

Washington Whig.

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WASHINGTON, N. C. WEDNESDAY, DECEMBER 31, 1842.

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TERMS:

The WASHINGTON WHIG, is published every Wednesday, by HENRY D. MAHONEY, Editor, at three dollars per annum, payable in advance.

Subscribers who do not reside in North Carolina, shall, in all cases, be required to pay in advance, and no order from such will be attended to unless accompanied with the cash, or a responsible reference.

Advertisements inserted at sixty cents a square the first insertion and thirty cents for each succeeding one. Yearly advertisements thirty-three and a third per cent. lower.

All unpaid letters addressed to the Editor, connected with the business of the establishment, will in no case, be taken from the post office.

NEW AND CHEAP GOODS.

JUST received by the subscriber, at prices to suit the times, a general assortment of DRY GOODS.

Ready Made Coats, Groceries, Hardware, Crockery, Hats and Caps, Shoes and Boots.

All of the above articles will be sold low for cash or produce. N. B. Persons would do well to call and examine his Goods before they purchase elsewhere.

ALSO FOR SALE.

A HORSE, BUGGY AND HARNESS.

The House and Lot on Second-street, opposite the dwelling of Joseph Purte, Esq. or near the Court-house—which will be sold low and payment made easy. The House is in complete order, having been thoroughly repaired this summer.

JOSEPH E. BLOUNT. Washington, Nov. 9, 1842.

NOTICE.

AT December Term, 1842, of Beaufort County Court, the subscriber qualified as Executor to the last Will and Testament of Luther S. Eborn, dec'd. Persons indebted to the estate, are requested to make payment, and those having claims against it, will present them, properly authenticated, for payment, within the time prescribed by law, or this notice will be plead in bar of their recovery.

FRANCES EBORN, Executrix. Dec. 12 1842.

State Legislature.

ABSTRACT OF THE PROCEEDINGS.

From the Raleigh Register.

IN SENATE—Monday, Dec. 5.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred a Bill, entitled a Bill, to amend the 31st Chapter Revised Stat., concerning crimes and punishments, reported the same, with this amendment, after the word "State," insert "or any Territory thereof," which as amended, was made the order of the day for to-morrow.

A message from the House, transmitting a communication from his Excellency Governor Morehead, accompanied by a Report from the Board of Internal Improvement, and proposing to print the same. Agreed to.

Another message, proposing to go into an election for Attorney General at 12 o'clock this day; which Mr. Moore moved to lay up on the table; but was decided in the negative. Ayes 19. Noes 25. So the message was agreed to. Mr. Speight then nominated Spier Whitaker; Mr. Dobson, J. R. J. Daniel; Mr. Stafford, James B. Shepard, and Mr. Rogers, Thomas Bragg, Jr. for this appointment.

The Bill "making securities on prosecution bonds, liable for the plaintiff's as well as defendant's costs," was read a third time and ordered to be engrossed.

Mr. Spruill's Resolution, in relation to the construction of a Road in the reclaimed Swamp Lands, and which had been referred to the Committee on Internal Improvement, was on his motion transferred to the Joint Select Committee on Swamp Lands.

HOUSE BILLS. To direct the reference of suits on the bonds of Sheriffs and other Officers.

To extend the term for registering Grants, Menne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gifts.

The Speaker announced that the hour having arrived to carry into execution the Joint Order; to proceed to an election of Attorney General, the Senate would now proceed to vote, Messrs. Rogers and Speight forming the Senate's Committee.

FIRST VOTE FOR ATTORNEY GENERAL.

For Mr. Whitaker—18.

For Mr. Daniel—17.

For Mr. Shepard—8.

For Mr. Bragg—3.

Mr. Rogers, from the Joint Committee, reported no election and Mr. Arrington moved to send a message to the House to go again into an election for Attorney General; and the House concurring, Messrs. Jones and Arrington were appointed the Committee of superintendance. The Senate then proceeded to vote a second time.

SECOND VOTE.

For Whitaker 21; Daniel 13; Shepard 6; Bragg 3.

Mr. Arrington reported no election; and on

motion of Mr. Larkins, a message was sent to the House, proposing to go into another election for Attorney General, to which the House having agreed, Messrs. Rogers and Joyner acted as the Senate's Committee.—The names of Messrs. Daniel and Shepard were withdrawn, and the Senate gave its

FINAL VOTE FOR ATTORNEY GENERAL.

For Mr. Whitaker—Messrs. Speaker, Arrington, Albright, Allison, (of L.) Boykin, Burgin, Cathey, Cooper, Dockery, Elliott, Howard, Hodges, Jacobs, Jones, Joyner, Miller, Morehead, Moye, Myers, Pharr, Rea, Ribelin, Shepard, Spruill, Speight, Thomas, Walker and Worth—28.

For Mr. Bragg—Messrs. Allison, (of O.) Boyd, Brown, Dobson, Edwards, Etheridge, Exum, Larkins, Melvin, Mitchell, Moore, Pasteur, Reid, Rogers, Stafford, Stallings, Swinson, Tomlinson, John W. Williams and Wm. P. Williams—20.

In pursuance of a Joint Resolution, the Senate proceeded to vote for a

SENATOR OF THE UNITED STATES.

The result was—For Mr. Graham 19, Brown 16, Saunders 12.

Mr. Arrington reported no election; and on motion of Mr. Ribelin, the Senate adjourned.

Tuesday, Dec. 6. Mr. Joyner, from the Joint Select Committee, reported the election of Spier Whitaker, Esq. for Attorney General; which report was concurred in.

REPORTS FROM COMMITTEES.

Mr. Edwards, from the Committee upon the Judiciary, a Bill to extend the time of registering Grants, Menne conveyances, Powers of Attorney, Bills of Sale, and Deeds of Gift, without amendment.

Mr. Edwards, from the same Committee, to whom was referred a Resolution to amend the Act of Revised Statutes, ch. 102, to provide for the collection and management of the Revenue of this State, so far as regards the assessing and valuing of State Lands, introduced a Bill to provide for the Assessment of Real Estate, which passed its first reading, and on motion of Mr. Joyner was ordered to be printed.

Mr. Worth offered a Resolution, to raise a Joint Select Committee, to inquire into the propriety of amending the law in relation to the Inspection of Tobacco, in this State; which was read and adopted.

A Bill to amend the 24th chapter of the Revised Statutes, concerning Crimes and Punishments, so as to make the carrying off of slaves, felony; passed its second reading.

Mr. Burgin moved a message be sent to the House, proposing to go immediately into an election for a Senator of the United States; in which the House having concurred, Messrs. Boyd and Howard were announced as the Senate's Committee to superintend the balloting, when the Senate proceeded to vote for a U. S. SENATOR.

For Graham 18; Brown 18; Saunders 10. Wednesday, Dec. 7. Mr. Ribelin submitted a resolution for the Committee on the Judiciary, to inquire into the expediency of so amending the present law, as to compel overseers of Roads to apply all fines collected by them from the hiring of hands, to the keeping of such Roads. Read and adopted.

PUBLIC BILLS.

To direct the reference of suits on Sheriff's Bonds and other Officers.

To amend the act in relation to Crimes and Punishments.

The Senate proceeded to the orders of the day.

THE MERCHANTS' BANK OF NEWBERN.

The Bill to amend an Act to establish the Merchant's Bank in Newbern, permitting the Bank to issue notes of the value of \$3.

Mr. Cooper objected to the Bill; the Bank ought to be satisfied with its present charter. If this Bill were carried into effect, it would diminish the quantity of specie in the country; and he believed, if his Resolution in relation to the issuing of half a million of Treasury notes, had not been laid previously before the Senate, this bill would never have been introduced. He was opposed to the measure, and would call for the Ayes and Noes upon the subject.

Mr. Edwards said, the reason the Committee reported the Bill, was to place this Bank upon the same footing precisely as the other Banks of the State.

Mr. Pasteur explained the intention of the amendment, but unfortunately, was inaudible at the Reporter's desk. The Bill, by Ayes 28, Noes 16, then passed its second reading.

House message, proposing to go immediately into an election for United States Senator, on motion of Mr. Hester, was laid upon the table.

Mr. Morehead introduced a Bill, to amend the 4th chapter of the Revised Statutes, concerning Appeals and the nature of Appeals; which was read and referred to the Committee on the Judiciary.

Mr. Shepard introduced a bill to invest the Intendants of Police with all the powers of Justices of the Peace, and allow them certain fees; also, for Constables to give bonds, and for other purposes, which was read and referred to the Committee on the Judiciary.

A Bill to provide for the Assessment of Real Estate, Mr. Joyner moved be laid upon the table, in order to give the Senate time to consider its provisions, the printed Bill having but a few minutes since been laid before them.—Agreed to.

Mr. Larkins moved to take up the message from the House, to vote for a United States Senator, which had been laid upon the table and upon this question, the Ayes and Noes were called, which resulted in a tie vote; Ayes 21, Noes 21, and the Speaker voting in the affirmative, the Message was taken up. Mr. Thomas renewed the motion to lay the Message upon the table; the Ayes and Noes were demanded, and by Ayes 21, Noes 25, the Senate determined to take up the message, when

Mr. Morehead proposed to amend it, by striking out the word "now" and inserting tomorrow at 12 o'clock, and upon this he called for the Ayes and Noes. Ayes 24 Noes 23, so the amendment prevailed.

Mr. Cathey introduced a Resolution, that the Committee on so much of the Governor's Message as relates to the purchase of Cherokee Lands be instructed to inquire into the expediency of surveying and selling, or otherwise disposing of the unsold and unappropriated lands in the Counties of Macon and Cherokee; and that they report by Bill or otherwise; which was read and adopted.

THE MERCHANTS' BANK OF NEWBERN.

Thursday, December 8. The Bill to amend the Act of Incorporation of this Bank, so as to grant it the privilege of issuing Bills of the denomination of three dollars, was then taken up.

Mr. Shepard observed, he would state his objections to the present Bill. In the first place, he would say to his friend, the Senator from Martin, that he most fully concurred in the opinion yesterday expressed by him, that this bill, in its character, was essentially anti-Democratic; and for one, he wished no longer continuance of Banks, than their respective charters allowed them. As to granting them further privileges, he was utterly opposed to any such measure; there were defects enough in the Banking system of North Carolina, which he should like to see corrected, before he would vote for a bill of this kind. He would not charge the Senator from Craven, with misrepresenting the wishes of his constituents; but this much he knew, that the last election in Wake had principally turned upon the Bank question; and that she was Anti-Bank, her present Representatives would show.—Mr. S. proceeded in a "salty" speech, adverse to all Banks, of which, our space forbids further report; concluding, by moving as an amendment to the bill, to insert a proposition, (which not appearing on the Journal is necessarily abridged,) to issue One Million of Dollars in Treasury Notes! on the faith of the State, bearing interest at the rate of 2 1/2 per cent. per annum, for the relief of the people of North Carolina.

[NOTE.—The sum proposed by the Senator, with that previously offered on the same plea, by the Senator from Martin, would have the Democratic tendency to make a State debt, for the vice little amount of only ONE MILLION AND A HALF OF DOLLARS.]

Mr. Pasteur said, the speech of the Senator from Wake, was no answer to the arguments adduced yesterday, on the merits of the Bill. All that he asked, was a simple act of justice towards the Merchants' Bank of Newbern, by placing it on a similar footing with the other Banks of the State. The Bank was chartered by a Democratic Legislature, its Stockholders were individually responsible for every dollar they issued, and the Bank had never suspended specie payments. He called upon the Senate, in justice to the Bank, to pass the bill.

Mr. Dockery moved to lay the Bill upon the table, and print the amendment.

Mr. Edwards submitted to the Chair whether the amendment proposed by the Senator from Wake, was not one of a distinct and separate character from the subject matter of the Bill.

Mr. Shepard then withdrew his amendment, observing, that at some other time, he should offer it to the Senate.

After some remarks from Messrs. Dobson and Dockery, the Bill, by Ayes 32, Noes 15, passed its third reading, and was ordered to be engrossed.

U. S. SENATOR.

The Speaker announced, that the hour to execute the Joint Order of both Houses, to proceed to an election for Senator of the U. States, had arrived, and that Messrs. Boyd and Moye would superintend the election; which resulted as follows: for Brown 21; Saunders 12; Graham 14.

Mr. Edwards called up the Bill to provide for the Assessment of Real Estate, which, on motion of Mr. Allison, of L. was amended, by inserting after the word "and," "with the improvements thereon"; and the Bill, thus amended, was passed.

Mr. Boyd, from the Joint Committee, reported no election of a United States Senator.

Mr. Stallings proposed, that a message be sent to the House, to vote again for a United

States Senator, which was agreed to, and the House concurring, Messrs. Stallings and Morehead were appointed a Committee, and the Senate voted as follows: For Brown 21; Saunders 14; Graham 12.

Friday, Dec. 9. Mr. Morehead from the Joint Select Committee for the election of a United States Senator, Reported no election.

REPORTS FROM STANDING COMMITTEES.

Mr. Edwards, from the Committee on the Judiciary, reported back a Bill, extending the time for perfecting the titles to lands heretofore entered with this amendment after the word lands, in second section, last line but one, insert, or the rights of junior entries.

Mr. Edwards, from the same Committee, adversely to a Bill to exempt Mariners, in certain cases, from the payment of public tax.

Mr. Edwards, from the same Committee, in favor of amending the 4th chap. Rev. Stat. concerning Appeals.

Mr. Elliott, from the same Committee, to whom had been referred a resolution to amend the law, so as to compel overseers of Roads to apply all fines collected by them from the hiring of hands, to the keeping of such roads in repair, reported a Bill for such purpose.

Mr. Shepard, from the same Committee, a Bill to amend the present law, so as to allow Masters of Slaves the right of appeal for misdemeanors before one Justice of the Peace.

All of which passed their first reading, and were made the order of the day for to-morrow.

Mr. Cooper, a Bill, to amend the 29th Sec. of the 31st chap. of Rev. Stat., which on motion of Mr. Edwards, was referred to the Committee on the Judiciary.

THE VOTE FOR GOVERNOR.

A message from the House, informing the Senate that the hour had arrived for executing the Joint Order, for the purpose of counting and comparing the votes for Governor, the Senate adjourned to the Hall of the House of Commons. (See Proceedings in the House.)

On the return of the Members of the Senate to their Chamber,

Mr. Spruill moved, that a message be sent to the House for the purpose of raising a Committee consisting of one, on the part of the Senate, and two on the part of the House of Commons, to wait on John M. Morehead, inform him of his election as Governor, for two years, from the first day of January, 1843, and to ascertain from him, when it will suit his convenience to appear before the two Houses of this General Assembly, and take the oath of office.

Saturday, Dec. 10. Resolutions.—Mr Spruill presented the following Preamble and Resolution, which were read, and on motion of Mr. Morehead, ordered to be printed.

1. Whereas, the 3d Section of the 2d Article of the amended Constitution of the State of North Carolina, declares that "the returns of every election for Governor, shall be sealed up, and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them, in the presence of a majority of the Members of both Houses of the General Assembly."

2. And Whereas, the returns made by the Sheriff of Chatham County, of the votes taken at the election for Governor, on the 4th day of August 1842, and which were handed by the Secretary to the Speaker of the Senate, were not sealed up, as prescribed in the said 3d Section of the 2d Article of the amended Constitution.

3. And Whereas, it may be important for this General Assembly, to express an opinion on the Constitutionality of said Returns of the Sheriff of Chatham, (the votes given in said County not affecting the result of said election,) in order that the question may be settled.

4. Therefore Resolved, That the returns of the Governor's Election, made by the Sheriff of Chatham County, were not made in accordance with the 3d Section of the 2d Article of the amended Constitution of this State, were informal and improper, and ought not to have been counted.

Mr. Spruill also presented a Resolution directing the Secretary of State to commence suit against the Sheriffs of Chatham, Bertie and Wilkes Counties.

Bills Introduced.—By Mr. Hester, to prevent the sale of growing Crops. Read and referred to the Committee on the Judiciary.

By Mr. Cathey, to amend the act in relation to Public Schools, which was referred to the Committee on Education and the Literary Fund.

Mr. Joyner presented a memorial and Bill, empowering the Directors and Company of the Bank of Cape Fear to alter the time of holding their annual meetings from January to May. Read and made the order of the day for Monday.

A bill to exempt Mariners from the payment of Public Taxes, was debated at some length and finally rejected. It was advocated by Messrs. Spruill and Hodges, and opposed by Messrs. Edwards, Jones and Morehead.

HOUSE OF COMMONS.

Monday, Dec. 5. Mr. Avery introduced a Resolution, instructing the Judiciary Committee to inquire into the expediency of abolishing the office of Comptroller; which was adopted.

Mr. Biggs presented a Resolution, instructing the Judiciary Committee to inquire into the expediency of amending the Revised Sta-

tutes so as to provide, that when Executors or Administrators leave the State, no one may be appointed.

Mr. Young, a bill to amend an act concerning Constables. [Provides for giving the appointment of Constables to the County Courts; one to be appointed in each captain's district.]

Mr. Barnes moved its rejection; but the Speaker decided his motion out of order. It was then referred to the Committee on the Judiciary.

The two Houses proceeded to execute the Joint Order, which was to go into an election for Attorney General. The vote was as follows, viz.: Bragg, 46; Daniel 42; Whitaker 31; Shepard 16. No one having received a majority, there was no election.

A message was received from the Senate, proposing to vote again, which was agreed to, and the following was the result: Bragg 62; Daniel 28; Whitaker 56; Shepard 14. No election.

On motion, a message was sent to the Senate, proposing to go into an election for Senator; which was agreed to, and the two Houses voted as follows: Graham 68; Brown 56; Saunders 37. No election.

A message was received from the Senate, proposing to go again into an election for Attorney General, which was agreed to. The names of Messrs. Shepard and Daniel were withdrawn, and the vote was as follows, viz.: Whitaker 82; Bragg 80. The whole number was 162, and Mr. Whitaker having received a majority of the whole, was declared duly elected.

Tuesday, Dec. 6. Mr. Bragg, from the Committee on the Judiciary, to whom was referred the Resolution instructing said Committee to inquire into the expediency of allowing Justices of the Peace fees for their services, made a report, stating that it would be inexpedient, and asked to be discharged from its further consideration. Concurred in.

Also, on the Resolution instructing said Committee to inquire into the expediency of including Bigamy with crimes punishable with death for the first offence, stating that it would be inexpedient, and asked to be discharged from its further consideration. Agreed to.

Also, on the Resolution instructing said Committee to inquire into the expediency of amending the law so as to prevent Public Executions, stating that it was inexpedient. Report concurred in.

Also, on the bill authorizing Solicitors to administer oaths in certain cases, stating that it would be inexpedient to pass said bill, and asked to be discharged from its further consideration. The bill was read a second time and rejected.

Also, on the Resolution, instructing said Committee to inquire into the expediency of amending the law concerning malicious mischief so as to punish it in the same manner as petit larceny; and also into the expediency of making a person on whom a note has been forged, a competent witness in the suit, stating that it would be inexpedient. Report concurred in.

Also, on the bill authorizing the Clerks of the Court to take probate of deeds of conveyance, stating that it would be inexpedient, and recommended its rejection. Read a second time and rejected.

Mr. Candler moved that the report on his resolution, instructing the Judiciary Committee to inquire into the expediency of extending the jurisdiction of Justices of the Peace, be taken up for consideration. The Committee having reported against its expediency, the question was on concurring in the report. Concurred in.

Mr. Russell introduced a Resolution for sending a message to the Senate, proposing that the two Houses adjourn sine die, on Thursday, the 3d of January next. Mr. Brogden moved to lay the Resolution on the table; on which motion the Ayes and Noes were called, and it was decided in the affirmative—Ayes 87, Noes 23.

Mr. Burgin presented a bill to repeal the 9th section of an act concerning entries and grants of land. Read first time.

Received from the Senate, a message proposing to vote immediately for United States Senator. Agreed to by the House; and the following is the vote, viz: For Graham 64; Brown 60; Saunders 37. No election.

Mr. Bragg presented a memorial, from a citizen of Rhode Island, setting forth a claim against the State of North Carolina, and praying that it may be discharged. Referred to the Committee on Claims.

Wednesday, Dec. 7. Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, to whom was referred the Bill for erecting a new County by the name of Union, out of portions of Anson and Mecklenburg, made a report, recommending its passage. Laid on the table, and made the order of the day for Monday next.

Mr. Shanklin presented a memorial from Ocranocke Pilots, which was referred to the Committee on Propositions and Grievances.

Received from the Senate, a message proposing to raise a Joint Select Committee to inquire into the expediency of altering the law with regard to the inspection of Tobacco, also agreeing to refer the Communication from the Governor, on the subject of expenditures for the Governor's House, to the Joint Select Committee on Public Buildings.

Mr. Hester presented a bill, to provide a copy of Swain's Justice for each and every Justice of the Peace in the State. Read first time and passed.

The bill to lay off and establish the County of McDowell, was taken up on its second reading. Messrs. Avery, Mills and Neal, advocated its passage. The Ayes and Noes were called for, on its passage, and it was decided in the affirmative—Ayes 62, Noes 62.

The engrossed bill from the Senate, authorizing securities on Prosecution bonds, liable for Plaintiff's costs, was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Hawking, a message was sent to the Senate, proposing to vote immediately for United States Senator.

Mr. Wilson, of Perquimans, a Resolution