

REPORT.

The SELECT COMMITTEE, who were required, by a Resolution of this House, to obtain from the Governor, as President ex-officio of the Literary and Internal Improvement Boards, the names of the several debtors of the said Boards, from the period of the first loan up to the present time—the amount due from each—and the security taken for the payment of said loans, specifying particularly when the several debts that are paid were discharged, and the several amounts now due, and the names of the debtors and their securities. And, further, to inquire into the solvency of the obligors, in the bonds of the borrowers and their securities, and whether any loss has ever been sustained by either of said Boards, and by whom, and when; and to report the names of the borrowers to this House, and in full on all the subjects contemplated, have discharged the duty, and ask leave to

REPORT.

That, heretofore, they have obtained a list of the debtors to said Boards, from His Excellency, and submitted the same to the House, which has been printed; and, in pursuance of the duty imposed by the other branch of the Resolution, they have carefully examined and compared the books, which have been regularly kept by the Governor, and each and every bond specifically, and find them to correspond with the statements heretofore furnished by the Governor, and printed.

The testimony of DAVID W. STONE, Esq., taken before the Committee, satisfies them that the statement C, (heretofore submitted), is a correct list of notes delivered to Governor Morehead by his predecessor; and upon his evidence, and others, which was perfectly satisfactory, the Committee have no doubt that all the bonds now due, to both Boards, are well secured; and although some of the principals are doubtful, yet, the securities place the bonds beyond exception; and that nothing has been lost, by either of said Boards, since their organization, in 1837.

The Committee have also examined the Treasurer's receipts, taken by the Boards, and find them all correct; and, since Gov. Morehead's administration, (beyond which they did not go in this particular enquiry), the moneys received by the Boards have been promptly paid over to the Treasurer, or deposited in Bank.

The Committee have also examined the Rail Road bonds, in which a portion of the Literary Fund has been invested; they find that the Board, in 1840, invested in the bonds of the Wilmington and Raleigh Rail Road Company, under their corporate seal, \$60,000, due in 1845; and \$25,000, due in 1850; for the security of which, with some other debts, a deed in trust, in September 1840, was executed by the Company, conveying all the property then owned by the Company. The Committee are informed that the other debts secured in said deed are paid off, and that the property conveyed is amply sufficient to secure the bonds. The interest thereon is paid up to 1st January, 1843. That, since 1840, \$2000 has been invested in the Bonds of said Company, endorsed by the State, and due in 1845. That \$140,000 were invested in 1840, in the bonds of the Raleigh & Gaston Rail Road Company, endorsed by the State, and since 1840, \$25,500 of said bonds, due from 1845 to 1852.

The Committee ascertain that the Literary Board was organized by Governor Dudley, President ex officio, on Feb. 16, 1837, by the appointment of Ebenezer Pettigrew, David W. Stone, and Alfred Jones, Esqs.; that on the next day, Mr. Jones having declined, Charles Manly, Esq. was appointed in his place. That on May 30, 1837, Mr. Pettigrew having declined, Wm. A. Blount, Esq. was appointed in his place. That on Feb. 16, 1839, and on Feb. 10, 1841, Messrs. Blount, Stone, and Manly were re-appointed. That Mr. Blount declined, upon his re-appointment by Governor Morehead, in 1841, and, in April, 1841, Governor Dudley was appointed in his place. That Mr. Stone resigned on June 30, 1841, and Weston R. Gales, Esq. was appointed in his place, and the Board now consists of Governor Morehead and Messrs. Dudley, Manly, and Gales.

In 1837 and 1838, the Internal Improvement Board consisted of Governor Dudley, Messrs. C. Jones, and Wm. D. Moseley. In 1839, Mr. C. P. Mallett was appointed in the place of Mr. Moseley, and so the Board continued for 1840. In Feb. 1841, Governor Morehead appointed Messrs. C. Jones and Governor Dudley. In April, 1841, Governor Dudley resigned, and the vacancy remained for that year; and, in 1842, the board was composed and now consists of Governor Morehead, Messrs. C. Jones, Sr. and Jesse Harper.

The Committee, in conclusion, take pleasure in stating, that the Governor afforded to the Committee every facility and aid necessary, and in his power, for the satisfactory discharge of the duty imposed on them. The Committee ask to be discharged from the further consideration of the subject.

All of which is respectfully submitted, ASA BIGGS, Chairman. January 11, 1843.

STATE LEGISLATURE.

IN SENATE.

The Bill to district the State into nine Congressional Districts, being under consideration, and Mr. Cooper, of Martin, having moved to amend the Bill, by striking the County of Martin from the 9th District, and add in its place, the Counties of Washington and Tyrrell, and adding Martin to the 5th District, in the place of Washington and Tyrrell carried to the 9th.—Mr. STANLEY, in reply to Dr. MOORE, of Hertford, spoke as follows:

Mr. Speaker: Knowing the deep interest which my constituents feel, in the adoption of the amendment proposed, by the Senator from Martin, I should be recalcitrant to the duty I owe them, were I to permit the question to be taken, without submitting some remarks; and the objections which have been made by the Senator from Hertford, seem to me that they will strengthen my position. The Senator from Hertford, as Chairman of the Committee, in the report which he made, and which has been printed, declares that "it is important that we approach as near as possible, that ratio of representation, in an act passed by Congress, for the apportionment of representatives among the several States." I am, not a little astonished, that the Chairman of the Committee had not discovered, that the proposed amendment, would come nearer the object he had in view, than the plan he submitted. The ratio for a representative is 72,728. The 9th District in the Report, contains a Federal Population of 76,400, which is 3619 over the ratio. By taking off of Washington and Tyrrell, containing a Federal Population of 7,927, and adding Martin, containing a Federal Population of 6,511, it will make the Federal Population of the 9th District, 74,964, which is only 2196 over the ratio, and brings the Federal Population of that District 1416 nearer the ratio. The 5th District in the Report, contains a Federal Population of 69,183, which is 3605 less than the ratio. By taking Martin from that District, and adding Washington and Tyrrell, the deficit will be only 2169, and brings that District 1416 nearer the ratio.

On examining the Report of the Chairman, it will be found, that another object had in view, was "to unite all in the same representation, whose interests are identical, and to consult the convenience of those who are clothed with the elective franchise." Now Sir, I contend that if this be the object in view, it will be much better accomplished by the proposed amendment. Those who are at all acquainted with that portion of the State, are well aware, that there has always been and always will be, a deep interest felt in the "Nags' Head project, or some improvement to the navigation of the Albemarle Sound. The Counties north of that Sound, and the Counties I have the honor to represent, are the only ones that feel much interest in that work. All their trade and commerce, are through the Albemarle Sound, and as that is one united interest, it ought to be represented together in the National Councils. The Counties of Washington and Tyrrell, are also deeply interested with the northern Counties in the inland navigation, as much of the produce of all that region of country, is carried up the Pasquotank River, through the Dismal Swamp Canal, and thence up the James River and Chesapeake Bay. A large quantity of the produce of Washington and Tyrrell, is sold in Elizabeth City and Edenton, and there are daily communications from one to the other. Not so with Martin. She is in no way connected with the Northern Counties, has no trade or intercourse, and scarcely any acquaintance with them. By attaching her to that District, you break up all her old associations, and place her where she has no common interest, and where her representative protests against going. By keeping Washington and Tyrrell, attached to the 9th District, you will place their representative in the unpleasant position, of representing two or more, separate, distinct and conflicting interests. What sort of interest can there exist between Nash County, and the extreme eastern Counties of Tyrrell, Hyde, Carteret or Craven? Can any sympathy of feeling or common interest be pointed out? What farmer of Nash, ever sent any produce for sale or shipment, to any of the Towns of Newbern, Washington or Plymouth? I contend, that a gross injustice has been done to Nash County, by attaching her to the 8th District. She will be better off, by the proposed amendment, in this: that two of the extreme eastern Counties, Washington and Tyrrell, having separate and distinct local interests, will be taken off, and Martin County, which lays nearer and has a common interest, will be added. So much for "identity of interest."

The Senator from Hertford contends, that the Edenton District, now embraces some of the most difficult portions of the State for a candidate to canvass; that he will have to encounter the difficulty of Not's Island, Roanoke Island and the Banks. If he had, at all, consulted the convenience of candidates, he would not have arranged the 8th District, as it is. It extends from within 17 miles of this Capitol, to Cape Hatteras, includes the whole sea coast, from Dogue Inlet to New Inlet; two-thirds of the coast of North Carolina; embraces the remote Counties of Tyrrell, Hyde, and Carteret, and will require more than four times the labor to canvass it, than it will the Senator's own District. The convenience of the candidate, is a matter of minor importance. My great objection to the plan is, that it unites in the 8th District, separate, distinct and conflicting interests, which will be all harmonized by the adoption of the amendment. The Senator contends, that "the God of nature has separated, by a sheet of water," the Counties of Washington and Tyrrell from the north Counties, and he implores the Senate "not to unite what God has separated." Is not Martin still further separated from Currituck, Camden, Pasquotank, Perquimons and Chowan, than Washington and Tyrrell are? Are not the Counties of Washington and Tyrrell, nearer to those Counties than Martin? Is not Martin separated from them by the same "sheet of water"? I beg to refer the Senator to the map, for he seems entirely unacquainted with the country. But the Senator contends, that "Martin is only separated from Bertie by the River Roanoke, scarcely 200 yards wide. Does not he know, that Washington County, is only separated from Bertie by the same River? Much has been said, about the difficulty of crossing the Sound, and getting over to Washington and Tyrrell. Mr. Speaker, this is no objection. There are daily conveyances, from each of the north Counties, to Washington and Tyrrell. The Sound and River are constantly covered with vessels and boats, going from one side to the other. There is also a fine Steamer, which plies regularly between Edenton and Plymouth, and there are regular ferries, kept up from each of the prominent crossing places. We belong to the same Judicial Circuit. Nearly all the members of the Bar, who attend the Courts of Washington and Tyrrell, reside in Edenton, and they are never deterred from crossing. Suits are constantly being removed, and authors and witnesses find no difficulty in passing. But if this argument of the Senator carried any force, it operates much more strongly against attaching Martin to the 9th District. The difficulties which the Senator has imagined, in crossing to Washington and Tyrrell, are not obviated in getting to Martin. The same Sound will have to be crossed. But it is urged that Martin is separated from Bertie, only by a narrow river, and that it is easily crossed. To this I reply, that Washington is separated from Bertie, by the same River, and the convenience of crossing is equally as good.

It does appear to me, that not one of the positions which has been taken against the adoption

of the amendment, has been sustained, and every argument which has been adduced why it should not prevail, proves still more conclusively that it should.

The Senator from Hertford has threatened us, that if this amendment prevails, the whole plan submitted by him will be destroyed. We are told of the labor it has cost, the time it has occupied, and that it is a compromise between the ultra, Sir, it is no compromise. Much time has been spent, and, doubtless, much labor too, by a few members, to make this plan, and the expense of object was to make it to suit the convenience of those few. Their object must be accomplished, let whatever injustice may be done others. Are we to understand this as the report of the Committee? Have not many members of the Committee protested against its being recognized as their report? I am not to be intimidated by the fear that if this amendment prevails, the whole plan will be rejected. Satisfy me that any amendment is right, and I will vote for it. Show me where injustice has been done to any County, and I will vote to remove it. But should the amendment prevail, and should it have the effect predicted by the Senator—be it so; we cannot get worse off. But it will not have that effect. I protest against being compelled to take this plan as a whole. We are told that if this amendment prevails, it will have the effect to cause the plan submitted by the Senator from Wayne (Mr. EXUM) to be adopted. I protest, also, against this issue. The question is not on the adoption of that plan. "Sufficient unto the day is the evil thereof." When that plan comes up, I shall be prepared to vote on it.

Mr. Speaker, there is an historical fact which goes far to show that this amendment ought to prevail. In 1792, an Act was passed to lay off the State into ten Congressional Districts, that being the number of members the State was entitled to at that time, and in that Act, Chowan, Perquimons, Pasquotank, Camden, Currituck, Gates, Tyrrell, and Bertie constituted one District; Tyrrell county has since been divided, and Washington county was formed out of a part of it.

EXECUTIVE POWERS.

During the suspense occasioned by the difficulty in our Legislature of making an election of a Senator to supply the place of Mr. Graham, whose term of service expires on the 4th of March next, a doubt sprung up as to what would be the power of the Governor in case the Legislature failed to make a choice, and adverse opinions have been expressed upon the question in the Raleigh Register and Standard. The Standard holds the opinion that the Governor and Council would have the power to fill the vacancy until after another session of the Legislature, and in support of this opinion quotes the 20th section of the constitution of North Carolina, and the 3d section of the constitution of the United States. The Register cuts short the power of the Executive by suggesting the fact that the 20th section of our State constitution was framed before the existence of the office of Senator, and therefore that the appointment of that officer could not be within the powers which that section conferred upon the Governor and his Council. This objection however, does not apply to the 3d section of the constitution of the United States, which the Editor of the Standard brought out to bolster up his opinion at a later period of the controversy. But though we do not coincide with the Register in the restriction which he places on the power of the Executive, yet we are much farther from subscribing to the interpretation of the Standard, even after the works in the constitution of the U. States are brought to his aid.

The State constitution says: "In every case where an officer, the right of whose appointment is, by the constitution, vested in the General Assembly, shall, during the recess, die, or his office by other means become vacant, the Governor shall have power," &c.

The constitution of the United States makes use of nearly the same words: "If vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature."

Now to us the language in both of these extracts appears perfectly plain, and susceptible of but one meaning. If vacancies happen during the recess of the Legislature, by death, resignation, or other contingency which could not have been foreseen and provided for by the Legislature, then the Executive is to make a temporary appointment. But the case now under consideration is not of this class; it is no more a "contingency" than is the arrival of the 4th of March; it is not one of those circumstances that "happens," and therefore necessary to provide for by an extra provision in the constitution, as in the sections quoted. It is a regular expiration of the term for which the appointment was made, and being known to the Legislature, the opportunity of appointing a successor is presented to them; and if they fail to perform this duty, the power rests where it else, and the place must remain vacant until another Legislature can supply the omission.

So also when a vacancy "happens" in the recess of the Legislature, by death, resignation, or disqualification of any kind, and a temporary appointment is made by the Executive of the state; it is only "until the next meeting of the Legislature;" and if the Legislature then fails to make the appointment, the office becomes vacant, and cannot be again filled by the Executive. Instances of both these kinds are now presented in the case of Tennessee. Mr Grundy died, and a temporary appointment was made by the Governor. In 1841 the Legislature sat, but owing to a disagreement between the two houses, they failed to make an appointment, either in place of Mr Grundy who had died, or of the other Senator whose regular period expired on the 4th of March 1841. Consequently that state has been ever since, and is likely so to continue, without any representative in the Senate of the United States. For though an extra session has since been held, yet being composed of the same members who constituted the Legislature of 1841, the same difficulty still existed, and no election of Senators was made.

If, therefore, the reasoning which we have attempted to advance has not sufficient force to sustain our position, the example we have brought forward as an auxiliary will amply sustain us. Hillsboro' Recorder.

NEPTUNE DEPOT.

FRESH OYSTERS AND FISH! THE Subscriber begs leave respectfully to announce to the Citizens of Raleigh, and the adjoining neighborhood, that OYSTERS will come regularly, from this date, EVERY DAY IN THE WEEK. (Tuesday excepted.) Oysters not reaching here regularly through the Holidays, was in part owing to bad weather; the principal cause being, however, owing to Servants changing homes. They will now come regularly, as heretofore, on the days above stated. He hopes the Citizens will continue to patronize him as heretofore, for they may rely upon Oysters being served up FRESH! as my word is my bond. Oysters wanted for Parties, shall always be had without disappointment. I have made arrangements to have FRESH FISH, from Norfolk, three times a week. I have received a lot of SPICED OYSTERS, of a superior quality, from Norfolk, put up in tin Canners, expressly for family use, and for Members to send away to their Families and friends. The Subscriber warrants these Oysters to keep for months. JOHN WILSON. Nearly opposite the Post-Office. Raleigh, January 6, 1843.

STATE LEGISLATURE.

REPORTED FOR THE REGISTER.

IN SENATE—THURSDAY, JAN. 13.

Mr. Jones moved that the vote, by which was rejected the Resolution in relation to the appointment of an Agent to investigate the affairs of the Wilmington and Raleigh Rail Road Company, be reconsidered; which was negative, 23 to 22.

Mr. Brown presented a petition from sundry citizens of the vicinity of Raleigh, remonstrating against being taken into the corporate limits of said city. Laid on the table.

Mr. Dockery presented a bill to incorporate the Afrodesia Cavalry or Dragoons, in the county of Robeson; which passed its first reading.

Mr. Shepard presented a bill to require Public Officers to give receipts; which passed its first reading.

The proposition of the Commons, to refer the message of the Governor, with the letter from D. W. Stone, Esq. relative to the official bond of the Treasurer elect, to the Joint Select Committee on the subject, was agreed to.

The Resolution relating to the Bank of the State, [the unfinished business of yesterday,] was taken up and read the third time; when Mr. Edwards moved the following Resolution as an amendment: Resolved, That the Speakers of the two Houses of this General Assembly communicate to the President and Directors of the Bank of the State of North Carolina a copy of the foregoing resolutions.

The amendment was adopted, and the discussion resumed on the merits of the original Resolution, and continued until adjournment. Messrs. Brown and Cooper spoke in favor, and Messrs. Morehead and Dobson, in opposition to the Resolution. The Senate adjourned, without taking the question.

HOUSE OF COMMONS.

Mr. Wilson, of Perquimons, from the Committee on Claims, to whom was referred the Resolution in favor of David W. Greenlee, reported the same back to the House, and asked to be discharged from the further consideration. Read second time and rejected.

Mr. Biggs, from the Select Committee, appointed to inquire into the solvency of the obligors, on the bonds for loans from the Literary Fund, made a report, stating that the Governor had given them every facility for an examination, that they found that nothing had been lost since the Board had been established and that they were satisfied that Bonds were good. The report was concurred in, and on motion of Mr. Barringer, was ordered to be printed.

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred, the memorial from the County of Jones, relative to increasing the toll of Millers, reported the same back to the House, and asked to be discharged from its further consideration. Concurred in.

Mr. Walker, from the same Committee, also, reported on the bill, to amend the provisions of the 75th chapter of the Revised Statutes, and to amend the same, recommending its passage.—Read the second time, and passed.

Mr. Bragg, from the Committee on the Judiciary, to whom was referred the bill, respecting prisonary notes made payable to guardians and passed by them to others, reported that it was inexpedient to pass a bill of this kind, and recommended its rejection. Read the second time, and rejected.

Also, on the bill, to authorize seven Justices of the Peace, of the County of Hyde, to allow County claims, and to appoint election precincts, recommending its rejection. Read the second time, and passed; and on motion of Mr. Jones, of Currituck, was taken up on its final reading and passed.

Also, on the bill, to amend an act, entitled an act, restraining excessive usury, recommending its rejection. The bill was then read a second time, and Mr. Candler moved to lay it on the table, as the gentleman who introduced it, (Mr. Francis), was not in his seat, but the motion did not prevail. The question then recurring on its passage.

Mr. Moore opposed the passage of the Bill, because it was exceedingly imperfect, and would require much time to draw such amendments as would avoid its imperfections. He never could see, he admitted, any difference in morals, between lending money at 25 per cent. and having an unquestionably good note at the same discount. But it was clear that there was a difference between the value of Notes, Bonds, &c. some of which might be the fair subject of sale, and others not. Generally the man who sells his good note at a fair discount, is compelled either to sell his property or his note; and he asked, was it not rather a delicate interference in private affairs, to forbid him to make sale of any of his notes? However, he would not make this idea of interference a decisive objection to such a bill, but the bill was introduced, as he supposed, under the idea that its passage would have the tendency of throwing more money into market, and that it would drive shavers from purchasing notes to purchasing property, and that thereby property would rise; and further, that it would diminish suits. Mr. M. thought otherwise. As to suits, they would be as numerous after the law, as before; for the man who was so unfortunate as to be compelled to sell his note at a heavy discount, would be compelled to sue in his own name, so that the only difference would be, that without the law, shavers would bring the suits—with the law, the creditors themselves would bring the suits. As to the idea that the shaver would become a purchaser in the market for property sold under execution, Mr. M. thought that the first thing the shaver would do, would be to collect his money and hoard it till he got large sums, whereby the circulation of the currency would be greatly diminished, and the bargains in sales of property, wholly monopolized by them. That if such a law at any time would be a wholesome one, now was not the time, for that the shavers were already kings of the money market; that they had already enough of the notes of the unfortunate debtors, to absorb all the circulation in the community, which he believed they would immediately do, and pocket the money until excellent bargains were offered; thereby both diminishing the circulation, and depreciating instead of raising the price of property. Mr. M. spoke at some length upon the subject, and declared that he would go as far as any one for relief, but that he had no confidence in the measure—on the contrary, he believed it would stop that speedy and quick circulation of money which afforded the greatest relief to the people—greater than large sums which are borrowed.

Mr. Francis, (who had returned to his seat before Mr. Moore had concluded,) said, that he was rather surprised at the course taken by the gentleman from Halifax, on this bill. Gentlemen of the legal profession are usually the most anxious to see every law effect the design of its enactment; but, sir, it must be obvious to every gentleman on this floor, that our present usury laws, so far from being effectual in preventing the oppression practised on the debtor portion of the community by money-holders, tend very greatly to increase the facilities of these blood-suckers, in the shape of shavers, to prostrate and totally ruin those who have the misfortune to be indebted in this time of pecuniary embarrassment. Nay, more, sir: it often happens that the neighbors of the debtor will become his security to the nominal payee, whose name is interposed for the purpose of evading the law; when if the note was made directly payable to the money-holder or shaver, whose character is known and whose oc-

cupation generally gives to that character its tone in the community, so far from involving themselves by becoming security, they would save perhaps, from utter and hopeless ruin, the thoughtless victim of avaricious cupidity.

But we are told, that unless you permit the law to be thus indirectly violated, (for the gentleman's arguments can mean nothing else,) that these shavers will hoard up their money, and consequently diminish the amount in circulation, until finally the market for property will be entirely under the control of those individuals who are now so noxious in the character of shavers. It is very clear, said Mr. Francis, that none except the miser will hoard up his money. A thirst for gain will always operate upon those who hold money, to keep it active, and by a judicious provision in the law regulating execution sales, to which this may be considered as auxiliary, you will at least check in some degree an evil which tends more to impoverish, and drive to utter desperation a large class of our fellow-citizens, than any other cause now existing. But this system of shaving, as now practised, has still a more deleterious effect upon the morals of society; for wretched as the victim of the shaver is rendered by this practice of skinning, [yet yet think that the example set before the community, of violating a positive law by a mere artifice, with impunity, must, in a greater or less degree, tend to lessen that respect for the law which can be in any society governed by laws, the only safeguard of civil rights. Let it be once understood, that by a slight quibble, a mere subterfuge, you can violate and yet evade the penalty of the law; and such infraction, so far from being discountenanced by the Legislature, is actually passed upon as a blessing to the people. He could assure the House, such a course leads directly to anarchy and discord, to the perversion of social order, and ultimately, to the overthrow of all legal restraint; for it is a maxim of holy writ, that he who disregards small errors shall fall by little and little.

Better, far better, to repeal the usury laws which now remain but a dead letter on your Statute-book. If it be considered a blessing to practice usury indirectly, surely its direct practice must be doubly blessed. If, on the other hand, you think it has a pernicious effect on society, oppressive to those who are least able to bear it, then I would say pass the bill on your table; permit none to stratagem to violate the law with impunity; perfect as far as human wisdom can do its salutary injunctions, and punish with certainty the slightest infraction of its provisions. If it be oppressive or inexpedient, repeal it altogether; but do not hold out inducements to the practice of fraud upon the law, as such a course of legislation has a direct tendency to subvert every legal restraint and moral obligation, which are the very bulwarks of social order and good government.

Mr. Taylor, of Nash, briefly replied, to Mr. Francis, but could not be understood, by the reporter. The question was then taken, and the bill was rejected, on its second reading.

Mr. Bragg, from the same Committee, to whom was referred the bill, to amend the Revised Statute, concerning the Supreme Court, made a report, recommending its rejection. Read a second time, and on motion of Mr. Moore, laid on the table.

Also, on the bill to amend the 94th Chapter of the Revised Statutes, concerning Crimes and Punishments, recommending its rejection. Read a second time, and rejected.

Also, on the bill concerning Executions, recommending its rejection. Read a second time, and rejected.

Also, on the memorial from Orange and Burke, praying for a repeal of the law giving the election of Constables to the people, stating that the Committee had reported a bill for that purpose which had been rejected by the House, and asked to be discharged from its further consideration. Concurred in.

Also, on the engrossed bill, from the Senate, for apportioning the members of the House of Commons among the several Counties of this State according to the Federal population, recommending its passage. The bill was read a second time, and the question being on its passage.

Mr. Avery moved to amend by taking from the County of Burke one member, and giving it to the County of McDowell, but the motion did not prevail.

Mr. Francis moved to lay the bill on the table, but the motion was not carried.

Mr. Ashe moved to amend by taking one member from the County of Anson and giving it to Union; but the motion was lost.

Some debate ensued, on the constitutional difficulty created by the establishment of new Counties; and Messrs. Moore and Biggs declared, that they could not vote for the bill until the difficulty was removed.

The bill was then laid on the table, and made the order of the day for to-morrow.

The Speaker then announced the order of the day, being the bill to lay off the State into Congressional Districts. The bill was read a second time.

Mr. Stowe moved to amend by adding the words "and Catawba," after Lincoln; but the motion did not prevail. And the bill passed its second reading.

Mr. Hawkins, from the Joint Select Committee, on Military Affairs, to whom was referred the bill to repeal a portion of the 93d chapter of the Revised Statutes, reported the same back to the House with an amendment, and recommended its passage. Amendment adopted, and the bill passed its second reading.

The Speaker laid before the House a communication from Charles L. Hinton, Esq., late Treasurer, stating his wish to deliver the monies and effects in his hands to some one properly authorized, and asking that a Committee may be appointed to settle with him and receive the same.

On motion of Mr. Moore, it was ordered that the communication be sent to the Senate, with a proposition to refer the same to the Committee on Finance, with instructions to said Committee to confer with Major Hinton, and solicit him to continue in possession of the Office until his successor is qualified; and to report a Resolution to pay him for the sacrifices already made, and which he may make in the discharge of this duty.

Mr. Rayner presented a Resolution, instructing the Judiciary Committee to inquire into the expediency of repealing or modifying the law respecting usury; which was rejected.

A message was received from His Excellency, the Governor, relative to the weights and measures ordered to be procured by an act of the last Legislature; which, on motion of Mr. Barringer, was referred to a Select Committee of five.

The following engrossed bills from the Senate were read the first time and passed: a bill to amend an Act for the establishment and better regulation of Common Schools referred to the Committee on Education; a bill to incorporate Cape Fear Lodge, No. 2, of the Independent order of Odd Fellows; a bill to amend an Act passed in the year 1840, for the relief of the Wilmington and Raleigh Rail Road Company; a bill to extend the time for taking stock in the Hickory-nut Turnpike Company; and a bill to alter the Electoral Districts of this State, and for other purposes—referred to the Committee on the Judiciary. The House then adjourned to half after 3 o'clock.

EVERING SESSION.

The bill to prevent the felling of timber in first Broad River, or otherwise obstructing the same, was read the third time, and passed. The bill to exempt certain articles of personal property from execution, was taken up on its third reading.

Mr. Cardwell moved to strike out all the articles but an additional bed and farming tools not exceeding in value \$10; but the motion did not prevail.

Mr. Kelly moved to amend, by providing that the provisions of the bill should only extend to a man with a wife and child; but subsequently withdrew his motion.

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

The bill to prevent unlawful mining was taken up on its third reading. Several unsuccessful motions were made to amend the bill, and it was discussed at some length, but finally passed its third reading, and was ordered to be engrossed.

Mr. Brumwell presented a Resolution, instructing the Committee on Military Affairs, to inquire into the expediency of so amending the Militia Laws, as to exempt commissioned officers from working on roads; which was adopted.

The bill concerning the fishing with seines in Beaufort county, was read the third time, and passed.

The Resolution in favor of Jacob Shultz, was read a third time, and passed. Mr. Jones, of Orange, presented a memorial from James Erwin, in relation to Cherokee Lands; which was referred to the Committee on that subject. Also, a communication from a citizen of Orange, relative to the appointment of a constable by a volunteer company; which was referred to the Committee on Military Affairs.

The House then adjourned.

IN SENATE—FRIDAY, JAN. 13.

The Resolutions, heretofore offered by Mr. Edwards, providing that if the Bank will tender its Charter during the present session, the State will accept it, were again taken up, and discussed during the whole sitting. Mr. Joyner made a most capital Speech, against the Resolutions.—Mr. Jacobs also spoke against them. At a late hour, the vote was taken on their passage, and decided in the affirmative, as follows:

Yeas—Messrs. Arrington, Allison, of Orange, Boykin, Boyd, Brown, Cooper, Edwards, Ennett, Exum, Hester, Larkins, Melvin, Mitchell, Moore, Pasteur, Ray, Shepard, Speight, Stafford, Stallings, Swinson, Tomlinson, Walker, John W. Williams and Wm. P. Williams—25.

Nays—Messrs. Albright, Allison, of Iredell, Burdick, Cathy, Dobson, Dockery, Elliott, Howd, Hodge, Jacobs, Jones, Joyner, Morehead, Moyer, Myers, Pharr, Ribelin, Rogers, Spruill, Thomas and Whort—21.

They were then ordered to be transmitted to the Commons.

The bill to prevent the suspension of Specie payments by the Banks, was taken up, when Mr. Edwards presented the following substitute, which was read and ordered to be printed:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That, if any Banking Institution in this State shall, after the taking effect of this Act, upon demand made at its Banking house, or usual place of doing business, refuse payment of its Notes, Deposits, or other Debts, in gold and silver coin, the value of which is fixed by the laws of the United States, and shall continue so to refuse, for the period of thirty days, or any one year, such refusal shall be deemed, taken and held to be a forfeiture of its Charter, and of all franchises, powers, and privileges, conferred by its Act or Acts of incorporation.

II. Be it further enacted, That whenever any Bank shall have forfeited its Charter, in manner declared in the foregoing section, it shall be the duty of the Attorney-General, and he is hereby expressly directed and required to prefer an information against such Bank, and to proceed in all respects as is provided in the 26th Chapter of the Revised Statutes, entitled "An Act concerning Corporations."

III. Be it further enacted, That whenever the Attorney-General shall need or require the assistance of other Counsel, in any proceedings he may institute or commence against any Bank in this State, it shall be the duty of the Treasurer, upon his application in writing, to employ some one, learned in the Law, as such assistant Counsel.

The resignation of Richard D. Spaight, as one of the Councilors of State elect, was presented by Mr. Pasteur, read and accepted.

Leave of absence was granted to Mr. Moore, for the residue of the Session.

Mr. Elliott, from the Committee on the University, reported adversely to the Resolution, proposing to repeal the Act of Assembly giving escheated property to the University. Concurred in.

Mr. Hester presented a series of Resolutions, declaring that a Bank ought to be established at Henderson, with a Capital of \$100,000, with a view to encourage and build up a Tobacco market within our own State, and that a bill be reported to that effect. Read first time.

HOUSE OF COMMONS.

On motion of Mr. Norcom, the resolution in favor of Bryant & Maitland, was read the second time and passed.

The engrossed bill from the Senate, for establishing a Superior Court of Law and Equity in the County of Caldwell, and for other purposes, was read the first time, passed, and referred to the Committee to be composed of the members from the 7th Judicial Circuit; and the bill to provide for the assessment of Real Estate; the bill to incorporate the Town of Shelby, in the county of Cleveland; and the bill to incorporate Henderson Academy, and the County of Granville; were read the first time and passed.

Mr. Pope, moved a reconsideration of the vote rejecting the bill to amend the 24th chapter of the Revised Statutes, concerning Crimes and Punishments; which was agreed to, and the bill was laid on the table.

On motion of Mr. Candler, the bill to erect the County of Gaston, was taken up on its second reading; and, on motion of Mr. Cardwell, was indefinitely postponed.

The engrossed bill supplemental to an act passed at the present Session, to lay off and establish the County of Catawba, was taken up on its second reading.</