

justice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this objection to say, that the extent of consequences like these cannot be great from a limited and small number of investments; because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be impossible to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature, deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects.

In a government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may be understood by the people. The bill authorizing a subscription to the Louisville and Portland Canal affords a striking illustration of the difficulty of withholding additional appropriations for the same objects, when the first erroneous step has been taken by instituting a partnership between the Government and private Companies.

It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; & the accompanying bill for light-houses, &c. contains an appropriation for a survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid.—This improvement, if successful, would afford a free passage to the river, & render the canal entirely useless. To such improvidence is the course of legislation subject, in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills, authorizing subscriptions to the Maysville & Rockville Road Companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within a State, or to appropriate money for improvements of a local character. I at the same time intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the Federal and State Governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt was paid, and that in the mean while, some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me, and were, I readily admit, intended to awaken the attention, and draw forth the opinions and observations of our constituents upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but, making full allowances on that account, I cannot, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general & remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; & if it were otherwise, our course should be the same. The time is yet, I hope, far distant, when we shall be entrusted with power to be exercised for the good of the whole, will

consider it either honest or wise to purchase local favor at the sacrifice of principle and the general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their unconstitutionality. That the right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved is justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors; and by the persuasion too, that whatever liberal institutions may have to fear from the encroachments of Executive power, which has been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, every where the bane of official trust. I derive, too, no small degree of satisfaction from the reflection, that, if I have mistaken the interests and wishes of the people, the Constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me, a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects, to the highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the Government in this matter than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country, but to the safety of the federal system; I cannot avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions; and who are incapable of desiring to convert an opposite state of things into the means for the gratification of personal ambition—will, laying aside minor considerations and discarding local prejudices, unite their honest exertions to establish some general principle, which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general ground of my objection to local appropriations has been heretofore expressed; and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties, as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system, and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive confederacy, must be admitted. Those diversities arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, generally exaggerated by jealousies, and that spirit of rivalry so inseparable from neighbouring communities. These circumstances make it the duty of those who are entrusted with the management of its affairs, to neutralize their effect as far as practicable, by making the beneficial operations of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements, amount to upwards of five millions of dollars, and have been distributed in very unequal proportions amongst the States. The estimated expense of works of which surveys have been made, together with that of others projected and partially surveyed, amount to more than ninety-six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds amongst the several States, is not to be conceded. The want of this equitable distribution cannot fail to prove a prolific source of irritation amongst the States.

We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of that character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in other objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observations of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a cause of things gives rise, with their baleful influences upon the legislation of Congress, touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past, which the recent exhibition of public sentiments has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

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Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the treasury, after the national debt shall have been paid, among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence on the part of the State Governments, upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable, and others, again, that the extent of their respective territories would furnish a standard which would be more expedient, and sufficiently equitable.

The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent from the rule of contribution, proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time hereafter, decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by the agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens, in intelligence, and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens; and as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of Government, can no where be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvement within such States. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct, to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the confederacy is mainly founded on the prosperity and power of the several independent sovereignties of which it is composed; and the certainty with which they can be brought into successful, active co-operation through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs, that schemes of internal improvement have, from time to time, been proposed, which, from their extent and seeming magnificence, were regarded as of national concernment; but which upon fuller consideration and further experience would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State Legislatures, in which every part of each State is immediately represented, cannot, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained, than if the funds were placed under the control of the Legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such Congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection, its probable effect upon the dignity & independence of the State Governments it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the reverse of that which the objection supposes.

In the one case, the State would receive its quota of the national revenue for domestic use, upon a fixed principle, as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State Governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty, affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome, and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general wealth. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours, or any other, operate with precise equality upon States situated like those which compose this Confederacy; nor is inequality always injustice. Every State cannot expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and cannot be entirely counteracted by human means. Mutual forbearance, therefore, becomes a duty obligatory upon all; and we may, I am confident, count on a cheerful compliance with this high injunction, on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges, which other less favored portions of the world have in vain waded through seas of blood to acquire.

(Continued on 4th page.)

Hillsborough Academy.
The Winter Session will commence on the first Monday in January.
W. J. BINGHAM, Prin.
Dec. 15

State Legislature.

SENATE.

Wednesday, Dec. 8.

Mr. Dobson presented the petition of sundry Citizens of the county of Surry, in relation to John Frost. Referred.

Mr. Meares, from the Judiciary Committee, to whom was referred the Resolution instructing them to enquire into the expediency of so amending the law as to compel defendants in suits on bonds and promissory notes, to verify the plea of the general issue by affidavit. Reported that in their opinion, such an alteration is unnecessary and inexpedient. Concurred with.

Mr. Hinton of Beaufort, from the Committee on Internal Improvement, made a favorable report on the petition of Dr. James Manney, late President of the Club Foot and Harlow's Creek Canal Company, accompanied by a Resolution instructing the Public Treasurer to pay to him \$828,75 expended for the purchase of a Dredging Machine for said Company.

The Resolution passed its first reading. The engrossed bill to prohibit shooting Matches along or across public roads, was read the third time and having been variously amended, was on motion of Mr. Martin, postponed to the 4th of March next, equivalent to its rejection.

On motion of Mr. Martin, the Senate resolved itself into a Committee of the whole, Mr. Hinton of Wake in the Chair, on the bill to establish a Bank on the funds of the State; and after some time spent therein, the Committee rose, reported progress and obtained leave to sit again.

Bills presented.—By Mr. Skinner, a bill to incorporate the Gates Canal Company. By Mr. Murchison, a bill more effectually to provide for the proper payment of money out of the Clerks' Offices of the several counties of this State & Sheriffs. By Mr. Simmons, a bill concerning the Superior and County Courts of the several counties within this State. By Mr. McKay, a bill to authorize Judges to grant writs of *ne-exeat*, in certain cases therein mentioned. By the same, a bill to amend an act passed in 1779, to amend an act for the better observation and keeping of the Lord's day and for the more effectual suppression of vice and immorality, passed in 1741.

These bills were severally read the first time.

Thursday, December 9.

Mr. Miller presented the petition of sundry citizens of Duplin county, praying the passage of an act more effectually to prohibit the retailing of ardent spirits by the small measure.

Mr. M. also presented a Resolution directing the Committee of Finance to enquire what alterations are necessary in the law authorizing County Courts to grant licences to persons to retail spirituous liquors by the small measure.

Mr. Dick, from the select joint Committee, to whom was referred the several bills and resolutions, relative to the fees of the Clerks of the County and Superior Courts and Sheriff, made a Report accompanied by a bill fixing the fees of the County and Superior Courts and Sheriff's fees, which was read the first time and ordered to be printed.

The engrossed bill to extend the provisions of an act passed in 1822, granting further time to perfect titles to lands in this State, passed its third reading and was ordered to be enrolled.

The bill to amend an act passed in 1829, to vest the right of electing Sheriffs in the free white men of the State, was read the third time, amended on motion of Mr. Hinton of Beaufort, and ordered to be engrossed.

The bill to prevent all persons from teaching Slaves to read or write, the use of figures excepted, passed its third reading, 36 to 23 and was ordered to be engrossed.

Bills presented.—By Mr. Dobson, a bill to appoint Commissioners for the town of Rockford in the county of Surry, and to incorporate the same. By Mr. McKay, a bill to repeal certain acts and parts of acts, on the ground of their being unconstitutional. By the same, a bill for revising and digesting the Public Statute Laws of this State.

These bills passed their first reading.

Friday, December 10.

Mr. Miller, from the committee of Privileges and Elections, to whom was referred the petition of B. S. Brittain, contesting the right of James W. Guinn, the Senator from Macon to his seat, made a Report favorable to the sitting member, which was concurred in. An attempt was subsequently made to reconsider the vote on concurring with the Report, but without success.

Mr. Newland, from the committee to whom was referred the memorial of sundry citizens of Wayne, Johnston, Nash and Edgecomb, praying for the erection of a new county, made an unfavorable Report thereon, which, on motion of Mr. Askew, was laid on the table.

On motion of Mr. Davenport, the Judiciary Committee were instructed to enquire into the expediency of amending the law now in force, relative to the punishment of slaves for using violence towards white persons, by increasing the same.

The bill to repeal part of the 2d section of an act passed in 1806, ch. 708, to revise the Militia Laws of this State, was read the second time. Mr. Skinner moved to postpone the same indefinitely, which was negatived 37 to 22.

The bill concerning the Superior and County Courts of the several counties within this State, was read the second time, and on motion of Mr. Meares, indefinitely postponed.

Mr. Hinton of Beaufort, presented a bill to amend an act passed at the last session, concerning fishing in the waters of Blount's creek which passed its first reading.

On motion of Mr. Martin, the Senate resolved itself into a committee of the whole, Mr. Hinton of Wake in the chair, on the Bank bill. Mr. Martin delivered his views in favor of the bill. When he had concluded, Mr. Caldwell of Rowan rose and stated to the Senate, his conviction of the unconstitutionality of the proposed measure, expressing at the same time, a desire to address that body in support of his opinion. He therefore moved that the Committee rise, report progress and obtain leave to sit again, which motion prevailed.

Saturday, December 11.

An unsuccessful effort was made to postpone the balloting for a Judge, vice Mr. Mangum elected Senator, until Tuesday. A balloting accordingly took place, and the result will be found under the Raleigh head.

The resignation of William Horner, Lieut. Col. of the 1st Regiment of the Militia of Orange county, was read and accepted.

Mr. Williams of Martin, from the Committee of Claims, made an unfavorable Report on the petition of sundry citizens of Surry, which was concurred in.

Mr. Wilson presented the petition of Isabella Stator of Edgecomb, accompanied by a bill vesting certain powers in the County Court of Edgecomb. Read the first time.

Mr. Kerr presented the petition of George Pendergraft, accompanied by a bill to alter the name of George W. Morrow & others and to legitimate them.—Read the first time.

On motion of Mr. McFarland, the Judiciary Committee were instructed to enquire into the expediency of amending the present laws of this State, so as to compel all persons who have held or now hold large entries of grants of land known to be speculation land, to run out & mark distinctly their corners and lines.

Mr. Sneed submitted a Resolution instructing the Committee of Finance to enquire into the expediency of providing additional checks on the disbursement of public moneys. It was amended, on motion of Mr. Martin, so as to extend the inquiry into the propriety of diminishing the penalty of the bond required of the Public Treasurer, and thus amended, was adopted.

Bills presented.—By Mr. Dobson, a bill to vest the right of electing clerks of the Superior and County courts, in the free white men of the State. By Mr. Perkins a bill to vest the right of electing constables in the county of Camden, in the free white men thereof.

These bills passed their first reading.

Monday, Dec. 13.

Mr. Williams of Franklin, submitted the following Resolution which was rejected:

WHEREAS, balloting are often had in consequence of blank votes; or votes given to persons not in nomination, for remedy whereof:

Resolved, as the opinion of this Legislature that blank votes, or votes not given to persons not in nomination, be considered as absent members, and that a message be sent to the House of Commons for concurrence.

On motion of Mr. Moye, the Committee on Internal Improvements were instructed to enquire into the expediency of appropriating a certain sum of money out of the fund set apart for Internal Improvement, for the purpose of improving the navigation of Great Contentment Creek from its mouth to Stantonburg.

The bill to amend a part of the 4th section of an act passed in 1822, to provide a Revenue &c. was read the second time and on motion, indefinitely postponed.

Bills presented.—By Mr. McKay, a bill to prohibit the circulation, in this State after the time therein mentioned, of Bank Notes under \$5 issued by the Banks of other States. By the same, a bill, declaring that the repeal of a statute shall not affect suits brought before the repeal. By Mr. Hinton of Beaufort, a bill to amend an act passed at last session for the better regulation of the town of Washington. By Mr. Wilson, a bill concerning Corporations.

These bills passed their first reading.

The Senate resolved itself into a committee of the whole, Mr. Hinton of Wake in the chair, on the Bank Bill. Mr. Caldwell (the Speaker) delivered his views on the constitutionality of the proposed Bank. When he finished, the Committee rose, reported progress and obtained leave to sit again.

Tuesday, Dec. 14.

Mr. Meares presented the petition of sundry citizens of New-Hanover, Surry, Bladen and Duplin counties, praying for the better organization of the Militia of said counties, for the purpose of more effectually guarding against the depredations of runaway Slaves. Referred to a select committee on the subject of select and free persons of color.

Mr. Meares from the Judiciary Committee, who were instructed to enquire what amendments are necessary to the existing laws relative to the priority of entries of vacant land &c. made an unfavorable Report and prayed to be discharged from the further consideration of the subject, which was granted.

Mr. M. also made a Report begging to be discharged from the further consideration