

THE STAR AND NORTH CAROLINA GAZETTE.

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NO. 52.

THOMAS J. LEMAY,
EDITOR AND PROPRIETOR.

TERMS.

Subscription, three dollars per annum—one half in advance.
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For every square (not exceeding 10 lines this size type) first insertion, one dollar; each subsequent insertion, twenty-five cents.
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READ THIS! THORPE'S VEGETABLE PILLS.

These Pills make a speedy and permanent cure without regard to diet or exposure; and in the most obstinate cases, when all other remedies have failed, they have effected cures in the shortest space of two weeks, and, in cases more slight, generally take from three days to one week. They never have been known in the most obstinate cases to occupy more than two weeks to effect a permanent cure.

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These pills are put up in square Boxes, with full directions accompanying each Box at \$2 per Box (Cash) having the fac simile of
C. G. R. THORPE.

For sale, wholesale and retail at the Drug Store of W. M. MASON & CO. who are principle agents of the State of North Carolina.

Nov. 25, 1838. 49 cent.

W. M. MASON & CO.

Have just received a general assortment of
Perfumery,
Fine and Fancy Toilet and SHAVING SOAPS,
Tooth, Hair, Hair, and Shoe Brushes,
Together with general assortment of Fancy Articles.
Nov. 20, 1838. 48 ct

LUMBER FOR SALE.

The Subscriber has on hand, at his Mills, (late Blake's) 17 miles East of Raleigh, 100,000 feet of choice Lumber, of every description, sawed out of Long Leaf Pine, the peculiar excellence of which is too well known to need any puff. Persons desiring to purchase will please make application to Mr. William Peck, Raleigh, or to Henry Horton, at the Mills.

The price at the Mills will be \$1 per hundred; but, if a large quantity be bought, even less than that will be taken.

PETER FOSTER.
Wake co., May 21, 1838. 22 ct

DRUGS & MEDICINES; Sign of the Golden Mortar.



W. M. MASON & CO.

Having purchased the entire stock of Messrs T. S. Beckwith & Co. have commenced the APOTHECARY business at the stand formerly occupied by them on Fayetteville Street, second door north of W. & A. St., where they have just received a further supply of
Drugs, Medicines, Glass, Oil, Paints, Dye Stuffs and Perfumery, together with a general assortment of
FANCY ARTICLES.

which they will dispose of on the most reasonable terms.

Merchants and others can be furnished with patent and other medicines on as reasonable terms as they can be got south of the Potomac. Persons would do well to call and examine for themselves. Physicians at a distance, who may favor us with their orders, will have them promptly attended to. No pains will be spared in selecting Chemicals and Pharmaceutical preparations, as they are determined that no medicines but such as are genuine, shall be sold by them. One of the Firm having been brought up to the business, to which he will give his full and undivided attention, thereby avoiding those fatal mistakes that too often occur through incompetency or carelessness, they hope, by strict attention to business, to merit a share of the public patronage.
February, 1838. 10 ct

Latest and Important from the Mormon War.—Treaty Concluded.

By the St. Louis Bulletin of the 17th instant, we have accounts from the Far West up to the 8th. Gen. Clark had arrived there with 1300 men, to guard the Mormon prisoners confined in that town, and had sent a despatch to Gen. Lucas, in Jackson county to return Joe Smith the prophet, and Hiram his brother; also the ring leaders Rigdon, Wight, Robinson and Hunt. Many of the Mormons have escaped from Caldwell county. The rest will not probably be driven out this winter. A Doct. Averd, of the sect, has made some important disclosures.

Among many other things, they had associated themselves into three different societies, called Danites, Gid-rites and the Destroying Angels—composed of about 150 men altogether. The object of the bands was to carry on a regular and systematic course of robbery and murder, and swear out suits against all dissenters from the church, and others under false pretences of debts and claims against them, the proceeds of which were to be placed in a general fund for the use and benefit of the church.

The rumor of the engagement of Oct. 30, in which 30 Mormons were killed, is confirmed. The following is the Treaty concluded with the Mormons by General Lucas:

The following are the stipulations between the parties:

erty of all who had taken up arms, for the payment of the debts, and as an indemnity for damage done by them.

3d. That the Mormons should all leave the State and be protected out by the militia, but to remain under protection, until further orders from the Commander-in-chief.

4th. To give up all arms of every description to be deposited for.

For the purpose of arranging every thing in a proper and legal way, General Lucas left Col. Williams, aide-de-camp to the Commander-in-Chief, Col. Burch and Maj. A. Rees, of Ray Co., to attend to drawing, writing, &c., with a company of men, to execute all orders consistent with the stipulations.

Judge Cameron, of Clay County, Williams Collins, of Jackson, George Woodward, of Ray, John Carroll and W. W. Phelps, of Far West, who were appointed by General Lucas, and Col. Hinkle the commander of the Mormons, to attend to the adjusting all claims, &c.

Late and Interesting from Texas.—By the Cuba steam packet at New Orleans from Galveston, Texas papers are received to the 10th inst. They are chiefly filled with the proceedings of the first three days of the Congress. The President elect, Gen. Lamar, had withdrawn from his chair as Vice President of the Senate, and Stephen H. Everett been chosen to that post. Mr. John H. Mansford was chosen speaker of the House. The Rev. Mr. Frazier was elected Chaplain of the Senate; and the Rev. John McCullough, of New Jersey, to the House.

Gen. Houston, in consequence of receiving a communication by committees from the two houses that they were organized and ready to receive any written message from him was much offended at this deviation from the usage of a speech in person from the President, and replied in a brief message "saluting the honorable Congress" and stating that if he had not been restricted in the mode, he should have presented some important information and suggestions on the affairs of the country, as it was, he declined any further communication with Congress than to enclose the reports of the heads of the departments.

The Indian Border-War absorbed the attention of both Houses, and a resolution was offered in that of the Representatives that the President be requested to communicate, as speedily as possible, with the Minister of Texas, at the Court of the United States in relation thereto—that the Government of the United States may be officially apprized of the actual warfare of the Kickapoos, Coshattes, Caddoes, Seminoles and Choctaws against this Republic. Referred to the committee on military affairs.

There are about 400 men in the woods gone against the tribes, and Congress appropriated \$40,000 for the support of an expedition of 250 men. Gen. Rusk is busy in the neighborhood of Fort Houston, Eastern Texas, in watching the hostile forces. These latter are chiefly collected on the head waters of the Trinity—the chief villages being near the three forks, one containing seven hundred, and composed of the remnants of the tribes of Caddoes, Wacos, Reaches, Towanices, Ironies, Cherokes, and a few Seminoles. To the westward of this village, is another settlement containing about three hundred warriors. These savage refugees have been for some months concentrating their whole force at these two points; from which, as a common centre, all their plans of mischief are directed.
N. Y. Com. Star.

From the Athens (Penn.) Courier, Nov. 12.

BLOOD SHED AT LAST.

We understand that a party of four regulars were conducting twelve Indians from North Carolina, who about dark on Friday last, made a concentrated attack upon their guard—killed and scalped two of the regulars, and wounded a third dangerously, and then made their escape. Gen. Scott has turned the regulars, not yet left for the West, upon these mountain Indians, supposed to be several hundred in number, and has also called for a company of volunteers for the same service. A part of this force has already marched to the mountains, and the remainder will set off as soon as possible. Gen. Scott has determined on a summary course with these straggling refugees. We think, however, it will be difficult to find them.

The Governor's Message.—This document, so anxiously looked for, only came to hand yesterday morning, having, owing to its extreme length, only been published at Raleigh on Monday. We have inserted such portion of it as the limited time would permit, in this day's paper, and intend to issue the remainder, in the course of the day, in a Supplement.

As to the character of the Message, the last glance which only we have had time to give to it, satisfies us, with the Raleigh Register, that it is well entitled "to excite a greater sensation than any other of a similar character within our recollection." For original, bold, and statesman-like recommendations, it has never been excelled, if equalled; whilst its candid and patriotic

tone is in perfect keeping with the character of its author. As it will be read with eagerness by all our readers, we will not at present say more.

One word only. Let none be startled by the magnitude of the Governor's scheme of Internal Improvement. It is only so because we have heretofore done so little. In many other States of the Union, possessing less population and resources, there would be nothing alarming, but on the contrary every thing inspiring, in so comprehensive a scheme.—Fayetteville Observer.

From the New York Courier of Dec. 7.

ANOTHER GREAT DEFAULTER.

The Custom-House again—More Defaulters.—Immediately after the departure of the steamer LIVERPOOL yesterday morning, it was rumored that Wm. M. PRICE, Esq., the United States District Attorney for the Southern District of New York, had taken passage in her, and that he was largely a defaulter to the Government. Of his departure there can be no doubt; and it is equally evident, from his letter to the President of the United States, which we give below, that he is a defaulter, but relies upon his fees of office to cover the amount of his defaultation. In this we have no confidence. Corruption has been the order of the day; and we verily believe that if the records at Washington are not destroyed before an investigation can be had by a Whig committee of Congress, it will appear that the DEFAULTATIONS under the Administrations of ANDREW JACKSON and MARTIN VAN BUREN exceed TWENTY MILLIONS OF DOLLARS.

To the President of the United States.

U. S. District Attorney's Office,
New York, Dec. 6, 1838.

Sir: In the course of my public and personal relations with Samuel Swartwout, Esq., former Collector of this District, I have had no occasion to question either his intention or ability, to absolve himself from all obligations to Government or Individuals.

The Solicitor of the Treasury has officially requested me to superintend and control the proceedings against him and his sureties, for the collection, by distress warrant against his person, and the goods and chattels, lands and tenements, of both principal and sureties.

Inasmuch as I doubt both that the claim against him (Swartwout) has been truly stated, and that the summary process to obtain it has been constitutionally issued by the Solicitor of the Treasury, I beg leave to decline any official connexion with it. Under these circumstances, I cannot consent to become the instrument of their destruction. My office of District Attorney of the United States is therefore hereby surrendered to you, with the hope that you will speedily direct an account to be stated between the Treasury Department and myself, in order that I may be absolved from any personal liability in the premises.

The amount of cost due to me for the unfinished business of the office I hold, will far exceed that which I have recently received from debtors of the Government, and will, upon a final adjustment, entirely acquit me of any indebtedness to it.

I have the honor to be, with great respect,
Your obedient servant,

WILLIAM M. PRICE,

District Attorney for the Southern District of New York.

CONGRESS.

CONGRESS assembled on Monday, the 3rd instant. Nothing of general interest was transacted on the first day, except the election of clerk of the House of Representatives, to supply the place of Mr. Franklin, deceased. The candidates were Ewd. Livingston, of New York; M. St. Clair Clarke, of the district of Columbia; Hugh A. Garland, of Virginia; Samuel Schock, of Pennsylvania; Henry Buchler, of Pennsylvania; John Bigler, of Ohio; Heuben M. Whitney, D. C.; Arnold Nauclier, of Delaware; James H. Birch, of Missouri. On the third trial, Mr. Garland was elected, by the aid of the Conservatives of Virginia. The vote stood, for Garland 106, Clarke 104, all others withering. The North Carolina delegation voted as follows: For Clarke, Messrs. Deberry, Rencher, A. H. Shepard, Ghun, and Williams. For Garland, Messrs. Quinn, Connor, Hawkins, M. Kay, Montgomery, Sawyer, C. Shepard.

On Tuesday the 4th, Mr. Adams presented, in the name of the family of Lafayette, a copy of the memoirs and writings of that illustrious man, to be deposited in the library of Congress; and a resolution of thanks for the present, which was adopted. Mr. Adams also moved to withdraw from the files the resolutions and papers presented last session on the annexation of Texas; but his motion was not carried to the table 136 to 61. He likewise offered a series of resolutions which have produced some sensation, touching the recent correspondence between Messrs Stevenson and O'Connell preparatory to an impeachment of Mr. S. They were laid on the table on Wednesday, the 5th, in the Senate Mr. Buchanan, introduced a bill for the reduction and graduation of the price of public lands, which was read and ordered to a second reading. In the House, the death of Messrs. Patterson and Bruyn, of N. Y. was announced; and no other business of importance was transacted.

On Thursday the 6th, in the Senate, but little was done except the appointing of standing committees. In the House, Mr. Adams presented a bill to prevent duelling in the district of Columbia, which was referred to a select committee to consist of nine members. Mr. A. also introduced resolutions couched in terms of severe reprehension of the conduct of Mr. Stevenson in his controversy with O'Connell, and calling on the President for any communication he may have received from Mr. S. on the subject, and to inform the House whether any call has been made by him on Mr. S. to explain or account for his notorious violation of the laws of nations, &c. These resolutions lie over. Both Houses adjourned to Monday.

In the Senate, on Monday Dec. 10, there was nothing done of general interest. In the House, the Speaker announced the Standing Committees of the Session; there is no essential variation in them from the last year.

A message was received from the President transmitting an official report on the subject of the defaultations of Mr. Swartwout, late Collector of Customs in New York, and recommending some modifications of the existing laws with a view to secure the accountability of all officers connected with the Customs.

Mr. Cambreleng immediately rose and moved that so much of the message as relates to the defaultation of Mr. Swartwout be referred to a select committee of nine; and so much of it as relates to a modification of the Revenue Laws to the Committee on Ways and Means. The subject was postponed until Tuesday.

The subject of the Wisconsin-contested election was taken up and, on motion of Mr. Mercer, referred to the Committee on elections.

The House took up for consideration the Resolution heretofore offered by Mr. Dromgoole, of Virginia, changing the Rule of the House so as to direct that all elections in the House of Representatives shall hereafter be made *in vacuo*.

Mr. Montgomery moved the previous question, which was sustained and the resolution was adopted. Yeas 126, Nays 85.

Just as the vote was taken, Mr. Adams protested against the adoption of the rule as a violation of the Constitution of the U. States, which requires the members of the House to vote by ballot in the election of a President of the U. States.

Subsequently, a resolution was offered to amend the resolution just adopted, so as to render it constitutional.

STATE LEGISLATURE.

SENATE.

Friday, Dec. 7.

Mr. Moyer presented the following resolution, which was read and adopted: Whereas it hath been lately held by one of the Judges of the Superior Courts of Law and Equity in this State, in relation to the crime of robbery, that the same must be committed on the public highway before the charge can be sustained under the existing laws:

Therefore resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to this matter; and that they report by bill or otherwise.

Mr. Spruill presented the following resolution, which was read and adopted:

Resolved, That the Committee on Education and the Literary Fund be instructed to inquire into the expediency of establishing the following system of public schools in this State: At the first County Court which may happen in each and every county in the State, after the 1st day of January, 1840, it shall be the duty of the said Courts to lay off their several counties into school districts. The Courts shall appoint a constable in each district, whose duty it shall be to open polls and hold an election, on a given day in his district. That every man entitled to vote for members of the House of Commons shall be entitled to vote. The votes shall be "school" or "no school." It shall be the duty of the constable to make returns of said election to the next County Court; and in every district, where a majority of votes had been cast for "school," the Court shall appoint five discreet persons as a school committee. The said committee shall secure a school house, and agree upon the wages of the teacher. The said committee shall lay a tax on the lands and polls of the district, to one half the amount of the sum necessary to pay the teacher, and the court shall certify the same to the Public Treasurer, who shall pay the other half out of any moneys in the Treasury belonging to the Literary Fund. In every district where, by the votes, the school election was not adopted, the Court shall order an election once in every year.

Mr. Moore presented the petition of Salathiel Stone. Referred.

Mr. Moore also presented a resolution, which was adopted, instructing the committee on the Judiciary to inquire into the propriety of erecting one or more lunatic asylums in this State.

The resolution in favor of Jesse Moore and others, was rejected.

The following engrossed bills passed the third reading, and were ordered to be enrolled: The bill to establish a toll bridge over the South Yalkin river; the bill to circumscribe the corporate limits of the town of Milton; and the bill making valid certain surveys made by the deputy surveyor of Haywood county.

On motion of Mr. Bunting,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the revenue law as to legalize the assessment made by the assessors appointed at the first County Court after the month of February, 1838; and that they authorize the sheriffs in those counties, where persons gave in their land in 1837 without any valuation being annexed thereto, to collect the taxes on the same by the assessment made in 1838; and that they report by bill or otherwise.

Mr. Etheridge presented the petition of many citizens of Currituck, praying an act to prevent citizens of Virginia from driving their stock into this State for the purpose of grazing, &c. Referred.

The bill to authorize the Justices of the County Court of Perquimans to purchase the bridge across Perquimans river; and the resolution in favor of B. B. Smith, were read the third time, passed, and ordered to be engrossed.

On motion of Mr. M'Diarmid, a resolution was adopted instructing the judiciary committee to inquire into the expediency of so amending the law respecting runaway slaves, that any male slave who shall absent himself as a runaway for — months, shall be consid-

ered an outlaw; to provide that where the owner shall find it necessary to use unlawful weapons in arresting an runaway, and shall shoot, or injure him, it shall not be deemed a criminal offence and of compelling jailors to advertise all runaways committed to jail in the State Gazette.

Agreeably to previous arrangement, the Senate repaired to the hall of the House of Representatives, where in the presence of both houses, the votes for Governor were counted.

HOUSE OF COMMONS.

Mr. Crawford, from the Committee on Education, reported the bill to incorporate the Trustees of Davidson College. The bill then passed its second and third readings, and was ordered to be engrossed.

Mr. Beall introduced a bill to regulate Drill Masters in the 87th Regiment of N. Carolina Militia, which was read the first time and passed.

The bill to allow C. B. Morris further time for the collection of taxes, passed its third reading.

Mr. Whitaker introduced a petition from sundry citizens of two counties, praying that a part of Nash be attached to Edgecomb, which was read and referred to the Members from the counties concerned.

Mr. Monday presented a claim of Wm. Harbison, for provision and entertainment furnished a Company of Lighthorsemen who were ranging after Robbers and Tories in 1779, which was read and referred to the Committee on Claims.

The engrossed bill concerning the Court of Pleas and Quarter Sessions of Iredell county passed its second and third readings, and was ordered to be enrolled.

The following bills passed their third readings and were ordered to be engrossed:

The bill to extend the time for paying in Entry money.

The bill to incorporate Pleasant Grove Academy in Perquimans county; and

The bill to emancipate Caroline Cook & children.

SENATE.

Saturday, December 8.

Mr. Myers, the Senator elect for the county of Anson, appeared and took his seat.

Mr. Baker presented a resolution authorizing the Secretary of State to issue grants to Thos. Windler, Shadrack Green, Thos. Willis, Levi Hensley, John Buchanan, Henry Hensley. Referred.

On motion of Mr. Taylor,

Resolved, That the Judiciary committee be instructed to bring in a bill to suppress the practice of wearing arms concealed about the persons of individuals.

On motion of Mr. Dockery, the same committee were instructed to inquire into the expediency of amending the laws relative to roads and toll bridges, so as to more effectually guard against the collection of toll where a portion of the community are permitted to cross toll free, &c.

The engrossed bill to lay off and establish a county by the name of Henderson, passed its third reading, and was ordered to be enrolled.

Mr. Caison presented a bill to exempt the aged and infirm from being compelled to serve in fire companies, and upon guards, in any of the incorporated towns and cities in this State; Mr. Morehead a bill to incorporate the Greensboro Female College; and Mr. Biddle a bill to compel owners of Bridges to construct draws. These bills were read and referred.

The engrossed bill from the Senate to lay off and establish a county by the name of Stanly, was read the first time and passed.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company which was read the second time, when Mr. Ried asked to withdraw a former amendment, and substitute in lieu thereof the following: "that the stockholders in said company shall be liable, in their individual capacity, for all debts contracted by said company;" which was decided in the negative—yeas 22, nays 24. The amendment was advocated by Messrs. Reid, Cooper and Edwards, and opposed by Messrs. Taylor, Shepard, Speed and Holt. The bill passed its second reading.

HOUSE OF COMMONS.

Daniel McNeill, the member elect to supply the vacancy occasioned by the resignation of J. A. D. McNeill, of Moore county, appeared, was qualified, and took his seat.

Mr. Wilson presented a bill to appoint Commissioners for the Town of Hertford, which passed its first reading.

The bill to establish a new county by the name of Cleveland passed its second reading—Yeas 37, Nays 56.

Mr. Patton introduced a Resolution in favor of Chas. L. Hinton, which was referred to the Committee on Cherokee Lands.

Mr. Britton presented a petition from a portion of the officers of a Company of Light Infantry attached to the 84th Regiment of Militia, praying an act of incorporation. Referred to the committee on Military Affairs.

On motion of Mr. Gilliam, a message was sent to the Senate proposing to raise a Joint Select Committee to wait on his Excellency E. B. Dudley, and inform him of his election as Governor, and ascertain at what time it will be agreeable to him to appear before the two Houses and take the necessary Oaths of Office.

On motion of Mr. Blalock, the Committee on the Judiciary were instructed to inquire into the expediency of further legislating so as to provide for the security of the rights and privileges of the citizens of this State against trespasses and aggressions committed by the citizens of other States or by Indians within this State.

Received from his Excellency the Governor a message recommending the consolidation of the two Boards directing the Literary and Internal Improvement Funds of the State, and communicating also the Report of the President and Directors of the Internal Improvement Board, together with sundry documents connected therewith—which was transmitted to the Senate, with a proposition that the message of the Governor and the Report of the Board be printed. Subsequently the proposition of the Senate to refer these papers to the Committee on Education and the Literary Fund was concurred in.

The bill to emancipate Emlene, wife of Henry I. Patterson, was read the second time and rejected.

SENATE.

Monday, Dec. 10.

Mr. Edwards, from the Judiciary Committee, to whom the subject was referred, reported a bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases which passed its first reading.

Mr. Cherry, from the same committee, reported a bill to amend an act concerning idiots and lunatics, (so as to include all persons who are deaf and dumb, and thereby incapable of managing their own property,) which passed its first reading.

Mr. Holt, from the committee on private bills, reported the bill for the better regulation of the town of Greenville, with sundry amendments, which were adopted, and the bill passed its second reading.

Mr. Dockery, from the committee on military affairs, to whom the subject was referred, reported a bill to amend the militia laws of this State, which passed its first reading. [Requires captains to muster their companies once in three months.]

Mr. Shepard's resolution relative to the establishment of three banks, was taken up for consideration; when Mr. S. advocated the measure, in an able speech of considerable length; after which, on his motion, the resolution was ordered to lie on the table.

The bill to lay off and establish a county by the name of Jefferson, was rejected, yeas 21.

HOUSE OF COMMONS.

Mr. Guthrie, from the committee on Private Bills; to whom the subject was referred, reported a bill to authorize Jesse T. Walton and George S. Walton to construct a mill dam across the Cataba river; which passed its first reading.

Mr. Siler introduced a bill to improve a part of the State road leading from the town of Franklin, in Macon county, across the Nantahala and Valley river mountains to the new town site called Murphy. Read the first time and referred.

On motion of Mr. Guthrie,

Resolved, That the committee on Propositions and Grievances be instructed to inquire into the expediency of repealing so much of the law as now authorizes the holding of additional terms of the Superior Court, in any of the counties where Jury cases have been abolished in the County Court.

On motion of Mr. Reid,

Resolved, That the committee on Propositions and Grievances be instructed to inquire into the expediency of restoring to the County Courts the trial by Jury where the same has been abolished.

Mr. Hill called up for consideration the resolutions heretofore submitted by him relating to the disposition of the public lands of the General Government. Mr. Cardwell moved to amend by striking out and inserting those submitted him on the 5th instant. After some discussion, on motion of Mr. Rayner, the resolutions were ordered to lie on the table.

The engrossed bill to alter the mode of electing constables in Martin county, passed its third and last reading, and was ordered to be enrolled.

On motion of Mr. Crawford,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the bastardy law so as to deprive the mother of the benefit of the allowance usually made, and of placing said fund in the hands of trustees for the benefit of the child.

The engrossed bill compelling poll-keepers at elections for members of Assembly to open the polls at 10 and keep them open until 5 o'clock, was postponed indefinitely.

SENATE.

Tuesday, Dec. 11.

The engrossed bill to authorize Robert Walker, of Wilkes, to build a mill on Roaring river, was read the third time, passed, and ordered to be enrolled.

Mr. Dockery, from the committee