborough, Robt. B. Gilliam, of Granville, Weston R. Gales, of Raleigh, Benj. Sumner, of Person, and Michael Hoke, of Lincoln, are in nomination for the appointment of Trustees of the University; and further stating that they concur in the proposition of the Senate to vote to-morrow at 4 o'clock for Trustees, and that Messrs. J. P. Caldwell and Reid form their branch of the Committee to superintend said elections.

The Speaker then announced to the Senate that Messrs. Sarpull and Arrington form the Committee on the part of the Senate to conduct said elections; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to amend the charter of the Bank of Cape Fear; a bill vest-
ing in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville; a bill to appoint commissioners to lay off a part of the great State Road from Presly Shepard's to Frederick Seevent's; a bill to incorporate the Phoenix Company, in the town of Fayetteville; a bill to amend and supply the defects of an act passed at the present session, entitled an act to extend the time for entry money; a bill concerning the militia of the county of Beaufort. Also, the following engrossed resolutions: Resolution in favor of John C. Ehringhaus; resolution in favor of Willis D. Owd; in which they ask the concurrence of the Senate.

The Senate took up for consideration the bill, entitled a bill to prevent stealing Mulberry Trees; which was read the third time, and, on motion of Mr. Holt, amended, and passed and ordered to be engrossed.

Upon this question, Mr. Allison demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

Messrs. Arrington,
Biddle,
Cherry,
Davidson,
Dockery,
Edwards,
Fox,
Foy, (of Cart. & Jones,)
Franklin,
Harper,
Hawkins,
Henry,
Hill,

Messrs. Holt,
Melchor,
Morehead,
Moye,
McDiarmid,
Rabun,
Sharp,
Shepard,
Speed,
Spruill,
Taylor,
Williams, of B., 25 yeas.

Those who voted in the negative were,

Messrs. Allison,
Albright,
Baker,
Carson,
Cooper,
Etheridge,
Exum,
Foy, of Onslow,
Houlder,
Kerr,
Melvin,

Messrs. Moore,
Moody,
Montgomery,
Myers,
Reid,
Reding,
Reinhardt,
Ribelin,
Williams of Person,
Wilson,
Whitaker, 22 nays.
The Senate proceeded to consider the special order of the day, to wit: the bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the third time. Mr. Allison moved the following amendment thereto, as an additional section, to wit:

*Be it further enacted*, That the private property of the Stockholders in said Company, shall be liable to the amount of Stock owned by each, in addition to the property of said company, for the payment of principal and interest of the loan authorized to be made by this act; and before this act goes into operation, there shall be a general meeting of the Stockholders who shall agree to accept the loan on the terms proposed in this act.

Which was read and agreed to.

Upon this amendment, Mr. Houlder demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,


**Messrs.** Kerr, Melvin, Melchor, Morehead, Moore, Moody, Moye, McDiarmid, Montgomery, Myers, Reid, Reding, Reinhardt, Rabun, Ribelin, Sharp, Shepard, Spruill, Taylor, Williams of Beaufort, Williams of Person, Wilson, Whitaker—47 yeas.

Mr. Speed voted in the negative.
The bill then passed, as amended, by the following vote, to wit:

Those who voted in the affirmative, are,

Messrs. Albright, Baker, — Biddle, — Bunting, — Carson, — Cherry, — Davidson, — Dockery, — Fox, — Foy (of C. & Jones,) Franklin, — Hawkins, — Henry, — Hill, — Holt, —


Those who voted in the negative were,


Ordered said bill to be engrossed.

On motion of Mr. Shepard, the Senate took up for consideration the resolutions relating to Internal Improvements; which were read the second time. Mr. Biddle proposed the following amendment thereto:

Resolved, That the Committee on Internal Improvements be instructed to report a bill, authorising a subscription on the part of the State of three-fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company: Provided, the remainder of the stock be taken by individuals, and the capital of said Company does not exceed one million five hundred thousand dollars.

Resolved, That the Committee on Internal Improvements be in-
structed to report a bill, authorising the subscription by the State of three-fifths of the capital stock of the Beaufort and Waynesboro' Rail Road Company: Provided, individuals take the remaining two-fifths, and the capital stock of said Company does not exceed six hundred thousand dollars.

Resolved, That the Committee on Internal Improvements be instructed to report a bill, authorising an appropriation by the State of twenty-five thousand dollars, for improving the navigation of Neuse river between Newbern and Waynesboro'.

Resolved, That the Committee on Internal Improvements be instructed to report a bill, making an appropriation by the State of twenty-five thousand dollars, for improving the navigation of Tar river between Washington and the point where the Wilmington and Raleigh Rail Road crosses said river.

Resolved, That it is proper, that one million five hundred thousand dollars be borrowed by the State, to carry the above objects into execution, and that a bill be reported for that purpose, by the Committee on Internal Improvements.

The question being on substituting the first resolution of the amendment, for that of the original, Mr. Dockery called for a division of the question. The question was then taken on the first clause of the amendment to the word provided; which was agreed to. Mr. Arrington then moved to reconsider the vote just taken; which was agreed to. Mr. McDiarmid then moved to strike out the word fifths, and insert fourths; which motion prevailed. The question then recurred on the adoption of the first branch of the resolution as amended; which was decided in the negative.—Mr. McDiarmid demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

**Messrs.** Baker, Bunting, Carson, Cherry, Davidson, Dockery, Franklin, Henry, Holt, Melchor, Morehead, Moore, McDiarmid, Montgomery, Reding, Reinhardt, Rabun, Ribelin, Shepard, Speed, Spruill—21 yeas,
Those who voted in the negative were,

**MESSRS.**
- Alison
- Albright
- Arrington
- Biddle
- Cooper
- Edwards
- Etheridge
- Exum
- Fox
- Foy, of Onslow
- Foy (of C. & Jones)
- Harper
- Hawkins
- Hill

**MESSRS.**
- Houlder
- Kerr
- Melvin
- Moody
- Moe
- Myers
- Reid
- Sharp
- Taylor
- Williams of B.
- Williams of Person
- Wilson
- Whitaker—27 nays.

Mr. Shepard then moved the following preamble and resolutions, as an amendment to the original resolutions, to wit:

Whereas a Convention has lately assembled in the city of Raleigh, purporting to represent a large mass of the population of North Carolina, and to speak their wishes upon the subject of Internal Improvement; and whereas this Convention has presented a memorial to the Legislature of the State, calling their attention to certain specified works of Internal Improvements, as ardently desired by the people of the State, and likewise praying the General Assembly to borrow three millions of dollars on the credit of the State, in order to execute the plans of improvement contained in said memorial; and whereas it is the desire of this Legislature to execute the wishes of the people upon all subjects relating to their domestic affairs, whenever those wishes are fully and unequivocally expressed.

Be it therefore resolved, That in order to ascertain the sentiments of the people of North Carolina, upon the subjects contained in the memorial of the Convention on Internal Improvement, lately assembled in the city of Raleigh, it shall be the duty of the sheriff, in each and every county of this State, at the ensuing election to be held for members of the Legislature, to open polls to ascertain the opinion of a majority of the people of said county or counties upon the subject of Internal Improvement, which polls shall be held under the same rules and regulations as now exist for the election of members to the General Assembly. That the said sheriff be required to compare and certify the results of said elections within five days after the closing of said polls, and to transmit the same within twenty days thereafter
to the Governor of the State. That all persons qualified to vote for members of the House of Commons, may vote at said polls; those persons wishing a plan of Internal Improvement to be adopted by the State similar to the one contained in said memorial, voting upon a printed or written ticket "Improvement;" those of a contrary opinion "no Improvement."

Be it further resolved, That it shall be the duty of the sheriffs to make duplicate statements of said polls in their counties, sworn to before the clerk of the County Court or a justice of the peace; one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State at Raleigh.

And be it further resolved, That when the returns aforesaid shall have been received, the same shall be opened by the Governor, in the presence of the Secretary of State and Treasurer; and in case a majority of the votes polled shall be in favor of "Improvement," the same shall be forthwith made known by a proclamation of the Governor to the people of the State.

And be it further resolved, That all sheriffs who shall fail to open, or cause to have opened polls at each election ground in his county, or who shall fail to make returns thereof, as aforesaid, shall, for each omission, be liable to a penalty of fifty dollars, to be recovered under the direction of the Attorney General, in the name of the Governor of the State.

Which were read, and, on motion of Mr. Dockery, the resolutions and amendments were ordered to lie on the table. On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

Tuesday, January 1, 1839.

The Speaker announced to the Senate that Messrs. Spruill and Kerr form the Committee the present week on enrolled bills; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that William D. Crawford is added to the nomination for Trustee of the University.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that the Secretary of State be directed to have the report of the
Committee on Education printed and appended to the acts of this session of the General Assembly. And also, in the proposition that the said report be printed, ten copies for each member of the General Assembly.

Mr. Shepard presented the memorial of the Dismal Swamp Canal Company, praying the Legislature to pass a law exempting the lock-keepers on said Canal from military duty and working on roads; which was read, and, on his motion, referred to the Committee on Military Affairs.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the bill making an appropriation to aid in cutting a road from the Old Fort, in Buncombe county, through the Swannanoah Gap, &c., reported adversely thereto, and asked to be discharged from the further consideration of the subject. The bill was then read the second time and passed.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution in favor of Samuel Chunn, reported the same without amendment; which was read the third time and passed, and ordered to be enrolled.

Mr. Morehead, from the same committee, to whom was referred a bill to punish persons who may maliciously obstruct any Rail Road in North Carolina, reported the same without amendment; which was read the second time and passed.

Mr. Morehead, from the same Committee, to whom was referred the resolution concerning defendants convicted in State cases and prayed into execution, reported a bill, entitled a bill to amend the 50th chapter of the Revised Statutes, entitled insolvent debtors; which was read the first time and passed.

Mr. Dockery, from the Committee on Military Affairs, to whom was referred a bill to incorporate a Light Infantry Company in the City of Raleigh, reported an amendment thereto; which was read the second time and passed.

On motion of Mr. Carson,

Ordered, That Mr. Jones have leave of absence from the service of this House, from and after yesterday, the remainder of the session.

On motion of Mr. Hawkins, Mr. William W. Cherry, of Bertie, was added to the nomination for the appointment of Trustee to the University; and the House of Commons was informed thereof by message.

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On motion of Mr. Morehead,

Ordered, That the Committee on the Judiciary have leave to sit during the session of the Senate.

Mr. Shepard presented a bill to incorporate the North Carolina Mutual Fire Insurance Company; which was read the first time and passed.

Mr. Taylor presented a bill, entitled a bill to provide for the election of Engrossing Clerks; which was read the first time and passed.

On motion of Mr. Edwards, the Senate proceeded to consider the resolution relative to the amendment of the Constitution; which was read, and, on his motion, amended, by filling up the blank with the word three.

The resolution was then rejected by the following vote, to wit:

Those who voted in the affirmative were,

| Messrs. Arrington, Bunting, Cherry, Edwards, Etheridge, Exum, Fox, Foy, of Onslow, Hawkins, |

Those who voted in the negative were,

| Messrs. Allison, Albright, Baker, Biddle, Carson, Cooper, Davidson, Dockery, Foy of Cart. & Jones, Franklin, Harper, Henry, Holt, Houlder, Melvin, Melchor, |
| Messrs. Morehead, Moore, Moody, Moye, McDiarmid, Montgomery, Myers, Reid, Reding, Reinhardt, Ribelin, Sharp, Spruill, Taylor, Williams of B. 31 nays |
Mr. McDiarmid presented a bill, entitled a bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company; which was read the first time and passed.

On motion of Mr. Shepard, the Senate took up for consideration the resolutions relating to Internal Improvements; which were read. Mr. Biddle then moved to re-consider the vote taken on yesterday, by which the first resolution was rejected; which was agreed to. The first resolution was then read. Mr. Biddle moved to amend the resolution by striking out the words "three fourths," and insert three fifths; which was agreed to. Mr. Biddle then moved to add the second resolution in his series as an amendment to the first resolution as passed; which was agreed to. Mr. Fox moved that the question be divided, and taken on the first resolution; and on this question Mr. Allison demanded the yeas and nays; which was decided in the affirmative.

Those who voted in the affirmative were,


MESSRS. Melvin, Morehead, Moody, Moye, Montgomery, Myers, Reid, Reinhardt, Rabun, Taylor, Williams of Person, Wilson, Whitaker—26 yeas.

Those who voted in the negative, were,

MESSRS. Albright, Biddle, Carson, Cherry, Davidson, Dockery, Etheridge, Foy of C. & Jones, Franklin,

MESSRS. Holt, Melchor, Moore, McDiarmid, Reding, Ribelin, Sharp, Shepard, Speed,
The question was then taken on the first resolution; which was decided in the negative. Mr. Allison demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

Messrs. Baker, Melchor,
Bunting, Morehead,
Carson, Moore,
Cherry, McDiarmid,
Davidson, Montgomery,
Dockery, Reding,
Fox, Reinhardt,
Foy of C. & Jones, Rabun,
Franklin, Ribelin,
Henry, Shepard,
Holt, Spruill, 23 yeas.
Melvin,

Those who voted in the negative, were,

Messrs. Allison, Houlder,
Albright, Kerr,
Arrington, Moody,
Biddle, Moye,
Cooper, Myers,
Edwards, Reid,
Etheridge, Sharp,
Exum, Taylor,
Foy, of Onslow, Williams of B.
Harper, Williams, of Person,
Hawkins, Wilson,
Hill, Whitaker—24 nays.

The second resolution was then read; and, on motion of Mr. Dockery, the resolutions were laid on the table. The Senate took up for consideration, the engrossed resolution relating to the public domain; which were read the second time and passed, by the the following vote:

Those who voted in the affirmative, were,

Messrs. Allison, Morehead,
Albright, Moore,
Baker, Moody,
Biddle, Moye,
Carson, Montgomery,
Cherry, Myers,
Davidson, Reding,
Dockery,Ribelin,
Foy, of C. & Jones, Sharp,
Franklin, Shepard,
Harper, Speed,
Holt, Spruill,
Houlder, Taylor,
Melchor, Williams of B. 28 yeas,

Those who voted in the negative, were,

Messrs. Arrington, Messrs. Hill,
Bunting, Kerr,
Cooper, Melvin,
Edwards, McDiarmid,
Etheridge, Reid,
Exum, Reinhardt,
Fox, Rabun,
Foy, of Onslow, Williams of Person,
Hawkins, Wilson,
Henry, Whitaker—20 nays.

Mr. Etheridge moved to suspend the rules of the Senate, so as to read the resolutions a third time; which was agreed to. The resolutions were then read the third time and passed, and ordered to be enrolled.

The Senate then took up for consideration, the engrossed bill to amend the charter of the Bank of Cape Fear; which was read the first time and passed. Mr. Henry moved to suspend the rules of the Senate, so as to read the bill a second time; which was agreed to. The bill was then read the second time and passed, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

On motion of Mr. Holt, the Senate took up for consideration, the resolution concerning specie change; which was read the second time and passed. Mr. Holt moved to suspend the rules of the Senate, so as to read the resolution the third time; which was agreed to. The resolution was then read the third time, and, on motion of Mr. Fox, amended and passed, and ordered to be engrossed.

On motion of Mr. Dockery, the engrossed bill to amend and supply the defects of an act, passed at the present Gen-
eral Assembly, entitled an act to extend the time for paying in entry money, was taken up and read the first time, and passed. Mr. Dockery then moved to suspend the rules of the Senate, so as to read the bill the second and third times; which was agreed to. The bill was then read the second and third times and passed, and ordered to be enrolled.

Mr. Moorehead, from the Judiciary Committee, to whom was referred the resolution requiring them to examine into the expediency of taxing the county with the payment of costs in certain cases, reported adversely thereto; which was read and concurred in, and the committee was discharged from the further consideration of the subject.

On motion of Mr. Baker, the Senate took up for consideration the bill to lay off and establish a county by the name of Boon. Mr. Spruill then moved that the bill lie on the table; which was agreed to.

On motion of Mr. Cherry, the bill to divide the counties into school districts and for other purposes, was made the order of the day for tomorrow at 11 o'clock.

Mr. Reinhardt asked leave to withdraw from the files of the Senate, the memorials of sundry citizens of Burke, Wilkes, Lincoln and Iredell, relative to the erection of a new county; which was granted.

On motion of Mr. Speed, Mr. Charles E. Johnston of Chowan, was added to the nomination for the appointment of Trustee of the University. The Senate then adjourned until half past three o'clock, P. M.

Half past 3 o'clock, P. M.

On motion of Mr. Moore, William R. Holt was added to the nomination for Trustee to the University; and the House of Commons was informed thereof by message.

A message was then sent to the House of Commons, informing them that the Senate is now ready to proceed to the election of Trustees to the University. The Senate then proceeded to vote as follows:

FOR MR. SHEPARD,

Messrs. Speaker,
Albright,
Arrington,
Biddle,

Messrs. Melchor,
Morehead,
Moore,
Moody,
Bunting,
Carson,
Cherry,
Cooper,
Davidson,
Dockery,
Edwards,
Ethereidge,
Exum,
Fox,
Foy of Onslow,
Franklin,
Harper,
Hawkins,
Henry,
Holt,
Kerr,
Melvin,
Moye,
McDiarmid,
Montgomery,
Myers,
Reid,
Reding,
Reinhardt,
Rabun,
Ribelin,
Sharp,
Speed,
Spruill,
Taylor,
Williams of Beaufort,
Williams of Person,
Wilson,
Whitaker—43.

FOR MR. WHITAKER,

MESSRS. Speaker,
Allison,
Arrington,
Baker,
Bunting,
Cooper,
Ethereidge,
Exum,
Fox,

MESSRS. Foy of Onslow,
Hil',
Houlder,
Kerr,
Melvin,
Reid,
Shepard,
Williams of Person,
Whitaker—18.

FOR MR. WILSON,

MESSRS. Allison,
Albright,
Arrington,
Baker,
Biddle,
Bunting,
Carson,
Cherry,
Cooper,
Davidson,
Dockery,
Edwards,
Ethereidge,
Exum,

MESSRS. Houlder,
Kerr,
Melvin,
Melchor,
Morehead,
Moore,
Move,
McDiarmid,
Montgomery,
Myers,
Reid,
Reding,
Reinhardt,
Rabun,
FOR MR. EATON,

Messrs. Speaker, Allison, Arrington, Baker, Bunting, Cooper, Edwards, Fox, Ribelin, Sharp, Shepard, Speed, Spruill, Williams of Beaufort, Williams of Person, Whitaker—44.

FOR MR. WILLIAMS,


FOR MR. MOREHEAD,

Messrs. Speaker, Allison, Albright, Arrington, Baker, Biddle, Bunting, Carson, Cherry, Cooper, Davidson, Kerr, Melvin, Melchor, Moore, Moody, Move, McDiarmid, Montgomery, Myers, Reid, Reding,

FOR MR. HOKÉ,


FOR MR. GILLIAM,

Messrs. Speaker, Arrington, Carson, Cherry, Cooper, Davidson, Franklin, Moore, Moody, Moye, Sharp, Shepard, Speed, Spruill, Taylor—15.

FOR MR. HOLT,

Messrs. Albright, Carson, Cherry, Moody, Moye, Myers, 25
FOR MR. CHERRY.

MESSRS. Speaker, Albright, Biddle, Carson, Cooper, Davidson, Dockery, Edwards, Etheridge, Franklin, Harper, Hawkins, Holt, Melchor, Morehead,


FOR MR. CRAWFORD,

MESSRS. Albright, Moody, Ribelin, 3.

FOR MR. FREEMAN,


FOR MR. CHALMERS,

MESSRS. Allison, Baker, Biddle, Bunting, Cherry, Davidson, Dockery,

MESSRS. Melvin, Melchor, Morehead, Moore, Moody, McDiarmid, Montgomery,
Exum, Myers,  
Harper, Reding,  
Hawkins, Sharp,  
Henry, Speed,  
Hill, Spruill,  
Holt, Taylor,  
Kerr,  

FOR MR. DAVIDSON,

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FOR MR. WADDELL,

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FOR MR. JONES,

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FOR MR. GALES,

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FOR MR. SUMNER,

Mr. Williams, of Person—1.
Mr. Arrington presented the resignation of David M. Deans, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Wilson from the Judiciary Committee, to whom was referred a bill to amend the law concerning the sale of lands of deceased debtors, reported the same; which was read, and, on his motion, was ordered to lie on the table.

Mr. Arrington also presented the resignation of William Leigh, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom was referred the memorial of the Siamese twin brothers, reported against the memorialists; which was read and concurred in.

Mr. Morehead, from the same committee, reported a bill to amend an act of the Revised Statutes, Chapter 12, entitled Bastard Children; which was read the first time and passed.

Mr. Morehead, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of allowing the Comptroller of the Treasury compensation for the additional service imposed on him by an act of the last General Assembly, by which he is required to open an account with each individual purchaser of land sold at the Cherokee land sales, reported the following resolution, to wit:
Resolved, That the Public Treasurer pay to Wm. F. Collins, Comptroller of this State, the sum of six hundred and fifty dollars, in full compensation for the additional services and responsibilities created by the act of the Legislature at its last session, in relation to the sale of the Cherokee land; and that the Treasurer be allowed that sum in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill to authorise Jesse T. Walton and George S. Walton, to construct a mill dam across the Catawba river, reported adversely thereto; which was read and concurred in.

Mr. Spruill, from the joint select committee, to superintend the election for eight Trustees of the University, reported that James T. Morehead, Michael Hoke, George F. Davidson, Louis D. Wilson, Robert B. Gilliam, Charles Chalmers, William B. Shepard and William Eaton, Jr. having each received a majority of the whole number of votes given, were duly elected. In which the Senate concurred.

Mr. Biddle, from the Committee on Public Buildings, to whom was referred the resolution requiring them to ascertain the amount due up to this time, for work done on the Capitol, reported that the sum of eleven thousand nine hundred dollars is now due for work done on said Capitol; which was read and concurred in.

Mr. Morehead presented the following resolution, to wit:

Resolved, That the Public Treasurer, pay to each of the door keepers of both Houses, twenty-five dollars, their usual extra allowance; and that they be compelled to pay out of the same, the hands necessarily employed by them for bringing wood and water to the State House, during the present session.

Which was read the first time and passed.

Mr. Cherry presented a bill to amend an act, entitled an act to provide for the collection and management of a revenue for this State; which was read the first time and passed.

On motion of Mr. Shepard, the Senate took up for consideration the bill to incorporate the North Carolina Mutual Fire Insurance Company; which was read the second time and passed.
The resolution relating to the sale of Public lots in the city of Raleigh was taken up, and read the third time, and rejected.

The Senate then took up for consideration, the engrossed bill to amend the charter of the Bank of Cape Fear; which was read the third time and passed, and ordered to be enrolled.

Also, the resolution in favor of John M'Gee, was read the third time and passed, and ordered to be engrossed.

The Senate then proceeded to the order of the day, to wit: The bill to divide the counties into school districts; which was read the second time and amended, and unanimously passed by the following vote:

Those who voted in the affirmative, were,


The Senate then proceeded to consider the bill, making an appropriation for carrying on and completing the Capitol, and for other purposes; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Biddle, the Senate took up that part of
the report of the Committee on Public Buildings, relating to the deficit in the disbursements of the public funds appropriated for rebuilding the Capitol. After some time spent therein, the subject was, on motion of Mr. Whitaker, ordered to lie on the table.

On motion of Mr. Cooper, the Senate took up for consideration, the bill to prevent the issuing of writs of capias ad satisfaciendum, in certain cases; which was read the second time and passed, and, on motion of Mr. Cherry, referred to the Judiciary Committee.

Mr. Spruill presented a bill, entitled a bill to amend an act, passed at the present session of the General Assembly, entitled an act to extend the time for recording grants, deeds, mesne conveyances, &c.; which was read the first time and passed, and, on his motion, referred to the Committee on the Judiciary.

On motion of Mr. Cherry, the Senate proceeded to consider the Engrossed bill concerning last wills and testaments; which was read the third time and rejected by the following vote, to wit:

Those who voted in the affirmative, were,

Messrs. Bunting, Carson, Edwards, Holt,

Messrs. Morehead, Moore, Montgomery, Reding—8 yeas.

Those who voted in the negative were,

Messrs. Allison, Albright, Arrington, Baker, Biddle, Cherry, Cooper, Davidson, Dockery, Etheridge, Exum, Fox, Foy, of Onslow, Franklin, Harper, Hawkins,

Messrs. Melvin, Melchor, Moody, Moye, McDiarmid, Myers, Reid, Reinhardt, Rabun, Ribelin, Sharp, Shepard, Speed, Spruill, Taylor, Williams of Beaufort,
Mr. Baker moved that the Senate do now re-consider the vote by which the bill to authorise Jesse T. Walton and George S. Walton to construct a mill dam across the Catawba river, was rejected; which motion did not prevail.

On motion of Mr. Rabun, the Senate took up for consideration the engrossed bill to lay off and establish a county by the name of Cherokee; which was read the second time and passed. Mr. Rabun moved to suspend the rules of the Senate, so as to read the bill the third time; which was agreed to. The bill was then read and passed, and ordered to be enrolled.

On motion of Mr. McDannald, the Senate also took up the bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company; which was read the second time, and, on motion of Mr. Davidson, amended and passed.

Mr. Houlder demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

Messrs. Albright, Baker, Bunting, Carson, Cherry, Davidson, Dockery, Fox, Franklin, Henry, Holt, Melchor,

Messrs. Morehead, Moore, McDiarmid, Montgomery, Reding, Reinhardt, Rabun, Ribelin, Shepard, Speed, Spruill—25 yeas.

Those who voted in the negative were,

Messrs. Allison, Arrington, Biddle, Cooper, Edwards, Etheridge,

Messrs. Kerr, Moody, Moye, Myers, Reid, Sharp,
The Speaker voted in the affirmative; consequently, the bill passed its second reading.

The Senate then proceeded to consider the bill to incorporate the Raleigh Guards, and Henderson Light Infantry Company; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Hill, the Senate adjourned until tomorrow morning ten o'clock.

**Thursday, Jan. 3, 1839.**

Mr. Spruill offered the following resolutions, to wit:

Resolved, That so much of the second of the rules of order of the Senate as relates to the order of business be rescinded, for the balance of the session.

Resolved, That the thirteenth of the rules of order of the Senate be dispensed with for the balance of the session.

Which were read and adopted.

Received from the House of Commons the pension certificate of the County Court of Mecklenburg in favor of Martha Thompson; which was read and ordered to be countersigned by the Speaker.

The engrossed bill to authorise the construction of a bridge across Trent river, was taken up and read the first time and passed.

Mr. Dockery, from the Military Committee, to whom was referred the memorial of the Dismal Swamp Canal Company, praying the Legislature to pass a law exempting the lock keepers from military service and working on roads, reported a bill to exempt the lock keepers on the Dismal Swamp Canal from working on roads and military service; which was read the first time and passed.

Mr. Shepard, from the Committee on Internal Improv-
ments, to whom was referred the memorial of sundry citizens of Robeson county, reported the following resolution, to wit:

Resolved, That two thousand five hundred dollars be appropriated to be spent under the direction of the Board of Internal Improvement for removing obstructions in Lumber river, one half between Lumberton and Gilchrist bridge, and the other half between said town and the South Carolina line.

Which was read the first time and passed.

Mr. McDiarmid presented a bill, entitled a bill for appointing a patrol in Cumberland county; which was read the first time and passed.

On motion of Mr. Carson, the Senate took up for consideration the bill to modify an act, entitled an act 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 second time and rejected.

Mr. Fox demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

Messrs. Carson,
    Cherry,
    Davidson,

Messrs. Dockery,
    Morehead,
    Reinhardt—6 yeas.

Those who voted in the negative, were,

Messrs. Allison,
    Albright,
    Arrington,
    Baker,
    Biddle,
    Bunting,
    Cooper,
    Edwards,
    Etheridge,
    Exum,
    Fox,
    Foy of Onslow,
    Foy of C. & Jones.
    Franklin,
    Harper,
    Hawkins,

Messrs. Melchor,
    Moore,
    Moody,
    Mowe,
    McDiarmid,
    Montgomery,
    Myers,
    Reid,
    Reding,
    Rabun,
    Ribelin,
    Sharp,
    Shepard,
    Speed,
    Spruill,
    Taylor,
Mr. Morehead, from the Judiciary Committee, to whom was referred the communication from the Governor with the report of Wm. H. Haywood, jr., commissioned to settle the Military Claim of this State on the General Government, reported the following resolution:

Resolved, That the Treasurer pay to William H. Haywood, jr. commissioned to settle the military claim of this State on the General Government, the sum of six hundred and fifty dollars, out of any money in the Public Treasury not otherwise appropriated, for his services and expenses; and that the Treasurer be allowed the same in the settlement of his accounts.

Which was read the first time and passed.

Mr. Morehead then moved that the rules of the Senate be dispensed with, so as to read the resolution the second and third times; which was agreed to. The resolution was then read the second and third times and passed, and ordered to be engrossed.

Mr. Morehead, from the same committee, to whom was referred the bill to prevent the issuing of writs of capias ad satisfaciendum in certain cases, reported against the passage of the bill; which was read the third time and rejected.

Mr. Morehead, from the same committee, to whom was referred the bill to amend an act, passed at the present session, entitled an act to extend the time for recording grants, deeds, mesne conveyances, &c., reported the same without amendment; which was read the second and third times and passed and ordered to be engrossed.

Mr. Morehead, from the same committee, to whom was referred the resolution requiring them to enquire into the expediency of passing a law directing in what manner vacancies shall be filled which may hereafter occur by resignation of Clerks and Masters, and Sheriffs, &c., reported a bill authorising the Chairman of the County Court to accept of the resignation of certain officers therein named; which was read the first time and passed.

On motion of Mr. Shepard, the Senate took up for consideration the bill to incorporate the North Carolina Mutual
Fire Insurance Company; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Cherry, the Senate took up for consideration the bill to divide the Counties into School Districts and for other purposes; which was read the third time. Mr. Moore moved to strike out the words one hundred dollars in the 8th line of the first section, and insert the following: "An amount according to the free white population;" which was rejected. Mr. Whitaker then moved to strike out the fifth section; which was also rejected. Mr. Moore then moved to insert, after the word appointment, the following, to wit: "And such return shall state the number of free white male children in each district between the ages of 5 and 15 years, over 15 and under 20, and such females between the ages of five and twelve years of age, and the number of schools usually kept in said district, the condition, character, qualifications of teachers, the number of scholars usually attending such schools, and the branches taught thereat;" which was read and rejected. Mr. Moye moved to strike out one hundred in the fifth section, and insert fifty; which was agreed to.

Upon the question, Mr. Exum demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,


Those who voted in the negative, were,

**Messrs.** Bunting, Cherry, Henry, Kerr,
Cooper, Montgomery,
Davidson, Shepard,
Dockery, Speed,
Edwards, Spruill,
Etheridge, Taylor,
Foy, of Onslow, Wilson—16 nays.

The bill then passed by the following vote:

Those who voted in the affirmative were,

**Messrs.** Allison, Messrs. Houlder,
  Albright, Kerr,
  Arrington, Melvin,
  Baker, Morehead,
  Biddle, Moody,
  Bunting, Moye,
  Carson, M'Diarmid,
  Cherry, Montgomery,
  Cooper, Reid,
  Davidson, Reding,
  Dockery, Reinhardt,
  Edwards, Rabun,
  Etheridge, Ribelin,
  Exum, Sharp,
  Fox, Shepard,
  Foy, of Onslow, Speed,
  Foy, of C. & Jones, Spruill,
  Franklin, Taylor,
  Harper, Williams of Beaufort,
  Hawkins, Williams of Person,
  Henry, Wilson—43 yea.
  Hill,

Those who voted in the negative were,

**Messrs.** Melchor, Messrs. Myers,
  Moore, Whitaker—4 nays.

Ordered that said bill be engrossed.

On motion of Mr. M'Diarmid, the Senate took up for consideration the bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company; which was read the third time.

Mr. Biddle proposed an amendment, authorising and requiring the Board of Internal Improvement, to subscribe on
behalf of the State, for three fifths of the stock of the North Carolina Central Rail Road Company, "so soon as it shall be made to appear to the said Board, that two fifths of the said stock has been subscribed for and taken by individuals, and at least one fourth of said stock has actually been paid up into the hands of the Treasurer of said company; and also designating in what manner, and at what times the stock so subscribed by the State shall be paid, &c.;" which was read and rejected by the following vote, to wit:

Those who voted in the affirmative were,

MESSRS. Arrington, — MESSRS. Morehead,  
Biddle,  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Foy of C. & Jones,  
Harper,  
Henry,  
Melchor,  

MESSRS. McDiarmid,  
Moore,  
Montgomery,  
Reding,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Williams of B. 21 yeas.

Those who voted in the negative, were,

MESSRS. Allison, — MESSRS. Kerr,  
Albright,  
Baker,  
Bunting,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Franklin,  
Hawkins,  
Holt,  
Houlder,  

MESSRS. Melvin,  
Moody,  
Moye,  
Myers,  
Reid,  
Reinhardt,  
Rabun,  
Ribelin,  
Taylor,  
Williams of Person,  
Wilson, 24 nays.

Mr. Speed further moved to amend by adding the following section, to wit:

And be it further enacted, That the Treasurer of the State subscribe for three hundred thousand dollars worth of the stock in the Roanoke Inlet Company, which shall be paid under the rules and regulations prescribed for the payment of stock in the Fayetteville and Western Rail Road.

Which was read and rejected by the following vote:
Those who voted in the affirmative were,

**Messrs.** Carson, Cherry, Cooper, Davidson, Dockery, Etheridge, Roy, (of C. & Jones,) Harper, Holt, Mr. Speed, Morehead, Moore, Redding, Sharp, Shepard, Speed, Spruill, Williams of B. 17 yea.

Those who voted in the negative were,


Mr. Speed then proposed the following amendment, to wit:

*And be it further enacted,* That the Board of Internal Improvement be required to procure a survey (by some Engineer of high distinction,) and report upon the practicability and probable cost of opening a communication between Albemarle Sound and the Ocean, at Nags Head.

Which was read and agreed to. The question was then taken on the passage of the bill as amended, and decided in the affirmative.—yeas 25, nays 22.

Mr. Houlder demanded the yeas and nays; which are as follows, to wit:

Those who voted in the affirmative, were,

**Messrs.** Albright, Baker, Melchor, Morehead,
Bunting, Moore,  
Carson, McDiarmid,  
Cherry, Montgomery,  
Davidson, Reding,  
Dockery, Reinhardt,  
Fox, Rabun,  
Franklin, Ribelin,  
Henry, Shepard,  
Hill, Speed,  
Holt, Spruill, 25 yeas.  
Melvin,  

Those who voted in the negative were,  

MESSRS. Allison, MESSRS. Kerr,  
Arrington, Moody,  
Biddle, Moye,  
Cooper, Myers,  
Edwards, Reid,  
Etheridge, Sharp,  
Exum, Taylor,  
Foy (of C. & Jones,) Williams of Beaufort,  
Harper, Williams of Person,  
Hawkins, Wilson,  
Houlder, Whitaker—22 nays.

Ordered that said bill be engrossed.

The Senate took up for consideration the resolution making compensation to the Comptroller; which was read the second and third times, and, on motion of Mr. Spruill, amended, and passed, and ordered to be engrossed.

On motion of Mr. Davidson, the vote by which was rejected the bill to prevent the issuing of writs of capias ad satisfaciendum in certain cases, was re-considered, and, on motion of Mr. Cooper, re-committed to the Committee on the Judiciary.

Mr. Spruill, from the Committee on Finance, to whom was referred the report and detailed statement of the President of the Bank of the State of North Carolina, made to the Public Treasurer and by him transmitted to the General Assembly; also, the returns of the President of the Merchant's Bank of Newbern, and the returns made by the President and Cashier of the Bank of Cape Fear, reported that the same are in conformity with the requirement of the laws of this State; which was read and concurred in.
Received from the House of Commons a message, stating they insist upon the amendment to the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases; which was read, and, on motion of Mr. Speed,

*Resolved*, That a message be sent to the House of Commons, proposing a committee of conference on the disagreeing vote of the two Houses on the amendments proposed to the foregoing bill.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: A bill authorising the Justices of the Peace in certain counties in this State to class themselves for holding the Courts of Pleas and Quarter Sessions; resolutions to pay for furniture procured for the use of the General Assembly; resolution to re-imburse expenses of the Governor; resolution in favor of Joseph H. Waters; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend an act, entitled an act concerning idiots and lunatics.

Mr. Shepard offered the following resolution:

*Resolved*, That the Board of Internal Improvement be directed to pay over to the President and Directors of the Wilmington and Raleigh Rail Road the balance of the State's subscription which may be now due.

Which was read the first time and passed.

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

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**Friday, Jan. 4, 1839.**

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorise the construction of a bridge across Trent river; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating
that they have passed the following engrossed bills: A bill to amend an act, passed on the 7th day of January, 1837, entitled an act concerning the public printing of the State; a bill to prevent the malicious obstructions of Rail Roads; a bill authorising the Governor to appoint an agent in the county of Macon; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill to regulate drill musters in the 87th regiment; a bill to incorporate the Trustees of the Salisbury Female Academy; a bill concerning the ranging of horses, hogs, and cattle in Currituck county; and a resolution concerning the Swamp Lands; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, therein transmitting to the Senate the message of His Excellency the Governor, covering the resignations of Justices of the Peace received at the Executive Office since the commencement of the present session.

Received from the House of Commons a message, stating that Messrs. Mills, D. Thomas, Eaton and Faison form their branch of the committee on enrolled bills for the present week.

Received from the House of Commons a message, stating that they have passed the following engrossed bill: to authorise the laying off and establishing a Turnpike Road from Cove Creek in Rutherford county, to Thomas Foster’s, in Buncombe county; in which they ask the concurrence of the Senate.

On motion of Mr. Albright, the Senate took up for consideration the bill to regulate the weight of sacks of salt; which was read the second time and passed. The bill was then read the third time, and, on motion of Mr. Edwards, was indefinitely postponed.

On motion of Mr. Taylor, the bill to suppress the practice of wearing arms concealed about the person of individuals was taken up and read the second time, and, on his motion, amended; and, on motion of Mr. Henry, indefinitely postponed.

The Speaker presented to the Senate the following communication, to wit:
To the Honorable the General Assembly of North Carolina.

Gentlemen:

Having learned from unofficial sources, which however leave no doubt upon our minds of the correctness of their information, that certain resolutions have passed your honorable bodies, expressive of the opinions of a majority of each of them upon political matters, some of which have been and others still are pending before the country, we have been induced to anticipate their coming to hand, and respectfully address you concerning them. In thus anticipating the reception of a copy of the resolutions through an official channel, we trust that an apology will be found in the information we have received of the intention of the Legislature to adjourn at an early day. The resolutions do not expressly instruct us to carry into effect the opinions expressed therein, nor are we able to perceive in them impliedly any authoritative command such as instructions convey. We are therefore left to infer that it was the intention of the General Assembly not to assert or exercise the right of instruction, from the absence of the mandatory terms heretofore used, when the General Assembly of North Carolina has thought proper to resort to it. The ground heretofore occupied by us is wholly unchanged and scarcely needs recapitulation; we have publicly declared that whenever instructions are given us by the Legislature, we will either obey them or resign.

We therefore respectfully ask of your honorable bodies, if we are wrong in our construction of the resolutions, that we may be set right in time to act as becomes the position in which we stand. With a view to prevent any misinterpretation of our motives, we disclaim any intention of disrespect to the Legislature, considering it not only a duty to ourselves, thus respectfully to make this request, but that we owe it to the people of the State of North Carolina, whose interests have been confided to us in the Senate of the United States.

We have the honor to be, with great respect,
Your obedient servants,
ROBERT STRANGE.
BEDFORD BROWN.

Which was read.

Mr. Cherry then offered the following resolution, to wit:

Resolved, That the resolutions passed by the General Assembly, and transmitted to our Senators in Congress, are sufficiently
plain and intelligible to be comprehended by any one desirous of understanding them; that we believe this communication anticipat-
ing the reception of said resolutions, and making inquiry as to their meaning, is not in good faith; and that it would be inconsis-
tent with the self respect of this General Assembly, to make any reply to it.

Which was read and made the order of the day for this day, at one o'clock.

On motion of Mr. Shepard, the resolution requiring the Board of Internal Improvement to pay over to the President and Directors of the Wilmington and Raleigh Rail Road the balance of the State's subscription, was taken up and read the second time and passed by the following vote:

Those who voted in the affirmative, were,

MESSRS. Albright, \* Biddle, \* Bunting, \* Carson, \* Cherry, \* Davidson, \* Dockery, \* Foy of Cart. & Jones, \* Franklin, \* Hill, \* Melchor, \* Morehead, \* Moore, \* Moody, \* Moye, \* McDiarmid, \* Reding, \* Ribelin, \* Sharp, \* Shepard, \* Speed, \* Williams of B, 22 yea.

Those who voted in the negative were,

MESSRS. Allison, \* Arrington, \* Baker, \* Cooper, \* Edwards, \* Etheridge, \* Exum, \* Fox, \* Foy of Onslow, \* Harper, \* Hawkins, \* Houlder, \* Kerr, \* Melvin, \* Myers, \* Reid, \* Rabun, \* Spruill, \* Taylor, \* Williams of Person, \* Wilson, \* Whitaker—22 nays.

The Speaker voted in the affirmative; consequently the resolution passed its second reading. It was then read the third time, and, on motion of Mr. Shepard, amended and passed, and was ordered to be engrossed.
On motion of Mr. Spruill, the Senate took up the resolution relating to the communication from the Hon. Bedford Brown and Robert Strange; which was read the second time and passed.

Upon this question, Mr. McDiarmid demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

**Messrs.** Albright,
Biddle,
Carson,
Cherry,
Davidson,
Dockery,
Foy, of C. & Jones,
Franklin,
Harper,
Holt,
Melchior,
Morehead,
Moore,

**Messrs.** Moody,
Moye,
Montgomery,
Myers,
Reding,
Ribelin,
Sharp,
Shepard,
Speed,
Spruill,
Taylor,
Williams of B. 25 yeas.

Those who voted in the negative, were,

**Messrs.** Allison,
Arrington,
Baker,
Bunting,
Cooper,
Edwards,
Etheridge,
Exum,
Fox,
Foy of Onslow,
Hawkins,
Henry,

**Messrs.** Hill,
Houlder,
Kerr,
Melvin,
McDiarmid,
Reid,
Reinhardt,
Rabun,
Williams of Person,
Wilson,
Whitaker, 23 nays.

The resolution was then read the third time, and passed by the following vote:

Those who voted in the affirmative were,

**Messrs.** Albright,
Biddle,
Carson,
Cherry,

**Messrs.** Moody,
Moye,
Montgomery,
Myers,
Davidson, Reding,
Dockery, Ribelin,
Foy of C. & Jones, Sharp,
Franklin, Shepard,
Harper, Speed,
Holt, Spruill,
Melchor, Taylor,
Morehead, Williams of B. 25 yrs.,
Moore, 

Those who voted in the negative were, 

Messrs. Allison, Messrs. Hill, 
Arrington, Houlder, 
Baker, Kerr, 
Bunting, Melvin, 
Cooper, McDiarmid, 
Edwards, Reid, 
Etheridge, Reinhardt, 
Exum, Rabun, 
Fox, Williams of Person, 
Foy of Onslow, Wilson, 
Hawkins, Whitaker, 23 nays, 
Henry, 

Ordered that said resolution be engrossed. 

Ordered, That Mr. Myers have leave to withdraw from the files of the Senate, the papers relative to the County Bill of Union. 

Ordered, That Mr. Carson have leave to withdraw from the files of the Senate, the papers relating to the County Bill of Cleveland. 

Ordered, That Mr. Fox have leave to withdraw from the files of the Senate, the papers which he introduced relating to the Union County Bill. 

The bill authorising the making a Turnpike Road, in Haywood county, was taken up, and read the third time and passed, and ordered to be engrossed. 

On motion of Mr. Rabun, the bill making an appropriation to aid in cutting the road from the old Fort in Burke county, through the Swannanoah Gap, &c. was taken up, and read the third time, and amended on his motion. 

The bill was then rejected by the following vote:
Those who voted in the affirmative, were,

MESSRS. Baker, Messrs. Morehead, 
Bunting, McDiarmid, 
Carson, Montgomery, 
Etheridge, Reinhardt, 
Hawkins, Rabun, 
Henry, Ribelin, 13 yea. 
Holt,

Those who voted in the negative, were,

MESSRS. Allison, Messrs. Kerr, 
Albright, Melvin, 
Arrington, Melchor, 
Biddle, Moore, 
Cooper, Moye, 
Edwards, Myers, 
Exum, Reid, 
Fox, Reding, 
Foy, of Onslow, Sharp, 
Foy, of C. & Jones, Spruill, 
Franklin, Taylor, 
Harper, Williams of Beaufort, 
Hill, Williams of Person, 
Houlder, Wilson, 28 nays.

On motion of Mr. Dockery, the resolution relating to an appropriation of money for removing obstructions in Lumber river, was taken up and read the second time, and rejected by the following vote:

Those who voted in the affirmative, were,

MESSRS. Carson, Messrs. Melchor, 
Cherry, Morehead, 
Davidson, Moore, 
Dockery, McDiarmid, 
Etheridge, Montgomery, 
Foy of C & Jones, Myers, 
Franklin, Rabun, 
Hawkins, Ribelin, 
Holt, Shepard, 
Melvin, Speed, 20 yea.

Those who voted in the negative, were,

MESSRS. Allison, Messrs. Kerr, 
Arrington, Moye,
The engrossed bill to authorise the construction of a Bridge across Trent river, was taken up, and read the second time, and passed.

Also, the bill to exempt the Lock-keepers on the Dismal Swamp Canal, from working on roads and military service, was taken up, and read the second time, and, on motion of Mr. Spruill, was ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill, limiting the time in which title to lands heretofore entered and paid for, may be perfected, with sundry amendments; and asking the concurrence of the Senate. The amendments were read, and not concurred in.

On motion of Mr. Spruill, the Senate adjourned until half past 3 o'clock.

Half past 3 o'clock.

On motion of Mr. Hill,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the third Brigade of North Carolina militia; and informing them that Charles Henry is in nomination for the appointment of Commandant, and Christopher D. Hill is in nomination for the appointment of Lieutenant Colonel for said Brigade.

The bill to incorporate the Phœnix Company, in the town of Fayetteville, Cumberland county, was taken up and read the first time and passed.

On motion of Mr. arson, the Senate took up for consideration the bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county; which was read the first time and passed.
The engrossed resolution in favor of Simon M. Smithwick was taken up and read the second and third times and passed, and ordered to be enrolled.

Also, the engrossed resolution in favor of Dove Pannell was read the second and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration the engrossed bill concerning the Charlotte Male and Female Academy; which was read the second and third times and passed, and ordered to be enrolled.

Also, the engrossed bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain to the new town site called Murphy; which was read the second time and passed. Mr. Spruill demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

**MESSRS. Holt, Kerr, Moore, Morehead, McDiarmid, Montgomery, Myers, Reding, Reinhardt, Rabun, Ribelin, Shepard, Speed, Taylor, Williams of P 30 yea**

Those who voted in the negative were,

**MESSRS. Allison, Arrington, Biddle, Cooper, Exum, Hill, Houlder, Melvin,**  
**MESSRS. Melchor, Moye, Reid, Sharp, Spruill, Williams of Beaufort, Wilson, Whitaker—16 nays.**
The bill was then read the third time and passed and ordered to be enrolled.

The engrossed resolution in favor of James C. Turrentine, Sheriff of Orange county, was taken up and read the second and third times and passed, and ordered to be enrolled.

The Senate then proceeded to consider the engrossed bill for the better regulation of the County Courts of Rutherford; 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 do not agree to vote immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the third brigade of North Carolina militia.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the relief of the Raleigh and Gaston Rail Road Company, with an amendment; in which they ask the concurrence of the Senate.—Said amendment was read and concurred in.

The engrossed bill authorising the Justices of the Peace in certain counties in this State to class themselves for holding the Courts of Pleas and Quarter Sessions, was taken up, and read the second and third times and passed, and ordered to be enrolled.

The resolution for draining Swamp Land in Craven county, was taken up and read the second time and rejected.

Mr. Wilson then moved that said vote be now reconsidered; which was agreed to, and, on motion of Mr. Spruill, ordered to lie on the table.

Also, the resolution in favor of the Door Keepers; which was read the second and third times and passed, and ordered to be engrossed.

The Senate then took up for consideration the bill for appointing a patrol in Cumberland county; which was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Biddle, the resolution for draining Swamp Land in Craven county, was taken up and read the second time, and, on his motion, amended, and rejected.

On motion of Mr. Carson,

Ordered, That Mr. Reinhartt have leave of absence from the service of the Senate, from and after the 6th inst. the balance of the session.

On motion of Mr. McDiarmid,
Ordered, That Mr. Melvin have leave of absence from the service of the Senate, from and after the 6th inst. the balance of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to incorporate the Washington Mining Company; a bill to incorporate the Buncombe Warm Spring Company; a bill to amend the Inspection Laws; a bill to amend an act, entitled an act to establish Clemmons ville Academy, in the county of Davidson, and to appoint Trustees thereof; in which they ask the concurrence of the Senate.

The first named bill was read the first, second, and third times and passed and ordered to be enrolled.

On motion of Mr. Montgomery,

Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after the 6th inst., the balance of the session.

On motion of Mr. Carson, the Senate adjourned until tomorrow morning ten o'clock.

Saturday, January 5, 1839.

The Speaker announced to the Senate that Messrs. Speed, Montgomery and Bunting form the committee on the disagreeing vote of the two houses on the amendments to the bill concerning quarantine.

The Speaker presented to the Senate, the resignation of George Albright, a Justice of the Peace for the county of Guilford; which was read and accepted, and ordered to be sent to the House of Commons.

Received from the House of Commons a message, stating that J. P. Caldwell, R. Jones and Winston form their branch of the committee of conference, on the engrossed bill to amend an act concerning quarantine.

Received from the House of Commons a message, stating that they have passed the engrossed resolution, relating to the Wilmington and Raleigh Rail Road, with an amendment; which was read, and, on motion of Mr. Morehead, ordered to lie on the table.

Mr. Morehead, from the joint select committee, to whom
was referred the subject of inquiring into the expediency of erecting a Penitentiary in this State, reported the following resolution.

Resolved, That his Excellency Edward B. Dudley, be requested to open a correspondence with the Governors of the several States which have adopted the Penitentiary system, to procure all the information he can obtain in relation to the houses of refuge, for orphan children and minor offences; also, of Lunatic Asylums; and to lay the same before the next Legislature.

Which was read the first time and passed.

Mr. Morehead presented the following resolution:

Resolved, That the last quarter of the States' subscription to the Wilmington and Raleigh Rail Road Company, shall be payable in such proportions as may be required of the individual stockholders.

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

Mr. Edwards presented a bill, entitled a bill to incorporate the Weldon Rail Road Company; which was read the first and second times.

Mr. Morehead then proposed the following amendment:

Be it further enacted, That the subscribers to the capital stock of said Rail Road, shall be individually responsible to the amount of their subscription of stock, for all debts and liabilities contracted by said corporation.

Which was read and rejected by the following vote:

Those who voted in the affirmative were,

**MESSRS.** Allison, Bunting, Cooper, Exum, Fox, Harper, Henry, Houlder, Kerr,  
**MESSRS.** Moya, Montgomery, Reid, Reinhardt, Rabun, Spruill, Williams of Person, Wilson, Whitaker—18 yeas.
Those who voted in the negative, were,

MESSRS. Albright, Messrs. Morchard,
Arrington, Moore,
Baker, M'Diarmid,
Carson, Reding,
Dockery, Ribelin,
Edwards, Sharp,
Franklin, Shepard,
Hawkins, Speed,
Hill, Williams of B.
Melchor, 20 nays.

The bill then passed the second and third reading, and was ordered to be engrossed.

Mr. F. x moved that the Senate do now re-consider the vote by which was rejected the bill making an appropriation to aid in cutting a road from the old Fort, in Buncombe county, through the Swannanoah Gap, &c.; which motion was not agreed to.

On motion of Mr. McDiarmid, the Senate took up for consideration the engrossed bill to incorporate the Phoenix Company, in the town of Fayetteville, Cumberland county; which was read the second and third times. Mr. Morehead then moved to strike out the tenth section; which was rejected by the following vote:

Those who voted in the affirmative were,

MESSRS. Davidson, Messrs. McDiarmid,
Dockery, Montgomery,
Franklin, Ribelin,
Hawkins, Shepard,
Holt, Speed,
Melchor, Taylor,
Morehead, Williams of B. 14 yea.

Those who voted in the negative, were,

MESSRS. Allison, MESSRS. Houlder,
Arrington, Kerr,
Baker, Moore,
Bunting, Moye,
Carson, Reid,
Cooper, Reding,
Edwards, Reinhardt,
Etheridge, Rabun,
Exum, Sharp,
Fox, Spruill,
Foy, of Onslow, Williams of Person,
Harper, Wilson,
Henry, Whitaker—27 nays.
Hill,

Said bill then passed, and was ordered to be enrolled.

Mr. Speed, from the Committee of Conference on the amendment made by the House of Commons to the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases, reported that said Committee do not agree. He then moved that the Senate adhere to their disagreement to the amendments of the House of Commons; which was agreed to.

On motion of Mr. Carson, the bill to authorize the laying off and establishing a turnpike road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county, was taken up and read the second time. Mr. Reid moved to strike out the clause in the bill which requires the Treasurer of the State to subscribe for the State to the amount of one hundred shares; which was agreed to by the following vote:

Those who voted in the affirmative, were,

Messrs. Allison, Messrs. Kerr,
Albright, Melchor,
Arrington, Moye,
Biddle, Montgomery,
Bunting, Reid,
Cherry, Reeding,
Cooper, Reinhardt,
Edwards, Sharp,
Etheridge, Shepard,
Exum, Speed,
Fox, Spruill,
Foy of Onslow, Taylor,
Harper, Williams of Beaufort,
Hawkins, Williams of Person,
Houlder, Wilson—30 yeas.

Those who voted in the negative were,

Messrs. Baker, Messrs. Morehead,
Carson, Moore,
The bill then passed as amended.

Mr. Morehead submitted the following resolution, to wit:

Resolved, That the President and Directors of the Board of Internal Improvement be required to cause a survey to be made from some eligible point in the Fayetteville and Western Rail Road, (as soon as the same shall be located,) to Greensborough, in Guilford county, and that said survey, with an estimate of the cost of constructing a road from the points aforesaid, be laid before the next Legislature.

Be it further Resolved, That the costs of such survey be paid out of any funds belonging to the Board of Internal Improvement, not otherwise appropriated.

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

Mr. Moore presented the following resolution, to wit:

Resolved, That the President and Directors of the Board of Internal Improvement be required to cause a survey to be made from some eligible point in the Fayetteville and Western Rail Road, (as soon as the same shall be located,) to Salem, or the Cross Roads, in Stokes county; and that said survey, with an estimate of the cost of constructing a road from the points aforesaid, be laid before the next Legislature.

Be it further Resolved, That the costs of such survey be paid out of any funds belonging to the Board of Internal Improvement, not otherwise appropriated.

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

Received from the House of Commons a message, proposing that the joint resolution to adjourn on the 7th inst. be rescinded, and that the two Houses adjourn sine die on Tuesday the 8th inst.; which was read, and, on motion of Mr. Shepard, ordered to lie on the table.

On motion of Mr. Carson, the bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county, was taken up and read the third time, and, on his motion, amended and passed, and ordered to be enrolled.
Ordered, that Mr. Baker have leave to withdraw from the Senate, the papers relating to the County bill of Wilkes and Burke.

On motion of Mr. McDiarmid,
Ordered, That Mr. Arrington have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Speed,
Ordered, That Mr. Sharp have leave of absence from the service of the Senate, from and after the 7th inst., the balance of the session.

On motion of Mr. Arrington, the Senate adjourned until half past 3 o'clock.

Half past 3 o'clock, P. M.

The Senate took up for consideration, the engrossed bill to authorise the construction of a bridge across Trent river; which was read the third time and passed, and ordered to be enrolled.

Also, the bill concerning the Militia of the county of Beaufort; which was read the first, second, and third times, and passed, and ordered to be enrolled.

Mr. Hill presented a bill, entitled a bill supplemental to an act, passed at the present session, entitled an act to amend an act, entitled an act incorporating the Fayetteville and Western Rail Road Company; which was read the first and second times. Mr. Allison moved to lay it on the table until Saturday next; which was decided in the negative, by the following vote:

Those who voted in the affirmative were,

**Messrs.** Allison, Arrington, Biddle, Cooper, Etheridge, Exum, Foy, of Onslow, Houlder,

**Messrs.** Kerr, Moya, Reid, Sharp, Spruill, Williams of B., Williams, of Person, Wilson—16 yeas.

Those who voted in the negative were,

**Messrs.** Albright, Baker,

**Messrs.** Melchor, Morehead,
The said bill then passed the second and third readings, and was ordered to be engrossed.

On motion of Mr. Spruill,  
Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

On motion of Mr. Speed,  
Ordered, That Mr. Cherry have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

On motion of Mr. Allison,  
Ordered, That Mr. Foy, of Onslow, have leave of absence from and after Monday next, the remainder of the session.

On motion of Mr. Wilson, the message from the House of Commons, relative to an adjournment of the two Houses, sine die, was taken up and read, and not concurred in.

Mr. Reid demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Biddle, Carson, Cherry, Davidson, Franklin, Holt, Morehead,  
MESSRS. Moore, Moore, McDiarmid, Reding, Speed, Taylor, Williams of B. 12 yeas.

Those who voted in the negative were,

MESSRS. Allison, Albright, Arrington, Baker, Bunting, Cooper,  
MESSRS. Houlder, Hill, Kerr, Melchor, Moye, Montgomery,
Dockery, Reid,  
Edwards,  Rabun,  
Etheridge,  Rabieln,  
Exum,  Sharp,  
Fox,  Shepard,  
Foy of Onslow,  Spruill,  
Harper,  Williams of P.  
Hawkins,  Wilson—28 nays.  
Henry,  

On motion of Mr. Cooper, the bill to prevent the issuing of writs of capia ad satisfaciendum in certain cases, was read the third time and rejected.

The engrossed bill to incorporate the Yadkin Manufacturing Company was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Carson, the engrossed bill authorising the Governor to appoint an agent in the county of Macon, was taken up, and read the first time, and, on motion of Mr. Shepard, ordered to lie on the table.

The bill to punish persons who may maliciously obstruct any Rail Road in North Carolina, and the bill relating to the public roads in Buncombe county, were taken up and read the third time and passed, and ordered to be engrossed.

Also, the engrossed bill to appoint Commissioners to lay off a part of the great State Road from Presley Shepard's to Frederick Seevent's, was read the first, second, and third times and passed, and ordered to be enrolled.

On motion of Mr. Speed,

Ordered, That Mr. Henry have leave of absence from the service of the Senate, from and after Monday next.

The Senate then proceeded to consider the bill authorising Sheriffs and Coroners to make deeds in certain cases, and the bill, entitled a bill to amend the fifty-eighth chapter of the Revised Statutes, entitled solvent debtors, were read the second and third times and passed, and ordered to be engrossed.

The engrossed resolution in favor of John C. Ehringhaus was taken up, and read the first, second, and third times, and passed, and ordered to be enrolled.

The Senate then proceeded to consider the bill to amend an act, entitled an act to provide for the collection and management of a revenue for this State; which was read the second time, and, on motion of Mr. Carson, was indefinitely postponed.
Also, the engrossed resolution in favor of Joseph Waters; which was read the first, second, and third times and passed, and ordered to be enrolled.

Mr. Shepard then moved that said Waters have leave to withdraw from the files of the Senate the papers relating to said resolution; which was granted.

Also, the resolution relating to a Penitentiary was read the second and third times and passed, and ordered to be engrossed.

Mr. Bunting presented a bill to aid the Wilmington and Raleigh Rail Road Company; which was read the first time, and, on his motion, referred to the Committee on Internal Improvements.

The bill authorising the Chairman of the Court of the County Courts to accept of the resignations of certain officers therein named, was read the second time and laid on the table.

On motion of Mr. Morehead, the vote by which was passed the bill to punish persons who maliciously obstruct any rail road, &c. was reconsidered, and ordered to lie on the table.

The engrossed bill to prevent the malicious obstruction of rail roads; and the engrossed bill to establish the Salisbury Female Academy, and to incorporate the Trustees thereof, were each read the first second and third times and passed, and ordered to be enrolled.

The bill concerning bastard children, was taken up, and read the first, second and third times, and passed, and ordered to be engrossed.

The engrossed bill to amend an act, entitled an act to establish Clemmonsville Academy, in the county of Davidson, and to appoint Trustees thereof, was taken up and read the first, second and third times. Mr. Reid moved to strike out the word "perpetual," which was agreed to by the following vote.

Those who voted in the affirmative, were,

MESSRS. Allison,  MESSRS. Houlder,
  Albright,       Kerr,
  Baker,         Morehead,
  Carson,        Moye,
  Cooper,        McDiarmid,
  Etheridge,     Reid,
  Exum,          Rabun,
  Fox,
Foy of Onslow, Shepard,  
Franklin, Spruill,  
Harper, Williams of Person,  
Hill, Wilson, 25 yrs.  
Holt,  

Those who voted in the negative, were,  

Messrs. Biddle, Messrs. Montgomery,  
Bunting, Reding,  
Davidson, Ribelin,  
Dockery, Speed,  
Melchor, Taylor,  
Moore, Williams of B 12 nays.  

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

Received from the House of Commons a message, stating that they have receded from their amendments to the engrossed bill, limiting the time in which title to lands heretofore entered and paid for, may be perfected.  

On motion of Mr. Bunting,  

Ordered, That Mr. Hill have leave of absence from the service of the Senate, from and after Monday next, the balance of the session.  

On motion of Mr. Hill,  

Ordered, That Mr. Bunting have leave of absence from the service of the Senate, from and after Monday next, the balance of the session.  

The Senate took up for consideration, the bill to prevent frauds in voting at elections; 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 concur in the amendments proposed by the Senate to the engrossed bill to authorise the laying off and establishing a Turnpike road from Cove Creek, in Rutherford county, to Thomas Fosters's, in Buncombe county.  

Received from the House of Commons a message, stating they have passed the following engrossed bills: A bill to prevent free persons from gambling with slaves; a bill concerning stills; a bill to amend the several acts heretofore passed in relation to the burning of the Court House and records of Hertford. In which they ask the concurrence of the Senate.  

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill
concerning the crime of perjury, and the form of indictment therefor; a bill relating to clearing out Rock Fish Creek, in Duplin county, and for other purposes: In which they ask the concurrence of the Senate.

The Senate then took up for consideration, the engrossed bill to incorporate the Buncombe Warm Spring Company; which was read the first and second times. Mr. Exum moved that the bill be indefinitely postponed; which motion did not prevail. Mr. Reid then moved to strike out the word "perpetual;" which was agreed to. The bill then passed the second and third readings, and was ordered to be enrolled.

On motion of Mr. Taylor, the Senate adjourned until Monday morning sun rise.

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MONDAY, Jan. 7, 1839.

The Speaker announced to the Senate, that Messrs. Moore, Montgomery, Moye and Williams of Person, form the Committee on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

The Senate took up for consideration the bill authorising the Chairman of the County Courts to accept of the resignations of certain officers therein named; which was read the third time and passed and ordered to be engrossed. Also, the engrossed bill to amend the Inspection Laws; which was read the first and second times and passed, and ordered to lie on the table.

Received from the House of Commons a message, informing the Senate that Messrs. Waddell, Braswell, Wadsworth, and Paine form their branch of the Committee on Enrolled Bills the present week.

The engrossed bill to amend an act, passed on the 7th day of January, 1837, entitled an act concerning the Public Printing of the State, was taken up, and read the first, second, and third times and passed, and ordered to be enrolled. Also, the engrossed resolution to reimburse expenses of the Governor; which was read the first and second times. Mr. Allison moved to strike out the word seven, and insert in lieu thereof the word three; which was decided in the negative, by the following vote:
Those who voted in the affirmative, were,

**MESSRS.** Allison, Messrs. Houlder,
Albright, Kerr,
Baker, Reid,
Cooper, Rabun,
Exum, Spruill,
Fox, Williams of P. 12 yea.

Those who voted in the negative were,

**MESSRS.** Biddle, Messrs. Morehead,
Bunting, Moore,
Carson, Moye,
Davidson, McDiarmid,
Dockery, Montgomery,
Edwards, Reding,
Etheridge, Ribelin,
Franklin, Sharp,
Hawkins, Speed,
Henry, Taylor,
Holt, Williams of Beaufort,
Melchor, Wilson—& 5 nays.

The resolution then passed. Said resolution was then read the third time and passed. Upon this question, Mr. Edwards demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

**MESSRS.** Biddle, Messrs. Morehead,
Bunting, Moye,
Carson, McDiarmid,
Davidson, Montgomery,
Dockery, Reding,
Edwards, Ribelin,
Etheridge, Sharp,
Franklin, Speed,
Harper, Spruill,
Hawkins, Taylor,
Henry, Williams of B.
Holt, Wilson, 25 yea.
Melchor,

Those who voted in the negative were,

**MESSRS.** Allison, Messrs. Houlder,
Albright, Kerr,
The resolution then passed, and was ordered to be enrolled.

The engrossed resolution in favor of Willis D. Dowd was taken up and read the first, second, and third times and passed, and was ordered to be enrolled.

The Senate proceeded to consider the engrossed bill vesting in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville, and county of Cumberland; which was read the first, second, and third times and passed, and ordered to be enrolled.

The engrossed bill to amend the Inspection Laws, was, on motion of Mr. McDiarmid, ordered to be enrolled.

The engrossed resolution on Public Instruction was taken up and read the first and second times, and, on motion of Mr. Taylor, amended and passed. The resolution was then 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 engrossed bill to divide the counties into School Districts and for other purposes with an amendment, to wit: Strike out all the bill, except the enacting clause, and insert the substitute marked A; in which they ask the concurrence of the Senate. The substitute was then read. Mr. Moore moved to divide the question, so as to take it on the first part; which was decided in the negative, by the following vote:

Those who voted in the affirmative were,

Messrs. Allison,  Messrs. Melchor,  Moore,
Exum,  Moore,
Franklin,  Reding—7 yeas.
Houlder,

Those who voted in the negative were,

Messrs. Albright,  Messrs. Moye,  McDiarmid,
Baker,  Montgomery,
Biddle,  Reid,
Bunting,  Rabun,
Cherry,  Ribelin,
Cooper,
The question was then taken on the amendment proposed by the House of Commons, and decided in the negative by the following vote:

Those who voted in the affirmative, were,

Messrs. Allison, Melchor, Melchoir,
    Albright, Moore, Moore,
    Davidson, Taylor, 9 yeas.
    Exum,
    Franklin,

Those who voted in the negative, were,

Messrs. Baker, McDiarmid,
    Bunting, Montgomery,
    Biddle, Reid,
    Cherry, Reding,
    Cooper, Rabun,
    Dockery, Ribelin,
    Edwards, Sharp,
    Etheridge, Shepard,
    Fox, Speed,
    Harper, Spruill,
    Hawkins, Williams of Beaufort,
    Holt, Williams of Person,
    Kerr, Wilson,
    Moye, Whitaker—28 nays.

The engrossed bill concerning the ranging of hogs, horses, or cattle, in Currituck county in certain cases; and the engrossed resolution concerning the Swamp Lands, were taken up, and read the first, second, and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill au-
Receiving the Chairman of the County Courts to accept the resignation of certain officers therein named.

Received from the House of Commons a message, stating they have passed the engrossed bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to amend an act incorporating the Fayetteville and Western Rail Road Company, with an amendment, to wit: Insert section A before the last section; in which they ask the concurrence of the Senate; which was read and concurred in.

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 Buncombe Warm Spring Company.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the time of holding the County Courts of Rowan; a bill to amend the 16th section of the Revised Statutes, concerning the militia, so far as relates to the county of Jones; in which they ask the concurrence of the Senate.

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

The engrossed bill to amend the several acts heretofore passed in relation to the burning of the Court House and records of Hertford county, was taken up, and read the first, second, and third times and passed, and were 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 amend the act to establish Clemmons Academy, in the county of Davidson, and to appoint Trustees thereof.

Received from the House of Commons a message, stating that they insist on their amendment to the engrossed bill to divide the counties into School Districts and for other purposes, and propose a Committee of Conference on the said amendment; which was agreed to. The Committee of Conference on the part of the Senate are Messrs. Cherry, Sheppard, and Moore, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the joint resolution proposing to adjourn this day, be rescinded, and that both Houses adjourn sine die to-morrow; on which day no business shall be done, other than the
ratification of enrolled bills; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the amendments made by the Senate to the engrossed resolution on Public Instruction, with a further amendment, to wit: Instead of striking out all after the word Stowe, insert between the word Stowe and the word ten the following: And other information on the subject of Common Schools, as the President and Directors of the Literary Fund shall deem proper; in which they ask the concurrence of the Senate; which was read and concurred in.

The bill to provide for the election of Engrossing Clerks was taken up, and read the second time and rejected.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill prescribing the mode of an additional survey and sale of the Cherokee lands in this State; a bill concerning infant children whose parents shall be divorced; a bill supplemental to the act erecting the county of Cherokee; a bill providing for the appointment of a county trustee and treasurer of public buildings in the county of Columbus; a bill concerning the public revenue of this State; a bill to incorporate the Highwasee Turnpike Company; a bill making compensation to the jurors for Columbus county. Also, the following engrossed resolutions: Resolution relating to Nagshead; resolution relating to a Lunatic Asylum; resolution in favor of William Harbinson, of Lincoln county; resolution to print Professor Stowe's pamphlet on Public Instruction; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, proposing that the Clerks of the two Houses be authorised and directed to employ three additional Engrossing Clerks, to aid in bringing up the business, preparatory to adjournment on to-morrow; which was read and concurred in.

The Senate took up the following engrossed bills, to wit: A bill to regulate drill musters in the 57th regiment of North Carolina militia in Davidson county; a bill concerning infant children whose parents shall be divorced; a bill supplemental to the act erecting the county of Cherokee; a bill concerning the public revenue of this State; which were severally read the first, second, and third times and passed, and ordered to be enrolled.

Also, the engrossed bill to incorporate Highwasee Turn-
pike Company; the bill to prevent free persons from gambling with slaves; and the bill relating to clearing out Rockfish creek, in the county of Duplin, and for other purposes, were severally read the first, second, and third times and passed, and ordered to be enrolled.

The following engrossed resolutions, to wit: Resolution relating to Nagshead; resolution in favor of William Harbinson, of Lincoln county; and resolutions relating to a Lunatic Asylum, were severally read the first, second, and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration the following engrossed bills, to wit: A bill providing for the appointment of a county trustee and treasurer of public buildings in the county of Columbus, and a bill making compensation to the jurors for Columbus county; which were severally read the first, second, and third times and ordered to be enrolled.

The engrossed resolution to pay for furniture for the use of the General Assembly, was read the first, second, and third times and passed, and ordered to be enrolled.

The engrossed bill concerning the crime of perjury, and the form of indictments therefor was read the first time, and ordered to lie on the table.

The Senate then took up the engrossed bill, authorising the Governor to appoint an agent in the county of Macon; which was read the second and third times and rejected.—Mr. Exum then moved that the vote by which was rejected the bill authorising the Governor to appoint an agent in the county of Macon, be re-considered; which was agreed to. The bill was then indefinitely postponed by the following vote, to wit:

Those who voted in the affirmative were,

Messrs. Biddle,  Messrs. Montgomery,
    Cooper,        Reid,
    Dockery,       Reding,
    Edwards,       Ribelin,
    Etheridge,     Sharp,
    Exum,          Speed,
    Fox,           Spruill,
    Hawkins,       Taylor,
    Holt,          Williams of B.
    Houlder,       Williams, of Person,
    Morehead,      Wilson,
    McDiarmid,     Whitaker, 24 yea.
Those who voted in the negative were,

**Messrs.** Allison, Messrs. Franklin,
Albright, Harper,
Baker, Melchor,
Carson, Rabun, 9 nays.
Davidson,

The Senate took up for consideration, the engrossed bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State; which was read the first and second times and passed, and ordered to lie on the table. Said bill was subsequently taken up and read the third time, and rejected by the following vote:

Those who voted in the affirmative were,

**Messrs.** Allison, Messrs. Holt,
Albright, Melchor,
Baker, Morhead,
Carson, McDiarmid,
Davidson, Montgomery,
Dockery, Reding,
Exum, Rabun,
Franklin, Wilson—16 yeas.

Those who voted in the negative, were,

**Messrs.** Biddle, Messrs. Reid,
Cooper, Sharp,
Edwards, Speed,
Etheridge, Spruill,
Fox, Taylor,
Harper, Williams of Beaufort,
Hawkins, Williams of Person,
Houlder, Whitaker—16 nays.

The Speaker voted in the negative, consequently the bill was rejected.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to incorporate the Weldon Manufacturing Company; and a bill to explain and amend the 86th section of an act, passed at the session of 1836, one of the Revised Statutes, entitled an act concerning crimes and punishments. In which they ask the concurrence of the Senate.
The first named bill was read the first, second, and third times, and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to prevent obstructing the passage of fish up Pedee and main Yadkin rivers: In which they ask the concurrence of the Senate. Said bill was read the first, second, and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill concerning the appointment of the Clerks of the Superior Courts; a bill to amend an act of 1836, entitled an act authorising attachment to issue for the recovery of debts, and directing the proceedings therein; a bill to amend an act entitled an act concerning the action of replevin; a bill prohibiting marriages between free persons of color, and white persons; a bill to appoint commissioners to alter and amend a part of the State road in Cherokee county; a bill to authorise A. K. S. Hunter to move the bridge by him built across Hiwassee river; a bill to incorporate the President and Directors of the Randolph Manufacturing Company; a bill to incorporate the Trustees of the Randolph Female Academy; and a bill to divide the first wreck district in Carteret county into two districts, and to appoint an additional commissioner of wrecks. In which they ask the concurrence of the Senate.

The Speaker announced to the Senate, that Mr. Hawkins is added to the Committee on Enrolled Bills.

Mr. Cherry, from the Committee of Conference upon the subject of Common Schools, reported a bill, which was read and concurred in, by the following vote:

Those who voted in the affirmative, were,

Messrs. Allison,
Messrs. Melchor,
Albright,
Moore,
Baker,
Moye,
Biddle,
McDiarmid,
Cherry,
Montgomery,
Cooper,
Reid,
Davidson,
Reding,
Dockery,
Rabun,
Edwards,
Ribelin,
Etheridge,
Sharp,
Exum,
Shepard,
Those who voted in the negative were,
Messrs. Holt, Spruill,
Speed, Taylor,
Franklin, Williams of Beaufort,
Harper, Williams of Person,
Houkler, WiUon—3 nays.
Kerr,

The Senate took up the following engrossed bills: A bill to incorporate the town of Mocksville in Davie county; and a bill to amend an act, entitled an act concerning the action of replevin; which were each read the first, second, and third times and passed, and ordered to be enrolled.

The engrossed bill concerning the appointment of Clerks of the Superior Courts, was read the first and second times, and rejected. Mr. Wilson then moved that the vote by which was rejected the bill concerning the appointment of Clerks of the Superior Courts be re-considered; which was agreed to. It was then read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely, the engrossed bill to prevent the stealing of Mulberry trees.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the engrossed bill to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the revised Statutes entitled bastard children, with an amendment, to wit: add to the bill the Proviso marked A.—In which they ask the concurrence of the Senate; which was read and concurred in.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed resolution requiring the Board of Internal Improvements to cause a survey for a Rail Road to be made from Greensborough to the Fayetteville and Western Rail Road. Also the resolution requiring the Board of Internal Improvement to cause a survey for a Rail Road to be made from Salem, or the Cross Roads in Stokes county, to the Fayetteville and Western Rail Road.
Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the North Carolina Mutual Fire Insurance Company, with an amendment, to wit: strike out the 4th section of the bill; which was read and concurred in.

The bill to exempt Lock-Keepers from Militia service, &c. was taken up and read the third time and passed, and ordered to be engrossed.

The Senate then proceeded to consider the following engrossed bills: A bill to incorporate the Trustees of the Randolph Female Academy, in Randolph county; a bill to authorise Archibald S. K. Hunter to move the bridge by him built across Highwassee river; which was read the first, second, and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration, the following engrossed bills, to wit: A bill to amend an act, passed at the session of 1836, one of the Revised Statutes, and entitled an act authorising attachments to issue for the recovery of debts, and directing the proceedings thereon; a bill to appoint commissioners to alter and amend a part of the State road in Cherokee county; a bill to incorporate the President and Directors of the Randolph Manufacturing Company; a bill to explain and amend the eighty-sixth section of an act, passed at the session of 1836, one of the Revised Statutes, entitled an act concerning crimes and punishment; a bill prohibiting marriages between free persons of color and white persons; and a bill to divide the first wreck district in Carteret county, into two districts, and to appoint an additional commissioner of wrecks; which were severally read the first, second, and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the report of the Committee of Conference, on the bill to establish Common Schools.

On motion of Mr. Wilson, the Senate adjourned until tomorrow morning, 7 o'clock.
Tuesday, Jan. 8, 1839.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed upon all the business brought before them at this session, and are now ready to adjourn sine die. Whereupon, a message was sent to the House of Commons agreeing thereto.

Mr. Wilson presented the following resolution, to wit:

*Resolved, That the thanks of the Senate are due, and are hereby tendered, to Col. Andrew Joyner, Speaker thereof, for the able, dignified, and impartial manner in which he has discharged the duties of the Chair.*

The question on this resolution being put by Mr. Edwards, it was adopted unanimously.

The Speaker then made an appropriate address to the Senate, and adjourned the same without day.

By Order,

A. JOYNER, S. S.

Thos. G. Stone, C. S.