

On motion of Mr. Hutchinson, a Message was sent to the Senate (but not agreed to) proposing to go into the election of a Senator in the Congressional vacancy occasioned by the resignation of Mr. Mangum, and offering them to the people of the State.

### SENATE.

Friday, Dec. 2

Mr. Montgomery, from the Committee on Propositions and Grievances, made a report on the petition of Ebenezer Pettigrew and others, of Tyrrell county, which, on Mr. Melbane's motion, was laid on the table.

The resolution to refer so much of the Governor's message as relates to the report of the public Treasurer, the revenue laws, and the Treasurer's bond, to the Committee of Finance, was taken up and adopted.

Mr. Bryan (of Carteret and Jones) presented a bill to amend the act authorizing the Governor to appoint commissioners to take the acknowledgment and proof of deeds and instruments under seal and depositions; which passed its first reading, and, on Mr. Blosser's motion, was made the order of the day for to-morrow.

Received a message from the Governor transmitting the report of W. H. Haywood, Junr, the Commissioner appointed to negotiate a loan of four hundred thousand dollars for the State, which was read and ordered to be transmitted to the House of Commons.

The Senate agreed to the proposition of the other House to raise a joint committee on public buildings, &c., proposing however, that said committee shall consist of five on the part of each House.

The Rules, Joint Rules, Amended Constitution of the State, and Constitution of the United States, were ordered to be printed.

Mr. Reinhardt introduced a resolution instructing the Judiciary Committee to enquire into the expediency of amending the Road law.

The Senate proceeded to the Orders of the day, and took up the bill relating to the taking of Sheriffs' bonds. Mr. Decker proposed an amendment thereto, when the bill and amendment were referred to the Judiciary Committee.

A report was made and adopted on the resolution in favor of S. M. Smithwick—The blank filled with \$38 40.

### HOUSE OF COMMONS.

Mr. Satterthwaite, from the Committee on Claims, to whom was referred the Resolution directing the Treasurer to receive certain descriptions of money for the purchase of Cherokee lands, reported favorably to its passage; whereupon, it passed its second and third reading, and was ordered to be engrossed.

The bill to divide Orange county, so as to form a new county by the name of Jefferson, was read the second time. Mr. Graham noticed, at some length, the objections which had been raised to the bill on Constitutional grounds, showing clearly that no provision of that instrument comes in conflict with the division of a county, the representation not being at all increased thereby.

Mr. Moore, of Halifax, conceded the soundness of the Constitutional doctrine advanced by Mr. G. but opposed the bill on grounds of expediency. The grievances complained of were not, he said, of that character which justified legislative relief, in the manner prayed.

On the question—Shall the bill pass its second reading?—the Ayes and Noes were demanded, and stood as follows: For the passage of the bill 43.—Against it 65.—So the bill was rejected.

Mr. Clayton introduced a Resolution in favor of John Miller. Referred to the committee on claims.

The Resolution in favor of Eliakin Cox and Tilman Vestal, was reported from the Committee of Claims without amendment, passed and ordered to be enrolled.

### SENATE.

Saturday, Dec. 3.

A message was received from the House of Commons, proposing that the two Houses vote this day at 12 o'clock for Senator to supply the vacancy occasioned by Mr. Mangum's resignation. Agreed to—and Hon. Thomas Settle, on motion of Mr. Bryan, of Carteret and Jones, was added to the nomination.

The petition of Daniel McDonald, praying the Legislature to grant him a warrant for land, was presented by Mr. Kelly. Referred to the Committee on Claims.

Mr. Carson presented a resolution, authorizing the Governor to draw on the Public Treasurer for money to defray the contingent expenses of the Cherokee Land Sales. Referred to the Committee on Claims.

Mr. Bryan, of Carteret, presented a bill to give to lessors of lands a lien upon the crops of their lessee, for rent. Passed its first reading.

The hour of 12 having arrived, Messrs. Kelly and Arrington were appointed to superintend the election of Senator. The Senate proceeded to vote—and the result will be found under the Raleigh head.

A message was sent to the Commons, proposing to ballot on Monday for a Comptroller and Public Printer, but no answer was returned.

On motion of Mr. Hutchinson, a Message was sent to the Senate (but not agreed to) proposing to go into the election of a Senator in the Congressional vacancy occasioned by the resignation of Mr. Mangum, and offering them to the people of the State.

Mr. Montgomery, from the Committee on Propositions and Grievances, reported a resolution directing the Secretary of State to issue a duplicate warrant for land in favor of Capt. William Williams, or his representatives, which was read the first, second and third times and passed.

A bill to incorporate the Milton Manufacturing Company, received from the Commons, passed its first reading. Made the order of the day for Monday next.

The act to amend the act authorizing the appointment of commissioners by the Governor to take the acknowledgment of deeds &c, read the second and third times, passed, and ordered to be engrossed.

A bill to erect a new county by the name of Gaston, out of a part of Montgomery, was presented by Mr. Kelly, passed its first reading. Referred to the Committee on Propositions and Grievances.

### HOUSE OF COMMONS.

Mr. Courts, from the Committee of Propositions and Grievances, made a favorable report on the petition of Miles Howard, of Halifax. Concurred in.

Mr. Jordan, who voted yesterday with the majority on the question of rejecting the bill to divide Orange, with a view to the erection of a new county, moved for a re-consideration of that vote. He said that his vote against the passage of the bill proceeded from Constitutional objections; but, on more mature reflection, he had changed his opinions, and was now prepared to go for it. The House, however, refused to re-consider.

Mr. Satterthwaite introduced a bill to define what is meant by the word "Returns" in the Constitution of the State, in the clause which treats of the election of Governor; and, also, to compensate Sheriffs for attending to the election of Governor, &c. Mr. S. explained the objects of the bill, when it passed its first reading.

Mr. Jordan, from the Joint Select Committee, to whom was referred the Resolution directing them to report a bill for the acceptance of that portion of the Surplus Revenue, which may be coming to North Carolina, under the provisions of the Deposit Act, reported a bill for that purpose, which had its first reading. [The bill directs the Governor forthwith to notify the Secretary of the Treasury, that the State accepts, and our Public Treasurer is instructed to receive it, and deposit the same in such Banks as he may select.] The Committee were also instructed to report on the best plan for investing the same, but from this duty they begged to be relieved, on the ground that there were so many conflicting opinions, as rendered it almost impossible to agree. The Committee were accordingly discharged, and each member, therefore, will submit his own distinct proposition on the subject, and leave the whole Legislature to reconcile and harmonize the conflicting schemes.

Twelve o'clock having arrived, the hour fixed on by a joint vote of both Houses, for going into an election of U. S. Senator, vice Mr. Mangum, resigned, the House proceeded to that business. The result will be found under the Raleigh head.

### SENATE.

Monday, Dec. 3.

Mr. Edwards presented a resolution to have a railing constructed between the Senate Chamber and the Lobby, and that ten tables be procured for the use of the Senate. Adopted.

Mr. Marsteller, a resolution directing the Finance Committee to burn the Treasury notes in the hands of the Public Treasurer. Adopted.

Mr. Bryan of Carteret, in pursuance of the memorial from the bar of the 6th Judicial Circuit, referred to the Judiciary Committee, reported a bill, which passed its first reading.

On Mr. Polk's motion, a joint resolution, directing the Speakers to inform Judge Strange of his election as a Senator in Congress, and to transmit him a certificate of his election, was adopted, and sent to the House for their concurrence.

Mr. Bryan (of Carteret) introduced a resolution for the appointment of a committee of two to define the distinction between public and private acts which was adopted.

The bill to incorporate the Milton Manufacturing Company, which was the order of the day, passed its second and third readings, and was ordered to be enrolled.

The following bills were received from the House of Commons and passed their first reading: A bill allowing public officers or their deputies in certain cases to administer oaths; a bill concerning bodies corporate in the State. Made the order of the day for to-morrow.

The bill giving lessors of land a lien for rent, was taken up when Mr. Edwards moved the following as a proviso: That they should proceed to col-

lect in three months. Postponed until Wednesday.

The resolution on the subject of moneys received on account of the sales of Cherokee lands, which was amended on Mr. Bryan's (of Carteret) motion, and adopted, authorizes Public Treasurer to receive Georgia and South-Carolina notes of the denomination of five dollars and upwards already received by the Commissioner.

### HOUSE OF COMMONS.

Mr. Graham, from the Committee on the Judiciary, reported unfavorably on the resolution proposing to increase the compensation to witnesses, where they attend Court in other counties. Concurred in.

Mr. G. from the same committee, reported a bill declaring that the shares of stock in incorporated Companies shall be deemed and taken as personal estate, with sundry amendments.—The bill was read the second and third time, and ordered to be engrossed.

Mr. G. from the same Committee, who were instructed to enquire into the expediency of amending the law so as to affix the penalty of whipping to the crime of malicious mischief in certain cases, reported against any Legislation on the subject. Concurred in.

The Speaker laid before the House the report of the President of the Raleigh and Gaston Rail Road Company. Referred to the Committee on Internal Improvement.

Mr. Petty presented a bill limiting the time within which certain offences shall be presented, and prescribing the duties of Grand Jurors in relation thereto. Read first time.

The bill increasing the liabilities of Sheriffs, was read the third time and ordered to be engrossed.

A resolution from the Senate, in favor of James Hart of Carteret, was read the first time.

The bill to receive the proportion of the Surplus Revenue to which the State is entitled under the act of Congress to regulate the Deposits of the public money was read the second time. On the passage of the bill, the Yeas and Nays were demanded, and not a dissenting vote was given against it. It was then read the third time, and ordered to be engrossed.

A resolution from the Senate proposing that the Speakers of the two Houses notify the Hon. Robert Strange of his election as Senator concurred in.

A message was received from his Excellency, the Governor transmitting the returns of the several Sheriffs of the State of votes given for Electors of President and Vice President of the United States, and announcing the result. The message was read, and, on motion, sent to the Senate.

### SENATE.

Tuesday, December 6.

Mr. Kelly, from the committee on claims, reported a bill to allow George Williamson, one hundred and thirty-nine dollars for 4 insolvent polls, for the years 1826, '27, '28, '29, '30, and '31, to be paid out of the treasury—Passed its first reading.

Mr. K. from the same committee, reported a resolution authorizing the Governor to draw for expenses of Cherokee land sales.—So amended, on Mr. Carson's motion, that the amount should not exceed \$180. Read three times, and ordered to be engrossed.

Mr. Carson introduced a resolution, directing a grant for one hundred and twenty-eight acres of land in Rutherford, to issue to Samuel Gadsden on a previous entry and survey, upon payment of the purchase money and fees. Passed three times, and ordered to be engrossed.

Committee on enrolled bills for the present week—Messrs. Moore and Bunting.

Mr. Edwards made a report from the joint committee, on the subject of counting the votes for Governor, &c.—which was adopted. The two Houses are to assemble in the Hall of the Commons on the 15th inst; one teller to be appointed on the part of the Commons—two on the part of the Senate, to make a list of votes. These to be delivered to the Speaker of the Senate, who shall announce the result to the two Houses.

By Mr. Morehead, a resolution to pay Turner & Hughes \$4 dollars for books and pamphlets furnished the Senate. Read three times & ordered to be engrossed.

Mr. Bryan's resolution to instruct the Judiciary Committee to report a bill providing for biennial elections of Comptroller and Treasurer, and prescribing the mode of said election. Adopted.

Orders of the Day. A bill concerning bodies corporate, from the House of Commons, rejected on its second reading.

Mr. Bryan of Carteret presented a bill authorizing Clerks and Masters in Equity in this State, to make title to real or personal property, sold by decree of a Court of Equity. Passed its first reading.

Mr. Fox presented a resolution on the subject of the surplus revenue. [Directs the committee on that subject to inquire into the expediency of dividing it among the counties in proportion to population and taxation.] Laid on the table, on Mr. Edwards' motion.

### HOUSE OF COMMONS.

Mr. Maclin, from the Committee on Claims, reported the Resolution in favor of Wm. D. Alexander, without amendment, and it was read the second time.

Bills presented.—By Mr. Gilliam, to amend an act establishing a department for adjudicating and liquidating the public accounts of this State, and for appointing a Comptroller, and for other purposes. [The object of the bill is to elect the Comptroller biennially, instead of annually, so as to conform to the amended Constitution.] By Mr. Hollingsworth, a bill restricting the term of Cumberland Superior Court to one week. By Mr. Moore, from the Committee on Revised Statutes, a bill ascertaining the mode of proving Book debts; also, a bill concerning Wrecks; also, a bill concerning Public Documents. Read first time.

### TREASURER'S REPORT.

Treasury Department.

Nov. 21, 1835.

To the Honorable the General Assembly of the State of North Carolina.

In obedience to the directions of an Act of the General Assembly, passed at the Session of 1827, entitled "an Act concerning the Public Treasury," the Public Treasurer respectfully submits the following Report:

#### 1st. Of the Public or unappropriated Revenue and Expenditures.

The balance of cash in the Public Treasury on the 1st day of Nov. 1835, was \$68,453 11

The receipts of the ensuing fiscal year ending on the 31st day of Oct. 1835, amounted to \$50,109 56

Making an aggregate of \$218,542 97

The disbursements during the same period amounted to \$171,686 67

Balance 1st Nov. 1835, as reported to the last General Assembly \$45,856 30

The receipts at the Treasury Department for the last fiscal year, that is, from the 31st Oct. 1835, to the 1st Nov. 1835, amount to five hundred and thirty nine thousand five hundred and fifty nine dollars and ninety four cents, (\$539,559 94); and consists of the following items, viz:

Cash received from the Sheriffs for public tax of 1835, being the ordinary revenue payable into the Treasury on the 1st of Oct. 1835, and not specifically appropriated \$70,865 64

Cash received from Sheriffs on account of additional returns of taxes (see statement A.) \$17 21

Ditto received from the Bank of Newbern for dividend of 7 per cent on 1818 shares of the capital stock declared in Jan. 1835 \$19,726 00

Ditto received from the Bank of the State of North Carolina, for dividend of 4 per cent on 300 shares of the capital stock declared in December, 1835, 1,200 00

Ditto, received from the Bank of Cape Fear, for dividend of 3 1/2 per cent on 10 shares of stock unappropriated, declared 1st January, 1835. \$3 00

Ditto received from the Bank of the State for dividend, (No. 1.) of 2 1/2 per cent on 921 shares, subscribed 23d of March, 1835, \$2,308 50

Ditto received from do. for dividend No. 2 of 4 per cent on the same shares subscribed as above, \$3,684 00

Ditto received from do. for dividend No. 3 of 3 1/2 per cent on 1221 shares of stock, declared in June, 1835, \$3,968 35

Ditto received from the Bank of Cape Fear, for dividend of 4 per cent on 10 shares of stock unappropriated, declared in June, 1835, 40 00

Ditto received from the Bank of the State for dividend No. 1 of 2 1/2 per cent on 237 shares of stock subscribed 21d of August, 1835, 7,092 50

Ditto received from do. for dividend No. 2 of 4 per cent on the same shares, subscribed as above, 11,348 00

Ditto received from do. for dividend No. 3 of 3 1/2 per cent on the same shares, subscribed as above, 9,220 25

Ditto received from the Bureau of the Public Printing, for dividend of 10 per cent on the shares owned by the State, declared in October, 1835, \$30 00

Ditto received from do. for balance of dividend due the State, for the year 1835, 400 00

Also from H. H. Cook, in full for his second year given for part of the Bushy Branch Tract of land, Principal 200 00 Interest \$1 47

Ditto received from Miss E. E. Maywood, for rent of Public Lots, for the year 1835, 10 00

Ditto from Jesse H. Lunday, being amount over drawn by him as a member of the last Legislature, owing to a mistake in his certificate, 3 00

Ditto received from Charles McNelly, Treasurer of the University of N. C. in compliance with a contract entered into with him by Wm. H. Haywood, Jr. Commissioner on behalf of the State, negotiated in obedience to an act of the last General Assembly, 100,000 00

Ditto received from the Bank of the State of N. C. on loan, by virtue of the authority given by resolution of the last General Assembly, and for which a certificate was received from the Treasurer of the U. S. in compliance with a contract entered into with the Secretary of the Treasury of the U. S. by Wm. H. Haywood, Jr. Commissioner on behalf of the State, negotiated in conformity with the act of last session, 300,000 00

Ditto received from the Bank of Cape Fear, for tax of 25 cents on each share of stock owned by individuals in said Bank, for 1835, 757 50

Ditto received from the Merchant's Bank of Newbern, for tax of 25 cents on each share of stock owned by individuals in said Bank, for 1835, 562 50

Ditto received from the Bank of the State, for tax of 25 cents on each share of stock owned by individuals in said Bank, for 1835, 2,230 00

Ditto received from the Bank of Cape Fear, for tax of 25 cents on each share of stock owned by individuals in said Bank, for the year 1835, 757 50

\$32,359 94

Which, added to the balance above stated, will make the sum of \$86,416 94

To this sum add the amount temporarily transferred from the Internal Improvement fund, and applied to the payment of claims against this fund, 2,670 38

\$89,087 32

The disbursements at the Treasury, from the public fund, for the same period, that is, from the 31st of October, 1835, to the 1st of November, 1835, amount to the sum of \$89,087 62

And consists of the following general items, viz:

General Assembly, 22,645 62

Rebuilding Capitol, 25,441 95

Judiciary, 2,287 56

Executive Department, 2,000 00

Treasury, 800 00

Department of State, 1,000 00

Comptroller's Department, 200 00

Adjutant General's Office, 6,732 51

Conventions, 215 25

Interest on Treasury Loan, 1,511 98

Public Library, 1,507 66

Convention, 1,111 98

Sh. W. for making Convention retreats, 35 40

Sh. W. for making Convention retreats, 920 00

Treasury Notes burnt, 5,356 59

Governor's House, 478 39

Council of State, 91 80

Public Printer, 900 00

Stock in Bank of the State, 575,800 00

Interest on the deferred payment of Stock, 27,891 56

Congressional Elections, 96 47

Treasury Loan, 10,066 62

Sheriffs for setting tax, 981 00

Data for comparing Senatorial Polls, 148 76

Interest on State Loan, 1,794 30

\$589,086 62

The Comptroller's Statement, required to be furnished for the use of the members of the General Assembly, will be published in the next issue of the General Assembly, and every individual disbursement made at the Treasury Department during the past year, it is therefore respectfully referred to for that purpose.

#### 2nd. Of the Literary Fund.

The balance of cash in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st of Oct. 1835, as reported to the General Assembly of that year, was 1,167 03

The receipts at the Treasury Department of money belonging to this fund, for the last year, that is, from the 31st of Oct. 1835, to the 1st of Nov. 1835, amount to thirty-two thousand six hundred and forty-two dollars and seventy-one cents, (\$32,642 71); and consist of the following items, viz:

Cash received from sundry auctioneers, for tax on sales at auction, 1,159 00

Do received from entries of vacant lands, \$2,682 71

Do received from the Roanoke Navigation Company, for dividend of 1 1/2 per cent on 200 shares of stock, appropriated to this fund, declared in Nov. 1835, 875 00

Do. from do. for dividend of 1 per cent on the same shares, declared in Nov. 1835, 500 00

Do received from the Bank of the State of North Carolina, for dividend No. 1 of 2 1/2 per cent on 24 shares of stock subscribed 21st Nov. 1835, 85 00

Do received from ditto, for dividend No. 2 of 4 per cent on 1700 shares of stock owned by this fund, declared Dec. 1835, 6,800 00

Do received from ditto, for dividend No. 1 of 2 1/2 per cent on 100 shares subscribed 6th January, 1836, 450 00

Do received from ditto, for dividend No. 2 of 4 per cent on the same shares subscribed as above, 400 00

Do received from ditto, for dividends Nos. 1 and 2 on 40 shares of stock, subscribed 1st Feb. 1836, 260 00

Do received from the Bank of Cape Fear, for dividend of 3 1/2 per cent on 704 shares of stock appropriated to this fund, declared 1st Jan. 1836, 2,464 00

Do received from do. for dividend of 3 1/2 per cent on 30 shares of stock owned by this fund, declared as above, 173 00

Do received from do. for dividend of 4 per cent on 704 shares of stock appropriated to this fund, declared in June 1835, 2,816 00

Do received from ditto for dividend of 4 per cent on 30 shares of stock owned by this fund, declared as above, 800 00

Do received from the Bank of Newbern, for dividend of 7 per cent capital on 144 shares of stock owned by this fund, declared January 4, 1836, 987 60

Do received from the Bank of the State for dividends Nos. 1, 2 and 3 on 66 shares subscribed in behalf of this fund 5th of July, 1835, 643 30

Do received from do. for dividends Nos. 1, 2 & 3 on 36 shares, subscribed in behalf of this fund July 11th, 1835, 331 00

Do received from the Cape Fear Navigation Company, being a part of dividends Nos. 12, 13 and 14 of 630 dollars each, declared by said company as per account rendered, 417 92

Do received from Sheriffs for tax on real estate of spiritual figures, \$2,597 22

Ditto received from the Bank of the State of N. C. for dividend of 2 1/2 per cent on 1840 shares owned by this fund, declared in June, 1835, 5,980 00

\$3,642 71

Which, added to the balance above stated, make the aggregate sum of \$3,909 79

The disbursements from the Literary Fund, during the foregoing period, are as follows, viz:

This sum paid Charles Dewey, Cashier of the Bank of the State of N. C. for 84 shares of stock, subscribed for on the 24th Nov. 1835, \$400 00

Ditto paid do. for interest on deferred payment on do. \$19 58

Ditto paid Wm. T. Coleman, Secretary to the Board of Directors, a salary for the year ending 31st December, 1835, 55 00

Ditto paid James Iredell and Wm. Roberts, on account of the salary of John K. Campbell, Secretary to the Board of Directors for the years 1827 and 1828, per Governor's warrant, 80 00

Ditto paid Charles Dewey, Cashier of the Bank of the State of N. C. for 100 shares of stock, subscribed the 7th of January, 1836, 10,000 00

Ditto paid do. for interest on deferred payment of do. 716 69

Ditto paid do. for 40 shares of stock subscribed 1st of February, 1836, 4,000 00

Ditto paid do. for interest on deferred payment of do. \$14 93

Ditto paid do. for 66 shares of stock, subscribed the 5th of July, 1835, 6,600 00

Ditto paid do. for interest on deferred payment of do. 669 67

Ditto paid do. for 36 shares of stock, subscribed the 11th July, 1835, 5,600 00

Ditto paid do. for interest on deferred payment of do. \$668 33

Making an aggregate amount of \$29,963 70