

THE LEGISLATURE.

SENATE.

Friday, Dec. 29.—A message was received from the House of Commons, proposing to appoint the following committees, viz:

A select joint committee, to consist of five members, to be called the Judiciary Committee, to whom shall be referred that part of the Governor's message which relates to this subject.

A select joint committee, to consist of 5 members from the 1st, 5 members from the 2d, 5 members from the 3d, and 5 members from the 5th Judicial Circuit, for the purpose of enquiring into the expediency of altering the time of holding the Fall Term of the Superior Courts.

A select joint committee on Cherokee Lands, to whom shall be referred that part of the Governor's message relating to this subject; and, A select joint committee on the Public Buildings.

The question being put by the Chair, on the adoption of the first proposition contained in the message, viz the appointment of a Judiciary Committee.

Mr. Speight, of Greene, rose to express a hope, that the Senate would not agree to the appointment of a select joint committee on this subject. Such a course would form an exception to the general usage of that body, and would conflict with the rules adopted for the government of the two Houses.

The question was then taken on the adoption of the proposition and negatived.

The question on the second proposition from the House having been put, was decided in the affirmative.

The question being put on the third proposition, it was negatived.

Mr. Speight remarked, he could see no necessity for raising a joint committee on this subject. He hoped in this instance, the ordinary course of legislative rule would not be departed from, and that the proposition would not be concurred in.

The question, will the Senate agree to the proposition from the other House? was decided in the negative.

The proposition relative to the appointment of a committee on Public Buildings, was agreed to.

The Speaker announced the following gentlemen, as composing the committees on the several subjects embraced in the Resolutions, yesterday submitted to the Senate, by Mr. Pickett:

On Education.—Messrs. M'Kay, Sneed, Hill of Franklin, Leake and Joiner.

On Internal Improvements.—Messrs. Forney, Stokes, King, Witson, of Edgecombe, and Williams, of Martin.

On Lands acquired from the Cherokee Indians.—Messrs. Croom, Alexander, Love, Bird of Burke, and Boddie.

On the Judiciary, &c.—Messrs. Pickett, Miller, Gilchrist, Beard of Rowan, and Hill of Stokes.

On the Militia Laws.—Messrs. Speight of Greene, Gray, Sellers, Williams, of Beaufort, and Ward.

On the emigration of Free Persons of Colour into the State.—Messrs. Seawell, Speight of Greene, Stokes, Speight, of Craven, and Gilchrist.

On the Patrol Laws.—Messrs. Speight of Craven, Blackwell, Tyson, M'Leary and Riddick.

On the Proposals of Jonathan Elliott.—Messrs. Hill of Franklin, Davis, Smith, Hunter, and Holloman.

Mr. Pickett introduced the following resolution, which was read and referred:

Whereas, many of the citizens of this State have heretofore availed themselves of the attendance of Members of the General Assembly, to pay into the Treasury, the purchase money for entries of land, and in consequence of the change in the sitting of the General Assembly, the time for the payment of all entries made previous to 1825, did expire on the 15th day of this instant;

Resolved, Therefore, that the committee of Finance be instructed to enquire into the expediency of providing by law for giving further time for the payment of the purchase money, on all entries made since the first day of Jan. 1825.

The motion to postpone until Monday, was carried.

Mr. Montgomery from the balloting committee for two Engraving Clerks, reported that of the votes received, Stone had 97, Cowan 94, Dews 73 and Pool 62. Stone and Cowan were declared duly elected.

Mr. Matthews presented the petition of Mildred M'Milly, praying for a divorce from her husband, accompanied with a motion that a committee of Divorce and Alimony be appointed to whom that petition should be referred. The motion was carried, and Messrs. Matthews, Gray, Montgomery, Devane and Parker, were subsequently announced as composing this committee.

Mr. Gray presented a petition on the subject of a divorce, which received a like reference as the above.

Saturday, Dec. 30.—Messrs. Sneed and King were announced as composing the committee on the part of this House, on the Public Buildings.

Mr. Speight of Greene, introduced the following resolution:

Resolved, That so much of the message of his Excellency the Governor as relates to the amendment of the Constitution of the U. States, on the subject of the emancipation of slaves, and the several resolutions therein alluded to, be referred to a select joint committee.

Mr. Forney remarked that, at the last session, resolutions from the State of Ohio, of a similar character to those referred to in the above resolution, had been presented to the consideration of the Senate. He thought that encroachments on any of our rights should be resisted by a temperate though manly stand; but it was not sufficient that we imagined our rights assailed; we should be certain of it. There was a great deal of sensibility excited whenever this subject was mentioned, and disposition was felt to take umbrage, when, perhaps, no offence was intended. He could see no good which would result from referring the subject to a committee.

Mr. Hill, of Franklin, said he had not intended to say a word on this subject, nor would he have done so, but for the attempt which, as he conceived, the gentleman from Lincoln (Mr. Forney) had made to throw impediments in the way of the resolution. He hoped the resolution would meet with the approbation of the Legislature, and that it would be referred. This was no new attempt of the non-slave holding States at encroachment; for some years they have been officiously intermeddling with our domestic concerns, and we have tolerated it, until our silence has been construed into an assent to their doctrines. It was high time to take notice of these numerous and unjustifiable interferences, and to give an expression, an indignant expression, of our feelings on the subject. There was an actual confederation on foot, to sap the foundation of the slave holding States, in a point which was considered vulnerable.

Mr. King thought it of great importance that every subject should be well weighed before it was referred to a committee to be reported on. He did not see any reason for legislating on the subject at present. No doubt, all entertained the opinion that slavery was a great evil. It was a delicate subject, and for himself, he thought the less said on the subject the better. Believing that the several resolutions proposed to be referred, involved other topics besides those contained in the resolution of the gentleman from Greene, he moved that it lie on the table, and if any thing should arise during the session, which seemed to demand its consideration, it could then be called up.

The motion to lay the resolution on the table was negatived.

The question on the adoption of the amendment, having been decided in the affirmative, the question recurred on the passage of the resolution, which was also decided in the affirmative.

Mr. Beard of Rowan, presented the following Resolution, which was agreed to.

Resolved, That the Committee on the Judiciary be instructed to enquire whether, or any, and if any, what amendment is necessary to the law respecting Administrators of the estates of deceased persons, the more effectually to prevent loss to such estates by the mismanagement or failure of administrators, and likewise to protect the securities of adm'rs. and that they have leave to report by bill or otherwise.

A message was received from the House of Commons, stating that they have passed a bill to incorporate Mocksville Academy, in Rowan county. The bill was read three times and ordered to be enrolled. It is therefore a law.

Mr. Montgomery presented a bill to vest the right of electing Sheriffs in the free people of this State, which passed its first reading, was ordered to be printed, and made the order of the day for Monday.

Mr. Croom presented a bill to amend an act passed in 1819, to prevent the fraudulent trading with slaves. Read 1st time.

Monday, Jan 1.—Mr. Boddie presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law to prevent slaves from selling cotton to any person, except the owners, or other persons having charge of the same; and that they report by bill or otherwise.

On motion of Mr. Croom, the resolution was amended by adding after the word "cotton," the following: "and other articles of produce mentioned in the act of the Legislature of 1819," and adopted.

On motion of Mr. M'Kay, it was

Resolved, That a select committee be appointed, with instructions to inquire into the expediency of designating such acts and parts of acts of the British Parliament as shall hereafter be considered in force in this State.

Messrs. M'Kay, Seawell, Pickett, Miller and Speight of Craven were appointed the committee, in pursuance to the foregoing resolution.

Mr. M'Kay presented the following preamble and resolution, which were adopted:

Whereas, by the laws now in force, a presumption of payment on judgments of Courts of Record bonds, and other sealed instruments, does not arise under twenty years; and whereas, also, redemptions of mortgages may be within the same period, which rule is often productive of mischief. Therefore,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of limiting the time within which suits on judgments of Courts of Record bonds, and other sealed instruments, may be brought, and redemptions of mortgages made.

Mr. Smith presented a bill respecting the allowance of claims, and the appropriation of the public money in Davidson county; and Mr. Burney's bill regulating the duty of Grand Jurors in regard to presentments for affrays, and for assault and battery; which were read the first time and passed, and the last mentioned was, on motion of Mr. M'Kay, referred to the Judiciary committee.

On motion of Mr. Sanders, the bill to alter the time of the annual meeting of the Legislature, was made the order of the day for the 1st instant.

The resolution relative to gold and silver ure, offered by Mr. M'Kay on Friday last, was taken up and adopted.

Tuesday, Jan 2.—On motion of Mr. M'Kay, it was

Resolved, That the committee on the Judiciary be instructed to inquire whether, and if any, what alterations are necessary relative to the recording and giving publicity to deeds of trust and bills of sale, &c. and that they report by bill or otherwise.

Mr. Croom submitted the following resolution, which, on motion of Mr. M'Kay, was laid on the table, and at a subsequent hour, taken up and adopted:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of empowering the Justices of the Courts of Pleas and Quarter Sessions of the several counties, in this State to establish poor and work houses in their respective counties, excepting those counties in which poor and work houses are already established by law; and that they report by bill or otherwise.

On motion of Mr. Pickett, it was

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the emancipation laws, so that the owner of any slave shall, upon obtaining license for manumission, enter into bond and security that the said slave shall, within a convenient time, remove him or herself without the limits of the State, and not return to reside therein.

Mr. Beard, of Rowan, presented the petition of sundry citizens of Rowan county, on the subject of the election of Constables. Referred to the committee of Propositions and Grievances.

Mr. M'Dawell presented the petition of Samuel E. Inney, of Buncombe, praying to be divorced from his wife Olivia. Referred to the committee of Divorce and Alimony.

The bill respecting the allowance of claims and the appropriation of the public money in Davidson county, was read the 2d and 3d times, and ordered to be enrolled.

Mr. Love presented a bill to change the time and regulate the manner of holding the County Courts of Haxwood; and Mr. Speight, of Greene, a bill to prevent free persons of color from migrating into this State, for the good government of such persons, and for other purposes.

The bill authorizing the trustees of the Richmond Academy to raise 10,000 dollars by lottery, was read the second time and passed—yeas 37, nays 22. It was then read the third time and ordered to be enrolled.

The bill to change the time and regulate the manner of holding the County Courts of Haxwood, was read the second and third times, and ordered to be enrolled.

A message from the other House, stating that Messrs. Webb and Rand form the joint committee, on their part, on Public Buildings; and that the joint committee, on their part, to inquire into the expediency of altering the sittings of the fall terms of Superior Courts in the 1st, 2d, 3d, 5th and 5th Judicial Circuits, consists of Messrs. Iredell, Martin, Bizman, M'ason, Stedman, Burns, Ferrand, Blount, Edwards, Cox of Lenoir, R. H. Jones, Spruill, Gray, Dirksen, Whitaker, A. Moore, Strange, J. A. Hill, Marshall and M'Nair.

The engrossed bill from the other House, concerning certain officers of Davidson county, was read the first time.

Wednesday Jan. 3.—Mr. Davis presented a bill prescribing the manner in which Clerks of the Superior Courts shall hereafter be appointed; which passed its first reading.

Mr. Croom, from the committee of Privileges and Elections, to whom was referred the communication from Cornelius Dowd, stating that Josiah Tyson, the Senator from Moore county, is not legally entitled to a seat in the Senate, reported in favor of the sitting member.

HOUSE OF COMMONS

Thursday, Dec. 28.—On motion of Mr. Shepperd,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of providing by law for the establishment of a main State Road from the Town of Fayetteville to Wilkesborough, in conformity to the route heretofore surveyed by the Civil Engineer, and that they have leave to report by bill or otherwise.

Mr. Bain presented the following resolution, the question on adopting which, was decided in the negative:

Whereas subjects of a private nature are frequently introduced for the consideration of the Legislature at a late period of the session, probably to the exclusion and mature deliberation of subjects of a public nature and more general interest; for remedy whereof,

Resolved, That after the 30th day of January ensuing, no bill of a private nature shall be introduced into this House.

Mr. Shepperd presented a bill, concerning the granting Licence, to practice in the County Courts of this State. [Provides that persons may obtain licence to practice in the County Courts, previous to their having attained to the age of 21 years.] Read the first time.

Friday, Dec. 29.—Mr. Wyche presented the following resolution:

Resolved, by the Legislature of North-Carolina, that the Congress of the United States do not possess the power of laying and collecting a revenue for the purpose of cutting Roads and Canals in the respective States; and that our Senators be instructed and our Representatives requested, to use all lawful exertions in their power to prevent it. And that his Excellency the Governor cause a copy of the above resolution to be forwarded to the individuals composing the delegation of this State in Congress.

On motion of Mr. Jones, of Warren, ordered that this resolution lie on the table.

A message was received from the Senate, informing the House that in pursuance to the joint rules of the two Houses, they had raised a committee of Finance to join the committee on the part of the House, consisting of Messrs. M'Kay, Pickett, King, Hill of Franklin, Seawell, Williams, of Braffort, Stokes and Sharp.

On motion of Mr. Swain, a message was sent to the Senate informing that Johnson, Richard Allison, John Scott, Robert H. Jones, Leonard Martin, William A. Blount, Alfred Moore and Robert Strange, form the committee of Finance on the part of this House.

Mr. Clement introduced a bill to establish Mocksville Academy in Rowan and to incorporate the Trustees thereof—Read the first, second and third times, and ordered to be engrossed.

Mr. Wyche presented a bill to alter the time of holding the meeting of the General Assembly—[Proposes to alter the time to the 2d Monday in November.]

Mr. Hampton presented a bill concerning certain officers in Davidson county. [Provides that whereas the term of office of the Clerk of the County Ct. of the Solicitor, Register, &c. of Davidson County, expires on the fourth week in January, and next court does not occur until the 3d Monday in March, that these powers be continued to them until said court.] These bills passed their first reading.

Mr. Shepperd presented the memorial of Josiah Cowles, of Surry, on the subject of the tax on Pedlars. The Speaker laid before the House, the memorial of the American Colonization Society, which was read and ordered to lie on the table.

Saturday, Dec. 30.—Mr. Settle presented a bill to authorise Courts of Pleas and Quarter Sessions to permit Gates to be raised across the public Roads, and to impose a tax thereon.

Mr. Barnhardt presented a bill to repeal in part an act passed in 1824, to regulate the patrol of Richmond county, and for other purposes.

Mr. Fisher proposed two additional rules for the government of the House. One was, that every resolution of a public nature should be read and lie upon the table one day for consideration, unless otherwise ordered, before a question is taken on its adoption. A rule, he said, which is embraced in the rules regulating the proceedings of Congress, and in those of most other legislative bodies. The other was, that every resolution which proposes to draw any money from the Treasury, shall be read three times on

three separate days, unless otherwise directed. The Constitution, he observed, provides, and the rules of the House embrace, the provision, that all bills should be read three times; but both the constitution and the rules are silent as to resolutions.

A message from the Senate stated that that body did not agree to the proposition sent from this House, proposing the appointment of a joint select committee, to be styled the judiciary committee, on the joint rules of the two Houses; but that in pursuance of the joint rules of the two Houses the Senate had appointed a judiciary committee and a committee on Cherokee lands; but that they did agree to the appointment of a committee to enquire into the expediency of altering the Fall Term of the Superior Courts in the eastern section of the State; also to the appointment of a committee on public buildings.

Mr. R. H. Jones moved, that as the Senate did not concur in the proposition of this House, for appointing a joint judiciary committee, that this House recede from its proposition, and appoint a judiciary committee on the part of this House.

Mr. Swain observed, that the Senate had assigned as a reason for not agreeing to the propositions of this House, that the joint rules of the two Houses precluded for the appointment of committees on the subjects proposed, by each branch of the Legislature, though there was no such rules in existence. He thought it would be best to rescind the resolution passed yesterday by the House, of which the Senate had taken no notice.

Mr. Shepperd thought it unnecessary to set further on the subject. The Senate has acted as it thought proper, in respect to the resolution of this House; and though there be no express provision made in the joint rules of either of the Committees proposed to be appointed by this House, there is a rule which says, that each House shall complete its own business.

The motion to reconsider was negatived.

On motion of Mr. Bain, a Committee on Divorce and Alimony was appointed. Messrs. Bain, J. A. Hill, Fisher, and Whitehurst, form this Committee.

Mr. Swain then presented the petition of Polly Buckner, praying to be divorced from her husband Edward Buckner.

Mr. Hill, of New Hanover, said he was opposed to the reference of this petition. He had hoped that after the Legislature had passed an act on this subject, some years ago, giving the judiciary cognizance of all questions of this kind, that this House would have been no longer troubled with these applications. The marriage contract, he said, was too sacred to be lightly interfered with. The Legislature may pass a general law on the subject, but we have no right, and, of course, ought not to act on any individual case, the law is sufficient for the relief of all, where it would be right to grant relief.

Mr. Swain said, he was not disposed to enter into any argument with the gentleman from New-Hanover, whether it was constitutional or not, for the Legislature in any case to grant divorces. If we have not this power, then the act passed seven years ago, giving to the Superior Courts cognizance of such cases, is unconstitutional. But if that law be constitutional, then the Legislature has a right to act in any case where it may be deemed proper. He was willing to have the question examined and settled.—With regard to divorces in general, he was unfriendly to them. But he thought there might be cases where it would be proper for the Legislature to interfere.

Mr. Fisher inquired if this was a case of which the law referred to, takes cognizance?

Mr. Swain answered it was not.

The petition was then referred.

Mr. Morehead presented the petition of Elizabeth Duer, wife of John Duer, of Guilford, praying to be divorced from her husband, which was read and referred to the committee of Divorce and Alimony.

Mr. Newland presented the petition of Nimrod Lunsford praying for authority to erect a Gate, and Mr. Moore of Surry presented the petition of William Dowling praying for authority to erect two Gates—Referred to the committee on Propositions and Grievances.

[The proceedings of the House of Commons, on the 1st, 2d, and 3d inst. we are, for want of room, obliged to defer till our next.]

The Greeks.—Mr. Hezekiah Belden, of Richmond, Va. has sent to Mr. Everett, member of Congress, a ten dollar bill, to be applied to the benefit of the suffering Greeks, in their struggle for freedom. Mr. Belden observes:

"I am aware the sum is small, but it is a full tithe of my clear yearly income. Born and brought up in a land of liberty, I know, and knowing, prize the rights, the privileges, and the blessings, of a citizen of a free country; and I cannot but wish that all who are seeking through toil, suffering, and blood, for the rights of man, may enjoy them as liberally as I do myself."