

IN SENATE.

Continuation of the Debate on the Bill to vest the right of electing Sheriffs, in the People of the State—the question being on the motion of Mr. Speight to strike out the first section.

Mr. Hill, of Franklin, said the object of the motion made by the gentleman from Greene, was to destroy the bill. He was aware, under what disadvantages he laboured, in opposing so much experience as was arrayed on the other side. He was aware, that the gentlemen from Wake, was justly entitled to great deference, from his acknowledged talents. But whilst he had the honor to represent the county of Franklin on that floor, he should feel it his duty to support every measure calculated to advance the interest and character of the State.

As the law which provides for the election of sheriff, now stands, that important officer is to be annually elected. But by whom is the appointment to be made?—By the justices of the peace. He did not wish to disparage this useful portion of the community, he would not derogate from their respectability, he concurred entirely in the tribute paid them by the gentleman last up. (Mr. Seawell.) But this bill is not designed to take from them, a particle of that dignity which belongs to them. He believed that facts would bear him out in the assertion, that this was a right the exercise of which constitutionally belonged to the people. He believed, that the justices would be willing to relinquish this privilege, that they would like to be relieved from a responsibility, acting under which they acquired no advantages, they reaped no emolument. But he supported this bill on principle. On a previous occasion, when the subject was agitated, he had not hazarded the assertion that the bill would be attended with incalculable advantages, but he was then, as now, unwilling to admit, that any inconvenience would result from it. We have had no experience on the subject, but if we examine the principle, as exercised in our government, since its first establishment, it will be seen that the people have not fallen so far into "error," as to be insensible of their rights.

Often has it been said, that we constitute the collected wisdom of North-Carolina. And how are we sent here? By the justices of the peace? No sir, but by the people, who are as competent to elect a sheriff with limited jurisdiction, as to elect us to come here, clothed with the highest powers. He too was one of those "old fashioned men," who were not afraid to trust the people. Will any representative of a republican government say he is unwilling to do so? When we hear it reiterated from north to south and from east to west that it is dangerous not to give to the people, exclusively the right of electing the highest officers under the constitution, when our sister States are urging upon us the necessity of making provisions for carrying this change into effect, we may draw some safe conclusion, as to the propriety of delegating the power to the people. When our constitution was adopted, there were solid objections raised to the aristocratical features of vesting too much power in the hands of the few. If our territory should be invaded, if the bayonet of a ruthless enemy glittered on our shores, on whom would we call for succor and defence? on the justices of the peace? No, but on the people, that same people who must not be trusted, because they may fall into error. It is said from high authority, that a frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty. Believing this to be so, and impressed with the conviction, that upon the physical as well as moral power of the people, we must ever depend for the preservation and continuance of our liberties, he should never be afraid to trust them with the exercise of my right.

To come to the special case under consideration, who are they with whom the sheriff has to deal? Where are his daily haunts and what his daily avocations? with the justices how often? four weeks in the year, in his intercourse with the people forty-eight weeks. Four weeks in the year, he is the official minister of the court, and the balance is devoted to the people. A case which has appeared before us at this session, is brought in to prove the inconsistency of giving to the people this power. He alluded to the bill, which proposes to take the appointment of clerks of the superior court from the judges and give it to the justices. The opponents of this bill contend that it is ridiculous to vest this power in the justices, and still wish to take from them the privilege of electing sheriff. But upon principle it was right, it was wrong to vest power in the hands of the few, when the many could be trusted.

This subject had been so often agitated, and such a variety of opinions had been expressed on it, that he flattered himself the question had settled down to one of mere expediency. He was willing it should have been decided without debate. With his limited experience, he could not expect to produce conviction on the mind of any one, and therefore felt no wish to express his views. It was not because he was afraid to meet the question, that he had made the proposition for the Committee to rise. In conclusion he would say, that no one could be so hardy as to assert, the people have no right to call for the exercise of this power; they had called, and he would listen attentively to that call.

Thursday, January 11.

Mr. Elliott introduced the petition of Sherwood Fort, of Cumberland county; Mr. McDowell, the petition of Samuel Jenkins of Buncombe, praying to be restored to credit; Mr. Sneed, the petition of John J. Hendrick and wife, of Granville, praying to be divorced from each other and Mr. Hill of Stokes, the petition of John Gibson, on the subject of divorce, which were read and referred.

Mr. Hill of Franklin, presented the memorial of Charles Wortman of Warren county, praying that the State will purchase of him the Patent Right of his Combined Screw Gear, and offering to take for the same \$6,500. Referred to a select committee.

On motion of Mr. Sharpe, the Judiciary committee were instructed to enquire into the expediency of so amending the Militia Laws, that Field Officers after serving three years and Captains five years, may be discharged from further services.

A proposition to ballot for a Brigadier General of the 16th brigade, was received from the House of Commons and agreed to, Archimedes Donoho and Jesse Bradshaw in nomination. The balloting committee subsequently reported that Donoho was duly elected.

Mr. Pickett from the Judiciary committee to whom was referred that part of the Governor's Message which related to the compensation of Prosecuting Officers, reported a bill to carry the suggestion of the Governor into effect, entitled "a bill to point out and direct the manner in which Prosecuting Officers shall hereafter be paid."

The Senate having agreed to reconsider the bill, it was amended and passed its third reading.

frauds and perjury in certain cases.

The Senate took up the orders of the day and resolved itself into a committee of the whole. Mr. Forney, in the Chair, on the bill to amend the emancipation Laws of this State. [This bill provides that hereafter, when the owner of any slave obtains a licence to manumit such slave, he shall give bond and security in \$1000 that the slave shall within six months remove from the State, and never again return to reside therein.]

The bill having been read the second time, Mr. Speight of Greene, moved to strike out all the bill but the enacting clause, and insert a provision, "that from and after the passing of this act, it shall not be lawful to emancipate slaves in this State, on any pretence whatsoever." On the question to adopt this amendment, a long debate ensued, which resulted however in its rejection. Mr. Yaney then moved to amend the bill by adding a new section, which provides "that no slave shall hereafter be emancipated in this State, except on the express condition, that they shall leave the State never more to return, or in case they do return, they shall be sold by order of any County Court and the proceeds be applied to county uses." After some debate, this amendment was adopted, and the bill as amended, passed its second reading.

The debate which occurred on this subject, will be given in the order delivered and as soon as our limits will admit.

Friday, January 12.

Mr. Love from the Committee of Claims, reported unfavorably to the petition of Robert Gracy, a Revolutionary soldier. Concurred in.

Mr. Croom presented the petition of B. Burns of Lenoir, and a bill founded on that petition, to alter the name and legitimate Charlotte Fell. Read the first time, and subsequently the second and third time, and ordered to be engrossed.

A proposition from the House of Commons, proposing to ballot immediately for a Brigadier-General of the 13th brigade, and stating that the name of Wilson B. Hodges was in nomination. A committee was appointed to conduct the balloting, and they subsequently reported that the above named gentleman was elected.

Mr. Riddick presented a resolution instructing the Judiciary Committee to inquire into the expediency, of making the laws relative to Usury, more penal.

Mr. Hunter presented a bill concerning Slaves employed in getting shingles, &c. in the Dismal Swamp. [Provides that the owner of each slave so employed must obtain from the Clerk of the County Court, a certificate, and if found in the Swamp without one to be treated as runaways.]

The orders of the day were taken up. The bill to amend the Emancipation Laws at its third reading.

Mr. Seawell hoped it would not be taken up to-day. It was a subject which required to be acted understandingly on, and though it had excited considerable discussion the day before, further time for reflection was wished. By postponing it until to-morrow, the members might become united in their views, and have no difficulty in settling the question.

The consideration of the bill was postponed.

The next order, was the bill limiting the time in which prosecutions for certain offences shall be brought, and further prescribing the duty of grand jurors, at its third reading.

Mr. Joiner, moved that it be indefinitely postponed.

Mr. Seawell hoped this motion would not prevail. If his friend from Pitt would withdraw this motion, he would substitute one in which, when apprised of its nature he could not but concur. They were both in favor of the principle, though they might differ in the details of the bill. He took it for granted, that where offences had been committed, and the party injured did not prosecute within three years, it was a certain evidence there was no good ground of action, and when suits were brought after that period, it was done from a vindictive feeling which the legislature should not encourage. He considered the principle of the bill an important one and if the gentleman would withdraw his motion, or if his proposition had precedence, for he was not acquainted with all the technicalities of parliamentary usage, he would move that the bill lie on the table and be printed.

The Speaker said that the motion to lie on the table, had precedence over any other motion, except to adjourn. It was accordingly stated and decided in the affirmative.

The bill to prevent the migration of free persons of color into this state, and for the good government of such persons resident in the state, was, on motion of Mr. Hill, postponed to Tuesday next.

The bill to allow further time for the payment of the purchase money on entries of vacant lands, was read the second and third time and passed without debate.

The bill to regulate the payment of claims, against the several counties in this state, having been read the second time, Mr. Forney, said it appeared to be general in its provisions, and therefore of importance, he moved that it lie on the table & be printed, which was agreed to. [This bill provides that from and after the passage thereof, claims against the several counties, within the state, which have been legally allowed by the clerks of the superior and county courts, shall be registered by the county trustees within — days after such claims are allowed. It further provides that all claims against any county issued previous to the first of May, 1827, shall be registered by the county trustee, within — days after said first day of May, or be barred; and no certificate or claim which shall not have been paid off before the said first of May, shall be received from any county trustee in the settlement of his accounts, unless the person to whom it is due, shall sign a receipt on the back.]

Mr. Love moved to reconsider the bill, passed this morning, concerning the extension of time for payment on entries of lands.

The Senate having agreed to reconsider the bill, it was amended and passed its third reading.

Mr. Forney, from the committee, of Internal Improvements, to whom was referred the bill to establish and regulate a Turnpike Road from the mouth of the Tuckasegee River to Pointdetter's Gap in the Smoky mountain, on the Tennessee line, reported the same with an amendment which was concurred in, and the bill, passed its second and third reading, and was ordered to be engrossed.

The bill to authorize the wardens of the Poor of Washington county, to erect a Poor House, and the bill to establish a Poor House, in the county of Wayne, which were ordered a few days since to lie on the table, were taken up, read, and ordered to be engrossed.

The engrossed bill from the House of Commons, authorising the appointment of a special Justice of the Peace in the town of Fayetteville, was on motion of Mr. Elliott, taken up, read the third time, passed, and ordered to be engrossed.

A message was received from the House of Commons, disagreeing to the amendment proposed by the Senate to the engrossed bill requiring the appointment of an Overseer and hands to make big Swamp in Columbus county navigable from Lenon's bridge to Lumber river; thereupon, Mr. Burney moved that said bill be indefinitely postponed—which was carried.

On motion of Mr. Forney, the bill regulating the payment of claims against the several counties in the State, ordered to lie on the table yesterday, at his instance, was taken up, and read, and after filling up the various blanks in the bill, it was ordered, on motion of Mr. McKay, to lie on the table.

The bill limiting the time within which prosecutions for certain offences shall be brought, and prescribing the duty of Grand Jurors in relation thereto, was taken up. On motion of Mr. Stokes the phraseology of the bill was amended, and having been read,

Mr. Croom said, I am opposed to the bill now before the Senate and feel bound to submit my views, because all who have opposed it have done so on the ground of imperfections in its details. It is, sir, an universally acknowledged axiom in penal jurisprudence, that the certainty of punishment is of the very highest importance in the prevention of crime. Indeed, to such an extent is this true, that it may be confidently asserted, that no man would deliberately commit an offence if he were morally certain at the time, that punishment would follow. The hope of escaping punishment is a most powerful agent in unshackling the restraints of human passions.

Now, sir, I would ask, if this bill does not hold out a prospect of impunity to offenders? Does it not propose to the turbulent, the quarrelsome and the intemperate part of the community, that they may fight, make riots and routs and violate the laws which are made for the good order of society, as often as they please with impunity, if they will only contrive, by a little management exercised by the witnesses or in any other way, to smother the prosecution for three years? It certainly does. The offences too, on which it is to operate, are those of most frequent occurrence, and which most materially affect the good order of society. No society can prosper without the preservation of peace and good order among its members; and the only mode to accomplish this is, strictly to enforce the laws made to secure the welfare of such society. The bill proposes to limit the time of prosecuting for assaults and batteries, riots, routs and unlawful assemblies, in a word, all misdemeanors. These are the offences which much more than any others disturb the harmony of society—offences of a higher grade are comparatively rare. It seldom happens that there is a large collection of our citizens, which is not attended with five or many of these minor offences. There is not a court in any county of this State, whose criminal docket does not, at every term, exhibit prosecutions for misdemeanors.—And yet we are called on by this bill to encourage the commission of these offences, by increasing the chances which the culprit has of escaping. Sir, the frequency of these violations of the law and their injurious influence on the repose of society, make them, to my view, a matter of more importance, than those of a higher grade, but which are not so often committed. Let the law then be rigidly enforced, and when an individual so far forgets his duty as a good citizen, as to commit a breach of the peace, do not put it in his power to discharge himself by saying that it was done more than three years ago.

But, says the advocates of this bill, it is necessary to protect the innocent. It sometimes happens that persons are prosecuted for offences of so old a date, that they have forgotten all the exculpatory circumstances, and been deprived too of their evidence by the death, removal or forgetfulness of their witnesses. If we examine this argument, powerful as at the first blush it would seem to be, it will be found to bear little weight. In our happy country, before a man can be punished for a crime, he must first be proved guilty, or presumptively so, before a grand jury of his county; he then has an opportunity which is seldom neglected, of employing the best counsel, who places his defence, with every favorable circumstance, before an intelligent jury, under the direction of an able and impartial Court. With all these advantages, his guilt must be clearly proved by the prosecuting officer before he is subjected to the sentence of the law. If the offence be of great antiquity, that fact will have its due weight in its favor in every stage of the prosecution. Now take the case of stale offences, and I think it is more probable, under these circumstances, that ninety-nine guilty persons would escape than that one innocent man would suffer—and yet we are called on, by this bill to shield the innocent by encouraging crime. Sir, it would be just as rational to my mind to repeal our penal code in toto, because it sometimes unfortunately happens, that innocent persons are subjected to all its penal enactments. We have, it is true, statutes of limitation, barring the remedy for civil rights. I have no doubt but they have been productive of much good—but at the same time I must say, that it is questionable whether they have proved more a shield than a sword—whether dishonest men have not often availed themselves of their provisions to bar honest claims, than honest men have to prevent the enforcement of dishonest demands.—But, sir, it will always be found a fallacious mode to argue from individuals to a State. And I think I may confidently refer to what has already been said, to show that it would be so in this instance. Besides, the basis of our statutes of limitation will fall when applied to the State. They are founded on the presumption, that unjust claims, after a great lapse of time, might be enforced, through the cupidity and dishonesty of individuals. But it needs no argument to prove that this presumption will not apply to the State. It is the interest and policy of the State not to punish the innocent.

Another argument adduced by the friends of the bill is, that it will relieve the consciences of Grand Jurors. It seems to me, that if Grand Jurors will reflect on their duties, as designated in the oath which they take, they will have a plain

safe guide. There cannot be a doubt that all our judges will tell them, that no offence is barred by time, which has been committed since the establishment of our independence. Their oath "diligently to enquire," imposes the obligation of an enquiry no farther than is consistent with their being in their room, and under the superintendence of the Court. They can, with safety to their consciences, sit in their room and discharge all their duties. Whatever is of their own knowledge, they can easily present, whether it happened one or twenty years ago, and whatever they can learn from the knowledge of others, is easily done by sending for them.—Unless they are satisfied with the evidence, they are not bound to present.

Where then is the difficulty with Grand Jurors which they do not make themselves. It is an unpleasant office, I know, but its duties are borne by the large mass of the citizens, and I cannot but believe, that as we diminish its burdens, we shall detract from its value. I trust, sir, I have shewn that the reasons offered by the advocates of this measure, will not justify us in passing a law, whose only consequence will be to multiply those offences which chiefly disturb the tranquility and good order of society.

Mr. Forney was in favor of the principle, but was not satisfied with the details of the bill. To obviate all difficulty, by giving time to make amendments, he would move for the present that it lie on the table.

Mr. Speight of Greene, hoped this motion would not prevail. Almost every bill after having been read the second and third time, was ordered to lie on the table to give time for further reflection. No doubt every member was prepared to vote on this bill, and if any amendments are to be offered, why not submit them now? The session was far advanced, and it was time our attention was fixed upon some period for terminating its labours.

Mr. Forney withdrew his motion to lay on the table, and moved that it be re-committed to the Judiciary Committee, which was carried.

Mr. Tyson, from the balloting Committee for Brig. General of the 13th brigade, reported that Wilson B. Hodges was duly elected.

Mr. Spaight of Craven, presented a bill further to amend the act making the protest of a Notary Public evidence in certain cases.

Mr. Seawell introduced a bill to locate the several Judges of the Circuit Courts in this State. [Provides that Judge Daniel shall ride the first Circuit, Judge Dannel the second, Judge Ruffin the third, Judge Norwood the fourth, Judge Strange the fifth, and Judge Martin the sixth. Provides further that in any case which comes on for trial, where the presiding Judge has been concerned as attorney, the cause may be removed.]

In introducing this bill, Mr. Seawell made a few preliminary remarks on the propriety of the measure; but as no doubt the bill itself will be discussed on its passage, it is thought unnecessary to give them.

HOUSE OF COMMONS.

Wednesday Jan. 10.

Debate on the bill for altering the time of the future meetings of the General Assembly.

The House having, on motion of Mr. Wyche, resolved itself into a committee of the whole, Mr. Donoho in the Chair: the bill was read. It provided that the Assembly should in future, commence on the 2d Monday in November.

Mr. Wyche felt conscious of his inability at this time, owing to indisposition, to do justice to this bill; but would attempt to make a few remarks in favor of its passage. He considered the subject important to the public, and especially to the farming interest. The Assembly, for many years, it is well known, had met on the 3d Monday of November annually; but at the last session an act was passed fixing our present meeting on the last Monday in December, and in succeeding years on the 2d Monday in January. Should this act remain in force it will have a tendency to exclude farmers from the Legislature, and it will be the means of extending the sessions to an unreasonable length. Formerly the General Assembly always rose about Christmas; but now there will be nothing to limit their sessions.

It was said in argument, when the bill went to change the time of the meeting of the Legislature, that the change would be greatly in favor of the farming interest; but he thought very differently. The principal part of a Farmer's crop is made and secured before the 2d Monday in November; and the Cotton Planter can leave what remains ungathered to be finished in his absence.

With these few remarks, he would submit the question, leaving himself at liberty to add others if necessary, hereafter.

Mr. Bain moved to amend the bill, by striking out the 2d Monday in November and inserting the 2d Monday in December.

Mr. Wyche hoped the proposed amendment would not be agreed to. One of his principal reasons for wishing the time changed, was that the sessions might not extend beyond Christmas. If the session commenced at the time proposed by this amendment, the same objection to long sessions would still exist.

Mr. Cooper hoped the proposed amendment would not be agreed to. We have had long experience in the old plan of meeting in November, and he hoped the time would be changed back to near the old time. It was found to answer pretty well to the farmers, as well as other classes. The time of meeting at present is found very inconvenient. Members cannot board at the same rate as heretofore. He believed three-fourths of the people would be satisfied with the time of meeting proposed by this bill as it now stands.

Mr. Stantley (the Speaker) observed, that the bill before the committee differed from those we were generally called to consider. This bill does not concern the people whose interests are confined to our care, so much as it does the interests and convenience of Members of Assembly. The bill proposes to alter the time of the meeting of the Legislature; it is of little consequence to our constituents when our session commences, whether in November, December, or January; a much more important enquiry with them is, how long will it continue and when shall it terminate. Whoever, said Mr. S. has cast his eye over the Treasurers report, & discovers what is the cost of an annual session of the Legislature, and then examines the pamphlet which contains the dozen public acts and the much greater number of private bills, which are the fruits of our labours for a session, will be mortified at the discovery that half the public tax on property (except the tax on Bank Stock) the tax on lands town lots, slaves and polls, is consumed in producing these few, and frequently useless acts of legislation. Of the direct taxes of sixty thousand dollars, thirty-three thousand dollars are expended in one of our annual sessions! When it shall be attempted to remedy this evil, by the only certain mode of doing so, by excluding much of the unimportant business, which consumes our time, he should gladly lend his assistance to effect it.

shall meet? The act of last session fixes the commencement, after this year, on the second Monday in January. The bill proposes to change the time to the second Monday in November. The community whom we represent, happily in the greater part are agriculturists. The farmers own the property of the state, they pay the taxes, they form the depository of the great part of the virtue, and a full share of the intelligence, as well as the wealth of the state; they constitute the strength, with property called the "backbone" of the state. The first enquiry should therefore be, what time of meeting of the Assembly will best suit the convenience of the farmers who are elected by farmers to represent them in this body. Mr. S. said that to answer this question correctly, he had examined how the time proposed would affect not only his neighbors but himself also, for said he, I too am a farmer; and he had come to the conclusion that the time now fixed for the meeting, the second Monday in January, would permit the farmer to leave home with less inconvenience than any other. The great staples of the state are Tobacco, Cotton, Indian Corn & Pork. Of Tobacco he had little knowledge, but he understood it was considered a race between the tobacco planter & the frost; and the planter was unfortunate if his tobacco was not cut & housed before the coming of frost; that article, therefore, was out of the field, and either cured or curing, before the second Monday in January.—Cotton was made and fit to gather by November, & except on large farms, would be picked out and ready for market, before the middle of January.—Corn is gathered before Christmas, and where water conveyance can be used, frequently is at market before the middle of January, and by Christmas our Pork is put up. Meeting in January, the Tobacco, Corn and Pork, would be out of the way, and the Cotton, if not quite, nearly so. But meeting in November, not one of these valuable articles would be in a state to admit the owner to leave them, without leaving to others to save what he has made.

But, Sir, said Mr. S. there is another interest, not as prominent as that of the farmers, but worthy of being considered in deciding this question: He meant that of the lawyers, who always form a portion of the Legislature, respectable for their numbers, their talents and their character; men familiar with jurisprudence, and by their knowledge of existing laws, qualified to judge of the necessity of proposed new ones; prompt to detect errors in form, to point out unforeseen consequences, and always vigilant to preserve rights sacred and principles steadfast. These gentlemen, said Mr. S. are occupied during the entire months of September and October, and two weeks in November, upon the Superior Court Circuits. Should the Legislature meet as the bill proposes on the second Monday in November, you require the lawyer who has thus toiled for two months, at the close of his circuit, without having had one week of his own affairs, and probably with the sacrifice of some Courts, and without a moment of reflection to prepare for the subjects to engage his attention in the Legislature; to continue his journey directly to this place. These are disadvantages which ought not unnecessarily to be cast upon them, they may, and they ought to be avoided.

In addition to these general reasons for preferring the time fixed for the meeting by the act of last session (the second Monday in January); there were considerations of an interesting, though of a local nature, which pressed upon him in favor of the meeting in January. It is known that the eastern part of the state is generally sickly in the fall season; in many parts at that season of distress, the water is nearly poison, and the air pestiferous. From the prevalence of disease, our Courts held at that season, can do but little, if any business, from the absence of parties, witnesses or counsel, and not seldom of the Judge, and may sitors know of the term having passed only by the charges incurred by the witnesses, who many have attended. It is hoped that some part of these evils may be avoided, and the benefit of the Courts be obtained, by changing the time of holding them to a later period of the fall. For this purpose a large committee of both houses now have the subject under consideration, and it is hoped the Courts will be put one month later in the season. Should this be done, the Courts would end in December, and members from that part of the state would be able to meet in a state of health to attend to business. There are few Members of the House who are not concerned in Court, either as parties in their own right, or as executor, or administrator, or guardian, or as witnesses. Should the Assembly meet on the second Monday in November, many would in all probability be disappointed, either in taking their seats here, or in attending to their business in the Courts, since the Assembly and the Courts would be sitting at the same time. And the apprehension of the inconveniences of these disappointments, consequent on the interference of the Courts and the Assembly, he feared would raise objections against the proposed alteration of the Eastern Courts, should the meeting of the Legislature take place in November as proposed, and defeat that important object.

Mr. S. said he regretted the indisposition of the gentleman who introduced this bill (Doctor Wyche of Halifax) had, as the gentleman stated, prevented his doing justice to his wishes in support of the bill, and he should more regret if any observation of his should by requiring a reply, increase the inconvenience already felt by that gentleman. Gentlemen of the profession of medicine were not so numerous in this body as to require a particular examination of the effect of the measure proposed upon their interests.—He was glad to see them among us, they brought strength as well as ornament to our proceedings, but as diseases exist at all times, our children cut teeth and their mothers complain in all seasons, he hoped the profession would not be injured by being called to attend the Assembly in January, instead of November as proposed by the gentleman.

In the fear, said Mr. S. that the passing the bill before us would interfere with the desired change in the eastern fall circuits; believing that the agricultural and other important interests would be consulted by suffering the present law to remain in force, he should vote against the bill and the amendment proposed.

On motion, the committee rose and reported progress, and obtained leave to sit again.

Thursday, Jan. 11.

Mr. Edmonston presented the petition of James Stephenson, of Haywood, stating a grievance that he had sustained in the purchase of a tract of Cherokee land, and praying for redress.—Referred to the committee on Cherokee lands.

On motion of a gentleman who voted yesterday against accepting the resignation of Robert Strange, as a member of the House, the question was reconsidered, and the resignation was accepted; and a writ of election was ordered. The election to take place on Tuesday next.

Mr. Alford presented a bill to exempt subaltern officers in the militia, from furnishing themselves with uniforms, which was rejected on its first reading; and

Mr. St. Clair, a bill to regulate the fees of the Attorney and Solicitor General and Solicitors, which passed its first reading.

On motion of Mr. Bateman, a message was sent to the Senate, proposing to do to-day for a Brigadier General of the 13th