

North-Carolina Legislature.

SENATE.

Wednesday, Jan. 7.

The bill to subject legacies, distributive Shares, &c. to attachment in like manner as other property, and the bill to incorporate the Montgomery Gold Mining Company, were postponed indefinitely.

A great many bills were matured and ordered to be enrolled.

Thursday, Jan. 8.

The bill to establish the Merchant's and Farmer's Bank in the town of Washington and the bill to incorporate the Howard Gap Turnpike Company were severally read and indefinitely postponed.

Friday, Jan. 9.

The Resolution in favor of Allen Jones—the Resolution in favor of Lewis Bond—the bill authorizing the entry of the unsurveyed Cherokee Lands—Concerning Coroner's fees—the bill to provide for the temporary appointment of Registers in certain cases—the bill to repeal an act passed in 1826, to reduce the license to Pedlars, on the south side of Albemarle—the bill authorizing the County Courts of Granville to make allowances in certain cases—the bill to amend the several acts of Assembly, vesting the right of electing Sheriffs in the people—the bill amendatory of the act to establish a Bank of the State, and the bill to improve the Cape Fear River above Fayetteville, were severally read and, on motion, postponed indefinitely.

The Resolution declaratory of the opinion of the Senate, on the right of instruction, was read and laid on the table.

Saturday, Jan. 10.

After some unimportant business, on motion of Mr. Beard,

Resolved, unaniously, That the thanks of the Senate are due, and they are hereby tendered to the Hon. William D. Mosely, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Senate, during the present session.

HOUSE OF COMMONS.

Wednesday, Jan. 7.

The bill to amend the Charter of the Raleigh and Wilmington Rail Road Company, was laid on the table until the 3d Monday of November next, on motion of Mr. Smallwood, Ayes 71, Nays 30.

Mr. Long presented the following resolutions:

Whereas, By the Constitution of the United States, Congress alone is clothed with authority to borrow money on the credit of the Government: *And whereas,* the Post Master General has taken upon himself the exercise of this high power, invading the right to tax the people of these United States, without the authority of their Representatives:

Be it therefore Resolved, By the General Assembly of North Carolina, that the Postmaster General in borrowing money without the consent of Congress, has violated the plain meaning of the Constitution, and that therefore, the loans made to him are not binding upon the nation.

Resolved, That the Senators and Representatives from this State, in Congress, be requested to continue the investigations, already commenced, into the abuses and corruptions of that Department; and that they endeavor to secure for the future, a more economical and faithful administration of its concerns.

The said resolutions were read and on motion of Mr. Swanner, laid on the table—*Ayes 70—Nays 49.*

Thursday, Jan. 8.

The resignation of Judge Seawell and R. M. Saunders, as Commissioners for rebuilding the Capitol, were read and accepted.

The bill to amend an act, passed in 1805, concerning wrecks—the bill to provide for a fair valuation of the lands in this State, and prescribing the mode in which the said lands and other taxable property shall be given in by the owners thereof for taxation—the bill to alter the time of holding the election for members of the Assembly—the bill authorizing the entry of the unsurveyed lands acquired by Treaty from the Cherokee Indians, and the bill to extend the limits of the City of Raleigh, were severally read, and, on motion, postponed indefinitely.

Friday, Jan. 9.

The bill to repeal in part an act, passed in 1832, amendatory of the several acts of Assembly incorporating the Roanoke and Cape Fear Navigation Company; the Resolution authorizing the Governor to employ Engineers to survey a Rail Road route from Beaufort to the Western limits of the State; the bill imposing a tax on Physicians, Lawyers, and Dentists; the bill giving to the County Courts the power of abolishing the offices of Country Trustee and Treasurer of Public Buildings; the bill authorizing the Governor to subscribe, on behalf of the State, for 1000 Shares of the Stock of the Cape Fear, Yadkin and Pedee Rail Road, and the bill to encourage the discovery of Mines in the State, were severally read and on motion, postponed indefinitely.

Saturday, Jan. 10.

The House met for the ratification of the bill, having done which, the following Resolution was unanimously adopted, and the Speaker adjourned the House sine die:

Resolved, That the thanks of this House be tendered to Wm. J. Alexander, Esq. the Speaker thereof, for the able, dignified and prompt manner in which he has discharged the duties of the Chair during the present Session.

The frigate Constitution, at the Charleston Navy Yard, has been ordered to be prepared for a cruise immediately.

CAPTIONS OF THE LAWS

Passed by the Legislature of 1834-35.

PUBLIC ACTS.

1 Making an appropriation to complete the Capital in the City of Raleigh. [Appropriates the sum of 75,000 dollars for this purpose.]

2 An Act concerning a Convention to amend the Constitution of the State.

3 Supplemental to an Act, passed at the present session, concerning a Convention to amend the Constitution of the State.

[For the provisions of the above Acts, see acts in to-day's paper.]

4 To amend the Charter of the Bank of Cape Fear. [Provides that Stockholders, who are citizens of other States, shall be entitled to vote for themselves or by proxy, at all meetings of the Stockholders; and that the Bank and its Branches shall receive public money in deposits.]

5 To amend the Act of last session, to establish a Bank in the State of North-Carolina. [Provides that the corporation shall deal in promissory notes, expressed on the face of them to be negotiable and payable at any Agency of the Bank; and shall also receive such of the public money as the Treasurer of the State shall offer in deposit.]

6 Giving further time to pay in Entry money. [Allows until the 15th of December, 1835.]

7 Prohibiting Lotteries in the State. [Prohibits Lotteries of every description, except those already authorized, under a penalty of \$5000.]

8 To quiet the titles to certain lands in this State.

9 Vesting the power to authorize the erection of gates across public roads in the County Courts. [Gives this power to the Courts—a majority of the Justices being present.]

10 To amend an Act vesting the right of electing Clerks of the County and Superior Courts in the free white men of the State, passed in 1832. [Provides that, in case of the resignation or death of the Superior Court Clerk, the Judge shall appoint until the next regular election; and the County Courts shall appoint in like manner.]

11 Giving compensation to Sheriffs and Coroners for executing writs of capias and satisfaction, in certain cases. [Sheriffs or Coroners, compelled, by such writs, issued by, and returnable to, any Court beyond their own County, to carry any person to the Jail of the County from whence the writ issued, to receive at the rate of three dollars for every thirty miles in going to and from the said jail.]

12 Regulating costs in certain cases. [Provides that Clerks shall not charge any State tax or Attorney fees on bonds returned under the Act of 1832, for the relief of honest debtors, except an issue be made up; in which case the party cast shall pay all costs; and that officers shall return all bonds and papers, taken under said Act, on or before the second day of the Court to which they are returnable, under the penalty of 50 dollars.]

13 Authorizing the several County Courts to appoint one or more Surveyors in their districts for each County. [Provides that they shall not appoint more than two for any one County.]

14 Concerning Divorces. [Gives the Courts of Equity concurrent jurisdiction with the Superior Courts of law, in granting divorces.]

15 Appointing Commissioners for rebuilding the Capitol. [Appoints Duncan Cameron, B. Daniel, S. F. Patterson, Charles Manly and Alfred Jones. Governor to fill vacancies.]

16 Amendatory of the Act of 1833, concerning the injury done by the erection of mills. [If damage assessed under said Act do not amount to five dollars, petitioner not to recover more costs than damage.]

17 Prescribing in what manner copies of Administration or returns of property of deceased persons in another State shall be read in evidence. [When properly certified according to Act of Congress of 1790, or by the proper officer of the State, with the testimony of the Governor, the said papers shall be admitted in evidence in the same manner as copies from Clerk's Offices in this State.]

18 To repeal the second section of the Act of 1832, making additional compensation to the Secretary of State for certain services.

19 For turning or altering roads in certain cases. [Provides that persons through whose land a public road passes, may turn or alter the same; and if the Court sanctions the alteration, may then close up the old road.]

20 To authorize the Governor to procure a new Great Seal of the State.

21 To establish the Merchants' Bank of the town of Newbern. [Establishes a Bank under this name in Newbern, with a capital of 300,000 dollars. Books to be opened on the second Monday of February next, at Newbern, Washington, Bath, Caswell, Waynesboro, Beaufort, Swanborough and Snow Hill. One-fourth of each share to be paid at the time of subscribing; one-fourth within 60 days after the Bank shall have commenced business; and the remainder within 9 months thereafter. When 100,000 dollars are paid in, the Bank may go into operation, and continue until 1855. Seven Directors to be appointed, who shall elect a President and other officers. Bank to pay a tax of 25 cents per share. No branches or agencies allowed.]

22 Amending the Act of last session, regulating the times of holding the Superior Courts in the 6th Judicial Circuit. [Provides for the payment of the Judges for holding Court for the second week in Mecklenburg county.]

23 Concerning the Wardens of the Poor. [Provides for paying expenses of removing a pauper from one county to another.]

24 To enable any two of the Judges of the Supreme Court to hold the same. [When any one of the Judges is unable to attend, the other two may hold Court.]

25 Concerning the publication of the Acts relative to a Convention, and payment thereof by the Governor. [Governor to draw on the Treasurer for a sum sufficient to pay each printer who publishes said Acts ten dollars, and to cause 400 copies of said Acts for each county to be printed, and transmitted to their Members of Assembly.]

PRIVATE ACTS.

To repeal, in part, an Act of 1831, to prevent obstruction to the passage of fish up the Pedee and Yadkin rivers. Incorporating the Burke County Gold Mining Company.

Concerning the appointment of Commissioners of a public road in Haywood county.

Providing for the holding a Superior Court in the county of Yancey.

To prevent the obstructing the passage of fish up Roaring River, in Wilkes county.

Amending the Act of 1825, to establish and regulate a turnpike road in Haywood, called the Tennesse River Turnpike.

Establishing the Germantown Academy, in Stokes county.

For the better regulation of the County Courts of Yancey.

Incorporating the Ireddell Manufacturing Company.

Granting to persons, therein named, certain lands for the use of the Methodist Episcopal Church at Franklin, Macon county.

Appointing commissioners to lay off a road from Morganton, in Burke county, by Burnsville and Barnett's Station, to the Tennesse line.

Giving exclusive jurisdiction to Superior Courts for the counties of Anson and Montgomery in all cases where the intervention of a jury shall or may be necessary.

Amending an Act to incorporate a company in the County of Mecklenburg, under the name of the Franklin Gold Mining Company.

Incorporating the North Carolina Gold Mining Company.

Supplemental to the Act of last session, to improve the State Road from the bank of Tuckasega river, by the way of Franklin, to the Georgia line.

To prevent the filling of timber in, or otherwise obstructing the run of, Lower Little river, in Ireddell county.

Incorporating the Lincoln Light Infantry Company.

Incorporating the Tuckaleicha Smoky Mountain Turnpike Company.

Incorporating Mallard Creek Classical School in Mecklenburg county.

Incorporating the Pioneer Mills Gold Mining Company, in Cabarrus county.

Regulating the times of holding the Superior Courts of Rutherford, Lincoln, and Ireddell.

Authorizing the appointment of two Surveyors in Anson, Wilkes, and Richmond.

Supplementary to the Act to incorporate the Cape Fear, Yadkin, and Pedee Rail Road Company.

Repealing an Act of 1832, appointing lay days on Rocky river, joining Anson and Montgomery counties.

Authorizing the completion of the Tennesse river road, in the county of Macon, and to incorporate a company for that purpose.

To amend the several acts now in force incorporating the town of Charlotte, in Mecklenburg county.

Incorporating Poplar Grove Academy, in Ireddell.

Establishing the Sulphur Spring Academy, in Buncombe.

Granting to the Mecklenburg Gold Mining Company an amended charter.

Authorizing the making a turnpike road in Haywood, and to incorporate a company for that purpose.

Relative to the hands called to work the State road from the Old Fort to Asheville.

Repealing an Act of 1833, concerning the Wilkes volunteer artillery company.

Incorporating the Northampton Manufacturing Company.

To repair, alter and amend, the road leading from Holenon's Ford to the Deep Gap.

To repair the road from the Yadkin, where Cass formerly lived, to the Ashe county line.

RESOLUTIONS.

Relating to a Map of the Cherokee lands. Directing the Adjutant General to collect the public arms.

Instructing Mr. Mangum one of our Senators in Congress, to vote for expunging from the journals of the Senate of the United States the resolution censuring the conduct of the Executive in relation to the deposits.

Relative to the outrage committed at Nassau, on the property of American citizens.

Directing a new roll of the Justices of the Peace.

To amend a bill to provide a fund for the establishment of Free Schools, to the Acts of Assembly.

Authorizing the Public Treasurer, should it become necessary during the fiscal year, to borrow, on behalf of the State, a sum not exceeding \$40,000, at not more than 6 per cent interest.

In favor of the Hon. James Martin.

Directing the report of the Committee of Finance to be appended to the Acts of Assembly.

In favor of Asa Delozier and Houry Reagan.

Directing the Treasurer to commence suits on bonds for Cherokee Lands.

The snow has fallen in this city—and in all directions around us—to the depth of nearly eighteen inches.

Troy (N. Y.) Whig.

It is stated by the Commercial Gazette of Boston, that the number of divorces in the United States per year amount to two thousand!!

CONVENTION BILL.

AN ACT
Concerning a Convention, to amend the Constitution of the State of North Carolina.

WHEREAS, the General Assembly of North Carolina have reason to believe that a large portion, if not a majority, of the free men of the State, are anxious to amend the Constitution thereof, in certain particulars, hereinafter specified; and *whereas,* while the General Assembly disclaim all right and power in themselves to alter the fundamental law, they consider it their duty to adopt measures for ascertaining the will of their constituents, and to provide the means for carrying that will into effect, when ascertained; therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the same, That the Court of Pleas and Quarter Sessions of each and every county in this State, at the first term that shall be held after the first day of January, one thousand eight hundred and thirty-five, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said counties, for ascertaining, by ballot, the will of the free men of North Carolina, relative to the meeting of a State Convention. And if a county court or courts should fail to make such appointments, or if any inspector, so appointed, shall fail to act, it shall be the duty of the sheriff, or the person acting as his deputy on such occasions, with the advice of one justice of the peace; or, if none be present, with the advice of three freeholders, to appoint an inspector or inspectors, in the place of him or them who failed to act, which inspectors, when duly sworn by some justice of the peace, or freeholder, to perform the duties of the place with fidelity, shall have the same authority as if appointed by the court.

II. Be it further enacted, That it shall be the duty of the sheriffs of the respective counties in this State, to open polls at the several election precincts in said counties, on Wednesday and Thursday, the 1st and 2d of April next, when and where all persons qualified by the Constitution to vote for members of the House of Commons, may vote for, or against, a State Convention; those who wish a Convention, voting with a printed ticket, "Convention," and those who do not want a convention, voting in the same way "No Convention," or "Against Convention."

III. Be it further enacted, That it shall be the duty of the sheriffs to make duplicate statements of their polls in their respective counties, sworn to before the clerk of the county court, 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, immediately after the election.

IV. Be it further enacted, That it shall be the duty of the Governor, as soon as he shall have received the returns of the sheriffs, in the presence of the Secretary of State, Public Treasurer and Comptroller, to compare the number of votes for and against a convention; and if it shall appear that a majority of the votes polled are in favor of it, he shall forthwith publish a proclamation of the fact in such of the newspapers as he may think proper; and shall issue a writ of election to every sheriff of the State, requiring him to open polls for the election of delegates in the Convention, at the same places, and under the same rules, as prescribed for holding other State elections, and at such times as the Governor may designate.

V. Be it further enacted, That the same persons who were appointed to hold the polls in taking the vote on Convention, shall hold them for the election of delegates; provided, that if any of such inspectors shall fail to attend or act, the sheriffs and their deputies shall supply their places in the manner herein before pointed out.

VI. Be it further enacted, That the several county courts shall allow the sheriffs the same compensation for holding said elections, that they usually allow for holding other State elections. And if any sheriff or other officer appointed to hold said elections, shall fail to comply with the requisitions of this act, he shall be liable to a fine of one thousand dollars, recoverable before any competent jurisdiction, to the use of the county whose officer he is; and it shall be the duty of the county solicitors to prosecute such suits.

VII. Be it further enacted, That all persons qualified to vote for members of the House of Commons, under the present constitution, shall be entitled to vote for members to said convention; and all free white men, of the age of twenty one years who shall have been resident in the State one year previous to, and shall continue to be so resident at the time of the election, shall be eligible to a seat in said convention; *Provided,* he possess the freehold required of a member of the House of Commons under the present constitution.

VIII. Be it further enacted, That each county in this State shall be entitled to elect two delegates to said Convention, and no more.

IX. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

X. Be it further enacted, That no delegate elect shall be permitted to take his seat in convention until he shall have taken and subscribed the following oath or affirmation: I, A. B. do solemnly swear (or affirm, as the case may be,) that I will not, either directly, or indirectly, evade, or disregard the duties enjoined, or the limits fixed to this Convention by the people of North Carolina, as set forth in the act of the General Assembly, passed in 1834, entitled "an act concerning a Convention to amend the Constitution of the State of North Carolina," which act was ratified by the people; so help me God.

XI. Be it further enacted, That the Public Treasurer be, and he is hereby authorized to pay, upon the warrant of the Governor, such sums of money as may be necessary for the contingent charges of the convention; and also, to pay each member of the convention one dollar and fifty cents per day, during his attendance thereon, and five cents for every mile he may travel to and from the convention.

XII. Be it further enacted, That it shall be the duty of the Governor, immediately after the ratification of the act, to transmit a copy to each county court clerk in the State, and to cause it to be published until the meeting of the convention; in the newspapers of the State.

XIII. Be it further enacted, That the following propositions shall be submitted to the people for their assent or dissent to the same; the former of which shall be understood as expressed by the votes for "Convention," and the latter by the votes "No Convention" or "Against Convention," at the time and in the mode herein before provided, to wit: 1. That the said Convention, when a quorum of the delegates who shall be elected are assembled, shall frame and devise amendments to the Constitution of this State, so as to reduce the number of members in the Senate to not less than 34 nor more than 50, to be elected by districts; which districts shall be laid off at convenient and prescribed periods by counties, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; *Provided,* that no county shall be divided into the formation of a Senatorial district. And where there are one or more counties having an excess of taxation above the ratio required, to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the counties deficient; and if with such addition, the county or counties receiving it shall have the requisite ratio, such county or counties shall constitute a Senatorial district.

2. That the said Convention shall frame and devise a further amendment to the said Constitution, whereby to reduce the number of members in the House of Commons to not less than 90, nor more than 120 exclusive of borough members, which the Convention shall have the discretion to exclude in whole or in part, and the residue to be elected by counties or districts, or both, according to the federal population; i. e. according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons, and the enumeration to be made at convenient and prescribed periods; but each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

3. That the said Convention shall also frame and devise amendments to said Constitution, whereby it shall be made necessary for persons voting for a Senator, and persons eligible to the Senate, to possess the same residence and freehold qualifications respectively, in the senatorial district, as is now required in the county; *Provided,* that they shall not in any manner disqualify any of the free white men of this State from voting for members in the House of Commons, who are qualified to vote under the existing Constitution of this State.

4th. That said Convention may also consider of, and, in their discretion, propose the following other amendments to the said Constitution, or any of them, to wit: So as, 1st. To abrogate or restrict the right of free negroes or mulattoes to vote for members of the Senate of House of Commons. 2d. To disqualify members of the Assembly and officers of the State, or those who hold places of trust under the authority of this State, from being or continuing such while they hold any office or appointment under the Government of this State or of the United States, or any other Government whatsoever. 3d. To provide that the capitation tax on slaves and free white polls shall be equal throughout the State. 4th. To provide for some mode of appointing and removing from office militia officers and justices of the peace, different from that which is now practiced. 5th. To compel the members of the General Assembly to vote *in person* in the election of officers whose appointment is conferred on that body. 6th. To amend the thirty-second article of the Constitution of this State. 7th. To provide for supplying vacancies in the General Assembly of this State, when such vacancies occur by resignation or death, or otherwise, before the meeting of the General Assembly. 8th.

XIV. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

XV. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

XVI. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

XVII. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

XVIII. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

XIX. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the

delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

XX. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the 2d Thursday in June next; and provided that a quorum does not attend on that day, the