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THE STAR.

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TERMS.

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LEGISLATURE OF N. C.

Wednesday, Dec. 10.
SENATE.

Mr. Martin, from the committee on Claims, reported unfavorably on the petition of Cartwright B. H. Concurred in.

Mr. Wyche presented the following resolution, which was read and laid on the table:

Resolved, That the Treasurer elect be allowed until the first day of January, 1835, to remove the duties of his office; and that the Public Treasurer now in office continue to discharge the duties until that day.

On motion of Mr. Montgomery, of Orange, the committee on the Judiciary was instructed to inquire into, and report to the Senate the propriety and the manner of amending the laws giving the courts of the State jurisdiction in cases of divorce and alimony.

Bills presented—By Mr. Elnett, a bill for the better regulation of the militia of Onslow county. Read three times, passed, and ordered to be engrossed. By Mr. Parker, a bill requiring the register of Guilford county to keep his office at the court house. Read three times, passed, and ordered to be engrossed. By Mr. Montgomery of Orange, a bill to alter and amend the judicial system of North Carolina. Read the first time and referred.

Mr. Sawyer presented the certificate of pension of the County Court of Perquimans in favor of Priscilla Goodwin; which was ordered to be countersigned by the Speaker.

The proposition of the other House, to refer to a joint select committee so much of the Governor's message as relates to the interest of North Carolina in the public lands, was concurred in, and Messrs. Branch, Spaight, Sawyer, Holmes and Mebane were appointed the committee on the part of the Senate. The said committee, on the part of the House of Commons, consists of Messrs. Henderson, Marsteller, Graham, Daniel and Harper.

The engrossed bill to alter the name of Pheneta Parker, and to legitimate her, and Josiah Wilson Pollard, of Pitt, was read three times, passed, and ordered to be enrolled—yeas 39, noes 16.

The engrossed bill to restore to credit John Bates, of Mecon county, passed its two last readings, and was ordered to be enrolled.

Mr. Wilson, from the select committee to which was referred the bill providing a more efficient patrol, reported the same with an amendment, to wit: strike out the whole thereof except the words "A bill," and insert in lieu thereof a substitute; which was made the order of the day for Friday next.

HOUSE OF COMMONS.

The Speaker laid before the House a communication from the Public Treasurer, transmitting official statements of the affairs of the several Banks of this State; which statements were ordered to be printed.

Received from the Governor a message, transmitting the annual report of the Board of Internal Improvement; which report was ordered to be printed.

Bills presented—By Mr. W. Jones, a bill to incorporate the Montgomery Gold Mining Company. By Mr. Hutchison, a bill to incorporate the North Carolina Gold Mining Company. Which were read the first time and passed. By Mr. Riddick, a bill to repeal the act of last session, regulating lay days on Frying Pan, in Tyrrell county. Referred.

Petitions presented—By Mr. Fitz Randolph, the petition of Matthew Sykes, of Bladen, praying to be restored to credit. By Mr. Manly, the petition of Sidney W. Jennings, praying to be divorced. By Mr. Norcom, the petition of sundry citizens of Edenton, praying the emancipation of Davy Dickinson. By Mr. Monk, the petition of Bright Johnson, of Sampson, in relation to fishing in Black river. All which were referred.

Mr. Smallwood, from the committee on Finance, to whom the subject had been referred, reported against the expediency of increasing the tax on pedlars. Concurred in.

The Senate having concurred in the amendment to the engrossed bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood, the said bill was ordered to be enrolled.

On motion of Mr. Weaver, the committee on the Judiciary were instructed to inquire into the expediency of amending the law relative to any person, who may wish to evade the payment of any note or negotiable paper under seal by denying the same before any justice of the peace or court of record, that he shall answer upon oath as to the execution of the same.

On motion of Mr. Guinn, the committee on the Judiciary were instructed to report a bill providing that in all applications hereafter for divorces, the cause set forth by the petitioner in his petition to the court shall be regarded by the court as a matter of fact, and if adjudged by a jury to be sufficient, under proper restrictions, to divorce from the bonds of matrimony, or only from bed and board, the court shall give judgment accordingly.

The engrossed bill for the better regulation of the County Courts of Yancy, was read the second and third times, passed, and ordered to be enrolled.

Accordably to previous arrangement, the officers and members of the Senate now entered the Hall; when David L. Swain, Governor elect, in presence of both branches of the Legislature, took and subscribed the oaths prescribed by law for his qualification—the same being administered by the Hon. Henry Seawell, one of the Judges of the Superior Courts of Law and Equity. Previous to his qualification, the Governor rose and addressed the Assembly as follows:

Gentlemen of the Senate
and of the House of Commons:

In obedience to the expression of your will, under circumstances peculiarly grateful to my feelings, I appear before you to renew the solemn pledges of fidelity required by the State of its Chief Magistrate. At an important period in the affairs of the State and General Government, the Legislature was pleased to call me from widely different pursuits to this station. The reluctance and diffidence with which I entered upon its duties, increased the anxiety I felt for such a termination of them as would justify, if not the flattering anticipations of my friends, the reasonable expectations of the public. I thank God, however, that I was not permitted at any moment either to believe or desire that my administration would give universal satisfaction. One of the earliest maxims which was impressed on my memory taught me that he who pleased them most, was not always the ablest or most faithful servant of the people. With this principle before me, I have endeavored, by a rigid adherence to duty, to secure the approbation of my own conscience, and to deserve the favorable estimation of honest men. The first point has been attained, and I have so far succeeded in the second as to be sustained, not by the high tide of party excitement, but against its current. Under such circumstances, the day which terminates my public career, will break upon a lighter heart than that which withdrew me from the quiet of private life. I shall retire, I trust, without animosity towards those by whom my motives have been misconceived and misrepresented, and with feelings of grateful regard for my friends, which those can best appreciate who have experienced similar fidelity in trying vicissitudes.

I have deemed it not inappropriate to speak thus much of my friends and of myself. For my country and my native State, the crisis demands a wider range of observation. In my communication to you at the commencement of the session, I presented for your consideration the particular relations which subsist between this State and the Federal Government. The more I reflect upon this subject, the more deeply am I impressed with the conviction, that the price of liberty is eternal vigilance, and that power is always stealing from the many to the few. Let any one examine impartially the history of the Confederacy and of this State, and form the conclusion, if he can, that the power and patronage of the General Government are not dangerous to public liberty. Nay, more, let him scan attentively the characters and conduct of public men, and solace himself with the conviction, if he can, that the same general integrity and patriotic devotion are now exhibited which characterized the early days of the Republic. The intelligent individual who can assure himself that either position is true, is endowed with a philosophy, the possession of which, if it did not inspire me with wisdom, would add greatly to my sum of happiness. I cannot conscientiously refrain, gentlemen, from urging upon you, at this time, the deliberate consideration of this unwelcome topic. Our fathers proclaimed with prophetic forecast, that a frequent recurrence to fundamental principles would be essential to the preservation of liberty.

There was no one of the colonies which, in the early period of American history, suffered so severely from executive misrule, as North Carolina. The jealousy of absolute power produced by this circumstance, constitutes the most striking trait in the character of our citizens, and is visibly impressed upon our institutions. It gave birth to the war of the Regulation, animated the patriots of Mecklenburg at the first dawning of civil liberty, clothed the executive department with no other power than the attribute of mercy in the formation of the State Constitution, and was the foundation of the wise distrust, the exemplary caution, with which the Federal Constitution was considered and adopted. It was

exhibited in no equivocal character in the proceedings of every department of the government in 1790. The assumption by the General Government of the debts of the States, to the amount of twenty millions and a half of dollars, and the imposition of a duty of seven and a half per cent. on foreign merchandise, were subjects of severe animadversion in the annual Executive Message. That communication resulted in a solemn protest on the part of both branches of the General Assembly. The oath to support the Constitution of the United States "was scornfully refused;"—the use of the State prisons denied to the Federal Courts;—and the authority of the Federal Judges condemned by the judicial tribunals of the State. I do not allude to these facts, for the purpose of yielding to them even the feeble authority which they might derive from my sanction, but to illustrate, from our own records, the disposition which prevailed to confine power within its prescribed limits at the period when Washington, Jefferson and Hamilton presided in the Councils of our Country.

It is not difficult to perceive the origin of the excitement which then prevailed. It had been contended by the advocates of the Federal Constitution, in the Convention which rejected that instrument, that the great object to be accomplished was, the establishment of a government competent to conduct our intercourse with foreign nations, and exercise other delegated powers necessary to national prosperity at home and character abroad, which, in the nature of things, could not be exercised by individual States. That to these great purposes, the attention of the General Government would be confined by express limitations; while all powers connected with their internal government and police, would be reserved to the States. That the General Government, claiming comparatively few powers, expressly and clearly granted, would not only wield them with greater effect, but with less expense to the people, than under the Confederation. I shall not repeat the reasons stated in my message, to prove that "at that period no doubt was entertained, upon the part of this State, that a comparatively small share of the taxes paid by her citizens would be required by the Federal Government."

The revenue which accrued to the national treasury, during that year, was little more than two millions and a half of dollars, which was equivalent to a capitation tax of seventy-six cents on every individual of every caste in the United States. The State revenue, on the other hand, computed in like manner, was but nineteen cents, or precisely one fourth of the levy by the federal authorities. And although we were then burdened with a debt of seventy-five millions, which was, so far as money was concerned, the price of our liberties, we have seen that our first fiscal operations created universal alarm. Who that witnessed the excitement which prevailed then, could have anticipated the perfect complacency with which we contemplate the existing policy of the government?—Suffer me to continue this history, as concisely as I can, to the present period. In 1800, (the last year of the administration of the elder Adams,) the national revenue was equal to a capitation tax of one dollar and forty-two cents; that of the State to fifteen cents. In 1810, (at the close of Mr. Jefferson's administration,) the national levy had fallen to one dollar and thirty cents, and that of the State to twelve cents. In 1820, (in the 4th year of Mr. Monroe's administration,) the proportion was as one dollar and eighty-five cents to thirteen cents; and in 1830, (in the second year of Genl. Jackson's administration,) as one dollar and ninety-three cents to twelve cents.

In 1790, we placed ourselves in an attitude of almost direct hostility to the General Government, because we were required to contribute *four times* the amount, to the general treasury, which we yielded to our own. In 1830, the national exaction was to that of the State as *sixteen to one*. It is impossible to reconcile these facts with the idea of an economical administration of the affairs of the General Government. If it be contended that the country has increased in population, and that a proportionate increase of taxation was to have been anticipated, it is admitted. But we are met and astounded by the fact, that, while the increase of population between 1790 and 1830 was something more than as three to one, the increase of taxation was more than nine to one. The same principle, moreover, which would require us to anticipate an augmentation of the national revenue, from our growing population, would lead us to expect the same results with regard to our State finances. During the same period, however, although the population of the State was nearly doubled, the increase of revenue was but one-sixth. Astonishing as these results may seem, at the first glance, they may be accounted for upon the most obvious principles of our nature. The fiscal system of the General Government is indirect in its operation; and that is effected insidiously which would not be tolerated, if, like the pestilence, it did not walk in darkness.

Let us state the case again.—In 1790, the General Government levied a contribution on each individual in the Union of seventy-six cents; in 1830, of one dollar and ninety-three cents. The State, on the other hand, exacted nineteen cents in 1790, and twelve cents in 1830. Why do we not witness an increase instead of a diminution of our levies? Because, gentlemen, your operations are seen and understood. You approach with trembling footsteps a guarded reservoir, while others have unforbidden access to the secret sources of the fountain. And is there to be no end of these things? Never, if the States, forgetful of their own rights and dignity, heedless of the value of the checks provided by the Federal Constitution, unite their efforts to destroy even these safeguards of our liberties. At all events, no such prospect is presented to us now.

It has been announced to the American people by the highest authority, that even at this day, in a period of profound peace, when the national debt is extinguished to the utmost farthing, that more than twenty millions are necessary to meet the ordinary expenses of the Government. Of these twenty millions, North Carolina contributes more than a million; while you, the immediate representatives of the people, will not, dare not require a tenth of the amount to answer all the purposes of the State Government. But if twenty millions are necessary now, what sum will suffice in case of a foreign war, or the commencement of a national system of internal improvements?—a system of internal improvements which proposes to lavish the treasure of the nation upon those sections of the Union where nature has been most prodigal of her bounties, and leave in utter desolation those whose situation the most imperiously requires relief—a system which would improve the Hudson and the Mississippi to an almost indefinite extent, but would not extend above Wilmington, on the Cape Fear; Newbern, on the Neuse; Washington, on the Tar; and Plymouth, on the Roanoke—a national system which makes no provision for any portion of the western, or for nine-tenths of the eastern section of this State.

I do not hesitate to admit that it is not the mere collection of large sums of money which startles me. I am one of those who entertain the opinion that governments were instituted among men to secure that protection which could not be afforded by a single arm, and to effect that improvement necessary to the well being of the community, which could not be compassed by individual exertion. But these powers, and these duties, gentlemen, belong appropriately and peculiarly to you, have not been delegated, and cannot be safely confided elsewhere.

It can scarcely be necessary to advert particularly to the evils which a redundant revenue has inflicted and is now inflicting upon the country. They are palpable to the observation of every one. It has corrupted the press, brought the patronage of the Government into conflict with the freedom of elections, and created associations of persons whose interests are directly at variance with those of the great body of the people. It is impossible not to perceive that there are individuals rising up amongst us, who neither expect nor desire, by painful and laborious exertion, to secure either fame or competence, but to reap the easier reward which awaits the partizan politician.

I give it as an opinion, which is the result of some observation, and with the most painful assurance of its truth, that the power and patronage of the General Government must be restricted to narrower limits, or liberty will but too soon exist only in name.

My views as to the best measure of reform at present within our reach, were communicated in my message. The Tariff is adjusted for the present, and good faith requires that this adjustment shall not be disturbed. With regard to the public domain, however, the question presents itself with renewed force.—Will we, like improvident spendthrifts, having exhausted our ready funds, permit our real estate to pass into the hands of greedy adventurers? The question must be decided for yourselves and your constituents; and, having endeavored to state it fairly, I commend it, without further remark, to your consideration.

In conclusion, gentlemen, allow me to say that I yield to no one in admiration of the excellence of our form of government. To secure the purposes of its founders, it is only necessary that it shall be administered with the wisdom and purity manifested in its formation. It is with no misgivings, therefore, no mental reservation, that I shall vow before my God, and in the presence of this Assembly, to support, maintain and defend the Constitution of my country; but with the determination to yield to all its requirements hearty and cheerful obedience. I am now ready to take the oaths prescribed for my qualification, and enter upon the duties of my office.

Finances of the General Government.

Revenue.	Population.	Capitation tax.
1790, \$2,651,347	3,927,827	76
1800, 7,546,813	5,305,925	\$1 42
1810, 9,384,214	7,239,814	1 30
1820, 17,840,669	9,638,131	1 85
1830, 24,844,116	12,866,000	1 93

Finances of the State of N. Carolina.

Revenue.	Population.	Capitation tax.
1790, \$75,632	393,951	19
1800, 71,772	478,103	15
1810, 66,574	555,500	12
1820, 84,379	638,829	13
1830, 89,323	738,470	12

The House then proceeded to the orders of the day, and again resumed the discussion on the resolutions of Mr. Potts. The debate continued to a late hour; when the House adjourned without taking any question on the resolutions.

Thursday, Dec. 11.

SENATE.

Mr. Wyche, from the committee on Finance, to which was referred the Governor's message relative to the resolution of last session, directing him to have suitable grave stones placed at the graves of members of the Legislature interred in this city, reported a resolution, appropriating Moore Square to the burial of members of the Legislature and officers of the State, who may die near to the seat of government, and designating the manner in which they shall be interred; which was read the first time and laid on the table.

Mr. Wyche presented the memorial of Jeremiah Bullock, setting forth his claim to land for revolutionary services. Referred.

Mr. Wellborn presented the resignation of Samuel F. Patterson, as Major General of the 9th division; which was accepted.

Mr. Carson, from the select committee on so much of the Governor's message as relates to a Convention, to which was referred the bill concerning a Convention to amend the Constitution of the State, reported the same with sundry amendments. The bill and amendments were made the order of the day for Monday next.

Mr. Edmonston, from the select committee to which was referred the petition of John Hyde, of Haywood county, reported a resolution in his favor; which was read three times, passed, and ordered to be engrossed.

The bill to restore to credit David Evans, was rejected on its second reading.

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The bill to restore to credit David Evans, was rejected on its second reading.

The following engrossed bills passed their three several readings, and were ordered to be enrolled: The bill to a bulish the office of county trustees of Granville; the bill to legitimate James and Nancy Morris; the bill to authorize the commissioners of Louisa to sell a part of the town commons; and the bill to incorporate the Burke County Gold Mining Company.

The engrossed bill to legitimate Eli L. Lewis, of New Hanover, was rejected on its second reading.

Mr. Carson presented a bill more effectually to prevent litigation, and to avoid suits in law; which was read the first time and referred.

HOUSE OF COMMONS.

On motion of Mr. Sloan, the committee on Internal Improvement were instructed to inquire into the expediency of rendering Black river, in the counties of Cumberland and Sampson, navigable for the purpose of rafting to its junction with Mingo river.

Mr. Bedford presented the petition of sundry citizens of Rutherford county, relating to the turning of the public road from Lincoln to Rutherford; which was referred.

Mr. Jordan presented a bill to authorize the forming a fire engine company in Fayetteville; Mr. J. Horton, a bill to quiet the titles to certain lands in this State; and Mr. Lyon, a resolution in favor of James McLean; which were read the first time and passed.

The certificate of allowance in favor of Priscilla Goodwin, a pensioner, was ordered to be countersigned by the Speaker.

The engrossed bill to divorce Isabella A. Potter from her husband, Robert Potter, was read three times, passed, and ordered to be enrolled.

The House now proceeded to the orders of the day, and again resumed the consideration of the resolutions submitted by Mr. Potts; and the question being on the motion of Mr. Craig to postpone indefinitely the said resolutions, was decided in the negative—yeas 57, noes 71. The question now recurring on the adoption of the resolutions, Mr. Barringer moved to strike out the first resolution, and insert the following: "Resolved, that the sovereignty of the State is in the people themselves; and the Senators in Congress are the representatives of that sovereign and the Federal Constitution; and that, therefore, the people, in their primary assemblies, or by delegates elected for that purpose, have the right to instruct their Senators." Mr. Potts called for a division of the question, and the question being first taken on striking out the first resolution, it was decided in the negative—yeas 55, noes 71. Mr. Outlaw moved to amend by striking out the first resolution, and inserting the following: "Resolved,

that the Legislature of North Carolina have no right, unless delegated for that purpose by the people, to instruct the Senators from this State in the Congress of the United States." On motion of Mr. Potts, the question was first taken on striking out the said resolution, and decided in the negative—yeas 55, noes 72. Mr. Harris moved to amend by striking out the second resolution, and inserting the following: "Resolved, that the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States, be, and he is hereby informed that his vote upon the resolution declaring that the President, in his late Executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both, does not meet the approbation of North Carolina; and that it is her sovereign will that the said resolution be expunged from the journals of the Senate." On motion of Mr. Potts, the question on striking out was taken, and decided in the negative—yeas 59, noes 69. Mr. Manly moved to strike out from the first resolution the words, "acting as the representatives of the people of the State;" which motion was not agreed to—yeas 57, noes 70. The question was then taken on the adoption of the resolutions separately, and decided in the affirmative. They were then ordered to be engrossed, and sent to the Senate for concurrence.

The vote on the first resolution, which is in the following words: "Resolved, that the Legislature of a State, acting as the representatives of the people of said State, have a right to instruct their Senators in Congress; and a just vindication of the character of our political institutions requires that such instructions should be given whenever a Senator misrepresents the will of the State upon great questions of national policy, or in times of public emergency," was as follows:

Yeas—Messrs. R. H. Alexander, G. H. Alexander, Allison, Baker, Bedford, Bell, Beauford, Blalock, Boddie, Bragg, Braswell, Brown, Byrum, Canale, Carter, Clement, Coor, Cotton, Craig, Crump, Daniel, Davis, Dayton, Dockery, Fleming, Fort, Foushee, Fritch, Fitz Randolph, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henderson, Hill, Hoke, J. Horton, Hutchison, Irion, R. Jones, W. Jones, Jordan, Jenkins, King, Kittrell, Latimer, Lee, Lilly, Lindsay, Long, Loudermilk, Lyon, Macklin, Marsteller, Matthews, Mullen, McNeill, McRacken, Oatsby, Perkins, Perry, Poindester, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, A. B. Smith, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Whitfield, Williams of Greene, Williams of Richmond, Williamson, Whitener, Ziglar—99.

Noes—Messrs. Albright, Barringer, Battle, Brummett, Clarke, Dudley, Foreman, Graham, Henry, W. Horton, Howard, Locke, Manly, Manney, Martin, Mitchell, McCreese, McLean, McPherson, Norcom, Outlaw, Rush, Swallow, Smallwood, G. Smith, Swindell, Tillet, Watson—28.

Mr. Long now moved an amendment to the resolutions, which the Speaker decided to be out of order, as the question had been already put on the adoption of the whole resolutions—the voting of the House on each resolution separately not having changed the question. From this decision Mr. Long appealed to the House, which sustained the Speaker's decision by a vote of 84 to 42.

The second resolution is in the following words: "Resolved, that the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States, be, and he is hereby instructed to vote for expunging from the records of the Senate of the United States, the resolution declaring that the President, in his late executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." The vote on which was as follows:

Yeas—Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Byrum, Canale, Carter, Coor, Cotton, Daniel, Davis, Dayton, Dockery, Fleming, Fort, Foushee, Fritch, Fitz Randolph, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartly, Haywood, Hill, Hoke, Hutchison, Irion, R. Jones, W. Jones, Jordan, Jenkins, Keen, Latimer, Lee, Lyon, Macklin, Marsteller, McNeill, McRacken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, A. B. Smith, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Williamson, Whitener, Ziglar—99.

Noes—Messrs. Albright, R. H. Alexander, Baker, Barringer, Battle, Bell, Beauford, Blalock, Bray, Brummett, Clement, Clark, Craig, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Harris, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mullen, McCreese, McLean, McPherson, Norcom, Oatsby, Outlaw, Perkins, Poindester, Roach, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillet, Watson, Welch, Williams of Greene, Williams of Richmond—57.

The third and last resolution is in the following words, and was adopted by a vote of 70 to 31: "Resolved, that his excellency the Governor of this State be requested to transmit forthwith to the Hon. Willie P. Mangum and to the Hon. Bedford Brown, one copy each of the foregoing resolutions."

Friday, Dec. 12.

SENATE.

Petitions presented—By Mr. Holmes, a letter from Sarah Fitzgerald, praying the Legislature to legalize her acts in the settlement of her husband's estate. By Mr. Lowry, the petition of George H. Grier, praying to be restored to credit. By Mr. Car-