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JOURNALS

OF THE

SENATE AND HOUSE OF COMMONS,

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT ITS SESSION IN 1848--49.

RALEIGH:
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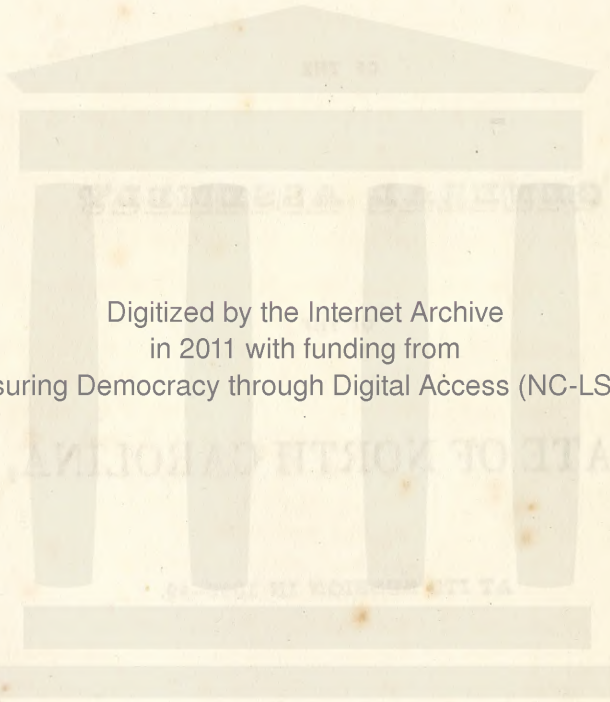

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JOURNAL OF THE SENATE.

AT a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday the 20th day of November, in the year of our Lord, one thousand eight hundred and forty-eight, and in the seventy-third year of the Independence of the United State of America, being the day appointed by law for the meeting of the General Assembly; the following members of the Senate appeared, exhibited their credentials, and were qualified according to law, viz:

From the 1st District—Pasquotank and Perquimons—Wm. B. Shepard.
From the 2d District—Camden and Currituck—John Barnard.
" 3d do. Gates and Chowan—Henry Willey.
" 4th do. Washington and Tyrrell—Jos. Halsey.
" 5th do. Northampton—J. M. S. Rogers.
" 6th do. Hertford—W. N. H. Smith.
" 7th do. Bertie—Lewis Thompson.
" 8th do. Martin—Daniel Ward.
" 9th do. Halifax—Andrew Joyner.
" 10th do. Edgecomb—Wyatt Moye.
" 11th do. Pitt—Benj. F. Eborn.
" 12th do. Beaufort and Hyde—Thomas D. Smaw.
" 13th do. Craven—William H. Washington.
" 14th do. Carteret and Jones—E. S. Bell.
" 15th do. Lenoir and Greene—Edwin G. Speight.
" 16th do. New Hanover—William S. Ashe.
" 17th do. Onslow—John F. Spicer.
" 18th do. Duplin—Stephen Graham.
" 19th do. Brunswick, Bladen and Columbus—Richard Wooten.

From the 20th District—Cumberland—A Murchison.
" 21st " Sampson—M. I. Faison.
" 22d " Wayne—John Exum.
" 23d " Johnston—William H. Watson.
" 24th " Wake—George W. Thompson.
" 25th " Nash—John H. Drake.
" 26th " Franklin—James Collins.
" 27th " Warren—A. B. Hawkins.
" 28th " Granville—John Hargrove.
" 29th " Person—Robert H. Hester.
" 30th " Orange—John Berry.
" 31st " Chatham—William Albright.
" 32d " Moore and Montgomery—John M. Worth.
From the 33d District—Robeson and Richmond—J. A. Rowland.
From the 34th District—Anson—D. D. Daniel.
" 35th " Randolph—W. B. Lane.
" 36th " Guilford—John A. Gilmer.
" 37th " Caswell—Calvin Graves.
" 38th " Rockingham—W. D. Bethell.
" 39th " Mecklenburg—John Walker.
" 40th " Cabarrus & Stanly—R. Kendall.
" 41st " Rowan & Davie- J. A. Lillington.
" 42d " Davidson—J. W. Thomas.
" 43d " Stokes—John Reich.
" 44th " Surry and Ashe—George Bower.
" 45th " Iredell—G. F. Davidson.
" 46th " Lincoln and Catawba—H. W. Conner.
" 47th " Rutherford & Cleveland—W. J. T. Miller.
From the 48th District—Burke, Caldwell, Wilkes, and McDowell—S. F. Patterson.
From the 49th District—Buncombe, Yancy and Henderson—N. W. Woodfin.
From the 50th District—Haywood, Macon and Cherokee—W. H. Thomas.

A quorum consisting of a majority of the whole number of

members being present, Mr Gilmer nominated Andrew Joyner, of Halifax, for Speaker.

On motion of Mr. Ashe, the name of Calvin Graves, of Caswell, was added to the nomination, and the Senate voted as follows:

FOR MR. JOYNER:

Messrs. Shepard, Barnard, Willey, Halsey, Smith, Thompson, of Bertie, Eborn, Smaw, Bell, Washington, Albright, Hargrove, Rowland, Daniel, Kendall, Worth, Lane, Gilmer, Lillington, Thomas, of Davidson, Woodfin, Patterson, Davidson, and Miller—24.

FOR MR. GRAVES:

Messrs. Rogers, Ward, Drake, Thompson, of Wake, Collins, Watson, Hawkins, Moye, Exum, Speight, Hester, Murchison, Faison, Ashe, Graham, Spicer, Wooten, Bethell, Berry, Reich, Bower, Conner, Thomas, of Haywood, and Walker—24.

There being no election, on motion of Mr. Halsey, the Senate proceeded to vote again for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Shepard, Barnard, Willey, Halsey, Smith, Thompson, of Bertie, Eborn Smaw, Bell, Washington, Albright, Hargrove, Rowland, Daniel, Kendall, Worth, Lane, Gilmer, Lillington, Thomas, of Davidson, Woodfin, Patterson, Davidson, and Miller—24.

FOR MR. GRAVES:

Messrs. Rogers, Ward, Drake, Thompson, of Wake, Collins, Watson, Hawkins, Moye, Exum, Speight, Hester, Murchison, Faison, Ashe, Graham, Spicer, Wooten, Bethell, Berry, Reich, Bower, Conner, Thomas, of Haywood, and Walker—24.

There still being no election, on motion of Mr. Ashe, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, NOVEMBER 21.

The Senate met according to adjournment.

On motion of Mr. Lillington, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There being no election, on motion of Mr. Walker, the Senate voted again as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There still being no election, on motion of Mr. Ashe, the Senate proceeded to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

It being announced that there was no election, on motion of Mr. Exum, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 22.

The Senate met according to adjournment.

Mr. Halsey presented a communication from the Secretary of State, which, on his motion, was ordered to lie on the table.

On motion of Mr. Lillington, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethel, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson and Wooten—24.

There being no election, on motion of Mr. Bower, the Senate proceeded to vote again, which was as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Bell, Barnard, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—24.

There was no election.

Mr. Ashe moved that the Senate adjourn until to-morrow morning, 10 o'clock; which was decided in the negative, yeas 15, nays 28. Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Ashe, Berry, Conner, Exum, Faison, Graham, Hawkins, Moye, Murchison, Shepard, Speight, Spicer, Thompson of Wake, Watson and Wooten.

Those who voted in the negative are—

Messrs. Albright, Barnard, Bethell, Bell, Bower, Daniel, Eborn, Gilmer, Halsey, Hargrove, Hester, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Smaw, Smith, Thomas of Davidson, Thomas of Haywood, Thompson of Bertie, Walker, Washington, Willey, Woodfin and Worth.

Mr. Ashe moved that the Senate adjourn until this afternoon, 3 o'clock, which was decided in the negative, yeas 15, nays 34.

Mr. Spicer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Collins, Conner, Drake, Graham, Graves, Hargrove, Moye, Shepard, Speight, Thompson, of Wake, Walker, Ward, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bethell, Bell, Bower, Daniel, Davidson, Eborn, Exum, Faison, Gilmer, Hawkins, Hester, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Washington, Watson, Willey, Woodfin, and Worth.

On motion of Mr. Exum, the Senate proceeded to vote again for Speaker.

The following Senators voted

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

The following Senators voted

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There being no election, on motion of Mr. Reich, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 23.

The Senate met according to adjournment.

On motion of Mr. Drake, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24

There being no election, on motion of Mr. Thomas, of Davidson, the Senate voted again, as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Bell, Barnard, Daniel, Davidson, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—23.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Watson and Wooten—23.

There still being no election, on motion of Mr. Reich, the Senate proceeded to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There being no election, the Senate proceeded, on motion of Mr. Lillington, to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethel, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, Wooten, and Spicer—24.

There was no election.

On motion of Mr. Walker, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOV. 24.

The Senate met according to adjournment.

On motion of Mr. Walker, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There being no election, on motion of Mr. Thompson, of Wake, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, NOV. 25.

The Senate met according to adjournment.

On motion of Mr. Lillington, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn,

Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—23.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

Mr. Thomas, of Davidson, voted for Mr. Shepard.

There being no election, on motion of Mr. Thomas, of Davidson, the Senate proceeded to vote again; the result was as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There still being no election, on motion of Mr. Rowland, the Senate proceeded to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Bethell, Berry, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—23.

Mr. Graves voted for Mr. Ashe, and Mr. Joyner voted for Mr. Shepard.

There being no election, Mr. Bower moved that the Senate adjourn until this afternoon, 3 o'clock; which was decided in the negative, yeas 19, nays 27. Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Murchison, Speight, Spicer, Thomas of Haywood, Walker, Ward, Watson and Wooten.

Those who voted in the negative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hester, Kendall, Lane, Lillington, Miller, Patterson, Rogers, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Thompson of Wake, Washington, Willey, Woodfin and Worth.

On motion of Mr. Albright, the Senate voted again for Speaker, as follows, viz:

FOR MR. JOYNER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. GRAVES:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

There still being no election, on motion of Mr. Reich, the Senate adjourned until three o'clock, this afternoon.

AFTERNOON, 3 O'CLOCK.

Mr. Patterson presented for the consideration of the Senate, the following preamble and resolutions, viz:

WHEREAS, The interest of the State requires that the Senate should organize without further delay—*And whereas*, this important object is not likely to be effected, without conciliation and concession:

Therefore Resolved, First—That the Speaker be given to the Democratic Party;

Second—That the present Clerks be retained;

Third—That the standing Committees be appointed according to the Rules of the last Session. The Whig Party to have at least three out of the seven on each Committee.

Fourth—If the Whigs at any time during the Session, desire to increase the number on the Committee on Privileges and Elections, they shall be at liberty, on motion, to add one of their party to that Committee.

Fifth—That in all cases of a tie in the Committee on Privileges and Elections, each half shall be at liberty to proceed and report the facts, with the testimony, to the Senate, for its action.

Mr. Ashe moved, that Mr. Patterson be requested to act as presiding officer of the Senate during the consideration of the said Preamble and Resolutions, which was agreed to, and Mr. Patterson took the Chair.

After some time spent in discussing the Preamble and Resolutions, the question was taken thereon, and decided in the affirmative; Yeas 25, Nays 21.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Kendall, Lane, Lillington, Miller, Pattersen, Reich, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin and Worth.

Those who voted in the negative are:

Messrs. Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum,

Faison, Graham, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thompson of Wake, Walker, Ward, Watson and Wooten.

Mr. Gilmer then withdrew the name of Andrew Joyner from the nomination for Speaker, and moved that the Senate proceed to vote again for that Officer, which was decided in the affirmative, and the Senate voted as follows, viz :

FOR MR. GRAVES :

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Shepard, Smith, Speight, Spicer, Thomas of Davidson, Thomas of Haywood, Thompson of Bertie, Thompson of Wake, Walker, Ward, Woodfin, Washington, Watson, Willey, Wooten and Worth—41.

Mr. Barnard voted for Mr. Shepard, and Mr. Rowland voted for Mr. Joyner.

Mr. Graves having received a majority of the votes cast, and being duly elected Speaker of the Senate, was conducted to the Chair by Mr. Gilmer, the Senator from Guilford, and Mr. Ashe, the Senator from New Hanover, and made his acknowledgements in an appropriate address.

Mr. Washington moved that the Officers of the last Session of the Senate, Principal and Assistant Clerks and Principal and Assistant Doorkeepers be re-appointed; which was agreed to.

On motion of Mr. Lillington,

Ordered, That a message be sent to the House of Commons, informing that Body of the due organization of the Senate, by the election of Calvin Graves, Esq., Senator from Caswell, Speaker; Henry W. Miller, Principal Clerk; H. W. Husted, Clerk Assistant, and Green Hill and Patrick McGowan, Doorkeepers, and that it is ready to proceed to public business.

Mr. Patterson moved that a message be sent to the House of Commons, proposing to raise a joint select Committee to wait on His Excellency the Governor, and inform him that the two Houses of the General Assembly are ready to receive any communication which he may have to make to them.

Before the question was taken, on motion of Mr. Bower, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 27.

The Senate met according to adjournment.

On motion of Mr. Patterson,

Ordered, That a message be sent to the House of Commons, proposing to raise a Committee of two on the part of each House, to wait on His Excellency, the Governor, and inform him of the due organization of both Branches of the Legislature, and their readiness to receive any communication he may have to make.

On motion of Mr. Halsey,

Resolved, That the Rules of Order for the government of the last Senate be adopted for the government of the present Senate, until otherwise ordered.

A message was received from the House of Commons, announcing the due organization of that body, by the appointment of Robert B. Gilliam, of Granville, Speaker; Perrin Busbee, Chief Clerk; James R. Dodge, Clerk Assistant; William R. Lovell and William S. Webster, Doorkeepers, and informing the Senate that they are ready to proceed to the dispatch of public business.

On motion of Mr. Bower, a message was sent to the House of Commons, proposing to vote forthwith for Engrossing Clerk. Mr. Bower nominated for that appointment, Robert K. Bryan.

The following additional nominations were then made, viz:

By Mr. Walker—James J. Thomas.

By Mr. Daniel—Sanders M. Ingram.

By Mr. Thompson, of Wake—T. G. Whitaker.

By Mr. Gilmer—David Lewis.

By Mr. Smith—James F. Simmons.

By Mr. Lane—Thomas A. Futrell and T. M. Moore;

and the House of Commons were informed of said nominations.

On motion of Mr. Halsey,

Resolved, That the Speaker of the Senate assign places to Reporters, to report the proceedings of the Senate during its present Session.

Received from the House of Commons a message, concurring in the proposition of the Senate to appoint a Select Committee on the part of each House, to wait upon his Excellency, the Governor, and inform him of the due organization of the Legislature, and its readiness to receive any communication from him; and also stating, that Messrs. Headen and Spivey form the Committee on the part of that House. Messrs. Patterson and Hawkins were appointed the Committee on the part of the Senate, and the House of Commons were informed thereof.

Received from the House of Commons a message, concurring in the proposition of the Senate to go forthwith into an election for Engrossing Clerk, and informing the Senate that the name of James Iredell is added to the nomination, and that Messrs. Cannady and Gambill form the Commons branch of the committee to superintend said election. Messrs. Lane and Bower were appointed the committee on the part of the Senate, and the House of Commons were informed thereof; and that the Senate would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz:

For Mr. Thomas—Messrs. Collins, Conner, Drake, Exum, Hargrove, Hawkins, Hester, Moye, Reich, Speight, Thomas, of Haywood, Walker and Ward—13.

For Mr. Ingram—Messrs. Bell, Daniel, Eborn, Kendall, Rowland, Smaw, and Thomas, of Davidson—7.

For Mr. Moore—Messrs. Gilmer, Lane, Miller and Worth—4.

For Mr. Whitaker—Messrs. Bethell, Thompson, of Wake, and Watson—3

For Mr. Lewis—Messrs. Albright, Barnard and Washington—3.

For Mr. Simmons—Messrs. Halsey, Joyner, Smith, and Thompson, of Bertie—4.

For Mr. Bryan—Messrs. Ashe, Bower, Davidson, Faison, Graham, Lillington, Murchison, Rogers, Spicer and Wooten—10.

For Mr. Iredell—Messrs. Berry, Patterson, Shepard, Willey and Woodfin—5.

On motion of Mr. Halsey, the communication from the Sec-

retary of State, relating to the Public Printing, was taken up, read, and transmitted to the House of Commons.

On motion of Mr. Walker,

Resolved, That a Committee of five be appointed to report Rules for the government of the Senate, during its present session.

Under this resolution, the Speaker appointed the following committee, viz: Messrs. Walker, Joyner, Ashe, Halsey and Speight.

On motion of Mr. Patterson,

Ordered, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee to report Joint Rules for the government of the two Houses.

Mr. Bower, from the committee appointed to superintend the election of Engrossing Clerk, reported that no one having received a majority of votes cast, there was no election.

On motion of Mr. Bower, a message was sent to the House of Commons, proposing to vote again forthwith for Engrossing Clerk.

Mr. Thomas, of Davidson, presented the following Resolution, viz:

Resolved by the two Houses of the General Assembly, That the Doorkeepers be required to keep the large Lamps on the Capitol Square lit up during the present Session.

Which was read and adopted.

Mr. Gilmer presented the Memorial of Hugh Waddell, Esq. contesting the seat of the sitting Senator from the 30th Senatorial District; and upon the reading of the same, Mr. Gilmer moved the following Preamble and Resolution, which were read and adopted, viz:

WHEREAS, a memorial has been presented by Hugh Waddell of the County of Orange, touching the right of the sitting Senator from the 30th Senatorial District, to his seat in the Senate of North Carolina; therefore

Resolved by the Senate, That a Commission signed by the Speaker, issue at the instance of either party, to Peyton M.

Moore and Richardson Nichols, Justices of the Peace of Orange County, or in case of their inability to act, to any other two Justices of the said County, authorizing and empowering them to take the Depositions of any person or persons, offered in the said Contested Election from said District for a seat in this body touching said Contested Election now pending, and return said Depositions, sealed up to the Speaker, provided the party offering the Witnesses shall give to the adverse party ten days' previous notice in writing, of the time and place of taking such depositions, and that when such depositions are received by the Speaker of this Body, they shall be referred, with the memorial of the person contesting the seat of the sitting member to the committee on Privileges and Elections.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again for Engrossing Clerk, and stating that Messrs. Atkin and Love form their branch of the committee to superintend said election. Messrs. Walker and Gilmer were appointed the committee on the part of the Senate, and the House of Commons were informed thereof, and that the Senate would vote on the return of the messenger.

The Senate then voted as follows, viz:

For Mr. Bryan—Messrs. Speaker, Bethell, Bower Davidson, Faison, Lillington, Murchison, Rogers, Spicer, and Wooten—10.

For Mr. Moore—Messrs. Albright, Gilmer, Lane, Miller, and Worth—5.

For Mr. Iredell—Messrs. Barnard, Patterson, Thompson of Bertie, Willey and Woodfin—5.

For Mr. Ingram—Messrs. Bell, Daniel, Eborn, Kendall, Rowland, Smaw, and Thomas of Davidson—7.

For Mr. Thomas—Messrs. Berry, Collins, Conner, Drake, Exum, Graham, Hargrove, Hester, Moye, Reich, Speight, Thomas, of Haywood, Walker, and Ward—14.

For Mr. Simmons—Messrs. Halsey, Joyner and Smith—3.

For Mr. Whitaker—Messrs. Thompson of Wake and Watson—2.

Received from the House of Commons a message transmitting the Message of His Excellency, Governor Graham, with

a proposition that the same be printed, five copies for each member of the Legislature. The Message of His Excellency was read, and the proposition to print concurred in.

Mr. Walker, from the Committee appointed to superintend the election of Engrossing Clerk, reported that no one having received a majority of the votes given, there was no election.

On motion of Mr. Smith, the name of Mr. Simmons; on motion of Mr. Thompson of Wake, the name of Mr. Whitaker; on motion of Mr. Daniel, the name of Mr. Ingram and on motion of Mr. Gilmer the name of Mr. Lewis, were severally withdrawn from the nomination for Engrossing Clerks, and information thereof sent to the House of Commons.

On motion of Mr. Walker,

Ordered, That a message be sent to the House of Commons, proposing to vote again forthwith for Engrossing Clerk.

On motion of Mr. Thompson of Wake, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, NOVEMBER 28.

The Senate met according to adjournment.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to appoint a Joint Select Committee of three, on the part of each House, to report Rules of Order for their joint government, and that Messrs. Mebane, Dancey, and I. H. White, form the Committee on the part of that House. Messrs. Patterson, Watson and Wooten, were appointed the committee on the part of the Senate, and the House of Commons was informed thereof.

Received from the House of Commons a message, proposing that the two Houses vote again, forthwith, for Engrossing Clerk, and informing the Senate that the name of Mr. Ingram is withdrawn from the nomination, which proposition was concurred in; and Messrs. Faison and Daniel were appointed the

committee on the part of the Senate, and the House of Commons were informed thereof.

A message was then received from the House of Commons, announcing that Messrs. A. J. Leach and Farmer, form the Committee on their part, and the Senate voted as follows, viz:

For Mr. Bryan—Messrs. Ashe, Bethell, Bower, Davidson, Faison, Graham, Lillington, Murchison, Rogers, Spicer, and Wooten—11.

For Mr. Iredell—Messrs. Barnard, Eborn, Berry, Joyner, Patterson, Shepard, Washington, Willey, and Woodfin—9.

For Mr. Thomas—Messrs. Collins, Conner, Drake, Exum, Hargrove, Hawkins, Hester, Moye, Speight, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, and Watson—14.

For Mr Moore—Messrs Albright, Bell, Daniel, Gilmer, Halsey, Kendall, Lane, Miller, Reich, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, and Worth—15.

Mr. Lane introduced a Bill entitled "A Bill to repeal an act entitled An Act providing for the appointment of Engrossing Clerks," which was read the first time and passed.

Mr. Daniel from the Committee appointed to superintend the election of Engrossing Clerk, reported that there was no election.

On motion of Mr. Halsey, a message was sent to the House of Commons, proposing that the two Houses vote this day at 12 o'clock for Secretary of State, and that the name of William Hill, is in nomination for that office.

Received from the House of Commons a message concurring in the proposition of the Senate to vote at 12 o'clock this day, for Secretary of State, and stating that Messrs. T. J. Person and Headen form the Committee on the part of that House to superintend said election.

Mr. Thomas, of Davidson, moved that a message be sent to the House of Commons, proposing that the two Houses proceed on Thursday next, to the election of United States Senator for the term of six years from and after the 4th of March next; which was decided in the negative—yeas 23, nays 24.

Mr. Thomas, of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Miller, Patterson, Rowland, Smaw, Thomas, of Davidson Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Received from the House of Commons a message proposing to vote again forthwith, for Engrossing Clerk, which was concurred in, and the House of Commons were informed thereof, and that Messrs. Graham and Worth form the Committee on the part of the Senate to superintend said Election.

A message was then received from the House of Commons stating that Messrs. Keen and Carmichael form their branch of the Committee; and the Senate proceeded to vote as follows:

For Mr. Bryan—Messrs. Ashe, Bethell, Bower, Faison, Lillington, Murchison, Rogers, Spicer, Thompson, of Wake, Watson and Wooten—11.

For Mr. Moore—Messrs. Albright, Bell, Daniel, Gilmer, Halsey, Kendall, Lane, Miller, Rowland, Smaw, Smith, Thomas of Davidson, and Worth—13.

For Mr. Iredell—Messrs. Barnard, Davidson, Eborn, Joyner, Patterson, Shepard, Thompson of Bertie, Washington, Willey, and Woodfin—10.

For Mr. Thomas—Messrs. Speaker, Berry, Collins, Conner, Drake, Exum, Graham, Hargrove, Hawkins, Hester, Moye, Reich, Speight, Thomas, of Haywood, Walker, and Ward—16.

The hour of 12 o'clock having arrived, a message was sent to the House of Commons, stating that Messrs. Halsey and Drake form the Cmmittee on the part of the Senate to superintend the election of Secretary of State, and that the Senate would proceed to vote on the return of the messenger.

The Senate voted as follows, viz:

FOR MR. HILL:

Messrs. Speaker, Albright, Bell, Bethell, Bower, Collins, Daniel, Davidson, Drake, Eborn, Faison, Gilmer, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Haywood, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Washington, Watson, Willey, Woodfin, and Worth—41.

Messrs. Exum and Hester voted for J. O Watson, Esq.

Received from the House of Commons, a proposition to vote again for Engrossing Clerk, which was concurred in; and Messrs. Reich and Thomas, of Davidson, appointed the Committee to superintend the election on the part of the Senate. A message was received from the House of Commons, stating that Messrs. Blow and McMullen form the Committee to superintend the election on the part of that House, and that they would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz:

For Mr. Bryan—Messrs. Ashe, Berry, Bethell, Bower, Davidson, Faison, Hawkins, Murchison, Reich, Rogers, Spicer, Thompson, of Wake, Watson, and Wooten—14.

For Mr. Moore—Messrs. Albright, Barnard, Bell, Daniel, Gilmer, Halsey, Kendall, Lane, Lillington, Miller, Rowland, Shepard, Smaw, Thomas, of Davidson, Woodfin, and Worth—16.

For Mr. Thomas—Messrs. Speaker, Collins, Conner, Drake, Exum, Graham, Hargrove, Hester, Moye, Speight, Thomas, of Haywood, Walker, and Ward—13.

For Mr. Iredell—Messrs. Eborn, Patterson, Smith, Thompson, of Bertie, Washington, Willey, and Joyner—7.

Mr. Joyner introduced a Bill entitled, "A Bill to authorize the County Court of Halifax to sell and convey the lot in the town of Halifax, on which the old Court House was situated;" which was read the first time and passed.

Mr. Thomas, of Davidson, from the Committee superintending the election of Engrossing Clerk, reported that there was no election.

Mr. Halsey, from the Committee appointed to superintend

the election of Secretary of State, reported that William Hill having received a majority of the votes given, is duly elected.

Received from the House of Commons, a message transmitting certain documents from other States, which accompanied the message of His Excellency, the Governor, and proposing that they be referred to a Joint Select Committee, to consist of five on the part of each House, which was concurred in; and the Speaker announced the following Committee viz: Messrs. Ashe, Lillington, Conner, Davidson, and Rogers—and the House of Commons were informed thereof.

Received from the House of Commons a message, proposing that the two Houses vote again forthwith for Engrossing Clerk, and stating that the name of Mr. Thomas is withdrawn from the nomination. Concurred in, and Messrs. Hawkins and Miller appointed the committee on the part of the Senate to superintend the election; and the House of Commons were informed thereof. A message was then received from that body, stating that Messrs C. W. Williams and Piggott, form their branch of the committee to superintend said election, and that they would proceed to vote on the return of the messenger

The Senate then voted as follows, viz:

FOR MR. BRYAN:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—25.

FOR MR. MOORE:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—23.

FOR MR. IREDELL—Mr. Joyner.

Mr. Hawkins, from the committee appointed to superintend the election of Engrossing Clerk, reported that Mr. Bryan having received a majority of all the votes given, is duly elected.

A message was received from His Excellency, Governor

Graham, through his Private Secretary, transmitting the vote of the several Counties of the State, at the recent election for Electors for President and Vice President of the United States, &c. which, on motion of Mr. Halsey, was ordered to be laid on the table.

On motion of Mr. Halsey, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 29.

The Senate met according to adjournment.

Mr. Walker, from the committee appointed to prepare and report Rules of Order for the Government of the Senate, reported the following, which were read and adopted, viz:

Rule 1st. When the Speaker takes the Chair, each member shall take his seat, and on the appearance of a quorum, the Journal of the preceding day shall be read.

Rule 2d. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, viz:

1st. The receiving petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the Senate.

2d. The reports of Standing Committees.

3d. The reports of Select Committees.

4th. Resolutions.

5th. Bills.

6th. Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other papers on the table. Then the Orders of the Day; but motions and messages to elect Officers shall always be in order.

Rule 3rd. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happens to rise at once, the Speaker shall name the one who is first to speak.—No member shall speak oftener than twice on the same question without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or passing between him and the Chair.

Rule 4th. All Bills and Resolutions introduced, shall pass, as a matter of course, the first reading.

Rule 5th. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House

Rule 6th. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to correct, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and decided without debate.

Rule 7th. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators—as many as are of opinion that (as the case may be,) say Aye;" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question, to rise from their seats, and after-

wards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative, which being reported, he shall then name two others, one from each side, to tell the number in the negative, which being also reported, he shall state that division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was but from the Chair, shall enter his yea or nay, without leave, unless he shall have been absent on some Committee; and the row of pillars shall be the bar of the Senate.

Rule 8th. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

Rule 9th. In all cases of election by the House, the Speaker shall vote, and when on a division there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote if given to the majority shall make the division equal, and when an equal division shall be produced by the Speaker's vote, the question shall be lost.

Rule 10th. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

Rule 11th. Petitions, Memorials and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and the petition, memorial or other paper, shall not be read, unless so ordered by the House.

Rule 12th. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information, and upon this reading shall not be subject to amendment, but may be amended on the second and third reading; and the Clerk shall keep a calendar of all such resolutions and the bills, with the orders taken on them, for the inspection of the members of the Senate.

Rule 13th. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto, and then shall first be read for information, and afterward paragraph by paragraph, and held open for amendment.

Rule 14th. After a Bill has been once rejected, postponed indefinitely, or to a day beyond the Session, another of like provisions shall not be introduced during the same Session.

Rule 15th. When a question has once been decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in the possession of the Senate, and no bill or resolution of a public nature shall be sent from the Senate; until 12 o'clock the succeeding day.

Rule 16th. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered, and the Select Committees of the House shall consist of five members.

Rule 17th. There shall be appointed by the Speaker the following Committees, viz: A Committee of Propositions and Grievances; a committee of Privileges and Elections; a committee of Claims; a committee on the Judiciary; a committee on Internal Improvement, and a committee on Education and the Literary Fund, consisting of seven members each.

Rule 18th. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the Chair and appoint a Chairman; and when upon any other occasion the Speaker wishes to leave the Chair, he shall appoint a Speaker *pro tem.*

Rule 19th. When any petition, memorial, or other paper, addressed to the House shall have been referred, either to one of the Standing or Select Committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

Rule 20th. In case of any disturbance or disorderly conduct in the lobby or gallery, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

Rule 21st. No person except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State resident at the seat of Government, Members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

Rule 22d. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

Rule 23d. When the House adjourns, the members shall keep their seats until the Speaker leaves the Chair.

Rule 24th. On motion of adjournment, the question shall be decided without debate.

Rule 25th. The Rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by consent of two-thirds of the members present.

CALVIN GRAVES,
Speaker of the Senate.

By order,
HENRY W. MILLER, Clerk.

The Speaker appointed the following Standing Committees under the Rules of the Senate :

On Privileges and Elections—Messrs. Bower, Gilmer, Ashe, Lillington, Conner, Halsey, and Thompson of Wake.

On Propositions and Grievances—Messrs. Walker, Albright, Worth, Exum, Eborn, Reich and Daniel.

On Claims—Messrs. Conner, Kendall, Speight, Thomas of Davidson, Spicer, Willey and Moye.

On the Judiciary—Messrs. Woodfin, Ashe, Washington, Graham, Smith, Rogers and Gilmer.

On Internal Improvements—Messrs. Patterson, Thomas, of Haywood, Thompson of Bertie, Murchison, Miller, Berry and Davidson.

Education and the Literary Fund—Messrs. Shepard, Bethell, Joyner, Collins, Lillington, Faison, and Wooten.

Mr. Patterson, from the Joint Select Committee appointed to report Rules for the joint government of the two Houses, reported a set of Joint Rules, which were adopted, and transmitted to the House of Commons for its concurrence.

On motion of Mr. Patterson,

Ordered, That a message be sent to the House of Commons, proposing that the Rules of the Senate, the Rules of the House of Commons, the Joint Rules, together with the Constitution of the State and of the United States, be printed in pamphlet form, one for each member.

The Speaker announced that Messrs. Drake, Smaw, Hawkins, Lane, Hester, Gilmer, Watson, and Worth, form the Senate's Branch of the Joint Select Committee on Finance; and that Messrs. Smith, Graham, and Ward, form the Senate's Branch of the Joint Committee on the Library, and the House of Commons were informed thereof.

Mr. Kendall, presented the following Resolution, which was read and adopted:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of providing that Witnesses who are summoned to give testimony before a Clerk to bring an account in cases against Guardians, and before a Clerk and Master taking depositions, be allowed the same pay and mileage as witnesses who attend in suits in Court, and that the same be deemed as part of the Costs; and further, that the Committee enquire into the expediency of ascertaining, by law, the compensation to be allowed Clerks and Masters for taking depositions, and that the Committee report by bill or otherwise.

Received from the House of Commons, a message proposing to refer so much of the Governor's Message as relates to

setting apart some day within each year as a day of Thanksgiving, be referred to a Joint Select Committee to consist of five on the part of that House, and three on the part of the Senate; and also proposing that so much of said Message as relates to the erection of a Monument in honor of Brigadier Generals Francis Nash and William Davidson, be referred to a Joint Select Committee of three on the part of that House, and two on the part of the Senate; which propositions were agreed to, and the House of Commons informed thereof.

Received from the House of Commons a Message transmitting the resignation of Justices of the Peace, which accompanied the Message of His Excellency, the Governor; also a proposition to refer so much of said Message as relates to an agricultural, geological and mineralogical survey of the State, to a Joint Select Committee of five on the part of each House—which was concurred in.

A message was also received from the House of Commons, transmitting the Report of C. L. Hinton, the Public Treasurer, with a proposition to print the same, which was concurred in; and the House of Commons informed thereof.

Mr. Shepard presented the following Resolution, viz:

Resolved, That the Governor be requested to communicate to the Legislature the particulars of the arrangement alluded to in his Message, by which "A Company might be organized to embrace the entire line from Gaston to Charlotte, and the Road now owned by the State transferred to them at a fair valuation in payment of her subscription for Stock."

Which was read and adopted.

Received from the House of Commons a message transmitting a memorial from Miss D. L. Dix, with a proposition that it be printed—twelve copies for each member of the Legislature, and be referred to a Joint Select Committee of seven on the part of each House; which propositions were concurred in, and Messrs. Washington, Hawkins, Patterson, Thomas of Haywood, Conner, Woodfin and Bower, were appointed said Committee, and information thereof sent to the House of Commons.

Mr. Murchison, introduced a Resolution for the relief of the County Court Clerk of Cumberland, which was read the first time, passed, and on his motion, referred to the Committee on Propositions and Grievances.

Mr. Gilmer, moved that a message be sent to the House of Commons, proposing that the two Houses proceed on Monday next to the election of United States Senator for the term of six years, from and after the 4th day of March next, which was decided in the negative; Yeas 25, Nays 24.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Speaker Graves voted in the negative.

On motion of Mr. Walker, the Senate adjourned until to morrow morning, 10 o'clock.

THURSDAY, Nov. 30.

The Senate met according to adjournment.

The Speaker announced that Messrs. Ashe, Shepard, Murchison, Smith, and Walker, form the Senate's branch of the Joint Select Committee on so much of the Governor's Message as relates to an Agricultural, Geological and Mineralogical survey of the State; that Messrs. Gilmer, Bower, and Eborn, form the Senate's branch of the Joint Select Committee

on so much of said Message as relates to setting apart a day of Thansgiving, and that Messrs. Conner and Washington form the Senate's branch of the Committee agreed to be raised on the part of each House, on so much of the Governor's Message as relates to a Monument in honor of Brigadier Generals Nash and Davidson; and the House of Commons were informed thereof.

Received from the House of Commons, a message stating that the following Committees have been appointed on the part of that House, viz:

On Finance—Messrs. Mebane, Ferebee, S. J. Person, Hicks, Peebles, Thornton, Wooten, and Shuford.

On the Library—Messrs. Procter, Atkins, T. J. Person.

On the Memorial of Miss Dix—Messrs. Ellis, Stanly, Biggs, Dobbin, Wadsworth, Johnson, and J. J. Williams.

Received also, a message, concurring in the proposition of the Senate, to print the Joint Rules of Order, &c., one copy for each member of the General Assembly.

Also, a message proposing that a Joint Select Commtttee of three on the part of the House of Commons, and two on the part of the Senate, be raised, whose duty it shall be to inquire into the most appropriate method of testifying the approbation of the General Assembly, for the gallant and heroic conduct of such native sons of North Carolina, as have distinguished themselves in the late war with Mexico; which proposition was concurred in.

Mr. Conner presented the memorial of the Wardens of Lincoln County, which was, on his motion, referred to the Committee on the Judiciary.

Mr. Rowland introduced a Bill entitled, "A bill to clear out Lumber river;" which was read the first time, passed, and ordered to be referred to the Committee on Internal Improvements.

Mr. Halsey introduced a Bill entitled, "A Bill for the relief of Executors and Administrators," which was read the first time, passed, and on motion of Mr. Halsey, referred to the Committee on the Judiciary.

Mr. Gilmer introduced a Bill entitled, "A Bill to incorpor-

ate the Deep River Mining and Smelting Company; which was read the first time and passed.

Mr. Rowland introduced a Bill entitled, "A Bill to incorporate Lumberton Academy;" which was read the first time, passed, and on motion of Mr. Washington, referred to the Committee on Education.

Received from the House of Commons, a message transmitting the Pension Certificates of Ann Patterson and Thomas Ewell, which were read, and on motion of Mr. Washington, ordered to be countersigned by the Speaker of the Senate.

The Senate took up for consideration the Bill entitled, "A Bill to repeal an act entitled an act providing for the appointment of Engrossing Clerks," which was read the second time and rejected.

Mr. Washington presented the Pension Certificate of Alexander Taylor; which was read, and on his motion, ordered to be signed by the Speaker of the Senate, and transmitted to the House of Commons

The Bill to authorize the County Court of Halifax, to sell and convey the lot in the town of Halifax, on which the old Court House is situated, was taken up, read the second time and passed.

Mr. Gilmer moved that a message be sent to the House of Commons, proposing that the two Houses vote on Tuesday next, for United States' Senator, for the term of six years, from and after the 4th of March next.

Mr. Ashe moved to amend the motion, by striking out the words, "Tuesday next," and inserting the words, "the 20th of December next," which was rejected; yeas 24, nays 25.

Mr. Rogers demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer,

Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin and Worth.

The question then recurred on the original motion, and was decided in the negative; Yeas 25, Nays 24.

Mr. Woodfin demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bell, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

The Speaker, Mr. Graves, voted in the negative.

Received from the House of Commons a message, proposing that the two Houses go into an election of Attorney General of the State, on to-morrow, at 12 o'clock.

Mr. Collins moved to lay the message on the table; which was decided in the negative, Yeas 23, Nays 26.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith,

Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

The question then recurred on concurring in the proposition of the House of Commons, and was decided in the affirmative; Yeas 26, Nays 23.

Mr. Thomas of Davidson, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson, and Wooten.

A message was received from the House of Commons, proposing that the two Houses proceed on Saturday next, at 11 o'clock, to the election of Solicitor of the 7th Judicial Circuit; which was concurred in, Yeas 26, Nays 23.

The Yeas and Nays were demanded by Mr. Conner.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Watson, Ward, and Wooten.

The message of the House of Commons likewise stated, that Burgess S. Gaither is in nomination for the office of Solicitor of the 7th Judicial Circuit.

Mr. Halsey moved that a message be sent to the House of

Commons, proposing that the two Houses proceed, on to-morrow, at 1 o'clock, to the election of Solicitor of the first Judicial Circuit; which was not agreed to.

On motion of Mr. Bethell, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DEC. 1.

The Senate met according to adjournment.

Mr. Speight presented the resignation of J. G. Daniel, a Justice of the Peace for the county of Greene; which was read and accepted.

Mr. Walker presented the Pension Certificate of Martha Thompson, which was read, and on his motion, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a resolution for the relief of the Clerk of the County Court of Cumberland, reported the same to the Senate, and recommended its adoption. *Ordered* to lie on the table.

Mr. Walker presented the resignation of William A. Lawring, a Justice of the Peace for the county of Mecklenburg; which was read and accepted.

Mr. Graham presented the following Preamble and Resolutions, viz:

WHEREAS, The members of the Senate have heard since the last general election for members to the Legislature, that James K. Hill, Senator elect, who for many years ably and faithfully represented the Senatorial District composed of the county of Duplin, in the Legislature of North Carolina, has departed this life. Therefore,

Be it Resolved, That in consideration of his sterling worth and undeviating attachment to the interest of the State, the

members do deeply deplore the death of the said James K. Hill.

Be it further resolved, That this Preamble and Resolutions be spread upon the Journals of the Senate, and a copy of the same be transmitted by the Speaker of the Senate to the family of the deceased.

Which Preamble and Resolutions were unanimously adopted.

A message was sent to the House of Commons, stating that Messrs. Hawkins and Shepard, form the Senate's branch of the Joint Select Committee agreed to be raised, whose duty it shall be to enquire into the most appropriate method of testifying the approbation of the General Assembly, for the gallant and heroic conduct of such native sons of this State, as have distinguished themselves in the late war with Mexico.

Mr. Joyner, introduced a bill entitled, "A Bill to unite the Roanoke Railroad, and the Seaboard and Roanoke Railroad Companies, and for other purposes;" which was read the first time, passed, and on motion of Mr. Joyner, referred to the Committee on Internal Improvement.

Mr. Shepard, introduced a Bill entitled, "A Bill to amend the 15th section of the 102d chapter of the Revised Code, which was read the first time, passed, and on his motion, referred to the Committee on the Judiciary.

The Bill to authorise the County Court of Halifax, to sell and convey the lot in the town of Halifax, on which the old Court House is situated, was read the third time, passed, and ordered to be engrossed.

Mr. Washington presented the memorial of sundry citizens of the town of Newbern, praying the emancipation of a slave named John Good, the property of George Bishop, for meritorious conduct; which was referred, on Mr. Washington's motion, to the Committee on Propositions and Grievances.

Mr. Ashe presented the memorial of J. S. Green, and others, of the town of Wilmington, praying the emancipation of a slave named J. G. Hostler, which was referred, on the motion of Mr. Ashe, to the Committee on Propositions and Grievances.

Mr. Conner, presented the memorial of sundry citizens of

the County of Gaston, praying an alteration of the division line between the Counties of Lincoln and Gaston; which was on motion of Mr. Conner, referred to the Committee on Propositions and Grievances.

Mr. Halsey, introduced the following Resolutions, to wit:

Resolved, That so much of the Governor's Message as relates to the fiscal affairs of the State, and the demands upon the Treasury, be referred to the Committee on Finance.

Resolved, That so much of the Governor's message as relates to the Internal Improvements of the State, be referred to the Committee on Internal Improvements, as also that relating to the Public Roads.

Resolved, That so much of the Governor's message as relates to the Cherokee Lands, be referred to a Select Committee.

Resolved, That so much of the Governor's message as relates to the Courts of the State, be referred to a Joint Select Committee of Five on the part of each House, and that a proposition to that effect be sent to the House of Commons.

Resolved, That so much of the Governor's message as relates to Public Schools and the instruction of Deaf Mutes and Blind persons, be referred to the Committee on Education and the Literary Fund.

Resolved, That so much of the Governor's message as relates to the improvement of our militia system, be referred to the Committee on Military Affairs.

Which Resolutions were read and adopted.

Mr. Smith introduced a bill entitled "A Bill to expedite the trial of suits belonging to the original jurisdiction of the Supreme Court;" which was read the first time, passed, and on his motion referred to the Committee on the Judiciary.

Received from the House of Commons a message, stating that that House had passed the engrossed Resolution in favor of John R. Dyke, late Sheriff of Cherokee County; and asking the concurrence of the Senate.

The said Resolution was read the first time, passed, and on motion of Mr. Halsey referred to the Committee on Propositions and Grievances.

A message from the House of Commons, proposing to raise a Joint Select Committee of five on the part of each House as a Committee on Military Affairs, which was concurred in, and Messrs. Moye, Bower, Conner, Patterson, and Joyner, were appointed on the part of the Senate, and the House of Commons informed thereof.

The Biennial Report of the President and Directors of the Literary Fund was received from the House of Commons, with a proposition to print; which was concurred in.

Mr. Ashe introduced a bill entitled, "A Bill to amend — section of the — chapter of the Revised Statutes," which was read the first time, passed, and on his motion, referred to the Committee on the Judiciary.

Received from the House of Commons, the resignation of A. B. Oxford, Justice of the Peace for the County of Caldwell; which was read and accepted.

Mr. Joyner introduced the following Resolution, viz:

Resolved, That the Speaker of the Senate tender to the Electoral College of North Carolina, the use of the Senate Chamber, in which to hold their meetings to vote for President and Vice President of the United States.

Which was read and adopted:

Received from the House of Commons a message, stating that the hour of 12 having arrived, they would proceed, on the return of the messenger, to vote for Attorney General, in accordance with the joint agreement, and announcing that Messrs. Rayner and Jones of Orange, form their branch of the committee to superintend said election, and that the names of Bartholomew F. Moore and Duncan K. McRae, are in nomination for said appointment.

The House of Commons were informed that Messrs. Washington and Speight form the Senate's branch of the committee to superintend said election; and the Senate proceeded to vote as follows, viz:

FOR MR. MOORE:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington,

Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—25.

FOR MR. McRAE:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—25.

Mr. Washington from the said Committee, appointed to superintend the election of Attorney General, reported that Mr. Moore, having received a majority of the whole number of votes, is duly elected.

Received from the House of Commons, a message proposing that the two Houses proceed on Monday next, at 12 o'clock, to the election of Judge of the Supreme Court, in the place of the Hon. J. J. Daniel, deceased, which proposition was concurred in: and Messrs. Gilmer and Rogers appointed to superintend said election, and the House of Commons were informed thereof.

Also, a message proposing that the House proceed, on Tuesday next, at 1 o'clock, P. M., to the election for Solicitor of the first Judicial Circuit; which was concurred in, and Messrs. Graham and Halsey, appointed the Committee on the part of the Senate to superintend said election; and the House of Commons were informed thereof.

On motion of Mr. Walker, the Senate adjourned until tomorrow morning, 11 o'clock.

SATURDAY, DEC. 2.

The Senate met according to adjournment.

A message was sent to the House of Commons, announcing that Messrs. Albright and Thomas of Haywood, form the Senate's branch of the committee to superintend the election of

Solicitor for the 7th Judicial Circuit. Whereupon, a message was received from that House, stating that Messrs. Tod R. Caldwell and Fay, form their branch of said committee; and that the hour of 11 o'clock having arrived, they would proceed to vote on the return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. GAITHER:

Messrs. Speaker, Albright, Barnard, Bell, Bethell, Collins, Daniel, Davidson, Eborn, Faison, Gilmer, Graham, Halsey, Hargrove, Joyner, Kendall, Reich, Rogers, Rowland Miller, Lane, Lillington, Murchison, Patterson, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Thomas, of Haywood, Ward, Washington, Watson, Willey, Woodfin, Wooten and Worth—38.

FOR MR. AVERY:

Messrs. Berry, Conner, Exum, Hester, Moye and Walker—6.

Mr. Albright, from the committee superintending said election, reported that Mr. Gaither having received a majority of the whole number of votes, is duly elected.

Mr. Patterson, from the committee on Internal Improvement, to whom was referred "a bill to unite the Roanoke Rail Road and the Seaboard and Roanoke Rail Road Companies, and for other purposes," reported the same to the Senate, with an amendment. *Ordered* to lie on the table.

Mr. Patterson, from the same committee, to whom was referred a bill to clear out Lumber river, reported the said bill back to the Senate, without amendment. *Ordered* to lie on the table.

On motion of Mr. Bower,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses proceed, on Monday next, at 11 o'clock, to the election of Solicitor of the 6th Judicial Circuit.

Mr. Watson introduced a bill, entitled "A Bill explanatory of section 10th, chapter 34, of the Revised Statutes;" which

was read the first time, passed, and on motion of Mr. Watson, was referred to the committee on the Judiciary.

On motion of Mr. Halsey, a message was sent to the House of Commons, proposing that the two Houses proceed to vote on Monday next, at 1 o'clock, P. M. for Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of the Hon. W. H. Battle.

A message was received from the House of Commons, proposing to raise a joint select committee of five members, from each House, on that part of the Governor's Message, relating to Cherokee Lands; which was concurred in.

Mr. Washington presented the memorial of sundry citizens of Lenoir county, praying the emancipation of two slaves, Charlotte and Hollen; which was referred, on his motion, to the Committee on Propositions and Grievances.

A message was received from the House of Commons, announcing that Messrs. Steele, Brogden, Green, Regan, and Logan, form their branch of the Committee on Military Affairs; that Messrs. Steele, R. H. Jones, Isaac White, Smith, and Brown, form their branch of the Committee on that part of the Governor's Message which recommends the appointment of a Thanksgiving day, and that Messrs. Dancy, Farmer, and Headen, form their branch of the Committee on adopting the best mode of doing appropriate honors to such native sons of North Carolina, as distinguished themselves in the Mexican war.

Received from the House of Commons, a message transmitting a communication from the Adjutant General, with a proposition to print; concurred in.

Also transmitting a communication from His Excellency, the Governor, proposing to distribute the documents referred to therein; which was also concurred in.

A message was received from the House of Commons, proposing to raise a Joint Select Committee to consist of seven on the part of that House and five on the part of the Senate, to whom shall be referred so much of the Governor's Message as relates to the investigation of the affairs of the Raleigh and Gaston Railroad; which was concurred in.

A message from the House of Commons, proposed that the

Public Printer be directed to furnish M ss Dix with 200 copies of her Memorial to the General Assembly on the subject of building an Asylum for the Insane; which was concurred in, and the House of Commons informed thereof.

A message was sent to the House of Commons, stating that Messrs. Thomas, of Haywood, Patterson, Bower, Gilmer, and Thompson, of Wake, form the Senate's branch of the Committee on Cherokee Lands.

The bill entitled, "A Bill to incorporate the Deep river Mining and Smelting Company, was read the second time and passed.

A Resolution for the relief of the Clerk of the County Court of Cumberland, was taken up, read the second time and passed.

Mr. Woodfin introduced a Resolution in favor of Charles Baker, Sheriff of Yancy County; which was read the first time and passed.

Mr. Thomas of Haywood, presented the Memorial of James Whitaker, praying that a grant issue to him for a tract of land; which was referred, on his motion, to the Committee on Cherokee Lands.

Received from the House of Commons, a message stating that they have passed the Engrossed Resolution relating to lighting the lamps on the Public Square, with an amendment, in which they ask the concurrence of the Senate.

The amendment was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Ashe, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 4.

The Senate met according to adjournment.

A message was sent to the House of Commons, announcing the concurrence of the Senate, in the proposition of that House, to raise a joint select committee of twelve, to consist

of seven on the part of the House of Commons, and five on the part of the Senate, to take into consideration so much of the Governor's message as relates to the investigation of the affairs of the Raleigh and Gaston Rail Road, and that Messrs. Hawkins, Joyner, Murchison, Hargrove and Ashe, form the Senate's branch of said Committee.

On motion of Mr. Bower, the name of Daniel Coleman, and on motion of Mr. Worth, the name of Hamilton Jones, were put in nomination for Solicitor of the sixth Judicial Circuit, and the House of Commons informed thereof.

A message was received from the House of Commons agreeing to the proposition of the Senate to vote this day at 11 o'clock for Solicitor of said 6th Judicial Circuit, and announcing that Messrs. Coffield and Nicholls form their branch of the Committee to superintend said election. The House of Commons were then informed by message, that Messrs. Bower and Thomas of Davidson, form the Committee on the part of the Senate to superintend said election, and that the Senate would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz :

FOR MR. COLEMAN:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

FOR MR. JONES:

Messrs. Barnard, Bell, Davidson, Eborn, Gilmer, Halsey, Joyner, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith, Thomas, of Davidson, Thompson, of Bertie, Willey, and Worth—18.

FOR MR. GUION:

Messrs. Albright, Hargrove, Kendall, Washington, and Woodfin—5.

FOR MR. LILLINGTON:

Messrs. Daniel and Smaw—2.

FOR MR. ELLIS—Mr. Reich.

Mr Walker, from the committee on Propositions and Grievances, to whom was referred a Resolution in favor of John R. Dyke, late Sheriff of Cherokee county, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred the memorial of sundry citizens of the county of Gaston, in reference to the dividing line between that county and the county of Lincoln, reported the same back to the Senate, and recommended the rejection of the prayer of said memorialists. Ordered to lie on the table.

Mr. Albright presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending an act concerning Executors and Administrators, chapter 4th, of Revised Statutes, section 15th, so as to authorise Executors and Administrators in the payment of the debts of their Testators and Intestates, from and after where there are not funds enough in their hands to pay off all the debts of the same dignity, *pro rata*, provided the said claims be presented to the Executor or Administrator, within twelve months from the time of the qualification of said Executor or Administrator, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Bell presented the following Preamble and Resolution, viz:

Whereas, The Club Foot and Harlem Creek Canal, which connect the waters of the Neuse and Newport Rivers, and which form a communication between the town of Newbern, Craven County, and the town of Beaufort, Carteret County, and now belonging to the State of North Carolina, has ceased to be of public advantage or private benefit, and is in a decaying condition and likely to become a neusance to the public:

Therefore, resolved, That as much of the Governor's message as relates to that subject be referred to the Committee on Internal Improvements, with instruction to enquire into the expediency and propriety of a surrender of the said Work to the

Counties in which it is situated, and report by Bill or otherwise.

Which were read and adopted.

On motion of Mr. Halsey,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of each House, to fix the time and manner of counting and comparing the votes cast for Governor in the State, at the last August Election.

Received from the House of Commons a message, stating that they have passed the engrossed Bill, entitled "A Bill for dividing the County of Stokes;" and asking the concurrence of the Senate therein.

The said bill was read the first time, passed, and on motion of Mr. Reich, referred, with the accompanying memorials, to the Committee on Propositions and Grievances.

Mr. Bower from the Committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that no one having received a majority of votes, there was no election.

Received from the House of Commons a message, stating that the hour of 12 having arrived, that House would, on the return of the Messenger, proceed to vote for Judge of the Supreme Court—that Messrs. Barringer and Dobbin form their branch of the Committee to superintend said election; and also, that the Hon. Richmond M. Pearson, the Hon. Robt. Strange, and the Hon. William H. Battle, are in nomination for the office.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—25.

FOR MR. PEARSON:

Messrs. Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lilling-

ton, Miller, Rowland, Shepard, Thomas of Davidson, Washington, and Worth—13.

FOR MR. BATTLE :

Messrs. Barnard, Bell, Eborn, Halsey, Hargrove, Joyner, Patterson, Smaw, Smith, Thompson of Bertie, Willey and Woodfin—12.

The Speaker announced that Messrs. Halsey, Walker, Woodfin, Speight and Watson, form the Senate's branch of the Joint Select Committee on the Courts of the State, and the House of Commons were informed thereof.

Mr. Rogers, from the Committee appointed to superintend the election of Judge of the Supreme Court; reported that no one having received a majority of the votes given, there was no election.

Mr. Washington introduced a bill entitled, "A Bill to emancipate John Good, a slave;" which was read the first time and passed, and on his motion, referred to the Committee on Propositions and Grievances.

On motion of Mr. Walker,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the 6th Judicial Circuit.

Mr. Ashe presented the following Preamble and Resolution, to wit :

WHEREAS, A Member of this Body hath been duly elected one of the State Electors at the late election for President of these United States , *And whereas*, doubts have been expressed as to the Constitutional right of a member to hold his seat in the Senate after he has cast his vote in the Electoral College:

Be it therefore Resolved, That in the opinion of the Senate, there is no constitutional objection to the duties of both stations being discharged by the same person.

Which was read the first time and passed. On motion of Mr. Ashe, the rules of the Senate were suspended, and the said Resolution was read the second and third times and passed.

On motion of Mr. Bethell,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court.

A message was then received from the House of Commons, concurring in said proposition, and stating that Messrs. Smith and Martin, form their branch of the Committee to superintend said election. A message was sent to the House of Commons, announcing that Messrs. Bethell and Lillington, form the Senate's branch of said Committee, and that it would proceed to vote on return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—25.

FOR MR. BATTLE:

Messrs. Barnard, Bell, Eborn, Halsey, Hargrove, Joyner, Patterson, Smaw, Thompson of Bertie, Willey and Woodfin—11.

FOR MR. PEARSON:

Messrs. Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Rowland, Shepard, Smith, Thomas of Davidson, Washington, and Worth—14.

A message was received from His Excellency, the Governor, through his Private Secretary, responding to a Resolution of inquiry adopted by the Senate in reference to the Raleigh and Gaston Railroad; which was read, an on motion of Mr. Halsey, ordered to be sent to the House of Commons, with a proposition to print.

Mr Bower introduced a bill entitled "A Bill to lay off and establish a new county by the name of Watauga; which was read the first time and passed, and on his motion, ordered that said bill with the accompanying memorials, be referred to the Committee on Propositions and Grievances.

Mr. Halsey gave notice, that on to-morrow he would move to amend the fourth rule of the "Rules of Order for the gov-

ernment of the Senate," by striking out the words, "*and Resolutions*" therein.

Received from the House of Commons, a message stating that Augustus Moore, of Chowan; William A. Wright, of New Hanover; Thomas Bragg, of Northampton, and Joshua Roberts, of Buncombe, are in nomination for Judge of the Superior Court, and that Messrs. Coffield and Nichols form their branch of the Committee to superintend said election. A message was sent to the House of Commons, announcing that Messrs. Ashe and Thompson, of Bertie, form the Senate's branch of said Committee, and this House would proceed to vote on the return of the messenger, as the hour of one o'clock, P. M., had arrived.

The Senate then proceeded to vote as follows, viz :

FOR MR. MOORE:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth—25.

FOR MR. BRAGG:

Messrs. Speaker, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Hawkins, Hester, Moye, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson, and Wooten—21.

FOR MR. REID:

Messrs. Faison, Graham, and Murchison—3.

FOR MR. WRIGHT—Mr. Ashe.

Mr. Lillington, from the committee appointed to superintend the election of Supreme Court Judge, reported that there was no election.

On motion of Mr. Bethell,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Supreme Court Judge.

A message was received from the House of Commons, proposing to increase the number of the joint select committee

on Military Affairs in the House of Commons, from five to nine; which was not concurred in by the Senate, and the House of Commons informed thereof.

The Senat concurred in a proposition from the House of Commons, to raise a joint select committee to consist of five on the part of that House, and three on the part of the Senate, to take into consideration so much of the Governor's message as relates to the School for the Deaf Mutes in the city of Raleigh, whose duty it shall be to visit said School, and report in reference thereto, by bill or otherwise.

A message was received from the House of Commons, transmitting a message from His Excellency, the Governor, with a Resolution of the National Medical Convention, with a proposition to print the same; concurred in by the Senate, and the House of Commons informed thereof.

On motion of Mr. Exum, the Senate adjourned until tomorrow morning, eleven o'clock.

TUESDAY, DECEMBER 5.

The Senate met according to adjournment.

The Speaker announced that Messrs. Walker, Hargrove and Berry, form the Senate's branch of the joint select committee on the School for the Deaf and Dumb; and the House of Commons were informed thereof.

A message was sent to the House of Commons, stating that the Senate has passed the Engrossed Bill entitled "A Bill to authorise the County Court of Halifax county to sell and convey the lot in the town of Halifax, on which the old Court House is situated, and asking their concurrence.

A message received from the House of Commons, announcing that Messrs. Satterthwaite, Rayner, Courts, Ellis, and Hayes, form their branch of the Committee on Cherokee Lands; and that Messrs. Martin, Rayner, Dobbin, Stanly, El-

lis, Stevenson, and McClanahan form their branch of the Committee on the Raleig and Gaston Railroad.

Received also, a message stating that Messrs. Coleman J. . Gambill, T. L. Skinner, Paine, and Clement, form their ranch of the Committee on so much of the Governor's Mes- age as relates to the Courts of the State.

Also, a message stating that the Hou-e of Commons had rdered the Pension Certificate of Martha Thompson, to be ountersigned by the Speaker of that body and returned to the Senate.

Also, a message proposing to raise a Joint Select Com- nittee of two on the part of each Ho se to enquire into the e pediency of enclosing the whole of the public grounds pertaining to the Governor's residence. &c.; which was con- curred in. and Messrs. Thompson, of Wake, and Albright, ap- pointed the Committee on the part of the Senate, and the House of Commons informed thereof.

Mr. Woodfin introduced "A bill to provide for making a Turnpike road from Salisbury, West to the line of the State of Georgia; which was read the first time, pssed, and on mo- tion of Mr. Woodfin, referred to the Committee on Internal Improvements.

Mr. Speight introduced a bill entitled, "A Bill authorizing Daniel Skeen, a free man of color, to emancipate his wife and laughter, upon certain conditions;" which was read the first time, passed, and on motion of Mr. Speight, referred to the Committee on Propositions and Grievances.

Mr. Thompson, of Bertie, from the Committee appointed to superintend the election of Judge of the Superior Court, re- ported that there was no election.

Mr. Walker from the Committee on Propositions and Grie- vances, to whom was re erred a bill entitled, "A Bill to di- vide the county of Stokes;" reported the same to the Senate, and recommended its passage; ordered to lie on the table.

The bill to incorporate the Deep river Mining and Smelting Company, was read the third time, passed, and ordered to be engrossed.

On moti n of Mr. Halsey,

Ordered, That a message be sent to the House of Commons,

proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court.

A resolution in favor of Charles Baker, Sheriff of Yancy, was r ad the second time and passed; on motion of Mr. Woodfin, the Rule was suspended, and said Resolution was read the third time, passed, and ordered to be engrossed.

The resolution in favor of the Clerk of the County Court of Cumberland, was read the third time, passed, and ordered to be engrossed.

The bill to clear out Lumber River. in the counties of Richmond and Robeson, was taken up, read the second time, and on motion of Mr. Rowland, ordered to lie on the table.

Received from the House of Commons a message, announcing their concurrence in the proposition of the Senate to vote again forthwith for Judge of the Supreme Court, and that Messrs. Rheinhardt and Scott form their branch of the Committee to superintend said election. The House of Commons were informed that Messrs. Halsey and Graham form the Senate's branch of said committee, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Watson, Ward, and Wooten—25.

FOR MR. PEARSON:

Messrs Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Rowland, Shepard, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, and Worth—15.

FOR MR. BATTLE:

Messrs. Barnard, Bell, Eborn, Halsey, Hargrove, Joyner, Patterson, Smaw, Willey, and Woodfin—10.

The engrossed resolution in favor of John R. Dyke, late Sheriff of Cherokee county, was read the second time and passed. On motion of Mr. Walker, the Rule of the Senate was suspended, and said resolution was read the third time, passed, and ordered to be enrolled.

The report of he commi tee on Propositions and Grievances, on the memorial of sundry citizens of Gaston County, praying an alteration of the dividing line between that county and Lincoln, was taken up, read, a d concurred in, and the prayer of the said memorialists was rejected.

On motion of Mr. Walker,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the Sixth Judicial Circuit.

On motion of Mr. Worth, the name of Hamilton C. Jones was withdrawn from the nomination for Solicitor of the said Sixth Judicial Circuit, and the House of Commons informed thereof.

Mr. Halsey, in accordance with notice given by him on yesterday, moved to amend the Rules of the Senate, by striking out the fourth section of said Rules, and inserting the following in lieu thereof, viz:

"All bills, and likewise all resolutions, which require three readings, shall pass as a matter of course the first reading;" which was agreed to.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again, forthwith, for Solicitor of the Sixth Judicial Circuit, and stating that the name of Joseph P. Caldwell is added to the nomination for said office; and also, that Messrs. Sherard and Miller form their branch of the committee to superintend said election. A message was then sent to the House of Commons, stating that Messrs. Walker and Davidson form the Senate's branch of said committee, and that this House would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. COLEMAN:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Exum, Drake, Faison, Graham, Hawkins, Hester, Moye, Murchiso , Reich, Rogers, Speight, Spicer, Thomas, of Lawood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—25.

FOR MR. LILLINGTON:

Messrs. Albright, Barnard, Bell, Eborn, Gilmer, Halsey, Hargrove, Joyner, Rowland, Shepard, Smaw, Smith, Thompson, o Bertie, Washington, Willey, Woodfin, and Worth—17.

FOR MR. CALDWELL:

Messrs. Daniel, Davidson, Kendall, Lane, Miller, and Patterson—6.

FOR MR. JONES—Mr: Lillington—1.

FOR MR. ELLIS—Mr. Thomas of Davidson—1.

Mr. Halsey, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that there was no election.

Received from the House of Commons a message, announcing that Messrs. Carmichael and Spivey, form their branch of the Joint Select Committee for counting and comparing the vote for Governor.

Mr. Thompson, of Wake, introduced the following Resolution, viz:

Resolved, That a committee of three be appointed to visit the Institution for the education of the Deaf and Dumb, and that they report to this House the present condition and progress of its buildings. Which was adopted, and Messrs. Thompson, of Wake, Bell, and Drake, were appointed on said committee.

Received from the House of Commons, a message stating that the hour of 1 o'clock having arrived, the House would proceed, on return of the messenger, to the election of Solicitor of the first Judicial Circuit, according to the Joint agreement of the two Houses, and stating that William F. Martin, of Pasquotank, and W. N. H. Smith. of Hertford, are in nomination, and also, that Messrs. Griggs and Biggs, form their branch of the Committee to superintend said election. Messrs. Halsey and Graham, being announced as the committee on the part of the Senate; the vote was taken as follows, viz:

For Mr. Smith—Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall,

Lane, Lillington, Miller, Patterson, Reich, Rowland Shepard, Smaw, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—25

For Mr. Martin—Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—24.

Mr. Davidson, from the committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that there was no election.

Mr. Halsey, from the committee appointed to superintend the election of Solicitor of the 1st Judicial Circuit, reported that W. N. H. Smith, having received a majority of the votes given, was duly elected.

On motion of Mr. Conner,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the 6th Judicial Circuit.

Received from the House of Commons a message, proposing that the two Houses vote again, forthwith, for Judge of the Superior Court; which proposition was not concurred in, and the House of Commons were informed thereof.

Also a message, proposing that the two Houses vote again for Judge of the Supreme Court, to-morrow at 11 o'clock;—which was not agreed to, and the House of Commons informed of the same.

Mr. Lillington moved that a message be sent to the House of Commons proposing to go again forthwith into an election for Judge of the Supreme Court, which was decided in the negative—yeas 24, nays 25.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Conner, Collins, Daniel, Drake, Exum, Faison, Graham, Hawkins, Hester, Mye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Woodfin introduced a bill entitled "A Bill to incorporate the town of Asheville;" which was read the first time and passed.

On motion of Mr. Ashe, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DEC. 6.

The Senate met according to adjournment.

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred a bill entitled "A Bill to emancipate John Good, a slave," reported the same to the Senate, and recommended its passage; ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred a bill entitled "A Bill to lay off and establish a new county by the name of Watauga," reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Halsey, from the joint select committee, to whom was referred the matter of counting and comparing the votes for Governor, reported the following Resolution, and recommended its adoption.

Resolved, That the two Houses of the General Assembly shall convene in the Hall of the House of Commons, on Saturday next, the 9th day of December, 1848, at 12 o'clock; that one member shall be appointed teller on the part of the Senate and two on the part of the House of Commons, to make

a list of the votes given for Governor of the State of North Carolina, as they shall be declared by the Speaker of the Senate; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the state of the votes and the person elected, if it appear that a choice has been made agreeably to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with the list of votes, shall be entered on the Journals of the Senate.

Which was adopted, and on motion of Mr. Halsey, a message was sent to the House of Commons, asking their concurrence in the same.

Mr. Gilmer introduced the following Resolutions, viz :

Resolved by the Senate, That in the case of the contested election, pending before this body between Messrs. Waddell and Berry, that depositions may hereafter be taken on three days notice, before any Justice of the Peace in Orange County.

Resolved further, That all depositions hereafter taken before a Justice of the Peace in said County, with ten days notice, given under the Resolutions first adopted in this case, shall be read, if in other respects competent.

After some time spent in debate on said Resolutions, their consideration was suspended to receive a Message from the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the 6th Judicial Circuit.

Mr. Halsey moved to lay the said message on the table, which was determined in the negative; yeas 25, nays 24.

Mr. Exum demanded the Yeas and Nays.

Those who voted in the affirmative are :

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are :

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Speaker Graves voted in the negative.

The question then recurred on concurring in the proposition of the House of Commons, that the two Houses vote again, forthwith, for Solicitor of the sixth Judicial Circuit, and was decided in the affirmative; yeas 25, nays 24.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Miller, Murchison, Rogers, Reich, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Watson, Ward, and Wooten.

Those who voted in the negative are :

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin and Worth.

Before the message announcing the concurrence of the Senate in the said proposition of the House of Commons was despatched, on motion of Mr. Collins, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 7.

The Senate met according to adjournment.

A message was sent to the House of Commons, announcing

that the Senate have passed the follow ng Engrossed Resolutions and Bill, and asking the concurrence of that House, viz:

"A resolution in favor of Charles Baker, Sheriff of Yancy county;"

"A resolution for the relief of the Clerk of the County Court of Cumberland;"

"A bill to incorporate the Deep River Mining and Smelting Company."

The Senate proceeded to the consideration of the unfinished business of yesterday, viz: the resolutions presented by Mr. Gilmer, in reference to the Contested Election pending before the Senate between Messrs. Berry and Waddell.

Before any question was taken on said Resolutions, their further consideration was suspended to receive a message from the House of Commons, proposing that the two Houses proceed, forthwith, to the election of Judge of the Superior Court. The proposition was concurred in, and the House of Commons were informed thereof, and that Messrs. Hargrove and Collins form the Senate's branch of the committee to superintend sai election. A message was then receive l from the House of Commons, stating that essrs. Hayman and Ballard form their branch of said committee, and that the name of Joshua Roberts is withdrawn from the nomination.

The Senate then proceeded to vote as follows, viz:

FOR MR. MOORE:

Messrs Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth—25.

FOR MR. BRAGG:

Messrs. Speaker, Berry, Bethell, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Rogers, Speight, Spicer, Walker, Ward, Watson, and Wooten—19.

FOR MR. ELLIS:

Messrs. Bower, Reich, Thomas of Haywood, and Thompson of Wake—4.

FOR MR. WRIGHT—Mr. Ashe.

FOR MR. EATON—Mr. Hawkins.

Received from the House of Commons a message, transmitting the Pension Certificates of Captain John Rhem; which were ordered to be countersigned by the Speaker of the Senate, and returned to the House of Commons.

Also a message, announcing that Messrs. Rayner and Dobbin, form their branch of the Joint Committee on enclosing the grounds around the Governor's residence.

Mr. Hargrove, from the Committee appointed to superintend the election of Superior Court Judge, reported that Augustus Moore, having received a majority of the votes given, is duly elected.

Received from the House of Commons, a message proposing that the two Houses proceed to vote again forthwith for Solicitor of the Sixth Judicial Circuit; which was concurred in, and the House of Commons informed thereof, and that Messrs. Willey and Faison, form the Senate's branch of the committee to superintend the said election. A message was then received from the House of Commons, stating that Messrs. Stowe and J J. Gambill, form their branch of the committee to superintend said election, and that the House of Commons would proceed to vote on return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. COLEMAN:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchiso , Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—25.

FOR MR. CALDWELL:

Messrs. Albright, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, and Woodfin—20.

FOR MR. JONES—Messrs. Halsey, Rowland and Worth—3

FOR MR. LILLINGTON—Messrs. Barnard, and Shepard—2.

The Senate then resumed the consideration of the Resolutions of Mr. Gilmer.

A preliminary question of order was raised by Mr. Gilmer, viz: whether the Senator from Orange, Mr. Berry, was entitled to vote on the said Resolutions?

The Speaker decided that the Senator was not entitled to vote. Which decision was acquiesced in by the Senate.

Mr. Thompson, of Wake, moved to amend the Resolution by adding the following, viz:

Resolved, If the sitting member in the progress of the investigation should file an affidavit on oath, that a longer time than three days is necessary to collect evidence, then he shall be allowed a reasonable time for that purpose.

The consideration of said amendment was suspended to receive a message from the House of Commons, proposing that the two Houses vote again forthwith for Judge of the Supreme Court, which was concurred in by the Senate; and the House of Commons informed thereof; and that Messrs. Eborn and Hester form the Committee on the part of the Senate, to superintend said election.

A message was received from the House of Commons, stating that Messrs. Coleman and Palmer form their branch of said Committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—25.

FOR MR. PEARSON:

Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith,

Thomas of Davidson, Thompson, of Bertie, Washington, Willey and Worth—19.

FOR MR. BATTLE:

Messrs. Bell, Eborn, Halsey, Joyner, Smaw, and Woodfin—6.

Mr. Eborn, from the Committee appointed to superintend said election, reported there was no election.

The Senate then resumed the consideration of the amendment moved by Mr. Thompson, of Wake, to the Resolutions of Mr. Gilmer. The said amendment was rejected; yeas 22; nays 24.

Mr. Bethell demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hawkins, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

The question then recurred on the original Resolutions. Mr. Ashe called for a division of the question, and the same was taken on the passage of the first Resolution, and was decided in the affirmative; yeas 24, nays 22.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Moye, Murchison, Reich, Rogers, Speight Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

The question was then taken on the second Resolution, and decided in the affirmative; yeas 35, nays 13.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell. Bethell, Conner, Daniel, Davidson, Eborn, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Rogers, Rowland, Shepard, Smaw, Smith, Spicer, Speight, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Bower, Collins, Drake, Exum Faison, Moye, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, and Watson.

Mr. Faison, from the committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that Daniel Coleman having received a majority of the votes given, was duly elected.

Received from the House of Commons a message, proposing that a Joint Select Committee, to consist of five on the part of this House, and ten on the part of the House of Commons, be raised, to take into consideration the propriety of establishing a Medical Board; which was concurred in. Also, announcing the following committees on the part of that House:

On School for Deaf and Dumb—Messrs. T. W. Williams, Atkins, Erwin, Hayman, and Hamrick.

On comparing votes for Governor—Messrs. Carmichael and Spivey.

Received from the House of Commons a message proposing to vote again forthwith for Judge of the Supreme Court. Before the question was taken, Mr. Thomas of Haywood moved that the Senate adjourn until to-morrow morning, ten o'clock; which was decided in the negative, yeas 19, nays 29.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Barnard, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Shepard, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, and Wooten.

Those who voted in the negative are—

Messrs. Albright, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Rogers, Rowland, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Ward, Washington, Watson Willey, Woodfin, and Worth.

The question was then taken on concurring in the proposition of the House of Commons, and decided in the affirmative, and they were informed thereof; and also, that Messrs. Moye and Worth form the Senate's branch of the committee to superintend the election. A message was then received, announcing that Messrs. Newsom and Farrow form their branch of said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—25.

FOR MR. PEARSON:

Messrs. Albright, Barnard, Daniel, Davidson, Eborn, Gilmer, Hargrove, Halsey, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shep-

ard, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey and Worth—21.

FOR MR. BATTLE:

Messrs. Bell, Joyner, Smaw, and Woodfin—4.

On motion of Mr. Thompson of Wake,

Ordered, That the committee on the Deaf and Dumb School Buildings, be increased in number to five.

On motion of Mr. Halsey, the Senate adjourned until to-morrow morning, 11 o'clock.

FRIDAY, DEC. 8.

The Senate met according to adjournment.

The Speaker announced that Messrs. Berry and Washington are added to the committee appointed to examine the Deaf and Dumb School Buildings. Also, that Messrs. Lane, Spicer, Miller, Walker and Drake, form the Senate's branch of the joint select committee on the subject of establishing a Medical Board in this State; and the House of Commons were informed thereof by message.

Mr. Moye, from the committee appointed to superintend the election of Supreme Court Judge, reported that no one having received a majority of the whole number of votes, there was no election.

Received from the House of Commons, a message proposing ing that the two Houses vote again, forthwith, for Judge of the Supreme Court; which was concurred in, and the House of Commons were informed thereof; and that Messrs. Rowland and Wooten form the Senate's branch of the committee to superintend said election. A message was received from the House of Commons, stating that Messrs. McDade and Mc-

Cleese form their branch of said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchiso , Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten—25.

FOR MR. PEARSON:

Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, and Worth—19.

FOR MR. BATTLE:

Messrs. Bell, Eborn, Halsey, Joyner, Smaw, and Woodfin—6.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill authorizing Daniel Skein to emancipate his wife and daughter, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred the memorial of sundry citizens of the town of Wilmington, praying the emancipation of a slave named J. G. Hostler, reported "A Bill to emancipate James G. Hostler;" which was read the first time and passed.

On motion of Mr. Eborn,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the law in relation to Patrols, as to authorise the County Courts, (if said Courts deem it expedient) to lay a tax on the Black poll, to pay Patrols, and such further alterations, as said committee may deem proper, to the obtaining a more efficient Patrol, and that they report by bill or otherwise.

Mr. Rowland, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that no one having received a majority of votes, there was no election.

Received from the House of Commons a message, proposing that the two Houses vote again for Judge of the Supreme Court; which was concurred in, and the House of Commons were informed thereof; and that Messrs. Berry and Kendall form the Senate's branch of the committee to superintend said election. A message was then received from the House of Commons, stating that Messrs. Carmichael and Sheek, form their branch of said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson, and Wooten—24.

FOR MR. PEARSON:

Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, and Worth—20.

FOR MR. BATTLE:

Messrs. Bell, Ebern, Smaw, and Woodfin—4.

Mr. Halsey introduced a bill, entitled "a bill to suppress vice;" which was read the first time, passed, and on his motion, referred to the committee on Finance.

Mr. Exum introduced a bill, entitled "a bill to incorporate Macon Academy, in the county of Wayne;" which was read the first time and passed.

Mr. Joyner introduced a bill, entitled "a bill to authorise the Roanoke Navigation Company to become common carriers of agricultural products, goods, wares and merchandize, on Roanoke, Dan and Staunton rivers;" which was read the first time and passed.

Mr. Spicer introduced a bill, entitled "a bill to regulate the duties of Constables in the county of Onslow;" which was read the first time, passed, and referred to the committee on the Judiciary.

Mr. Washington introduced a bill, entitled "a bill for the relief of the inhabitants of the town of Waynesboro;" which was read the first time, passed, and on motion of Mr. Washington, referred to the committee on the Judiciary.

Mr. Graham presented the memorial of sundry citizens of the county of Duplin, praying that the Constitution be amended so as to abolish the fifty acre qualification of voters for the Senate of the State Legislature; also, praying the abolishment of Jury Trials in the County Courts and enlarging the jurisdiction of Justices in certain cases; which was referred, on motion of Mr. Graham, to the Committee on the Judiciary.

Mr. Miller introduced a bill entitled, "A Bill to incorporate the town of Shelby, in Cleveland county; which was read the first time and passed.

Mr. Smaw introduced a Bill entitled, "A Bill to incorporate Phalnax Lodge, No. 10, of the Independent Order of Odd Fellows;" which was read the first time and passed.

Mr. Berry, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that there was no election.

Mr. Thomas, of Haywood, presented the petition of sundry citizens of Haywood county, "praying the amendment of the charter of the Oconalufta Turnpike Company;" which was referred, on his motion, to the committee on Internal Improvements.

The engrossed bill "for dividing the county of Stokes," was read the second time and passed.

Mr. Miller introduced a bill to alter the time of holding the Spring and Fall terms of the courts of Pleas and Quarter Sessions for the County of Cleveland;" which was read the first time and passed.

Mr. Thomas, of Haywood, presented "the petition of sundry citizens of Macon and Haywood counties, praying the establishment of a new county to embrace a portion of each of

said counties;" which was, on his motion, referred to the committee on Propositions and Grievances.

A bill to incorporate the town of Asheville, was read the second time and passed.

Mr. Smith introduced a bill entitled, "A Bill to authorize the further taxation of costs in trial of action at Law;" which was read the first time, passed, and on motion of Mr. Smith, referred to the committee on the Judiciary.

A message from the House of Commons, proposing that a joint select committee of three, on the part of that House, and two on the part of the Senate, be raised to consider the propriety of having tiers of seats erected in each House, out side of the bar, for the accommodation of visiters; which was not concurred in, and the House of Commons were informed thereof.

Also, a message transmitting the report of the President of the Commercial Bank at Wilmington, with a proposition to print; which was concurred in.

Also, a report from the commissioners of the Raleigh and Gaston Railroad, with a proposition to print; which was also concurred in.

Also, a message stating that Messrs. Carmichael, Thornton, McMillan, Campbell, and Sanders, form their branch of the committee on Enrolled Bills. A message was sent to the House of Commons, announcing that Messrs. Gilmer, Graham, and Patterson, form the Senate's branch of said committee.

Received from the House of Commons, a message proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court; which on motion, was ordered to lie on the table.

On motion of Mr. Walker,

Resolved, That hereafter, when the Senate adjourn, with a view to hasten the despatch of business, the adjournment be to the hour of 10 o'clock.

On motion of Mr. Thompson of Wake,

Resolved, That the Engrossing Clerks be permitted to use

their room in the Capitol as a sleeping apartment during the Session of the present Legislature.

Mr. Lillington introduced the following Preamble and Resolution, viz :

WHEREAS, this is a Government in which all political power is vested in and derived from the People;

Whereas, it is the manifest duty of Representatives to carry out *strictly* the *known* wishes of their constituents in the discharge of all their *elective* duties;

Whereas, the free People of this State have *recently*, at the *ballot box*, declared their political preference in a voice which their representative agents ought not to slight or disregard;

Whereas, respectful deference on the part of the minority for the will of the majority, when legally and constitutionally expressed, is true republicanism;

And whereas, all delay and management, under pretence however fair and imposing, the object of which is to defeat the will of the People thus expressed, are contrary to the spirit and genius of the Government;

Resolved, That a message be sent to the House of Commons, proposing that the two Houses, on Tuesday next, at 12 o'clock, proceed to the election of a United States' Senator.

Mr. Ashe moved to lay the said Preamble and Resolution upon the table, which was decided in the negative—yeas 23, nays 24.

The yeas and nays were demanded Mr. Gilmer.

Those who voted in the affirmative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Rogers, Reich, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are :

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Row-

land, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin and Worth.

The question was then taken on the adoption of the said Preamble and Resolution, and decided in the negative; yeas 24, nays 23.

Mr. Woodfin demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Speaker Graves, voted in the negative.

On motion of Mr. Thomas of Haywood, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DEC. 9.

The Senate met according to adjournment.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill entitled, "A bill to amend the — section of the — chapter of the Revised Statutes;" reported the same to the Senate, and recommended its passage, with sundry amendments. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill entitled, " A Bill to amend the 15th section of the 102 chapter of the Revised Code;" reported the same to the Senate, with sundry amendments. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a Resolution in reference to paying witnesses in certain cases, reported a bill entitled, "A bill to provide for paying witnesses for their attendance before Clerks and Masters in Equity; and for commissioners to take depositions and for other purposes;" which was read the first time and passed.

Mr. Woodfin, from the same committee, to whom was referred "A bill to expedite the trial of suits belonging to the original jurisdiction of the Supreme Court;" reported the same to the Senate, and recommended its rejection. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill entitled, " A bill explanatory of section 10th chapter 34th, Revised Statutes;" reported the same and recommended its passage, with an amendment. Ordered to lie on the table.

Received from the House of Commons, a message concurring in the proposition of the Senate, as to the manner and time of counting the votes for Governor at the last August election, and announcing that the House of Commons will be ready to receive the Senate in their Hall at 12 o'clock to-day for that purpose.

The Speaker then announced that Mr. Patterson will act as teller on the part of the Senate, and the House of Commons were informed thereof.

Mr. Rogers introduced the following Preamble and Resolution, viz :

WHEREAS, By the Constitution of the United States, it is provided that the Senate of the United States, shall consist of two Senators from each State, chosen by the Legislature thereof; *And whereas*, By the Constitution of this State, the Legislative authority is vested in two distinct branches, both dependent on the People, to wit: a Senate and House of Com-

mons; *And whereas*, The Members of the Senate and House of Commons of the Legislature of this State, derive their seats from the sovereign people of their districts and counties respectively; *And whereas*, An election of a United States' Senator, to represent this State in the Congress of the United States, for six years from and after the 4th of March next, devolves upon the present General Assembly; *And whereas*, the said United States' Senator, when elected, is the servant and representative of the whole people of the State; *And whereas*, it is both right and expedient that the people of Yancy county should have a voice in the election of United States Senator; *And whereas*, An election was held on yesterday, the 8th instant, in the said county of Yancy, for a member in the other branch of this Legislature, which member elect will probably take his seat by the 20th instant. Therefore,

Be it Resolved, That a message be sent to the House of Commons, proposing that the two Houses shall go into an election of United States' Senator on the 20th instant, at 12 o'clock.

Mr. Woodfin moved that the Preamble and Resolution be laid on the table; which was decided in the negative; yeas 24, nays 23.

Mr. Rogers demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Speaker Graves, voted in the negative.

Mr. Gilmer moved to amend the Resolution by adding the following, viz:

Resolved further, That in the election of United States' Senator, the members of this Assembly should represent the political opinions of a majority of the People of the whole State as clearly ascertained on the 7th of November last.

Mr. Thomas of Davidson, moved that the Resolution and amendment be indefinitely postponed; which was decided in the negative—yeas 22, nays 25.

Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Berry, Conner, Daniel, Eborn, Halsey, Joyner, Kendall, Lane, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Thomas, of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Bell, Bethell, Bower, Collins, Davidson, Drake, Exum, Faison, Gilmer, Graham, Hester, Lillington, Moye, Murchison, Rogers, Smith, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Bower moved to amend the amendment by striking out the words "the 7th of November last," and inserting in lieu, the words "the third of August last in the election of members of the Legislature."

Before the question was taken on this amendment, the further consideration of the whole subject was suspended to receive a message from the House of Commons, announcing that Messrs. Courts and Mebane had been appointed tellers on the part of that House to superintend the counting and comparing the votes for Governor, and that the hour of 12 o'clock, M. having arrived, they were ready to receive the Senate in their Hall.

The Senate then repaired to the Commons Hall. Mr. Spea-

ker Graves made the following announcement to the convention of the two Houses, viz :

Gentlemen of the Senate,
and of the House of Commons:

In execution of the joint agreement of the two Houses of the General Assembly, and in conformity to law, we have assembled on this occasion to examine the returns from the several counties in this State, of the votes given on the third day of August last, by the freemen of North Carolina, for Governor of the State.

In the discharge of a duty which devolves on me, I now proceed to open these returns in the presence of the two Houses of the General Assembly.

The returns were then opened, and the votes compared in the presence of the convention of the two Houses, under the inspection of Mr. Patterson as teller on the part of the Senate, and Messrs. Courts and Mebane as tellers on the part of the House of Commons. Mr. Patterson, on behalf of the tellers, reported the result to the convention, as follows, viz :

Counties.	For Charles Manly.	For D. S. Reid.
Anson,	1049	400
Alexander,	334	201
Ashe,	551	782
Beaufort,	857	512
Bertie,	524	370
Bladen,	281	516
Brunswick,	301	194
Buncombe,	921	644
Burke and McDowell,	1299	396
Cabarrus,	743	377
Caldwell,	589	138
Camden,	489	80
Carteret,	407	365
Caswell,	263	1081
Chatham,	935	781
Craven,	742	730
Chowan,	293	228
Cumberland,	578	1023
Cherokee,	582	217

Counties.	For Charles Manly.	For D. S. Reid.
Columbus,	174	440
Cleveland,	421	727
Currituck,	179	583
Davie,	542	391
Duplin,	218	921
Davidson,	1096	669
Edgecomb	104	1406
Franklin,	319	673
Guilford,	1567	442
Gates,	371	390
Greene,	207	315
Granville,	1016	946
Halifax,	601	507
Haywood,	412	430
Henderson,	656	227
Hyde,	469	298
Hertford,	330	173
Iredell,	1042	257
Jones,	215	181
Johnston,	720	814
Lenoir,	196	455
Lincoln,	832	1877
Mecklenburg,	698	1068
Macon,	451	352
Montgomery,	609	86
Moore,	544	556
Martin,	339	557
Northampton,	512	500
New Hanover,	275	1015
Nash,	106	887
Onslow,	176	663
Orange,	1714	1726
Person,	360	578
Perquimans,	366	265
Polk,	228	128
Pasquotank,	471	176
Pitt,	589	571
Robeson,	581	623
Rowan,	827	696
Randolph,	1199	313
Richmond,	345	68
Rockingham,	340	968

Counties.	For Charles Manly.	For D. S. Reid.
Rutherford,	1057	311
Stokes,	1003	1223
Surry,	1090	1226
Sampson,	530	692
Stanly,	746	26
Tyrrell,	336	106
Wilkes,	1299	309
Wayne,	264	1097
Washington,	358	182
Warren,	172	630
Wake,	991	1293
Yancy,	357	634
	42,536	41,682

The following announcement was then made by the Speaker of the Senate, to the Convention of the two Houses, viz:

Gentlemen of the Senate,

and of the House of Commons:

The returns made by the Sheriffs of the several Counties of this State, of the votes given on the third day of August last, for Governor, have been opened and published in your presence, according to law.

The Tellers appointed by both Houses of the General Assembly, to examine the returns and make a list of the votes, report, that Forty-two Thousand Five Hundred and Thirty-six votes, were given for Charles Manly, and that Forty-one Thousand Six Hundred and Eighty-two votes, were given for David S. Reid.

Charles Manly having received the highest number of votes given at said election, and no objection having been made to the report of the Tellers, I do therefore declare that Charles Manly is duly elected Governor of the State of North Carolina, for two years, from and after the 1st day of January next.

CALVIN GRAVES,
Speaker of the Senate.

The members of the Senate then returned to the Senate Chamber, and the consideration of the amendment moved to

Preamble and Resolution introduced by Mr. Rogers, was resumed, but before any question was taken thereon, on motion of Mr. Speight, the Senate adjourned.

MONDAY, DECEMBER 11.

The Senate met according to adjournment.

On motion of Mr. Shepard,

Ordered, That the message transmitted by His Excellency, the Governor, to the Senate, in reference to the plan referred to in his biennial Message, for extending the line of the Raleigh and Gaston Rail Road to Charlotte, &c., be referred to a select committee of five.

The Senate then proceeded to the consideration of the unfinished business of the last session, viz: the Preamble and Resolution introduced by Mr. Rogers; the question being on striking out the words "*the 7th of November last*," and inserting the words, "*the third of August last, in the election of members of the Legislature.*" Mr. Washington asked that the question be divided, and taken first upon striking out. The Senate refused to, yeas 21, nays 25.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Rogers, Reich, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, and Ward.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, Wooten, and Worth.

The question was then taken on the amendment moved by Mr. Gilmer, and decided in the affirmative, yeas 25, nays 22.

The yeas and nays were demanded by Mr. Halsey.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, and Wooten.

The question then recurred on the adoption of the Preamble and Resolution as amended, and was decided in the affirmative; yeas 31, nays 17.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Bower, Collins, Daniel, Davidson, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Spicer, Thomas of Davidson, Thompson, of Bertie, Thomas, of Haywood, Washington, Willey, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Berry, Conner, Drake, Halsey, Hester, Lillington, Moye, Murchison, Rogers, Speight, Thompson, of Wake, Walker, Ward, Watson, Woodfin, and Wooten.

Ordered, That a message be sent to the House of Commons, asking their concurrence in said Resolutions.

A message was received from the House of Commons, propos-

ing that the two Houses vote again, forthwith, for Judge of the Supreme Court; concurred in, and Messrs. Bethell and Thompson of Bertie, appointed the Senate's branch of the committee to superintend said election. A message from the House of Commons announced that Messrs. Skinner and A. J. Leach, form their branch of said committee.

The Senate then voted as follows, viz:

FOR MR. BATTLE:

Messrs. Barnard, Bell, Eborn, Halsey, Hargrove, Smaw, Thompson of Wake, and Woodfin—8.

FOR MR. PEARSON:

Messrs. Albright, Daniel, Davidson, Gilmer, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey and Worth—18.

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Walker, Ward, Watson, and Wooten—24.

Mr. Thompson of Bertie, from the Committee appointed to superintend the said election, reported that no one having received a majority of the votes given, there was no election.

On motion of Mr. Kendall,

Ordered, That a message be sent to the House of Commons proposing that the two Houses vote again forthwith for Judge of the Supreme Court.

Mr. Halsey introduced the following Preamble and Resolutions, viz:

WHEREAS, the General Assembly of the State of North Carolina now in Session, have witnessed with profound admiration, the zealous labors of Miss DIX, of New York, in the cause of the suffering Insane within our borders; and

Whereas, this body is desirous of testifying its respect and gratitude for the enlarged and noble philanthrophy which has prompted these labors—it is

Resolved, That the thanks of the People of this State are due, and through this General Assembly, representing the People, are tendered to that AMIABLE CHRISTIAN PHILANTHROPIST for her self-sacrificing devotion to the cause of those unfortunate sons and daughters of North Carolina, whose claims she has so eloquently and ably urged.

Resolved further, That His Excellency, the Governor, be requested to transmit to Miss DIX, a copy of the above Preamble and Resolutions.

Which were read and adopted, and on motion of Mr. Halsey, ordered that the said Preamble and Resolutions be sent to the House of Commons, with a message asking their concurrence.

Received from the House of Commons, a message concurring in the proposition of the Senate, to vote again, forthwith, for Judge of the Supreme Court, and stating that Messrs. J. M. Leach and Herring, form their branch of the committee to superintend said election, and also, announcing that the name of W. H. Battle is withdrawn from nomination. Messrs. Worth and Speight were appointed the committee on the part of the Senate, to superintend said election, and the House of Commons informed thereof, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. PEARSON:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Reich, Shepard, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey Woodfin and Worth—26.

FOR MR. STRANGE:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—24.

Mr. Worth, from the committee superintending said election of Judge of the Supreme Court, reported that no one having received a majority of votes given, there was no election.

On motion of Mr. Lillington,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court.

The Speaker announced that Messrs. Shepard, Walker, Bethell, Hawkins, and Gilmer, form the select committee, on so much of the Governor's Message as refers to the connection of the Raleigh and Gaston Railroad with the Charlotte or a Western Railroad.

Mr. Washington introduced a Resolution, in favor of J. H. Van Bokkelin, which was read first time, passed, and referred to the committee on Claims.

Mr. Murchison introduced a bill entitled, "A bill to amend the Revised Statutues, chapter 104;" which was read the first time and passed.

Mr. Lane introduced a bill entitled, " A bill to incorporate the Island Ford Manufacturing Company, in the county of Randolph;" which was read the first time and passed.

Mr. Drake introduced a bill entitled, "A bill to incorporate Mount Lebanon Lodge, No. 117;" which was read the first time and passed.

Mr. Bower introduced a bill entitled, " A Bill limiting the time of service of Sheriffs;" which was read the first time and passed.

Mr. Walker introduced a bill entitled, " A bill to incorporate the Mecklenburg Agricultural Society;" which was read the first time, passed, and on motion of Mr. Walker, (as there was no Committee on Agriculture) referred to the Committee on Internal Improvements.

Mr. Washington, a bill entitled, " A Bill to secure the title of purchasers of land sold under execution;" which was read the first time passed, and on motion of Mr. Washington, referred to the Committee on the Judiciary.

Received from the House of Commons, a message agreeing in the proposition of the Senate to vote again, forthwith, for Supreme Court Judge, and announcing that Messrs. Atkins and Kelly, form their branch of the Committee to superintend said election. Messrs. Lillington and Ward were appointed on

the part of the Senate and the House of Commons were informed thereof, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz :

FOR MR. STRANGE :

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Conner, Collins, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten.—24.

FOR MR. PEARSON :

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—26.

Mr. Lillington, from the committee superintending said election, reported that the Hon. Richmond M. Pearson, having received a majority of the whole number of votes cast, is duly elected Judge of the Supreme Court.

Mr. Walker presented a memorial praying the amendment of the act, entitled "An Act for the establishment and better regulation of Common Schools; which was referred, on motion of Mr. Walker, to the committee on Education.

Mr. Woodfin presented the memorial of sundry citizens of the county of Buncombe, in reference to the office of Sheriffs and Tax Collectors; which was read, and referred, on motion of Mr. Woodfin, to the committee on Finance.

The Engrossed Bill entitled "A Bill for dividing the county of Stokes," was read the third time and passed; yeas 32 nays 9.

Mr. Thomas of Davidson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Bell, Bethell, Bower, Collins, Conner, Daniel, Davidson, Eborn, Faison, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Murchison, Patter-

son, Reich, Shepard, Smaw, Smith, Speight, Thomas of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Washington, and Watson.

Those who voted in the negative are:

Messrs. Drake, Gilmer, Miller, Moye, Rogers, Spicer, Willey, Woodfin, and Worth.

Ordered, That the said bill be enrolled.

Mr. Washington introduced a bill, entitled "a bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson;" which was read the first time, passed, and referred, on motion of Mr. Washington, to the committee on Propositions and Grievances. Also, a bill entitled "a bill to amend an act passed at the session of 1846-7, entitled "an act authorizing the Governor to establish a Depot of Arms in the town of Newbern;" which was read the first time and passed.

The bill to incorporate the town of Ashville, was read the third time, passed, and ordered to be engrossed.

The following bills were read the second time and passed, viz:

"A bill to alter the time of holding the Spring and Fall Terms of the Courts of Pleas and Quarter Sessions for the County of Cleveland;"

"A bill to incorporate the Town of Shelby, in Cleveland county;"

"A bill to incorporate Phœnix Lodge, No. 10, of the Independent Order of Odd Fellows;"

"A bill to authorise the Roanoke Navigation Company to become common carriers of Agricultural products, goods, wares, and merchandize, on Roanoke, Dan, and Staunton Rivers;"

"A bill to incorporate Macon Academy, in the county of Wayne;"

"A bill to unite the Roanoke Rail Road, and the Seaboard and Roanoke Rail Road Companies, and for other purposes."

The bill entitled "a bill to provide for paying witnesses for

their attendance before Clerks and Masters in Equity and Commissioners for taking depositions, and for other purposes," was taken up, read the second time, and on motion of Mr. Kendall, ordered to lie on the table.

The bill entitled "a bill to lay off and establish a new county by the name of Watauga," was read the second time, and on motion of Mr. Patterson, ordered to lie on the table.

Received from the House of Commons, a message proposing to raise a joint select committee of seven on the part of the House of Commons, and five on the part of the Senate, to whom shall be referred the subject of the Swamp Lands; concurred in, and Messrs. Joyner, Bower, Patterson, Drake, and Walker, appointed the Senate's branch of said committee, and the House of Commons were informed thereof.

Also, a message transmitting a communication from Charles L. Hinton, Public Treasurer, with accompanying Reports from the Bank of the State and the Merchants Bank of Newbern, with a proposition to print. Concurred in, and the House of Commons informed thereof.

On motion of Mr. Thomas of Haywood, the Senate adjourned.

TUESDAY, DECEMBER 12.

Mr. Eborn introduced a bill entitled "A Bill to amend the 10th section of 102d chapter of the Revised Statutes, concerning Pedlars;" which was read the first time and passed, and on motion of Mr. Eborn, said bill with the accompanying memorials were referred to the committee on the Judiciary.

Mr. Patterson, from the committee on Internal Improvements, to whom was referred a bill entitled, "A Bill to incorporate the Mecklenburg Agricultural Society;" reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Mr. Thomas, of Haywood, presented the memorials of sundry citizens of the county of Cherokee, for the establishment of a Turnpike Road on Nautchola River;" also, a memorial praying the formation and incorporation of a Company to construct a Turnpike Road from Waynesville, North to the Tennessee Line;" which were referred, on motion of Mr. Thomas, of Haywood, to the committee on Internal Improvements.

Mr. Lillington presented the memorial of the Officers of the 63rd Regiment, in relation to a change in the Militia Laws; which was referred, on motion of Mr. Lillington, to the committee on Military Affairs.

Mr. Conner introduced a bill entitled, "A bill to repeal an act concerning the Wardens of the Poor of the county of Lincoln;" which was read the first time, passed, and referred, on motion of Mr. Conner, to the committee on the Judiciary.

The following bills were introduced, read the first time and passed, viz :

By Mr. Smith, a bill to incorporate the Trustees of the Chowan Female Institute.

By Mr. Eborn, "A bill to incorporate Midway Male and Female Academy in the county of Pitt.

By Mr. Gilmer, "A bill concerning the Practice of the Law."

The following bills were read the third time and passed.

A bill to authorize the Roanoke Navigation Company to become common carriers of agricultural products, goods, wares, and merchandise, on Roanoke, Dan and Staunton rivers.

"A bill to unite Roanoke Railroad and the Seaboard and Roanoke Railroad Companies, and for other purposes."

Ordered, that said bills be engrossed.

Mr. Lillington introduced the following Resolution, viz :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act in relation to Registers and Clerks and Masters, as to require them to keep their offices at the Court Houses of their respective counties, and that they report by bill or otherwise.

Which was adopted.

Mr. Smith introduced the following Resolutions, viz :

Resolved, That the Literary Board, as soon as convenient after the termination of the present Session of the General Assembly, cause to be prepared and printed, an abstract of the laws in force on the subject of Common Schools, with such forms and instructions as may be deemed useful in securing uniformity and regularity in the performance of the duties imposed upon the Superintendants and District School Committees, and that they cause the same to be distributed among the several Counties of this State at the time of the distribution of the Acts of this Session, in the ratio of fifty copies to each member, to which the counties may be entitled in the House of Commons.

Resolved further, That the expenses attending the preparation, printing and distribution of the said abstract, be paid out of the Literary Fund.

Which were read the first time, passed, and referred to the committee on Education.

Received from the House of Commons, a message stating that they do not concur in the proposition of the Senate to proceed, on the 20th instant, to the election of United States' Senator, for six years, from and after the 4th of March next, and proposing that the two Houses proceed to the said election, this day at 12 o'clock, M.; which proposition was concurred in; yeas 25, nays 23; and the House of Commons were informed thereof.

The Yeas and Nays were demanded by Mr. Gilmer.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison,

Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

A message was sent to the House of Commons, announcing that Messrs. Thompson of Wake and Davidson, form the Senate's branch of the committee to superintend said election.

The bill, entitled "a bill to provide for paying witnesses for their attendance before Clerks and Masters in Equity, and Commissioners to take depositions, and for other purposes," was taken up, read the second time, and rejected.

The following bills were taken up, read the third time, passed, and ordered to be engrossed, viz:

"A bill to incorporate Phœnix Lodge, No. 10, of the Independent Order of Odd Fellows;"

"A bill to incorporate the Town of Shelby, in Cleveland County;"

"A bill to incorporate Macon Academy, in the county of Wayne."

The following bills were read the second time and passed, viz:

"A bill to incorporate the Island Ford Manufacturing Company, in the county of Randolph;"

"A bill to incorporate Mount Lebanon Lodge, No. 117;"

"A bill to amend an act passed at the session of 1846-7, entitled an act authorizing the Governor to establish a Depot of Arms in the Town of Newbern."

The bill "to alter the time of holding the Spring and Fall Terms of the Courts of Pleas and Quarter Sessions for the county of Cleveland," was read the third time and passed, and ordered to be engrossed.

The bill, entitled "a bill to amend the Revised Statutes, chapter 104,' was read the second time, and on motion of Mr. Gilmer, postponed indefinitely.

Received from the House of Commons a message, proposing that a Joint Select Committee of three on the part of each House, be raised, whose duty it shall be to take into consider-

ation the propriety of changing the time of the meeting of the General Assembly, with leave to report by bill or otherwise. Which was concurred in.

Also a message, announcing that Messrs. Hayman, Nichols, Cherry. Williamson, McNeil, McCleese, and Farrow, form their branch of the Joint Select Committee on Swamp Lands.

Received also from the House of Commons, a message stating that the hour of 12 o'clock, M. having arrived, that body would proceed to vote, on the return of the messenger, for United States' Senator, for six years, from and after the 4th of March next, and that Messrs. L. B. Sanders and W. L. Long, form their branch of the committee to superintend said election, and also announcing, that Hon. George E. Badger is in nomination for said office.

The Senate then proceeded to vote as follows, viz:

FOR GEORGE E. BADGER.

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR WELDON N. EDWARDS.

Messrs. Speaker, Berry, Bower, Drake, Hawkins, Reich, Speight, and Thompson, of Wake—8.

FOR JAS. J. McKAY:

Messrs. Bethell, Faison, Graham, Moye, Murchison, Rogers, Spicer, and Wooten,—8.

FOR. J. B. SHEPARD—Messrs. Collins, Hester, and Watson—3.

FOR CHARLES FISHER—Mr. Conner—1.

FOR W. F. LEAK—Messrs. Exum and Walker.

FOR K. RAYNER—Mr. Shepard.

FOR T. L. CLINGMAN—Messrs. Ashe, Thomas, of Haywood, and Ward—3.

The bill entitled, "A bill limiting the time of service of Sheriffs," was read the second time; on motion of Mr. Halsey, the said bill was laid on the table, yeas 32, nays 17.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Bethell, Collins, Daniel, Davidson, Drake, Eborn, Faison, Graham, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lillington, Moye, Patterson, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Haywood, Thompson of Bertie, Ward, Washington, Watson, Willey, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bower, Conner, Exum, Gilmer, Hester, Lane, Miller, Murchison, Reich, Rowland, Thomas, of Davidson, Thompson, of Wake, Walker, Woodfin, and Wooten.

Mr. Davidson, from the committee appointed to superintend the election of United States' Senator, reported that no one having received a majority of the votes given, there is no election.

The bill to emancipate John Good, a slave, was read the second time and passed.

Mr. Lillington presented the resignation of the Hon. Richmond M. Pearson, as one of the Judges of the Superior Courts of Law and Equity; which was read and accepted.

On motion of Mr. Halsey,

Ordered, That said resignation be transmitted to the House of Commons.

The Speaker announced that Messrs. Conner, Washington, and Walker, form the Senate's branch of the Joint Select Committee agreed to be raised to enquire into the expediency of changing the time of the meeting of the General Assembly, and the House of Commons were informed thereof.

On motion of Mr. Speight, the Senate adjourned.

WEDNESDAY, DECEMBER 13.

Mr. Patterson presented the memorial of sundry citizens of the county of Wilkes, against being embraced within the boundaries of the proposed new county of Watauga; which was, on motion of Mr. Patterson, ordered to lie on the table, to be taken up with the bill pending in reference to the subject of said memorial.

Mr. Patterson, from the committee on Internal Improvements, to whom was referred a bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to emancipate Lewis Williams, a slave, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Smith, from the committee on the Judiciary, to whom was referred a bill entitled "a bill for the relief of Executors and Administrators," reported the same to the Senate, with a substitute. Ordered to lie on the table.

On motion of Mr. Halsey,

WHEREAS, In consequence of the increased number of counties, and the great accumulation of business on the Dockets of the Superior Courts of this State, it is expedient, in order that more speedy justice be administered, that an additional Judicial District be formed:

Be it therefore resolved, That a Select Committee of one from each Judicial District be raised, to take the subject into consideration, and report thereon.

Mr. Worth introduced a bill, entitled "a bill to amend an act passed in the year 1846-7, entitled an act to provide for a re-assessment of the lands of this State, and a more accurate enlistment of the Taxable Polls;" which was read the first time and passed.

Mr. Washington introduced a bill, entitled "a bill to amend an act entitled "an act to incorporate the Atlantic Fire Com-

pany, No. 7, passed at the session of 1846-7;" which was read the first time and passed.

Received from the House of Commons a message, announcing that Messrs. Keen, Erwin, Dancy, J.J. Williams, Skeen, A.J. Leach, J. M. Leach, Ballard, and Walser, form their branch of the Joint Select Committee on the subject of creating a Medical Board.

Also, stating that they have adopted the engrossed resolution from the Senate, entitled "a resolution relative to Miss Dix."

Also, that they have passed the Engrossed Resolutions, viz:

"A resolution relative to O. A. Buck;"

"A resolution relative to the State's Claim against the General Government," and asking the concurrence of the Senate.

Said resolutions were read the first time and passed.

Received also from the House of Commons, a message proposing that a Joint Select Committee of two on the part of that House, and one on the part of the Senate, be raised, to wait upon His Excellency, Charles Manly, and inform him of his election as Governor of the State of North Carolina, and to ascertain from him, when it will be convenient for him to appear before the General Assembly, and take the Oaths of Office. Concurred in, and Mr. Thompson, of Bertie, appointed on the part of the Senate, and the House of Commons informed thereof.

Received from the House of Commons a message, proposing that the two Houses vote, on Saturday next, at 11 o'clock, for Judge of the Superior Court, to fill the vacancy occasioned by the resignation of the Hon. R. M. Pearson; which was not concurred in, and the House of Commons were informed thereof.

The following bills were read the second time and passed, viz:

"A bill to emancipate James G. Hostler."

"A bill to incorporate Midway Male and Female Academy, in the county of Pitt."

"A bill concerning the practice of the law;" and

"A bill to incorporate the Trustees of the Chowan Female Institute."

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to amend an act passed at the session of 1846-7, entitled, An Act authorising the Governor to establish a Depot of Arms in the town of Newbern."

"A bill to incorporate Mount Lebanon Lodge, No. 117."

A bill to incorporate the Island Ford Manufacturing Company in the County of Randolph."

The bill to emancipate John Good, a slave, was read the third time and passed; yeas 33, nays 13.

Mr. Exum, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Barnard, Bell, Berry, Bower, Collins, Daniel, Davidson, Eborn, Faison, Gilmer, Graham, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Reich, Rogers, Rowland, Shepard, Smaw, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Ward, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Bethell, Conner, Drake, Exum, Halsey, Hester Kendall, Moye, Smith, Speight, Watson, Willey, and Wooten.

Ordered, That said bill be engrossed.

The bill entitled, "A Bill explaning the 10th section chapter 34 Revised Statutes;" was read the second time, amended on motion of Mr. Smith, and passed.

The bill entitled, "A bill to expedite the trial of suits belonging to the original jurisdiction of the Supreme Court;" was read the second time, the report of the Judiciary Committee in reference thereto concurred in, and said bill rejected.

The bill to amend the — section of the — chapter of the Revised Statutes;" was taken up, read the second time and the amendments proposed thereto by the committee on the Judiciary, concurred in. The title of said bill was amended so as to read, "A bill to secure, more effectually, the rights of

appeal in certain cases." On motion of Mr. Joyner, ordered that the said bill be laid on the table and printed.

The bill to amend the 15th Section of the 103d Chapter of the Revised Code, with the amendment proposed thereto by the Committee on the Judiciary, was taken up, and on motion of Mr. Thomas of Haywood, ordered to be laid upon the table; and that the bill and amendments be printed.

Mr. Walker moved that a message be sent to the House of Commons proposing that the two Houses vote, forthwith, for Judge of the Super or Court, to fill the vacancy occasioned by the resignation of the Hon. R. M. Pearson.

On motion of Mr. Thomas of Davidson, ordered, that said motion lie on the table.

The bill to incorporate the Mecklenburg Agricultural Society, was read the second time and passed.

Mr. Thomas of Haywood, introduced the following Preamble and Resolution, viz:

WHEREAS, there has been presented during the present Session, an unusually large number of petitions, memorials and bills, in which the whole People of the State are deeply interested; and whereas, continued motions to go into elections have a tendency to consume so much of the time of the present Session, that the Legislation referred to in the said memorials, petitions and bills, will probably be prevented. In order, therefore, to prevent any further loss of time, and secure speedy action on those measures in which the whole People of the State feel a deep interest,

Be it Resolved by the Senate, and the House of Commons concurring, That they proceed to the election of a United States' Senator at 12 o'clock, on the 22d of this month; and for a Circuit Judge on the 23d of the same month, at 1 o'clock.

Which were read, and on motion of Mr. Lillington, ordered to lie on the table.

On motion of Mr. Joyner, the Senate adjourned.

THURSDAY, DECEMBER 14.

The Speaker announced that Messrs. Halsey, Graham, Thompson, of Wake, Gilmer, Ashe, Lillington, and Thomas, of Haywood, form the select committee to enquire into the expediency of creating an additional Judicial Circuit.

Mr. Drake, from the committee on Finance, to whom was referred a bill entitled "A Bill to suppress vice," reported the same to the Senate, with an amendment, and recommended its passage.

Mr. Shepard, from the committee on Education, to whom was referred a bill "to incorporate Lumberton Academy," reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, in which they ask the concurrence of the House, viz:

"A bill to incorporate the town of Asheville."

"A bill to unite the Roanoke Railroad and the Seaboard and Roanoke Railroad Companies, and for other purposes.

"A bill to incorporate the town of Shelby."

A bill to incorporate Mount Lebanon Lodge, No. 117, in Edgecombe."

"A bill to incorporate Macon Academy, in the County of Wayne."

"A bill to emancipate John Good, a slave;" and "A bill to incorporate Phalanx Lodge, No. 10, of the Independent Order of Odd Fellows."

Received from the House of Commons, a message transmitting a communication from His Excellency, Governor Graham in reference to a memorial and presentment of the Grand Jury of McDowell County;" which communication, memorial and presentment were referred, on motion of Mr. Halsey, to the committee on Propositions and Grievances.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, and asking their concurrence, viz:

"A bill to authorize the Roanoke Navigation Company to become common carriers, &c."

"A bill to incorporate Island Ford Manufacturing Company."

"A bill relative to amending an act concerning the Depot of Arms at Newbern."

"A bill to alter the time of holding the Spring and Fall Terms of the Courts of Pleas and Quarter Sessions for the County of Cleveland.

Received from the House of Commons, a message stating that they have passed the following Engrossed Bills, and asking the concurrence of the Senate, viz:

"A bill to amend the 17th section of the Revised Laws of this State."

"A bill to incorporate the trustees of Snow Creek Male Academy in the county of Iredell."

"A bill to incorporate Dallas Male Academy."

"A bill to incorporate the Foresters, an Independent Company of Infantry in the County of Richmond."

"A bill to authorize the County Court of Mecklenburg to pay over certain funds to the County Court of Union;" also, the following resolutions, viz:

A resolution in favor of Abram Harshaw.

A resolution in favor of Isaac Cooke and others.

Which bills and resolutions were severally read the first time and passed.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to incorporate the Mecklenburg Manufacturing "Society."

"A bill explanatory of section 10th chapter 34, Revised Statutes.

"A bill to incorporate the Trustees of Chowan Female Institute."

"A bill to incorporate Midway Male and Female Academy in the county of Pitt.

"A bill concerning the practice of the law."

The bill to emancipate James G. Hostler, was taken up, read

the third time, and on motion of Mr. Washington, laid on the table.

The following bills and resolutions were read the second time and passed, viz:

A bill to amend an act entitled an act to incorporate the Atlantic Fire Company, No. 7, passed at the session of 1846–7.

"A resolution relative to O. A. Buck."

"A bill to amend an act passed in the year 1846–7, entitled, "An act to provide for a reassessment of the lands of this State, and a more accurate enlistment of the taxable Polls.

"The resolution in relation to the State's claim against the General Government," was read the second time, and on motion of Mr. Patterson, laid on the table.

Received from the House of Commons, a message transmitting the report of the committee on Finance, stating that they have examined the books and accounts of the Treasurer's and Comptroller's Offices and find them correctly kept, and the duties of said Offices have been faithfully performed. The Report was concurred in.

Received from the House of Commons a message, proposing that the two Houses vote, forthwith, for Public Treasurer. Concurred in, and Messrs. Spicer and Bell form the committee on the part of the Senate to superintend said election, and the House of Commons were informed thereof. Also, on motion of Mr. Halsey, that the name of Charles L. Hinton is in nomination for said appointment. Received from the House of Commons a message, stating that Messrs. Farmer and Thigpen form their branch of the said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. HINTON:

Messrs. Speaker, Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Daniel, Davidson, Eborn, Gilmer, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thomas, of Haywood,

Thompson, of Bertie, Thompson of Wake, Walker, Ward, Washington, Watson Willey, Woodfin, Wooten and Worth—41.

FOR MR. COURTS:

Messrs. Exum, Faison, Hester, and Moye—4.

FOR MR. WATSON—Messrs. Conner, Collins, and Spicer—3

FOR MR. BASKERVILLE—Mr. Hawkins—1.

Received from the House of Commons a message, proposing to vote, forthwith, for Comptroller of the State. Not concurred in.

The bill to lay off and establish a new county by the name of Watauga, was taken up, read the second time, and on motion of Mr. Shepard, re-committed to the committee on Propositions and Grievances, with instructions to report the Federal Population included in the Territory proposed to be formed into a new county.

Mr. Bell, from the committee appointed to superintend the election of Public Treasurer, reported that Charles L. Hinton, having received a majority of the votes given, is duly elected.

The bill, entitled "a bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia," was taken up, and on motion of Mr. Patterson, ordered to be printed.

The bill to authorise Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions; Also,

A bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson; were read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses vote on to-morrow, at 11 o'clock, for Comptroller of the State; which was concurred in. Messrs. Moye and Daniel appointed to superintend said election, and the House of Commons informed thereof. Also, a message proposing that the two Houses vote on to-morrow, at 12 o'clock, for Counsellors of State; which was concurred in, and Messrs. Rowland and Speight appointed the committee to superintend

said election, and the House of Commons were informed thereof.

The bill for the relief of Executors and Administrators was taken up, and the amendment proposed thereto by the Judiciary committee, concurred in; and on motion of Mr. Washington, said bill, as amended, was ordered to be printed.

Mr. Bell introduced a bill, entitled "a bill to authorise the Board of Internal Improvement to make sale of the Club Foot and Harlow Creek Canal;" which was read the first time, passed, and referred, on motion of Mr. Bell, to the committee on Internal Improvement.

Mr. Miller presented a memorial from sundry citizens of the county of Rutherford, praying for the relief of certain purchasers of Cherokee Lands; which was referred, on his motion, to the committee on Cherokee Lands.

On motion of Mr. Halsey, the Senate adjourned.

FRIDAY, DEC. 15.

A message was sent to the House of Commons, asking their concurrence in the following Engrossed Bills, which have been passed by the Senate, viz:

"A bill to incorporate the Mecklenburg Agricultural Society."

"A bill to incorporate Midway Male and Female Academy in the county of Pitt."

"A bill to incorporate the Trustees of the Chowan Female Institute."

"A bill explanatory of section 10th chapter 34, of the Revised Statutes;" and

"A bill concerning the practice of the law."

Mr. Exum presented the Pension Certificate of Theopholus Gardner, which was read, and on motion of Mr. Exum, order-

dered to be signed by the Speaker and transmitted to the House of Commons.

Mr. Patterson presented the memorial of sundry citizens of the county of Wilkes, and Caldwell," praying the erection of a new county out of parts of those counties. On motion of Mr. Patterson, the said memorial was referred to the committee on Propositions and Grievances.

Mr. Woodfin, from the Committee on the Judiciary to whom was referred the subject of laying an additional tax on the black polls to pay Patrols, reported adversely thereto—concurred in.

Mr. Woodfin, from the same committee, under a Resolution of inquiry, reported a bill entitled "A bill concerning Registers and Clerks and Masters in Equity;" which was read the first time and passed.

Mr. Woodfin, from the same committee to whom was referred the memorial of sundry citizens of the county of Duplin, on the subject of amending the constitution in reference to the qualification of voters for the State Senate, and for other purposes; asked that the committee be discharged from the further consideration of said memorial. The committee was discharged.

Mr. Woodfin, from the same committee to whom was referred a bill "to amend the 10th section, of the 102d chapter of the Revised Statutes, concerning Pedlars;" reported the same to the Senate, and asked to be discharged from its further consideration. Committee was discharged, and on motion of Mr. Collins, said bill was referred to the committee on Finance.

Mr. Woodfin, from the same committee, to whom was referred a bill to authorize the further taxation of costs in the trials of action at law; reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred, "A bill to repeal an act concerning the Wardens of the Poor of the county of Lincoln; reported the same to the Senate. Ordered to lie on the table.

Mr. Joyner introduced "a Resolution in favor of the Executors of Joseph J. Daniel;" which was read the first time, pass-

ed, and referred, on motion of Mr. Joyner, to the committee on the Judiciary.

Mr. Miller introduced the following Resolution, viz:

Resolved, That the committee on Education be instructed to enquire into the expediency of giving the several County Courts, discretionary power to lay a tax on their respective counties, a sum equal to the amount received from the Literary Board, and that they report by bill or otherwise.

Which was read and adopted:

Mr. Joyner introduced a bill, entitled "a bill making better and more suitable provisions for femes covert;" which was read the first time, passed, and on motion of Mr. Joyner, referred to the committee on the Judiciary.

Mr. Reich introduced a bill, entitled "a bill supplemental to an act passed at the present session of the General Assembly, entitled "an act to divide the County of Stokes into two distinct counties;" which was read the first time, passed, and referred, on motion of Mr. Reich, to the committee on the Judiciary.

Received from the House of Commons a message, stating that Messrs. Green and Keen form their branch of the committee to superintend the election of Comptroller, and that William F. Collins, and William J. Clark, are in nomination for said appointment; and that the House of Commons would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. COLLINS:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin and Worth—25.

FOR MR. CLARK:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—25.

Mr. Moye, from the committee appointed to superintend the

said election, reported that William F. Collins having received a majority of the votes given, is duly elected.

Received from the House of Commons, a message announcing that they have passed the following Engrossed Bills, and asking the concurrence of the Senate, viz:

"A bill to incorporate the Summerfield Guards;"

"A bill to incorporate Blount's Creek Manufacturing Company, in the Town of Fayetteville;"

"A bill to condemn a part of Hayne street, in the Town of Monroe, in Union County, for the purpose of erecting a Public Jail thereon;"

"A bill to lay off a road from Newton to Morganton;"

"A bill to incorporate the Bertie Guards;"

"A bill to amend an act, entitled an act to amend the Laws regulating the inspection of Turpentine, ratified the 14th of January, 1847;"

The said bills were read the first time and passed.

A message from the House of Commons, announcing that Messrs. Ferebee and Spivey form their branch of the Joint Committee, to wait on his Excellency, Charles Manly.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to amend an act passed in the year 1846–7, entitled "an act to provide for a re-assessment of the lands of this State, and a more accurate enlistment of the Taxable Polls."

A bill to amend an act entitled "An act to incorporate the Atlantic Fire Company, No. 7, passed at the Session of 1846–7.

A bill authorizing Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions."

A bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson.

The Engrossed Resolution relative to O. A. Buck, was read the third time, passed, and ordered to be enrolled.

The Engrossed bill to amend the 17th Section of the Revenue Laws of this State, was read the second time and rejected.

Received from the House of Commons a message, stating that

the following persons are in nomination for Counsellors of State, viz: Lewis Bond, Joshua Tayloe, Nathaniel T. Green, Charles L. Payne, John Winslow, Thomas A. Allison, A. J. Erwin, Jesse R. Siler, William Norfleet, Josiah O. Watson, Oliver D. Fitts, Thomas N. Cameron, George Williamson and William F. Martin; also stating that Messrs. Simms and McIntosh form their branch of the Committee to superintend said election.

The Senate then voted as follows, viz:

For Messrs. Bond, Tayloe, Greene, Payne, Winslow, Allison and Erwin—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—25.

For Messrs. Siler, Norfleet, Watson, Fitts, Cameron, Williamson and Martin—

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Watson, and Wooten—23.

Mr. Murchison voted for Messrs. Siler, Norfleet, Watson, Fitts, Cameron, Williamson and Winslow.

Making for Messrs. Bond, Tayloe, Green, Payne, Allison and Erwin, 25 votes each.

For Mr. Winslow, 26.

For Messrs. Siler, Norfleet, Watson, Fitts, Cameron and Williamson, 24 votes each.

For Mr. Martin, 23.

Mr. Rowland from the Committee appointed to superintend the said election, reported that Messrs. Bond, Tayloe, Green, Payne, Winslow, Allison and Erwin, having each received a majority of the votes given, are duly elected Counsellors of State.

On motion of Mr. Ashe,

Ordered, that a message be sent to the House of Commons proposing that the two Houses vote for Superior Court Judge, on to-morrow, at 12 o'clock, M.

The bill to emancipate James Hostler, a slave, was read the third time, passed, and ordered to be engrossed.

The following engrossed bills were read the second time and passed, viz:

"A bill to incorporate the Trustees of Snow Creek Male Academy, in the county of Iredell;"
"A bill to incorporate Dallas Academy;"
"A bill to incorporate the Foresters, an Independent Company of Infantry, in the county of Richmond."

Mr. Gilmer introduced the follwing Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses proceed, forthwith, to the election of United States' Senator.

Mr. Thomas, of Haywood, moved to amend the Resolution, by striking out the word "*forthwith*," and inserting in lieu thereof, the words "*on the third day of January next.*"
Before the question was taken, Mr. Walker moved that the Senate adjourn, which was negatived, Yeas 23, Nays 26.

Mr. Gilmer, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rogers, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

The question then recurred on the motion of Mr. Thomas of Haywood.

Mr. Joyner called for a division of the question, and it was first taken on striking out the word "*forthwith,*" and determined in the negative; Yeas 22, Nays 26.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Mr. Rogers moved to amend the Resolution, by adding the following, viz:

"And that in the election of said United States' Senator, each member of the Legislature should vote in accordance with the wishes of his constituents, as expressed in his election on the third of August last."

Mr. Halsey moved to amend the amendment, by striking out the word "*his,*" before the word "*election,*" and inserting the word "*the.*" The question was divided, and taken first on striking out, and decided in the negative; yeas 25, nays 24.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin and Worth.

Those who voted in the negative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson, and Wooten.

Mr. Speaker Graves, voted in the negative.

On motion of Mr. Thomas of Haywood, the Senate adjourned.

SATURDAY, DEC. 16.

A message was sent to the House of Commons, asking their concurrence in the following engrossed bills, which have been passed by the Senate, viz:

A bill authorising Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions;

A bill to amend an act entitled "an act to incorporate the Atlantic Fire Company, No. 7, in the town of Newbern;

A bill to amend an act, passed in the year 1846-7, entitled "an act to provide for a reassessment of the lands of the State," &c. And,

A bill to emancipate James G. Hostler."

Mr. Exum presented the Pension Certificate of William Sasser; which, on his motion, was ordered to be signed by the Speaker, and sent to the House of Commons.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz: the amendment moved by Mr. Rogers to the Resolution of Mr. Gilmer.

Mr. Gilmer moved to amend the amendment, by striking out all thereof after the word *"and,"* and inserting the following, viz:

"That the Snnator to be voted for and elected, in his political opinions, should reflect the political opinions of a majority of the people of the State."

On motion of Mr. Worth, the amendment was laid on the table.

Mr. Smith introduced a bill entitled "A bill to amend the acts now in force, on the subject of Common Schools;" which was read the first time, passed, and on motion of Mr. Smith, referred to the committee on Education.

Mr. Rogers introduced a bill entitled, "A bill to amend the 7th section of the Revised Statutes, passed 1844-5, entitled Guardian and Ward;" which was read the first time, passed, and referred to the committee on the Judiciary.

Received from the House of Commons, a message stating that they do not concur in the proposition of the Senate, to vote for Judge of the Superior Court, this day at 12 o'clock, M., and proposing that the two Houses vote for said officer at 1 o'clock, P. M.; which was concurred in, and the House of Commons informed thereof, and that Messrs. Kendall and Graham, form the Senate's branch of the committee to superintend said election.

Received from the House of Commons, a message proposing that the two Houses vote on this day, at 12 o'clock, M., for United States' Senator, for six years, from and after the 4th day of March next; which was concurred in, and the House of Commons informed thereof, and that Messrs. Watson and Smith form the Senate's branch of the committee to superintend said election.

Received from the House of Commons a message, transmitting a message of His Excellency, Governor Graham, with a Report from the Board of Internal Improvement, with a proposition to print. Concurred in, and the House of Commons informed thereof.

Received from the House of Commons, the resignations of W. G. James and John Falls, as Justices of the Peace; which were read and accepted.

The Engrossed Resolution, "relative to the State's claim a-

gainst the General Government," was taken up, amended on motion of Mr. Patterson, and passed its second reading.

The following Engrossed Bills were read the third time, passed, and ordered to be Enrolled, to-wit:

A bill to incorporate the Snow Creek Male Academy, in the county of Iredell;

A bill to incorporate the Foresters, an Independent Company of Infantry, in the county of Richmond;

A Bill to incorporate Dallas Male Academy.

The bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson, was read the third time, passed, and ordered to be engrossed.

The engrossed resolution in favor of Isaac Cook and others, was taken up, read the second time, and on motion of Mr. Thomas, of Haywood, laid on the table.

The following Engrossed Bills were read the second time and passed, viz:

A bill to authorise the County Court of Mecklenburg to pay over certain funds to the County Court of Union;

A bill to incorporate the Summerfield Guards;

Also, a resolution in favor of Abram Harshaw.

Received from the House of Commons a message, stating that Messrs Stevenson and Walser, form their branch of the committee to superintend the election of United States' Senator, and that the hour of 12 o'clock having arrived, they would proceed to vote, on return of the messenger.

The Senate then voted as follows, viz:

FOR GEORGE E. BADGER.

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR. J. B. SHEPARD:

Messrs. Berry, Drake, Graham, Spicer, Thompson, of Wake, Walker and Watson—7.

FOR WM. B. SHEPARD:

Messrs. Speaker, Bethell, Bower, Collins, Murchison, and Wooten—6.

FOR T. L. CLINGMAN:

Messrs. Ashe, Reich, Speight, Thomas, of Haywood, and Ward—5.

FOR W. F. LEAK—Messrs. Conner, Exum and Hester—3.

FOR JAS. J. McKAY—Messrs. Faison, and Rogers—2.

FOR WELDON N. EDWARDS.—Messrs. Hawkins, and Moye—2.

FOR K. RAYNER—Mr. Shepard.

The bill to amend an act entitled "An act to amend the laws regulating the inspection of Turpentine, ratified January 14, 1847," was read the second time, and on motion of Mr. Bell, referred to the Committee on Propositions and Grievances.

The following Engrossed Bills were read the second time, and passed, viz:

A bill to condemn a part of Hayne Street, in the Town of Monroe, in Union County, for the purpose of erecting a public Jail thereon.

"A bill to lay off a road from Newton to Morganton;"

"A bill to incorporate Blount's Creek Manufacturing Company, in the Town of Fayetteville;"

"A bill to incorporate the Bertie Guards;"

Mr. Watson from the Committee appointed to superintend the election of United States' Senator, reported that no one having received a majority of the whole number of votes given, there was no election.

The Bill concerning Registers and Clerks and Masters in Equity, was read the second time.

Mr. Halsey moved to amend the bill by striking out the words "*the Register and of;*" which was rejected—yeas 5, nays 24.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Halsey, Miller, Smith, Thomas, of Davidson, and Walker.

Those who voted in the negative are:

Messrs. Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Drake, Davidson, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Speight, Spicer, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

The question was then taken on the passage of the bill the second reading, and decided in the affirmative.

A message was then received from the House of Commons, stating that William H. Battle, and John W. Ellis, are in nomination for Judge of the Superior Court, and that Messrs Headen and Dickson form their branch of the committee to superintend the election, and that the hour of one o'clock, P. M., having arrived, they would proceed to vote, on return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. BATTLE:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin and Worth—24.

FOR MR. ELLIS:

Messrs. Speaker, Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Rogers, Reich, Spicer, Speight, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson and Wooten—25.

The Bill entitled "A Bill to suppress vice," was read the second time, and the amendments proposed by the Committee on Finance, concurred in.

Mr. Thomas of Haywood moved that said Bill be indefinitely postponed, which was not agreed to—yeas 12, nays 34.

Mr. Thomas, of Haywood, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Davidson, Gilmer, Graham, Hargrove, Hawkins, Joyner, Rogers, Rowland, Thomas, of Haywood, Thompson, of Bertie, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Drake, Eborn, Exum, Faison, Halsey, Hester, Kendall, Lane, Miller, Moye, Murchison, Patterson, Reich, Smaw, Smith, Speight, Spicer, Thomas of Davidson, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, Wooten, and Worth.

The Bill was further amended, on motion of Messrs. Halsey and Ashe, and the question on its passage its second reading, was decided in the affirmative—yeas 40, nays 7.

The yeas and nays were demanded by Mr. Rogers.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Berry, Bethell, Bower, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hawkins, Hester, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood Thompson of Wake, Walker, Ward, Washington, Watson, Willey, Woodfin, Wooten and Worth.

Those who voted in the negative are:

Messrs. Barnard, Collins, Hargrove, Joyner, Rogers, Rowland, and Shepard.

Mr. Kendall from the Committee appointed to superintend the election of Judge of the Superior Court, reported, that John

W. Ellis having received a majority of votes given, is duly elected.

Mr. Thomas of Davidson, presented the following Resolution, viz:

Resolved, That the committee on Education be instructed to enquire into the expediency of so changing the existing law which gives escheated property to the University of North Carolina, and that hereafter, all such property shall pass to the Common School Fund; and report by bill or otherwise.

Which was read and adopted:

Mr. Patterson introduced a resolution in relation to the Club Foot and Harlow Creek Canal; which was read the first time, passed, and referred, on his motion, to the committee on Internal Improvement.

On motion of Mr. Graham,

Resolved, That the committee on Finance be requested to consider the expediency of reducing the Tax on Billiard Tables from the sum of Five hundred dollars, to that of Three hundred dollars.

On motion of Mr. Bower, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DEC. 18.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bill, in which they ask the concurrence of that House, viz:

A bill to emancipate Lewis Williams, a slave; Also, that the Pension Certificate of William Sasser has been signed by the Speaker of the Senate, and ordered to be transmitted to the House of Commons.

Mr. Walker, from the committee on Propositions and Grievances, to whom was recommitted the bill to lay off and establish a new county by the name of Watauga, with specific instructions, reported. Ordered, that said bill and report be laid on the table.

Received from the House of Commons, a message stating that they have passed the Engrossed Bill to incorporate the Forestville Female Academy, in Wake county; in which they ask the concurrence of the Senate.

The said bill was read the first time and passed.

Mr. Gilmer, from the Joint Select Committee, to whom was referred so much of the Governor's Message as relates to a Day of Thanksgiving, reported a resolution to that purpose, and in accordance with the recommendation in said Message. Ordered to lie on the table.

The following bills were read the second time, and passed, viz:

A bill to incorporate Lumberton Academy;

A bill to repeal an act concerning the Wardens of the Poor in the county of Lincoln.

The engrossed bill to authorise the County Court of Mecklenburg to pay over certain Funds to the County Court of Union, was read the third time, amended on motion of Mr. Walker, and passed.

Ordered, that a message be sent to the House of Commons, asking their concurrence in said amendment.

Mr. Patterson, at his own request, was excused from serving on the committee on Swamp Lands, and Mr. Halsey was substituted.

Mr. Walker was also excused from serving on said committee, at his own request, and Mr. Thompson of Bertie, was substituted.

The resolution in favor of Abram Harshaw, was read the third time, amended on motion of Mr. Thomas of Haywood, and passed.

Ordered, That a message be sent to the House of Commons, asking their concurrence in said amendment.

The following engrossed bills were read the third time, passed, and ordered to be enrolled, viz:

"A bill to lay off a road from Newton to Morganton;"

"A bill to condemn a part of Hayne street, in the Town of Monroe, in Union County, for the purpose of erecting a Public Jail thereon;"

"A bill to incorporate the Summerfield Guards."

The bill to clear out Lumber River, in the counties of Richmond and Robeson, was read the second time and rejected; yeas 18; nays 28.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Conner, Davidson, Gilmer, Halsey, Hawkins, Joyner, Lane, Lillington, Patterson, Rowland, Thomas of Davidson, Thomas, of Haywood, Thompson, of Bertie, Washington, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Daniel, Drake, Eborn, Exum, Faison, Graham, Hargrove, Hester, Kendall, Miller, Moye, Reich, Rogers, Smaw, Smith, Speight, Spicer, Thompson, of Wake, Walker, Ward, Watson, and Willey.

The engrossed bill to incorporate Blount's Creek Manufacturing Company, in the Town of Fayetteville, was read the third time and passed;

Also, the engrossed bill, entitled "a bill to incorporate the Bertie Guards."

Ordered, That said bills be enrolled.

The bill concerning Registers and Clerks and Masters in Equity, was read the third time, passed, and ordered to be engrossed.

The engrossed resolution relative to the State's claim against the General Government, was read the third time and passed.

Ordered, That a message be sent to the House of Commons,

asking their concurrence in the amendment passed by the Senate to said resolution.

The bill, entitled "a bill to suppress vice," was read the third time and passed. On motion of Mr. Halsey, the title of said bill was amended so as to read, "a bill to increase the Revenue of the State."

Ordered, That said bill be engrossed.

Mr. Gilmer introduced the following Resolution, to-wit:

Resolved by the Senate, and the House of Commons concurring, That the two Houses adjourn, *sine die,* on the second day of January next.

Which was adopted, Yeas 31, Nays 15.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bower, Collins, Conner, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hester, Kendall, Lane, Moye, Murchison, Reich, Rogers, Rowland, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Walker, Watson, Willey, and Woodfin.

Those who voted in the negative are:

Messrs. Bethell, Davidson, Hargrove, Hawkins, Joyner, Miller, Patterson, Shepard, Smith, Speight, Thompson, of Wake, Ward, Washington, Wooten and Worth.

On motion of Mr. Joyner,

Resolved, That the committee to whom was referred the Governor's Message and plan or project of a Rail Road from Gaston to Charlotte, enquire into the expediency of commencing the said work at Weldon, on Roanoke River.

On motion of Mr. Thomas of Davidson,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote, forthwith, for Senator of

the United States, for six years, after the 4th day of March next.

Mr. Rogers moved that the Senate adjourn, which was decided in the negative, Yeas 24, Nays 25.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hawkins, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin and Worth.

On motion of Mr. Halsey, the Senate adjourned.

Tuesday, December 19.

Mr. Shepard presented the memorial of William Glover and others, in reference to the navigation of the waters of the Albemarle, where Fisheries are situated. Referred, on motion of Mr. Shepard, to the Committee on the Judiciary.

Mr. Patterson, from the Committee on Internal Improvement, to whom was referred a Resolution proposing a surrender of the "Club Foot and Harlows Creek Canal," reported adversely thereto, and asked to be discharged. Concurred in, and said Committee discharged accordingly.

Mr. Davidson presented the memorial of Andrew Baggerly; which was referred, on his motion, to the Committee on Propositions and Grievances.

Mr. Shepard from the Joint Select Committee, to whom was referred so much of the Governor's message as relates to the extension of the Raleigh and Gaston Rail Road to Charlotte, reported a bill entitled "A bill to incorporate the North Carolina Rail Road and for other purposes;" which was read the first time, passed, and on motion of Mr. Shepard, laid on the table and ordered to be printed.

Mr. Patterson, from the Committee on Cherokee Lands, to whom was referred a memorial for the relief of the purchasers of Cherokee Lands, reported a bill entitled "A Bill to provide relief for the Purchasers of Cherokee Lands at the sale of 1838, and to secure a portion of the debts of the State;" which was read the first time, passed, and on motion of Mr. Thomas of Haywood, said bill and report were ordered to lie on the table, and be printed.

Mr. Thompson of Wake, introduced a resolution in favor of Robert W. Haywood, which was read the first time, passed, and on motion of Mr. Thompson of Wake, referred to the Committee on Claims.

Mr. Speight introduced the following Preamble and Resolution, viz :

WHEREAS, there has been no map of the State since the year 1831, and the one then made was exceedingly defective, especially to the Western portion of the State;

And whereas, since that time, the division of Counties, establishment of Town and County Seats have contributed largely to render said map still more defective;

And whereas, it is a cause of reproach to us as a People, and greatly reflects on the state of Education, that we have taken so little interest in the more perfect knowledge of the Territory whose unity makes us one People;

And whereas, in many cases there can be no enlightened legislation without a correct knowledge of the topography of the State; and for all these reasons, a more perfect map made upon correct surveys is desired:

Be it therefore resolved, That it be referred to the committee on the Library, to enquire into the propriety of procuring a new and accurate map of the State, and if in the opinion of

the committee such map ought to be procured, then to report the most practicable mode of doing so.

Which was read and adopted.

Mr. Rogers presented the following Preamble and Resolutions, to-wit:

WHEREAS, His Excellency, the Governor, in his Message to the present General Assembly, suggests for its consideration various schemes of Internal Improvement, in addition to those already constituted; *And whereas*, the funds of the State have been applied both in payment for stock in the Wilmington and Raleigh Rail Road, and bonds endorsed by the State through the Legislature; *And whereas*, the People ought to be informed of the pecuniary transactions of the State:

Therefore, Resolved, That the Governor be requested to communicate to the Senate, at as early a day as practicable, the amount of stock held by the State in the Wilmington and Raleigh Rail Road, and the amount the State has paid as Endorser for said Company, as well as for the Raleigh and Gaston Rail Road Company, specifying the time as well as the amount of each payment, the amount falling due on the first day of January next, and that His Excellency be requested also to inform the Senate, of the amount of liabilities or indebtedness of the State, on account of the said Rail Roads, falling due from and after the first day of January next, and the interest likely to accrue thereon, making apparent the whole amount the State has paid, and may hereafter have to pay, as a Stockholder, and as security for the said Rail Road Companies.

And be it further Resolved, That His Excellency be requested to inform the Senate, by what authority the loan of twenty-five thousand dollars was applied for and obtained from the Bank of the State, and a deed in trust given on the Raleigh and Gaston Rail Road and its appendant property, to secure the same; and also what amount the State will, in his opinion, probably realize from the suits now pending against the stockholders and other obligors of the said Rail Road Company, to recover the indemnity stipulated, in the event of any loss to the State by reason of her suretyship for that Company.

Which were adopted—yeas 25, nays 19.

Mr. Rogers demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson, of Wake, Ward, Walker, Watson, Willey and Wooten.

Those who voted in the negative are:

Messrs. Albright, Daniel, Davidson, Eborn, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Patterson, Rowland, Smaw, Smith, Thomas, of Davidson, Washington, Woodfin, and Worth.

Mr. Miller introduced "a bill to authorise the erection of a Male and Female Academy, in or near the Town of Shelby, in Cleveland county;" which was read the first time and passed.

Mr. Shepard introduced "A bill to incorporate Perquimans County Academy;" which passed its first reading, and was referred to the Committee on Education. Also, "a bill to extend the time of the duration of the Charter for erecting a Bridge across Pasquotank River;" which also passed its first reading, and was referred to the Committee on Internal Improvements.

On motion of Mr. Bower, the vote on the passage of the Bill to clear out Lumber River, in the Counties of Richmond and Robeson, its second reading, was re-considered, and on motion of Mr. Rowland, said Bill was referred to the Committee on Internal Improvement.

Mr. Thomas of Davidson, moved that a Message be sent to the House of Commons, proposing to vote forthwith for United States' Senator.

Mr. Rogers moved to amend the motion, by striking out the word "*forthwith*," and inserting in lieu thereof, the words "*to-morrow, at 12 o'clock.*"

Pending this motion, Mr. Thomas of Haywood moved that

the Senate adjourn; which was decided in the negative, yeas 14, nays 33.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Berry, Bethell, Bower, Collins, Conner, Drake, Graham, Murchison, Rogers, Shepard, Speight, Thomas, of Haywood, Thompson, of Wake, and Watson.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Exum, Faison, Gilmer, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Miller, Moye, Patterson, Reich, Rowland, Smaw, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Walker, Ward, Washington, Willey, Woodfin, Wooten, and Worth.

The question was then taken on the amendment moved by Mr. Rogers, to the motion of Mr. Thomas of Davidson, and decided in the affirmative; Yeas 24, Nays 23.

Mr. Thomas, of Haywood, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Moye, Murchison, Rogers, Shepard, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Miller, Patterson, Reich, Rowland, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

The motion as amended was then agreed to, and a message was sent to the House of Commons, asking their concurrence.

Mr. Smith introduced "a bill to confer on the Courts cer-

tain powers over Imprisoned Lunatics;" which was read the first time, passed, and referred to the committee on the Judiciary.

A message was received from the House of Commons, transmitting the Report of the Attorney General upon the claim of the Devisees of Mr. Cathcart, with a proposition to print; which was concurred in. Also, stating, that they have ordered the Pension Certificate of T. Gardner and William Sasser, to be countersigned by the Speaker of the Commons, and returned to the Senate.

On motion of Mr. Lillington, the Senate then adjourned.

WEDNESDAY, DECEMBER 20.

Mr. Thompson, of Wake, presented the memorial of sundry persons, Trustees of Wake Forest College, praying the passage of a law to forbid the retailing of Ardent Spirits within three miles of said College. On motion of Mr. Thompson of Wake, said memorial was referred to the committee on Propositions and Grievances.

Mr. Thompson, of Bertie, from the Joint Select Committee appointed to wait on His Excellency, Governor Manly, and learn from him, at what time it will be convenient for him to take the oaths of office, reported, that he signified his readiness to appear before the two Houses, for that purpose, on the first day of January next.

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred a bill to amend an act, entitled "An act to amend the laws regulating the inspection of Turpentine," reported the same with an amendment. Ordered, that said bill and amendment lie on the table.

On motion of Mr. Moye,

WHEREAS, there are cases where gross injustice has been done to persons who were provided for in Deeds of Trust, by

the makers thereof, in which large sums were given the Trustees by way of commissions:

Resolved, That the Judiciary Committee be instructed to take into consideration the propriety of passing a law, giving to Trustees, in all cases where the sale is made for cash, only two and a half per cent. commissions; and when the property is sold on credit, not more than five per cent. commissions;and that they report by bill or otherwise.

The following bills were introduced, read the first time and passed, viz :

By Mr. Moye—

"A bill to incorporate Tosnot Depot and Hickory Grove, in the County of Edgecomb, into a town by the name of Wilson."

By Mr. Shepard—

"A bill to incorporate Achoree Lodge, No. 14, of the Independent Order of Odd Fellows."

By Mr. Spicer—

A bill to revive an act entitled "An act to establish and incorporate a Town at Onslow Court House, in the County of Onslow, by the name of Jacksonville."

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate, to vote this day at 12 o'clock, for United States' Senator, and that Messrs. Satterthwaite and Wooten form the House branch of the Committee to superintend said election.

Mr. Drake introduced a bill to increase the compensation of the Chairman of the Board of Superintendants of Common Schools; which was read the first time, passed, and ordered to be referred to the Committee on Education.

Received from the House of Commons a message, stating that they have passed the following Engrossed bill, in which they ask the concurrence of the Senate, viz:

"A bill to incorporate a Female College in the County of Anson."

Said bill was read the first time and passed.

Mr. Woodfin introduced a Resolution directing the Doorkeepers to purchase chairs for the Committee Rooms ; which was read the first time and passed. The Rules were suspend-

ed, and said Resolution was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating that they have passed the following Engrossed Resolutions, in which they ask the concurrence of the Senate, viz:

"Resolution for the relief of Fendall Griffin;"
"Resolution in favor of M. O. Dickerson."

Mr. Thomas of Haywood, presented the memorial of sundry citizens of the county of Cherokee, praying the grant of a burying ground on the public lands. Also, from the citizens of Haywood and Macon, for a new county out of portions of said counties. Also, from sundry citizens of Cherokee county, relating to the Cherokees on Valley River; all of which memorials were referred, on motion of Mr. Thomas, of Haywood, to the committee on Propositions and Grievances.

On motion of Mr. Woodfin, the bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia, was taken up and made the order of the day for to-morrow.

The following Bills and Resolution were read the second time and passed, viz:

"A bill to authorise the erection of a Male and Female Academy, in or near the town of Shelby, in Cleveland county;"
"A bill to incorporate the Trustees of Forestville Female Academy, in Wake county;"
"Resolution to appoint a day of Thanksgiving;"
"A bill to authorise the further taxation of costs in the trial of actions at law."

The following Bills were read the third time, passed, and ordered to be Engrossed, viz:

"A bill to repeal an act concerning the Wardens of the Poor in the county of Lincoln;"
"A bill to incorporate Lumberton Academy."

Mr. Miller presented the memorial of Andrew Hoyle and

James P. Oats, of Gaston county; which was referred, on his motion, to the committee on Propositions and Grievances.

Received from His Excellency, the Governor, a message transmitting the petition of John H. Wheeler, with an accompanying letter from the American Minister in London, in reference to procuring documents and copies of records, &c., from the Archives of Great Britain, in relation to our Colonial History; which were referred, on motion of Mr. Washington, to a Select Committee: Messrs. Washington, Shepard, Ashe, Halsey and Graham, were appointed on said committee.

The bill to lay off and establish a new county by the name of Watauga, was taken up, and on motion of Mr. Walker, laid on the table.

The hour of twelve having arrived, a message was sent to the House of Commons, stating that Messrs. Thomas of Davidson, and Bethell, form the Senate's branch of the committee to superintend the election of United States' Senator, and the Senate would proceed to vote on return of the messenger.

The Senate voted as follows, viz:

FOR MR. BADGER.

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—24.

FOR MR. CLINGMAN:

Messrs. Speaker, Ashe, Bethell, Bower, Collins, Graham, Moye, Murchison, Speight, Spicer, Thomas, of Haywood, Ward, Watson, and Wooten—14.

FOR MR. LEAK—Messrs. Berry, Exum and Hester—3.

FOR MR. FISHER—Messrs. Conner, and Walker—2.

FOR MR. EDWARDS.—Messrs. Drake, and Hawkins—2.

FOR MR. W. B. SHEPARD—Messrs. Rogers, and Thompson, of Wake—2.

FOR MR. McKAY—Mr. Faison—1.

FOR MR. RAYNER—Mr. Shepard—1.

Mr. Thomas of Davidson, from the committee appointed to superintend said election, reported that no one having received a majority of the votes given, there is no election.

On motion of Mr. Thomas, of Davidson,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for United States' Senator.

Received from the House of Commons, a message stating that they concur in the proposition of the Senate to vote again, forthwith, for United States' Senator, and that Messrs. W. K. Martin, and Biggs, form the committee on the part of the House, to superintend said election; and also, that the Hon. D. L. Swain is in nomination for said appointment.

A message was sent to the House of Commons, announcing that Messrs. Lillington and Graham form the Senate branch of the Committee to superintend said election, and that the Senate would vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BADGER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin and Worth—24.

FOR MR. CLINGMAN:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Drake, Faison, Murchison, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Ward, Watson and Wooten—16.

FOR MR. EDWARDS: Messrs. Hawkins, Moye, Rogers—3.

FOR MR. LEAK: Messrs. Exum and Hester—2.

FOR MR. FISHER: Messrs. Conner and Walker—2.

FOR MR. MR. McKAY: Mr. Graham—1.

FOR MR. RAYNER: Mr. Shepard—1.

Mr. Lillington, from the Committee appointed to superintend

said election, reported, that no one having received a majority of the votes given, there was no election.

Mr. Thomas, of Haywood, moved that the Senate adjourn; which was decided in the negative—yeas 18, nays 31.

The yeas and nays were demanded by Mr. Miller.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Faison, Graham, Hester, Moye, Murchison, Speight, Thomas, of Haywood, Walker, Ward and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Daniel, Davidson, Eborn, Exum, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Washington, Watson, Willey, Woodfin and Worth.

Received from the House of Commons, a message proposing that the two Houses vote again forthwith for Senator of the United States; which was concurred in, and Messrs. Gilmer and Hawkins appointed on the part of the Senate, to superintend said election, and the House of Commons informed thereof.

A message was received from the House of Commons, announcing that Messrs. D. F. Caldwell and Coffield, form their branch of the Committee to superintend said election, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BADGER:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin and Worth—24.

FOR MR. CLINGMAN:

Messrs. Speaker, Ashe, Berry, Bethell, Bower, Collins, Drake, Exum, Faison, Graham, Moye, Murchison, Rogers, Speight, Spicer, Thomas of Haywood, Thompson of Wake, Ward, Watson, and Wooten—20.

FOR MR. LEAK: Messrs. Conner and Hester—2.

FOR MR. EDWARDS: Messrs. Hawkins and Walker—2.

FOR MR. RAYNER: Mr. Shepard—1.

On motion of Mr. Hester, the Senate then adjourned.

THURSDAY, DECEMBER 21.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a memorial from the Grand Jurors of McDowell county, reported the same to the Senate, and asked to be discharged from the further consideration of the subject. The committee were discharged accordingly.

Mr. Shepard, from the committee on Education, to whom was referred a bill to incorporate the Perquimans Academy, reported the same to the Senate, and recommended its paspage. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the memorial of Andrew Baggerly, of Iredell county, reported adversely thereto. Report ordered to lie on the table.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to secure the title of purchasers of land sold under execution, reported the same with an amendment, and recommended its passage. Ordered to lie on the table.

Mr. Smaw, from the committee on the Judiciary, to whom was referred "a bill to Increase the Revenue of the State," reported adversely thereto. Ordered to lie on the table.

Mr. Gilmer, from the committee appointed to superintend the election of United States' Senator, for six years, from and after the 4th of March next, reported that the Hon. George E. Badger having received a majority of the votes given, is duly elected.

Mr. Patterson introduced a bill to authorise E. S. Moore to

collect arrears of taxes; which was read the first time and passed.

Received from the House of Commons, a message transmitting the resignation of the Hon. W. H. Battle, of the unexpired part of his term as Judge of the Supreme Court; which was read and accepted. Also, transmitting a communication from His Excellency, Gov. Graham, in reference to the surrender of thirty tracts of Cherokee lands, and the cancillation of the bonds given by the purchasers, under the act of 18th of January, 1847; which was read, and referred to the committee on Cherokee Lands.

The resolution relative to a day of Thanksgiving, was read the third time, passed, and ordered to be engrossed; Also,

The bill entitled "a bill to authorise the erection of a Male and Female Academy in the Town of Shelby, in Cleveland county;" which was also ordered to be engrossed.

The engrossed "bill to incorporate the Trustees of Forestville Academy, in Wake county," was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act, entitled "an act to amend the laws regulating the inspection of Turpentine, ratified 14th of January, 1847," was read the third time, amended, and passed.

Ordered, That a message be sent to the House of Commons, asking their concurrence in said amendment.

On motion of Mr. Walker, the Senate took up for consideration the bill for laying off and establishing a county by the name of Watauga; which was read the second time and passed, yeas 33, nays 13.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bethell, Bower, Conner, Daniel, Davidson, Drake, Faison, Graham, Gilmer, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Smaw, Speight, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten and Worth.

Those who voted in the negative are:

Messrs. Barnard, Bell, Eborn, Exum, Halsey, Hargrove, Hawkins, Rogers, Rowland, Shepard, Smith, Spicer, and Willey.

The bill to authorise the further taxation of costs in the trial of actions at law, was read the third time, and amended on motion of Mr. Washington, passed, and ordered to be engrossed.

The Senate then proceeded to the consideration of the order of the day, to-wit, "the bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia;" on its second reading.

After the adoption of sundry amendments thereto, and before the question was taken on its passage, the Senate, on motion of Mr. Thomas of Haywood, adjourned.

FRIDAY, DEC. 22.

Mr. Patterson, from the Committee on Internal Improvement, to whom was referred a bill to extend the time for the duration of the charter for erecting a bridge across Pasquotank River reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Halsey introduced the following Resolution, which was adopted:

Resolved, That the Speaker of the Senate, and the Speaker of the House of Commons, inform the Hon. George E. Badger, of his election as Senator of the United States, for the State of North Carolina, for six years, from and after the 4th day of March next.

Ordered, That said Resolution be transmitted to the House of Commons, for their concurrence.

Mr. Berry introduced the following Preamble and Resolution, to-wit:

WHEREAS, there is a number of projects before the General Assembly, now in session, for the construction of Rail Roads, Plank Roads, Turnpike Roads, the improvement of Rivers, and the erection of a Lunatic Asylum, which, if carried out, would involve the State in an enormous debt; *And whereas*, it has become necessary to increase the taxes on the people, for the purpose of meeting the liabilities of the State, already existing for similar works, it is therefore important that we should, as prudent Legislators, avail ourselves of all the lights that may be derived from the experience of our predecessors:

Therefore, Resolved, That the Public Treasurer be requested to furnish to the General Assembly, now in session, with a statement of the different works of Internal Improvement, including the drainage of Swamp Lands, from the year 1817 up to 1848, with their costs, and profits, and losses to the State, from those works.

Mr. Patterson moved to amend the said resolution, by adding the following, viz: "And that the Public Treasurer be authorised to employ such assistance as may be necessary to enable him to furnish the foregoing information before the close of the present session, and that he pay for the same out of the Public Treasury, such compensation as may be just and proper."

Mr. Halsey moved to amend the amendment, by adding thereto the following, viz: "*Provided*, the information desired can, in his opinion, be obtained before the close of the Session;" which was agreed to.

The question was then taken on the amendment as amended and decided in the affirmative.

The Resolution as amended, then passed its first reading—yeas 33, nays 4.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Bell, Berry, Bethell, Bower, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove,

Hawkins, Hester, Lane, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Thomas of Haywood, Thompson, of Wake, Walker, Washington, Watson and Wooten.

Those who voted in the negative are :

Messrs. Barnard, Davidson, Joyner, and Woodfin.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred a Resolution instructing them to enquire into the expediency of passing a law regulating the commission of Trustees in Deeds in Trust, reported, and asked to be discharged. Ordered to lie on the table.

Mr. Woodfin, from the same Committee, to whom was referred a bill to confer on the Courts certain powers over imprisoned Lunatics, reported the same to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same Committee, to whom was referred a Resolution in favor of the late Joseph J. Daniel, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Smith, from the Committee on the Library, to whom was referred the subject of procuring a more perfect map of the State, reported it back to the Senate, and asked to be discharged. The Committee was discharged accordingly, and the said subject, on motion of Mr. Speight, was referred to the Committee on a Geological Survey of the State.

Mr. Washington, from the Committee on the Judiciary, to whom was referred "A bill to regulate the duties of Constables in the County of Onslow;" reported a substitute for said bill.

Ordered to lie on the table.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the memorial of William Glover and others, reported a Bill to carry out the prayer of the memorialists; which bill was read the first time and passed.

The following bills were introduced, read the first time and passed, viz :

By Mr. Walker—

"A bill to incorporate Charlottee Fire Engine Company;"

By Mr. Halsey—

"A bill to amend the laws now in force, relating to Bail." Ordered to be referred to the committee on the Judiciary;

By Mr. Rogers—

"A bill to indemnify the owners of slaves convicted of Felony." Ordered to be referred to the committee on Propositions and Grievances.

By Mr. Gilmer—

"A bill to emancipate Thomas Gossett." Referred to the committee on Propositions and Grievances.

The engrossed bill to amend an act entitled an act to amend the laws regulating the inspection of Turpentine, ratified 14th of January, 1847, was read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendment thereto.

Received from the House of Commons a message, transmitting a communication and report from Charles L. Hinton, Public Treasurer, with a proposition to print. Said proposition was concurred in. Also, transmitting the report of the Treasurer of the University, and a message of His Excellency, Governor Graham, accompanying the same. On motion of Mr. Washington, a message was sent to the House of Commons, proposing to print the report of the Treasurer of the University.

The bill to provide for the settlement of Estates in the hands of Executors and Administrators, and for the relief the same, was taken up, amended, and passed its second reading.

The bill to lay off and establish a new County by the name of Watauga, was read the third time, passed, and ordered to be engrossed—yeas 30, nays 15.

Mr. Smith demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Berry, Bethell, Bower, Conner, Daniel, Drake, Faison, Gilmer, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchson, Patterson, Reich, Smaw,

Thomas, of Davidson, Thomas of Haywood, Thompson, of Wake, Walker, Washington, Watson, Woodfin, Wooten and Worth.

Those who voted in the negative are :

Messrs. Barnard, Bell, Eborn, Exum, Graham, Hargrove, Hawkins, Rogers, Shepard, Smith, Speight, Spicer, Ward and Willey.

Mr. Gilmer, from the Committee on Finance, reported a bill entitled "A bill concerning the Wilmington and Raleigh Rail Road Company;" which was read the first time, passed, and ordered, on motion of Mr. Gilmer, to be printed.

The Senate then proceeded to the consideration of the order of the day, being the unfinished business of yesterday, viz:

A bill to provide for making a Turnpike Road from Salisbury West, to the line of the State of Georgia.

Mr. Conner moved to amend the bill by striking out the word "*Salisbury*," and inserting in lieu thereof, the words—"*Charlotte, by Beaties' Ford, thence on the River Road, to Morganton.*"

Pending this question, the bill and amendment were, on motion of Mr. Gilmer, laid on the table, and made the special order of the day for Friday next.

On motion of Mr. Washington,

Ordered, that a message be sent to the House of Commons, proposing that when the two Houses adjourn on to-morrow, they adjourn to meet again on Tuesday next.

Leave of absence was granted to Mr. Ashe, on his own motion, from and after to-morrow, until Wednesday next.

On motion of Mr. Washington, the Senate adjourned until to-morrow, 10 o'clock.

SATURDAY, DEC. 23.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to lay off and establish a new county by the name of Watauga.

Mr. Walker presented the memorial of sundry citizens of Mecklenburg county, praying the incorporation of a Band of Music attached to the 68th Regiment of the North Carolina Militia; which on motion of Mr. Walker, was referred to the committee on Military Affairs.

Mr. Shepard presented the memorial of sundry citizens of the county of Pasquotank, praying a tax on Ardent Spirits. Referred, on his motion, to the committee on Propositions and Grievances.

Mr. Shepard, from the committee on Education, reported a bill, entitled "a bill to amend an act entitled an act to consolidate and amend the acts heretofore passed on the subject of Common Schools; which was read the first time, passed, and on motion of Mr. Shepard, ordered to be printed.

Mr. Walker, from the committee on Propositions and Grievances, to whom the subject was referred, reported "a bill for the further protection of Wake Forest College." Read the first time and passed.

Mr. Patterson, from the committee on Internal Improvement, to whom was referred a bill and resolution in relation to the sale of the Club Foot and Harlow Creek Canal, reported a substitute for said bill; which was read the first time and passed.

On motion of Mr. Patterson,

Resolved, That the committee on Finance be instructed to enquire into the propriety of increasing the tax on Licence to Retailers of Spirituous Liquors by the small measure, and that they report by bill or otherwise.

Mr. Lane introduced a resolution in favor of Isham Hancock; which was read the first time, passed, and on motion of Mr. Lane, referred to the committee on Claims.

Received from the House of Commons, a message proposing that the two Houses vote this day, at 12 o'clock, for a Judge of the Supreme Court, to fill the unexpired term of Judge Battle, resigned. Concurred in, and Messrs. Exum and Worth appointed to superintend said election. The message from the House also announced, that the name of Richmond M. Pearson is in nomination for said appointment.

Mr. Washington, from the committee on the Judiciary, to whom was referred a bill to amend an act entitled An act to amend an act, passed at the session of 1844-45, entitled an act to amend the 7th section of the Revised Statutes, entitled Guardian and Ward, reported a substitute for said bill; which was read the first time, passed, and ordered to be printed.

Mr. Woodfin introduced "a bill to establish a Toll Bridge on French Broad River;" which was read the first time and passed.

Mr. Lane introduced a bill to incorporate the Union Manufacturing Company; which was read the first time and passed.

Mr. Woodfin introduced a bill to appoint Commissioners for the new bridge on French Broad River, in Buncombe county; which was read the first time and passed.

Mr. Bower introduced a bill to extend the time of perfecting titles to lands heretofore entered; which was read the first time and passed.

Received a message from the House of Commons, concurring in the amendment of the Senate to the "Engrossed Bill to authorise the County Court of Mecklenburg to pay over certain funds to the County Court of Union;" also in the amendment to the resolution in relation to the State's Claim against the General Government.

Ordered, That said bill and resolution be enrolled.

Received also from the House of Commons a message, concurring in the proposition of the Senate, that when the two Houses adjourn this day, they adjourn until Tuesday next, 10 o'clock.

Mr. Speight presented a recommendation of sundry persons for Justices of the Peace, for the County of Lenoir. Ordered to be transmitted to the House of Commons.

Received from the House of Commons, a message stating that J. M. Taylor and Hargrove form their branch of the Committee to superintend the election of Judge of the Supreme Court to fill the unexpired term of Judge Battle, resigned, and that they would proceed to vote on return of the Messenger.

The Senate then voted as follows, to wit:

FOR MR. PEARSON:

Messrs. Speaker, Bell, Bethell, Bower, Davidson, Eborn, Exum, Halsey, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rogers, Shepard, Smaw, Speight, Thomas, of Haywood, Walker, Ward, Washington, Willey, Woodfin, Wooten and Worth—26.

Mr. Hester voted for Mr. Calvin Graves.

Mr. Exum, from the said Committee, reported that Mr. Pearson having received a majority of the votes given, is duly elected.

Mr. Thomas, of Haywood, presented the memorial of sundry citizens of the Counties of Haywood and Macon, in reference to the establishment of a new County out of portions of said counties. Referred to the committee on Propositions and Grievances.

The following bills were read the second time, and passed, viz:

A bill to incorporate a Female Academy in the county of Anson;

A bill to incorporate Achoree Lodge of I. O. O. F.

A bill to incorporate Tosnot Depot and Hickory Grove, in Edgecomb county, into a town by the name of Wilson.

A bill to incorporate the Charlotte Fire Engine Company.

A bill to revive an act, entitled an act to establish and incorporate a town at Onslow Court House. Also,

A resolution in favor of Fendall Griffin; And

A resolution in favor of M. O. Dickerson, formerly Sheriff of Rutherford.

Mr. Woodfin introduced a resolution in favor of Thomas Loring, which was read the first time and passed; Also, a reso-

lution in favor James W. Walton, which was read the first time and passed.

On motion of Mr. Speight, the Senate adjourned.

TUESDAY, DECEMBER 26.

Mr. Thomas, of Haywood, presented the memorial of a number of Cherokee Indians, who have become citizens of Haywood and Macon counties, asking of the Legislature protection. Referred to the committee on Propositions and Grievances.

Mr. Patterson presented the memorial of sundry citizens of Wilkes county, praying the establishment of a new county out of portions of Wilkes and Caldwell counties. Referred to the committee on Propositions and Grievances.

Mr. Shepard, from the committee on Education, to whom was referred the message of the Governor, in relation to our Revolutionary and Colonial History, reported a resolution to carry out the object of the message, entitled a resolution in relation to our Revolutionary and Colonial History; which was read the first time and passed, and ordered, with the report of the committee, &c., to be printed.

Mr. Patterson introduced a bill to amend an act passed at the last session, entitled an act to provide for the sale of certain lands in Cherokee and Macon counties, which have been surrendered to the State. Read the first time, passed, and referred to the committee on Cherokee Lands.

Mr. Halsey introduced a bill to amend the 6th section of the act of the last General Assembly, entitled "an act to provide for a re-assessment of the lands of the State," &c. Read the first time and passed.

Mr. Conner introduced a bill entitled a bill to authorise Osborn Hickel, to erect a Gate across a public highway; which

was read the first time, passed, and referred to the committee on Propositions and Grievances.

Received from the House of Commons, a message transmitting the resignation of Dr. James Webb, as Trustee of the University; which was read and accepted, and referred, on motion of Mr. Washington, to the committee on Education.

Received from His Excellency, Governor Graham, a message in response to a resolution passed by the Senate for information in relation to the liabilities of the State for Railroads, &c.; which was, on motion of Mr. Halsey, ordered to lie on the table and be printed—ten copies for each member of the Senate.

"The bill to incorporate Achoree Lodge, No. 14 of I. O. O. F.," was read the third time, passed, and ordered to be engrossed.

The following Engrossed Bills and Resolutions were read the third time, passed, and ordered to be Enrolled, viz:

"A bill to incorporate a Female Academy in the county of Anson."

A bill to incorporate Tosnot Depot and Hickory Grove in the county of Edgecombe, into a town by the name of Wilson.

"A bill to incorporate Charlotte Fire Engine Company."

Resolution for the relief of Fendall Griffin.

Resolution in favor of M. O. Dickerson, former Sheriff of Rutherford county.

"The bill to revive an act entitled an act to establish and incorporate a town at Onslow Court House, &c.; was read the third time, passed, and ordered to be engrossed.

The following Resolutions were read the second time and passed, viz:

Resolution in favor of James W. Walton.

Resolution in favor of Thomas Loring.

On motion of Mr. Woodfin the rules of the Senate were suspended and said resolutions were read the third time, passed, and ordered to be engrossed.

The bill to authorize E. S. Moore to collect arrears of Taxes, was read the second time and passed. On motion of Mr. Patterson, the rules were suspended, and said bill was read the third time, passed, and ordered to be engrossed.

The following Bills were read the second time and passed, viz:

A bill to incorporate the Union Manufacturing Company;

A bill to extend the time of perfecting titles to lands heretofore entered;

A bill to appoint Commissioners for the new bridge on French Broad River, in Buncombe county;

A bill to establish a Toll Bridge on French Broad River; also,

A bill for the further protection of Wake Forest College;" which was, also, on motion of Mr. Kendall, read the third time, the rules of the Senate being suspended, passed, and ordered to be engrossed.

Also, a bill to incorporate the Perquimans Academy, was read the third time, passed, and ordered to be engrossed.

The bill for the better protection of Seins and Nets, was read the second time and passed. On motion of Mr. Halsey, the rules were suspended, and said bill was read the third time, amended on motion of Mr. Shepard and Mr. Halsey, passed, and ordered to be engrossed.

Mr. Willey introduced a resolution in favor of Thomas Reddick, Sheriff of Gates county; which was read the first time, passed, and referred to the committee on Claims.

The bill to extend the time of the charter for erecting a Bridge across Pasquotank river, was read the second time and passed. On motion of Mr. Kendall, the rules were suspended, and said bill was read the third time, passed, and ordered to be engrossed.

A bill to amend the 15th section of 102d chapter of the Revised Statutes, was read the second time, amended and passed.

On motion of Mr. Miller, the Senate then adjourned.

WEDNESDAY, DECEMBER 27.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills and Resolutions, in which they ask their concurrence, viz:

"A bill to incorporate the town of Wilson;"

"A bill to incorporate Charlotte Fire Engine Company;"

"A bill to incorporate Achoree Lodge, No. 14, of I. O. O. F;"

"A bill to incorporate Perquimans Academy;"

"A bill for the further protection of Wake Forest College;"

"A bill to revive the town of Jacksonville;"

"A bill to extend the charter of Pasquotank River Bridge;"

"A bill for the better protection of seins and nets;"

"A resolution in favor of James W. Walton;"

"A resolution in favor of Thomas Loring."

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Pasquotank county, praying an additional tax upon Spirituous Liquors, reported adversely. Ordered to lie on the table.

Mr. Walker, from the same Committee, to whom was referred "A bill to indemnify the owners of slaves convicted of Felony," reported adversely thereto, and prayed to be discharged from its further consideration.

Ordered to lie on the table.

The following bills were introduced, read the first time and passed, viz:

By Mr. Walker—

"A bill giving longer time to register grants of land in the State, deeds of mesne conveyances, powers of attorney, &c."

By Mr. Bower—

"A bill to open and improve the road leading from Council's Store, in Ashe county, to Bedford Wiseman's Store, in Yancy County."

By Mr. Walker—

"A bill to incorporate the Providence Band of Mecklenburg County."

Referred to the Committee on Military Affairs.

On motion of Mr. Halsey,

Resolved, That a message be sent to the House of Commons proposing to raise a Joint Select Committee of four, on the part of the Senate, and four on the part of the House of Commons, who shall be required to make the necessary arrangements for inducting into office, the Governor elect, on the first day of January next.

Mr. Washington introduced a bill authorising Francis J Bentess to collect arrears of taxes. Read the first time and passed.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to appoint Commissioners for the New Bridge on French Broad River in Buncombe County;"

"A bill to establish a Toll Bridge on French Broad River;"

"A bill to incorporate the Union Manufacturing Company."

Received from the House of Commons, a message proposing to raise a Joint Select Committee of five on the part of the Senate, and seven on the part of the House of Commons, whose duty it shall be to taken into consideration the propriety of altering the time of holding the elections, and report by bill or otherwise; which was not concurred in.

Also, a message concurring in the proposition of the Senate to print the Report of the Treasurer of the University. Also, concurring in the proposition of the Senate that the Speakers of the two Houses inform the Hon. George E. Badger, of his election to the Senate of the United States.

Also, transmitting a memorial from the Indians of Cherokee county, with a proposition to refer it to a joint select committee of five on the part of the House, and three on the part of the Senate. Concurred in.

Also, transmitting the memorial of A. Whitney, in reference to a Railroad from Michigan to the Pacific. A proposition was sent to the House of Commons, on motion of Mr. Woodfin, to refer said memorial to a joint select committee of two on the

part of the Senate and three on the part of the House of Commons.

"The bill extending the time of perfecting titles to lands heretofore entered," was read the third time, passed, and ordered to be engrossed.

Messrs. Woodfin, Thomas of Haywood, and Graham, were appointed the committee on the part of the Senate on the Cherokee memorial received from the House of Commons, and that body were informed of the same.

The bill to amend the 6th section of the Act of the last General Assembly entitled An act to provide for a reassessment of the lands of the State, &c., was taken up and referred, on motion of Mr. Bower, to the committee on the Judiciary.

The resolution calling on the Public Treasurer for information in relation to the past expenditure, &c. of the State for Internal Improvements, was read the second time, amended on motion of Mr. Berry and Mr. Conner, and passed.

On motion of Mr. Shepard, the bill to amend an act entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools, was made the order of the day for Thursday week next, at 12 o'clock.

The bill to provide for the settlement of Estates in the hands of Executors and Administrators, and for the relief of the same, was read the third time, passed, and ordered to be engrossed.

Mr. Lillington introduced a bill to amend the third section, chapter 99, Revised Statutes, entitled Religious Societies.—Read the first time and passed.

Mr. Conner, from the committee on Claims, to whom was referred a resolution in favor of Thomas Reddick, Sheriff of Gates, reported the same to the Senate. On motion of Mr. Conner, said resolution was read the second and third time, passed, and ordered to be engrossed.

On motion of Mr. Bower, the Senator from Moore and Montgomery, (Mr. Worth) was added to the committee on Privileges and Elections.

Mr. Bower presented "a bill to amend the 9th section of the 42d chapter of the Revised Statutes, entitled Entries and

Grants; which was read the first time, passed, and referred to the committee on the Judiciary.

Received from the House of Commons a message, stating that they have passed the Engrossed bill entitled "A bill to provide for the establishment of a State Hospital for the Insane of North Carolina," in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

On motion of Mr. Lillington, the Senate then adjourned.

THURSDAY, DECEMBER 28.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed Bills and Resolution, in which they ask the concurrence of the House of Commons, viz;

"A bill to establish a Toll Bridge on French Broad River;"

"A bill to provide for the settlement of Estates in the hands Executors and Administrators, and for the relief of the same;"

"A bill for extending the time of perfecting titles to lands heretofore entered;"

"A resolution in favor of Thomas Reddick, Sheriff of Gates county."

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred the petition of Andrew Hoyle and James P. Oats, reported adversely thereto. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred, "A bill to authorise Osborn Hickel, to erect two Gates across a public Highway," reported adversely thereto. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred sundry memorials from Cherokee Indians, citizens of Haywood and Macon counties, reported the same back to the Sen-

ate, and asked to be discharged from their further consideration. Committee discharged and said memorials referred, on motion of Mr. Walker, to the joint select committee on Cherokee Memorials.

Mr. Walker, from the same committee, to whom was referred a bill to emancipate Thomas Gossitt, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Shepard presented to the Senate, a letter from the Hon. George Bancroft, Minister of the United States, at London, transmitting a copy of a letter of James Wright, in reference to the Colonial History of North Carolina. Said letters were, on motion of Mr. Shepard, ordered to be printed.

Mr. Halsey introduced the following Resolution, viz:

Resolved, That the Principal Clerks of the two Houses of the General Assembly, be directed to dismiss the Engrossing Clerks, who have been appointed by them at the present session, and appoint others, who will remain at their posts and discharge the duties assigned them. Which was read and adopted, and on motion of Mr. Halsey,

Ordered, That said Resolution be transmitted to the House of Commons, with a message, asking their concurrence in the same.

Received from the House of Commons, a message concurring in the proposition of the Senate, to raise a joint select committee of four on the part of each House, to make arrangements for inducting His Excellency, Charles Manly, into office; and that Messrs. Ferebee, Thornton, Erwin, and Spivey, form their branch of said Committee.

Messrs. Halsey, Bethell, Patterson, and Hawkins, were appointed the Senate branch of said committee and the House of Commons informed thereof.

The following bills were introduced, read the first time and passed, viz:

By Mr. Washington—

A bill to amend the law in relation to the collection of Taxes for the town of Newbern.

By Mr. Bell—

A bill to revive an act entitled an act to establish and incorporate a town at Trent Bridge, in the county of Jones, by the name of Pollocksville.

By Mr. Barnard—

A bill to incorporate the Camden Guards.

By Mr. Halsey—

A bill to provide for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and the improvement of the grounds thereof. Ordered to be printed.

By Mr. Patterson—

A bill for the more speedy administration of Justice in certain cases. Referred to the committee on the Judiciary.

The resolution in relation to our Revolutionary and Colonial History, was read the second time and passed.

The bill to amend the 15th section of the 102nd chapter of the Revised Code, was read the third time, passed, and ordered to be engrossed.

The following bills were read the second time and passed, viz:

A bill giving longer time to register grants of land in this State, deeds of mesne conveyances, powers of attorney, &c.

A bill to open and improve the road leading from Council's Store, in Ashe, to Bedford Wiseman's in Yancy county.

A bill to amend section 3d, chapter 99, Revised Statutes, entitled Religious Societies.

The bill to authorise Francis J. Prentiss to collect arrears of taxes, was read the second time, amended on motion of Mr. Daniel, by extending its provisions to George D. Boyle, late Sheriff of Anson county, and passed.

Mr. Conner introduced the following resolution, to-wit:

Resolved, That the committee on Finance be instructed to enquire into the expediency of reducing the tax on Gates erected on public roads.

Which was adopted.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the memorial of A. Whitney, Esq. on the subject of a Railroad from Michigan to the Pacific Ocean, to a joint select committee of two on the part of the Senate, and three on the part of the House of Commons, and stating that Messrs. Rayner, Dobbin, and Satterthwaite, form their branch of said committee. Messrs. Woodfin and Walker were appointed the Senate branch of said committee, and the House of Commons informed thereof.

Received also from the House, a message stating that Messrs. T. R. Caldwell, Stockard, A. M. Gambill, Palmer, and Skinner, form the House branch of the joint select committee on the Cherokee Indian memorial.

Received also from the House of Commons, the resignation of Alfred Hall, of Macon, and Will. S. Pender, of Bertie, as Justices of the Peace for said counties respectively; which were read and accepted.

The engrossed bill to provide for the establishment of a State Hospital for the Insane in North Carolina, was read the second time and passed.

Received from the House of Commons, a message stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Male Academy in the county of Iredell;

A bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of the endorsement by the State, of the Raleigh and Gaston Rail Road Bonds.

Said bills were read the first time and passed.

The bill to indemnify the owners of slaves convicted of Felony, was read the second time and rejected; Yeas 1, Nays 38.

Mr. Albright demanded the Yeas and Nays.

Mr. Rogers voted in the affirmative.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Smaw, Speight, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Halsey introduced the following resolution, viz:

Resolved, That the Treasurer pay Thomas Anderson, Five dollars, for bringing to this place returns relating to the contested election from Orange county.

Which was read the first time and passed.

On motion of Mr. Washington, the bill to provide for the establishment of a State Hospital for the Insane in North Carolina, was made the order of the day for Saturday next, at 12 o'clock.

On motion of Mr. Halsey, the Senate adjourned.

FRIDAY, DEC. 29.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills.

A bill to incorporate the Union Manufacturing Company.

A bill to appoint Commissioners for the New Bridge on French Broad river, in Buncombe county.

In which they asked the concurrence of the House of Commons.

Mr. Bower, from the committee on Military Affairs, to whom was referred, "a bill to incorporate the Providence Band, of Mecklenburg county;" reported the same and recommended its passage. Ordered to lie on the table.

Mr. Washington, from the committee appointed to examine and report upon the Buildings now being erected in the city of Raleigh, for the accommodation and education of the Deaf and Dumb, reported a bill entitled, "A bill amendatory and supplemental to an act passed at the last session of the General Assembly, entitled an act to provide suitable buildings for the comfortable accommodation of Deaf Mutes and Blind persons of this State; which was read the first time and passed. On motion of Mr. Washington, ordered that said bill and the report be printed.

The following bills were introduced, read, and passed the first time, viz:

"A bill to incorporate the Davidson Mining and Smelting Company"—by Mr. Thomas, of Davidson.

"A bill in favor of the Sheriffs of the State"—by Mr. Gilmer.

"A bill to open and improve the Road from Saluthiel Stone's old place, in Forsyth County, to the Virginia line, near the mouth of Wilson, in Ashe County"—by Mr. Bower.

A bill to revive and amend an act entitled "An act to amend an act passed at Raleigh, 1805, entitled an act to establish an Academy in the County of Buncombe"—by Mr. Woodfin.

Received from the House of Commons, a message transmitting a communication from His Excellency, Gov. Graham, announcing an additional vacancy in the Board of Trustees of the University.

Also stating, that they have passed the following engrossed Bills and Resolutions, in which they ask the concurrence of the Senate, viz:

A bill to repeal the 2nd section of an act entitled "An act to incorporate the town of Windsor, in Bertie," and to amend the same.

A bill to incorporate the Union Manufacturing Company, in the town of Fayetteville.

A bill to incorporate the North Carolina Blues, in the county of Wake.

A bill to amend the first section of the 109th chapter of the Revised Statutes, entitled "An act concerning Sheriffs."

A bill to amend an act passed in 1844–45, entitled "An act to incorporate the town of Monroe, in the county of Union."

A bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift.

A bill for the incorporation of the town of Salisbury.

Resolution in favor of William Angel.

Resolution in favor of the Clerk of the County Court of Martin; and

Resolution for the relief of Young Patterson.

Received from the House of Commons, a message proposing that the two Houses vote on Monday next, for four Trustees of the University. Concurred in.

Also, proposing to set apart to-morrow for the purpose of appointing Justices of the Peace. Ordered to lie on the table.

Received also, a message stating that they do not concur in the resolution of the Senate, directing the Principal Clerks to dismiss the two Engrossing Clerks who were absent.

The Senate then proceeded to the consideration of the order of the day, viz: "A bill to provide for a Turnpike Road from Salisbury West to the line of the State of Georgia." The question being on the amendment moved by Mr. Conner, to strike out the word "*Salisbury*" in the first section of the bill, and insert in lieu thereof, the words "*Charlotte by Beatie's Ford, thence on the River Road to Morganton.*" The amendment was rejected. The question then recurred on the passage of the bill on its second reading, and was decided in the affirmative.

On motion of Mr. Thomas, of Haywood, the Senate adjourned.

SATURDAY, DEC. 30.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed Bill and asking their concurrence, viz:

A bill to amend the 15th section of the 102nd chapter of the Revised Statutes. Also, stating that the Senate concur in the proposition to vote for four Trustees of the University, at 11 o'clock, on Monday next, and that Messrs. Murchison and Albright form the Senate branch of the committee to superintend said election.

Received from the House of Commons a message, stating that they have passed the following Engrossed bills, in which they ask the concurrence of the Senate:

A bill to alter and amend the 1st, 3rd, and 4th sections of chapter 94, of the Statutes of 1846-7, entitled an act to appoint commissioners to view and law off a road from Asheville, in Buncombe county, to Burnsville, in Yancy county;

A bill for the relief of James Stewart, of Cherokee county;

A bill to incorporate Pamlico Encampment, No. 6, of the Independent Order of Odd Fellows, in the town of Washington;

A bill to secure the more certain administration of Justice.

A bill to exempt the Wardens of the Poor and the County Trustees of the several counties of the State from Military duty.

A bill to incorporate Antioch Academy in the county of Robeson.

A bill to amend an act entitled "An act authorising the County Court of Lincoln to exercise exclusive jurisdiction on the public road, which is the dividing line between the counties of Lincoln and Cleveland."

A bill to incorporate the Duplin Guards, an independent corps of Cavalry in the county of Duplin.

A bill to amend an act, supplemental to an act passed at the Session of 1842–43, entitled "An act to lay off and establish a County by the name of McDowell."

A bill to amend an act entitled "An act to incorporate the Orapeake Canal and Turnpike Company."

A bill to empower the Justices of the Peace of the county of New Hanover to sell the Poor House in said County.

A bill to regulate the duties of Sheriffs.

A bill to alter the time of holding the non Jury Term of the Court of Pleas and Quarter Sessions for the county of Lincoln.

A bill to incorporate Union Chapter, No. 17, in the county of Duplin.

A bill to facilitate the taking of depositions of witnesses in the State, to be read in suits pending in the Courts of other States.

A bill to extend the limits of the town of Lincoln.

A bill for the incorporation of the Grand Lodge of North Carolina of the I. O. O. F.

A bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry or Detainer;" also the following engrossed Resolutions, viz:

Resolution in favor of Messrs. Hall and Kincey.

Resolution for the relief of the Clerk of the County Court of New Hanover.

Which bills and resolutions were read the first time and passed.

Received also, from the House of Commons, a message proposing that the following be adopted as one of the Joint Rules of both Houses, viz:

There shall be a joint committee on Public Buildings and Grounds, consisting of three members on the part of the House of Commons and two on the part of the Senate, whose duty it shall be to consider all subjects relating to the Public Edifices and Grounds, within the city of Raleigh, which may be referred to them, and report such propositions relating thereto, as may seem to them expedient.

Which was concurred in, and the House of Commons informed thereof.

Mr. Halsey, from the joint select committee, appointed to provide for the induction into office of His Excellency, Charles Manly, Governor elect, reported arrangements therefor; which report was concurred in by the Senate.

Mr. Gilmer, from the committee on the Judiciary, to whom was referred a bill supplemental to an act passed at the present General Assembly, entitled an act to divide the county of Stokes into two distinct counties;" reported the same to the

Senate, with sundry amendments. Ordered to lie on the table.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to revive and amend the 7th section of an act supplemental to an act passed by the General Assembly, in the year 1842, entitled an act to establish and lay off a new county by the name of Catawba.

A bill to alter the time of holding the Superior Courts of Law and Equity and Courts of Pleas and Quarter Sessions, in the county of Lenoir.

A bill to incorporate the Newbern Manufacturing Company.

A bill to amend an act entitled an act concerning Weights and Measures.

A bill to incorporate Covenant Lodge, No. 17, of the I. O. O. F. in the town of Greenville, Pitt county.

A bill to incorporate Neuse Lodge, No. 6, in the town of Goldsboro', Wayne county.

A bill more effectually to suppress the traffic with slaves, and amendatory of the 75th section of the 34th chapter of Revised Statutes, entitled Crimes and Punishments.

Said bills were read the first time and passed.

Mr. Bower introduced the following Resolution, viz:

Resolved, That the committee on Privileges and Elections, be empowered to employ a Clerk during the time the said committee are engaged in the investigation of the case of the contested Senatorial Election for the 30th Senatorial District, provided the said Clerk be not allowed more than two dollars a day.

Which was read the first time and passed. On motion of Mr. Bower, the said Resolution was read the second and third times and passed—the rules of the Senate being suspended for that purpose.

Mr. Worth introduced "A bill to incorporate the Clay Mining Company;" read the first time and passed.

Mr. Conner "A bill to improve the navigation of the Ca-

tawba river, from the point where the Railroad from Columbia to Charlotte crosses said river, as far up as may be practicable;" read the first time, passed, and referred to the committee on Internal Improvement.

The following Bills were read the third time, passed, and ordered to be engrossed, viz:

A bill to open and improve the road leading from Council's Store, in Ashe county to Bedford Wiseman's, in Yancy county.

A bill to amend section 3d chapter 99, Revised Statutes, entitled Religious Societies.

The resolutions calling on the Public Treasurer, for information in reference to expenditures heretofore made by the State for Internal Improvements, &c., were taken up and read the third time. Mr. Woodfin, moved to amend the Resolution by adding thereto, the following, viz: *"and similar information as to all the sister States."* Before the question was taken on said amendment, the further consideration of the resolution was suspended to take up the special order of the day, being the bill to provide for the establishment of a State Hospital for the Insane of North Carolina.

After some time spent in the discussion of said bill, the question on its third reading, was taken and decided in the affirmative. Ordered that said bill be enrolled.

On motion of Mr. Washington, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, JAN. 1, 1849.

Mr. Conner moved to amend the Journal of Saturday last, in that part which announces the passage on its third reading, of the Engrossed Bill "to provide for the establishment of a State Hospital for the Insane in North Carolina," by adding the following, to wit: " *Mr. Conner called for a count. There-*

upon Mr. Smith, of Hertford, and Mr. Conner, of Lincoln, were appointed, and reported 30 for the bill..

Mr. Patterson, moved that said motion be laid on the table; which was decided in the affirmative; yeas 26, nays 17.

Mr. Conner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Moye, Murchison, Patterson, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Washington, Willey, and Woodfin.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Reich, Rogers, Spicer, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Moye then moved that the vote by which said bill passed its third reading, and was ordered to be enrolled, be reconsidered, which was decided in the negative; yeas 21, nays 23.

The Yeas and Nays were demanded by Mr. Moye.

Those who voted in the affirmative are:

Messrs. Barnard, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Rogers, Speight, Spicer, Thompson, of Wake, Walker, Ward, Watson, Willey, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, and Woodfin.

Received from the House of Commons a message, proposing that the joint order for the election of four Trustees of the University, this day at 11 o'clock, be reconsidered and

that said election be had on to-morrow, at 11 o'clock. Concurred in.

On motion of Mr. Albright,

Resolved, That the Comptroller furnish the Senate with a statement of the amount due on Cherokee Lands, taken at the Land sale of 1838, (exclusive of the bonds furnished for surrendered Lands). Also, what amount of money has been paid into the Treasury on account of the sales of Cherokee Lands in 1838.

The following bills were introduced, read the first time, and passed, viz:

By Mr. Reich—

A bill to incorporate the Young Mens' Missionary Society, in the town of Salem, in the county of Stokes.

By Mr. Washington—

A bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40.

By Mr. Smith—

A bill to amend an act passed at the last session of the General Assembly, entitled an act to increase the Public Revenue.

By Mr. Ashe—

A bill to locate the Judges of the Superior Courts of Law and Equity in North Carolina.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to amend the Revised Statutes, relating to bail, reported to the Senate the same, and recommended its passage. Ordered to lie on the table.

Mr. Watson, from the committee on Finance, to whom was referred a bill to amend the tenth section of the 102d chapter of the Revised Statutes, concerning Pedlars, reported a substitute for the same. Ordered to lie on the table.

A bill giving further time to register grants of land, &c., in this State, was taken up, and on motion of Mr. Walker, ordered to lie on the table.

The bill to provide for making a Turnpike Road from Salis-

bury, West to the line of the State of Georgia, was read the third time, and on motion of Mr. Thomas, of Haywood, laid on the table.

Mr. Bell presented the memorial of sundry citizens of the county of Carteret, in reference to the Club Foot and Harlow Creek Canal, which was referred to the committee on Internal Improvements.

The resolution in relation to our Colonial and Revolutionary History, was read the third time. Mr. Shepard moved to amend the same, by striking out the words "*six hundred*," and inserting in lieu thereof, the words "*one thousand*."

Pending the question on this motion, a message was received from the House of Commons, announcing that they were prepared to receive the Senators into their Hall, for the purpose of inaugurating the Governor elect. The members of the Senate then repaired to the Hall of the House of Commons, and after the ceremony of inaugurating his Excellency, Charles Manly, as Governor of the State, was concluded, they returned to the Senate Chamber, were called to order by the Speaker, and the consideration of the amendment proposed to the resolution in relation to our Colonial and Revolutionary History, resumed. The said amendment was adopted, and the resolution as amended, passed its third reading, and was ordered to be engrossed.

The bill to authorise Francis J. Prentiss and George D. Boyle, to collect arrears of taxes, was read the third time, passed, and ordered to be engrossed.

Mr. Patterson presented the memorial of sundry citizens of Wilkes, praying that the Legislature pass some law extending the privilege of "*affirming*," in lieu of "*swearing*" in Courts of Justice, and other places. Referred to the committee on the Judiciary.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to amend the 9th section, chapter 42nd, of the Revised Statutes, entitled "Entries and Grants," reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

The following bills were read the second time and passed, viz:

A bill to incorporate the Camden Guards.

A bill to revive an act entitled an act to establish and incorporate a town at Trent Bridge, in the county of Jones, to be called Pollocksville.

A bill to incorporate the Stateville Male Academy, in the county of Iredell.

A bill to amend the law in relation to the collection of taxes in the town of Newbern.

Also, a resolution in favor of Thomas Anderson.

On motion of Mr. Murchison, the Senate adjourned.

TUESDAY, JAN. 2.

Mr. Conner, from the committee on Claims, to whom was referred a resolution in favor of Isham Hancock, reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Mr. Washington introduced a bill entitled, "A bill to amend an act entitled an act to make real estate assets;" which was read the first time and passed. On motion of Mr. Washington, said bill was referred to the committee on the Judiciary.

Mr. Miller introduced a bill to amend the fourth section of the 65th chapter of the Revised Statutes, which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Ashe introduced a bill to repeal the 48th chapter of the acts of the General Assembly, passed in 1846; which was read the first time, passed, and referred to the committee on the Judiciary.

Mr. Drake introduced "a bill to empower single Justices of the Peace to tax prosecutors on State Warrants, with payment of cost in certain cases;" which was read the first time, passed, and referred to the committee on the Judiciary.

Mr. Albright introduced "a bill to provide for the transfer of the Internal Improvement Fund to the Public Treasury;" which was read the first time and passed.

Mr. Miller introduced a bill to amend the Revised Statutes, section 5, chapter 102; which was read the first time, passed, and referred to the committee on Finance.

Received from the House of Commons, a message stating that they have passed "the Engrossed Resolutions upon the memorial of Asa Whitney," and asking the Senate's concurrence in the same. Said resolutions were read the first time and passed.

The Engrossed Bill to incorporate the Statesville Male Academy, in the county of Iredell; was read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating that the hour of 11 o'clock, having arrived, the House would proceed on return of the messenger, to vote for four Trustees of the University; that Messrs. Hargrove and Foy, form their branch of the Committee to superintend said election, and that the following gentlemen are in nomination for the appointment of Trustees of the University, viz: James C. Dobbin, J. W. Osborne, W. R. Steele, W B. Rodman, D. S. Reid, Lewis Thompson, L. B. Sanders, Anderson Mitchell, H. T. Clarke, C. B. Hassell, T. F. S. Procter, Jesse R. Siler, James T. Miller, and William R. Smith. On motion of Mr. Albright, the name of Dr. Hall was added to the nomination.

The Senate then voted by ballot (Messrs. Albright and Murchison superintending the same) for said Trustees.

The Senate then proceeded to the consideration of the unfinished business, viz: the resolution calling on the Public Treasurer for information in reference to expenditures for Internal Improvements, the question being on the amendment moved by Mr. Woodfin. Said amendment was withdrawn by Mr. Woodfin, and the following moved by him as a substitute therefor, viz: "*Together with such information from any of the other States of the Union, as may be in his power.*" This amendment was rejected. Mr. Woodfin moved further to amend

said resolution, by striking out the Preamble. Decided in the affirmative, Yeas 23, Nays 20.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, and Woodfin.

Those who voted in the negative are:

Messrs. Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Reich, Rogers, Speight, Spicer, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Gilmer moved to amend the Resolution by adding the following, viz:

"*Resolved further*, That in all cases where schemes or attempts at Internal Improvement have failed, that he report the causes of such failure.

Mr. Rogers moved to amend the amendment, by adding thereto, the following, viz:

Provided, That the said Treasurer may have documentary evidence in his possession, clearly demonstrating the fact as to the losses or profits accruing to the State, on account of said Internal Improvement." Mr. Thomas of Davidson, moved to lay said amendment and resolution on the table. Negatived, yeas 7, nays 39.

Mr. Berry demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Albright, Bell, Halsey, Hargrove, Reich, Thomas, of Davidson, and Thompson, of Bertie.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hawkins, Hester, Joyner, Kendall, Lane, Miller, Moye, Murchison, Patterson, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, Woodfin, and Wooten.

The question was then taken on the amendment moved by Mr. Rogers, and decided in the negative, yeas 21, nays 23.

The yeas and nays were demanded by Mr. Rogers.

Those who voted in the affirmative are:

Messrs. Berry, Bethell, Bower, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Reich, Rogers, Shepard, Speight, Spicer, Thompson of Wake, Walker, Ward, Watson, Willey, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Ashe, Bell, Collins, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Murchison, Patterson, Rowland, Smaw, Smith, Thomas of Davidson, Washington, and Woodfin.

The question then recurred on the amendment moved by Mr. Gilmer, and was decided in the affirmative.

The resolutions then passed their third reading, yeas 41, nays 5.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bell, Bethell, Bower, Conner, Drake, Davidson, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Halsey, Hawkins, Hester, Joyner, Kendall, Lane, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, Woodfin and Wooten.

Those who voted in the negative are:

Messrs. Albright, Ashe, Berry, Collins and Daniel.

Ordered, That said resolutions be engrossed.

Mr. Albright, from the committee appointed to superintend the balloting for Four Trustees of the University, reported that Mr. Dobbin received 130 votes; Mr. Hassell, 67; Mr. Steele, 49; Mr. Thompson, 53; Mr. Rodman, 23; Mr. Reid, 44; Mr. Osborne, 47; Mr. Mitchell, 33; Mr. Clarke, 29; Mr. Procter, 23; Mr. Siler, 24; Mr. Saunders, 26; Mr. Smith, 18; Mr. Collins, 13; Mr. Atkins 1; Mr. Hall. 13; Mr. Miller, 11; Mr. Lea, 3; Mr. Hardy, 2; Mr. Rayner, 3; Mr. Ashe, 2; Mr. Stanly, 2; Mr. Gales, 1; Mr. Ellis, 1; Mr. Speight, 3; Mr. Jordan, 2; Mr. Holden, 2; Mr. James, 2; Mr. Washington, 1; Mr. Thornton 1; Mr. Heflin 1; Mr. Worth, 1; and Mr. Ferebee, 1.

Whole number of votes given 159; necessary for a choice 80; Mr. Dobbin declared duly elected; report concurred in.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

A bill to incorporate the Camden Guards.

A bill to revive an act incorporating the town of Pollocksville.

A bill to amend the laws in relation to the collection of taxes for the town of Newbern. Also,

A Resolution in favor of Thomas Anderson.

The following bills were read the second time and passed, viz:

A bill incorporating the Davidson Mining and Smelting Company.

A bill to extend the time for registering grants, mesne conveyances, powers of Attorney, bills of sale, and deeds of gift.

A bill to amend an act passed in 1844–45 entitled, "An act to incorporate the town of Monroe, in the county of Union.

A bill for the incorporation of the town of Salisbury.

A bill to amend the 1st section of 109th chapter Revised Statutes, entitled "An act concerning Sheriffs." Referred on motion of Mr. Washington, to the Committee on the Judiciary.

Also, a Resolution in favor of William Angel, of Macon county.

A resolution for the relief of Young Patterson, Clerk of the County Court of Franklin.

A resolution in favor of the Clerk of the County Court of Macon.

On motion of Mr. Gilmer, "the bill concerning the Wilmington and Raleigh Railroad Company," was taken up and made the special order of the day for Friday next, at 12 o'clock.

The bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad; was read the second time, amended on motion of Mr. Shepard, and passed. On motion of Mr. Gilmer, the rules of the Senate were suspended, and said bill was read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line, near the mouth of Wilson, in Ashe county, was read the second time and passed.

Mr. Exum introduced a bill to incorporate the town of Goldsboro; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Woodfin introduced a bill to amend the 6th section of the 30th chapter Revised Statutes, entitled Crimes and Punishments; which was read the first time and passed.

Mr. Patterson gave notice that on to-morrow or next day, he should move to amend the rules of the Senate, so as to prohibit the introduction of any Private Bills, after the 12th instant.

Received from the House of Commons, a message transmitting the resignation of the Hon. Augustus Moore, as one of the Judges of the Superior Courts of Law and Courts of Equity, in this State, which was read and accepted.

The Senate adjourned.

WEDNESDAY, JANUARY 3.

Mr. Patterson, from the committee on Internal Improvement, to whom was recommitted the bill to clear out Lumber River, reported the same back to the Senate. Ordered to lie on the table.

Mr. Joyner, from the joint select committee on Swamp Lands, made a report on the petition of Maj. John Clark, which was read and ordered to be sent to the House of Commons.

Mr. Daniel introduced a bill to amend an act passed at the session of 1846-7, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of taxable polls; which was read the first time, passed, and referred to the committee on the Judiciary.

Received from the House of Commons, a message stating that Messrs. Satterthwaite, S. J. Person, and McClannahan, form their branch of the joint committee on Public Buildings and Grounds.

Also, proposing that the two Houses vote, forthwith, for three Trustees of the University, yet to be elected; which was concurred in, and the House informed thereof, and that Messrs. Bethell and Patterson form the Senate branch of the committee to superintend said election.

A message was then received from the House of Commons, stating that Messrs. F. J. Person, and McIntosh, form their branch of the committee to superintend said election; and the Senate then voted by ballot.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate to the engrossed bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad, and ordered the said bill to be enrolled.

Also, that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate, viz:

A bill to repeal the act of 1846-7, entitled an act to lay off and establish the county of Polk.

A bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets, in Tar and Pamlico Rivers.

A bill for the better regulation of the Militia, in the county of Cleveland.

Said bills were read the first time and passed.

The following bills were read the third time, passed, and ordered to be enrolled, viz :

A bill to extend the time for registering grants, mesne conveyances, &c.

A bill to amend an act passed in 1844-45, entitled an act to incorporate the town of Monroe, in the couuty of Union.

A resolution in favor of Young Patterson, Clerk of the County Ccurt of Franklin.

A resolution in favor of the Clerk of the County Court of Macon.

The following bills were read the third time, passed, and ordered to be engrossed, viz :

A bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line, near the Mouth of Wilson, in Ashe county.

A bill to incorporate the Davidson Mining and Smelting Company.

On motion of Mr. Woodfin, the Senate took up for consideration, the bill supplemental to an act passed at the present session of the General Assembly, to lay off and establish a county by the name of Forsyth, which was read the second time. Mr. Gilmer moved to amend the bill by striking out all thereof after the enacting clause, and inserting a substitute. Before the question was taken thereon, on motion of Mr. Shepard, the Senate proceeded to the special order of the day, being a bill entitled, "a bill to incorporate the North Carolina Railroad Company, and for other purposes. Said bill was read the second time. On motion of Mr. Shepard, the Senate resolved itself into a committee of the whole for the consideration of said bill, Mr. Patterson in the Chair. After some time

spent therein, the committee rose and reported progress through their Chairman to the Senate, and asked leave to sit again. Leave was granted, and on motion of Mr. Speight, the Senate adjourned.

THURSDAY, JANUARY 4.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed Bill to incorporate the Davidson Mining and Smelting Company, in which they ask their concurrence.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to repeal an act of 1846-7, entitled an act to lay off and establish the County of Polk, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Joyner, from the joint committee on Swamp Lands, reported a bill, entitled a bill concerning the President and Directors of the Literary Fund; which was read the first time and passed.

Mr. Patterson, from the committee appointed to superintend the election of three Trustees of the University, reported that 159 votes were given, of which, 80 were necessary for a choice; that Mr. Hassell received 85 votes; Mr. Thompson, 56; Mr. Reid, 45; Mr. Steele, 43; Mr. Osborne, 41; Mr. Saunders, 28; Mr. Mitchell, 25; Mr. Clarke, 24; Mr. J. T. Miller, 22; Mr. Ferebee, 17; Mr. Procter, 16; Mr. Siler, 15; Mr. Smith, 10; Mr. Collins, 9; Mr. Rodman, 8; Scattering, 28. Mr. Hassell duly elected. Report concurred in.

On motion of Mr. Patterson,

Rseolved, That no private bill or private resolution, shall be introduced in the Senate, after the 12th instant, to the end of the present session.

Mr. Miller introduced a bill to incorporate the Shelby Male and Female Academy, in the county of Cleveland; which was read the first time and passed.

Mr. Murchison introduced a bill to provide for opening and clearing out Big Rock Fish Creek, in the counties of Cumberland and Robeson, and to prevent obstructions to the free navigation of the same; which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Patterson introduced a bill, entitled a bill to produce conformity in the charters granted to the Charlotte and South Carolina Rail Road Companies, by the States of North and South Carolina; which was read the first time and passed.

Mr. Bell introduced a bill entitled "A bill to provide for the improvement of Club Foot and Harlow Creek Canal, and for other purposes;" which was read the first time, passed, and referred to the Committee on Internal Improvement.

Mr. Lane introduced a bill entitled "A bill to appoint commissioners for the town of Asheboro', in the county of Randolph, and to incorporate the same;" which was read the first time and passed.

Mr. Shepard introduced a bill entitled "A bill to amend an act entitled an act to incorporate a Mutual Insurance Company in the State of North Carolina;" which was read the first time and passed.

Mr. Hargrove introduced a bill entitled "A bill to incorporate the Granville County Mechanic's Association;" which was read the first time, passed, and referred to a Select Committee.

On motion of Mr. Speight,

Ordered, that a message be sent to the House of Commons proposing that the two Houses vote again, forthwith, for two Trustees of the University.

Mr. Moye withdrew the name of Henry T. Clarke from nomination for Trustee of the University, and information thereof was sent to the House of Commons.

Received from the House of Commons, a message, transmitting a communication from His Excellency, Gov. Manly, with the resignation of certain Justices of the Peace; also sta-

ting, that they have passed the Engrossed Bill from the Senate entitled, "A bill to unite the Roanoke Rail Road and the Sea Board and Roanoke Rail Companies and for other purposes," with an amendment, in which they ask the concurrence of the Senate. Said amendment was concurred in.

The resolution in favor of the Executors of Joseph J. Daniel, was read the second time and passed; on motion of Mr. Joyner, the rules of the Senate were suspended, and said resolution was read the third time passed, and ordered to be engrossed.

Received from the House of Commons, a message stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate, viz:

A bill for the better regulation of the public highways, in Rutherford County.

A bill to amend an act entitled an act to tax the venders of foreign made riding vehicles, ratified the 18th of January, 1847. Also, "A bill to amend and consolidate the several acts heretofore passed, for the better regulation of the town of Concord, in the county of Cabarrus.

Said bills were read the first time and passed.

Received from the House of Commons, a message concurring in the proposition of the Senate, to ballot, forthwith, for two Trustees of the University, and stating that Messrs. F. B. Satterthwaite, Dennis T. Ferrebee, and Lewis Thompson, are in nomination, and that the name of F. S. Procter, is withdrawn from nomination, and stating that Messrs. J. M. Taylor and Skinner, form their branch of the committee to superintend said election. Messrs. Worth and Bower, were appointed the committee on the part of the Senate, the House of Commons informed thereof, and the Senate then voted by ballot.

The Speaker laid before the Senate a communication from the Comptroller, in relation to Cherokee Bonds, which was read, and on motion of Mr. Albright, ordered to be printed.

Received from the House of Commons, a message stating that they have passed the engrossed resolution in relation to an Asylum for the Deaf and Dumb; which was read and adopted.

The Speaker then announced the special order of the day,

viz: A bill to amend an act entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools.

On motion of Mr. Shepard, the consideration of said bill was postponed, and the same made the special order of the day, for Saturday next.

On motion of Mr. Shepard, the Senate resolved itself into a committee of the Whole, on the bill entitled "a bill to incorporate the North Carolina Rail Road Company, and for other purposes," Mr. Patterson in the Chair, and after some time spent therein, the committee rose, reported through their Chairman the amendments adopted in committee, and recommended their adoption.

The question on said amendment was decided in the affirmative.

Mr. Bower moved to amend the bill, by striking out the fifth section, as follows, viz:

"*Be it further enacted*, That as an inducement to the old stockholders in, and obligors for, the said Raleigh and Gaston Company to subscribe to, and procure subscription for the construction of sail Rail Road, whenever the aforesaid sum of five hundred thousand dollars shall be subscribed by individuals or corporations, whose solvency shall be ascertained and certified by the Board of Internal Improvement, as herein before provided, it shall be the duty of the Governor, and he is hereby directed forthwith to cause all suits which are now, or may be hereafter pending against said stockholders and obligors, for the Raleigh and Gaston Rail Road Company, to be dismissed, and the said stockholders and obligors shall be, and are hereby declared to be forever released and discharged from all liability for, or on account of said Raleigh and Gaston Rail Road Company."

Mr. Bethell moved the said bill and amendment be postponed indefinitely.

Pending this question, the Senate, on motion of Mr. Smith, adjourned.

FRIDAY, JAN. 5, 1849.

A message was sent to the House of Commons, stating that the Senate concur in the amendment made by them to the bill to unite the Roanoke and Seaboard and Roanoke Rail Road Companies, and for other purposes.

Also, that they have passed the engrossed bill to open and improve the road from Salathiel Stone's old place, to the Virginia line.

Also, the engrossed resolution in favor of the Executors of Joseph J. Daniel; in which they ask the concurrence of the House.

Mr. Bower, from the committee appointed to superintend the election of two Trustees of the University, reported that 162 votes were given, 81 necessary for a choice. Mr. Thompson received 78; Reid, 48, Steele, 34; Satterthwaite, 35; Ferebee, 25; Osborne, 31; Siler, 1; Saunders, 14; J. T. Miller, 14; Collins, 15; Clarke, 5; Smith, 8; scattering, 16. No election. Concurred in.

Mr. Joyner, from the joint select committee on Swamp Lands, to whom was referred so much of the report of the President and Directors of the Literary Fund, as relates to Swamp Lands, reported thereon; which was concurred in, and said report sent to the House of Commons.

Mr. Thomas, of Haywood, presented the petition of Wahchucha or Grasshopper, a native Indian, praying to be granted equal privileges. Referred to the committee on Cherokee Indian Memorials.

Mr. Thomas, of Haywood, also introduced a resolution in favor of S. Enloe; which was read the first time, passed, and on his motion, referred to the committee on Cherokee Indian Memorials.

Mr. Ashe introduced a bill, entitled "a bill relating to the town Magistrate for the town of Wilmington; which was read the first time and passed.

On motion of Mr. Miller,

Resolved, That the Senate, after to-morrow, take a recess, each day, from half past one o'clock, P. M., until half past 6 o'clock, until otherwise ordered.

Received from the House of Commons a message, stating that they have passed an engrossed bill to provide for a reassessment of the lands in the counties of New Hanover, Brunswick, Bladen, Johnston and Sampson, and other counties, in which they ask the concurrence of the Senate.

Said bill was read the first time and passed.

Also, stating that they have passed an Engrossed Bill, entitled a bill to improve Cape Fear and Deep River, above Fayetteville, in which they ask the concurrence of the Senate. Read the first time and passed.

Also, transmitting sundry resignations of Justices of the Peace; which were read and accepted.

Mr. Woodfin introduced a bill, entitled A Bill to appoint Commissioners to lay off a Road in the counties of Buncombe and Yancy; which was read the first time and passed.

On motion of Mr. Thomas, of Davidson,

Ordered, that a message be sent to the House of Commons proposing that the two Houses vote again, forthwith, for two Trustees of the University.

On motion of Mr. Thomas of Haywood, the Senate took up the bill to provide for making a Turnpike Road from Salisbury West, to the line of the State of Georgia.

Said bill passed its third reading, and was ordered to be engrossed—yeas 26, nays 20.

Mr. Drake demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bethell, Bower, Daniel, Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Lane, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas of Haywood, Thompson, of Bertie, Thompson of Wake, Walker, Washington, Woodfin and Worth.

Those who voted in the negative are:

Messrs. Albright, Barnard, Berry, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Moye, Rogers, Smith, Speight, Spicer, Ward, Watson, Willey and Wooten.

On motion of Mr. Ashe, the Senate took up for consideration, the bill to locate the Judges of the Superior Courts of Law and Equity in North Carolina; and the same was read the second time and passed.

Received from the House of Commons, a message stating that the name of Hessrs. Osborne, Saunders, Satterthwaite, Smith, Mitchell, and Hall, are withdrawn from nomination for Trustee of the University, and that they concur in the proposition to vote again for two Trustees, and that Messrs. Carmichael and Mosely, are the committee on their part to superintend said election. Messrs. Thomas, of Davidson, and Drake, were appointed the Senate branch of said committee, and the House of Commons were informed thereof. The Senate then voted by ballot.

The Senate took up for consideration "the bill supplemental to an act passed at the present session, dividing the county of Stokes into two distinct counties;" the question being on the substitute moved by Mr. Gilmer. The said substitute was rejected; yeas 19, nays 26.

Mr. Reich demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, Conner, Daniel, Drake, Exum, Faison, Gilmer, Hester, Miller, Moye, Murchison, Rogers, Shepard, Speight, Spicer, Ward, Watson, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Bower, Collins, Davidson, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Patterson, Reich, Rowland, Smaw, Smith, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Walker, Washington, Willey, Wooten, and Worth.

The question then recurred on the passage of the bill its third reading, and was decided in the affirmative—yeas 30, nays 8.

Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bower, Daniel, Davidson, Gilmer, Graham, Halsey, Joyner, Kendall, Lane, Moye, Murchison, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thomas of Haywood, Thompson of Bertie, Thompson, of Wake, Walker, Ward, Washington, Willey, Woodfin, Wooten and Worth.

Those who voted in the negative are:

Messrs. Drake, Exum, Faison, Hester, Miller, Speight, Spicer and Watson.

Mr. Drake, from the committee appointed to superintend the election of two Trustees of the University, reported that 161 votes were given in—necessary for a choice 81. Mr. Thompson received 106; D. S. Reid, 64; Collins, 40; Steel, 49; Ferebee, 30. The residue scattering. Mr. Thompson declared duly elected.

Report concurred in.

The bill concerning the Wilmington and Raleigh Rail Road, was taken up, being the special order of this day.

On motion of Mr. Halsey, said bill was postponed until Tuesday next, and made the special order of that day.

On motion of Mr. Miller, the Senate took up for consideration, the engrossed bill to repeal the act of 1846—7, entitled an act to lay off and establish the county of Polk, being on its second reading. Mr. Miller moved to amend the bill by striking out all thereof after the enacting clause, and inserting a substitute, providing for the location of the Court House of said County of Polk.

Mr. Halsey moved that the bill and amendment be postponed indefinitely; which was not agreed to; Yeas 5, Nays 36.

Mr. Miller demanded the yeas and nays

Those who voted in the affirmative are:

Messrs. Daniel, Davidson, Halsey, Patterson, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Bell, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Miller, Moye, Murchison, Reich, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Washington, Watson, Willey, Wooten, and Worth.

The question was then taken on the substitute moved by Mr. Miller, and decided in the negative, yeas 11, nays 30.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Daniel, Davidson, Halsey, Joyner, Kendall, Miller, Patterson, Reich, Thomas of Davidson, Thomas, of Haywood, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Bell, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Lane, Moye, Murchison, Rogers, Shepard, Smith, Speight, Spicer, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, Wooten, and Worth.

The question then recurred on the passage of the bill its second reading, and was decided in the affirmative, yeas 32, nays 10.

Mr. Patterson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Bell, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Lane, Moye, Murchison, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, Wooten, and Worth.

Those who voted in the negative are—

Messrs. Daniel, Davidson, Halsey, Joyner, Kendall, Miller, Patterson, Reich, Thomas, of Haywood, and Woodfin.

On motion of Mr. Bethell, the Senate adjourned.

SATURDAY, JAN. 6.

Mr. Patterson, from the committee on Internal Improvement, to whom was referred the memorial of sundry citizens of Carteret county, and a bill entitled, "A bill to provide for the improvement of Club Foot and Harlow Creek Canal, and for other purposes, reported. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to provide for the opening and clearing out of Big Rock Fish Creek, in the counties of Cumberland and Robeson, and to prevent obstructions to the free navigation of the same; reported the same back to the Senate, and recommended its passage. Ordered to lie on the table.

On motion of Mr. Patterson,

WHEREAS, By a Resolution passed at the last session of the General Assembly, the Comptroller of Public Accounts was directed to make certain entries on the accounts of the purchasers of Cherokee Lands on the Books of his Office, for which a certain amount of compensation was to be allowed when the work was performed.

Be it therefore Resolved, That a committee be appointed to examine the said accounts, and report whether or not the entries have been made in conformity to the above mentioned resolution.

Mr. Gilmer introduced a resolution directing the President and Directors of the Literary Fund, to lend seven thousand

dollars to the President and Trustees of the Greensboro' Female College; which was read the first time and passed.

The following bills were introduced, read the first time, and passed, viz:

By Mr. Ashe—

A bill to amend the 136th section, chapter 31 of the Revised Statutes. Referred to the committee on the Judiciary.

By Mr. Halsey—

A bill making it the duty of Sheriffs and other Officers, making sales of lands and slaves, to prepare and execute deeds for the same;" referred to the committee on the Judiciary.

By Mr. Washington—

A bill in relation to Sheriffs, Clerks of the County and Superior Courts and Clerks and Masters.

By Mr. Lane—

A bill to impose taxes on Transient Merchants in the incorporated towns of this State.

The Speaker announced, that Messrs. Watson, Gilmer, Halsey, Hester and Worth, form the Committee under the Resolution in reference to the examination of accounts in the Comptroller's Office, passed this day.

Mr. Thomas, of Haywood, introduced a bill to incorporate the Mountain Guards. Read the first time and passed.

Received from the House of Commons, a message stating that they have passed the following engrossed bill and resolution, viz:

A bill to establish the Bank of Fayetteville.

A resolution directing the enclosure of Grounds appertaining to the Governor's Residence, and appropriation for furniture; which were read the first time and passed.

On motion of Mr. Smith,

Resolved, That a message be sent to the House of Commons proposing to raise a Joint Select Committee of eight, three from the Senate, and five from the House of Commons, to take into consideration the subject of International Exchange, on the plan proposed by M. Alexander Vattemare.

On motion of Mr. Shepard, the order of the day being the bill to amend the several acts for the regulation of Common Schools in this State, was postponed, and made the special order of the day for Wednesday next.

The Senate then proceeded to the consideration of the unfinished business, being "the bill to incorporate the North Carolina Rail Road Company, and for other purposes." The question being on the motion of Mr. Bethell to postpone the bill and amendment proposed thereto by Mr. Bower, indefinitely. Mr. Bethell withdrew his motion.

Mr. Rogers moved to amend the fifth section, by striking out all after the word "*aforesaid,*" to the word "*solvency,*" and inserting in lieu thereof the following words, viz: "*Stockholders and obligors, or any of them, shall have subscribed for stock to the amount of five hundred thousand dollars, and their,*" and insert after the word Improvement, the words, "*and the Attorney General of the State.*" Said amendment was rejected, Yeas 13, Nays 31.

Mr. Rogers demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Berry, Drake, Exum, Gilmer, Murchison, Rogers, Rowland, Spicer, Thompson, of Bertie, Thompson, of Wake, Ward, Willey, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Ashe, Barnard, Bell, Bethell, Bower, Collins, Conner, Daniel, Davidson, Faison, Graham, Halsey, Hargrove, Hester, Joyner, Kendall, Lane, Miller, Moye, Reich, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Walker, Washington, Watson, Woodfin, and Worth.

Mr. Joyner moved to amend the fifth section, by adding the following, viz: "*whenever the said sum of five hundred thousand dollars shall have been paid by the said subscribers, and on the payment of cost incurred;*" which was rejected, yeas 19 nays 24.

Mr. Thompson, of Bertie, demanded the yeas and nays.

Those who who voted in the affirmative are :

Messrs. Ashe, Barnard, Daniel, Davidson, Exum, Gilmer, Graham, Joyner, Lane, Miller, Shepard, Smaw, Spicer, Thomas of Haywood, Thompson of Wake, Washington, Watson, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Albright, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Faison, Halsey, Hargrove, Hester, Kendall, Murchison, Reich, Rogers, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Walker, Ward, Willey, and Wooten.

Mr. Smith moved to amend the said section by striking out all after the word "*enacted*," and inserting the following, viz:

That as an inducement to secure a subscription for the construction of said Railroad, whenever the aforesaid sum of Five Hundred Thousand Dollars shall be subscribed by the said Stockholders and Obligors, or other persons, and adequate security, to be judged of by the Board of Internal Improvement, and the Attorney General, given by the subscribers for the punctual payment of the amount of their respective subscriptions, as from time to time the same may be required, such obligors and stockholders, so as aforesaid subscribing, shall be released and discharged from further liability to the State, to the amount of their several subscriptions; and as to such as shall subscribe the full amount of their liability to the State as aforesaid, the Attorney General is hereby authorised and directed to cause the present proceeding against them, to be dismissed on payment of the costs thereof.

Mr. Exum called for a division of the question, and it was taken first upon striking out, and decided in the affirmative; Yeas 23, Nays 21.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bethell, Bower, Collins, Drake, Exum, Faison, Hester, Moye, Murchison, Reich, Rogers, Rowland, Smith, Speight, Spicer, Thompson, of Bertie, Walker, Ward, Watson, Willey and Wooten.

Those who voted in the negative are:

Messrs. Ashe, Barnard, Bell, Conner, Daniel, Davidson, Gilmer, Graham, Hargrove, Joyner, Kendall, Lane, Miller, Shepard, Smaw, Thomas, of Davidson, Thomas of Haywood, Thompson of Wake, Washington, Woodfin and Worth.

The question was then taken on the amendment moved by Mr. Smith, and decided in the negative; Yeas 21, Nays 24.

Mr. Smith demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Daniel, Gilmer, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Miller, Reich, Smith, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Davidson, Drake, Exum, Faison, Hester, Moye, Murchison, Rogers, Rowland, Shepard, Smaw, Speight, Spicer, Walker, Ward, Watson, and Wooten.

The question then recurred on the motion of Mr. Bower to strike out the whole of the fifth section, and was decided in the affirmative.

The bill, as amended, was then put on its second reading, and rejected; Yeas 21, Nays 25.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Daniel, Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Lane, Miller, Patterson, Shepard, Smaw, Thomas, of Davidson, Thomas of Haywood, Thompson, of Wake, Washington Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Moye, Murchison, Reich, Rogers, Smith, Speight, Spicer, Thompson of Bertie, Walker, Ward, Watson, Willey, and Wooten.

The Senate then proceeded, on motion of Mr. Ashe, to the consideration of the Resolutions upon the memorial of Asa Whitney. Said resolutions were read the second time, and on motion of Mr. Shepard, laid on the table. Yeas 40, Nays 6.

Mr. Daniel demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Drake, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Miller, Moye, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson of Wake, Ward, Willey, and Wooten.

Those who voted in the negative are:

Messrs. Ashe, Davidson, Murchison, Washington, Woodfin and Worth.

Received from the House of Commons, a message, transmitting a communication from Governor Manly, accompanied by a letter from Miss Dix; which were read.

Mr. Smith gave notice, that on Monday next, he should move to amend the Rules of the Senate.

On motion, the Senate adjourned.

MONDAY, JANUARY 8.

Mr. Washington, from the committee on the Judiciary, to whom was referred a bill for the relief of the inhabitants of the town of Waynesboro', reported the same to the Senate, and asked to be discharged from its further consideration.—

Committee discharged, and report and bill ordered to lie on the table.

Mr. Gilmer introduced a bill to incorporate the Greensboro' and Mount Airy Turnpike Company; which was read the first time and passed.

The engrossed resolution directing the enclosure of the Grounds appertaining to the Governor's, &c. was taken up on motion of Mr. Bethell, read the second time, and on motion of Mr. Drake, referred to the committee on Public Buildings.

Received from the House of Commons, a message proposing to invite M. Alexander Vattemare, to address the two Houses on Thursday evening next, on the subject of his system of International Literary Exchanges, and that the joint select committee heretofore appointed on said subject, extend said invitation. Concurred in.

On motion of Mr. Joyner,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote, on to-morrow, at 12 o'clock, for Judge of the Superior Court, to fill the vacancy occasioned by the resignation of Judge Moore.

The following bills were read the second time, and passed, viz:

A bill to incorporate the Union Manufacturing Company, in the town of Fayetteville.

A bill to amend an act supplemental to an act passed at the session of 1842-3, entitled an act to lay off and establish a county by the name of McDowell.

A bill to incorporate the North Carolina Blues, in the county of Wake.

A bill to repeal the second section of an act entitled, "an act to incorporate the town of Windsor, in the county of Bertie;" and to amend the same.

A bill to revise and amend the 7th section of an act supplemental to an act passed by the General Assembly in 1842, entitled an act to lay off and establish a new county by the name of Catawba.

A bill to revive and amend an act entitled "an act to amend an act passed at Raleigh in 1805, entitled an act to establish an Academy in the county of Buncombe."

The bill entitled a bill in favor of Sheriffs of the State, was read the second time and on motion of Mr. Exum, postponed indefinitely.

On motion of Mr. Graham, the vote by which the bill to incorporate the North Carolina Railroad, and for other purposes, was rejected on its third reading, was reconsidered, and on motion of Mr. Joyner, the said bill was laid on the table and made the order of the day for Thursday next.

Mr. Ashe introduced a bill to regulate the holding of elections for Commissioners of Navigation; which was read the first time and passed.

The engrossed bill to incorporate the Duplin Guards, an independent corps of Cavalry, in the county of Duplin, was read the second time and passed.

The bill, entitled "a bill to locate the Judges of the Superior Courts of Law and Equity, in North Carolina," was read the third time and passed; Yeas 32, Nays 14.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Barnard, Bell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hargrove, Hawkins, Kendall, Moye, Murchison, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Haywood, Thompson, of Bertie, Walker, Washington, Watson, Willey, Woodfin, and Wooten.

Those who voted in the negative are—

Messrs. Albright, Bethell, Daniel, Davidson, Gilmer, Hester, Joyner, Lane, Lillington, Miller, Patterson, Thomas of Davidson, Ward, and Worth.

The following engrossed bills were read the second time and passed, viz:

A bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry and Detainer;"

A bill to improve Cape Fear and Deep Rivers above Fayetteville.

Mr. Bower introduced a bill entitled "A bill to lay off and establish the 8th Judicial Circuit;" which was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to go into an election for Judge of the Superior Court, to-morrow at twelve o'clock. The Committee on their part are Messrs. Scott and S. J. Person, to superintend said election; and also stating, that the Hon. W. H. Battle is in nomination for said office.

On motion of Mr. Patterson,

Ordered, that a message be sent to the House of Commons proposing to set apart Wednesday afternoon next, for the recommendation of Justices of the Peace.

Mr. Thompson introduced the following Resolution which was read and adopted:

Resolved, That Bartholomew F. Moore be allowed compensation for his investigation and report, on the matter referred to the Attorney General by the last Legislature concerning the Devisees of Cathcart; and that it be referred to the Committee on the Judiciary, to report what is a suitable compensation.

On motion of Mr. Ashe,

Ordered, that the use of the Senate Chamber for to-morrow afternoon, be tendered to the Committee appointed by the citizens of Wilmington to present a pair of Silver Pitchers to Col. R. T. Paine, as a mark of their consideration for his services as Colonel of the North Carolina Regiment, in the late war with Mexico.

The Speaker then announced that the hour of half past one o'clock, having arrived, the Senate would take a recess according to the resolution heretofore passed.

HALF PAST 6 O'CLOCK, P. M.

The bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40; was read the second time, amended, and on motion of Mr. Bell, postponed indefinitely.

The following bills were introduced, read the first time, and passed, viz:

By Mr. Ashe—

A bill to incorporate the Wilmington and Walker's Ferry Plank road Company.

By Mr. Graham—

A bill to incorporate the Wilmington and Masonboro' Plank Road Company.

On motion of Mr. Thomas, of Davidson, the bill supplemental to an act passed at the present session of the General Assembly, to divide the county of Stokes into two distinct counties, was taken up, read the third time, amended, and before the question on the passage of the bill, its third reading was taken, on motion of Mr. Lillington, the Senate adjourned; yeas 24, nays 22.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Berry, Bethell, Collins, Conner, Drake, Daniel, Exum, Graham, Hester, Joyner, Lane, Lillington, Murchison, Rowland, Smaw, Speight, Thomas, of Haywood, Thompson, of Wake, Ward, Washington, Watson, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bower, Faison, Gilmer, Halsey, Hargrove, Hawkins, Kendall, Miller, Moye, Patterson, Reich, Rogers, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Walker, Willey, Wooten, and Worth.

TUESDAY, JAN. 9.

Mr. Miller presented the memorial of sundry citizens of Cleveland county, praying the restoration of Jury Trials to the County Courts of said county. Referred to the committee on Propositions and Grievances.

Mr. Patterson, from the joint select committee on Cherokee Lands, to whom was referred a bill to amend an act passed at the last session, entitled an act to provide for the sales of certain lands in Cherokee and Macon counties; reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Received from the House of Commons, a message agreeing to the proposition of the Senate, to set apart Wednesday afternoon next, for the recommendation of Justices of the Peace; also transmitting the resignation of A. Stowe, as Justice of the Peace for Gaston County.

The bill supplemental to an act passed at the present Session of the General Assembly to divide the County of Stokes into two distinct Counties, being the unfinished business of yesterday, passed its third reading, and was ordered to be Engrossed.

The following Engrossed Bills were read the third time, passed, and ordered to be enrolled, viz:

A bill to improve Cape Fear and Deep Rivers above Fayetteville.

A bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry and Detainer."

A bill to incorporate the Duplin Guards, an independent corps of Cavalry, in the county of Duplin.

A bill to amend an act, supplemental to an act passed at the session of 1842–3, entitled an act to lay off and establish a county by the name of McDowell.

A bill to incorporate the North Carolina Blues, in the county of Wake.

On motion of Mr. Smith, the Senate took up for consideration the bill to amend the 7th section of the Revised Statutes, passed in 1844—45, entitled Guardian and Ward, being on its

second reading. The substitute reported by the committee on the Judiciary, was adopted, and said bill as amended, passed its second reading.

The engrossed bill to incorporate the Union Manufacturing Company, in the town of Fayetteville, was read the third time and passed.

Ordered, That said bill be enrolled.

On motion of Mr. Shepard, the vote of yesterday, by which the bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40, was indefinitely postponed, was reconsidered, and said motion was rejected, and the bill passed its second reading.

The following Engrossed Bills were read the third time, passed, and ordered to be enrolled, viz:

A bill to repeal the section of an act entitled an act to incorporate the town of Windsor, in the county of Bertie.

A bill to revise the 7th section of an act supplemental to an act passed by the General Assembly, in the year 1842, entitled an act to lay off and establish a new county by the name of Catawba.

The bill to revise and amend an act passed at Raleigh, in the year 1805, entitled an act to establish an Academy in the county of Buncombe, was read the third time, passed, and ordered to be engrossed.

The hour of 12 o'clock having arrived, the House of Commons were informed that Messrs. Graham and Halsey, form the committee on the part of the Senate to superintend the election of Judge of the Superior Court, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BATTLE:

Messrs. Speaker, Albright, Barnard, Bell, Berry, Daniel, Davidson, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Rogers, Shepard, Smaw, Smith, Speight, Thomas, of

Davidson, Thomas of Haywood, Thompson of Bertie, Washington, Willey, Woodfin, Wooten, and Worth—33.

FOR MR. DOBBIN—Messrs. Ashe, Bethell, Exum, Faison, Rowland, Spicer, and Watson—7.

FOR MR. GRAVES—Messrs. Bower, Hester, Reich, Thompson, of Wake, Walker, Ward—6.

FOR MR. CRAIGE—Mr. Conner—1.

FOR MR. WHITAKER—Mr. Drake—1.

The following engrossed bills were read the second time, and passed, viz:

A bill for the incorporation of the Grand Lodge of North Carolina of the I. O. O. F.

Resolution for the relief of the Clerk of the County Court of New Hanover.

Mr. Rogers introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to adjourn the two Houses of the General Assembly on the 20th day of January, 1849.

Mr. Woodfin moved that the resolution be laid on the table. Decided in the negative; yeas 17, nays 28.

Mr. Rogers demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Collins, Davidson, Exum, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lane, Lillington, Patterson, Smith, Thompson of Wake, Washington, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Berry, Bethell, Bower, Conner, Daniel, Drake, Faison, Halsey, Hester, Kendall, Miller, Moye, Murchison, Reich, Rogers, Shepard, Smaw, Spicer, Thomas, of Davidson, Thompson, of Bertie, Walker, Ward, Watson, Willey, Wooten, and Worth.

The said resolution was then adopted. Mr. Halsey from the

committee appointed to superintend the election of Judge, reported that the Hon. W. H. Battle is duly elected.

Mr. Worth presented a resolution in relation to a call session of the General Assembly, which was read the first time and passed.

The bill concerning the Wilmington and Raleigh Railroad Company, being the order of the day for this day, was taken up, and after the adoption of an amendment thereto, moved by Mr. Joyner, Mr. Worth moved that the bill be postponed indefinitely. Pending this motion the hour of half past 1 o'clock, having arrived, the Senate took a recess until half past 6 o'clock.

HALF PAST 6 O'CLOCK, P. M.

The Senate adjourned, on motion of Mr. Woodfin, to hear the address of M. Alexander Vattemare, on the subject of International Literary Exchanges, to be delivered in the Commons Hall, under the joint invitation, heretofore given by the two Houses of the General Assembly.

WEDNESDAY, JANUARY 10.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, in which they ask the concurrence of that body, viz:

A bill supplemental to a bill passed at the present session of the General Assembly, to divide the county of Stokes into two distinct counties.

A bill to revive and amend an act, entitled an act to amend an act passed at Raleigh, in the year 1805, entitled an act to establish an Academy in the county of Buncombe.

Mr. Drake, from the committee on Finance, to whom was referred a bill to amend the Revised Statutes, section 5, chapter 102, reported the same with a substitute. Ordered to lie on the table.

The following bills were reported upon, from the Judiciary committee, by Mr. Woodfin, viz:

A bill making better and more suitable provision for femes covert, with an amendment.

A bill to amend the 4th section of the 65th chapter of the Revised Statutes; recommending its passage.

A bill to incorporate the town of Goldsboro'; recommending its passage.

Said bills and reports were ordered to lie on the table.

Mr. Woodfin introduced a bill supplemental to an act passed at the present session of the General Assembly, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina; which was read the first time and passed.

Mr. Albright introduced a Resolution to furnish a full set of Weights and Measures to Chatham county; which was read the first time and passed.

On motion of Mr. Halsey,

Resolved, That the resolution requiring a recess of the Senate from half past 1 until half past 6, be and is hereby recinded, and that hereafter the Senate take a recess from half past 1 until three o'clock, P. M., each day.

Mr. Spicer introduced a Resolution in favor of George J. Ward, late Sheriff of Onslow; which was read the first time and passed.

Mr. Hawkins introduced a bill to extend the limits of the town of Warrenton; which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Washington introduced a bill to amend the 13th chapter of the Revised Statutes, entitled "an act concerning Bills, Bonds, and Promissory Notes." Read the first time and passed, and referred to the committee on the Judiciary.

Mr. Gilmer introduced a bill to repeal an act entitled "An act more effectually to prevent the imprisonment of honest Debtors, and to direct in what manner the issue shall be made up and tried between a creditor and debtor according to the provisions of the 10th and 11th sections of the Revised Statutes, chapter 58." Read the first time, passed, and ordered to be referred to the Committee on the Judiciary.

Mr. Smaw introduced a bill to incorporate Fair Field Canal Company, in Hyde County; which was read the first time and passed.

Received from the House of Commons, a message, transmitting a communication from His Excellency, Governor Manly, which was read, and the resignation of Justices of the Peace, accompanying the same—accepted.

Also stating, that the House of Commons have rejected the Engrossed bill from the Senate, to emancipate Lewis Williams, a slave; also, authorizing Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions;—also, to emancipate John Good, a slave.

Mr. Spicer presented the resignation of sundry Justices of the Peace for the county of Onslow.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz:

The bill in relation to the Wilmington and Raleigh Rail Road, the question being on the motion of Mr. Worth, to postpone said bill indefinitely. The said motion was withdrawn. After the adoption of an amendment offered by Mr. Joyner, Mr. Smith moved to amend the bill by striking out the 12th section.

Before the question on this motion was taken, the hour of half past one o'clock having arrived, the Senate took a recess until three o'clock.

THREE O'CLOCK, P. M.

On motion of Mr. Patterson, the unfinished business of the morning, being the bill in relation to the Wilmington and Raleigh Rail Road, and the amendment proposed thereto by Mr. Smith, was postponed until to-morrow morning, 11 o'clock.

Mr. Ashe introduced a bill to further justice in the County Court of New Hanover; which was read the first time and passed.

The following engrossed bill was read the third time, passed, and ordered to be enrolled, viz:

A bill for the incorporation of the Grand Lodge of North Carolina, of the Independent Order of Odd Fellows. Also,

A resolution for the relief of the Clerk of the County Court of New Hanover.

The bill to regulate the duties of Constables, in the county of Onslow, was read the second time. Mr. Wooten moved to amend the bill, by extending its provisions to the counties of Bladen and Columbus. Mr. Ashe, to the county of New Hanover; and Mr. Hawkins, to the county of Warren; which several amendments were agreed to, and the bill as amended, passed.

The bill to incorporate the Shelby Male and Female Academy, in the county of Cleveland, was read the second and third times, passed, and ordered to be engrossed.

Mr. Halsey gave notice, that on to-morrow, he would move to amend the fifth Rule of the Rules of Order of the Senate, so as to provide, that all motions to suspend or postpone the orders of the day, shall be decided without debate.

The following engrossed bills were read the second time, and passed, viz:

A bill to amend an act entitled an act authorising the County Court of Lincoln, to exercise exclusive jurisdiction over the public road, which is the dividing line between the counties of Lincoln and Cleveland.

A bill to extend the limits of the town of Lincoln, in Lincoln county.

A bill to incorporate Antioch Academy, in the county of Robeson.

The following engrossed bills were read the second and third time, (the rules being suspended) passed, and ordered to be enrolled, viz:

A bill to incorporate Neuse Lodge, No. 6, in the town of Goldsboro', Wayne county.

A bill to incorporate Pamlico Encampment, No. 6, of the I. O. O. F., in the town of Washington.

A bill to incorporate Covenant Lodge, No. 17, of the I. O. O. F., in the town of Greenville, Pitt county.

A bill to alter the time of holding the Non-Jury Terms of the Court of Pleas and Quarter Sessions for the counties of Lincoln and Catawba.

A bill to incorporate Union Chapter, No. 17, in the county of Duplin.

A bill for the better regulation and organization of the militia in the County of Cleveland.

A bill to alter the time of holding the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions of the County of Lenoir.

On motion of Mr. Washington, the vote by which the last named bill passed its third reading, was reconsidered, and on motion of Mr. Speight, laid on the table.

The engrossed bill for the better regulation of the public Highways in the County of Rutherford, was read the third time, amended on motion of Mr. Patterson, and passed, and a message sent to the House of Commons asking their concurrence in said amendment.

The Senate then proceeded to the fulfilment of the joint agreement of the two Houses, and after passing upon the recommendations of the members of the several Counties of persons for Justices of the Peace, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 11.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bill, in which they ask the concurrence of that body, viz:

A bill to incorporate the Shelby Male and Female Academy in the county of Cleveland.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to extend the limits of the town of Warrenton, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Patterson, from the committee on Internal Improvements, to whom was referred a bill to incorporate the Catawba Navigation Company, reported a substitute for the same; which was read and ordered to lie on the table.

Mr. Watson, from the committee on Finance, to whom was referred a resolution instructing them to enquire into the expediency of increasing the tax on Retailers of Spirituous Liquors, reported a bill to amend the 20th section of 102d chapter of the Revised Statutes, entitled Revenue; which was read the first time and passed.

Mr. Conner, from the committee on Claims, to whom was referred a resolution in favor of R. W. Haywood, reported the same to the Senate, and recommended its passage, with an amendment, proposing to strike out "$500," and insert "$300." Ordered to lie on the table.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to repeal the 48th chapter of the acts of the General Assembly, passed in 1846, reported adversely thereto. Ordered to lie on the table.

Mr. Gilmer introduced a bill to amend an act entitled an act for regulating Ordinaries; which was read the first time, passed, and referred to the committee on the Judiciary. Also, a bill to repeal certain acts heretofore passed, in relation to insolvent debtors, and the amendments thereto, and to re-enact and amend the same. Read the first time, passed, and referred to the same committee.

The following bills were introduced, read the first time, and passed, viz:

By Mr. Watson—

A bill to incorporate Johnston Academy, in the county of Johnston.

By Mr. Woodfin—

A bill concerning the Supreme Court holding its Sessions at Morganton.

By Mr. Spicer—

A bill to repeal the third section of an act passed at the session of 1846-7, so far as it relates to the county of Onslow.

By Mr. Smith—

A bill to provide for the removal of civil causes from the County Courts, to the Superior Courts of Law. Referred to the committee on the Judiciary.

By Mr. Patterson—

A resolution in relation to the distribution of the Military Tactics.

By Mr. Woodfin—

A resolution in favor of Joseph Livingston.

Mr. Thomas, of Davidson, presented the memorial of sundry citizens of the town of Lexington, setting forth the advantages of that place as a location for the Lunatic Asylum; which was read, and on motion of Mr. Patterson, laid on the table.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the unfinished business of yesterday, viz: The bill in relation to the Wilmington and Raleigh Railroad, the question being on striking out, on motion of Mr. Smith, the 12th section as follows, viz: "*And whereas*, By the completion of the contemplated Railroad from Wilmington to Manchester, in South Carolina, the stock in the Wilmington and Raleigh Railroad Company will be greatly increased; *And whereas*, The individual stockholders of the said Wilmington and Raleigh Railroad Company have subscribed to the capital stock of the said Wilmington and Manchester Railroad Company to a large amount from their individual funds, and

therefore, it is right that the State should also contribute to the construction of the said Wilmington and Manchester Railroad; *Therefore, be it further enacted*, That one half of the shares of stock, now owned by the State, in the Wilmington and Raleigh Railroad Company, be transferred by the Public Treasurer, to the President and Directors of the Wilmington and Raleigh Railroad Company, to be by them disposed of, so as to be applied, or the proceeds thereof to be applied, as a subscription of stock to the said Wilmington and Manchester Railroad Company, in behalf of the State of North Carolina, and the said Wilmington and Raleigh Railroad Company is hereby authorised to make a subscription to the stock of the said Wilmington and Manchester Railroad Company, to an amount not exceeding Three Hundred Thousand Dollars, including the proceeds of the stock directed to be transferred by this act; *Provided*, That the transfer of the stock of the State, in the Wilmington and Raleigh Railroad Company, by this act authorised, shall not be made until the Public Treasurer shall be satfied that a subscription of stock, in the said Wilmington and Manchester Railroad Company, to the amount of, at least, Four Hundred Thousand Dollars, shall have been otherwise made; *And provided*, That the shares of stock owned by the State in the Wilmington and Raleigh Railroad Company, authorised to be sold and transferred by this section, shall not be sold for a less price than Fifty Dollars per share.

Said motion was decided in the negative; yeas 20, nays 27.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Berry, Bethell, Collins, Conner, Hester, Kendall, Lillington, Miller, Patterson, Rogers, Smith, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Willey, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Bower, Daniel, Davidson, Drake, Exum Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner,

Lane, Moye, Murchison, Reich, Rowland, Shepard, Smaw, Speight, Spicer, Thomas, of Haywood, Washington, Watson, Woodfin, and Wooten.

Mr. Thompson, of Bertie, moved to amend the bill, by adding the following Proviso, viz:

Provided, That before the said bonds shall be issued, the Stockholders of said Company shall enter into bond, in a sufficient amount, payable to the State of North Carolina, and approved by the Governor and Attorney General, conditioned to pay a proportion compared with their stock in said Road, of any loss or damage that may come to the State in consequence of her endorsement of any bonds for said Company by the State; which bonds may be put in suit to any time where the State shall be compelled to pay any part of the bonds endorsed as aforesaid, and a recovery effected for the amount of the bonds so given by the stockholders as aforesaid.

Said amendment was rejected; Yeas 14, Nays 32.

Mr. Thompson of Bertie, demanded the Yeas and Nays.

Those who who voted in the affirmative are:

Messrs. Barnard, Berry, Bethell, Conner, Halsey, Hester, Kendall, Miller, Rogers, Speight, Spicer, Thompson of Wake, Ward, and Willey.

Those who voted in the negative are:

Messrs. Ashe, Bell, Bower, Collins, Daniel, Davidson, Drake, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lane, Lillington, Moye, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thomas of Haywood, Thompson, of Bertie, Washington, Watson, Woodfin, Wooten, and Worth.

After the adoption of sundry other amendments, the question was taken on the passage of the bill its second reading, and decided in the affirmative; Yeas 32, Nays 16.

Mr. Hester demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Daniel, Davidson, Drake, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Speight, Thomas, of Haywood, Thompson, of Bertie, Thompson of Wake, Washington, Watson, Woodfin, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Berry, Bethell, Collins, Conner, Hester, Kendall, Rogers, Smith, Spicer, Thomas of Davidson, Walker, Ward, Willey, and Worth.

The Senate then proceeded to the consideration of the order of the day, being the bill to incorporate the North Carolina Rail Road Company. The question on the passage of the bill its second reading, was decided in the negative; Yeas 23, Nays 25.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Halsey, Moye, Murchison, Reich, Rogers, Smith, Speight, Spicer, Thompson, of Bertie, Walker, Ward, Watson, Willey, and Wooten.

The bill to consolidate and amend the acts heretofore passed, on the subject of Common Schools, was taken up and read the second time.

Mr. Bower moved to amend the bill, by striking out the first section. Decided in the negative; Yeas 18, Nays 29.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bower, Collins, Conner, Daniel,

Drake, Exum, Graham, Hester, Moye, Murchison, Rogers, Smaw, Speight, Thompson, of Wake, Walker, and Ward.

Those who voted in the negative are :

Messrs. Ashe, Bell, Berry, Bethell, Davidson, Faison, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Gilmer moved to amend the bill, by inserting the following, as an additional section, after the third section, viz :

" *Be it further enacted*, That the Literary or School Fund shall hereafter be distributed among the several counties in this State, according to the free White population thereof."

During the consideration of this amendment, the hour of half past one having arrived, the Senate took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

The subject before the Senate being the amendment offered by Mr. Gilmer, (to the bill to consolidate and amend the acts heretofore passed on the the subject of Common Schools) was resumed, and said amendment was rejected; yeas 16, nays 31.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bethell, Bower, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Patterson, Reich, Thomas, of Davidson, Thomas of Haywood, Walker, Woodfin, and Worth.

Those who voted in the negative are :

Messrs. Albright, Ashe, Barnard, Berry, Bell, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hargrove, Hawkins,

Joyner, Moye, Murchison, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thompson, of Bertie, Thompson of Wake, Ward, Washington, Watson, Willey and Wooten.

Mr. Bower moved the indefinite postponement of the bill. Decided in the negative; yeas 13, nays 34.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bower, Conner, Daniel, Exum, Hargrove, Moye, Murchison, Reich, Speight, Thomas, of Haywood, and Walker.

Those who voted in the negative are:

Messrs. Ashe, Bell, Berry, Bethell, Collins, Davidson, Drake, Faison, Gilmer, Graham, Halsey, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rogers, Rowland, Shepard, Smaw, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Thompson of Wake, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Washington moved to amend the bill by adding the following words to the 6th section, viz: And the committee so appointed, shall accept the office and perform the duties thereof, under a penalty of $50, to be recovered in the name of the chairman, to the use of the School Fund.

Which was rejected; yeas 6, nays 40.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Davidson, Murchison, Rowland, Smith, Thompson, of Bertie, and Washington.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Drake, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Moye, Patterson, Reich, Rogers, Shepard, Smaw, Speight, Spicer, Thomas, of Davidson, Thomas of Haywood, Thompson, of Wake, Walker, Ward, Watson, Willey, Woodfin, Wooten, and Worth.

After the adoption of sundry other amendments, the question was taken on the passage of the bill, its second reading, and decided in the affirmative.

Mr. Ashe introduced a bill to give assent to the purchase by the United States, of certain parcels of land on the Cape Fear river, and ceding the jurisdiction of North Carolina, over the same, under certain limitations and conditions; which was read the first time and passed.

Mr. Thomas, of Haywood, presented the petition of James Whitaker, which was referred to the committee on Cherokee Lands. Also, the petition of sundry citizens of Haywood and Cherokee counties, in reference to a new county. Referred to the committee on Propositions and Grievances.

On motion, the Senate adjourned.

FRIDAY, JAN. 12, 1849.

Mr. Kendall moved the following Resolution, viz:

Rseolved, That the Journal of the Senate of yesterday, be amended, so as to state, that when the vote was taken upon the passage of the bill to incorporate the North Carolina Railroad Company, its second reading, Mr. Kendall, the Senator from Stanly and Cabarrus, stated that he voted for the bill with the distinct understanding, that it should not be considered as a test vote, his desire being to give the friends of the bill an opportunity to make it less objectionable by its third reading.

On motion of Mr. Joyner, the said resolution was ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of Cleveland county, praying the restoration of Jury Trials, reported the same back to the Senate, and asked to be discharged. Committee discharged accordingly.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to amend the 136th section of the 31st chap-

ter of the Revised Statutes, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill to amend the 13th chapter of the Revised Statutes, entitled an act concerning Bills, Bonds, and Promissory Notes, reported the same and recommended its passage. Ordered to lie on the table.

Mr. Patterson, from the committee on Cherokee Lands, to whom was referred so much of the Message of His Excellency, Governor Graham, as refers to some disposition of the surrendered and unconveyed lands of the Cherokee Lands, reported, and asked to be discharged. Committee discharged accordingly.

Mr. Joyner, from the select committee, to whom was referred so much of the Governor's Message, as relates to the Raleigh and Gaston Railroad, reported a resolution entitled, "Resolution on the subject of the Raleigh and Gaston Railroad Company;" which was read the first time and passed. On motion of Mr. Walker, said report and resolution were ordered to be printed.

Mr. Gilmer introduced a bill concerning cost in certain cases in Equity; which was read the first time and passed.

Mr. Ashe introduced a bill to incorporate the North Carolina Railroad Company; which was read the first time, passed, and on motion of Mr. Gilmer, made the order of the day for to-morrow, at 3 o'clock, P. M.

On motion of Mr. Joyner,

Resolved, That a committee to consist of the Senators from Edgecomb, Nash, and Halifax, be appointed to enquire into the expediency of further legislation, to remove obstructions to the passage of fish up Fishing Creek.

Mr. Washington introduced a bill, to alter the 8th section of the 89th chapter of the Revised Statutes, so far only as to provide that the action therein given, shall be in the name of the State of North Carolina; which was read the first time and passed.

On motion of Mr. Patterson, the vote by which the bill read

this day was made the order of the day for three o'clock, P. M. to-morrow, was reconsidered; and on motion of Mr. Shepard, said bill was ordered to be printed; and on motion of Mr. Gilmer, made the order of the day for Tuesday next.

Mr. Smith presented a memorial of sundry citizens of Hertford county, in relation to the Meherrin River; which was referred, on his motion, to the committee on Propositions and Grievances.

The bill to lay off the 8th Judicial Circuit, was read the second time, amended, and on motion of Mr. Thomas, of Davidson, postponed indefinitely; Yeas 34, Nays 12.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Berry, Bell. Collins, Conner, Daniel, Drake, Exum, Faison, Graham, Halsey, Hargrove, Hester, Kendall, Lane, Lillington, Moye, Murchison, Rogers, Rowland, Shepard, Smaw, Speight, Spicer, Thomas, of Davidson, Thompson, of Bertie, Thompson of Wake, Walker, Ward, Watson, Willey, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Bethell, Bower, Davidson, Gilmer, Joyner, Miller, Patterson, Reich, Smith, Thomas of Haywood, Washington, and Woodfin.

The bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots, Commissioners of Navigation, Revised Statutes, chapter 88, section 40, was read the third time, and laid on the table.

The bill to regulate the duties of Constables, in certain counties, was read the third time, and on motion of Mr. Exum, postponed indefinitely.

The resolution authorising the President and Directors of the Literary Fund to loan the Greensboro' Female College, the sum of seven thousand dollars, was read the second time and passed, and the rule being suspended, it was also read the third time, passed, and ordered to be engrossed.

A bill to amend the 7th section of the Revised Statutes, passed in 1844-45, entitled "Guardian and Ward," was read the third time, passed, and ordered to be engrossed.

A bill to amend an act, entitled an act authorising the County Court of Lincoln to exercise exclusive jurisdiction over the Public Road, which is the dividing line between the counties of Lincoln and Cleveland, was read the third time, passed, and ordered to be enrolled.

A bill to extend the limits of the town of Lincolnton, in Lincoln county, was read the third time, amended on motion of Mr. Woodfin, passed, and ordered that a message be sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to incorporate Antioch Academy, in the county of Robeson, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to repeal the act of 1846-7, entitled an act to lay off and establish the county of Polk, was read the third time, passed, and ordered to be enrolled; Yeas 30, Nays 16.

Mr. Patterson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Collins, Conner, Drake, Exum, Faison, Gilmer, Graham, Hargrove, Hester, Lillington, Moye, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Washington, Watson, and Willey.

Those who voted in the negative are:

Messrs. Bower, Daniel, Davidson, Halsey, Joyner, Kendall, Lane, Miller, Murchison, Patterson, Reich, Thomas, of Davidson, Thomas, of Haywood, Woodfin, Wooten, and Worth.

The Senate then took a recess.

THREE O'CLOCK, P. M.

The bill to provide for the opening and clearing out of Big Rock Fish Creek, in the counties of Cumberland and Robeson, and to prevent obstruction to the free navigation of the same; was read the second and third times, (rules being suspended) passed, and ordered to be engrossed.

A bill to produce conformity in the charters granted the Charlotte and South Carolina Railroad Company, by the States of North and South Carolina; was read the second and third times, passed, and ordered to be engrossed.

A bill to incorporate the town of Goldsboro', in the county of Wayne, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill for the relief of James Stewart, of Cherokee county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed Resolution in favor of Messrs. Hall and Kincey, merchants of the City of Raleigh, was read the second and third times, passed, and ordered to be enrolled.

Also, the engrossed bill to amend an act entitled an act concerning Weights and Measures.

Also, a bill to alter and amend the 1st, 3d, and 4th sections of chapter 94th of the Statutes of 1846-7, entitled an act to appoint Commissioners to view and lay off a road from Asheville, in Buncombe county, to Burnsville, in Yancy county.

Also, the engrossed bill to incorporate the Newbern Manufacturing Company.

Also, the engrossed bill to amend and consolidate the several acts heretofore passed, for the better regulation of the town of Concord, in the county of Cabarrus.

On motion of Mr. Exum, the vote by which the bill to incorporate the town of Goldsboro', passed its third reading, was reconsidered, and after an amendment proposed thereto by Mr. Exum, was adopted. The said bill passed, and was ordered to be engrossed.

The bill to repeal an act passed at the last session of the

General Assembly entitled, "An act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40," was taken up, amended on motion of Mr. Washington, and passed its third reading. On motion of Mr. Washington, the title of the said bill was amended by striking out the word "*repeal*" therein, and inserting the word "*amend;*" and the same was ordered to be engrossed.

The engrossed bill to authorise the inspection of Provisions, was read the second time and passed.

The bill to incorporate the Greensboro' and Mount Airy Turnpike Company; was read the second and third times, passed and ordered to be engrossed.

Also, the bill to appoint Commissioners for the town of Ashboro, in the county of Randolph, and to incorporate the same.

Mr. Woodfin introduced a bill entitled a bill to lay off a road from the Iron Mountain road, down Big Rock Creek to the Indian Grave Gap and Burnsville road, in Yancy county, in North Carolina; which was read the first time and passed.

On motion of Mr. Graham, the Senate adjourned.

SATURDAY, JAN. 13.

Mr. Patterson, from the committee on Cherokee Lands, to whom was referred a resolution in favor of S. Enloe, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Gilmer presented the memorial of sundry citizens of the counties of Guilford and Randolph, in reference to Militia Musters in this State. Ordered to lie on the table.

Mr. Miller introduced a bill to alter the time of holding the Superior Courts of Law and Equity, in the county of Cleveland; which was read the first time and passed.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to appoint Commissioners to lay off a Road in Wilkes county.

A bill to incorporate the Williamson Library Association, in the county of Martin.

A bill to incorporate Concordia Lodge, No. 11, of the I. O. O. F., in the town of Beaufort.

A bill to alter an act concerning a Road in Iredell county.

A bill to authorise Cornelius Shields to build a bridge across Bear Creek, in the county of Moore.

A bill to amend the acts heretofore passed, for the better regulation of the town of Williamson.

A bill to incorporate the Wake County Rifle Company, at Dunnsville, in Wake county.

A bill to amend an act entitled an act to authorise A. R. S. Hunter, of Macon county, to erect a Bridge across the Hiwassee river, passed at the session of 1834. Also to amend the acts of 1838 and 1840.

Which bills were read the first time and passed.

Mr. Conner, from the committee on Claims, to whom was referred "a Resolution in favor of J. H. Van Bokelin, keeper of the Public Arms at Newbern;" reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Also, "a Resolution in favor of William Angel," fovorable thereto. Ordered to lie on the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill to incorporate the Martin and Bertie Turnpike Company, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Also, a message, stating that they have passed the engrossed bill to attach a portion of Yancy county to the county of Buncombe, which was read the first time and passed.

The engrossed bill to secure the more certain administration of Justice, was read the second time, and on motion of Mr. Gilmer, postponed indefinitely.

Mr. Bower introduced a bill supplemental to an act passed at the present session, laying off the county of Watauga; which was read the first time and passed.

Mr. Gilmer introduced a bill entitled "A bill to increase the Revenue of the State;" which was read the first time, and passed.

The bill to provide relief for purchasers of the Cherokee lands at the sales of 1838, and to secure a portion of the debts due the State, was read the second time.

Mr. Albright moved to amend the bill by striking out the 8th section. Pending this question,

On motion of Mr. Woodfin,

The said bill and motion to amend were laid on the table and made the order of the day for Monday next.

The bill concerning the Wilmington and Raleigh Rail Road Company, was read the third time, and passed—yeas 22, nays 19.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Davidson, Drake, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Joyner, Miller, Moye, Patterson, Rowland, Shepard, Speight, Thomas, of Haywood, Thompson, of Bertie, Watson and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Berry, Collins, Conner, Hester, Kendall, Lane, Lillington, Reich, Rogers, Smaw, Smith, Spicer, Thomas, of Davidson, Thompson, of Wake, Walker, Willey and Worth.

Ordered that said bill be engrossed.

Mr. Woodfin, from the Committee on the Judiciary, made the following reports, viz:

A bill to amend the 6th section of the act of the last session of the General Assembly, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of the taxable polls. Recommending its passage.

A bill to empower single Justices of the Peace to tax prose-

cutor's on State warrants, with the payment of costs in certain cases. Recommending its passage.

On the petition of sundry citizens of Wilkes, praying some legislation on the subject of allowing persons to give evidence without taking an oath, praying to be discharged. Concurred in.

On the resolution instructing the committee on the Judiciary to enquire into the expediency of changing the laws in reference to intestate's estates. Reporting adversely thereto.

On the resolution instructing said committee to examine the amount of services rendered by B. F. Moore, Esq. in the matter of the Devisees of Cathcart, and report what compensation would be fair and proper for the same, reporting a resolution entitled, A Resolution in favor of B. F. Moore, Esq., which was read the first time and passed.

Mr. Gilmer, from the committee appointed to examine the entries on the Comptroller's Books, in reference to the purchasers of Cherokee Lands, &c., reported that they found that the same had been correctly made, and reported also a resolution entitled A Resolution in favor of William F. Collins, Comptroller of State. Read the first time and passed.

The Bill supplemental to an act, passed at the present Session of the General Assembly, to establish an Asylum for the Insane in North Carolina.

Mr. Gilmer moved to amend the bill by inserting the words "*west of Raleigh,*" before the words "*within three,*" in the 11th line of the bill.

Before the question was taken on this motion, the Senate took a recess.

THREE O'CLOCK, P. M.

The following Engrossed Bills were read the third time, passed, and ordered to be enrolled, viz:

A bill more effectually to suppress the traffic with slaves, and

amending of the 75th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments. Also,

A resolution in favor of William Angel, of Macon county.

The Senate then proceeded to the consideration of the unfinished business of the morning, being the bill supplemental to the act passed at the present session of the General Assembly, to establish an Asylum for the Insane in North Carolina. The first question being on the amendment moved by Mr. Gilmer; said amendment was withdrawn. Mr. Patterson moved to amend the bill by filling the first blank with the word "*Morganton*," and the second with the word "*Burke*," which was not agreed to. Mr. Halsey moved to fill the blanks in the bill with the words "*Raleigh*" and "*Wake.*" Rejected; yeas 10, nays 31.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Collins, Drake, Exum, Halsey, Patterson, Rogers, Smaw, Thompson, of Wake.

Those who voted in the negative are:

Messrs. Albright, Berry, Bethell, Bower, Conner, Davidson, Faison, Gilmer, Graham, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Reich, Rowland, Shepard, Smith, Speight, Spicer, Thomas, of Davidson, Walker, Ward, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Gilmer moved to fill the blanks with the words "*Greensboro'*," and "*Guilford.*" Rejected; yeas 14, nays 25.

Mr. Thomas, of Davidson, demanded the Yeas and Nays.

Those who who voted in the affirmative are:

Messrs. Albright, Bell, Bethell, Davidson, Gilmer, Halsey, Joyner, Patterson, Rowland, Spicer, Thompson, of Bertie, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Berry, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Lane, Miller, Moye, Reich, Rogers, Shepard, Smaw, Speight, Thomas, of Davidson, Thompson of Wake, Walker, Ward, Watson, and Wooten.

Mr. Thomas, of Davidson, moved to fill the blanks with the words "*Lexington*" and "*Davidson.*" Determined in the affirmative; yeas 34, nays 8.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Bethell, Bower, Conner, Davidson, Exum, Gilmer, Halsey, Hargrove, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Willey, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Berry, Collins, Drake, Faison, Graham, Rogers, Spicer, and Watson.

The bill as amended, passed its second reading.

On motion of Mr. Exum, the Senate adjourned.

MONDAY, JANUARY 15.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, in which they ask the concurrence of that body, viz:

A bill to appoint Commissioners for the town of Ashboro'.
A bill concerning Pilots and Commissioners of Navigation.
A bill to amend the act entitled Guardian and Ward.

A bill to provide for the opening of Big Rock Fish Creek; And,

A resolution in favor of Greensboro' Female College.

A bill to incorporate Greensboro' and Mt. Airy, Turnpike Company; And,

A bill to incorporate the Town of Goldsboro'.

Mr. Shepard introduced the following Resolutions, viz:

Resolved, That the States came into the Union as equals, and that the citizens of each State are entitled to equal rights, privileges and immunities, under the Constitution of the United States.

Resolved, That the proceedings of the Convention by which the Federal Constitution was framed, clearly demonstrate that the institution of slavery was maturely considered, and that the union of the States was finally secured by incorporating into that instrument, distinct and ample guaranties of the rights of the slaveholder.

Resolved, That we view with deep concern and alarm, the constant aggressions on the rights of the slaveholder, by certain reckless politicians of the North, and that the recent proceeding of Congress, on the subject of slavery, are fraught with mischief, well calculated to disturb the peace of our country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

Resolved, That the enactment of any law by Congress, which shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act not only of gross injustice and wrong, but the exercise of power, contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof.

Resolved, That while we do not intend hereby to be understood as conceding, that Congress has the power under the Constitution to enact a law prohibiting slavery in any portion of the Territories of the United States; yet, for the sake of preserving the peace, and promoting the perpetuity of the U-

nion, we are willing that the basis of the Missouri Compromise should be adopted, in reference to the recently acquired Territories of New Mexico and California, by extending the line then agreed upon, to the Pacific Ocean.

Resolved, That a copy of the foregoing Resolutions, be signed by the Speakers of the Senate and House of Commons, and forwarded to our Senators and Representatives in Congress, with a request that they be laid before their respective Houses.

Said Resolutions were read the first time, passed, and made the order of the day for Tuesday next, at 11 o'clock.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to amend an act entitled an act to incorporate the Hickory Nut Turnpike Company, passed at the session of the General Assembly of 1840-1.

A bill to incorporate a Mutual Life Insurance Company, in North Carolina.

A bill to amend an act passed at the last session of the General Assembly, entitled an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp.

A bill to incorporate Phalanx Lodge, No. 31, of Ancient York Masons, in the town of Charlotte.

A bill to authorise A. H. Erwin, to establish a Toll Bridge over the Catawba River, in the county of Burke.

A resolution in favor of the Executor and Executrix of John R. Stamey, late Sheriff of Lincoln county.

Also, a message stating that they have passed the engrossed bill concerning Registers and Clerks and Masters, with an amendment in which they ask the concurrence of the Senate. Concurred in, and the House of Commons informed of the same.

Mr. Murchison introduced a bill to incorporate La Fayette Division, No. 2, of the Order of the Sons of Temperance, in the town of Fayetteville, which was read the first time and passed.

Mr. Halsey introduced a resolution in favor of Samuel Kis-

sam, of the county of Washington; which was read the first time, passed, and referred to the committee on Claims.

Mr. Gilmer introduced the following Resolutions, viz:

WHEREAS, In the contested election pending between Hugh Waddell and John Berry, from Orange County, the 37th Senatorial District, the sense of the Senate, on the question whether Bargainors in Deeds of Trusts, Trustees, and Cestuis Que Trust, had a Constitutional right to vote, will shorten, if not determine, the inquiry.

Be it Resolved, That all the votes of Bargainors in Deeds in Trust, given to either of the parties are illegal.

Be it further Resolved, That all the votes of Trustees in Deeds of Trust given as aforesaid, are illegal.

Be it further Resolved, That all the votes of Cestui Que Trusts, given as aforesaid, are illegal.

Which were read the first time and passed.

The bill to exempt the Wardens of the Poor and County Trustees of the several counties from militia duty, was read the second and third times, amended on motion of Mr. Kendall, and passed, and a message was sent to the House of Commons, asking their concurrence in said amendment.

A message was sent to the House of Commons, stating that they have passed the engrossed bill concerning the Wilmington and Raleigh Railroad Company, in which they ask their concurrence.

The following bill was read the second and third times, passed, and ordered to be engrossed, viz :

A bill to incorporate the Clay Mining Company.

On motion of Mr. Joyner, the bill making better and more suitable provisions for femes covert, was made the order of the day for Wednesday next.

The bill to amend the 9th section of the 42d chapter of the Revised Statutes, entitled Entries and Grants; was read the second time, and on motion of Mr. Albright, postponed indefinitely.

The engrossed bill to regulate the duties of Sheriffs, was

read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to facilitate the taking of Depositions of Witnesses in the State, to be read in suits pending in the Courts of other States, was read the second time and passed.

Received from the House of Commons, sundry recommendations for Justices of the Peace; which were read and approved.

The Senate then took up for consideration, the bill entitled a bill to amend an act, entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools; which was read the third time.

Mr. Walker moved that the bill be postponed indefinitely. Decided in the negative; yeas 18, nays 23.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Hester, Moye, Reich, Rogers, Speight, Thompson of Wake, Walker, and Wooten.

Those who voted in the negative are:

Messrs. Bell, Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Murchison, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Ward, Watson, Woodfin, and Worth.

Mr. Bower moved to amend the bill by striking out the first section, which prevailed; Yeas 22, Nays 21.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Moye, Patterson, Reich, Rogers, Speight, Spicer, Thompson, of Bertie, Thompson of Wake, Walker, Ward, and Wooten.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bethell, Davidson, Gilmer, Halsey, Hargrove,

Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Watson, Woodfin, and Worth.

Mr. Gilmer moved to fill the blank in the 8th section, (appointing a general Superintendant of Common Schools) with the sum of $1600. Rejected, Yeas 14, Nays 28.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Patterson, Rowland, Shepard, Smith, Thompson, of Bertie, Ward, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hester, Kendall, Miller, Moye, Murchison, Reich, Rogers, Smaw, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Watson, Wooten, and Worth.

Mr. Kendall moved to strike out the 8th section, which provided for the appointment by the General Assemby, of a General Superintendant of Common Schools for the whole State; which motion was determined in the affirmative; Yeas 24, Nays 18.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson of Wake, Walker, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Ward, Woodfin, and Worth.

On motion of Mr. Shepard, the bill was laid on the table.

The bill entitled a bill to provide for the transfer of the Internal Improvement Fund, to the Public Treasury; was read the second time and rejected.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz :

A bill to empower the Justices of the Peace of New Hanover county, to sell the Poor House of said county.

A bill to amend an act entitled an act to incorporate the Orapeak Canal and Turnpike Company.

The bill to amend the 60th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments; was read the second time and passed; yeas 34, nays 7.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bethell, Bower, Conner, Davidson, Drake, Exum, Gilmer, Halsey, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Bell, Collins, Faison, Graham, Hargrove, Hawkins, and Rogers.

On motion of Mr. Speight, the vote by which the engrossed bill more effectually to suppress trading with slaves, passed its third reading on Saturday, was reconsidered, and on motion of Mr. Smith, the consideration of said bill was postponed until this afternoon.

The engrossed bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico rivers, was read the second time, and on motion of Mr. Bell, laid on the table.

The bill to increase the Revenue of the State, was read the second time, and before the question on its passage was taken, the Senate took a recess.

THREE O'CLOCK, P. M.

The bill to increase the Revenue of the State, being the unfinished business of the morning, was laid on the table on motion of Mr. Moye.

The bill to incorporate the town of Salisbury, was read the third time, passed, and ordered to be enrolled.

The bill more effectually to suppress the trading with slaves, and amendatory of the 75th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments, was taken up. Mr. Smith moved to amend the bill by striking out from the first section the words "*nor fowls of any kind.*" Decided in the affirmative; yeas 22, nays 18.

Mr. Walker demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Berry, Bethell, Collins, Drake, Gilmer, Halsey, Hargrove, Lane, Lillington, Miller, Patterson, Reich, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Bower, Conner, Exum, Faison, Graham, Hawkins, Joyner, Kendall, Moye, Murchison, Rogers, Speight, Thompson of Wake, Walker, Ward, Watson, and Wooten.

On motion of Mr. Moye, the vote by which the bill to consolidate the acts in relation to Common Schools was laid on the table, was reconsidered, and said bill was taken up.

Mr. Speight moved to strike out all after the enacting clause,

and insert a substitute. Mr. Patterson moved a reconsideration of the vote by which the first section of the bill was stricken out.

On motion of Mr. Speight, this motion was laid on the table.

The bill to amend an act passed at the last session of the General Assemby, entitled an act to increase the Public Revenue, was read the second and third times, passed, and ordered to be engrossed.

The bill concerning the President and Directors of the Literary Fund, was read the second and third times, amended on motion of Mr. Joyner, passed, and ordered to be engrossed.

The following Bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill relating to the town Magistrate for the town of Wilmington.

A bill to incorporate the Mountain Guards.

A bill to appoint Commissioners to lay off a Road in the counties of Buncombe and Yancy.

A bill to incorporate Fairfield Canal Company, in Hyde county.

A bill to incorporate the Wilmington and Walker's Ferry Plank Road.

A bill to incorporate the Wilmington and Masonboro' Plank Road.

A bill to regulate the holding of elections for Commissioners of Navigation.

A bill concerning costs in certain cases in Equity.

A bill to alter an act concerning a Road in Iredell county.

Ordered to be enrolled.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to incorporate Concordia Lodge, No. 11, of the I. O. O. F., in the county of Beaufort.

A bill to incorporate the Williamston Library Association, in the county of Martin.

The bill to alter the times of holding the Superior Courts of Law and Equity, in the county of Cleveland, was read the second time and passed.

Mr. Bell, Mr. Wooten, and Mr. Bower, presented recommendations of sundry persons for Justices of the Peace, in their respective counties; which were read, approved, and transmitted to the House of Commons.

Mr. Murchison introduced a bill, entitled a bill to revive an act entitled an act to incorporate the North and South Carolina Rail Road Company; which was read the first time and passed.

The engrossed bill to incorporate the Martin and Bertie Turnpike Company, was read the second and third times, passed, and ordered to be enrolled.

The following bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to repeal the third section of an act passed 1846-47, so far as it relates to the county of Onslow.

Resolution to furnish Weights and Measures to Chatham County.

The resolution in favor of George J. Ward, late Sheriff of Onslow county, was read the second time and rejected.

The bill to further Justice in the County Courts of New Hanover, was read the second time and passed.

The bill to amend the Revised Statutes, section 5, chapter 102d, was read the second time, and postponed indefinitely.

The bill to incorporate Johnston Academy, in the county of Johnston, was read the second and third times, passed, and orderd to be engrossed.

Mr. Woodfin, introduced "a bill to establish a Turnpike road, in Yancy county;" which was read the first time and passed.

On motion, the Senate adjourned.

TUESDAY, JAN. 16.

A message was sent to the House of Commons, stating that they have passed the engrossed bill to produce conformity in the charters granted to the Charlotte and South Carolina Railroad Company, by the States of North and South Carolina, in which they ask their concurrence.

Mr. Conner, from the committee on Claims, to whom was referred a Resolution in favor of Samuel Kissam, of the county of Washington, reported favorably thereto. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the Petition of sundry citizens of the counties of Wilkes and Caldwell, praying the erection of a new county out of portions of said counties, reported adversely. Ordered to lie on the table.

Mr. Woodfin, from the Judiciary Committee, made the following Reports, viz:

On a bill to amend an act passed at the session of 1846-7, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of the taxable polls. Recommending its rejection.

A bill to amend the first section of the 109th chapter of the Revised Statutes, entitled an act concerning Sheriffs; recommending its rejection.

A bill to provide for the removal of civil causes from the County Courts to the Superior Courts of Law; recommending its passage.

A bill to repeal certain acts heretofore passed in relation to insolvent debtors, and the amendments thereto, and to re-enact and amend the same; recommending its rejection.

A bill making it the duty of the Sheriff and other officers, making sales of land or slaves to prepare and execute deeds for the same; recommending its passage.

Said reports and bills were ordered to lie on the table.

Mr. Murchison introduced a resolution in favor of John

Maxwell, which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Halsey introduced a resolution in relation to the Public Arms; which was read the first time and passed.

A message was received from the House of Commons, stating that they concur in the amendment of the Senate, to the bill to alter the time of holding the Superior Courts of Law, and Courts of Pleas and Quarter Sessions, of the county of Lenoir.

Also, stating that they have passed the engrossed bill to extend the limits of the town of Lincolnton, in Lincoln county, and that they have rejected the engrossed bill from the Senate, entitled a bill concerning the practice of the law.

Also, that they have passed the engrossed bill, entitled a bill to amend the 16th section of the 31st chapter of the Revised Statutes, entitled Courts of Equity; in which they ask the concurrence of the Senate. Read the first time and passed.

The Senate then proceeded to the consideration of the order of the day, being the resolutions introduced yesterday, on the subject of slavery, on their second reading.

Mr. Shepard moved to amend the fourth resolution, by inserting after the words "which shall," in the 2nd line, the words "abolish slavery or the slave trade in the District of Columbia, or shall." The question was then taken on the Resolutions seperately.

Mr. Daniel calling for a division of the question.

The first resolution passed; Yeas 48.

The Yeas and Nays were demanded by Mr. Conner.

Those who voted in the affirmative are—

Messrs. Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas of Haywood, Thompson, of Bertie, Thompson of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

The second resolution passed unanimously; Yeas 48.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

The third resolution passed unanimously, Yeas 48.

Those who voted in the affirmative are the same as those who voted for the first and second resolutions.

The fourth Resolution passed, yeas 44; nays 2.

Those who voted in the affirmative, are:

Messrs. Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Davidson, Drake, Eborn, Exum, Faison, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smith, Smaw, Speight, Spicer, Thomas, of Davidson, Thomas of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:
Messrs. Albright, and Daniel.

The fifth Resolution passed, yeas 45, nays 2.

Those who voted in the affirmative are:

Messrs. Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are :

Messrs. Albright, and Daniel.

The sixth and last Resolutions also passed unanimously—yeas 47.

Those who voted in the affirmative are :

Messrs. Ashe, Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

The rules of the Senate were suspended, and the said resolutions were read the third time. Mr. Gilmer called for a division of the question on their passage.

The yeas and nays were demanded by Mr. Conner.

The first resolution passed unanimously, yeas 46.

Those who voted in the affirmative are :

Messrs. Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

The question was then taken on the second, third, fifth, and sixth Resolutions jointly, and decided in the affirmative, by a unanimous vote; yeas 46.

Those who voted in the affirmative are :

The same as those who voted for the first resolution.

The question on the passage of the fourth resolution was then taken, and decided in the affirmative; yeas 44, nays 2.

Those who voted in the affirmative are:

Messrs. Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Davidson, Drake, Eborn, Exum, Faison, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Albright, and Daniel.

Ordered, That said Resolutions be engrossed, and sent to the House of Commons.

The Speaker announced the order of the day for 12 o'clock, viz: The bill to incorporate the North Carolina Railroad Company, on its second reading. On motion of Mr. Ashe, said bill was laid on the table for the present.

The following bills were read the second and third times, passed and ordered to be engrossed, viz:

A bill to confer on the Court certain powers over imprisoned Lunatics.

A bill to alter the time for holding the Superior Courts of Law and Equity, in the county of Cleveland.

Mr. Halsey introduced a resolution in favor of S. M. Preston, which was read the first time and passed.

The Engrossed bill to establish the Bank of Fayetteville was read the second time, and passed.

The Senate then took a recess.

THREE O'CLOCK, P. M.

The Engrossed bill to authorise the inspection of Provisions, was read the third time, passed, and ordered to be enrolled.

Mr. Thompson of Wake, presented the memorial of Joseph Reamy and H. Cook, in reference to certain bonds deposited in the Treasurer's office. Referred to the Committee on Propositions and Grievances.

The Engrossed bill to facilitate the taking of depositions of witnesses in the State, to be read in suits pending in the Courts of other States, was read the third time, passed, and ordered to be enrolled.

The bill supplemental to an act passed at the present Session, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina, was read the third time, amended on motion of Mr. Thomas, of Davidson, and passed. Ordered that said bill be engrossed.

The bill to further justice in the County Court of New Hanover, was read the third time, amended on motion of Mr. Ashe, passed, and ordered to be engrossed.

Mr. Gilmer moved to make the Resolutions, introduced by him in reference to the contested election of the 37th Senatorial District, the order of the day for to-morrow, at 11 o'clock.

Mr. Exum moved to amend the motion, by substituting "Thursday, at 11 o'clock." Rejected, Yeas 21, Nays 24.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington,

Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Woodfin, and Worth.

The question then recurred on the motion made by Mr. Gilmer, and was decided in the affirmative.

Mr. Ashe moved that the sitting member from the 37th Senatorial District, be allowed counsel to be heard in his behalf on the floor of the Senate, in reference to the contested election from that District. Decided in the affirmative; Yeas 29, Nays 17.

Mr. Thompson, of Wake, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bethell, Bower, Collins, Conner, Drake, Eborn, Exum, Faison, Graham, Hester, Miller, Moye, Murchison, Reich, Rogers, Rowland, Shepard, Speight, Spicer, Thomas of Davidson, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Washington, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Patterson, Smaw, Smith, Thompson, of Bertie, Woodfin, and Worth.

The Resolutions on the subject of the Raleigh and Gaston Rail Road, were read the second time.

Mr. Rogers moved to amend the Resolutions, by adding the following, viz:

Resolved further, That the Legislature, in making the appropriation provided for in the foregoing Resolution, intends only to protect and preserve the honor and faith of the State inviolate, and not to approve of, but to condemn in decided terms, the manner in which the said debt has been incurred, and to enter a decided protest against the contracting of debts for the future, by the public officers of the State, not only without authority of law, but in violation of law.

Mr. Gilmer moved to amend the amendment, by striking out all after the word "*Resolved*," and inserting the following, viz:

"That the Raleigh and Gaston Railroad shall not be further run at the expense of the State."

Mr. Exum called for a division of the question, and it was taken first on striking out, and decided in the affirmative; Yeas 23, Nays 14.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bell, Daniel, Davidson, Eborn, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Smaw, Thomas, of Davidson, Washington, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Bethell, Bower, Collins, Conner, Exum, Faison, Hester, Moye, Reich, Rogers, Speight, Spicer, Walker, and Watson.

The question was then taken on inserting the amendment moved by Mr. Gilmer, and decided in the affirmative; Yeas 27, Nays 3.

Those who voted in the affirmative are:

Messrs. Bell, Bethell, Daniel, Davidson, Eborn, Exum, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Moye, Patterson, Reich, Rogers, Rowland, Smaw, Smith, Speight, Washington, Watson, Woodfin, and Wooten.

Those who voted in the negative are:

Messrs. Albright, Hester, and Worth.

The amendment was then adopted, and the question recurring on the passage of the resolutions, as amended, their second reading, was decided in the affirmative.

The following bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to empower single Justices of the Peace, to tax prosecutor's on State Warrants with costs in certain cases.

A bill to extend the limits of the town of Warrenton.

A bill to incorporate the Providence Band, in Mecklenburg county.

A resolution in favor of Robert W. Haywood.

The question on the amendment made to the bill to consolidate and amend the several acts relating to fishing with seins and nets in Tar and Pamlico rivers, was reconsidered; and on motion of Mr. Eborn, the bill and amendment were laid on the table.

On motion of Mr. Gilmer, the vote by which the bill to regulate the tax to be levied upon gates across public roads was rejected, was reconsidered, and on motion of Mr. Miller, the bill was laid on the table.

The bill to amend the 10th chapter of the Revised Statutes, relating to bail, was read the second time and passed.

On motion of Mr. Kendall, the Senate adjourned.

WEDNESDAY, JANUARY 17.

Mr. Bower, from the committee on Privileges and Elections, to whom was referred the contested election from the 37th Senatorial District, between Hugh Waddell and John Berry, made a report. Mr. Gilmer, from the same committee, submitted a counter report.

On motion of Mr. Bower,

Ordered, That the said reports, the journal of the committee, and the evidence, and exhibits referred to in the reports, be printed, and the index thereto.

Mr. Hargrove, from the select committee, to whom was referred a bill to incorporate the Granville County Association, reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Mr. Ashe introduced the following Preamble and Resolutions, viz:

WHEREAS, There is a contested election pending before the Senate, in which the following questions, of a constitutional character arises, on the making of the correct determination of which the Senate feel great difficulty. Therefore,

Be it Resolved, That the said question be respectfully submitted to the Supreme Court, for their consideration, with a request that the said Court would furnish the Senate as soon as practicable, their opinion on the same.

Question 1st—Is or is not the vote of a Bargainor, in a Deed of Trust, legal?

Question 2nd—Is or is not the vote of the Trustee, under a Deed of Trust, legal?

Question 3rd—Is or is not the vote of a Cestui Que Trust, legal?

Which were read and adopted.

Mr. Wooten introduced a resolution in favor of Charles H. Stevens, Administrator of Geo. W. Melvin, which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Patterson introduced a resolution, authorising Charles L. Hinton, to sell certain public lots therein named; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution, authorising the principal Clerks of the two Houses to appoint one or more assistant Engrossing Clerks, and asking the concurrence of the Senate. Said resolution was read the first, second, and third times, and passed.

Mr. Washington introduced a bill in relation to Justices of the Peace; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill concerning the Public Roads in Brunswick and Beaufort counties.

A bill to incorporate the South Creek Swamp Land Company.

A bill to repeal the third and fourth sections of chapter 100, of the Statutes of the Legislature of 1846-47.

A bill to authorise the Superintendant of Common Schools, of Rowan County, to invest a portion of its funds.

A bill to amend an act, entitled an act to incorporate the town of Wilkesboro' in the county of Wilkes, and for the better regulation thereof; ratified 18th of January, 1847.

A bill to incorporate Plymouth Academy, in the town of Plymouth, Washington county.

A bill supplemental to an act passed at the present General Assembly, entitled "An act to unite the Roanoke Rail Road and the Sea Board and Roanoke Rail Road Companies."

A bill to incorporate Rock Spring Tent, No. 180, Independent Order of the Rechabites, in the town of Wilmington.

A bill to establish a Board of Directors for the Deaf and Dumb Institution of this State.

A bill to amend and consolidate the several acts heretofore passed in favor of poor debtors.

A bill to amend the 3d section of the 86th chapter, Revised Statutes, concerning Patrols.

A bill to amend the 19th section of the 35th chapter of the Revised Statutes, entitled "an act concerning proceedings in criminal cases."

Said bills were read the first time and passed.

The bill amendatory and supplemental to, an act passed at the last Session of the General Assembly, entitled an act to provide suitable buildings for the comfortable accommodation of the Deaf Mutes and Blind persons of this State, was read the second and third times, passed, and ordered to be engrossed.

Mr. Gilmer introduced a bill to supply an omission in the 46th chapter of the Revised Statutes; which was read the first time and passed.

The bill to amend an act entitled "An act to incorporate a Mutual Insurance Company in the State of North Carolina," was read the second time and passed.

Mr. Hawkins, from the committee to whom was referred the

engrossed Resolution directing the enclosure of the grounds appertaining to the Governor's residence, and an appropriation for furniture, reported the same to the Senate, and recommended their passage.

Said Resolutions were read the second and third times, passed, and ordered to be enrolled.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a memorial in relation to the Meherrin river, reported a bill to amend the 48th chapter of the Revised Statutes, concerning fences. Read the first time and passed.

Mr. Smith, from the committee on the Judiciary, to whom was referred a bill entitled, a bill to amend an act to make Real Estate Assets; reported adversely thereto. Concurred in.

The Senate then took a recess.

THREE O'CLOCK, P. M.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, in which they ask their concurrence, viz:

A bill to incorporate the Wilmington and Walker's Ferry Plank Road.

A bill to incorporate the Wilmington and Masonboro' Plank Road.

A bill to repeal 3rd section of an act passed in 1846-7, so far as relates to the county of Onslow.

A bill to incorporate the Mountain Guards.

A bill to appoint Commissioners to lay off a Road in the counties of Buncombe and Yancy.

A bill to amend an act entitled an act to increase the Public Revenue.

A bill to incorporate Fairfield Canal Company.

A bill to regulate elections for Commissioners of Navigation.

A bill concerning costs in certain cases in Equity.

A bill concerning the President and Directors of the Literary Fund.

A bill relating to the town Magistrate for the town of Wilmington.

A resolution respecting furnishing Weights and Measures for Chatham county. Also.

Resolutions respecting Slavery in the Territories.

Mr. Thompson, of Wake, introduced a bill to incorporate the Caswell Rangers, a Company of Cavalry, in the county of Caswell, which was read the first, second, and third times, passed, and ordered to be engrossed.

The resolution in relation to the Club Foot and Harlow's Ceek Canal, was read the second and third times, passed, and ordered to be engrossed.

A bill making more suitable and better provisions for femes covert, was read the second time, amended, and passed.

Received from the House of Commons, a message stating that they have passed the engrossed bill to lay off and establish a new county by the name of Alamance, in which they ask the concurrence of the Senate. Said bill was read the first, second, and third times, passed, and ordered to be enrolled.

The engrossed bill to establish a Bank of Fayetteville, was read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating that they concur in the amendments of the Senate to the bill more effectually to suppress the traffic with slaves; also, the amendments to the bill to exempt Wardens of the Poor, &c., from militia duty. Also, transmitting a message from His Excellency, Governor Manly, with accompanying documents in relation to the Deaf and Dumb Building, in the city of Raleigh, with a proposition to print. Concurred in.

Also, stating that they have passed the engrossed bill supplemental to an act passed at the present session of the General Assembly, repealing the law establishing the county of Polk. Also,

A bill to provide for the better regulation of the town of Gatesville, in Gates county. Said bills were read the first time and passed.

The bill to amend the 10th section of the 102nd chapter of the Revised Statutes, concerning Pedlars, was read the third time, amended, passed, and ordered to be engrossed.

The bill to amend the 8th section of the 102d chapter of the Revised Statutes, was read the second time, amended, on motion of Mr. Miller, and passed. The bill was then read the third time, passed, and ordered to be engrossed; yeas 19, nays 15.

Mr. Daniel demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bower, Collins, Conner, Drake, Faison, Hawkins, Hester, Kendall, Miller, Moye, Murchison, Patterson, Reich, Walker, and Washington.

Those who voted in the negative are:

Messrs. Daniel, Gilmer, Graham, Lillington, Rogers, Shepard, Smaw, Smith, Speight, Ward, Watson, Willey, Woodfin, and Wooten.

The bill supplemental to an act passed at the present session, laying off the county of Watauga, was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message proposing that the two Houses vote on to-morrow, at 11 o'clock, for one Trustee of the University. Concurred in.

Mr. Lillington introduced a bill to incorporate the Charlotte and Danville Railroad Company, which was read the first time, passed, and made the order of the day for Friday next.

On motion, the Senate adjourned.

THURSDAY, JANUARY 18.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, in which they ask the concurrence of that House, viz:

A bill to incorporate the Clay Mining Company.

A bill to incorporate the Providence Band, of Mecklenburg county.

A bill to incorporate Johnston Academy, in the county of Johnston.

A bill to further Justice in the county of New Hanover.

A bill to empower single Justices of the Peace, to tax Prosecutor's on State Warrants, with the payment of costs in certain cases.

A bill to confer certain powers on the Courts over imprisoned Lunatics.

A bill to alter the times of holding the Superior Courts of Law and Equity, in the county of Cleveland.

A bill supplemental to an act passed at the present session, entitled an act to provide for the establishment of the State Hospital for the Insane, in North Carolina.

A bill amendatory and supplemental to an act passed at the last session of the General Assembly, entitled an act to provide suitable buildings for the comfortable accommodation of the Deaf Mutes and Blind persons of the State.

A bill to amend the 60th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments.

A bill to amend the Revised Statutes, section 5, chapter 102.

A bill to extend the corporate limits of the town of Warrenton.

A bill supplemental to an act passed at the present Session of the General Assembly, laying off and establishing the county of Watauga.

Resolution in relation to the Club Foot and Harlow Creek Canal.

Resolution in favor of R. W. Haywood.

Received from the House of Commons, the following en-

grossed bills, which were read the first time and passed, viz:

A bill to incorporate the Granville County Mechanics' Association.

A bill to amend the 73d chapter of the Revised Statutes, entitled an act concerning the Militia of the State, and for other purposes.

A bill to repeal in part an act entitled an act to prevent the destruction of Oysters.

The bill to amend the 10th chapter of the Revised Statutes, relating to bail, was read the third time and passed. Ordered to be engrossed.

Mr. Thompson, of Wake, introduced a bill to incorporate the Dan River Mechanics' Association, in the town of Milton; which was read the first time and passed.

On motion of Mr. Speight, the vote by which the bill to amend the 10th section of the 102d chapter of the Revised Statutes, concerning Pedlars, passed its third reading on yesterday, was reconsidered, and after the adoption of an amendment proposed thereto by Mr. Drake, the said bill passed its third reading, and was ordered to be engrossed, yeas 34, nays 6.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Bethell, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rowland, Smaw, Speight, Spicer, Thomas, of Davidson, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Bower, Collins, Conner, Rogers, Smith, and Walker.

Said bill was engrossed and sent to the House of Commons, by message, asking their concurrence.

The resolution in reference to the contested election from

the 37th Senatorial District, being the order of the day, was taken up, and on motion of Mr. Gilmer, made the order of the day for to-morrow, 11 o'clock.

Resolution in favor of Isham Hancock, was read the second and third times, and ordered to be engrossed.

The bill to amend an act, entitled an act to incorporate a Mutual Insurance Company, in the State of North Carolina, was read the third time, passed, and ordered to be enrolled.

Mr. Woodfin introduced a bill, to amend the 4th chapter of the Revised Statutes, entitled "An Act concerning Appeals and Proceedings in the nature of Appeals"; which was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to provide for the removal of Civil causes from the County Courts to the Superior Courts of Law, was read the second time and rejected.

A message was received from the House of Commons, stating that Messrs. Hayman and Love form the Committee on the part of that House, to superintend the election of Trustee of the University, and that the name of Mr. Steele was withdrawn from nomination, and that William F. Dancey is added to the nomination. The Senate then voted, Messrs. Bower and Miller superintending the same.

The bill to incorporate the Granville County Mechanics' Association, was read the second time, and on motion of Mr. Hargrove, laid on the table.

Mr. Bower, from the committee to superintend the election of one Trustee of the University, reported that Mr. David S. Reid received 58 votes; W. F. Collins, 31; D. F. Ferebee, 21; W. F. Dancey, 19; scattering, 27. There were 156 votes given; 79 being necessary for a choice, there was no election.

On motion of Mr. Washington,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Trustee of the University.

The bill to provide for the Improvement of Club Foot and Harlow's Creek Canal, and for other purposes, was read the se-

cond and third times, amended on motion of Mr. Bell, and passed; yeas 23, nays 11.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Lane, Lillington, Miller, Murchison, Patterson, Reich, Shepard, Smaw, Speight, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Bethell, Bower, Collins, Drake, Exum, Faison, Hester, Rogers, Spicer, Walker, and Willey.

Said bill was ordered to be engrossed.

The following bills and resolutions were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to amend the 13th chapter Revised Statutes, entitled an act concerning Bills, Bonds, and Promissory Notes.

A bill to amend an act passed at the last session, entitled an act to provide for the sale of certain Lands in Cherokee and Macon Counties, which have been surrendered to the State.

A resolution in favor of J. H. Van Bokelin, keeper of Public Arms.

Resolution in favor of Scoope Enloe.

The bill to clear out Lumber river, was taken up, and on motion of Mr. Rowland, laid on the table.

The engrossed bill to incorporate a Mutual Life Insurance Company in North Carolina, was read the second and third times, passed, and ordered to be enrolled.

Mr. Walker, from the committee of Propositions and Grievances, to whom was referred a resolution in favor of Charles H. Stevens, Administrator of G. W. Melvin, late Sheriff of Bladen, reported the same to the Senate, and recommended its passage. Said resolution was read the second and third times, passed, and ordered to be engrossed.

The bill to secure the Title of Purchasers of Land sold under execution, was read the second and third times, passed, and ordered to be engrossed.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Received from the House of Commons, sundry recommendations for Justices of the Peace; which were read and approved.

The engrossed bill to amend the 1st clause of the 10th section of the 109th chapter of the Revised Statutes, entitled "An Act concerning Sheriffs," was read the third time, passed, and ordered to be enrolled.

The bill to amend an act passed at the Session of 1846-47, entitled an act to provide for the reassessment of the Lands of this State, and a more accurate enlistment of the Taxable Polls, was read the second time and rejected. Also, the bill to repeal certain acts heretofore passed, in relation to Insolvent Debtors, and the amendments thereto, and to re-enact the same.

The bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico Rivers, was read the third time, passed, and ordered that a message be sent to the House of Commons, asking their concurrence in the amendment.

The bill to improve the Navigation of the Catawba river, from the point where the Rail Road from Columbia to Charlotte crosses said river, up to the Rocky Ford, near Morganton, was read the second time, and the substitute reported by the committee adopted, and the bill passed.

The Speaker laid before the Senate, a Communication from the Chief Justice of the Supreme Court, which was read, and on motion of Mr. Thomas, of Davidson, ordered to be printed,

ten copies for each member of the Senate; and on motion of Mr. Lillington, said Communication was ordered to be entered at length on the Journals of the Senate. It is as follows, viz:

RALEIGH, January 18th, 1849.

SIR: The Resolution of the Senate, passed on the 17th instant, requesting the Judges of the Supreme Court to furnish the Senate with their opinions on certain questions therein mentioned, touching the qualifications of persons to vote for members of the Senate, under the Constitution of this State, was laid before the Judges on the evening of yesterday.

Although not strictly an act of official obligation, which could not be declined, yet from the nature of the questions, and the purposes to which the answers are to be applied—being somewhat of a judicial character—the Judges have deemed it a duty of courtesy and respect to the Senate, to consider the points submitted to them and to give their opinions thereon. I am, accordingly, directed to communicate it.

Three questions are proposed, which are thus expressed:

"First. Is or is not the vote of a Bargainor in a deed of trust legal?

"Second. Is or is not the vote of a Trustee under a deed of trust legal?

"Third. Is or is not the vote of a *Cestui que Trust* legal?"

It is to be premised, that categorical answers to these enquiries could not be useful to the Senate, for want of the precision in the terms of the questions themselves, which is usual and requisite in legal discussions. For, neither the subject of the conveyance, nor the nature of the trusts, nor the estates or the bargainor and bargainee are specified. But, referring to the nature of the controversy before the Senate, as stated in the resolution, it is supposed that the case to which the Senate alludes is of this kind: That one entitled to at least fifty acres of land for life or some greater estate, conveys it by deed of bargain and sale to a trustee, to secure debts to other persons, with a power to the trustee to sell the estate, and out of the

proceeds to pay the debts. Then supposing the proper residences of the parties, the points are, whether the bargainor, the bargainee, or the creditor, and, if either, which of them, hath a right to vote for a member of the Senate.

The Judges would have been gratified to have heard, before forming their opinion, an argument on the part of the gentlemen concerned on opposite sides; and, if the matter of law, involved in the questions of the Senate, were deemed by them doubtful, they would have been obliged to defer their answer until the parties or their counsel could submit their views. But as the Judges, upon conference, have found that their opinions entirely concur, and that no one of them entertains a serious doubt upon the subject, they have felt safe, and that it was proper to deliver their opinion at once, in order to remove the difficulty felt by the Senate in determining the pending contest, as far as their opinion can contribute to that end.

The questions depend entirely upon the proper construction of the second clause of the third section of the first article of the amendments to the Constitution of the State. It is, that "all freemen, (except free negroes, &c.) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district, of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate." This language is precise and positive, that the right to vote belongs only to him who is possessed of a freehold. The first enquiry, then, naturally is, what is a freehold, and who is a freeholder, within the meaning of the Constitution?

The term, "Freehold," is a legal one, of very ancient use, and of known signification in the Common Law. It means an estate in land, of which a freeman is seised for the term of his own life, or the life of another, at least. In its proper sense, it is restricted to such an estate at law. In reference to private rights it is always used in pleadings and statutes, as applicable to legal rights and to legal rights only. It has likewise been used in the same sense, in reference to the qualifications of vo-

ters. Long before the settlement of the Colony of North Carolina, the right of voting for a member of parliament was limited, by an ancient Statute of England, to "Freeholders." A conclusive proof, that a freeholder, as meant in that Statute, was as at Common Law, one who had the legal estate in himself, is furnished by the facts, that it required a subsequent Statute in that country to enable a mortgagor of a freehold estate, continuing in possession, to vote, and another to disable the mortgagee from voting, when he is not in the actual possession of the mortgaged premises, or in the permanency of the profits. So, by an Act passed in the year 1760, by our Colonial Legislature, substantially following a previous one of the year 1743, it was thought necessary or useful to define the term, "freeholder," as descriptive of one entitled to vote for Representatives; and therein it was provided, that a person who *bona fide* hath an *Estate Real* for his own life or the life of another, or *an estate* of greater dignity, of a sufficient number of acres of land, should be accounted a "freeholder," and entitled, as such, to vote; and in a subsequent clause, it was further enacted, that the voter must be "possessed of a freehold within the meaning of that act—that is, *an estate real* for life at least—" in fifty acres of land." It is, thus, easy to see, whence the framers of the Constitution, in 1776, and in 1835, derived the notion of the particular qualification of a freehold, and also the terms of its description. Certainly, the settled sense of the word "freehold," as a term of the law descriptive of an estate in land, and in like manner as descriptive of a property qualification of voters, both in the mother country and in this Colony, is that, in which it must be received when used in the Constitution, when prescribing such a qualification for voters.

It may be thought by some persons, that, in favor of the elective franchise, the Constitution should receive an equitable interpretation, enlarging the term "freehold," so as to embrace also, what is called an "equitable freehold." But that instrument is to be fairly construed and received, according to the plain and popular import of its language generally, or

according to their legal sense when it uses technical legal terms. It is not to be cripled by a rigorous adherence to the letter, on one hand, nor stretched out of bounds on the other, by a latitudinous construction of words of definite and well known signification. The very fact of requiring a property qualification, repels all attempts to fritter it away upon a plea of favor to the citizen. The Constitution forbids any such favor, by the plain implication, that such a qualification is deemed indispensably requisite to the security of the citizens, or the stability of the government; and its provisions in this respect ought no more to be enlarged, than restricted, by construction. Now "freehold" and "freeholder," are terms of art, of the definite signification in the law, hitherto mentioned, and therefore they ought so to be understood. It is true, that writers on that peculiar branch of our jurisprudence, which is called Equity, in contradistinction to the common or statute laws, and also Chancellors, sometimes use the expression "equitable freeholder." But, in thus using it, they speak, not in a literal, but a figurative sense. They do not mean, that there really is a freehold in equity; but only that one, who in the view of a Court of Equity, is entitled in *presenti* to the profits of land for life, of which another is seised, is to be regarded in that Court, to many purposes, as if he were seised of the land, instead of being entitled to the use and profits merely. But that refers solely to the beneficial rights of property *in equity*, in respect to the enjoyment, disposition, and transmission of the use by descent, or the like; and not at all to legal rights, or political privileges. To such rights and privileges, the clause in the Constitution relates; and its terms cannot therefore be controlled by any peculiar sense in which a Chancellor might figurately use them in reference to certain equitable interests, which in some respects have a similitude to freeholds in land, but are not really freeholds.

The foregoing considerations have so much weight in establishing the proposition, that a bargainor in such a deed of trust as that supposed, or a mortgagor, is not entitled to vote for a member of the Senate; that the Judges would entertain that opinion on those grounds, were there nothing else bearing on the point. But there are various other reasons, arising out of

the purposes of the provision in the Constitution, and from the nature of such trusts and the rights of mortgagors, which strongly tend to the same result. Undoubtedly, the object in requiring the freehold qualification, was to constitute one branch of the Legislature peculiarly the guardian of property, by having it chosen by the owners of property. To answer that end, the ownership of the property ought to be *bona fide* and substantial, and not colourable and covinous, or nominal merely. Then, it is to be observed, that debtors frequently mortgage their estates, or convey them in trust, as a security for debts to a greater amount than the value of the land. In those cases they have such interests in the equity of redemption or resulting trust, that, while they continue in the possession and enjoyment of the land, they may be called "the equitable freeholders" in the Court of Chancery, though their estates, or rather, interests are, really of no value. It would be a gross abuse of the Constitution for such persons to vote; as they have neither a legal or beneficial property. That might, indeed, be otherwise, if the Constitution required a freehold of a particular value. In that case, possibly, the value of the land above the incumbrance might be deemed or declared to be the measure of the equitable freehold, as it is called. But there can be no such discrimination in this State. No act of the Legislature can add to the qualifications for voting, or take any thing away. No law can now declare what is a freehold, so as to make it different from that described and meant in the Constitution. As therefore, debtors who convey their estates in mortgage or in trust to secure more than their value, cannot, in any just sense, or by any intelligent or upright tribunal, be deemed freeholders, to the purposes of the Constitution, and, as there is no power to create a distinction between such mortgages and deeds of trust, and those in which the debts are less than the value of the estate; it appears to follow necessarily, that no mortgagor, or bargainor in a deed of trust of that kind, is competent to vote. For, as all cannot be admitted to the polls, none can: since they all have rights of the same nature, though of different values in the market, and the Constitution refers exclusively to the quantity of land and the nature of the estate in it, without regard to value in any case.

Moreover, if persons claiming equitable interests under express reservations or declarations of trust were entitled to vote; so, in like manner, would those entitled by way of resulting or implied trusts. Thus, upon a contract for the purchase of a freehold, the vendor before a conveyance becomes a trustee for the vendee, and the latter the equitable owner of the land, provided he has paid the purchase money or performed the contract on his part. But it seems quite clear, that it was not contemplated in the Constitution to make such nice and doubtful equities as often arise out of such dealings, the subject of controversy at the polls, to be decided by the judges of the election. On the contrary, it was proper, that the title to vote should be defined clearly and rendered simple, so that the rights and duties of the citizen could be easily understood and readily determined. By viewing the Constitution in the legal and obvious sense of its language the right to vote is thus defined, and vested in the owner of the land for life—"the freeholder" in possession.

The conclusion of the Judges is, and they are all of opinion, that the bargainor in such a deed of trust, as that supposed, is not entitled to vote for a member of the Senate, in virtue of any trust or interest in the land or in the surplus of its proceeds, after payment of the debts, reserved or resulting to him.

It follows, that a creditor, secured by such a deed, cannot as a *cestui que trust*, vote for a Senator; for he has neither a legal nor an equitable right to the land, but only a right to have his debts raised out of it. Indeed, if a conveyance be made to one upon an express and pure trust for another for life, the reasons already addressed upon the first point, satisfy the Judges, that the *cestui que trust* is not entitled to vote; because, in their opinion, merely equitable interests are not within the purview of the Constitution at all, but proper freeholds only.

Upon the remaining question as framed, namely: Whether the bargainee or trustee in such a deed be entitled to vote, the opinion of the Judges is likewise in the negative. Such a per-

son is a freeholder; and if that by itself would suffice, he would be entitled to vote. But, by the words of the Constitution, one must not only have a freehold, but be "possessed" of it. That is a material, and indeed, essential part of the provision. In legal language, "possessed" is not the appropriate term to describe the quantity of an estate, as being a freehold. Technically, he who has a freehold, is said to be "seised," and we know thereby, that he is fully invested of the estate. "Possessed," then, when applied to a freehold, means something more than that the party is seised for life; for such seisin is implied in the term "freehold," by itself. It can therefore only mean, that the person must be in possession of the land as his freehold. "Possessed," is therefore very properly applied to the term "freehold," in the Constitution—not as denoting merely, that a person hath a lawful right to the land, but further, that he is in the actual enjoyment, by possession or perception of the profits, or at least that no one else is.

As has already been remarked, the policy of the Constitution is, that voters for members of the Senate should have a substantial interest in the country in the form of a freehold, in at least, fifty acres of land. Now, there may be such a freehold; which gives no beneficial interests to the freeholder, in whom the estate was vested for the use and benefit of another entirely. It is manifest that such a freeholder does not stand in such a relation to the property and the country as affords a reasonable expectation, that he will exercise the elective franchise upon the motives and to the ends, for which the property qualification is required. A mere mortgagee, that is, one not in possession, has the estate barely as a security for a sum of money; and a trustee in the like conditionholds the title exclusively for the benefit of others. It often happens, that the legal estate is outstanding in the trustee long after the debts are paid or other trusts are satisfied; in which cases the trustee cannot rightfully enter for any purpose, but is bound to reconvey the land upon request. If such a trustee were allowed to vote, it would plainly violate the policy and meaning of the Constitution, and not

less its language. If however, a mortgagee take actual possession by himself or his lessee, he becomes thereby a freeholder in possession. Indeed, he has a substantial interest, as well as the estate, and is in fact enjoying it, and therefore his right to vote is unquestionable. It is not so obvious, that a trustee, in a deed to secure debts to others, is within the fair sense of the Constitution, though he take possession; and it can hardly be doubted that were the Constitution such an instrument as deals in details, such a trustee would have been expressly excluded, or, had the case occurred to the Convention, that to the words "possessed of a freehold," would have been added "to his own use," or some provision of similar import. But the Constitution, in fact, contains no such qualification upon the right of the freeholder in possession to vote; and therefore though not plainly within the reason of the Constitution a trustee who is in possession, or in the actual receipt of the profits, though not to its own use, is fully within the express words of the provision in the Constitution as it is, and consequently he must be admitted to his vote. For there is no authority for a judicial or legislative interpolation of an exception, that the person must be "possessed to his own use," when the Constitution is not thus qualified, but is expressed in language, not in itself of doubtful import, but having a clear and settled sense.

The question of the Senate has no reference to the possession of the land by the trustee, and it must therefore be understood as referring to the right of a trustee to vote by force, merely, of the conveyance to him, vesting the legal freehold in him.— Thus understood, the answer of the Judges to it is, that in their opinion, such a trustee is not entitled to vote.

But, at the same time, they deem it their duty to say further, that they are likewise of opinion, that if a mortgagee go into possession of the mortgaged premises or receives the profits, or if a trustee, in such a deed as that all along supposed, actually enter into possession, or take the profits for the requisite period, then the former, undoubtedly, and in the opinion of the Judges, the latter also, is entitled to vote for a member of the Senate.

It will be observed, that the effect of these answers is, that, except when the Trustee is in possession, neither the Bargainor nor the Trustee can be allowed to vote. It may possibly occur to the minds of some, as an objection to the principles laid down, that the land is thereby excluded from representation altogether, and in so doing, that the Constitution is disregarded. But the objection, though it may at first appear plausible, has no real force, for the land is in no case represented. The right is in the owner. It is true, the right is conferred on him in respect to the land. But it is only for the security of his rights and interests as a citizen and owner of land; and he is not obliged by the Constitution to vote; or, after once acquiring the right to vote, not to part from it. The truth is, that there is a great deal of land on which no one votes or can vote; as, for example, that belonging to single women and infants, and to persons residing in a different district from that in which the land lies. So, if one conveys his land in such a manner as not to leave in himself a "freehold," he, of course, parts with his right to vote, though he continued to occupy the land. But it does not follow, that by depriving himself of that right, he transfers it to the alienee of the freehold. For, while the former owner cannot vote for the want of a freehold, the new owner does not become entitled to vote by having the "freehold," unless he has also become "possessed" of it. There is, consequently, no inconsistency in holding that neither of them is entitled, when the Trustee is not in possession either actually or by receipt of the profits.

I am, sir, with very great respect,

Your most obedient servant,

THOMAS RUFFIN.

To the Hon. Calvin Graves, Speaker of the Senate.

The following engrossed bills were then read the second and third times, passed, and ordered to be enrolled, viz:

A bill to establish a Board of Directors for the Deaf and Dumb Institution in this State.

A bill supplemental to an act passed at the present General Assembly, repealing the law establishing the county of Polk.

A bill to amend the 1st section of the 109th chapter of the Revised Statutes, entitled "An act concerning Sheriffs."

A bill to amend an act to authorise A. R. S. Hunter, of Macon County, to erect a bridge across Hiwassee River, passed at the Session of 1834.

The engrossed bill to provide for the re-assessment of the lands in the counties of New Hanover, Bladen, &c., was read the second and third times, amended, on motion of Mr. Drake, by extending its provisions to the county of Nash; passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill in relation to Sheriffs, Clerks of the County and Superior Courts, Clerks and Masters, was read the third time, passed, and ordered to be engrossed.

Mr. Gilmer introduced a bill to incorporate the Head Buffaloe Volunteer Company; which was read the first time and passed.

On motion, the Senate adjourned.

FRIDAY, JAN. 19, 1849.

Mr. Walker, from the committee of Propositions and Grievances, to whom was referred a resolution in favor of John Maxwell, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred the memorial of Joseph Kearney and H. Cooke, reported a resolution in their favor; which was read the first time and passed.

A message was sent to the House of Commons, asking their concurrence in the following engrossed bills and resolutions, which have been passed by the Senate, viz:

A bill to amend the 10th section of the 102d chapter of the Revised Statutes, concerning Pedlars.

A resolution in favor of J. H. Van Bokelin, keeper of the Public Arms.

Resolution in favor of Charles H. Stevens, Administrator on the estate of G. W. Melvin, late Sheriff of Bladen county.

A bill to secure the purchasers of lands sold under execution.

Received also from the House of Commons, a message stating that they had passed the engrossed bill entitled a bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia, and asking the concurrence of the Senate in certain amendments made thereto. The said amendments were concurred in, and the House of Commons were informed thereof.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to repeal an act entitled "An Act more effectually to prevent the imprisonment of honest Debtors, and direct the manner in which issues shall be tried," reported the same to the Senate, and recommended its rejection.

Ordered, to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill for the more speedy administration of Justice in certain cases, reported the same to the Senate, and recommending its passage.

Ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz:

A bill to amend an act passed at the last session of the General Assembly of North Carolina, 1846-7, entitled an act to amend an act passed at the Session of 1827, entitled an act to prevent the obstruction of the passage of fish up Roanoke and Cashie Rivers.

A bill to lay off and establish a Public Road, beginning at the Trap Hill, in Wilkes County, and running across the Blue Ridge to Gap Civil, in the county of Ashe.

A bill to repeal a part of an act of the General Assembly of 1844-5, chapter 14.

A resolution in favor of Joseph Livingston.

A bill concerning the mode of Widows' dissenting from the

last Will and Testament of deceased Husbands in certain cases.

And, Resolution in favor of Horace L. Robards.

Said bills and resolutions were read the first time and passed.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the Order of the Day, being the Resolutions introduced by Mr. Gilmer, in reference to the votes of Bargainors, Trustees, and *Cestuis que Trust*, in the Contested Election from the 37th Senatorial District.

Said Resolutions were read the second time. Mr. Ashe called for a division of the question, and the vote was taken on the first Resolution, viz:

Be it Resolved, That all the votes of Bargainors in Deeds of Trust, given to either of the parties, are illegal.

Decided in the affirmative, yeas 35, nays 4.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Bethell, Bower, Conner, Daniel, Davidson, Eborn, Exum, Faison, Gilmer, Graham, Hawkins, Hester, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Washington, Watson, Willey, Woodfin, Wooten, Worth and Walker.

Those who voted in the negative are:

Messrs. Ashe, Collins, Drake, and Ward,

The call for the yeas and nays was then withdrawn by Mr. Gilmer, and allowed by the Senate. The question was taken on the second and third resolutions, as follows:

2. *Be it further Resolved*, That all the votes of Trustees in deeds of Trust, given as aforesaid, are illegal.

3. *Be it further Resolved*, That all the votes of cestui que trust, given as aforesaid, are illegal—and decided in the affirmative. On motion, the said resolutions were read the third time and passed.

The bill to incorporate the Charlotte and Danville Railroad Company, being one of the orders of the day, was taken up,

and on motion of Mr. Lillington, laid on the table for the present.

The Senate, on motion of Mr. Patterson, proceeded to the consideration of the bill entitled a bill to provide relief for the purchasers of the Cherokee Lands at the session of 1838, and to secure a portion of the debts due the State.

Mr. Albright moved to amend the bill by striking out the 7th section, as follows, viz:

And Whereas, It may happen that in some cases the purchasers of Cherokee Lands at the sale of 1838, as aforesaid, have paid in full for the lands so purchased by them, and there is no reason why they should not be placed on the same footing as those who have not paid in full, or those who have been returned insolvent.

Be it further enacted, That in all cases, the said purchasers, on making application to the Board of valuation, as required by this act, shall be entitled to all the benefits and privileges herein granted to those who have not paid in full, and upon its appearing to the agent, after making a calculation as provided for in the 4th section of this act, that any such purchaser has paid more than the valuation placed upon the land by the Board of Valuation, he shall give to said purchaser a certificate, setting forth the amount of said excess or over payment, and the same purchaser shall be at liberty to take in payment of the same, any of the lands surrendered under the act of 1844, and valued under the act of 1846, or any of the lands which have been surrendered since, at such valuation, as has been or may be placed upon them by said Board. *Provided*, That in all cases where an excess or overpayment is found to exist, the original purchaser, in whose favor it is found, shall, in the selection of the lands to satisfy the same, have due regard to the claims of the original purchasers of said lands, who shall have a priority in all cases, for the term of three months, and after that period, the purchaser or purchasers, having made the overpayment, shall have a priority over second persons to take any aforementioned lands in discharge of such excess or overpayment, and in case any such person shall de-

sire to take a tract of land, the value of which is greater than the amount of excess certified to have been paid by such purchaser, he shall be at liberty to do so by executing to the agent aforesaid, his, her, or their bonds, with good security for the amount of difference, payable as provided in the fourth section of this act.

Decided in the affirmative. Yeas 22, Nays 12.

Mr. Albright demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Collins, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Hargrove, Hester, Lillington, Moye, Rogers, Shepard, Smaw, Speight, Spicer, Thompson of Wake, Watson, Willey, and Worth.

Those who voted in the negative are:

Messrs. Conner, Graham, Miller, Murchison, Patterson, Reich, Smith, Thomas of Davidson, Thomas of Haywood, Ward, Washington, Woodfin, and Wooten.

Mr. Worth moved that the bill be postponed indefinitely. Decided in the negative; Yeas 11, Nays 26.

Mr. Thomas, of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Drake, Eborn, Exum, Hester, Moye, Rogers, Walker, Watson, and Willey.

Those who voted in the negative are:

Messrs. Ashe, Bell, Bower, Collins, Conner, Daniel, Davidson, Faison, Gilmer, Graham, Hawkins, Lillington, Miller, Murchison, Patterson, Reich, Smaw, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood, Ward, Washington, Woodfin, and Worth.

The question was then taken on the passage of the bill its second reading, and decided in the affirmative; Yeas 27, Nays 12.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Albright, Ashe, Bell, Bower, Collins, Conner, Daniel, Davidson, Gilmer, Graham, Hawkins, Lillington, Miller, Murchison, Patterson, Reich, Smaw, Spicer, Thompson, of Wake, Thomas, of Davidson, Thomas, of Haywood, Walker, Ward, Washington, Woodfin, Wooten, and Worth.

Those who voted in the negative are :

Messrs. Barnard, Drake, Eborn, Exum, Hester, Moye, Rogers, Shepard, Smith, Speight, Watson, and Willey.

Mr. Gilmer introduced a bill to incorporate the Greensborough Fire Engine Company, in the town of Greensborough ; which was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to incorporate the Dan River Mechanics' Association, in the town of Milton, was read the second and third times, amended on motion of Mr. Thompson, of Wake, passed, and ordered to be engrossed.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled A Bill to incorporate the North Carolina Rail Road Company, in which they ask the concurrence of the Senate. Read first time and passed.

The following bill and resolution were read the second and third times, passed, and ordered to be engrossed, viz :

A bill to amend the 4th section of the 65th chapter of the Revised Statutes.

Resolution authorising the Treasurer of the State to sell certain Town Lots.

The bill concerning the Supreme Court holding its Sessions at Morganton, was read the second time, and on motion of Mr. Woodfin, laid on the table.

The bill to amend the 136th section, chapter 31, of the Revised Statutes, was read the second time,and on motion of Mr. Smith, postponed indefinitely.

So also, the bill to impose taxes on Transient Merchants, in the incorporated towns of this State.

The resolution relating to a call session of the Legislature, was read the second time, and on motion of Mr. Worth, ordered to lie on the table.

The bill assenting to the purchase by the United States of certain parcels of land on the Cape Fear river, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to repeal in part an act entitled an act to prevent the destruction of Oysters, was read the second time, and on motion of Mr. Gilmer, the said bill was referred to the Senator from Craven, to report on the same.

The bill to view and lay off the Iron Mountain road along Big Rock Creek, was read the second and third times, passed, and ordered to be engrossed.

The bill to authorise the Superintendants of Common Schools, of Rowan county, to invest a portion of its funds, was read the second and third times, and on motion of Mr. Moye, amended by extending its provisions to the County of Edgecombe, and passed. A message was sent to the House of Commons, asking their concurrence in said amendment.

The bill to alter the 8th section of the 89th chapter of the Revised Statutes, so far only as to provide that the action therein given, shall be in the name of the State of North Carolina, was read the second and third times, passed, and ordered to be engrossed.

The bill to incorporate the Head Buffaloe Volunteer Company in the county of Guilford, was read the second and third times,

amended, on motion of Mr. Gilmer, passed, and ordered to be engrossed.

The Resolution respecting the Entries of Cherokee land claims in the Books of the Comptroller, was read the second time, and on motion of Mr. Patterson, laid on the table.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz :

A bill to authorise Cornelius Shields to build a bridge across Bear Creek, in the County of Moore.

A bill to amend the acts heretofore passed for the better regulation of the town of Wilmington.

The bill to establish a Turnpike Road in the County of Yancy, was read the second time and passed.

The engrossed bill to appoint Commissioners to lay off a Road in Wilkes county, was read the second and third times, amended on motion of Mr. Patterson, and passed.

Ordered, that a message be sent to the House of Commons, asking their concurrence in said amendment.

On motion, the Senate then adjourned.

SATURDAY, JAN. 20.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, in which they ask their concurrence, viz :

A bill to amend the 4th chapter Revised Statutes, entitled an act concerning appeals and proceedings in nature of appeals.

A bill to amend the 13th chapter Revised Statutes, entitled an act concerning Bills, Bonds, and Promissory Notes.

A bill to amend an act entitled an act to provide for the sale of certain lands in Cherokee and Macon counties, which have been surrendered to the State.

A bill to amend the 4th section, chapter 65, Revised Statutes.

A bill in relation to Sheriffs, Clerks of the County and Superior Courts, and Clerks and Masters.

A bill to provide for the improvement of Club Foot and Harlow's Creek Canal.

A resolution authorising the State Treasurer to sell certain town lots.

And a resolution in favor of Scoope Enloe.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

Resolution relating to M. Vattemare's system of Literary and Scientific Exchanges.

A bill to provide for the support of the system of International Literary and Scientific Exchanges.

A bill to incorporate Germanton Lodge of Ancient York Masons, in the county of Stokes.

Resolution in favor of Young Patterson.

A bill to incorporate the town of Sladesville, in Hyde county. And

By three-fifths of that House, A bill providing for the Amendment of the Constitution of the State of North Carolina.

Said Bills and Resolutions were read the first time and passed.

The Resolutions and Bill relating to M. Vattemare's system of International, Literary, and Scientific Exchanges, were on motion, read the second and third times, and passed unanimously, and ordered to be enrolled.

On motion of Mr. Shepard, the foregoing engrossed bill, providing for the Amendment of the Constitution of the State, was made the special order of the day for Monday next.

Mr. Albright introduced a resolution in reference to the printing of the Acts of the Assembly in future; which was read the first time and passed.

Mr. Moye introduced a bill entitled a bill to prevent obstructions to the passage of fish up the waters of Swift Creek, which was read the first time and passed.

The resolution in favor of S. M. Preston, was read the second and third times, amended on motion of Mr. Woodfin, so as to extend its provisions to Stephen Lee and James H. Norwood, Principals of the Asheville Military Academy and Classical School, in the county of Buncombe, and passed. Ordered, that said resolution be engrossed.

The resolutions on the subject of the Raleigh and Gaston Rail Road, were read the third time and passed. Ordered to be engrossed.

On motion of Mr. Smith, the bill to amend an act entitled an act to consolidate the acts heretofore passed on the subject of Common Schools, was taken up, the question being on the adoption of the substitute proposed by Mr. Speight. Before the question was taken, the further consideration thereof, was postponed for the present.

A message from the House of Commons, proposing to adjourn the two Houses *sine die*, on Monday the 29th instant, was, on motion of Mr. Shepard, laid on the table.

Mr. Shepard moved that a message be sent to the House of Commons, proposing that the two Houses adjourn on Saturday the 27th instant, without day.

On motion of Mr. Exum, said motion was laid on the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill, granting to the Superior Courts of the counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, and asking the concurrence of the Senate therein.

Said bill was read the first time and passed.

Also, a message stating that they have passed the engrossed resolution in favor of Ailsey Medlin, of Franklin, which was read the first time and passed.

Also, stating that they concur in the amendment made by the Senate to the bill providing for a reassessment of the lands in the counties of New Hanover, Brunswick and other counties.

Also, asking the concurrence of the Senate in an Engrossed

Bill to abolish Jury Trials in Burke County Court. Said bill was read the first time and passed.

The Senate then proceeded to the consideration of the order of the day, viz:

The reports and resolutions from the committee of Privileges and Elections, in reference to the contested election from the 37th Senatorial District.

Mr. Moye introduced the following resolution, viz:

Resolved, That the Senate confirm all the votes agreed on by a majority of the committee, which votes do not conflict with the opinion of the Supreme Court, and the Senate then take up the votes that are alleged to be illegal, given to Mr. Waddell, and apply the evidence and determine them, and then the votes that are alleged to be illegal, given to Mr. Berry, and apply the evidence to them, and determine the whole matter accordingly.

Pending the question on said Resolution, the Senate took a recess.

THREE O'CLOCK, P. M.

The unfinished business of the morning, in reference to the Contested Election from the 37th Senatorial District, was postponed until Monday, and made the order of that day at 3 o'clock, P. M.

Mr. Smith introduced the following Resolution, viz:

Resolved, That in proceeding with the Contested Election from the Senatorial District, of Orange, the following rules be adopted, viz:

1st. The case of Trustees, Bargainors in Trust, and Cestuis que Trust, who voted in said election, will first be considered.

2nd. The alleged illegal votes given to the sitting member.

3rd. The alleged legal votes offered for the sitting member and refused.

4th. The alleged illegal votes given to the contestant.

5th. The alleged legal votes offered for the contestant and refused.

6th. In examining each class of votes given or refused, each vote will be considered and disposed of by itself in the following order, to wit:

1st. The evidence tending to impeach the vote shall first be read.

2nd. The evidence tending to support it.

3rd. When the evidence in each case has been read, the parties may be heard in person, or by counsel, and the Senate shall afterwards proceed to consider and decide it.

7th. When the investigation is finished, and the votes disposed of, the State of the polls as returned by the Sheriff of Orange, shall be reformed according to the decisions of the Senate, and the Senate shall thereupon proceed to determine who is entitled to the seat in the contest.

On motion of Mr. Ashe, said Resolutions were laid on the table.

On motion of Mr. Thomas, of Haywood, the Senate took up for consideration the bill to provide relief for the purchasers of Cherokee lands, of the sales of 1838, and to secure a portion of the debts of the State.

Mr. Patterson moved to amend the bill by adding the section which was stricken out on its third reading, extending the provisions of the bill to those who have paid in full for the purchase of Cherokee lands. Decided in the affirmative—yeas 22, nays 16.

Mr. Patterson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Conner, Davidson, Drake, Gilmer, Graham, Lane, Lillington, Miller, Murchison, Patterson, Shepard, Smith, Speight, Thomas, of Davidson, Washington, Willey, Woodfin, Wooten and Worth.

Those who voted in the negative are:

Messrs. Albright, Berry, Bower, Collins, Daniel, Exum, Faison, Hawkins, Hester, Reich, Rogers, Spicer, Thompson, of Wake, Walker, Ward, and Watson.

The question was then taken on the passage of the bill its third reading, and determined in the affirmative. Yeas 24, Nays 14.

Mr. Albright demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Conner, Daniel, Davidson, Faison, Gilmer, Graham, Miller, Murchison, Patterson, Reich, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Albright, Barnard, Collins, Drake, Exum, Hawkins, Hester, Lillington, Rogers, Smith, Speight, Spicer, Watson, and Willey.

Ordered that said bill be engrossed.

The engrossed bill to incorporate the North Carolina Rail. road Company, was read the second time, on motion of Mr. Thomas, of Davidson, and passed; yeas 22, nays 19.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Patterson, Reich, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Watson, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bethell, Bower, Collins, Conner, Drake, Exum, Hester, Moye, Murchison, Rogers, Smith, Speight, Spicer, Walker, Ward, Willey, and Wooten.

On motion of Mr. Washington, the vote by which the bill to impose Taxes on Transient Merchants in the Incorporated Towns in this State was postponed indefinitely, was reconsidered, and said bill was laid on the table.

The Senate then adjourned.

MONDAY, JANUARY 22.

A message was sent to the House of Commons, stating that the Senate had passed the following engrossed bills and resolutions, in which they ask the concurrence of that body, viz:

A bill to amend the 10th chapter of the Revised Statutes, relating to bail.

A bill to incorporate the Dan River Mechanics' Association, in the town of Milton.

A bill to amend an act entitled an act to incorporate a Mutual Insurance Company, in the State of North Carolina.

A bill assenting to the purchase, by the United States, of certain parcels of land on the Cape Fear River, and ceding the jurisdiction of North Carolina over the same.

A bill to incorporate the Greensboro' Fire Engine Company, in the town of Greensboro'.

A bill to alter the 8th section of the 89th chapter of the Revised Statutes.

A bill to incorporate the Head Buffaloe Volunteer Company.

A bill to provide relief for purchasers of Cherokee Lands, at the sale of 1838, and to secure a portion of the debts of the State.

Resolution in favor of S. M. Preston and others.

Resolution in favor of Isham Hancock.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions from the Senate, on the subject of Slavery in the Territories, with the fol-

lowing amendment, in which they ask the concurrence of the Senate, viz:

6. *Resolved*, That we believe the People of North Carolina, of all parties, are devotedly attached to the Union of the States, that they regard it as a main pillar in the edifice of real Independence—the support of tranquility at home, of peace abroad, of safety, of prosperity, and of that very liberty, they so highly prize—that they cherish a cordial, habitual, and immoveable attachment to it, and that they watch for its preservation with jealous anxiety—that they believe it the duty of their public servants to discountenance whatever may suggest even a suspicion that it can in any event be abandoned, and to repel indignantly every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

Said amendment was concurred in; Yeas 33, Nays 3.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Bethell, Bower, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Shepard, Smith, Spicer, Thomas of Davidson, Thomas of Haywood, Thompson of Wake, Washington, Watson, Willey, Woodfin, and Wooten.

Those who voted in the negative are:

Messrs. Collins, Moye, and Speight.

Mr. Murchison introduced a bill to incorporate the Cape Fear Steam Boat Company, which was read the first time and passed.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to amend an act of the General Assemby of N. C., passed at its session of 1846-7, entitled "an act to alter the mode of electing Wardens of the Poor; chapter 62."

A bill to facilitate the collection of certain debts given for Cherokee Lands, and other purposes.

A bill to lay off a road in Yancy county, from Flat Rock to the Burnsville and Indian Gap Road.

A bill to prevent fishing near the mouth of Raymond's Creek, in Camden County.

A bill to prevent the sale of spirituous liquors within a certain distance of Floral College.

Said bills were read the first time and passed.

The Senate then proceeded to the consideration of the bill to amend the act in relation to Common Schools; the question being on the adoption of the amendment proposed by Mr. Gilmer, viz: To restore the first section of the original bill, requiring the Justices of the several counties to levy a tax in the same manner that other county taxes are now levied for other county purposes, which shall not be less than one third of the estimated amount to be received by each county for that year, from the Literary Board.

Said amendment was adopted; yeas 20, nays 17.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Albright, Ashe, Bell, Bethell, Davidson, Eborn, Gilmer, Graham, Joyner, Lillington, Miller, Murchison, Rowland, Shepard, Smith, Thompson of Davidson, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Bower, Collins, Conner, Daniel, Drake, Exum, Faison, Hester, Moye, Reich, Rogers, Speight, Spicer, Thompson of Wake, Walker, Watson, and Wooten.

After the adoption of sundry amendments, on motion of Mr. Speight, the bill was laid on the table.

The Senate then proceeded to the consideration of the order of the day, being a bill to provide for the amendment of the Constitution of the State of North Carolina.

Mr. Gilmer moved to amend the Preamble to the bill, by

striking out the word "Commonwealth," and inserting the word "State." Adopted.

Mr. Shepard moved to amend the bill by striking out the preamble thereof; which was rejected—yeas 20, nays 26.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Faison, Hargrove, Hawkins, Joyner, Kendall, Murchison, Rogers, Rowland, Shepard, Smith, Spicer, Thompson of Wake, Washington, and Willey.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Gilmer, Graham, Hester, Lane, Lillington, Miller, Moye, Patterson, Reich, Smaw, Speight, Thomas, of Davidson, Thomas, of Haywood, Walker, Watson, Woodfin, Wooten, and Worth.

Mr. Hawkins moved that the bill be postponed indefinitely. Decided in the negative; Yeas 18, Nays 28.

Mr. Hawkins demanded the yeas and nays.

Those who voted in the affirmative are;

Messrs. Albright, Barnard, Daniel, Davidson, Eborn, Faison, Hargrove, Hawkins, Joyner, Miller, Rogers, Shepard, Smaw, Smith, Spicer, Thompson of Wake, Washington, and Willey.

Those who voted in the negative are:

Messrs. Ashe, Bower, Berry, Bell, Bethell, Collins, Conner, Drake, Exum, Gilmer, Graham, Hester, Kendall, Lane, Lillington, Moye, Murchison, Patterson, Reich, Rowland, Speight, Thomas of Davidson, Thomas, of Haywood, Walker, Watson, Woodfin, Wooten, and Worth.

Mr. Woodfin moved to amend, by adding the following as the second section of the bill, viz:

Be it further enacted, (three-fifths of the members of each House concurring,) that the first section of the first article of the amended Constitution be amended, by striking out in the seventh line the words, "public Taxes paid into the Treasury of the State by the citizens thereof, and the average of the

Public Taxes paid by such county into the Treasury of the State for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment," and insert in lieu thereof, the words "Free White population." In the fourteenth line of the same section, strike out the word "taxation," and insert in lieu thereof, the words "Free White population," and in the seventeenth line, strike out the word "taxation," and insert in lieu thereof, "Free White population."

Mr. Smith moved to amend the amendment, by adding thereto the following, viz:

Be it further enacted, That the following words contained in the second clause of the third section of the fourth article of the amended constitution, viz: "*free*," and the words, "*all slaves over the age of twelve years and under the age of fifty years*," be stricken out, so that said section shall read as follows:

"All males over the age of twenty-one years, and under the age of forty-five years, shall be subject to capitation tax, and no other person shall be subject to such tax, provided that nothing herein contained, shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity."

The question on the amendment, to the amendment, was decided in the negative; yeas 19, nays 28.

Mr. Smith demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Ashe, Barnard, Bell, Drake, Eborn, Exum, Hargrove, Joyner, Rogers, Rowland, Shepard, Spicer, Smaw, Smith, Thompson, of Wake, Washington, Watson, and Willey.

Those who voted in the negative are:

Messrs. Albright, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Faison, Gilmer, Graham, Hester, Kendall, Lane, Lillington, Moye, Miller, Murchison, Patterson, Reich,

Speight, Thomas, of Davidson, Thomas, of Haywood, Walker, Ward, Woodfin, Wooten, and Worth.

Mr. Gilmer moved to amend the amendment proposed by Wooodfin, by striking out the words, "*free white*," wherever they occur and inserting in lieu thereof, the word "*federal*." Decided in the negative; yeas 8, nays 37.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Daniel, Eborn, Gilmer, Lane, Shepard, Smith, Smaw, and Thompson of Wake.

Those who voted in the negative are:

Messrs. Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Kendall, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Speight, Spicer, Thomas of Davidson, Thomas of Haywood, Walker, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

The question was then taken on the amendment proposed by Mr. Woodfin, and decided in the negative; yeas 16, nays 31.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Gilmer, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Thomas, of Davidson, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Eborn, Exum, Faison, Graham, Hawkins, Hester, Joyner, Moye, Murchison, Reich, Rogers, Rowland, Smaw, Smith, Speight, Spicer, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Washington, Watson, Wooten, and Willey.

Mr. Gilmer moved to amend the bill by inserting the following as an additional section, viz:

Be it further enacted, (Three fifths of the members of each

House concurring,) that the first section of the first article of the amended Constitution, be amended as follows: strike out the following paragraph, viz: "2nd. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons; and each county shall have at least, one member in the House of Commons, although it may not contain the requisite ratio of population;" and in lieu thereof insert the following:

"Section 2nd. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties, according to free white population, and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of free white population."

The question on said amendment, was decided in the negative; yeas 13, nays 34.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Thomas of Davidson, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Eborn, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Joyner, Moye, Murchison, Reich, Rogers, Rowland, Smaw, Smith, Spicer, Speight, Thomas, of Haywood, Thompson of Wake, Ward, Washington, Watson, Willey, and Wooten.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Received from the House of Commons, a message stating that they have concurred in the amendments of the Senate to a bill to appoint Commissioners to lay off a Road in Wilkes County. Also, the amendment to the bill to authorise the Superintendant of Common Schools of Rowan County, to invest a portion of its funds.

The Senate then proceeded to the consideration of the order of the day, being the Reports and Resolutions from the committee on Privileges and Elections, in relation to the Contested Election from the 37th Senatorial District, and after some time spent in hearing the Counsel of Mr. Berry, who addressed the Senate, in favor of the Report and Resolutions submitted by the Chairman of the Committee, before he had concluded, on motion of Mr. Bower, the Senate adjourned—yeas 36, nays 3.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Bell, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Joyner, Lane, Lillington, Miller, Moye, Murchison, Reich, Rogers, Rowland, Shepard, Smith, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Walker, Ward, Washington, Watson, Willey, and Wooten.

Those who voted in the negative are :

Messrs. Eborn, Gilmer, and Woodfin.

TUESDAY, JAN. 23.

The engrossed bill to incorporate Rock Spring Tent, No. 180, Independent Order Rechabites, in the town of Wilming-

ton, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill, providing for the amendment of the Constitution of the State of North Carolina, being a part of the unfinished business of yesterday, was taken up, and the question on its passage the second reading, was decided in the negative, (three-fifths of the whole number of the members of the Senate not voting in the affirmative) Yeas 25, Nays 19.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Graham, Hester, Kendall, Lillington, Moye, Murchison, Reich, Speight, Thomas, of Davidson, Thomas, of Haywood, Walker, Ward, Washington, Woodfin, Wooten, Watson, and Worth.

Those who voted in the negative are :

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Faison, Gilmer, Hargrove, Hawkins, Miller, Patterson, Rogers, Shepard, Smaw, Smith, Thompson, of Wake, and Willey.

The Senate then proceeded to the consideration of the unfinished business of yesterday, being the Reports and Resolutions from the Committee on Privileges and Elections. After some time spent in hearing the Counsel of Mr. Berry, the Senate took a recess.

THREE O'CLOCK, P. M.

The Senate resumed the consideration of the unfinished business of the morning, being the Reports and Resolutions from the Committee on Privileges and Elections, in relation to the Contested Election from the 37th Senatorial District.

After some time spent thereon, and before any question was taken, on motion of Mr. Thompson, of Wake, their further consideration was postponed until to-morrow afternoon, three o'clock.

On motion of Mr. Ashe, the Senate adjourned.

WEDNESDAY, JANUARY 24.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz :

A bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers above Fayetteville.

A bill to incorporate the Wilmington Thalian Association.

A bill to incorporate the Fayetteville and Western Plank Road Company.

A bill to amend the 24th chapter of the Revised Statutes.

A bill to authorise Major John Clark, of Beaufort County, to make a road on his own land, from Pautego to the head of Pungo, and to receive toll for the same.

A bill to amend the act incorporating Rockford, in Surry County.

Resolution in favor of N. B. Marriner, late Sheriff of Martin County.

Said bill and resolution were read the first time and passed.

The engrossed resolution in favor of Horace L. Robards, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message transmitting a message from Governor Manly, with accompanying communication from the President of the Raleigh and Gaston Railroad, and proposing to print. Concurred in.

On motion of Mr. Bethell, the Senate took up for consideration the message from the House of Commons, proposing that the two Houses adjourn *sine die*, on Monday next, the 29th inst.

The proposition was concurred in—yeas 42, nays 4.

Mr. Bethell demanded the yeas and nays

Those who voted in the affirmative, are:

Messrs. Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hawkins, Hargrove, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Speight, Spicer, Thomas, of Haywood, Thompson of Wake, Walker, Ward, Watson, Willey, Woodfin, Wooten and Worth.

Those who voted in the negative are:

Messrs. Ashe, Smith, Thomas of Davidson, and Washington.

The engrossed Resolution in favor of Ailsey Medlin, of Franklin county, was read the second time, on motion of Mr. Miller.

Mr. Thomas, of Haywood, moved to amend the resolution by striking out all after the word "Resolved," and inserting the following, viz: "Whereas, the land for which compensation is claimed by Ailsey Medlin, escheated to, and was sold for the use of the University, the Trustees of the University are hereby authorised to pay Ailsey Medlin, out of the funds belonging to the University, the amount received from the land of Ailsey Medlin, with interest from the time it was received, until payment is made."

On motion of Mr. Bethell, the resolution and amendment were postponed until to-morrow morning, 11 o'clock.

The bill making better and more suitable provisions for femes covert, was read the third time, passed, and ordered to be engrossed; yeas 33, nays 8.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Bethell, Bower, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Hester, Kendall, Lane, Shepard, Smith, Speight, Spicer, and Willey.

Mr. Moye, from the select committee, to whom was referred a resolution instructing them to enquire into the expediency of further legislation to remove obstructions to the passage of fish up Fishing Creek, reported that no further legislation is necessary, and asked to be discharged. Concurred in, and Committee discharged accordingly.

Mr. Washington, to whom was referred an engrossed bill to repeal in part an act entitled "an act to prevent the destruction of Oysters," reported sundry amendments to the bill, which were concurred in; and on motion of Mr. Bell, the bill as amended, was laid on the table.

The Senate, on motion of Mr. Murchison, proceeded to the consideration of the Engrossed bill to incorporate the Fayetteville and Western Plank Road Company, on its second reading. The question thereon, was decided in the affirmative—yeas 22, nays 20.

Mr. Hester demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Murchison, Patterson, Rowland, Shepard, Smaw, Thomas of Davidson, Thomas of Haywood, Thompson, of Wake, Washington, Woodfin and Worth.

Those who voted in the negative are:

Messrs. Barnard, Bethell, Conner, Collins, Drake, Exum, Faison, Graham, Hester, Kendall, Miller, Moye, Reich, Rogers, Speight, Spicer, Walker, Ward, Watson and Willey.

On motion of Mr, Worth, the Senate took up the engrossed bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers above Fayetteville.

Mr. Bower moved to amend the bill by adding thereto sundry sections, incorporating the Charlotte and Danville Railroad Company.

Pending the question on this amendment the Senate took a recess.

THREE O'CLOCK, P. M.

The following bills and resolutions were read the second and third times, passed, and ordered to be engrossed, viz :

A bill to prevent obstructions to the passage of fish up the waters of Swift Creek, in the County of Edgecombe.

Resolution in favor of John Maxwell.

On motion of Mr. Smith, the bill to amend the acts now in force on the subject of Common Schools, was taken up, read the third time and passed, and ordered to be engrossed; yeas 24, nays 18.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Bell, Bethell, Bower, Davidson, Eborn, Faison, Graham, Hargrove, Hawkins, Kendall, Miller, Patterson, Rowland, Shepard, Smith, Speight, Thomas of Davidson, Thompson, of Wake, Washington, Watson, Willey, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Collins, Conner, Daniel, Exum, Gilmer, Hester, Joyner, Lane, Lillington, Moye, Murchison, Rogers, Smaw, Spicer, Walker, Ward, and Woodfin.

The Senate then took up for consideration the orders of the day, being the reports and resolutions from the committee on Privileges and Elections, in relation to the contested election from the 37th Senatorial District.

On motion of Mr. Lillington, the consideration of said report and resolutions was postponed until Friday afternoon, 3 o'clock; yeas 23, nays 21.

Mr. Conner demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are :

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

The Senate then proceeded to the consideration of the unfinished business of the morning, being the engrossed bill supplemental to an act passed at the present session of the Legislature to improve the Cape Fear and Deep rivers, the question being on the amendment proposed by Mr. Bower. Said amendment was withdrawn. The bill then passed its second reading; yeas 25, nays 15.

The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative are :

Messrs. Ashe, Bell, Bethell, Bower, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are :

Messrs. Barnard, Collins, Conner, Exum, Faison, Graham, Miller, Moye, Rogers, Spicer, Walker, Ward, Watson, Willey, and Wooten.

The bill to incorporate the Charlotte and Danville Railroad Company, was read the second time and passed; yeas 23, nays 17.

Mr. Exum demanded the yeas and nays

Those who voted in the affirmative, are :

Messrs. Ashe, Bell, Bethell, Bower, Conner, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Smaw, Thomas, of Haywood, Walker, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Collins, Drake, Eborn, Exum, Faison, Graham, Moye, Rogers, Shepard, Speight, Spicer, Thompson of Wake, Ward, Watson, Willey, and Wooten.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz :

A bill to authorise A. H. Erwin to establish a Toll Bridge over the Catawba river, in the county of Burke.

A bill to incorporate the Granville County Mechanics' Association.

The bill to incorporate the La Fayette Division, No. 2, of the Order of the Sons of Temperance, in the town of Fayetteville, was read the second and third times, passed, and ordered to be engrossed.

The resolution in favor of B. F. Moore, Esq, was read the second and third times, passed, and ordered to be engrossed.

The following bills and resolutions were read the second and third times, passed, and ordered to be engrossed, viz :

A bill to incorporate the Fayetteville and Cape Fear Steam Boat Company.

A bill in relation to Justices of the Peace.

A bill to revise an act entitled an act to incorporate the North Carolina and South Carolina Railroad Company.

Resolution in relation to the distribution of Military Tactics.

Resolution relating to the Public Arms.

The bill to repeal the 48th chapter of the Acts of the General Assembly, passed in 1846, was read the second time and rejected.

The bill to establish a Turnpike Road in Yancy county, was read the third time, passed, and ordered to be engrossed. Also, the bill to supply an omission in 46th chapter Revised Statutes, entitled Executors and Administrators.

The bill to incorporate the Young Mens' Missionary Society, in the town of Salem, in the county of Forsythe, was read the second time and passed; Yeas 23, Nays 17.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bell, Bower, Collins, Davidson, Drake, Faison, Gilmer, Graham, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Smith, Thomas, of Davidson, Thomas, of Haywood, Walker, Willey, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Daniel, Eborn, Exum, Hester, Moye, Speight, Ward, and Watson.

The bill was then read the third time and passed. On motion of Mr. Bower, said vote was reconsidered, and he moved to amend the bill, so as to limit the amount of property which said corporation shall hold, to ten thousand dollars. Before the question was taken on this motion, the Senate adjourned, according to a motion previously made by Mr. Shepard, until seven o'clock.

SEVEN O'CLOCK, P. M.

Received from the House of Commons a message, stating that they have passed the engrossed bill from the Senate, to incorporate Perquimans Academy, with an amendment, in which they ask the concurrence of the Senate. Concurred in.

Also, that they have passed the engrossed bill, to incorporate a Male and Female Academy in Shelby county, with an amendment. Concurred in.

A message was sent to the House of Commons, informing them of the concurrence of the Senate in said amendments; and also, that they have passed the engrossed bill to amend the acts in force, on the subject of Common Schools, in which they ask their concurrence.

The Senate then took up the unfinished business of the afternoon session, being the bill to incorporate the Young Mens' Missionary Society, in the county of Forsythe.

The amendment moved by Mr. Bower was adopted, and the bill as amended passed its third reading, and was ordered to be engrossed, the title thereof being amended, on motion of Mr. Washington, by making it read, "A Bill to incorporate the Young Men's Museum Society, in the county of Forsythe.

The following bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill relating to the duties of Sheriffs and other officers, to prepare and execute deeds.

A bill to amend the 48th chapter of the Revised Statutes, entitled an act concerning fences, so far as relates to lands on the Meherrin, in the county of Hertford.

Also, a resolution in favor of Joseph Kearny and Howell Cook.

A resolution in favor of Samuel Kissam, of the county of Watauga.

The bill to emancipate Thomas Gossitt, was read the second time and rejected.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to lay off a Road in Yancy county, North Carolina, from Flat Rock to the Burnsville and Indian Gap Road.

A bill to incorporate Germanton Lodge, No. 116, of Ancient York Masons, in the county of Stokes.

A bill concerning the Public Roads in Brunswick and Beaufort counties.

The bill to amend the 20th section of the 102d chapter Revised Statutes, entitled Revenue, was read the second time and passed. On motion said bill was read the third time and passed; yeas 27, nays 11.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Berry, Bethell, Davidson, Drake, Eborn, Exum, Faison, Graham, Hargrove, Lane, Lillington, Miller, Moye, Murchison, Rowland, Shepard, Smith, Speight, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bower, Collins, Conner, Gilmer, Hester, Joyner, Reich, Ward, and Willey.

On motion of Mr. Bethell, the vote by which the bill to emancipate Thomas Gossett was rejected, was reconsidered; and on motion of Mr. Gilmer, was laid on the table.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to amend the act incorporating Rockford, in Surry County.

A bill to authorise Major John Clark, of Beaufort County, to make a road on his own land, from Pautego to the head of Pungo.

A bill to incorporate the Wilmington Thalian Association.

Resolution in favor of N. B. Marriner, late Sheriff of Martin County.

A bill to prevent fishing near the mouth of Raymond's Creek in Camden County.

A bill to prevent the sale of spirituous liquors within a certain distance of Floral College.

The engrossed bill to amend an act entitled "An act to incorporate Hickory Nut Turnpike Company," passed at the Session of the General Assembly of 1840—41, was read the second time, and on motion of Mr. Woodfin, postponed until to-morrow, 12 o'clock.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to incorporate the Town of Sladesville, in Hyde county.

A bill to incorporate the South Creek Swamp Land Company.

Resolution in favor of J. W. Livingston.

A bill granting to the Superior Courts of the Counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, was read the second time, passed, and on motion of Mr. Conner, laid on the table.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to amend an act entitled "An act to incorporate the Town of Wilkesboro' in the County of Wilkes."

A bill to incorporate Plymouth Academy, in the town of Plymouth, in Washington County.

On motion of Mr. Exum,

The Senate adjourned—yeas 13, nays 12.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bell, Berry, Conner, Drake, Eborn, Exum, Graham, Hargrove, Hester, Lane, Reich, Speight, and Watson.

Those who voted in the negative are:

Messrs. Bethell, Bower, Collins, Davidson, Faison, Gilmer, Miller, Thomas, of Haywood, Ward, Washington, Woodfin, and Wooten.

THURSDAY, JANUARY 25.

A message was sent to the House of Commons stating that the Senate have passed the following engrossed bills and resolutions, in which they ask the concurrence of that House, viz:

A bill to revise an act entitled "An act to incorporate the North and South Carolina Rail Road Company."

A bill to incorporate the Young Men's Museum Society, in the Town of Salem, in the County of Forsyth.

A bill to prevent obstructions in the passage of Fish up the waters of Swift Creek, in the County of Edgecomb.

A bill to incorporate the Fayetteville Steam Boat Company.

A bill to incorporate La Fayette Division, No. 2nd, of the Order of the Sons of Temperance, in the town of Fayetteville.

A bill relating to Justices of the Peace.

Resolution in favor of John Maxwell.

A Resolution in favor of B. F. Moore, Attorney General.

A Resolution in relation to the distribution of Military Tactics.

Mr. Gilmer introduced the following bills, which were read the first time and passed, viz:

A bill to repeal part of the 4th section of an act entitled an act to aid Internal Improvements of the State.

A bill more effectually to secure the execution of the 14th section of the 102d chapter Revised Statutes.

A bill concerning a Convention to amend the Constitution of the State of North Carolina.

Mr. Ashe introduced a bill to extend the limits of the town of Wilmington, and for other purposes, which was read the first time and passed.

Mr. Woodfin introduced a bill to provide for a survey of the Catawba river, which was read the first time and passed.

Received from the House of Commons, a message stating that they do not concur in the amendment made by the Senate to the bill to consolidate and amend the several acts now in force relating to fishing with seins and nets in Tar and Pamlico rivers. On motion of Mr. Moye, the Senate receded from

the said amendment, and the House of Commons were informed thereof.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the engrossed resolution in favor of Ailsey Medlin, of Franklin, the question being on the amendment offered by Mr. Thomas of Haywood; said amendment was withdrawn.

Mr. Thomas, of Haywood, then moved to amend the Resolution, by striking out the words, "Provided this act does not extend to any Swamp Lands of this State."

Rejected, yeas 3, nays 41.

Mr. Thomas, of Haywood, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Lillington, Thomas of Haywood, and Woodfin.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas of Davidson, Thompson of Wake, Walker, Ward, Watson, Washington, Willey, and Worth.

Mr. Thomas, of Haywood, moved to amend the resolution, by adding to the "Proviso," the following words: "nor to any lands included in the 7th section of the act passed at the present session, to provide for making a Turnpike from Salisbury, West to the line of the State of Georgia."

Rejected, Yeas 3, Nays 38.

The yeas and nays were demanded by Mr. Thomas of Haywood.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, and Thomas, of Haywood.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bower, Collins, Conner, Daniel, Davidson,

Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Thompson of Wake, Walker, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Thomas, of Haywood, moved to amend the Resolutions, by adding the following: "*Provided*, the provisions of these resolutions shall not extend to any lands in Cherokee county, on which the purchasers, their heirs or assigns, under a bill passed by the Senate, are entitled to occupant rights."

Rejected; Yeas 9, Nays 31.

Mr. Thomas, of Haywood, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Davidson, Lane, Lillington, Murchison, Patterson, Speight, Thomas of Haywood, Thompson, of Wake, and Woodfin.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bethell, Collins, Conner, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Miller, Moye, Reich, Rogers, Shepard, Smaw, Walker, Ward, Washington, Watson, Willey, Wooten, and Worth.

The question then recurred on the passage of the Resolutions their second reading, and was decided in the affirmative; Yeas 41, Nays 1.

The yeas and nays were demanded by Mr. Thomas, of Haywood.

Those who voted in the affirmative, are:

Messrs. Barnard, Bell, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Thompson of Wake, Walker, Ward, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Thomas of Haywood, voted in the negative.

The said resolutions, on motion of Mr. Miller, were then read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act entitled an act to incorporate the Hickory Nut Turnpike Road, was read the second time.

Mr. Woodfin moved to postpone the bill indefinitely. Yeas 6, Nays 25.

Mr. Woodfin demanded the yeas and nays

Those who voted in the affirmative are:

Messrs. Bethell, Graham, Joyner, Thomas, of Haywood, Watson, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Bell, Conner, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Hester, Kendall, Lillington, Miller, Moye, Reich, Rogers, Rowland, Smaw, Smith, Speight, Thompson, of Wake, Walker, Ward, Washington, Willey, and Wooten.

Mr. Woodfin moved to amend the bill, by adding thereto the following Proviso, viz: "That no citizens of Henderson county shall be compelled to pay Toll on said Road."

Decided in the negative; Yeas 2, Nays 31.

Mr. Woodfin demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Watson, and Woodfin.

Those who voted in the negative are:

Messrs. Bell, Bethell, Bower, Conner, Daniel, Eborn, Exum, Faison, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lillington, Miller, Moye, Murchison, Reich, Rogers, Rowland, Smaw, Smith, Speight, Thompson, of Wake, Walker, Ward, Washington, Willey, Wooten, and Worth.

The bill was then amended on motion of Mr. Miller, passed its second and third readings, and a message sent to the House of Commons, asking their concurrence in said amendment.

On motion of Mr. Conner, the engrossed bill granting to the Superior Courts of the counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, was taken up, read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating that they have postponed indefinitely, the engrossed bill to amend an act, entitled an act to amend the 7th section of the Revised Statutes, entitled Guardian and Ward.

On motion of Mr. Ashe, the Senate took up for consideration the engrossed bill to incorporate the Fayetteville and Western Plank Road Company. Said bill was read the third time, passed, and ordered to be enrolled. Yeas 22, Nays 19.

The yeas and nays were demanded by Mr. Exum.

Those who voted in the affirmative are :

Messrs. Ashe, Bell, Bower, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are :

Messrs. Barnard, Bethell, Conner, Collins, Drake, Eborn, Exum, Faison, Graham, Hester, Kendall, Moye, Rogers, Smith, Speight, Walker, Ward, Willey, and Wooten.

The Senate then proceeded, on motion of Mr. Woodfin, to the consideration of the engrossed bill to incorporate the North Carolina Rail Road Company, on its third reading. Said bill was read the third time, but before any question was taken thereon, the Senate took a recess.

THREE O'CLOCK, P. M.

The Senate proceeded to the consideration of the unfinished business of the morning, being the bill to incorporate the North Carolina Railroad Company, on its third reading. After sundry amendments, moved by Mr. Patterson and Mr. Washington were adopted, Mr. Moye moved to amend the bill by inserting the following as an additional section, after the 38th section, viz:

WHEREAS, It is unwise to create a large State debt, without providing the ways and means for, at least, paying the interest, or a part of the interest yearly, on the debt thus created.

Be it further enacted, That a tax of six cents on every hundred dollars value of real estate, and twenty cents on the poll be, and the same is hereby levied, and to be collected and accounted for as other taxes are, for the purpose of paying a part of the interest of this debt by the State; *Provided*, This tax shall not be levied and collected until it is necessary for the purpose above mentioned.

The amendment was rejected; yeas 15, nays 28.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bethell, Bower, Conner, Drake, Eborn, Exum, Faison, Kendall, Moye, Speight, Smith, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Ashe, Barnard, Bell, Collins, Daniel, Davidson, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rogers, Rowland, Shepard, Smaw, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Willey, Woodfin, and Worth.

After the adoption of an amendment moved by Mr. Washington, filling the blank in the third section of the bill with the names of several persons as General Commissioners, Mr.

Walker raised a question of order, whether members of the Senate, who were originally stockholders in the Raleigh and Gaston Railroad Company, or who have given bonds to the State to secure it against loss on account of its endorsements for the said Raleigh and Gaston Railroad Company, are entitled to vote. The Speaker decided that the bill being a public bill, and the interests of the Senators referred to, if any, being incidental and not direct, they were entitled to vote. After the rejection of an amendment moved by Mr. Watson, requiring that the said road shall pass by the town of Smithfield, the question was taken on the passage of the bill its third reading, and decided in the affirmative; yeas 22, nays 22.

Mr. Drake demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are;

Messrs. Barnard, Bethell, Bower, Collins, Conner, Drake, Eborn, Exum, Faison, Graham, Hester, Kendall, Moye, Rogers, Smith, Speight, Spicer, Walker, Ward, Watson, Willey, and Wooten.

The affirmative and the negative vote being thus equal, Mr. Speaker Graves cast his vote in the affirmative.

Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendments to the said bill.

On motion of Mr. Lillington the Senate adjourned.

FRIDAY, JAN. 26, 1849.

On motion of Mr. Walker, leave of absence was granted to Mr. Miller, the Senator from Rutherford, from and after to-morrow.

A message was sent to the House of Commons, asking their concurrence in the following engrossed bills, which have been passed by the Senate, viz:

A bill to establish a Turnpike Road in Yancy county.

A bill to supply an omission in the 46th chapter Revised Statutes, entitled an act concerning Executors and Administrators.

A bill to amend the 20th section of the 102d chapter Revised Statutes.

A bill to amend the 48th chapter of the Revised Statutes, entitled an act concerning fences, so far as relates to lands on the Meherrin River.

A bill making it the duties of Sheriffs and other officers, making sales of land and slaves, to prepare and execute deeds for the same.

A resolution in favor of Samuel Kissam.

Resolution relating to the Public Arms.

Also, a resolution in favor of Joseph Kearny and Howell Cook.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz:

A bill to alter the time of holding two terms of the Court of Pleas and Quarter Sessions, in the counties of Lincoln and Catawba.

A bill to repeal an act passed in the year 1824, entitled an act to establish a Poor and Work-house, in the counties of Jones and Randolph.

A bill to authorise Abner Carmichael, late Sheriff of Wilkes county, and others, to collect arrears of taxes.

A bill to lay off a Public Road from Alexander Chevelies', in Wilkes county, to William Phillips', in Ashe county.

A bill to incorporate Johnston Little River Manufacturing Company, in the county of Johnston.

Resolution for the relief of S. W. Tillinghast.

Resolution in favor of Charles L. Hinton.

A bill to provide for the better keeping of the State Capitol Square, and the improvement of the grounds thereof.

A bill allowing compensation to the Reporter of the Supreme Court, for reporting the cases decided at the terms held at Morganton.

A bill to amend the 11th section of the 90th chapter of Revised Statutes, concerning prison bounds.

A Resolution directing the Public Treasurer to procure a Seal of Office.

A bill to effect a better organization of the Militia in Iredell County.

A bill to regulate the dismissal of Appeals in the Supreme Court, to regulate the fees of Sheriffs for serving process issued from said Court.

A bill to annex a part of Burke to the County of Catawba.

Resolutions relating to re-opening Roanoke Inlet.

Said bills and resolutions were read the first time and passed.

Received from the House of Commons, a message stating that they concur in the amendment of the Senate to the bill to incorporate the Hickory Nut Turnpike Company, passed at the General Assembly of 1840-1.

Also, a message proposing that the hour for the adjournment of the two Houses, on Monday next, be 8 o'clock, A. M. Concurred in.

On motion of Mr. Patterson,

Resolved, That a message be sent to the House of Commons, proposing that the 8th Joint Rule of both Houses be altered, so as to read as follows:

After examination and report, each bill be ratified and signed, first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

Received from the House of Commons, a message stating that they have passed the engrossed bill from the Senate, entitled a bill concerning the Wilmington and Raleigh Railroad Company, with sundry amendments, in which they ask the concurrence of the Senate. The said amendments were concurred in, and the House of Commons were informed of the same.

The bill to emancipate Thomas Gossett, was read the second time, and rejected.

Mr. Patterson, from the Committee of Internal Improvements, to whom was referred the petition of James Whitaker, reported the same back to the Senate, and asked to be discharged.—Committee discharged accordingly.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to authorise William R. Abbott to cut a canal and make a road thereon.

A bill to abolish Jury Trial in Burke County.

A bill to incorporate the Wake County Rifle Company at Dunnsville, in Wake County.

A bill to amend an act of the General Assembly of North Carolina, passed at its Session of 1846--7, entitled "An act to alter the mode of electing Wardens of the Poor;" chapter 62; ratified 18th January, 1847.

A bill to repeal in part, an act of the General Assembly of 1844—5, chapter 14.

The engrossed bill to amend an act entitled "An act to tax the venders of foreign made riding vehicles," was read the second time, amended, and rejected.

Received from the House of Commons, a message concurring in the proposition of the Senate to alter the 8th Joint Rule of the two Houses.

On motion of Mr. Worth, the Senate took up for consideration, the engrossed bill entitled a bill supplemental to an act passed at the present session of the Legislature to improve the Cape Fear and Deep Rivers above Fayetteville, on its third reading, Mr. Rowland moved to amend the bill by adding the following, after the 5th section thereof, viz:

Be it further enacted, That the sum of Fifteen Thousand Dollars be, and the same is hereby appropriated for clearing out, and removing obstructions to navigation from Lumber River, the whole of which sum is to be applied to that part of said river, between Blue's Bridge, in Richmond county and the South Carolina line.

Be it further enacted, That the Court of Pleas and Quarter Sessions, in and for the county of Robeson, a majority of the Justices of the Peace of said county being present, shall appoint five Commissioners, Freeholders in said county, whose duty it shall be to superintend the clearing out and removing obstructions from the said river aforesaid.

Be it further enacted, That the Treasurer of the State, for the time being, shall, out of any monies in the Treasury, not otherwise appropriated, pay over the sum of Ffteen Thousand Dollars, to the Commissioners aforesaid; the Clerk of the County Court, of said county of Robeson, first certifying, under his hand and seal, that said Commissioners have been appointed according to the provisions of this act.

Be it further enacted, That the Court of Pleas and Quarter Sessions of said County of Robeson aforesaid, are hereby authorised to make such compensation to said Commissioners for their services, as to said Court shall seem expedient; and that said Court are hereby authorised to lay a tax on the taxable property, for raising funds necessary for the payment of said Commissioners; and that the Sheriff of said county shall collect and account for said tax, in the same manner as he collects and accounts for other taxes by him collected.

Be it further enacted, That said Commissioners shall give bond and security, to be approved by the County Court of Robeson aforesaid, in the sum of Twenty Thousand Dollars, payable to the State of North Carolina, for the faithful performance of their duties as Commissioners.

Mr. Conner moved to amend the amendment, by adding thereto sundry sections, appropriating One Hundred Thousand Dollars to improve the navigation of the Catawba River, from the point where the Rail Road from Columbia to Charlotte crosses said River, up to the Rocky Ford, near Morganton.

Said amendment was rejected—yeas 20, nays 23.

Mr. Conner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bell, Collins, Conner, Davidson, Gilmer, Har-

grove, Hawkins, Lillington, Miller, Moye, Murchison, Patterson, Rowland, Thomas of Davidson, Thompson of Wake, Walker, Washington, and Woodfin.

Those who voted in the negative are:

Messrs. Bethell, Bower, Daniel, Drake, Eborn, Exum, Faison, Graham, Hester, Joyner, Kendall, Reich, Rogers, Shepard, Smaw, Smith, Speight, Spicer, Ward, Watson, Willey, Wooten, and Worth.

The question then recurred on the adoption of the amendment moved by Mr. Rowland, and was decided in the negative; yeas 20, nays 23.

Mr. Kendall demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bethell, Conner, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Murchison, Rowland, Shepard, Smaw, Thomas, of Davidson, Washington, Woodfin and Worth.

Those who voted in the negative are:

Messrs. Bower, Collins, Drake, Eborn, Exum, Faison, Graham, Hester, Kendall, Miller, Moye, Patterson, Reich, Rogers, Smith, Speight, Spicer, Thompson of Wake, Walker, Ward, Watson, Willey, and Wooten.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Rowland moved that the vote by which the engrossed bill to incorporate the North Carolina Railroad Company passed its third reading, be reconsidered. The Speaker announced that a message had been received, and was on his table, from the House of Commons, in reference to the amendments made by the Senate to the said bill. The message was read, and stated that the House of Commons had concurred in the amendments made by the Senate to the said bill, and ordered

the same to be enrolled. Mr. Walker inquired, at what time in the day the message asking the concurrence of the House in the said amendments, was transmitted to that House. The reply of the Clerk of the Senate was, that the said message was not sent until after 12 o'clock, this day.

The Speaker thereupon decided that the motion to reconsider was not in order, the said bill not being in the possession of the Senate. Mr. Rowland appealed from the decision of the Chair, but subsequently withdrew his appeal, and moved that the Rule of the Senate, with which a motion to reconsider the final vote on the passage of the said bill conflicts, be suspended. Subsequently, Mr. Rowland moved that his said motion be laid on the table, which was decided in the affirmative.

Mr. Patterson moved that the vote by which the amendment moved by Mr. Rowland, to the engrossed bill supplemental to an act passed at the present session of the Legislature to improve the Cape Fear and Deep rivers above Fayetteville, be reconsidered. Decided in the negative; yeas 21, nays 22.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Barnard, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Smaw, Thomas, of Davidson, Thomas, of Haywood, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Bethell, Bower, Collins, Conner, Drake, Eborn, Exum, Faison, Graham, Hester, Kendall, Moye, Reich, Rogers, Smith, Speight, Spicer, Thompson, of Wake, Ward, Willey, Watson, and Wooten.

The Senate then took up for consideration the order of the day, being the Reports and Resolutions from the committee on Privileges and Elections, in relation to the contested election from the 37th Senatorial District. Mr. Bower called for a division of the question on the Resolutions, and the yeas and nays on them. The question was then taken on the first resolution as follows, viz:

Resolved, That John Berry was duly elected to a seat in this Senate, under the election in August last.

Adopted; yeas 26, nays 17.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Miller, Moye, Murchison, Reich, Rogers, Smith, Speight, Spicer, Thomas of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Barnard, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Lane, Lillington, Patterson, Shepard, Smaw, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

The question was taken on the second resolution as follows, viz:

Resolved, That John Berry is entitled to his seat under that election.

And decided in the affirmative; yeas 22, nays 21,

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

The question was then taken on the third Resolution as follows, viz:

Resolved, That John Berry was duly elected at the election in November.

And decided in the affirmative; yeas 21, nays 21.

Those who voted in the affirmative are—

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are :

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

Mr. Speaker Graves cast his vote in the affirmative.

The question was then taken on the fourth resolution as follows, viz :

Resolved, That John Berry is entitled to his seat by virtue of that election.

And decided in the affirmative; yeas 21, nays 20.

Those who voted in the affirmative are :

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are :

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

The question was then taken on the fifth resolution as follows, viz :

Resolved, That Hugh Waddell is not entitled to the seat.

And decided in the affirmative; yeas 22, nays 20.

Those who voted in the affirmative are :

Messrs. Ashe, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Smaw, Smith, Thomas, of Davidson, Willey, Woodfin, Worth, and Washington.

Mr. Moye moved that a message be sent to the House of Commons, requesting that House to return to the Senate a bill entitled a bill to incorporate the North Carolina Railroad Company, for the purpose of further action in this body.

Mr. Joyner moved that the said motion be laid on the table. Decided in the affirmative; yeas 22, nays 20.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bell, Daniel, Davidson, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lillington, Miller, Murchison, Patterson, Smith, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson of Wake, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are—

Messrs. Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Hester, Kendall, Moye, Reich, Rogers, Rowland, Speight, Spicer, Walker, Ward, Watson, and Wooten.

The Senate then took a recess until half past 7 o'clock.

Half Past 7 O'clock, P. M.

Received from the House of Commons, a message stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz:

A bill to amend an act passed at the session of the General Assembly, 1846-7, entitled an act to authorise laying off and establishing a Turnpike Road from the head waters of Carter's

and Spencer's Canal, near Mattamuskeet Lake, in Hyde County, to Columbia in Tyrrell County.

A bill to repeal an act entitled "An act to alter the mode of electing Constables in the county of Wilkes.

A bill to incorporate the Macon County Cavalry Company.

A bill to prevent the felling of timber in Alamance River.

A bill to incorporate Belmont Lodge, in Duplin County.

A bill for the relief of Ephraim Lutz, in Catawba County.

A bill to amend an act establishing the County of Alexander.

A bill to amend an act passed 24th of December, entitled "An act to incorporate the Trustees of Milton Female Institute, in the County of Caswell."

A bill supplemental to an act passed by the present General Assembly, entitled "An act to lay off and establish a new county by the name of Alamance."

Resolutions concerning the improvement of the Indian Tribes.

Which bills and resolutions were read the first time, and passed.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to increase the Revenue of the State, and asking the concurrence of the Senate.

Said bill was read the first and second times, and passed.

The bill to extend the limits of the Town of Wilmington, was read the second and third times, amended, on motion of Mr. Speight, and passed. Ordered that said bill be engrossed.

On motion of Mr. Exum, the engrossed bill to amend an act passed at the Session of 1846—7, entitled "An act to amend an act passed at the Session of 1827, entitled an act to prevent the obstruction of the passage of Fish up Roanoke and Cashie Rivers and their waters," was read the third time, passed, and ordered to be enrolled.

On motion of Mr. Bethell, the Senate took up for consideration the bill to incorporate the Charlotte and Danville Rail Road Company, on its third reading.

On motion of Mr. Bethell, the bill was amended by striking out the word "Charlotte," wherever it occurs in the bill, and inserting in lieu thereof the word "Yadkin."

Mr. Bethell moved to amend the bill further, by striking out from the first section of the Bill, the words "between the town of Charlotte in the State of North Carolina, and the town of Danville, in the State of Virginia," and inserting in lieu thereof, the words "at some point East of the Yadkin, between the North Carolina Rail Road, and the town of Danville, in the State of Virginia."

Mr. Woodfin moved to amend the amendment, by inserting the words "South Greensboro'," after the word "Yadkin." Rejected.

The question was then taken on the amendment, and decided in the affirmative.

Mr. Gilmer moved to amend the bill by inserting the following after the thirty seventh section, viz:

SEC. 38. *Be it further enacted*, That all the privileges and powers in this act, granted to the said Yadkin and Danville Rail Road Company, shall, for the first ten years, be confined to a route from Danville to the most convenient point on the route of the North Carolina Rail Road South of Greensboro'; and should the North Carolina Rail Road Company put their road under contract from Raleigh to Salisbury within ten years, then all the powers and privileges of the said Yadkin and Danville Rail Road Company, shall terminate at the point where it shall connect with the said North Carolina Rail Road; otherwise, the said Yadkin and Danville Rail Road Company shall have power and privilege to build, contract and continue, their road from said point of junction, to the town of Charlotte, under the provisions of this act.

Mr. Bethell moved to amend the amendment by inserting after the word "South," the word "West." Adopted—yeas 20, nays 16.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Hester, Kendall, Miller, Moye, Murchison, Reich, Rogers, Rowland, Smith, Walker, Watson, Wooten, and Worth.

Those who voted in the negative are—

Messrs. Ashe, Bell, Daniel, Eborn, Faison, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lillington, Smaw, Spicer, Thompson of Wake, Washington, and Woodfin.

On motion of Mr. Worth, said vote was reconsidered, and the amendment to the amendment was rejected, and the question on the adoption of the amendment was decided in the affirmative.

The question then recurred on the passage of the bill its third reading, and was determined in the affirmative—yeas 20, nays 18.

Mr. Ashe demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Berry, Bethell, Bower, Conner, Daniel, Davidson, Gilmer, Kendall, Lillington, Miller, Murchison, Reich, Rowland, Smith, Thomas, of Davidson, Thomas, of Haywood, Walker, Watson, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Collins, Drake, Eborn, Exum, Faison, Graham, Hargrove, Hawkins, Joyner, Moye, Smaw, Speight, Spicer, Thompson, of Wake, Ward, Washington, and Willey.

Ordered that said bill be engrossed.

On motion of Mr. Ashe, the Senate adjourned.

SATURDAY, JAN. 27.

Mr. Patterson introduced a Resolution proposing to alter the Joint Rules, so that all bills of a private or local character that have been registered in a fair hand, and to which no amendments have been made after engrossment, shall be ratified and

signed by the Speakers of the two Houses, without being enrolled. Adopted; and a message sent to the House of Commons asking their concurrence.

Mr. Bower introduced a Resolution in favor of William J. Clark, the Clerk of the Committee of Privileges and Elections, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Patterson introduced a resolution in favor of the Secretary of State, authorising him to employ a Clerk; which was read the first time and passed.

Mr. Patterson, from the committee on Cherokee Lands, to whom was referred the petition of James Whitaker, reported the same back to the Senate and asked to be discharged; and the said committee was discharged accordingly.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred sundry petitions from Haywood and Cherokee Counties, in reference to the formation of a new county, reported the same back to the Senate, and asked to be discharged. Discharged accordingly.

Received from the House of Commons, a message stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz:

A bill for the improvement of the public road from Raleigh to Hillsboro'.

A bill to amend the 8th section of an act entitled an act to incorporate the Caldwell and Ashe Turnpike Company.

A bill to incorporate the Deep River Manufacturing Company.

A bill authorising the Judges, who may hold Special Terms of the Superior Court, under the provision of the act passed in the year 1844, chapter 10th, to take jurisdiction of Equity cases, in like manner as they are by that act authorized to take cognizance of Civil suits.

A bill concerning the improvement of Smith's River, in the county of Rockingham.

A bill to incorporate the McDowell and Yancy Turnpike Company.

A bill to authorise the erection of a Toll Bridge over Catawba

ba river, between the counties of Caldwell and Catawba, and to incorporate a Company for that purpose.

Resolution in favor of the Public Treasurer.

Resolution directing the continuation of the road from the Lake Pungo to the town of Plymouth, in Washington county.

A bill to provide more effectually for the education of the Deaf Mutes in the State.

A bill for the better regulation of the Court of Pleas and Quarter Sessions, of the county of Nash.

A bill more effectually to prevent the selling or giving away of Spirituous Liquors, at or near places of Public Worship.

Resolution instructing the Literary Board to sell the Swamp Lands of the State belonging to said Fund, if they deem it necessary.

A bill more effectually to prevent administering poisons, with an intent to kill or murder.

A bill concerning Wardens of the Poor.

A bill concerning the debt due from the Trustees of Wake Forest College, to the Trustees of the Literary Board.

A bill to incorporate Crane's Creek Burial Ground Company, in the county of Moore.

A bill to incorporate the McDowell and Yancy Turnpike Company.

A bill to incorporate the Columbus Guards, a Volunteer Company.

A bill amendatory of an act passed at the session of the General Assembly of 1846-7, entitled an act to charter a Turnpike Road from Morganton to the forks of the road near the seventeen mile post, on the road leading from Yorkville, S. C.

A bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line.

A bill to incorporate Concord Division, No. 1, of the Sons of Temperance.

Said bills and resolutions were read the first time and passed.

Mr. Ashe introduced the following Preamble and Resolutions, viz:

WHEREAS, In the case of the contested election from Orange county, it is apparent to the Senate, that the Contestant

acted under the honest belief that he was elected, and hath been at great expense and loss of time:

1. *Be it Resolved,* That the contestant, Hugh Waddell, be allowed the usual pay of a member, from the day of filing his memorial, to the 27th instant.

2. *Be it further Resolved,* That the Commissioners be allowed the sum of Two Dollars per day, for the time they were respectively engaged in this investigation.

Said Resolutions passed their first reading, and the rules being suspended they were read the second time. Mr. Drake called for a division of the question, and being taken on the first Resolution, it was rejected. Mr. Berry moved to amend the second Resolution, by inserting therein after the word "*Commissioners,*" the words, "*and Clerks.*" Adopted.

The question was then taken on the passage of the second Resolution, and decided in the affirmative.

Received from the House of Commons a message, stating that they have passed the engrossed bill from the Senate, entitled "A bill supplemental to an act passed at the present Session, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina, with the following amendments, in which they ask the concurrence of the Senate, viz:

In the first section, 13th line, strike out "within three miles of the town of Lexington, in the county of Davidson," and insert "near the City of Raleigh."

The question on concurring in this amendment, was decided in the negative—yeas 16, nays 23.

Mr. Thomas, of Davidson, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Bell, Berry, Collins, Drake, Eborn, Exum, Gilmer, Graham, Hargrove, Moye, Rogers, Smaw, Speight, Spicer, Thomas, of Haywood, and Thompson, of Wake.

Those who voted in the negative are:

Messrs. Ashe, Bethell, Bower, Conner, Davidson, Faison, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Mur-

chison, Reich, Rowland, Smith, Thomas, of Davidson, Walker, Watson, Woodfin, Wooten and Worth.

The question was then taken on the second amendment proposed by the House of Commons, viz: to strike out the second section of the engrossed bill, and decided in the negative.

The third amendment was not concurred in.

The fourth and fifth amendments were concurred in by the Senate, and a message was sent to the House of Commons informing them accordingly.

Mr. Smith, from the joint committee on the Library, reported resolutions authorising the Governor to furnish the Library of the Supreme Court of the United States, with a copy of the North Carolina Supreme Court Reports; which were read the first, second, and third times, passed, and ordered to be engrossed.

On motion of Mr. Berry, the vote by which the first resolution of those introduced by Mr. Ashe, to pay Hugh Waddell up to the 27th inst. was rejected, was reconsidered. Said resolution was laid on the table.

On motion of Mr. Woodfin, the engrossed bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers, above Fayetteville, was taken up. Said bill was read the third time, passed, and ordered to be enrolled. Yeas 21, Nays 17.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Smaw, Thomas, of Davidson, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Berry, Bower, Conner, Drake, Eborn, Exum, Faison, Graham, Kendall, Moye, Reich, Rogers, Speight, Spicer, Walker, Watson, and Wooten.

The Senate then took up for consideration, on motion of Mr.

Rowland, the bill to clear out Lumber River. Said bill was read the second time and passed; yeas 20, nays 16.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Albright, Ashe, Bell, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Thomas, of Davidson, Thomas, of Haywood, Washington, Wooten, and Worth.

Those who voted in the negative are :

Messrs. Berry, Bower, Collins, Conner, Drake, Eborn, Faison, Graham, Kendall, Moye, Rogers, Speight, Spicer, Thompson, of Wake, Walker, and Watson.

The Senate then took a recess.

THREE O'CLOCK, P. M.

The engrosed bill for the better organization of the Courts of Pleas and Quarter Sessions, for the county of Nash, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a new county by the name of Alamance, was read the second time. Mr. Berry moved to amend the bill by striking out the word, "*Graham,*" and inserting the word "*Montgomery.*" Adopted; yeas 19, nays 16.

Those who voted in the affirmative are :

Messrs. Ashe, Berry, Bower, Collins, Conner, Drake, Exum, Faison, Hester, Joyner, Moye, Murchison, Reich, Rogers, Speight, Spicer, Walker, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Bell, Bethell, Daniel, Eborn, Gilmer, Graham, Hawkins, Joyner, Kendall, Lane, Patterson, Smith, Thomas, of Davidson, Thomas, of Haywood, Willey, and Woodfin.

Said bill then passed its second reading.

The Senate then proceeded to the consideration of the bill to improve the navigation of the Catawba River. Mr. Conner moved to amend the bill by striking out all from the same that constitutes the State a Stockholder in said corporation. Adopted, yeas 27, nays 6.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Daniel, Drake, Exum, Faison, Graham, Hester, Joyner, Kendall, Moye, Murchison, Reich, Rogers, Smith, Speight, Spicer, Thompson of Wake, Walker, Ward, Watson, Willey, and Wooten.

Those who voted in the negative are:

Messrs. Gilmer, Hawkins, Lane, Patterson, Smaw, and Woodfin.

The resolution authorising the Secretary of State to employ a Clerk, was read the second time and rejected.

On motion of Mr. Woodfin, the Senate proceeded to the consideration of the engrossed bill to increase the Revenue of the State. Said bill was read the third time. Mr. Smith moved to amend the bill, by striking out the first section, as follows, viz:

1. *Be it enacted*, That hereafter, there shall be levied the sum of three cents on each dollar of interest safely secured and actually due or received, upon all sums of money at interest, whether in this State or out of it, at any time during the year next preceding the time when the owner thereof shall give in his, her, or their tax list.

Rejected; Yeas 3, Nays 32.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bell, Eborn, and Smith.

Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Daniel, Davidson, Drake, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Moye, Patterson, Rogers, Smaw, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Watson, Washington, Woodfin, Wooten, and Worth.

Mr. Smith moved to amend the first section of the bill by striking out the words "whether" and "out of it." Rejected; yeas 1, nays 34.

Mr. Woodfin demanded the yeas and nays.

Mr. Smith voted in the affirmative.

Those who voted in the negative are:

Messrs. Ashe, Bell, Berry, Bethell, Bower, Collins, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Moye, Patterson, Rogers, Smaw, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Washington, Watson, Woodfin, Wooten and Worth.

Mr. Smith moved to amend the first section by striking out "three," and inserting "two;" (making the tax two cents.)—Rejected; yeas 14, nays 24.

The yeas and nays were demanded by Mr. Ashe.

Those who voted in the affirmative are—

Messrs. Bell, Berry, Bethell, Conner, Eborn, Graham, Hester, Moye, Patterson, Smith, Speight, Thomas, of Davidson, Washington, and Willey.

Those who voted in the negative are:

Messrs. Ashe, Bower, Collins, Daniel, Davidson, Drake, Exum, Faison, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Rogers, Smaw, Spicer, Thomas, of Haywood, Thompson, of Wake, Watson, Woodfin, Wooten, and Worth.

Mr. Smith moved to amend the bill, by striking out the Proviso to the second section of the bill, by which Bank Stock is excepted from further taxation. Rejected; Yeas 17, Nays 18.

Those who voted in the affirmative are:

Messrs. Berry, Bower, Conner, Drake, Eborn, Exum, Faison, Hester, Moye, Smith, Spicer, Thomas, of Davidson, Washington, Watson, Willey, and Wooten.

Those who voted in the negative are:

Messrs. Ashe, Bethell, Collins, Daniel, Gilmer, Graham, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Patterson, Rogers, Smaw, Thompson, of Wake, Woodfin, and Worth.

Mr. Speight moved to amend the bill, by striking out from the 7th section, the words "pleasure carriages." Rejected; Yeas 9, Nays 27.

The yeas and nays were demanded by Mr. Woodfin.

Those who voted in the affirmative are:

Messrs. Berry, Exum, Hester, Moye, Smith, Speight, Thomas, of Davidson, Watson, and Willey.

Those who voted in the negative are:

Messrs. Ashe, Bethell, Bower, Collins, Conner, Daniel, Davidson, Drake, Faison, Gilmer, Graham, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Patterson, Rogers, Smaw, Spicer, Thomas, of Haywood, Thompson of Wake, Washington, Woodfin, Wooten, and Worth.

The question on the passage of the bill its third reading, was then taken, and determined in the affirmative; Yeas 20, Nays 16.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Moye, Patterson, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Berry, Bower, Collins, Conner, Drake, Eborn, Exum, Faison, Graham, Hester, Rogers, Smith, Speight, Watson, Willey, and Wooten.

Received from the House of Commons a message, stating that they insist upon their amendments to the engrossed bill, entitled "A Bill supplemental to an act passed at the present session of the General Assembly, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina."

A committee of conference was moved. Rejected.

On motion of Mr. Ashe, the Senate receded from its disagreement to the amendments of the House of Commons. Said amendments were concurred in, and the bill was ordered to be enrolled.

The yeas and nays were demanded on the motion to recede.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Collins, Daniel, Davidson, Drake, Eborn, Exum, Faison, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lane, Lillington, Moye, Patterson, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Washington, Willey, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Bower, Conner, Hester, Kendall, Smith, Thomas of Davidson, and Watson.

Received from the House of Commons a message, stating that they have passed the engrossed resolution to protect the interest of the State in the Raleigh and Gaston Rail Road; which was read the first time and passed. The Rules were suspended, and the said resolution was read the second and third times, passed, and ordered to be enrolled.

The yeas and nays were demanded by Mr. Hester, on the passage of the said resolution its second reading, and were as follows, viz:

Those who voted in the affirmative are :

Messrs. Ashe, Daniel, Davidson, Eborn, Gilmer, Hargrove, Hawkins, Joyner, Lillington, Murchison, Patterson, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, and Woodfin.

Those who voted in the negative are :

Messrs. Berry, Bower, Conner, Drake, Exum, Faison, Hester, Kendall, Moye, Rogers, Smith, Speight, Watson, Willey, and Wooten.

Received from the House of Commons, a message proposing that the Joint Committee on enrolled bills, be increased by the addition of five on the part of the House of Commons, and three on the part of the Senate. Concurred in, and Messrs. Watson, Worth, and Speight, appointed on the part of the Senate.

The resolution in favor of William F. Collins, Comptroller of the State, was read the second and third times, amended, on motion of Mr. Lillington and Mr. Bower, passed and ordered to be engrossed. Mr. Bower moved to reconsider the vote by which the Resolution in favor of the Comptroller of the State was passed its third reading. Rejected.

A message from the House of Commons was received, stating that the additional members on enrolled bills on the part of that House, are Messrs. Erwin, Logan, Nixon, Scott and Stevenson.

The engrossed bill for the relief of Ephraim Lutz, of Catawba County, was read the second time and passed, and on its third reading, was rejected. Yeas 11, Nays 20.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Berry, Bethell, Bower, Collins, Conner, Davidson, Gilmer, Hawkins, Lillington, Murchison, and Washington.

Those who voted in the negative are :

Messrs. Ashe, Daniel, Drake, Eborn, Exum, Faison, Joyner, Kendall, Lane, Patterson, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Willey, Woodfin, Wooten, and Worth.

The Resolutions in favor of Hugh Waddell and others, were read the second time and passed—yeas 15, nays 10.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Bethell, Daniel, Eborn, Gilmer, Graham, Joyner, Lillington, Patterson, Smaw, Smith, Thomas of Davidson, Washington, Woodfin and Worth.

Those who voted in the negative are—

Messrs. Collins, Conner, Drake, Exum, Faison, Kendall, Moye, Murchison, Speight and Wooten.

Ordered that said Resolutions be engrossed.

Received from the House of Commons, a message stating that they concur in the proposition of the Senate, that the 6th Joint Rule be changed so that all bills of a private nature and local character, that have been engrossed in a fair hand, and to which no amendments have been made after engrossment, shall be ratified and signed by the Speakers of the two Houses, without being enrolled.

The bill to provide for a survey of the Catawba River, was read the second and third times, passed and ordered to be engrossed.

The engrossed bill to annex a part of Burke to the county of Catawba, was read the second time, and on motion of Mr. Woodfin, laid on the table

The engrossed bill supplemental to an act passed at the present General Assembly entitled an act to lay off and establish a new county by the name of Alamance, was read the 3rd time, amended on motion of Mr. Bower, by striking out the word "Montgomery," and inserting "Graham," passed, and ordered to be enrolled.

On motion of Mr. Rowland, the Senate took up for consideration, on its third reading, the bill to clear out Lumber River, in the counties of Robeson and Richmond.

Said bill was read the third time and rejected; yeas 14, nays 16.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lillington, Murchison, Rowland, Thomas, of Davidson, Thomas, of Haywood, Washington, Woodfin, and Wooten.

Those who voted in the negative are—

Messrs. Berry, Bethell, Bower, Conner, Drake, Eborn, Exum, Faison, Kendall, Speight, Spicer, Thompson of Wake, Walker, Watson, and Willey.

The engrossed bill to provide for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and the improvement of the grounds thereof, was read the second time, and on motion of Mr. Bower, ordered to lie on the table.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to provide more effectually for the education of the Deaf Mutes within this State.

A Resolution directing the Public Treasurer to procure a Seal of Office.

A bill to amend an act establishing the County of Alexander.

Resolution for the relief of S. W. Tillinghast and others.

Resolution in favor of Charles L. Hinton.

Resolution directing the continuation of the road from the Lake Pungo to the town of Plymouth, in Washington county.

A bill to incorporate Johnston Little River Manufacturing Company in the County of Johnston.

Resolutions concerning the improvement of the IndianTribes.

A bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line.

A bill to incorporate the Columbus Guards, a Volunteer Company.

A bill to amend the 73d chapter, Revised Statutes, entitled "An act concerning the Militia of the State, and for other purposes."

A bill to incorporate Phalanx Lodge, No. 31, of Ancient York Masons.

A bill allowing compensation to the Reporter of the Supreme Court for reporting the cases decided at the terms held at Morganton.

A bill to repeal the third and fourth sections, chapter 100, of the Statutes, of the Legislature of 1846—7.

A bill to lay off a public road from Alexander Churches', in Wilkes County, to William Phillips', in Ashe County.

A bill to amend and consolidate the several acts heretofore passed in favor of Poor Debtors.

A bill to affect a better organization of the Militia of Iredell County.

A bill to amend the 8th section of an act to incorporate the Caldwell and Ashe Turnpike Company.

A bill to amend the 24th chapter, Revised Statutes.

A bill to incorporate the Macon County Cavalry Company.

Resolution in favor of Isaac Cook and others.

The following bills were read the second time, and postponed indefinitely, viz:

A bill for the more speedy administration of justice in certain cases, &c.

A bill concerning the debt due from the Trustees of Wake Forest College, to the Literary Board.

Received from the House of Commons a message, stating that they have postponed indefinitely the Engrossed bill from the Senate to incorporate the Dan River Mechanics' Association, in the Town of Milton; also, that they have passed the engrossed bill to extend the limits of the town of Wilmington, and for other purposes, with an amendment. Amendment con-

curred in by the Senate, and said bill ordered to be enrolled.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz :

A bill to alter the time of holding two terms of the Court of Pleas and Quarter Sessions in the Counties of Lincoln and Catawba.

A bill to incorporate Belmont Lodge, in Duplin County.

A bill to prevent the felling of timber in Alamance River, in the county of Orange.

A bill to regulate the dismissal of appeals in the Supreme Court, and for other purposes.

A bill to incorporate Concord Division, No. 1, of the Sons of Temperance.

A bill to amend an act passed 24th of December, 1844, entitled "An act to incorporate the Trustees of Milton Female Institute, in the County of Caswell."

A bill to attach a portion of Yancy county to the county of Buncombe.

A bill to amend the third section, chapter 86, Revised Statutes, concerning Patrols.

A bill to amend an act passed at the session of the General Assembly of 1846-7, entitled an act to authorise laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal, near Mattamuskeet Lake, to Columbia, in Tyrrell County.

A bill to facilitate the collection of certain debts, given for Cherokee Lands, and for other purposes.

A bill to incorporate the McDowell and Yancy Turnpike Company.

A bill to incorporate Kinston, in the county of Lenoir.

A bill to amend the 16th section of 31st chapter of Revised Statutes, entitled Courts of Equity.

On motion of Mr. Conner, the Senate adjourned until Monday morning, 4 o'clock.

MONDAY MORNING, 4 O'CLOCK.

Mr. Gilmer introduced a resolution in favor of the Principal and Assistant Doorkeepers; which was read the first and second times, and passed. On motion of Mr. Gilmer, said resolution was laid on the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill to appoint Commissioners for the New Toll Bridge on French Broad River, in Buncombe County, with an amendment. Amendment concurred in, and the bill ordered to be enrolled.

Also, a resolution in favor of the President and Trustees of the Greensboro' Female College, with an amendment. Amendment concurred in, resolution ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz:

A bill to amend an act passed at the last session of the General Assembly, entitled an act to lay off and establish a new county by the name of Alexander.

Resolution providing for publishing and distributing the Revenue Act, passed at the present session.

A bill more effectually to prevent the selling or giving away of Spirituous Liquors, at places of Public Worship.

A bill concerning the improvement of Smith's River, in the county of Rockingham.

A bill to authorise the erection of a Toll Bridge over Catawba River, between the counties of Caldwell and Catawba, and to incorporate a Company for that purpose.

Said bills and resolutions were read the first, second, and third times, passed, and ordered to be enrolled.

The bill to repeal part of the fourth section of an act entitled an act to aid Internal Improvements of the State, was read the second time, and on motion of Mr. Walker, laid on the table.

Received from the House of Commons, a message stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz :

A bill concerning Wardens of the Poor.

A bill to lay off and establish a Public Road, beginning at Trap Hill, in Wilkes county, and running across the Blue Ridge to Gap Civil, in the county of Ashe.

A bill to amend an act passed at the last session of the Generel Assembly, entitled an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp, and for other purposes, and to extend the provisions thereof.

Received from the House of Commons, a message stating that they have passed the engrossed resolution to suspend the collection of Cherokee Bonds, &c., in which they ask the concurrence of the Senate. Said resolution was read the first, second, and third times, amended on motion of Mr. Smith, passed, and a message sent to the House of Commons, asking their concurrence in said amendment.

The engrossed resolution in favor of Perrin Busbee, was read the first, second, and third times, passed, and ordered to be enrolled.

Also, a bill amendatory of an act passed at the session of the General Assembly of 1846-7, entitled an act to charter a Turnpike Road from Morganton, in the county of Burke, to the forks of the road near the 17th mile post, on the road leading to Yorkville, South Carolina.

On motion of Mr. Gilmer, the Resolution in favor of the Doorkeepers, was taken up, read the third time and rejected; yeas 13, nays 14.

Mr. Watson demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Smaw, Smith, Speight, Thomas, of Haywood, Washington, and Woodfin,

Those who voted in the negative are:

Messrs. Berry, Bethell, Bower, Collins, Conner, Faison, Graham, Hester, Kendall, Lane, Thompson, of Wake, Walker, and Watson.

The following engrossed resolutions and bills were read the second and third times, passed, and ordered to be enrolled:

Resolution in favor of the Doorkeepers.

A bill concerning the mode of Widows' dissenting from the last Will and Testament of deceased husbands, in certain cases.

A bill for the improvement of the Public Road from Raleigh to Hillsboro'.

A resolution to pay the contingent expenses of this Legislature.

Resolution making compensation to Assistant Engrossing Clerks.

A bill to authorise Abner Carmichael, late Sheriff of Wilkes, county, and others, to collect arrears of Taxes due them.

On motion of Mr. Gilmer, a message was ordered to be sent to the House of Commons, proposing to suspend the joint agreement to adjourn this day at 8 o'clock, until ten o'clock, this day.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bethell, Daniel, Davidson, Gilmer, Graham, Hawkins, Hargrove, Joyner, Lane, Smaw, Smith, Thomas, of Haywood, Washington, and Woodfin.

Those who voted in the negative are:

Messrs. Berry, Bower, Collins, Conner, Faison, Kendall, Reich, Rogers, Speight, Thompson, of Wake, Walker, and Watson.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to authorise the Judges who may hold special terms

of the Superior Courts, under the acts of 1844, chapter 10, to take jurisdiction of Equity cases.

A bill to incorporate the town of Swansboro'.

Resolution instructing the Literary Board to sell the Swamp Lands of the State belonging to said Fund, if they deem it necessary.

Received from the House of Commons a message, agreeing to the proposition of the Senate to suspend the Joint agreement of the two Houses to adjourn *sine die*, this day at 8 o'clock, until 10 o'clock this day.

The engrossed resolution, relative to the opening of Roanoke Inlet, was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act to incorporate Panther's Creek and Tennessee Mountain Turnpike Company, in which they ask the concurrence of the Senate. Said bill was read the first second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate Deep River Manufacturing Company, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate, that having disposed of all the public business before them, they are ready, according to the previous order of the two Houses, to adjourn *sine die*.

On motion of Mr. Joyner, a message was sent to the House of Commons stating, that the Senate having dispatched all the public business before it, is also ready to adjourn *sine die*.

Mr. Joyner then called up the following Resolution, which was introduced by him a few days since, and at his request, laid on the table, viz:

Resolved, That the thanks of the Senate are justly due, and are hereby tendered, to the Hon. Calvin Graves, for the able, faithful, and impartial manner in which he has discharged the duties of the Chair, during the present Session.

The said Resolution passed unanimously, and Mr. Speaker Graves resumed the Chair, (Mr. Patterson having occupied it

temporarily) and returned his thanks to the Senate in a very appropriate farewell address, and concluded by resigning his appointment as Speaker of the Senate.

On motion of Mr. Speight, Mr. Joyner was unanimously elected Speaker of the Senate, and having returned his thanks therefor, forthwith adjourned the same without day.

CALVIN GRAVES,
SPEAKER OF THE SENATE.

By order,
H. W. MILLER, *Clerk*.

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JOURNAL OF THE HOUSE OF COMMONS.

At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday the twentieth day of November, in the year of our Lord, one thousand eight hundred and forty-eight, and the seventy-third year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following Members of the House of Commons appeared, exhibited their credentials, and were qualified according to law, viz:

Anson—Johnson R. Hargrave, Jonathan Trull.
Ashe—Reuben Mast.
Beaufort—Edward Stanly, Washington W. Hayman.
Bertie—Joseph B. Cherry, Kader Biggs.
Bladen—Thomas S. D. McDowell.
Brunswick—David D. Allen.
Buncombe—Thomas W. Atkin, Newton Coleman.
Burke and McDowell—Tod R. Caldwell, John S. Erwin.
Cabarrus—Rufus Barringer, Joseph W. Scott.
Caldwell—Elisha P. Miller.
Camden—Dennis D. Ferebee.
Carteret—Jennings Pigot.
Caswell—John B. McMullen, Richard Jones.
Chatham—Daniel Hackney, S. McClanahan, James H. Headen.
Cherokee—George W. Hayes.
Chowan—Robert T. Paine.
Cleveland—James Y. Hamrick.
Columbus—Nathan L. Williamson.
Craven—William B. Wadsworth, George S. Stevenson.
Cumberland—James C. Dobbin, George W. Pegram,
Currituck—Thomas Griggs.

Davidson—Henry Walser, James M. Leach.
Davie—John M. Clement.
Duplin—Isaac B. Kelly, James G. Dickson.
Edgecombe—William F. Dancy, William Thigpen.
Franklin—David W. Spivey, William K. Martin.
Gates—Charles E. Ballard.
Green—James G. Edwards.
Granville—Robert B. Gilliam, George W. Green, Nathaniel E. Cannady.
Guilford—David F. Caldwell, Calvin Johnson, James W. Doak.
Halifax—William L. Long, Richard H. Smith.
Haywood—Robert G. A. Love.
Henderson—Henry T. Farmer.
Hertford—Kenneth Rayner.
Hyde—Tilman Farrow.
Iredell—Alexander C. McIntosh, Robert G. McDowell, E. Mansfield Campbell.
Johnston—Linn B. Sanders, Andrew J. Leach.
Jones—Calvin Koonce.
Lenoir—Council Wooten.
Lincoln, Gaston, Catawba—James H. White, Franklin D. Reinhardt, Samuel N. Stowe, Andrew H. Shuford.
Macon—John Y. Hicks.
Martin—Archibald H. Coffield.
Mecklenburg—Nehemiah A. Harrison, John N. Davis, Jas. J. Williams.
Moore—Samuel J. Person.
Montgomery—Zebedee Russell.
Nash—Joseph M. Taylor.
Northampton—Thomas J. Person, Etheldred J. Peebles.
New Hanover—Nicholas N. Nixon, Thos. H. Williams.
Onslow—Christopher D. Foy.
Orange—Cadwallader Jones, jr., Patterson H. McDade, John Stockard, Giles Mebane.
Pasquotank—Frederick S. Proctor.
Perquimans—Tristram L. Skinner.
Person—Charles H. K. Taylor.
Pitt—William J. Blow, Fenner B. Satterthwaite.
Randolph—Allen Skeen, Isaac White.
Richmond—Walter L. Steele.
Robeson—Neill Regan, John McNeill.
Rockingham—Daniel W. Courts, Thomas W. Keen.

Rowan—Willie Bean, John W. Ellis.
Rutherford—Albert G. Logan, William Wilkins.
Sampson—Arthur Brown, Amos Herring.
Stanly—Daniel A. G. Palmer.
Stokes—Andrew M. Gamble, John Blackburn, Anderson Nicholson.
Surry—Crawford W. Williams, James Sheek, Albert A. Oglesby.
Tyrrell—Charles McClees.
Wake—Rufus H. Jones, James D. Newsom, Berry D. Simms.
Warren—Francis A. Thornton, James L. Mosely.
Washington—Thomas B. Nicholls.
Wilkes—Leander B. Carmichael, Jesse J. Gamble.
Wayne—Curtis H. Brogden, John V. Sherard.

A quorum of the whole number of members being present, Mr. Stanly moved that Robert B. Gilliam, of Granville, be appointed Speaker of the House; and Mr. Courts moved that the name of James C. Dobbin, of Cumberland, be added to the nomination. The House thereupon proceeded to vote, under the superintendence of Mr. Stanly and Mr. Courts, as follows:

FOR MR. GILLIAM:

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. F. Caldwell, Johnson, Doak, Long, Smith, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Hicks, Russell, Peebles, Mebane, Proctor, Skinner, Blow, Satterthwaite, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Carmichael, J. J. Gamble—59.

FOR MR. DOBBIN:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Hamrick, Williamson, Stevenson, Pegram, Griggs, Clement, Kelly, Thigpen, Dickson, Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Love, Sanders, A J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Shuford, Coffield, Harrison, Davis, J. Williams, S. Person, J. M. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, C. Taylor, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Mosely, Brogden, Sherard—58.

FOR MR. DANIEL W. COURTS. Mr. Dobbin.

FOR MR. CHERRY, Mr. Gilliam.

Neither of the gentlemen in nomination having a majority of the whole number of votes, there was no election.

Upon motion, the House immediately proceeded to vote again for Speaker—the same gentlemen being in nomination.

Those who voted for MR. GILLIAM, were:

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. Caldwell, Johnson, Doak, Long, Smith, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Hicks, Russell, Peebles, Mebane, Proctor, Skinner, Blow, Satterthwaite, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Carmichael, J. J. Gamble—59.

Those who voted for MR. DOBBIN, were:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Hamrick, Williamson, Stevenson, Pegram, Griggs, Clement, Kelly, Dickson, Thigpen, Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Love, Sanders, A. J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Shuford, Coffield, Harrison, Davis, J. Williams, S. Person, J. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, C. Taylor, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Mosely, Brogden, Sherard—58.

For MR. ELLIS, Mr. Dobbin.

Neither of the gentlemen in nomination having a majority of the whole number of votes given, there was no election.

Upon motion of Mr. Ellis, the House adjourned to to-morrow morning, 10 o'clock.

TUESDAY, NOV. 21, 1848.

The House met according to adjournment.

Upon motion of Mr. Scott, the House proceeded to vote for

Speaker, the same gentlemen in nomination, and under the superintendence of Messrs. Stanly and Courts.

Those who voted for MR. GILLIAM, were—

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClanahan, Headen, Hayes, Paine, Wadsworth, J. M. Leach, Green, D. Caldwell, Johnson, Doak, Long, Smith, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Hicks, Russell, Peebles, Walser, Mebane, Proctor, Skinner, Blow, Satterthwaite, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Carmichael, J. Gamble—59.

Those who voted for MR. DOBBIN, were:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Hamrick, Williamson, Stevenson, Pegram, Griggs, Clement, Kelly, Dickson, Dancy, Thigpen, Spivey, Martin, Ballard, Edwards, Cannady, Love, Sanders, A. J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Shuford, Coffield, Harrison, Davis, J. Williams, S. Person, J. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, C. Taylor, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Mosely, Brogden, Sherard—58.

FOR MR. COURTS—Mr. Dobbin.

Neither of the gentlemen having received a majority of the whole number of votes, there was no election.

On motion of Mr. McClees, the House proceeded immediately to vote again for Speaker.

FOR MR. GILLIAM:

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. Caldwell, Johnson, Doak, Long, Smith, Farmer, Rayner, Farrow, McIntosh, Campbell, Koonce, Hicks, Russell, Peebles, Mebane, Procter, Skinner, Blow, Satterthwaite, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Carmichael, J. Gamble, R. McDowell—59.

FOR MR. DOBBIN:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Hamrick, Williamson, Stevenson, Pegram, Griggs, Clement, Kelly, Dickson, Thigpen, Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Love, Sanders, A. J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Shuford, Coffield, Harrison, Davis, J. Williams, S. Person, J. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, C. Taylor, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Mosely, Sherard, Brogden—58.

Mr. Dobbin voted for Mr. COURTS.

Neither of the gentlemen in nomination having received a majority of the whole number of votes, there was no election.

On motion of Mr. Miller, the House proceeded immediately to vote again for Speaker, as follows:

FOR MR. GILLIAM:

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. Caldwell, Johnson, Doak, Long, Smith, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Hicks, Russell, Peebles, Mebane, Proctor, Skinner, Blow, Satterthwaite, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Carmichael, J. Gamble—59.

FOR MR. DOBBIN:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Hamrick, Williamson, Stevenson, Pegram, Griggs, Clement, Kelly, Dickson, Thigpen, Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Love, Sanders, A. J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Shuford, Coffield, Harrison, Davis, J. Williams, S. Person, J. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, C. Taylor, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Mosely Brogden, Sherard—58.

Mr. Dobbin voted for MR. COURTS.

Neither of the gentlemen having a majority of the whole number of votes, there was no election.

Mr. C. Jones moved that the House do now adjourn until

to-morrow morning, 10 o'clock; upon which motion, Mr. Hicks called for the yeas and nays, which were ordered, and were as follows:

Those who voted in the affirmative were:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Williamson, Stevenson, Dobbin, Pegram, Griggs, Clement, Dickson, Thigpen, Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Long, Sanders, A. J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Coffield, Harrison, S. Person, J. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Brogden, Davis, J. Williams—51.

Those who voted in the negative were:

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Hamrick, Wadsworth, Walser, J. M. Leach, Kelly, Gilliam, Green, D. Caldwell, Johnson, Doak, Smith, Love, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Shuford, Hicks, Russell, Peebles, McDade, Stockard, Mebane, Proctor, Skinner, C. Taylor, Blow, Satterthwaite, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Mosely, Carmichael, J. Gamble, Sherard—68.

So the House refused to adjourn.

Upon motion of Mr. Steele, the House proceeded immediately to vote again for Speaker, as follows:

FOR MR. GILLIAM:

Messrs. Hargrave, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. Caldwell, Johnson, Doak, Long, Smith, Farmer, McIntosh, R. McDowell, Campbell, Koonce, Hicks, Russell, Peebles, Mebane, Proctor, Skinner, Blow, Satterthwaite, I. White, Steele, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, Oglesby, McClees, Nicholls, Skeen, Carmichael, Rayner, Farrow, J. Gamble.

FOR MR. DOBBIN:

Messrs. T. McDowell, Coleman, McMullen, R. Jones, Hamrick, Williamson, Stevenson, Pegram, Griggs, Clement, Kelly, Dickson, Thigpen,

Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Love, Sanders, A. J. Leach, Wooten, J. H. White, Reinhardt, Stowe, Shuford, Coffield, Harrison, Davis, J. Williams, S. Pearson, J. Taylor, T. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, C. Taylor, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, C. Williams, Sheek, R. H. Jones, Newsom, Simms, Thornton, Mosely, Brogden, Sherard—58.

Mr. Dobbin voted for Mr. Courts.

Neither of the gentlemen in nomination having received a majority of the whole number of votes, there was no election.

On motion of Mr. Stanly, the House then adjourned to tomorrow morning, 10 o'clock.

WEDNESDAY, NOV. 22, 1848.

The House met pursuant to adjournment.

Mr. Courts moved that the House proceed to the election of a Speaker, which was agreed to, and he withdrew from nomination, the name of Mr. Dobbin; whereupon the House voted as follows:

FOR MR. GILLIAM:

Messrs. Hargrove, Trull, Mast, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Stevenson, Walser, J. M. Leach, Clement, Spivey, Green, Cannady, D. Caldwell, Johnson, Doak, Long, Smith, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Shuford, Hicks, Coffield, Harrison, J. Williams, Russell, T. Person, Peebles, Nixon, McDade, Stockard, Mebane, Proctor, Skinner, C. Taylor, Blow, Satterthwaite, Skeen, I. White, Steele, Regan, McNeill, Courts, Keen, Logan, Wilkins, Brown, Palmer, A. Gamble, Blackburn, Nicholson, C. Williams, Sheek, Oglesby, McClees, Nicholls, Carmichael, J. Gamble, Brogden, Bean—81.

FOR MR. DOBBIN:

Messrs. T. McDowell, Williamson, Pegram, Griggs, Kelly, Dickson, A. J. Leach, S. J. Person, Foy, Ellis, Simms, Sherard—12.

FOR MR. COURTS:

Messrs. R. Jones, Love, J. H. White, Reinhardt, Stowe, Herring, Newsom—7

FOR MR. ELLIS:

Messrs. Coleman, McMullen, Thigpen, Dancy, Martin, Edwards, Davis, T. Williams, Thornton, Mosely—10.

FOR MR. STEVENSON—Mr. Wooten.

FOR MR. S. J. PERSON—Mr. R. H. Jones.

Mr. Gilliam having received a majority of the whole number of votes, was declared duly elected Speaker; and thereupon he was conducted to the Chair by Messrs. Courts and Stanly, and made his acknowledgements to the House, in an appropriate address.

A motion was made by Mr. Ferebee, that the House do now proceed to the election of Principal Clerk; which motion was agreed to, and he nominated for the appointment, James T. Littlejohn, of Granville. On motion of Mr. Hayes, the name of Maurice Q. Waddell, of Chatham, and on motion of Mr. Dobbin, the name of William B. Gulick, of Craven, were also added to the nomination.

The House then proceeded to vote as follows:

FOR MR. LITTLEJOHN:

Messrs. Speaker, Paine, Koonce, Hargrave, Wadsworth, Hicks, Trull, J. M. Leach, Mebane, Stanly, Green, Proctor, Hayman, D. Caldwell, Skinner, Cherry, Johnson, Blow, Biggs, Long, Satterthwaite, T. R. Caldwell, Smith, Skeen, Erwin, Rayner, Nicholson, Barringer, Farrow, Nicholls, Ferebee and McIntosh—32.

FOR MR. GULICK:

Messrs. T. S. McDowell, R. H. Jones, Brown, Coleman, Sheek,

Thornton, McMullen, Thigpen, Newsom, R. Jones, Dancy, Mosely, Williamson, Spivey, Reinhardt, Stevenson, Martin, Stowe, Dobbin, Ballard, Shuford, Pegram, Edwards, Coffield, Griggs, Cannady, Harrison, Clement, Love, Davis, Kelly, Sanders, J. Williams, Dickson, A. J. Leach, S. J. Person, Foy, Wooten, J. Taylor, Stockard, J. H. White, T. Person, McNeill, C. Jones, Nixon, Ellis, C. Taylor, T. Williams, C. Williams, Courts, McDade, Regan, Oglesby, Brogden, Keen, Simms, Sherard and Herring—58.

FOR MR. WADDELL:

Messrs. Mast, Walser, Bean, Allen, Doak, Logan, Atkin, Farmer, Wilkins, Scott, R. McDowell, Palmer, Miller, Campbell, A. Gamble, Pigot, Russell, Blackburn, Hackney, Peebles, McClees, McClanahan, I. White, Carmichael, Headen, Steele, J. Gamble and Hayes—28.

Neither one of the candidates having received a majority of the whole number of votes given, there was no election.

On motion of Mr. Hicks, the House then preceeded to vote again for Principal Clerk, viz:

FOR MR. GULICK:

Messrs. T. McDowell, Dickson, J. H. White, Coleman, Thigpen, Reinhardt, McMullen, Dancy, Stowe, R. Jones, Spivey, Shuford, Hamrick, Martin, Coffield, Williamson, Ballard, Harrison, Stevenson, Edwards, Davis, Dobbin, Cannady, J. Williams, Pegram, Love, S. J. Person, Griggs, Sanders, J. Taylor, Clement, A. J. Leach, T. Person, Kelly, Wooten, Nixon, T. Williams, Keen, Newsom, Foy, Ellis, Simms, C. Jones, Brown, Thornton, McDade, Herring, Mosely, Stockard, A. Gamble, Brogden, Regan, C. Williams, Sherard, McNeill, Sheek, C. Taylor, Courts and R. H. Jones—59.

FOR MR. LITTLEJOHN.

Messrs. Speaker, Green, Hicks, Stanly, Johnson, Satterthwaite, T. Caldwell, Long, Skeen, Ferebee, Smith, McClees, Paine, Farrow—14.

FOR MR. WADDELL.

Messrs. Hargrave, Headen, Peebles, Trull, Hayes, Mebane,

Mast, Wadsworth, Proctor, Hayman, Walser, Skinner, Cherry, J. M. Leach, Blow, Biggs, D. Caldwell, I. White, Allen, Doak, Bean, Atkin, Farmer, Logan, Erwin, Rayner, Wilkins, Barringer, McIntosh, Blackburn, Scott, R. McDowell, Nicholson, Miller, Cambpell, Nicholls, Pigot, Koonce, Carmichall, Hackney, Russell, J. J. Gamble, McClenahan—43.

Mr. Steele voted for MR. BUSBEE.

Neither of the candidates having received a majority of the votes given, there was no election.

Mr. J. M. Leach moved to proceed, forthwith, to vote again for Principal Clerk; which motion was disagreed to. The same motion was afterwards renewed by Mr. Steele, and carried, and he nominated for the appointment, Perrin Busbee, of Wake County. Thereupon, the names of Messrs. Gulick and Littlejohn having been withdrawn, the House proceeded to vote as follows :

FOR MR. BUSBEE :

Messrs. Stanly, Biggs, T. McDowell, Barringer, Ferebee, McMullen, R. Jones, Williamson, Stevenson, Dobbin, Pegram, J. M. Leach, Clement, Kelly, Dickson, Thigpen, Dancy, Ballard, Edwards, Love, Sanders, A. J. Leach, J. H. White, Reinhardt, Stowe, Shuford, Hicks, Harrison, Davis, J. Williams, T. Person, C. Jones, McDade, Stockard, Mebane, Proctor, Skinner, C. Taylor, Blow, Satterthwaite, Steele, Regan, Courts, Keen, Brown, A. Gamble, Blackburn, Nicholson, C. Williams, Sheek, Oglesby, R. H. Jones, Newsom, Simms, Nicholls, Carmichall, J. J. Gamble, Sherard, T. Caldwell—59.

FOR MR. WADDELL :

Messrs. Speaker, Trull, Mast, Hayman, Cherry, Allen, Atkin, Erwin, Scott, Miller, Pigot, Hackney, McClenahan, Headen, Hayes, Wadsworth, Walser, Green, D. Caldwell, Johnson, Doak, Smith, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Campbell, Koonce, Russell, Peebles, Skeen, I. White, Bean, Logan, Wilkins, Palmer, McClees—38.

FOR MR. GULICK :

Messrs. Coleman, Griggs, Spivey, Martin, Cannady, Wooten, Coffield, S. Person, J. Taylor, Nixon, T. Williams, Foy, McNeill, Ellis, Herring, Thornton, Mosely, Brogden—18.

Mr. Paine voted for Mr. LITTLEJOHN.

Mr. Busbee having received a majority of the whole number of votes given, was declared duly elected Principal Clerk.

On motion of Mr. T. R. Caldwell, the House now proceeded to vote for Assistant Clerk; and he nominated for the appointment, James R. Dodge, of Surry county. On motion of Mr. S. J. Person, the name of Geo. E. B. Singeltary, of Wake, was added to the nomination.

The House then voted as follows:

FOR MR. DODGE:

Messrs. Speaker, Hargrave, Trull, Mast, Stanly, Harrison, Cherry, Biggs, Allen, Atkin, Coleman, T. R. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. F. Caldwell, Johnson, Doak, Long, Smith, Love, Farmer, Rayner, Farrow, McIntosh, R. I. McDowell, Koonce, Shuford, Hicks, Russell, Peebles, Mebane, Campbell, Sherard, Proctor, Skinner, Blow, Satterthwaite, Skeen, I. White, Steele, Keen, Bean, Logan, Wilkins, Palmer, Blackburn, Nicholson, C. W. Williams, Sheek, Oglesby, McClees, Nicholls, Carmichall, J. J. Gamble, Brogden—68.

FOR MR. SINGELTARY:

Messrs. T. McDowell, McMullen, R. Jones, Williamson, Stevenson, Dobbin, Pegram, Griggs, Clement, Kelly, Dickson, Thigpen, Dancy, Spivey, Martin, Ballard, Edwards, Cannady, Sanders, A. J. Leach, Wooten, White, Reinhardt, Stowe, Coffield, Davis, Williams, S. Person, J. Taylor, T. Person, Nixon, T. H. Williams, Foy, C. Jones, McDade, Stockard, C. H. K. Taylor, Regan, McNeill, Courts, Ellis, Brown, Herring, A. M. Gamble, R. H. Jones, Newsom, Simms, Thornton, Moseley—49.

Mr. Dodge having received a majority of the whole number of votes, was declared duly elected Assistant Clerk.

On motion of Mr. Hayes, the House now proceeded to the election of Principal Doorkeeper; Mr. Lovell having been nominated for the place, by Mr. Hayes; Mr. Moody, by Mr. Ellis; Mr. Jackson, by Mr. Martin; Mr. D. Smith, by Mr. Jones; Mr. Wright, by Mr. J. H. White; Mr. Walton, by Mr. Hicks; and Mr. Betts, by Mr. Pegram.

The House voted as follows:

FOR MR. LOVELL:

Messrs. Speaker, Stanly, Hayman, Cherry, Biggs, Allen, Atkin, T. R. Caldwell, Erwin, Barringer, Scott, Miller, Ferebee, Pigot, Hackney, McClenahan, Headen, Hayes, Paine, Wadsworth, Walser, J. M. Leach, Green, D. F. Caldwell, Johnson, Doak, Long, Smith, Love, Farmer, Rayner, Farrow, McIntosh, R. McDowell, Sanders, Koonce, Russell, McDade, Stockard, Mebane, Proctor, Skinner, C. H. K. Taylor, Blow, Satterthwaite, Skeen, I. White, Bean, Wilkins, Palmer, A. M. Gamble, Blackburn, Nicholson, C. W. Williams, Oglesby, McClees, Nicholls, Carmichall, J. J. Gamble—59.

FOR MR. MOODY:

Messrs. Hargrave, Trull, Mast, T. McDowell, Williamson, Stevenson, Kelly, Dickson, Thigpen, Dancy, Ballard, Edwards, Wooten, Harrison, S. Person, T. Person, Peebles, Nixon, T. Williams, Foy, Regan, McNeill, Courts, Ellis, Herring, Sheek, Sherard, Brogden, Steele—29.

FOR MR. JACKSON:

Messrs. Griggs, Clement, Spivey, Martin, Cannady, Coffield, J. Taylor, Thornton, Mosely—9.

FOR MR. BETTS:

Messrs. McMullen, R. Jones, Dobbin, Pegram, Davis, J. Williams, C. Jones, Brown—8.

FOR MR. WRIGHT:

Messrs. J. H. White, Reinhardt, Stowe, Shuford, Logan—5.

FOR MR. SMITH:

Messrs. A. J. Leach, R. H. Jones, Newsom, Simms—4.

FOR MR. WALTON, Mr. Hicks.

Mr. Lovell having received a majority of the whole number of votes, was declared duly elected Principal Doorkeeper.

On motion of Mr. T. R. Caldwell, the House then proceeded to the election of Assistant Doorkeeper; the following persons being in nomination for the appointment: Joseph Livingston, A. P. Woodall, A. W. Moody, W. S. Webster, C. Hill, S. Kendrick, T. Anderson, J. King, I. Beckwith, S. L. Tucker, John H. White, E. S. Lawrence, —— Saddler and N. Flowers. The vote was as follows:

FOR MR. ANDERSON:

Messrs. Stanly, Hayman, Miller, McMullen, R. Jones, Paine, Williamson, Clement, Dickson, Edwards, Doak, Smith, Campbell, Koonce, Shuford, Coffield, J. Williams, C. Jones, McDade, Stockard, Skinner, C. H. K. Taylor, Satterthwaite, Brown, Herring, C. W. Williams, Sheek, Brogden, Sherard—29.

FOR MR. JNO. H. WHITE:

Messrs. Mast, Cherry, Walser, J. M. Leach, D. F. Caldwell, A. M. Gamble, Blackburn, Nicholson—8.

FOR MR. LAWRENCE:

Messrs. Scott, Farrow, Russell, Skeen, I. White, Bean, Palmer, McClees—9.

FOR MR. TUCKER.

Messrs. Speaker, Pigot, Griggs, Spivey, Martin, Green, Hicks, Thornton, Mosely—9.

FOR MR. LIVINGSTON:

Messrs. Biggs, Allen, Atkin, Coleman, T. R. Caldwell, Erwin, Barringer, Ferebee, Hayes, Long, Love, Farmer, McIntosh, R. McDowell, Proctor, Logan, Wilkins, Nicholls—18.

FOR MR. WOODALL:

Messrs. Cannady, J. M. Taylor, R. H. Jones, Newsom, Simms—5.

FOR MR. MOODY:

Messrs. Hargrave, Trull, Stevenson, Kelly, Ellis, Thigpen, Dancy, Ballard, Sanders, A. J. Leach, Blow, Steele, McNeill—13.

FOR MR. WEBSTER:

Messrs. Hackney, McClenahan, Headen, Wadsworth, Dobbin, Johnson, J. H. White, Reinhardt, Stowe, Harrison, Davis, S. J. Person, Nixon, T. Williams, Foy, Mebane—16.

FOR MR. HILL:

Messrs. Wooten, Courts, Carmichall, J. J. Gamble—4.

FOR MR. SADDLER, Messrs. Rayner, T. J. Person, Peebles—3.

FOR MR. KENDRICK—Messrs. T. S. McDowell, Pegram, and Regan—3.

FOR MR. BECKWITH—Mr. Keen—1.

No one of the candidates having received a majority of the whole number of votes cast, there was no election.

Mr. Miller moved that the House proceed again to vote for Assistant Doorkeeper; pending which motion, Mr. Stanly moved an adjournment to to-morrow, 11 o'clock, which was carried.

THURSDAY, NOVEMBER 23, 1848.

Mr. Miller renewed his motion of yesterday, to go into the election of Assistant Doorkeeper, which was agreed to; and the names of Messrs. White, Hill, Kendrick, and Thomas, having been withdrawn, the House proceeded to vote as follows:

FOR MR. MOODY:

Messrs. Hargrave, Trull, Steele, McNeill, Ellis—5.

FOR MR. LIVINGSTON:

Messrs. Speaker, Biggs, Atkin, Coleman, T. Caldwell, Erwin, Barringer, Ferebee, Hayes, Walser, Long, Love, Farmer, Logan, Nicholls, R. I. McDowell, Rayner—17.

FOR MR. ANDERSON:

Messrs. Mast, Hayman, Miller, McMullen, R. Jones, Dickson, Dancy, Doak, Smith, McIntosh, Campbell, Wooten, J. Williams, J. Taylor, C. Jones, McDade, Stockard, Proctor, Skinner, C. Taylor, Regan, Courts, Brown, Herring, Carmichall, Brogden, Sherard, Edwards—28.

FOR MR. WEBSTER:

Messrs. Stanly, T. McDowell, Allen, Hackney, McClenahan, Headen, Paine, Wadsworth, Stevenson, Dobbin, Pegram, Clement, Thigpen, Ballard, D. Caldwell, Johnson, A. J. Leach, Koonce, J. H. White, Reinhardt, Stowe, Shuford, Hicks, Coffield, Davis, S. Pearson, Nixon, T. Williams, Foy, Mebane, Blow, Satterthwaite, Wilkins, A. Gamble, Blackburn, C. Williams, J. Gamble, Harrison, Kelly, Keen—41.

FOR MR. LAWRENCE:

Messrs. Scott, J. M. Leach, Farrow, Russell, Skeen, I. White, Bean, Palmer, Nicholson, Oglesby, McClees—11.

FOR MR. TUCKER:

Messrs. Pigot, Griggs, Spivey, Martin, Green, Cannady, Thornton, Mosely, and Williamson—9.

FOR MR. BECKWITH:

Messrs. Sanders, R. H. Jones, Newsom, Simms—4.

FOR MR. SADDLER:

Messrs. T. Person, and Peebles—2.

Neither of the candidates having a majority of the votes given, there was no election.

On motion of Mr. Steele, the rules of the House of Commons of last session were adopted for the temporary government of the House.

Mr. Mebane moved that a committee of five be appointed, to draft rules for the government of the House; which was agreed to, and thereupon Messrs. Mebane, Stanly, Ellis, Courts, and Steele, were appointed said committee.

On motion by Mr. Brogden, the House proceeded again to vote for Assistant Doorkeeper; when the names of Messrs. Beckwith, Moody, Tucker, Woodall, Saddler, Lawrence, and Anderson, having been withdrawn from nomination, the vote was as follows:

FOR MR. WEBSTER:

Messrs. Hargrave, Mast, Stanly, Hayman, T. McDowell, Ferebee, Pigot, McMullen, Headen, Paine, Williamson, Stowe, Shuford, Hicks, Coffield, Harrison, Davis, J. Williams, S. Person, Nixon, T. Williams, Foy, C. Jones, McDade, Stockard, Wadsworth, Stevenson, Dobbin, Pegram, Clement, Kelly, Dickson, Thigpen, Dancy, Spivey, Martin, Mebane, Skinner, C. Taylor, Blow, Satterthwaite, Regan, McNeill, Courts, Keen, Ellis, Brown, Herring, A. Gamble, Blackburn, Ballard, Edwards, Cannady, Johnson, Smith, Sanders, A. J. Leach, Koonce, Wooten, J. H. White, Reinhardt, C. Williams, Sheek, Oglesby, McClees, R. H. Jones, Newsom, Simms, Thornton, Mosely, Brogden, Sherard, Griggs—79.

FOR MR. LIVINGSTON:

Messrs. Speaker, Trull, Cherry, Biggs, Allen, Atkin, Coleman, T. Caldwell, Erwin, Barringer, Scott, Miller, Hayes, Walser, Green, Doak, Long, Love, Farmer, Rayner, Farrow, McIntosh, Campbell, R. Mc-

Dowell, Peebles, Proctor, Skeen, I. White, Steele, Bean, Logan, Wilkins, Palmer, Nicholson, Nicholls, J. J. Gamble, Carmichall—37.

FOR MR. CAFFEY:

Messrs. J. M. Leach, and D. F. Caldwell—2.

Mr. Webster having received a majority of the whole number of votes, was declared duly elected Assistant Doorkeeper.

Ordered, on motion of Mr. Mebane, that a message be sent to the Senate, informing that body, that the House of Commons was now organized by the appointment of its proper officers, and was ready to proceed to the despatch of public business.

Mr. Ellis moved that a committee of three be appointed, to wait upon his Excellency, the Governor of the State, and inform him that the House was ready to receive any communications that he might have to make, appertaining to this Branch of the Legislature; which motion was agreed to. And thereupon, the Speaker appointed Messrs. Ellis, J. M. Leach and Biggs, said Committee.

The Speaker laid before the House, certain papers received from the County of Perquimans, in regard to the contested election from that County; which, on motion of Mr. Stanly, were laid upon the table.

Mr. McClees moved that the House adjourn to to-morrow, 11 o'clock, which was not agreed to.

Mr. Ellis, from the Committee appointed to wait on the Governor, reported verbally to the House, that the Committee had performed their duty, and that his Excellency designed sending a Message to the House forthwith; which

Message was received through the hands of W. W. Morrison, Esq., his Private Secretary, informing the House of the resignation of Samuel Fleming, Esq., member elect from Yancy County; whereupon,

On motion of Mr. Ellis,

Ordered, That a writ of election issue to the Sheriff of Yancy County, directing an election to be held in said county, on the 8th of December next, to supply the vacancy occasioned by the resignation of Mr. Fleming.

Mr. Hayes moved a reconsideration of the vote by which the House had just ordered a writ of election to issue to Yancy County; which was disagreed to.

And then, on motion of Mr. Williams, of New Hanover, the House adjourned to to-morrow morning, 11 o'clock.

FRIDAY, Nov. 24, 1848.

On motion of Mr. Dobbin, the House proceeded, under the Rules of Order, to the appointment of the following Standing Committees, viz :

On Claims—Messrs. Ballard, Nicholls, Martin, Allen, D. F. Caldwell, Brogden, Russell, Walser, Shuford, Miller, and Wilkins.

On Propositions and Grievances—Messrs. T. J. Person, Satterthwaite, Newsom, McMullen, Williamson, Palmer, Koonce, Courts, J. H. White, Ellis and Hayes.

On Education—Messrs. Cherry, Blow, Smith, T. McDowell, C. H. K. Taylor, Wadsworth, Headen, Blackburn, Davis, R. I. McDowell and Allen.

On Agriculture—Messrs. Skinner, McClees, Cannady, Foy, Stockard, Wooten, Pegram, Oglesby, Scott, Mast and Logan.

On Internal Improvements—Messrs. Rayner, Dancy, Long, Nixon, Doak, McClenahan, Kelly, J. M. Leach, Barringer, McIntosh and Love.

On Privileges and Elections—Messrs. Ferebee, Stanly, Thornton, T. H. Williams, Mebane, S. J. Person, Clement, Trull, T. R. Caldwell, Farmer and Stevenson.

On motion of Mr. Dobbin, the papers and communications touching the contested election from Perquimans County, were taken up, and referred to the Committee on Privileges and Elections.

And then, on motion of Mr. Dancy, the House adjourned till to-morrow morning, 11 o'clock.

SATURDAY, Nov. 25.

The Speaker laid before the House certain papers in relation to the contested election from the County of Perquimans, and the same were, on motion of Mr. Courts, referred to the Committee on Privileges and Elections.

Mr. Rayner moved that the House adjourn to 1 o'clock, this afternoon; which was disagreed to.

Mr. Love moved an adjournment to 3 o'clock, which was carried.

THREE O'CLOCK, P. M.

Mr. Biggs introduced a memorial from certain citizens of Bertie County, protesting against any alteration of the Law, incorporating the Town of Windsor, in that County; which, on his motion, was referred to the Committee on Propositions and Grievances.

On motion of Mr. Rayner,

Resolved, That the Rev. G. Copway, a Chief of the Chippeway Indians, have the use of the Commons Hall on Monday night next, for the purpose of delivering a lecture on the subject of a plan proposed by him for civilizing the condition of the North American Indians.

And thereupon, on motion of Mr. Stanly, the House adjourned to Monday, 11 o'clock.

MONDAY, NOVEMBER 27.

Received from the Senate a message, informing of the organization of their body, by the appointment of Hon. Calvin

Graves, Speaker; Henry W. Miller, Esq. Chief Clerk; Hiram W. Husted, Esq., Assistant Clerk, Green Hill, Esq., Doorkeeper, and Patrick McGowan, Esq., Assistant Doorkeeper.

Received also from the Senate, a message proposing to appoint a Committee of two on the part of each House, to wait upon his Excellency, the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any communication that he may deem proper to make; which was read and concurred in, and Messrs. Headen and Spivey were appointed said committee on the part of the House, and the Senate informed thereof by message.

Received from the Senate a message, informing that Messrs. Patterson and Hawkins form their part of said committee.

Received from the Senate, a message proposing to go forthwith into an election of an Engrossing Clerk, and informing that Messrs. R. K. Bryan, J. T. Thomas, S. M. Ingram, T. G. Whitaker, T. M. Moore, J. F. Simmons, T. A. Futrell and D. Lewis, were in nomination for the appointment; which was read and agreed to; and then, on motion of Mr. Rayner, the name of James Iredell, jr., was added to the nomination, and the Senate informed thereof by message, and that Messrs. J.J. Gamble and Cannady, formed the House branch of Committee to superintend the election.

Received from the Senate, a message informing that Messrs. Bower and Lane form their branch of said committee, and that the Senate would proceed to vote on the return of the messenger.

The House then voted as follows:

FOR MR. BRYAN:

Messrs. Brown, Campbell, Clement, Coleman, Courts, Dancy, Dickson, Ellis, Erwin, Foy, A. M Gamble, Herring, Kelly, Koonce, Logan, Love, Mosely, T. McDowell, McIntosh, McNeill, Nicholls, Nixon, Oglesby, Pegram, S. J. Person, T. J. Person, Regan, Sheek, Sherard, Stevenson, J.M.Taylor, Thigpen, Wadsworth, C.Williams, Wooten—35.

FOR MR. THOMAS:

Messrs. Speaker, Brogden, Cannady, Davis, Edwards, Green, Griggs, Hamrick, Harrison, R. Jones, Keen, Martin, McDade, McMullen, Reinhardt, Shuford, Spivey, Stowe, C. H. K. Taylor, Thornton, J. H.White, J. J. Williams—22.

FOR MR. INGRAM:

Messrs. Atkin, Barringer, Coffield, Hargrave, Hayman, Hicks, Pigot, Satterthwaite, Steele, Trull, T. H. Williams—11.

FOR MR. LEWIS:

Messrs. Allen, D. F. Caldwell, Hayes, J. J. Gamble, Mast, Mebane—6.

FOR MR. IREDELL:

Messrs. Biggs, Blow, T.R.Caldwell, Carmichall, Cherry, Ferebee, C. Jones, Miller, McClenahan, Paine, Proctor, Rayner, Skinner, Stanly, Stockard, Wilkins—16.

FOR MR. WHITAKER:

Messrs. Ballard, Farmer, R. H. Jones, A. J. Leach, Newsom, Sanders, Simms—7.

FOR MR. MOORE:

Messrs. Bean, Blackburn, Doak, Farmer, J. M. Leach, McClees, R. McDowell, Nicholson, Palmer, Russell, Scott, Skeen, Walser, I. White—14.

FOR MR. SIMMONS:

Messrs. Johnson, Long, Peebles, Smith—4.

FOR MR. FUTRELL—Messrs. Hackney, Headen—2.

Mr. Steele introduced the following Resolutions:

Resolved, That the Territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any Territory of the United States, acquired, or which may hereafter be acquired.

Resolved, That the enactment of any law, which should di-directly, or by its effects, deprive the citizens of any of the States, from emigrating with their property into any of the Territories of the United States, will make such discrimination, and would therefore be a violation of the Constitution

and the rights of the States, from which such citizens emigrated, and in derogation of that perfect equality which belong to them as members of this Union; and would tend directly to subvert the Union itself.

Resolved, That it is a fundamental principle in our political creed, that a people, in forming a Constitution, have the unconditional right to form and adopt the Government which they may think best calculated to secure their liberty, prosperity and happiness; and that in conformity thereto, no other condition is imposed by the Federal Constitution, on a State, in order to be admitted into the Union, except that its Constitution shall be Republican, and that the imposition of any other by Congress, would not only be in violation of the Constitution, but in direct conflict with the principles on which our political system rests.

Resolved, That a copy of these Resolutions be sent to each of our Senators and Representatives in Congress, with a request that they be laid before their respective Houses.

Which were read first time and passed; and on motion of Mr. Rayner, laid on the table, and ordered to be printed.

Mr. Mebane introduced a resolution in favor of the Doorkeepers of the House of Commons, which was read and adopted.

Mr. A. M. Gamble introduced a bill for dividing Stokes county, into two distinct counties, which was read the first time and passed.

Mr. T. R. Caldwell presented a memorial from citizens of Burke county, praying relief for the purchasers of Cherokee Lands; which was, on his motion, laid on the table.

Mr. Rayner, from the committee heretofore appointed to prepare Rules for the government of the House during its present session, reported the following:

RULES AND ORDER
OF CONDUCTING BUSINESS IN THE
HOUSE OF COMMONS.

Touching the duty of the Speaker.

1. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, shall have adjourned; shall immediately call the Members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other Members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any Member; on which appeal, no Member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two Members, one from each side of the question, to tell the Members in the affirmative; which being reported, he shall then name two others, one from each side of the question, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties

of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

9. All Acts, Addresses, and Joint Resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker, or some member of the House; and the range of pillars in front of the Speaker's Chair, shall be considered the bar of the House.

12. Stenographers, wishing to take down debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

Order of Business of the Day.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the Orders of the Day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case,

appointments may be made on motion; and on such elections, the roll shall be called a second time for absentees before the result is announced.

Of Decorum and Debates.

14. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

15. When the Speaker shall call a Member to order, he shall sit down; as also he shall when called to order by another member, unless the Speaker decide the point of order in his favor. By leave of the House, the Member called to order may clear a matter of fact or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any Member may appeal from the decision of the Chair; and if, upon the appeal, the decision be in favor of the member called to order, he may proceed. If otherwise, he shall not, except by leave of the House, and if the case in the judgment of the House, require it, he shall be liable to its censure.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up, or walk out or across the House; nor, when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, touching his right to a seat in the House, or on the passage of any private bill or resolution in the event of which he is immediately and directly interested, or in the case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made, and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair; and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

25. A motion to adjourn shall always be in order, except when the House is voting, or some member speaking, and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of

the majority to move for the re-consideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No Bill, Petition, Memorial, or other papers that may be introduced, shall be taken out of the possession of the House or sent to the Senate, until the time for re-consideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the Members shall be taken alphabetically.

33. No member shall be called upon for words spoken in the House but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty members, including the Speaker, shall be authorised to compel the attendance of absent members.

35. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of two Standing Committees.

37. If any Member shall be necessarily absent on any tem-

porary business of the House, when the vote is taken on any question, upon entering the House, he shall be permitted, on motion, to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

39. The Members of the House shall uncover their heads upon entering the Hall whilst the House is in Session, and shall continue so uncovered during their continuance in the Hall.

40. Upon motion of any member, there shall be a call of the House, a majority of the members present assenting thereto, and upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall again be called over. The doors shall then be closed, and those for whom no excuse or insufficient excuses are made, may by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers appointed for that purpose.

COMMITTEES.

41. Six Standing Committees shall be appointed at the commencement of the session, viz: A Committee on Claims; a Committee on Propositions and Grievances; a Committee on Education; a Committee on Agriculture; a Committee on Internal Improvement; and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members, one from each Electoral District, to be appointed by the members from the counties composing said district. In addition to the above Standing Committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

42. A Select Standing Committee, consisting of eleven members, shall be appointed at the commencement of the session,

by the Speaker, and be denominated "the Committee on the Judiciary."

43. Select Committees shall consist of five members. It shall be the duty of the person first named on any Committee, to cause the members of the Committee to convene when necessary, and when so convened, they shall appoint some one of their number chairman.

44. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

45. Upon Bills committed to a committee of the whole House, the bill shall be first read, throughout by the Clerk, and then again read and debated by section, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

46. All questions, whether in Committee, or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

47. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as as they may be applicable, except the rule limiting the time of speaking.

48. In a committee of the whole House, a motion that the committee rise, shall always be in order, except, when a member is speaking, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

49. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

50. Every bill shall receive three several readings in the

House previous to its passage; and the Speaker shall give notice at each, whether it be its first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

51. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

52. All bills shall be dispatched in order as they were introduced, unless when the House shall direct otherwise: but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

53. All resolutions which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated in all respects in a similar manner with public bills.

54. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of the said repealing bill, unless required by one third of the House.

55. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

56. The Clerk of the House shall be deemed to continue in office until another is appointed.

R. B. GILLIAM,
Speaker of the House of Commons.

By Order,
PERRIN BUSBEE, *Clerk.*

Which were read, and on motion of Mr. Rayner, ordered to lie on the table.

Received from his Excellency, William A. Graham, Governor of the State, by his Private Secretary, W. W. Morrison, Esq. the following Communication; which was read, and on

motion of Mr. Rayner, ordered to be sent to the Senate, with a proposition, that five copies be printed for each member.

GOV. GRAHAM'S MESSAGE.

To the Honorable, the General Assembly

of North Carolina:

The recurrence of the regular session of the Legislature, after the lapse of two more years, demands of us renewed expressions of gratitude and praise to an all-bounteous Providence, for the numerous manifestations of his benificence, with which we have been favored. With rare exceptions, health has been enjoyed among our population in an unusual degree, the fruits of the earth have been yielded in abundance, not merely for the supply of all our wants, but to relieve the distresses of our famishing brethren, in other lands, and our Common Country has been restored to the blessing of Peace.

The Regiment of Volunteers, required for the War with Mexico, which was being levied at the last adjournment of the Legislature, was mustered into the service of the United States, and embarked for the seat of War, as early as practicable, after their arrival at Smithville. Being assigned to the column of the army commanded by Major General Taylor and reaching their destination after the memorable defeat of the enemy at Buena Vista, which overthrew and dispersed his forces in that quarter, they did not have the good fortune to participate in those victories which have so signally illustrated our arms. They bore however their full share of the privations and hardships incident to camp life, and contributed more than their due proportion of victims to a climate more dreadful than the foe. Had opportunity been afforded them, to test their prowess in battle, I doubt not, that under the discipline and lead of their gallant and able commander, they would have won laurels for themselves, and brought home honors for their Country. Under the Resolutions of the last session, making appropriations to that end, I drew from the Treasury, at sundry times, from January, till May, 1847, the sum of eleven

thousand two hundred and thirty dollars, ($11,230) for the use of the Regiment; for the disbursement of which, vouchers have been deposited in the office of the Comptroller of public accounts.

An act having been passed at the recent Session of Congress, to refund to the States any monies advanced for the comfort and transportation of their Volunteers, prior to being mustered into service, with interest on the same, I transmitted to the Secretary of War an account of the advances just stated, as well as of the transportation of a part of the Regiment over the Raleigh and Gaston Railroad, on their way to the rendezvous, and desired its early adjustment. A strict construction having been placed on this act by the War department, and proof being demanded which requires the vouchers of disbursement to be exhibited before its accounting officers, it was deemed best to postpone the further prosecution of the claim, until they shall have undergone the examination of your Committee of Finance.

The above sum is exclusive of an expenditure of $293 03, under a separate Resolution of the General Assembly to purchase Flags for the Regiment, which have been returned to the office of the Adjutant General, and are subject to your disposition.

The Fiscal affairs of the State still continue to claim the first place in the consideration of the Legislature. The detailed operations of the Treasury, since the last session, will be found in the Reports of the Public Treasurer and Comptroller of public accounts. While its resources have been sufficient to satisfy all just demands, and to uphold the public credit, it will be perceived that but little progress has been made in extinguishing the State debt, and in making payments, by means obtained on loan, we have only exchanged one creditor for another. In my first message, to the last General Assembly, I stated *in extenso*, the various liabilities of the Treasury, and traced the history of those arising from endorsements for the Raleigh and Gaston Railroad Company. For a clear compre-

hension of the subject at present, it may be necessary to repeat that on account of her first suretyship for this Company, the State is responsible for the sum of $500,000, of which, the interest is to be paid semi-annually, and the principal "at such time after the 1st day of January, 1860, as the Legislature shall hereafter appoint;" that she undertook a second responsibility for the Company to the amount of $286,500, with interest payable in like manner, and the principal in annual instalments of $30,000 each, from 1845 till 1854, and that four of these instalments have been already discharged, so that there remain of this class of bonds, outstanding, the sum of $166,500. But to aid the Treasury in paying these instalments of principal, while sustaining the ordinary expenses of government, and the heavy drafts for interest on the aggregate of both these classes of debt, there has been borrowed from the Bank of Cape Fear, within the last four years, the sum of $90,000, besides the loan from the Literary Fund, hereinafter mentioned. Such are our responsibilities. The scrupulous regard for the public honor, which is justly the pride of the State, requires them to be promptly met. To provide for this in the mode least burdensome to the people, is the appropriate duty of their Representatives. Unless and until something may be realized from a re-sale of the Railroad or a recovery against its stockholders and bondsmen, our only reliance is upon some measure for an increase of the Revenue, which shall furnish the means of gradually curtailing the principal, while it keeps down the interest. The principal of the debt of $500,000, does not press with any immediate force, as we have already seen, and requires nothing at present but a provision for its interest. The Bank of Cape Fear is also bound by its Charter to lend to the State, at any time when called for, an amount not exceeding $150,000, and no stipulation is made as to the time of payment. The residue therefore of $166,500, is the only portion of the liability, having a fixed and early day, for its liquidation. To meet the interest of the three descriptions of debt, and the principal as it may become due, of that last referred to, I recommend, that when the means in the Treasury are insufficient for these ends, the Treasurer be authorised to

issue State Bonds redeemable in ten years, to an amount equal to the deficiency. It is also worthy of your attentive inquiry, whether like bonds should not be at once issued in lieu of the debt of $90,000, due the Bank of Cape Fear. To the State it is a matter of indifference, whether she shall have the loan from the Bank, or from other capitalists. But in a community where Banking capital is limited, and with the freest use of their means, the Banks can afford no greater accommodation, than is required for the demands of business. It is a serious privation to commercial men to be without the facilities, which would be furnished by the loan of this amount among them.

The advantage of allowing the new loan a considerable time to run, (say ten years,) is that it would ensure its being taken immediately at par if not at a premium. It is however contrary to all true principles of Finance, to contract a loan without also providing not only for the interest, but for the gradual redemption of the principal. If the foregoing suggestions be adopted, they will consolidate the Bank debt, and the residue of the smaller debt on account of the Railroad in a loan of $256,500, redeemable in ten years. And if the present Legislature shall provide for the extinguishment of this amount of the public obligations within that period, and the punctual payment of interest on the whole, they will have accomplished as much, as may be at present needful, leaving to their successors, the adoption of measures for the repayment of the debt of $500,000 "at any time after the 1st day of January, 1860," as originally stipulated. This arrangement will require a sinking fund of about $25,000 annually for the redemption of the principal, besides about $45,000, for interest. The latter sum, however, will gradually fall to $30,000 as the debt is diminished. In other words, it will require $70,000 or thereabouts to be annually applied to the public debt, over and above the ordinary expenses of Government, now averaging about a like sum, making the whole amount wanted for each year, $140,000.

In the Message to the last Legislature already referred to, our Revenue System was reviewed with reference to the demands

on the Treasury, and an argument was submitted to demonstrate, that the State annually lost seven or eight thousand dollars, from failures to enlist lands for taxation, whereby they had escaped their contingent entirely or from under valuation, by means of which, it had been avoided in part: and that probably an equal sum was lost in the Poll tax from a like criminal negligence in rendering lists of taxable persons. Accordingly, the Act of the last Session directed a new assessment, and a more vigilant supervision of the enlistment of lands. The result has been, that the land Revenue of 1847, collected under the new Law, has exceeded that of 1846, under the old, by the sum of $5,911 02. A table attached to the Report of the public Treasurer will show that the total number of acres taxed in 1846, was 22,368,558, and that in 1847 it rose to 24,359,075, and that the aggregate valuation of land and town property in 1846 was $55,254,194, and that in 1847 it grew to $66,430,821. With these material additions in quantity and valuation, the amount of taxes received from real estate, is yet lower by two or three thousand dollars, than ought to be obtained at the present rate. There has been, also, an increase in the year, of $1561 78 in the poll tax. It appears now to be collected on 173,119 persons, against 165,310 in the previous year. I am yet satisfied however, from the statistics embodied in my former message, that even this number falls short, by at least 20,000, of the whole taxable population of the State. It therefore will call for your investigation, why a valuation on land of $66,430,821, at six cents on the one hundred dollars value, yields only $37,921 21, and why, out of at least 195,000 taxable polls in the State, more than 20,000 yet escape taxation altogether. The important addition to the revenue on real property and polls of near $7,500 by reason of the measures adopted at the last Session, has been the product of no new imposition on our constituents, but the mere consequence of a fair and equal contribution to those formerly existing. By a still closer scrutiny of the subject, especially in the department of the Poll tax, I apprehend that a plan may be devised to obtain a still further increment of

five or six thousand dollars, from the same sources at existing rates.

But with all the aid derivable from such measures, the Treasury will need additional means to reduce our liabilities as proposed above. The Revenue collected, the present year, from all sources, amounts to $96,604 69. By correcting the deficiencies just now exposed, it may be raised to exceed $100,000, leaving a deficit of about $40,000, to be supplied from other resources. Of this it may be reasonably calculated, that $12,000 per year may be derived, from collections on Cherokee bonds transferred to the Treasury, from the fund for Internal Improvement, under an Act of the last General Assembly. If two cents be added on the hundred dollars value of real estate, as was the law prior to 1821, and six cents on the poll, they would yield enough with the claim on the War department, before mentioned, and the debt secured by mortgage on the Weldon Toll Bridge to the Board of Internal Improvement, which is not yet collected, to make up the residue. It is however the peculiar province of the Legislature, to devise the ways and means to fulfil all our engagements, and preserve the public faith. And in suggesting those just named, which are simple, usual and certainly reliable, I desire to be understood as entertaining no preference for them, above any others, which the wisdom of the General Assembly shall approve. The duty of the Executive is performed in presenting with frankness the necessities of the Treasury, leaving the manner and time of relief to the proper constitutional department of the Government. It is of moment however that measures should be taken in due season to liquidate by degrees the State's liabilities, and the process herein recommended is not more speedy than a wise policy demands. If additional resources shall be realized from a sale of the Railroad or recoveries in the suits against the stockholders, they will come opportunely in furtherance of the measure for reduction now proposed, but the expectation of them does not justify its postponement at the present Session.

You will doubtless observe in the Reports of the Comptroll-

er, that there is no statement of any tax, received on the succession to estates, real and personal, of deceased persons, by others than lineal descendants, which was imposed by an act of last Session. Whether the unfruitfulness of this source of revenue thus far, has been owing to the failure to prescribe any specific time for its payment to the clerks and for its being accounted for by them, or to other causes, is a question for your investigation.

Agreeably to the instructions of the Act of the last Session, I caused an Information in the nature of a Bill of Equity to be instituted in the proper Court of Wake County, against the Stockholders and other obligors of the Raleigh and Gaston Railroad Company, to recover the indemnity stipulated in the event of any loss to the State, by reason of her suretyships for that Company. The great number of parties defendant and the changes of parties by transfers of interest, and by deaths, have delayed the progress of the cause to final decision. And as it embraces the main subject of controversy between the State and any of the defendants, the counsel for the State have not pressed for trial the actions at law against some of them which had been previously pending.

My opinion of the legal responsibilities of these parties, was presented at some length in the message of 1846, and remains unchanged. In consideration however of the circumstances of their case, I am led to the conclusion that it is a proper subject for adjustment by compromise, and that liberal terms should be allowed by the State. The transaction which occasioned it has been truly unfortunate for both parties. While on the other hand it has imposed a burthen on the Treasury, which is heavily felt, on the other, the whole capital stock of ($700,000) subscribed and paid in, has been lost to the individual contributors, and the property in the Road which it went to construct, has been purchased in by the State, and affords the accommodation to the public which was the chief inducement with the Legislature in authorising its construction. If in addition to the loss of the stock already sustained, they shall be subjected to an equal recovery on the responsibilities

subsequently contracted on account of the Road, it will be a double grievance which many (I apprehend) will be unable to bear. A portion of them have no doubt sufficient means to meet it without material injury. But the larger number, among whom are widows, orphans, clergymen, mechanics, planters with large families and moderate estates, have heretofore felt the deprivation of the means invested in this Road, as a calamity, and cannot suffer an exaction of a like amount now, without ruin. I submit these observations, (becoming, as I think, the candor and impartiality of a Chief Magistrate) with the less reserve from an absence of all interest at any time in this work, and of connexion with any of the persons concerned, which could occasion any improper bias. What may be fitting terms of accommodation, can only be determined by the Legislature, and can be more readily negotiated by a conference of those interested with a committee of your body, than in any other mode.

The operations of the Raleigh and Gaston Railroad for the past two years, will be fully detailed in the Report of the Board of Commissioners. The statement of its Treasurer, published in the newspapers, in analogy to the Report of the Comptroller, on the Public Finances, for the year ending the 1st of November, 1847, showed its earning to have been $68,902 57, and disbursements, $65,457 93. For the following year, ending November 1st, 1848, the earning were about $57,000, and disbursements, (exclusive of extraordinary repairs, rendered necessary by a conflagration, which destroyed the principal building of the Road at Raleigh,) $52,479 72. Add to this the amount of these repairs, viz: $28,791 93, and the sum total of disbursements will be $81,271 65. On the night of the 25th of February last, the machine shop and engine house at the depot in Raleigh, with all their contents of a combustible nature, having been destroyed by fire, and the four best locomotives of the road, as well as the stationary steam engine, being seriously endamaged, it became necessary to take immediate steps to repair the injury, or to permit the Railroad with its appendages, to go to destruction. Finding no power adequate to the exigency conferred on the commissioners of the

road, I convened the Council of State, and submitted to them the alternatives of either convoking the Legislature, special Session, to provide the needful means, or of mortgaging the Railroad property for the sum of $25,000, (the amount of loss and damage occasioned by the fire, as estimated by its President) by virtue of the power conferred on the Governor and Council, to make sale of the same. They advised the adoption of the latter, and an arrangement was made with the Bank of the State of North Carolina, to advance the sum required, at such times as they might be called for by the progress of the repairs, on bonds of the State, reciting on their face the consideration, and a deed in trust on the Railroad and its appendant property, to secure their payment. Accordingly, bonds dated in April, May, and July last, amounting in the whole to $25,000, all payable the 1st January next, were negotiated, and a deed in trust executed. Some provision is therefore necessary, to take up these bonds. Designing to place the whole subject under the control of the Representatives of the people at the earliest convenient day, I did not propose any longer term of credit. If this however be desirable, it doubtless can be easily effected, by issuing State Bonds at five years, for an equal sum, and requiring the Railroad, if retained by the State, to pay the interest as it may accrue, and gradually to extinguish the principal.

What course shall be adopted by the State in relation to retaining or disposing of this Road, yet remains a question of great interest. Such has been the demand for repairs and improvements, that it has yielded no dividends to the Treasury for the last two years. Two new Locomotives however have been purchased at a cost of more than $7,000 each, and the other Engines refitted, (except one wholly ruined by the fire before referred to) so that the motive power of the establishment is in better condition than at any time heretofore. New and superior Iron has been also purchased, and laid down, for near ten miles from Gaston, Southward, and the whole superstructure of the Road has been renewed for that distance.—Very extensive renewals have also been made in the wood work of the line generally. But the process of repairing is

now carried on under great disadvantage, for want of Iron to relay a considerable part of the track, and the present earnings of the road are insufficient to procure it. The Northern half of the line, over which the heaviest trains pass, was originally laid with thin Iron, which is much broken, and occasions a great waste of labor, in temporarily refitting with fragments, that are soon to be broken again, as well as constant damage to the Engines and Cars from the severe wear and tear to which it subjects them. A prudent economy often consists in a liberal expenditure. Any proprietor of this work, would find it his true interest to put it in complete repair, even if it were necessary to give lien on the property to raise the means. If, therefore, the road shall not be transferred to other hands during your sitting, it is obviously expedient and proper to purchase immediately Iron Railing sufficient to refit it for at least thirty miles. Fifty thousand dollars expended for this purpose, might enable the State to receive as profits some fifteen, twenty, or twenty-five thousand of the fifty-five to seventy thousand, the present income of the road, a large part of which is now spent on the ineffectual reparation above described.—Its operations may go on, as at present without such aid, but they afford no prospect of profit. If a loan be contracted for this object on liberal time, there can be little doubt of the ability of the road to pay with interest. And in the event of a sale, it would enhance the price of the whole property by an amount certainly equal to the money thus laid out.

It would no doubt be preferable to convert this property into funds, for the relief of the Treasury, rather than to make any other disposition of it. To expose it at auction however, would be to sacrifice it from the magnitude of the interest and the facility with which bidders could combine their capital and put down competition. After a committee of your body shall have made a thorough investigation of the affairs of the road, and to that end shall have examined on oath its officers and head workmen, if deemed necessary, three modes of disposing of it will, as I conceive, present themselves, to wit: 1st. A re-sale to the former stockholders by compromise of the suits now

pending, if suitable terms be offered. 2nd. To retain it as a permanent property of the State after repairing it in the best manner. 3rd. To unite it with another work, through the interior of the State, which will be more particularly noticed in the sequel. The Wilmington and Raleigh Railroad Company have regularly paid the interest on all their debts, and effected considerable improvement on their Road with the income of the last two years. A minute statement of the condition of their affairs will accompany the Report of the Board of Internal Improvement. I am gratified to observe a very handsome addition to their receipts, in the items of freight and way travel, showing that the local accommodation from this work is becoming much extended. They will, I presume, be unable to pay off the principal of their bonds, guaranteed by the State, and amounting to $50,000, which will become due the 1st of January next. But so long as they continue to meet the accruing interest with their accustomed punctuality, there can be no objection to extending to them the State's credit, upon the same terms as heretofore, or even for a longer period.

In surveying our territory, with an eye to the present interest and wants of the people, I am more than ever impressed with our destitution of facilities for cheap and speedy transportation. In this regard, however unpleasant may be the admission, I am forced to the conviction, that we labor under greater disadvantages than any State in the Union: And we never can be equal commpetitors with their citizens in our Agriculture, the predominant pursuit among us, until these disadvantages are in a great degree overcome. The man who is obliged to transport in waggons over no better roads than ours, a distance varying from sixty to two hundred and fifty miles, at the speed of twenty-five miles per day, can no more contend for profits with him who has the advantage of Railroads or good navigation, than can the Spinning Wheel with the Cotton Mill. Had we ever been in a more favorable situation in this respect, and had the impediments which now beset us been imposed by human power, no sacrifice would be esteemed too great to effect our deliverance and restore our prosperity. It is therefore a theme for the profoundest consideration

of those enjoying the confidence of a constituency thus situated, and intending to requite it by a faithful devotion to their interests, what can be done, or ought to be undertaken, to remove these grievances and place their industry and labor on an equal footing with those of their fellow citizens in other States? It must be admitted, that from Geographical causes, the question was originally one rather difficult of solution.—And our former enterprises in Internal Improvement, having failed from causes not necessary to be now commented on, the State has of late years taken no action in constructing works of this kind, and many good citizens appear to have concluded, that further efforts were vain, as our doom to privation in this particular, was fixed fate. Meanwhile, other States have pushed forward their improvements (some of them with a rash and extravagant hand, it is true, but in the main with the most beneficial results,) overcoming obstacles far greater than any which impedes us, and obtaining for themselves, still greater advantages over us in the competitions of the market. We are therefore impelled not only by all the more obvious considerations which appealed to us in former times, but by a reasonable self defence, to abandon further hesitation and adopt at once a system of improvement, commensurate with the wants and interests of the State. Too much should not be undertaken at once, but what may be attempted, should be thoroughly completed. As the commencement of such a system, and a basis, on which other works may be engrafted, to any desirable extent, as our means may from time to time permit, a Railroad from Raleigh to Charlotte by way of Salisbury, appears to me of first moment. This scheme has not been much considered heretofore, and derives much of its importance from a kindred work, now in progress from Charlotte to Columbia, South Carolina. Already from Raleigh, Northward, continuous lines of Railroad and Steamboat transportation stretch through the towns of Virginia and the great cities of the North, to Portland in Maine, and Buffalo, on Lake Erie. Similar works also exist, or are in progress, with a certainty of completion in the course of a year or two, extending from Charlotte Southward, through Columbia to Charleston: and again

from the former of these through Augusta, and the interior of Georgia, and Tennessee to Nashville, as well as to the Mississippi at Memphis, and to New Orleans, by way of Montgomery and Mobile. Through a part of North Carolina alone, a link is wanting, to complete the grand chain of communication, from one extremity of our Country to the other, and to furnish to the whole nation those facilities of intercourse which the inhabitants North and South of us, enjoy in their several sections. The connection proposed therefore being as it were a bridge over a space now impassable by steam cars, having at either end the great highways of the North and South, with their numerous branches for a thousand miles in both directions, promises a reasonable remuneration for the outlay of its construction, from "through" transportation: and in a military and other points of view, would be of great national advantage. Had nature supplied us with navigable rivers like the Mississippi, flowing from Raleigh and Charlotte, respectively, to New York and New Orleans, or even to Charleston, all would at once perceive the benefit of the junction of the two, through the interior of the State, as clearly as did the genius of Clinton that arising from the union of the Hudson with the great Lakes. The parallel may not be yet perfect in the present state of Railroad conveyances, but is destined to be so at no distant day

But the foregoing are merely incidental inducements to undertake this work. It is commended to us as a great North Carolina improvement, appealing to our interest and State pride, by arguments which it were almost criminal to overlook. 1st. It would open to the market of the world an extensive region of the State, reaching from the Capitol almost to the Blue Ridge, of great fertility and capacity for indefinite improvement, by reason of its Agricultural, Mineral and Manufacturing resources: containing in the Counties within twenty-five miles of the most direct route, more than 230,000 souls: and within fifty miles, more than one-half of our whole population, who are far removed from places of trade, and dependent entirely on the common waggon and common road, for all their transportation.

The occasion will not permit me to dwell on its numberless benefits in this regard, which will readily occur to any one who looks on the Map of the State, with the eye of a statesman and patriot. 2nd. It would add incalculably to the business and value of one at least, (and ultimately of both,) of our present Railroads, in which the State has so deep an interest, and make them productive Stocks. 3rd. It would unite the middle and eastern with the western section of the State, in a domestic trade, and exchange of productions too cumbersome for the present mode of conveyance, besides facilitating travel for health, and social intercourse. 4th. By running over the most practicable route from Raleigh to Salisbury, and thence turning southwestward to Charlotte, it would bisect the State for more than a hundred miles, bringing the most remote on either side within fifty miles of the Railroad, and would be in a favorable location for being extended still farther west, from the former places, and to connect advantageously by means of Turnpike roads with all the Northwestern part of our territory.

Whilst it would confer these benefits on the interior Country, now depressed and partially excluded from all profitable commerce, the objection has not been overlooked that it does not point immediately to the seaboard of our own State, and to an increase of the prosperity of our market towns. Let them however not despair. Its advantages will be afforded to them in due season. After the completion of the main track, a branch to Fayetteville or other point on the navigable water of the Cape Fear River, will be of easy accomplishment. Its extension from Raleigh to Goldsboro', would be invited by the connection thus to be formed, between Wilmington and the upper Country, and eventually it might realize that scheme of a central Railroad consecrated by the patriotic labors of Caldwell, in an extension from Goldsboro' to Beaufort. Whether therefore we regard it as a single work, or as the groundwork of an extensive plan, the Road from Raleigh to Charlotte appears to be the important improvement which should first engage our attention and our energies. And I accordingly recommend it to the patronage of the Legislature, to the amount of one-half, or at least two-fifths of the capital, necessary for

its construction. The distance is about one hundred and sixty miles by the mail route, and the cost of the Road and equipments over such route as may be selected, would probably not exceed $1,600,000. As an inducement to aid this scheme, it presents an opportunity for disposing of the Raleigh and Gaston Road, as has been intimated in the preceding remarks, on that topic. A Company might be organized to embrace the entire line from Gaston to Charlotte, and the Road now owned by the State transferred to them at a fair valuation, in payment of her subscription for stock. Of the particulars of such an arrangement, if favored by the Legislature, no delineation is here required. I have already treated of this subject with more minuteness than may be appropriate, in an address of this kind, because it has as yet attracted but little of the public attention, and from a deep impression of its utility in alleviating the condition of our industry, and reviving the waning fortunes of our countrymen—while it gives an assured hope of profit on the capital invested.

I have remarked with much satisfaction, that some enterprising persons among our fellow-citizens, have commenced the navigation of Neuse and Tar rivers with Steam Boats of a light class, and that a spirit is awakened among the people in the upper section of the Cape Fear, to open that river for navigation to or above the confluence of its main branches. Every successful effort at objects of this nature is a public benefit, and deserves the fostering aid of the Legislature.

It has not been thought expedient to exercise the power conferred on the Board of Internal Improvement by the last General Assembly, to sell the Club Foot and Harlow's Creek Canal, and it expired by limitation with the opening of your Session.

I beg again to impress on your attention, the indispensable necessity of improving our public Roads. It is little creditato our enterprise and intelligence, that although we are considerably taxed, in the frequent calls on our labor for this object, our method of maintaining the public highways has made

no advance beyond that existing in England, in the time of Phillip and Mary. If Commissioners, not exceeding two in each County, were elected by the County Courts, with authority to inspect the chief public roads, and lay them off on the most favorable ground, and were clothed with authority to supervise and direct the hands assembled to work them, it would, doubtless, tend much to their improvement. These Courts should also be invested with power to make appropriations from the County funds to alter and improve the most difficult parts, and to make Plank Roads where necessary and practicable, with the means at their command. Indeed, it is urged upon your inquiry, whether the recent improvement of the Plank Road, may not be introduced into extensive use in this State. The simplicity of their construction, involving little or no expense for engineering, the abundance and cheapness of timber, and their adaptation to the sand and swamp of the lower, and the clay soil of the upper country, recommend them to us with much force.

A Geological Survey of the State is more than ever demanded, in consequence of fresh discoveries of useful and valuable minerals in new situations, and the important results of like explorations in other States.

We have been as yet without any provision for the melioration of the condition of our pauper Lunatics. Those of the poorer classes who have been visited with the loss of reason, have been abandoned to their fate, except in cases of furious madness, in which they have been committed to the common jails, as disturbers of the peace. It is now ascertained, that these diseases of mind, (the severest inflictions of Heaven on our race) are curable as those of the body: and most enlightened States have established Hospitals where the poor thus afflicted are watched over, during the eclipse of the understanding, and supplied with needful remedies. A distinguished person of the gentler sex, who has devoted much of her life to the pious duty of pleading the cause of the Lunatic, before States and communities, has recently traversed a considerable part of this State, in search of information respecting these

unfortunates among us, and will probably ask leave to present their case to you, at an early day. I cannot too earnestly commend the cause itself, or the disinterested benevolence of its advocate.

Pursuant to an act of the last Legislature, for the sale of certain Cherokee Lands, which had been surrendered to the State, by the former purchasers, a Board of Commissioners was constituted who placed valuations on the several tracts, in conformity with the law, and they were exposed for sale by pre-emption and otherwise, on the terms therein prescribed. One hundred and twenty-seven tracts comprehending 20,528 acres, besides two town lots, were appropriated by pre-emptions at the aggregate price of $36,763 33 the same lands having been sold at the former sale for $98,690 46, and twenty three tracts, embracing 2753 acres were disposed of at the improved valuations, for $2,229 83, these having brought at the first sale $5,677 33. One fourth of the purchase money was required to be paid down, and the residue was secured in four equal annual installments. The Agent of the State reports thirty-six tracts of surrendered land, comprising 4939 acres, valued now at $7,083 48, and formerly sold for $11,889 24, as remaining unsold in either mode. The time allowed for the private sales, having only expired in August last, I have not appointed a public sale of the residue, as authorized by the act. It seems to me, however, expedient to make a general sale not only of this residue, but of all the other surveyed lands in that region, whether acquired under the treaties of 1817, 1819 or 1835, for cash, and that those unsurveyed should either be surveyed and disposed of in a like manner, or be opened to entry, as other public lands. The policy of holding them back for higher prices, has been tried long enough to prove it unwise.

During its last winter term, the Supreme Court was deprived by death of the Honorable Joseph J. Daniel, an upright, useful and learned Judge, who had administered justice acceptably from our Bench, for more than thirty years. To fill the vacancy thereby occasioned, a temporary Commission was granted, with the advice of the Council of State, to the Hon-

orable William H. Battle, of the Superior Court bench. And to supply the vacancy thus made, a like commission, with the advice of the Council, was granted to Augustus Moore, Esq. of Edenton. The Office of Attorney General, also becoming vacant, by the resignation of the Honorable Edward Stanly, in May last, his place was in like manner temporarily supplied by commissioning Bartholomew F. Moore, Esq. of Halifax. On you will devolve the duty of making permanent appointments to these several Offices.

I repeat the recommendation made to the last General Assembly, as confirmed by subsequent reflection and observation, that all jurisdiction over Pleas, in the County Courts be abolished, and that provision be made for three terms of the Superior Court per year in each county. The change is urged upon us by the manifold reasons: 1st. That it would conduce to a more correct and speedy administration of justice. 2nd. It would impose a less amount of cost on the parties cast in legal controversies. 3rd. It would save time to those called out to attend Court by reducing the number of terms from six to three in each year. 4th. It would effect a still greater saving in the County taxes, by dispensing with one half of the collections now made to pay Jurors, besides other expenses. 5th. It has been tried in other States, and found to realize the most sanguine expectations. The cost of the addition of two more Judges, which the alteration might require, would be as nothing compared to the maintenance of the present system.

The Report of the President and Directors of the Literary Fund, will acquaint you with the present state of the important interests committed to their charge. The loan office formerly connected with this Board, has been discontinued by delivering over to the Public Treasurer, the Bonds and Judgments, against individuals, held by it as directed by the last Legislature, on his executing the Bond of the State for the aggregate amount, viz: $40,360 55, covenanting to repay the same to the Board on demand, and the interest which may accrue on the 1st of September in each year.

A contract has been made for suitable buildings in Raleigh, for the education of Deaf mutes and Blind persons, according to the act of the last Session, and these edifices are partially finished. The school for the instruction of Deaf mutes, is still in successful operation, and contains at present, twenty-five pupils. There has been great inattention on the part of almost all the Counties sending pupils, to the provision of the Law, requiring them to contribute a part of their support, and thus far, almost the whole expense of the school has fallen on the Literary Fund, to the curtailment of the distribution for Common Schools. This delinquency will require correction at the hands of the Legislature.

There was distributed among the several Counties for the support of the Common Schools, in the year ending the 1st of September, 1847, the sum of $101,775 00, and in the subsequent year, the sum of $89,543 14, the diminution in the latter being chiefly caused by the withdrawal of the amounts appropriated to the Building already noticed. The nett annual income of this fund to be distributed for Common Schools, will probably be not less than $100,000: and it is worthy of your serious inquiry whether as a prerequisite to receiving a quota in such divisions, each County shall not be required to have levied at least one-half of a like amount for the benefit of her schools, by local taxation. At present, the law as construed, is not imperative on this point, but permissive: and in many of them, nothing is collected in aid of the general fund, and the Schools languish for want of adequate support. If there be any doubt on this question, I presume there can be none as to the propriety of withholding the distributive share of each County, until the Chairman of Superintendants shall have made satisfactory Reports, as to the disposition made of her previous receipts, and the state of the Schools, and the educational interests within her limits. There is now no suffiicient accountability for the expenditure of the money, or the effective administration of the system. Where it operates well, it is rather owing to the public spirit and enlightened labors of its admistrators, than to any legal obligation upon them. Our misfortune however is, that, in many situations, we can obtain no

knowledge of its operations at all. Not more than two-thirds of the Counties, at most, have reported its condition in them, in any one year; and a considerable number have never given any indication of its existence in them, except in drawing their shares in the distributions made from the Treasury. If you shall not think proper to institute a rigid enquiry as to the disposition which has been made of the public funds in these Counties, it is highly expedient, in order to ascertain the practical operation of the system, and to collect a mass of information for its improvement, that a Committee of the Legislature shall summon before them such and so many of the Chairmen in various Counties, or other intelligent persons, as they shall require, and take their examination, on oath, touching the merits of our School laws, and their administration in the community. This mode of obtaining knowledge to enlighten the course of Legislation, is not unfrequent in other Parliamentary Assemblies, and cannot but be of great utility on the subject under consideration. No concern of the State is now of greater importance, whether we regard the amount of monies expended, or the object intended to be accomplished. I am yet of opinion, that a school Commissioner to supervise its administration, visit the several Counties and Districts, advise as to its management, exact accountability from the County authorities, give publicity to their proceedings, and the due meed of praise to the deserving, and censure to the delinquent, is indispensable to the success of these schools, at least until they are established on a better foundation than at present, and that the necessity of such an agent would be demonstrated by the investigation now proposed.

Sundry interesting matters pertaining to the Swamp Lands, under the control of the Literary Board, will no doubt receive your attention in their report which will be laid before you without delay.

The recent return of our volunteers to their respective neighborhoods, with the familiar knowledge of discipline acquired in a service of eighteen months, affords advantages for the improvement of our militia system; and the revision of our code under that head, is again recommended to attention.

The term of the Hon. George E. Badger, as a Senator of the United States from this State, will expire on the 4th of March next, and the election of a successor will be among your duties.

The completion of the enclosure around Union square, presents a fit occasion for paying a long deferred tribute to the memories of two noble martyrs, to the liberty and glory of the State. Brigadier Generals, Francis Nash, and William Davidson, the former of the Continental line from this State, and the latter commanding our Militia force, at the period of the British invasion, were both killed in battle, in the war for Independence and in the gallant discharge of duty. The continental Congress immediately after the the fall of each, expressed their sense of his character, in terms of the highest commendation and requested the Governor of the State to cause a monument in honor of him to be erected, at a cost of Five Hundred dollars, and to draw on the National Treasury for the respective amounts. But nothing has ever been done to give effect to these resolutions. I recommend that a simple monument of native material, with suitable inscriptions in regard to each, be reared in the grounds of the Capitol, and that an appropriation not exceeding the aggregate of the sums above stated, be made for the purpose. It would be a fitting memorial of the patriotic services and sacrifices of the illustrious dead, and a perpetual incentive to the living, to lead such lives, and if duty demand it, to devote themselves to such deaths, for their Country.

At the solicitation of sundry good citizens, I suggest the propriety of adopting a joint resolution, requesting the Governor in future to recommend some day in each recurring year, to be observed in the manner each individual or community may think best, as a Day of Thanksgiving to the Almighty Ruler of Nations, for his kindness and care over us, as a people. The custom of such an observance is now nearly universal in the States, and seems to be but a fitting requital for the favors we enjoy.

Having received information of the deaths of James K. Hill,

and Harrison W. Covington, Senators, and Alfred Marler, member of the House of Commons, and the resignation of Hugh Waddell, Senator, and A. C. McIntosh, and H. H. Watters, members of the House, all elected to the present General Assembly, I have issued writs of election to supply the several vacancies.

With great deference to the General Assembly, I recommend a more strict supervision of the enrolment of the Acts which may receive their sanction. The wisest intentions may fail of effect, by clerical omissions or inadvertance, and cases have occurred where the extremest license of construction was barely sufficient to effect the known purposes of the framers of the Law.

The resignations of Justices of the Peace, since the last Session are transmitted in the package marked A. and the Resolutions and proceedings of sundry State Legislatures, requested to be laid before you, in that marked B.

Copies of the reports of the Comptroller for the year ending 1st. Nov. 1847, printed for the use of the General Assembly, are likewise sent herewith.

My Letter Book will be submitted to your inspection by my Private Secretary, at the convenience of the Legislature.

As the most appropriate opportunity which may occur in the brief remainder of my term of office, I desire in conclusion, to acknowledge my profound obligations to the people of the State, for the honors bestowed by their hands, and the confidence of kindness which has been extended to my official action, to repeat my vows of devotion to the great principles of Constitutional freedom, which are the basis of our system of Government, and my most ardent wishes for the enduring prosperity, happiness, and glory of our Country.

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT,
Raleigh, Nov. 21, 1848.

Mr. Gamble, from the committee appointed to superintend the election of Engrossing Clerk, reported that no one of the candidates had received a majority of the whole number of votes, and that there was no election.

Which report was concurred in.

A message from the Senate, proposing to raise a Joint Committee, consisting of three on the part of each House, to prepare Joint Rules of Order, for the government of the intercourse between the two Houses, during the present Session; which proposition was concurred in, and Messrs. Mebane, Dancy, and J. H. White, were appointed said committee on behalf of this House.

Received from the Senate a message, proposing to vote again, forthwith, for an Engrossing Clerk; and informing, that the name of Mr. Futrell was withdrawn from nomination.

The proposition was agreed to; of which, the Senate was informed by message, and that Messrs. Atkin and Love, constituted the committee on behalf of the House, to superintend the election.

Received from the Senate a message, informing that Messrs. Bethell and Thompson, of Bertie, form their branch of said committee.

The House then voted as follows:

FOR MR. BRYAN:

Messrs. Ballard, Brown, Campbell, Clement, Coffield, Coleman, Courts, Dancy, Dickson, Ellis, Edwards, Erwin, Foy, Harrison, Herring, Keen, Kelly, Koonce, Logan, Love, Mosely, T. McDowell, McNeill, Nixon, Oglesby, T. J. Person, S. J. Person, Regan, Sheek, Sherard, Shuford, J. M. Taylor, Thigpen, Wadsworth, C. Williams, Williamson, Wooten—37.

FOR MR. THOMAS:

Messrs. Speaker, Brogden, Cannady, Davis, Green, Griggs, Hamrick, R. Jones, A. J. Leach, Martin, McMullen, Reinhardt, Spivey, Stowe, C. H. K. Taylor, Thornton, J. H. White, J. J. Williams—18.

FOR MR. INGRAM:

Messrs. Atkin, Barringer, Hargrave, Hayman, Hicks, Pigot, Satterthwaite, Steele, Stevenson, Trull, T. H. Williams—11.

FOR MR. WHITAKER.

Messrs. R. H. Jones, Newsom, Pegram, Sanders, Simms—5.

FOR MR. MOORE:

Messrs. Bean, Blackburn, Doak, Farmer, Farrow, A. M. Gamble, Hackney, McClees, Nicholson, Palmer, Russell, Scott, Skeen, Walser, I. White—15.

FOR MR. IREDELL:

Messrs. Blow, T. R. Caldwell, D. F. Caldwell, Carmichall, Cherry, Ferebee, J. J. Gamble, Hayes, Headen, Johnson, C. Jones, J. M. Leach, Mast, Mebane, Miller, McClenahan, McDade, R. McDowell, McIntosh, Nicholls, Paine, Proctor, Rayner, Skinner, Stanly, Stockard, Wilkins—28.

FOR MR. SIMMONS:

Messrs. Long, Peebles, Smith—3.

FOR MR. LEWIS—Mr. Allen.

On motion of Mr. Satterthwaite, the bill for dividing Stokes county into two distinct counties, was taken up, and referred to the committee on Propositions and Grievances.

The Speaker laid before the House, certain Resolutions and proceeding of various State Legislatures, communicated by his Excellency, the Governor, to this House; which on motion of Mr. Paine, were ordered to be sent to the Senate, with a proposition to refer them to a Joint Committee of five on the part of each House.

Mr. Ellis introduced a bill to incorporate the Charlotte and Danville Railroad Company; which was read the first time and passed.

Mr. Ellis moved to refer the bill to a select committee of five.

Mr. Stanly moved an amendment to this motion, to wit: That the bill be referred to the committee on Internal Improvements, which was carried.

On motion, the Rules reported by the Committee on Rules for the government of the House, were then taken up for consideration.

Whereupon Mr. T. R. Caldwell moved that the 40th article

be amended by striking out the words, "taken into custody," wherever they occur, which was disagreed to.

Mr. Rayner moved to amend the same article, by striking out all after the words, "fifteen in number," and inserting, "be cited to appear by special messengers, appointed for that purpose, and on the report of the messengers, the names of those who fail to appear within a reasonable time, shall be entered on the Journals as absentees, or excused by the House on reasonable excuse offered."

Which amendment was rejected.

Mr. Stevenson then moved to strike out the 40th article as reported by the committee; which was decided in the negative; Yeas 38, Nays 78.

The yeas and nays demanded by Mr. Jonnson.

Those who voted in the affirmative were:

Messrs. Atkin, Ballard, Biggs, T. R. Caldwell, Carmichall, Coffield, Coleman, Dickson, Farmer, Farrow, Foy, Green, Griggs, Hackney, Herring, C. Jones, R. H. Jones, Keen, Koonce, Long, Love, Mast, Miller, McDade, T. S. McDowell, McMullen, McNeill, Nixon, Proctor, Regan, Reinhardt, Sherard, Skeen, Stevenson, Stockard, J. H. White, T. Williams, Williamson—38.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Blackburn, Blow, Brown, Brogden, D. F. Caldwell, Campbell, Cannady, Cherry, Clement, Courts, Dancy, Davis, Doak, Edwards, Ellis, Erwin, Ferebee, A. M. Gamble, J. J. Gamble Hargrave, Harrison, Hayman, Hayes, Headen, Hicks, Johnson, R. Jones, Kelly, J. M. Leach, Logan, Martin, Mebane, Mosely, McClees, McClenahan, R. McDowell, McIntosh, Newsom, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pegram, S. J. Person, T. J. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stowe, J. M. Taylor, C. H. K. Taylor, Thigpen, Thornton, Trull, Wadsworth, I. White, Wilkins, J. Williams, C. W. Williams, Wooten, Walser, A. J. Leach—78.

The question then recurring upon the adoption of the Rules as reported by the Committee, the same were adopted by the House, and ordered to be printed.

Mr. Atkin, from the Committee appointed to superintend the election of Engrossing Clerk, reported that no one of the candidates had received a majority of the whole number of votes, and that there was consequently no election.

Which report was concurred in.

And then, on motion of Mr. J. M. Leach, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOV. 28, 1848.

On motion of Mr. T. H. Williams,

Ordered, That a message be sent to the Senate, proposing to go forthwith into an election for Engrossing Clerk.

Mr. Wadsworth presented the Pension Certificate of Thomas Ewell; which, upon his motion, was ordered to be countersigned by the Speaker, and sent to the Senate.

Mr. Biggs presented a petition from certain citizens of Bertie, in favor of Andrew Northcoot: which, on his motion, was referred to the committee on Propositions and Grievances. Also, a memorial from citizens of the same county, praying an alteration of the law of last Session, incorporating the town of Windsor; which, on his motion, was referred to the same committee.

Mr. Hayes presented a resolution in favor of John R. Dyche, late Sheriff of Cherokee county; which was read the first time and passed.

On motion of Mr. Hayes, the rule was suspended, and the resolution was read the second and third times, and passed, and ordered to be engrossed.

Mr. McIntosh presented a Pension Certificate of Ann Patterson, of Alexander County; which was, on his motion, ordered to be countersigned by the Speaker, and sent to the Senate.

Mr. Shuford introduced a bill, accompanied by a memorial, to annex a part of Burke County to the County of Catawba;

which, on his motion, was referred to the Committee on Propositions and Grievances.

Mr. R. I. McDowell presented a memorial from B. H. Stanmire, relative to land of his grandfather, escheated; which, on his motion, was referred to the Committee on the Judiciary.

Received from the Senate, a message agreeing to the proposition to go into an election for Engrossing Clerk; and informing that Messrs. Faison and Daniel formed their branch of the Committee to superintend the same; and also, that Messrs. Lewis, Simmons, and Ingram, were withdrawn from nomination. The committee on the part of this House were, Messrs. A. J. Leach and Farmer, and the Senate was informed thereof by message.

The House voted as follows:

FOR MR. BRYAN:

Messrs. Brown, Campbell, Clement, Coleman, Courts, Dancy, Dickson, Ellis, Foy, Herring, R. H. Jones, Keen, Kelly, Koonce, Love, Mast, Mosely, T. Mc Dowell, McIntosh, McNeill, Nixon, Oglesby, Pegram, S. J. Person, T. J. Person, Regan, Sheek, Sherard, Steele, Stevenson, J. M. Taylor, Thigpen, Wadsworth, T. Williams, C. Williams—35.

FOR MR. IREDELL:

Messrs. Allen, Atkin, Biggs, Blow, T. R. Caldwell, D. F. Caldwell, Carmichall, Cherry, Farmer, Ferebee, Hayman, Hayes, Headen, C. Jones, Long, Mebane, McClenahan, Nicholls, Paine, Peebles, Proctor, Rayner, Skinner, Smith, Stanly, Wilkins—26.

FOR MR. MOORE:

Messrs. Bean, Barringer, Blackburn, Doak, Erwin, Farrow, A. M. Gamble, J. J. Gamble, Hackney, Hargrave, Hicks, Johnson, J. M. Leach, Logan, Miller, McClees, R. I. McDowell, Nicholson, Palmer, Pigot, Russell, Satterthwaite, Scott, Skeen, Trull, Walser, I. White—27.

FOR MR. THOMAS:

Messrs. Speaker, Ballard, Brogden, Cannady, Coffield, Davis, Green, Griggs, Hamrick, Harrison, R. Jones, A. J. Leach, Martin, McDade, McMullen, Newsom, Reinhardt, Sanders, Shuford, Simms, Spivey, Stockard, Stowe, C. Taylor, Thornton, J. H. White, J. Williams, Williamson, Wooten—29.

Received from the Senate a message, concurring in the proposition to print five copies of the Governor's Message for each member of the two Houses.

Mr. Ellis presented a Memorial from Miss D. L. Dix, soliciting a State Hospital for the protection and care of the Insane; which, on his motion, was ordered to be sent to the Senate, with a proposition to print, twelve copies for each member, and to refer the same to a Joint Select Committee of seven from each House.

Mr. Hayes presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members, from each House, on that part of the Governor's Message, in reference to Cherokee Lands.

Received from the Senate a message, accompanied by a communication from William Hill, Esq. Secretary of State, in relation to the Public Printing; which was ordered to lie on the table.

The Speaker laid before the House a memorial from citizens of Stokes County, protesting against the division of that county; which, on motion of Mr. Courts, was referred to the committee on Propositions and Grievances.

Mr. Hicks presented a resolution in favor of Isaiah Cook and others; which was read first time and passed, and on his motion, referred to the committee on Claims.

The Speaker laid before the House, a communication and Report from C. L. Hinton, Esq., Public Treasurer; which on motion of Mr. Mebane, was ordered to be transmitted to the Senate, with a proposition to print.

Mr. Ferebee presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, to whom shall be referred so much of the Governor's message

as relates to an Agricultural, Geological and Mineralogical survey of the State.

Mr. Farmer, from the Committee appointed to superintend the election of an Engrossing Clerk, reported that neither of the candidates had received a majority of the whole number of votes given, and that there was no election. Which report was concurred in.

On motion of Mr. Steele,

Ordered, That a message be sent to the Senate, proposing to go forthwith into an election for one Engrossing Clerk.

Received from the Senate, a message agreeing to the proposition, and informing that Messrs. Graham and Worth formed their branch of the Committee to superintend the election.

Messrs. Keen and Carmichall were appointed a committee on behalf of the House, for this purpose, and the Senate informed thereof by message.

The House voted as follows:

FOR MR. RRYAN:

Messrs. Brown, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Ellis, Foy, A. Gamble, Herring, R. H. Jones, Keen, Kelly, Koonce, Love, Mast, Mosely, T. McDowell, McDade, McIntosh, McNeill, Nixon, Oglesby, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sheek, Sherard. Shuford, Steele, Stevenson, Stowe, J. Taylor, Thigpen, Wadsworth, T. Williams, C. Williams—42.

FOR MR. IREDELL:

Messrs. Allen, Biggs, Blow, T. Caldwell, Campbell, Cherry, Farmer, Ferebee, Hayman, Hayes, Headen, C. Jones, Long, Mebane, McClenahan, Nicholls, Paine, Peebles, Proctor, Rayner, Satterthwaite, Skinner, Smith, Stanly, Wilkins—25.

FOR MR. MOORE:

Messrs. Atkin, Barringer, Bean, Blackburn, D. F. Caldwell, Doak, Erwin, Farrow, J. J. Gamble, Hackney, Hargrave, Johnson, J. M. Leach, Logan, McClees, R. McDowell, Nicholson, Palmer, Pigot, Russell, Scott, Skeen, Trull, Walser, I. White—25.

FOR MR. THOMAS:

Messrs. Speaker, Ballard, Brogden, Cannady, Edwards, Green, Griggs, Hamrick, Harrison, Hicks, R. Jones, A. J. Leach, Martin, McMullen,

Newsom, Sanders, Simms, Spivey, Stockard, C. Taylor, Thornton, J. H. White, J. Williams, Williamson, Wooten—25.

Received from the Senate, a message informing that Messrs. Patterson, Watson, and Wooten, constitute their branch of the committee on Joint Rules.

Received also from the Senate, a message proposing to go into an election of Secretary of State, this day at 12 o'clock, M.

Which was read and agreed to, and the Senate informed thereof by message, and that Messrs. T. J. Person and Headen formed the House branch of committee to superintend the election.

The Speaker laid before the House a communication from his Excellency, the Governor, transmitting sundry resignations of Justices of the Peace, which, on motion, were ordered to be sent to the Senate.

Mr. Hayes presented a resolution in favor of Abram Harshaw; which was read the first time and passed, and on motion referred to the committee on Claims.

Mr. Wooten introduced a bill to amend the 1st section of the 109th chapter of the Revised Statutes, entitled, "an act concerning Sheriffs;" which was read first time and passed, and on motion of Mr. Stevenson, referred to the committee on the Judiciary.

Mr. Keen, from the committee appointed to superintend the election of Engrossing Clerk, reported that no one of the candidates had received a majority of the votes cast, and that there was no election.

Which report was concurred in.

Mr. Cherry presented the following Resolutions, which was read and adopted:

Resolved, That so much of the Governor's Message as relates to the subject of Common Schools, be referred to the committee on Education.

On motion of Mr. Steele,

Resolved, That so much of the message of the Governor as

relates to the setting apart of some day within each year, as a day of Thanksgiving, be referred to a Joint Select committee consisting of five on the part of the House and three on the part of the Senate.

Received from the Senate, a message informing that Messrs. Halsey and Drake formed the committee on their part to superintend the election of Secretary of State.

The hour of 12 having now arrived, the House proceeded to vote as follows for Secretary of State:

FOR WILLIAM HILL:

Messrs. Speaker, Allen, Atkin, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brown, Brogden, T. R. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, D. F. Caldwell, Davis, Dickson, Doak, Edwards, Ellis, Erwin, Farmer, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. H. Jones, C. Jones, R. Jones, Kelly, Keen, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McClenahan, McDade, R. McDowell, McMullen, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sherard, Shuford, Skeen, Skinner, Smith, Sheek, Spivey, Stanly, Steele, Stevenson, Stockard, J. Taylor, C. H. K. Taylor, Thigpen, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. W. Williams, Williamson, Wooten—111.

FOR MR. DANCY:

Messrs. Stowe, and Thornton.

FOR MR. ELLIS—Mr. Dancy.

Received from the Senate, a message agreeing to the proposition to appoint a joint committee of five, from each House, to whom shall be referred certain Resolutions and proceedings of various States, heretofore communicated to the House by his Excellency, the Governor; and informing that Messrs. Ashe, Lillington, Conner, Davidson and Rogers, form the Senate branch of said committee.

Messrs. Satterthwaite, Headen, Coleman, R. I. McDowell, and Sanders, were appointed the committee on behalf of the

House of Commons.

The Speaker announced the following Members as composing the committee on the Judiciary, viz: Messrs. R. T. Paine, Stanly, Courts, Ellis, J. M. Leach, Dobbin, Satterthwaite, T. R. Caldwell, Cherry, C. Jones, and Stevenson.

Whereupon, Mr. Stanly asked to be excused from serving on the said committee, and was accordingly excused by the House, and Mr. Barringer was then appointed in his stead.

Mr. T. J. Person, from the committee appointed to superintend the election of Secretary of State, reported that William Hill had received a majority of the whole number of votes given, and was duly elected.

The report was concurred in.

On motion by Mr. Hicks,

Ordered, That a message be sent to the Senate with a proposition to proceed, forthwith, to the election of an Engrossing Clerk.

Mr. Ballard presented the following Resolution, which was read and adopted:

Resolved, That so much of the Governor's message as refers to the abolition of all jurisdiction over pleas in the County Courts, be referred to the committee on Judiciary.

Mr. Mosely presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of three, on the part of the Commons, and two on the part of the Senate, whose duty it shall be to take into consideration the part of the Governor's message, which relates to the erection of a monument in honor of Brigadier Generals Frances Nash, and William Davidson; and that they report by resolution or otherwise.

Received a message from the Senate, agreeing to the proposition to go into an election of Engrossing Clerk, and informing that Messrs. Reich and Thomas, compose their branch of the committee to superintend the same.

Messrs. Blow and McMullen were appointed the committee upon the part of this House, and the Senate informed thereof by message.

The House then voted as follows:

FOR MR. BRYAN:

Messrs. Brown, Campbell, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Dickson, Ellis, Foy, A. M. Gamble, Herring, Keen, Kelly, Koonce, Love, Mast, Mosely, McDade, T. McDowell, McIntosh, McNeill, Nixon, Oglesby, Pegram, S. Person, T. Person, Regan, Reinhardt, Sheek, Sherard, Shuford, Steele, Stevenson, J. Taylor, Thigpen, Wadsworth, T. H. Williams, C. Williams, Satterthwaite—41.

FOR MR. IREDELL:

Messrs. Biggs, Blow, T. R. Caldwell, Cherry, Ferebee, Hayman, Headen, Hicks, C. Jones, Long, Mebane, McClenahan, Nicholls, Paine, Peebles, Skinner, Smith, Stanly, Rayner—19.

FOR MR. MOORE:

Messrs. Allen, Atkin, Barringer, Bean, Blackburn, D. F. Caldwell, Doak, Erwin, Farmer, Farrow, J. J. Gamble, Hackney, Hargrave, Hayes, Johnson, J. M. Leach, Logan, Miller, McClees, R. I. McDowell, Nicholson, Palmer, Pigot, Proctor, Russell, Scott, Skeen, Trull, Walser, I. White, Wilkins—31.

FOR MR. THOMAS:

Messrs. Speaker, Ballard, Cannady, Davis, Edwards, Green, Griggs, Hamrick, Harrison, A. J. Leach, Martin, McMullen, Newsom, Sanders, Simms, Spivey, Stockard, Stowe, C. H. K. Taylor, Thornton, J. H. White, J. Williams, Williamson, Wooten, R. Jones, Brogden—26.

Mr. Hayman presented the following Resolution, which was read and adopted:

Resolved, That so much of the Governor's message, as relates to the improvement of public roads, be referred to the Committee on Internal Improvements.

The Speaker announced the Committee on Private Bills, under the Rules of the House, as follows: Messrs. Smith, Steele, Biggs, Spivey, Dancy, Coleman, T. J. Person, Cannady, Hackney, Hargrave, Skeen, Coffield, Erwin and C. H. K. Taylor.

Mr. Sherard moved, that the House adjourn until to-morrow morning, 10 o'clock, which was not agreed to.

Mr. McMullen, from the Committee appointed to superintend the election of Engrossing Clerk, reported, that no one of the candidates had received a majority of the votes given, and that there was consequently no election. Which report was concurred in.

On motion of Mr. Biggs,

Ordered, That a message be sent to the Senate, proposing to vote again forthwith for an Engrossing Clerk, and informing that body, on motion of Mr. McMullen, that the name of Mr. Thomas was withdrawn from nomination.

A message from the Senate, concurring in this proposition, and informing that Messrs. Hawkins and Miller constitute their branch of the Committee to superintend the election.

Messrs. Pigot and C. Williams were appointed the Committee on the part of the House.

The House then proceeded to vote:

FOR MR. BRYAN:

Messrs. Ballard, Blow, Brown, Brogden, T. R. Caldwell, Campbell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Edwards, Ellis, Farmer, Foy, A. M. Gamble, Griggs, Harrison, Herring, R. H. Jones, R. Jones, Keen, Kelly, Koonce, A. J. Leach, Love, Mast, Martin, Mosely, McDade, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nixon, Oglesby, Pegram, S. J. Person, T. J. Person, Reinhardt, Regan, Sanders, Satterthwaite, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stowe, J. M. Taylor, Thigpen, Thornton, Wadsworth, J. H. White, J. Williams, Williamson, C. Williams, T. Williams, Wooten—66.

FOR MR. IREDELL:

Messrs. Speaker, Allen, Biggs, Cherry, Ferebee, Green, Headen, C. Jones, McClenahan, Nicholls, Peebles, Proctor, Rayner, Skinner, Smith, Stanly, Stockard—17.

FOR MR. MOORE:

Messrs. Atkin, Barringer, Bean, Blackburn, D. F. Caldwell, Doak, Erwin, Farrow, J. J. Gamble, Hackney, Hargrave, Hayman, Hayes, Johnson, J. M. Leach, Logan, Mebane, Miller, McClees, R. I. McDow-

ell, Nicholson, Palmer, Pigot, Russell Scott, Skeen, Trull, Walser, I. White, Wilkins—30.

Mr. Pigot on the behalf of the committee, reported that Mr. R. K. Bryan had received a majority of the whole number of votes, and that he was duly elected Engrossing Clerk.

Which report was concurred in.

The House then adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, NOV. 29, 1848.

Mr. Mosely moved to reconsider the vote by which, yesterday, the resolution to send a messege to the Senate in regard to a monument to Generals Nash and Davidson, was adopted; which motion was disagreed to.

Mr. T. McDowell introduced a bill to locate the residence of Judges of the Superior Courts, hereafter to be elected; which was read the first time, and passed, and on his motion, referred to the committee on the Judiciary.

Mr. Barringer moved a reconsideration of the vote of yesterday, by which the resolution was adopted, referring so much of the Governor's message as relates to the abolition of all jurisdiction over pleas in the County Courts, to the Judiciary commiitee, with a view of instructing said committee to report a bill; which motion was disagreed to.

Mr. Campbell introduced a bill to incorporate the Trustees of Snow Creek Male Academy, in the county of Iredell; which was read the first time and passed, and referred to the committee on Education.

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

Resolved, That a message be sent to the Senate, proposing to raise a Joint Committee of three on the part of the House, and two on the part of the Senate, whose duty it shall be to

inquire into the most appropriate method of testifying the approbation of this General Assembly, for the gallant and heroic conduct of such native sons of North Carolina, as have distinguished themselves in the late War with Mexico.

Mr. Hayes presented the following Resolution, which was read and adopted:

Resolved, That the Treasurer and Comptroller be requested to furnish to this House, a statement and account of all the money received by the State for Cherokee Lands, since the sale of 1838, together with the present indebtedness of the Counties of Cherokee and Macon, for Cherokee Lands; so as to shew the separate indebtedness of each County.

Mr. Hayman introduced a bill to exempt certain land from execution, in certain cases; which was read the first time and passed, and on motion of Mr. Hayes, referred to the committee on the Judiciary.

Mr. Hicks, a bill for the relief of witnesses, in law suits removed from one county to another; which was read the first time and passed, and on his motion, referred to the committee on the Judiciary.

Mr. J. J. Williams, a bill, accompanied by a memorial, to condemn a part of Hayne Street, in the town of Monroe, in Union county, for the purpose of erecting a Public Jail thereon; which was read the first time and passed, and on motion, referred to the committee on Propositions and Grievances.

Mr. Satterthwaite moved to reconsider the vote of yesterday, by which the resolution in favor of John R. Dyche, late Sheriff of Cherokee County, was passed, which motion prevailed; and then, on motion of Mr. Satterthwaite, the resolution was amended, and passed, and ordered to engrossment.

Mr. Ellis introduced a bill to incorporate the town of Salisbury, which was read the first time and passed, and on motion, referred to the committee on Private Bills.

Mr. Courts, on behalf of the committee on Propositions and Grievances, reported favorably the bill to divide the County of Stokes into two distinct counties; whereupon, the bill was

read the second time, amended on motion of Mr. Stanly, and passed.

Received a message from the Senate, agreeing to the proposition to refer the memorial of Miss Dix in relation to an Insane Asylum, to a Committee of seven on the part of each House, and also to print the same, twelve copies for each member; and informing that Messrs. Washington, Hawkins, Patterson, Thomas of Haywood, Conner, Woodfin, and Bower, formed their branch of said Committee.

Messrs. Ellis, Stanly, Biggs, Dobbin, Wadsworth, Johnson, and J. J. Williams, were appointed said Committee on the part of this House.

Mr. Williamson introduced a bill to extend the time of perfecting titles to land heretofore entered; which was read the first time, and passed, and on his motion, referred to the Committee on the Judiciary.

Mr. Biggs, a bill to incorporate the Bertie Guards; which was read the first time and passed, and on motion, referred to the Committee on Private Bills.

Received a message from the Senate, transmitting the Report of the Joint Select Committee on Joint Rules for the government of the intercourse between the two Houses; which was read and concurred in.

Also, a message informing that Messrs. Drake, Smaw, Hawkins, Lane, Hester, Gilmer, Watson, and Worth, compose the Senate branch of the Committee on Finance; and Messrs. Smith, Graham and Worth, their committee on the Library.

The Speaker announced Messrs. Mebane, Ferebee, S. J. Person, Hicks, Peebles, Thornton, Wooten and Shuford, the Committee of Finance on the part of this House; and Messrs. Proctor, Atkin, and T. J. Person, the Committee on the Library.

Received a message from the Senate, proposing to print one copy for each member, of the Joint Rules of Order for both Houses, the Rules of each House, and the Constitution of the State and the United States.

Which was concurred in.

Mr. J. H. White introduced a bill granting to the Superior Courts of Lincoln and Gaston counties, jurisdiction in all jury

cases; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

An then, on motion of Mr. Hicks, the House adjourned to to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 30, 1848.

The Speaker laid before the House, sundry papers in relation to the contested election from the county of Perquimans; which, on motion, were referred to the committee on Privileges and Elections.

Received a message from the Senate, agreeing to the proposition to appoint a Joint Select Committee upon so much of the Governor's Message as refers to a Geological, Mineralogical, and Agricultural Survey of the State; and informing, that Messrs. Ashe, Shepard, Murchison, Smith, and Walker, compose their branch of said committe.

The committee appointed on the part of this House, are Messrs. Ferebee, Atkins, Sanders, Erwin, and McNeill.

Also a message agreeing to the proposition to appoint a joint select committee upon that portion of the Governor's Message relative to the appointment of some day in each year as a day of Thanksgiving; and informing that Messrs. Gilmer, Bower, and Eborn, form their branch of said Committee.

Also, a message agreeing to the proposition to appoint a joint select committee on that portion of the Governor's message relating to the erection of a monument to the memory of Gen'ls. Francis Nash, and William Davidson; and informing that Messrs. Conner and Washington, form their part of said committee.

The committee on the part of this House are Messrs. Mosely, S. J. Person, and Paine.

Mr. D. F. Caldwell introduced a bill to incorporate the Summerfield Guards; which was read the first time and passed.

Mr. Steele presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee on Mititary affairs, consisting of five members from each House, to whom shall be referred so much of the Governor's message as relates to that subject.

Mr. Dickson presented a bill to incorporate Belmont Lodge, in the county of Duplin, which was read the first time and passed.

Mr. Shuford, a bill to lay off a Road from Newton to Morganton, which was read the first time and passed; and on motion of Mr. T. R. Caldwell, referred to the committee on Internal Improvements.

Mr. Carmichall introduced a bill to repeal the third and fourth sections of chapter 100, of the Statutes of the Legislature of 1846-7; and Mr. J. J. Williams, a bill accompanied by a memorial, to authorise the County Court of Mecklenburg to pay over certain funds to the County Court of Union; which were severally read the first time and passed, and on motion referred to the committee on Propositions and Grievances.

Mr. Rayner moved that a message be sent to the Senate, proposing to go into an election of Attorney General, to-morrow at 12 o'clock, which was agreed to; yeas 58, nays 57.

Upon this motion, the yeas and nays were demanded by Mr. Martin.

The House voted as follows; In the affirmative:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—58.

In the negative:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Courts,

Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. M. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. W. Williams, Williamson, Wooten—57.

Mr. T. R. Caldwell moved that a message be sent to the Senate, proposing to go into an election, on Saturday next, at 11 o'clock, of a Solicitor for the Seventh Judicial Circuit, and informing that B. S. Gaither, Esq. was in nomination for the appointment; which motion was agreed to—Yeas 59, Nays 57.

The yeas and nays demanded by Mr. Dancy.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Proctor, Rayner, Regan, Russell, Satterthwaite, Scott, Shuford, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, Blow—59.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. J. Person, S. J. Person, Reinhardt, Sanders, Sheek, Sherard, Simms, Spivey, Stevenson, Stockard, Stowe, J. M. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. J. Williams, C. Williams, Williamson, T. H. Williams, Wooten—57.

Mr. Satterthwaite presented a bill to secure the more certain administration of justice; which was read the first time, and passed, and referred to the Committee on the Judiciary.

Mr. Cherry, from the Committee on Education, reported fa-

vorably the bill to incorporate the Trustees of Snow Creek Academy; which was read the second time and passed.

Mr. Miller presented the resignation of B. Oxford, Esq., a Justice of the Peace for the County of Caldwell, which was read and accepted.

Mr. Stanly presented the following Resolution, which was read and adopted;

Resolved, That the Rev. G. Copway be allowed the use of the Hall of the House of Commons this evening, for the purpose of lecturing upon the origin of the North American Indians.

The Speaker laid before the House, a communication from his Excellency, the Governor, transmitting the Biennial Report of the President and Directors of the Literary Fund; which, on motion of Mr. Brogden, was ordered to be sent to the Senate, with a proposition to print.

Mr. Stanly presented a bill to amend the act, entitled "An act to amend the laws regulating the inspection of Turpentine, chapter 57; ratified 14th January, 1847;" which was read the first time and passed, and on motion of Mr. Brogden, referred to a select committee of nine.

Mr. Steele presented a bill to incorporate the Foresters, an independent Company of Infantry, in the county of Richmond; which was read the first time and passed.

Mr. Newsom, a bill to incorporate the Trustees of Forestville Female Academy; which was read the first time and passed, and referred to the Committee on Education.

Mr. Satterthwaite presented the following Resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses vote on Monday next, at the hour of 12 o'clock, for some person to represent the State of North Carolina, in the Senate of the United States, for six years from the 4th March next; and inform that body that the Hon. George E. Badger is in nomination for that appointment.

Mr. Dobbin moved to strike out the words, "Monday next," and insert "20th Dec. next," but subsequently withdrew his

motion, when Mr. Ellis moved to amend by striking out all after the word, "Resolved," and inserting the following:

"THAT WHEREAS, There is no representative in this House from the county of Yancy; *And whereas,* an election will be held in said county on the 8th December next, to fill said vacancy; *And whereas*, the said vacancy will, in all probability, be filled by 20th December next; *And whereas,* said county is entitled to be heard in the election of a United States' Senator:

Therefore Resolved, That this House send a message to the Senate, proposing to go into an election of United States' Senator, to fill the vacancy that occur on the 3rd of March next, at 12 o'clock, on 20th December next."

Mr. Paine called for a division of the question, and the vote was first ordered upon the proposition to strike out; which was decided in the affirmative—yeas 59, nays 57.

Yeas and nays demanded by Mr. Ballard.

Those who voted in the affirmative are:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Farmer, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, T. Williams, J. Williams, C. Williams, Williamson, Wooten—59.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. Caldwell D. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—57.

The question then recurring upon the adoption of the a-

mendment proposed by Mr. Ellis, was decided in the affirmative; Yeas 59, Nays 57.

Yeas and Nays demanded by Mr. S. J. Person.

Those who voted in the affirmative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, S. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, T. Williams, C. Williams, J. Williams, Williamson, Wooten—59.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. Caldwell, D. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farrow, Ferebee, J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—57.

Mr. Stanly moved that the Resolution be laid upon the table; and the question thereon was decided in the affirmative; Yeas 58, Nays 57.

Yeas and Nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—58.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Dickson, Davis, Dobbin, Edwards, Ellis, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. H. Jones, C. Jones, R. Jones, Kelly, Keen, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. W. Williams, Williamson, Wooten—57.

On motion, the House then adjourned to to-morrow morning, 11 o'clock.

FRIDAY MORNING, DEC. 1, 1848.

The Speaker announced the Select Committee of nine, on the inspection of Turpentine, as follows: Messrs. Stanly, Rayner, Dickson, Blow, Sherard, Nixon, Farrow, Edwards, and Pigot.

Also, the committee on the part of the House, to whom was referred that portion of the Governor's message, relative to the appointment of some day in each year as Thanksgiving Day, to wit: Messrs. Steele, R. H. Jones, I. White, Smith, and Brown.

Received a message from the Senate, concurring in the proposition to go into an election of Attorney General, at 12 o'clock this day; and informing that Messrs. Speight and Washington, were the Senate branch of committee to superintend the election.

Messrs. Rayner and C. Jones, were appointed the committee on the part of the House, and the Senate informed thereof by message; and also that Messrs. B. F. Moore, of Halifax, and D. K. McRae, of Wake, were in nomination for the appointment.

Received a message from the Senate, informing that they have passed the engrossed resolution requiring the Doorkeepers to keep the large lamps on the Capitol Square lighted during the present session; which was read the first and second times and passed, amended, on motion of Mr. Stanly, read a third time and passed, and ordered to be sent to the Senate for their concurrence.

Received a message from the Senate, transmitting the Pension certificate of Alex. Taylor, of Craven County, which on motion, was ordered to be countersigned by the Speaker of the House.

Mr. Hargrave presented a bill to incorporate a Female College in the county of Anson; which was read the first time and passed, and on motion, referred to the committee on Private Bills.

On motion of Mr. Allen,

Ordered, That the Committee of Finance be instructed to inquire into the expediency of so amending the Revenue laws, as more effectually to ensure the enlistment of hired slaves, in the counties where they are hired out, and where they labour, and that the committee report by bill or otherwise.

On motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing that both Houses go into an election on Monday next, at the hour of 12, for a Judge of the Supreme Court, in the place of the Hon. J. J. Daniel, deceased.

Received from the Senate, a message agreeing to the proposition to go into an election of Solicitor for the 7th Judicial Circuit, on Saturday next at 11 o'clock; and informing that Messrs. Thomas and Albright formed their branch of Committee to superintend the election.

Mr. Stowe introduced a bill to incorporate Dallas Male Academy; which was read the first time and passed, and on his motion, referred to the committee on Education.

On motion of Mr. Biggs,

Ordered, That a message be sent to the Senate proposing to proceed to an election of Solicitor for the first Judicial Circuit on Tuesday next at one o'clock, P. M.

Mr. Steele presented to the House the Report of the Adjutant General of the State, which, on his motion, was ordered to be sent to the Senate with a proposition to print.

Mr. Hayman presented the memorial of sundry citizens of Beaufort county, praying an amendment of the Militia laws, which was on motion, ordered to lie on the table.

Mr. Walser introduced a bill to consolidate the various Acts in favor of poor debtors; which was read first time and passed, and on motion, referred to the committee on the Judiciary.

Mr. Shuford a bill to arrange the different Captains' Districts in each county in the State, whereby their location may be well known, and their identity be preserved and perpetuated, and for other purposes, which was read first time and passed.

Mr. Ballard, a bill to amend an act, entitled, an act to incorporate the Orapeak Canal and Turnpike Company; which was read the first time and passed, and referred to the committee on Internal Improvements.

Received from the Senate a message, agreeing to the proposition to raise a joint select committee on Military Affairs; and informing, that Messrs. Moye, Patterson, Conner, Joyner, and Bower, form the Senate branch of said committee.

Also, a message concurring in the proposition to raise a joint select committee, on the subject of inquiring into the most appropriate method of testifying the approbation of this General Assembly, for the gallant and heroic conduct of the sons of North Carolina, who distinguished themselves in the late war with Mexico; and informing that Messrs. Hawkins and Shepard, form the Senate branch of said committee.

The committee on the part of this House are Messrs. Dancy, Headen, and Farmer.

Also, a message agreeing to the proposition to print the Biennial Report of the President and Directors of the Literary Fund.

On motion of Mr. Martin,

Ordered, That a message be sent to the Senate, proposing to raise a joint select committee of twelve—seven on the part of the House and five on the part of the Senate, whose duty it shall be to take into consideration so much of the Governor's message as relates to an investigation of the affairs of the Raleigh and Gaston Railroad.

On motion of Mr. Scott,

Ordered, That a message be sent to the Senate, proposing to go into an election of a Solicitor of the 6th Judicial Circuit, on Wednesday next, at 1 o'clock.

On motion of Mr. C. Jones,

Ordered, That so much of the Governor's message as relates to the monies advanced by the State to the North Carolina Regiment of Volunteers, be referred to the committee on Finance.

Mr. Hayes presented a memorial from sundry citizens of Cherokee county, praying a grant of a lot of land in the 8th District, to Enoch Burnett, on certain terms. Also, a memorial from citizens of the same county, praying a donation of a tract of land, No. 50, in third Cherokee District, for the purpose of Camp Grounds and Meeting House; which were severally referred to the committee on Propositions and Grievances.

The hour of twelve having now arrived, the House proceeded, under the joint order of the two Houses, to vote for Attorney General, as follows:

FOR MR. MOORE:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blow, Blackburn, T. Caldwell, D. F. Caldwell, Campbell, Carmichael, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. McRAE:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sheek, Sanders, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, C. Williams, T. Williams, Williamson, Wooten—59.

Mr. Nixon presented a petition from Nicholas N. Nixon and others, of New Hanover county, praying leave to emancipate negro slave Sam; which was read, and on motion, referred to the committee on Propositions and Grievances.

The Speaker announced the House branch of committee on Military affairs, as follows: Messrs. Steele, Brogden, Green, Regan, and Logan.

Received a communication from his Excellency, the Governor, in regard to a number of undisposed of copies of Rev. Mr. Peet's Address, on the occasion of laying the Corner Stone of the Building for the Deaf and Dumb, remaining on hand in the Executive office.

On motion of Mr. Brogden,

Ordered, That a message be sent to the Senate, proposing to distribute the said Addresses among the members of this General Assembly.

Mr. Rayner, from the committee appointed to superintend the election of an Attorney General, reported that Bartholomew F. Moore, Esq., had received a majority of the whole number of votes, and was duly elected Attorney General.

Which report was concurred in.

Mr. Paine, from the committee on the Judiciary, reported the bill for the relief of witnesses in law suits removed from one county to another, and recommended its rejection. The bill having been read a second time, was amended, on motion by Mr. Hicks, who also moved that the same be laid on the table. This motion not prevailing.

Mr. Martin moved that the bill be indefinitely postponed; but subsequently withdrew, and thereupon, on motion of Mr. Stanly, the bill was recommitted to the Judiciary Committee.

Mr. Paine, on behalf of the same committee, reported the bill to extend the time for perfecting titles to land heretofore entered, with a recommendation that the same be passed.

Mr. Hicks moved an amendment, which did not prevail; and the bill then passed its second reading.

The bill to divide Stokes county, was then read a third time and passed, and ordered to be engrossed; yeas 100, nays 14.

Yeas and nays called for by Mr. Blow.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Cherry, Clement, Courts, Dancy, Doak, Dobbin, Edwards, Ellis, Erwin, Farmer, Farrow, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Koonce, J. M. Leach, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, R. I. McDowell, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Pegram, Pigot, Rayner, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. M. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, J. H. White, J. Williams, C. Williams, T. Williams, Wooten—100.

Those who voted in the negative were:

Messrs. Blow, Carmichall, Coffield, Davis, Dickson, Foy, Griggs, Kelly, A. J. Leach, Logan, Peebles, T. J. Person, Wilkins, Williamson—14.

Received from the Senate, a message agreeing to the proposition to go into an election of a Judge of the Supreme Court; and informing that Messrs. Gilmer and Rogers, form the committee on behalf of that body, to superintend the election.

Also, a message concurring in the proposition to go into an election at 1 o'clock, on Tuesday next, of a Solicitor for the First Judicial Circuit; and informing, that Messrs. Graham

and Halsey form the committee on their part to superintend the election.

Mr. Dobbin presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing that the Public Printer be directed to furnish Miss D. L. Dix, with two hundred copies of her Memorial to the General Assembly, upon the subject of building an Asylum for the Insane.

On motion, the bill to incorporate the Foresters, an independent Company of Infantry, in Richmond county; the bill to incorporate the Summerfield Guards; and the bill to arrange the Captains Districts, in North Carolina, were severally taken up, and referred to the committee on Military Affairs.

On motion of Mr. Stanly,

Ordered, That when the House adjourns hereafter, it shall be to the hour of eleven o'clock, until otherwise ordered.

On motion of Mr. Mosely,

Ordered, That the committee on Military Affairs be required to take into consideration the general revision of the Militia Laws of North Carolina.

Mr. Steele moved to take up the Resolutions offered by him on Saturday, 25th ult., and that the same be made the special order of the day for Thursday next; pending which motion,

Mr. R. I. McDowell moved that the House adjourn to-morrow morning, 11 o'clock, which was disagreed to; Yeas 43, Nays 71.

Yeas and Nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Barringer, Bean, T. R. Caldwell, Campbell, Carmichall, Cherry, Doak, Farmer, Farrow, A. M. Gamble, Green, Hamrick, Hayes, Headen, Hicks, C. Jones, Koonce, J. M. Leach, Long, Love, Mast, Mebane, Miller, McClees, McClenahan, McDade, R. I. McDowell,

McIntosh, Nicholls, Nicholson, Oglesby, Peebles, Rayner, Russell, Scott, Skeen, Skinner, Smith, Stanly, C. H. K. Taylor, Trull—43.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blow, Blackburn, Brown, Brogden, D. F. Caldwell, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Erwin, Ferebee, Foy, J. J. Gamble, Griggs, Hackney, Hargrave, Harrison, Hayman, Herring, Johnson, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Logan, Martin, Mosely, T. McDowell, McMullen, McNeill, Newsom, Nixon, Palmer, Pegram, S. Person, T. Person, Pigot, Regan, Reinhardt, Sanders, Satterthwaite, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, Walser, I. White, Wilkins, J. Williams, T. H. Williams, C. Williams, Williamson, J. H. White, Wooten—71.

So the House refused to adjourn.

The question then recurring on the motion of Mr. Steele, Mr. Mebane moved to amend the same by inserting "22d December instant," instead of "Thursday next;" whereupon, Mr. Steele withdrew his motion; and then, on motion of Mr. Miller, the House adjourned.

SATURDAY, DEC. 2.

Mr. Nicholls moved to reconsider the vote of yesterday, by which the House agreed to go into an election of Solicitor for the 6th Judicial Circuit, on Wednesday next; which motion was carried; and,

On motion of Mr. Nicholls,

Ordered, That a message be sent to the Senate, proposing to go into an election of Solicitor for the 6th Judicial Circuit, on Thursday next, at 1 o'clock.

The Speaker announced Messrs. T. Caldwell and Erwin, the

Committee on the part of this House, to superintend the election of Solicitor for the 7th Judicial Circuit. And the hour having now arrived, at which, by the joint order of yesterday, the two Houses were to go into said election, the House of Commons proceeded to vote, as follows:

FOR MR. GAITHER:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coffield, Courts, Coleman, Davis, Dickson, Doak, Edwards, Erwin, Farmer, Farrow, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McDade, R. I. McDowell, McClenahan, McIntosh, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, S. J. Person, T. J. Person, Pigot, Proctor, Rayner, Regan, Russell, Satterthwaite, Scott, Sheek, Shuford, Skeen, Skinner, Stanly, Steele, Stevenson, Stockard, C. H. K. Taylor, Trull, Wadsworth, Walser, I. White, Wilkins, J. Williams, C. W. Williams—90.

FOR MR. AVERY:

Messrs. T. S. McDowell, Reinhardt, Sherard, Stowe, Thornton, Williamson—6.

FOR MR. LOVE—Messrs. Mosely and Wooten—2.

FOR MR. COLEMAN—Mr. Newsom—1.

Mr. Johnson presented a memorial from citizens of Randolph county, praying the repeal of the act of 1844, ch. 47, ratified January 8th, 1845; and moved its reference to the committee on the Judiciary.

Mr. Brogden moved that the memorial be laid on the table, which motion prevailed.

Mr. T. R. Caldwell, on behalf of the committee appointed to superintend the election of Solicitor for the seventh Judicial Circuit, reported that the Hon. B. S. Gaither had received a majority of the whole number of votes, and was duly elected.

Which report was concurred in.

Mr. Nicholls, from the committee on Claims, reported fa-

vorably the Resolution in favor of Isaiah Cook and others; and also the Resolution in favor of Abram Harshaw, which were severally read the second time and passed.

On motion of Mr. Edwards,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so altering the law as to make it obligatory on persons who make Deeds of Trust, to let all their creditors share *pro rata*, in the net proceeds of the sales in all cases, where there are not effects enough to pay all the debts; and also to inquire into the expediency of restricting by law the allowance, of more than two and a half per cent. commissions, to the Trustee, where the sale is directed to be made for ready money; and that they report by bill or otherwise.

Mr. Blow presented a bill to amend an act entitled, an act to tax the venders of foreign made riding vehicles, ratified 18th January 1847; which was read first time and passed, and on his motion, referred to the committee on Propositions and Grievances.

Mr. Mebane presented the following Resolutions, which were read and adopted:

Resolved, That so much of the Governor's message as relates to the issuing of State Bonds, redeemable in ten years, to discharge the debts of the State to the Bank of Cape Fear, and the liabilities on account of endorsements by the State, for the Raleigh and Gaston Railroad, be referred to the committee on Finance.

Resolved, That so much of the Governor's message, as relates to an increase of the Public Revenue, and the creation of a Sinking Fund, be referred to the Committee on Finance.

Resolved, That so much of the Governor's message as relates to the collection of a tax on collateral descents, be referred to the committee on Finance.

On motion of Mr. Steele,

The Resolutions, by him offered on Saturday, 27th ult., were

then taken up, and made the special order of the day for Thursday next.

On motion of Mr. T. H. Williams,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select committee of five on the part of the House, and three on the part of the Senate, to whom shall be referred so much of the Governor's message as relates to the School for the Deaf and Dumb, in the City of Raleigh; and whose duty it shall be to visit said Institution, and to report by bill or otherwise.

Mr. Stanly, on behalf of the committee on Privileges and Elections, reported back the papers in regard to the contested election from Perquimans county, with the following Resolution:

Resolved, That the committee on Privileges and Elections, be discharged from the further consideration of the case of the contested election between T. L. Skinner and Thomas Wilson.

Which was read and concurred in.

Mr. T. H. Williams introduced a bill to authorise the inspection of Provisions; which was read the first time and passed, and on motion, referred to the committee on Propositions and Grievances.

Mr. Farrow, a bill to incorporate the Town of Sladesville, in the county of Hyde, which was read first time and passed, and referred to the committee on Private Bills.

On motion of Mr. Wooten,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so altering the law relative to the rights of females in their estates, either real or personal, so as to secure to them all of their own property, of every description, which they may have at their marriage, or may inherit after their marriage, so as it shall not in any case be liable for the debts which their husbands may owe at the time of their marriage, or in any way be bound for the debts their husbands may create after marriage, without the consent of such females in writing; and that they report by bill or otherwise.

Mr. D. F. Caldwell introduced a bill to increase the Revenue of the State; which was read first time and passed, and on motion, referred to the committee on Finance.

Mr. Cherry, on behalf of committee on Education, reported favorably the bill to incorporate the Dallas Male Academy; and also the bill to incorporate the Trustees of Forestville Female Academy, which were each read the second time and passed.

Received from the Senate, a message proposing to go into an election at one o'clock Monday next, of a Judge of the Superior Court, to supply the vacancy occasioned by the resignation of the Hon. W. H. Battle, which was read and concurred in; and the Senate informed thereof by message, and that Messrs. Nicholls and Coffield, form the House branch of committee to superintend the election.

Received from his Excellency, the Governor, a communication transmitting the memorial of the National Medical Convention, held at Philadelphia, in May, 1847, praying a legal provision for the general registration of births, marriages, and deaths, in the several States of the Union; which was read, and on motion of Mr. Mebane, ordered to be sent to the Senate, with a proposition to print.

On motion of Mr. Clement,

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency and propriety of a general revisal and consolidation of the Public Laws of North Carolina; and that they report to this House the result of such deliberation.

Received from the Senate a message, proposing to go into an election of a Solicitor for the sixth Judicial Circuit, on Monday next at 11 o'clock; which was read and concurred in, and the Senate informed thereof by message, and that Messrs. Bean and Clement compose the committee on behalf of this House, to superintend the election.

Mr. Hicks presented a resolution in favor of the growers of

the Irish Potatoe; which was read, and on motion of Mr. Ellis, referred to a select committee of three.

Mr. Shuford presented a bill to revive and amend the 7th Section of an act, supplemental to an act, passed by the General Assembly in the year 1842, entitled "an act to lay off and establish a new county of the name of Catawba." Which was read the first time and passed and referred to the committe on Private Bills.

Mr. Dickson, a bill to incorporate the Duplin Guards, an Independent Corps of Cavalry in the county of Duplin, which was read the first time and passed: and referred to the committee on Military Affairs.

Received from the Senate a message, proposing that so much of his Excellency the Governor's message, as relates to the courts of the State, be referred to a Joint Select committee of five on the part of each House.

Which was read and agreed to.

Also a message transmitting the pension certificate of Martha Thompson; which was read and ordered to be countersigned by the Speaker of this House.

Also a message transmitting the resignation of J. S. Daniel, a Justice of the peace of Greene county, and Wm. A. Lawing, a Justice of the peace of Mecklenburg county, which were severally read and accepted.

The Speaker announced to the House the following as the order of business under the 8th Rule.

1. Petitions and Memorials.
2. Introduction of Bills and Resolutions.
3. Reports from Standing Committees.
    1. Privileges and Elections.
    2. Finance.
    3. Judiciary.
    4. Claims.
    5. Propositions and Grievances.
    6. Internal Improvements.
    7. Private Bills.
    8. Agriculture.

9. Education.
10. Library.

4. Reports from Select Committees.
5. Bills on the 3d reading.
6. Bills on the 2nd reading.

The orders of the day to be taken up at 12 o'clock, and if none, the unfinished business.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, proposing to increase the number of the Military committee to nine on the part of each House.

Mr. Campbell presented a bill to amend the 17th section of the Revenue Law of this State; which was read the first time and passed, and on motion, referred to the committee on Finance.

Mr. Sheek introduced a bill for the better regulation of Common Schools; which was read first time and passed, and referred to the committee on Education.

Mr. J. H. White, a bill, accompanied by a memorial, to authorise Osborn Henkell to erect two Gates across a Public Highway; which was read first time and passed, and referred to the committee on Private Bills.

Mr. Rayner presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of two on the part of each House, to inquire into the expediency of enclosing the whole of the public lot and ground pertaining to the Governor's residence; and also, to inquire what amount is necessary for repairs of the house, and for furniture; and that they report by Resolution or otherwise.

Received from the Senate, a message concurring in the amendment proposed by this House, to the engrossed resolution from the Senate, in regard to lighting the lamps in the Capitol Square.

And then, on Mr. Hayman's motion, the House adjourned to Monday morning, 11 o'clock.

MONDAY, DECEMBER 4.

The Speaker announced the following members as comprising the Select Committee on the resolution in favor of growers of the Irish Potatoe, viz: Messrs. Hicks, C. Williams, and Bean.

Received from the Senate a message, informing that Messrs. Bower, and Thomas of Davidson, from their branch of the committee to superintend the election of Solicitor for the 6th Judicial Circuit; and that Messrs. Daniel Coleman and Hamilton C. Jones, were in nomination for the appointment.

The committee appointed for the House, were Messrs. Bean and Clement.

The hour of 11 having now arrived, at which by the joint order, the two Houses were to vote for Solicitor of the Sixth Circuit,

The House proceeded voted as follows:

FOR MR. COLEMAN:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coleman, Courts, Davis, Dickson, Dobbin, Ellis, Griggs, Hamrick, Harrison, Hayes, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, Newsom, Nixon, Pegram, T. J. Person, S. J. Person, Regan, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. M. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. J. Williams, C. Williams, T. H. Williams, Williamson, Wooten, A. M. Gamble, Foy—58.

FOR MR. JONES:

Messrs. Speaker, Barringer, Bean, T. R. Caldwell, Carmichall, Cherry, Doak, Farmer, Farrow, Ferebee, Hargrave, Headen, Koonce, J. M. Leach, Miller, McClees, McClenahan, Paine, Peebles, Pigot, Proctor, Rayner, Russell, Skeen, Skinner, Trull, I. White—27.

FOR MR. ELLIS:

Messrs. Blackburn, Blow, Coffield, Edwards, Erwin, Logan, McNeill, Nicholls, Nicholson, Satterthwaite, Steele—11.

FOR MR. GUION:

Messrs. Allen, Green, Hayman, Johnson, Long, Mebane, Oglesby, Palmer, Smith, Stanly, Wadsworth, Wilkins—12.

FOR MR. J. P. CALDWELL:

Messrs. Campbell, J. J. Gamble, Mast, R. I. McDowell, McIntosh, D. F. Caldwell—6.

FOR MR. OSBORNE:

Messrs. Biggs and Hackney—2.

FOR MR. LILLINGTON—Mr. Walser—1.

On motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, informing that body, that the name of Hon. Richmond M. Pearson was in nomination for the appointment of Judge of the Supreme Court.

On motion of Mr. Dobbin, the name of Hon. Robert Strange; and on motion of Mr. Smith, the name of Hon. William H. Battle, were added to the nomination; and the Senate informed thereof accordingly.

The committee appointed on the part of this House, to superintend the election of Supreme Court Judge, were Messrs. Dobbin and Barringer.

And the hour for said election having now arrived, according to the Joint Order of the two Houses, this House voted as follows:

FOR MR. BATTLE:

Messrs. Speaker, Biggs, Blackburn, Blow, T. Caldwell, Coleman, Doak, Erwin, Farmer, Farrow, Ferebee, Green, Hayman, Hicks, Logan, Long, Love, Mebane, Nicholls, Paine, Peebles, T. Person, Pigot, Proctor, Rayner, Satterthwaite, Shuford, Skinner, Smith, Stanly, Wadsworth, D. Caldwell, Wilkins—33.

FOR MR. PEARSON:

Messrs. Allen, Barringer, Bean, Campbell, Carmichall, Cherry, Cle-

ment, A. M. Gamble, J. J. Gamble, Hackney, Hargrave, Hayes, Headen, Johnson, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Russell, Scott, Skeen, Steele, Trull, Walser, I. White, C. Williams—33.

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, T. Williams, J. Williams, Williamson, Wooten—52.

Mr. Stanly presented a Resolution in favor of Thomas Wilson; Which was read the first time and passed.

Mr. Stanly moved that the Rule be suspended, and that the Resolution be now put upon its second reading; which motion was disagreed to.

On motion of Mr. Steele, the vote by which the House had just refused to suspend the rule, was reconsidered, and on his motion, the Resolution was read a second time; when Mr. J. M. Leach moved that the same be indefinitely postponed, which was decided in the affirmative; Yeas 65, Nays 51.

Yeas and Nays demanded by Mr. Biggs.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, Blow, D. Caldwell, Campbell, Cannady, Cherry, Coffield, Doak, Edwards, Erwin, Ferebee, A. Gamble, Green, Hackney, Hargrave, Headen, Hicks, Johnson, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Miller, McClees, McClenahan, McDade, R. McDowell, McIntosh, McMullen, Newsom, Nicholls, Nicholson, Oglesby, Palmer, Peebles, Pegram, Pigot, Rayner, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Shuford, Simms, Skeen, Smith, Steele, Stowe, Thigpen, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, Williamson—65.

Those who voted in the negative were:

Messrs. Allen, Ballard, Brown, Brogden, T. Caldwell, Carmichall,

Clement, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Farmer, Farrow, Foy, J. Gamble, Griggs, Hamrick, Harrison, Hayman, Hayes, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Long, Mebane, Mosely, T. McDowell, McNeill, Nixon, Paine, T. Person, S. Person, Proctor, Sanders, Sherard, Spivey, Stanly, Stevenson, Stockard, J. Taylor, C. Taylor, Thornton, Wadsworth, T. Williams, C. Williams, Wooten—51.

Mr. Dobbin, on behalf of the Committee to superintend the election of Judge of Supreme Court, reported that neither one of the candidates had received a majority of the whole number of votes, and that there was no election. Which report was concurred in.

Mr. Wadsworth presented a memorial from citizens of Craven county, praying sundry amendments of the act of 1844, in relation to Common Schools; which on motion, was referred to the committee on Education.

Mr. Clement, on behalf of the committee appointed to superintend the election of Solicitor for the 6th Judicial Circuit, reported that no one of the candidates had received a majority of the whole number of votes, and that there was no election. Which report was concurred in.

Received a message from the Senate, proposing to proceed, forthwith, to vote again for a Solicitor for the 6th Judicial Circuit; which, on motion of Mr. Stanly, was laid upon the table.

Also, a message proposing to proceed, forthwith, to the election of Supreme Court Judge; which having been read, Mr. C. Jones moved that the same be laid upon the table. The motion was disagreed to, and the question then upon concurring in the Senate's proposition, was decided in the affirmative, and the Senate informed thereof by message, and that Messrs. Martin and Nicholls, formed the House branch of the committee to superintend the election.

A message from the Senate, informing that Messrs. Bethell and Lillington composed the Senate branch of said committee.

The House then voted as follows:

FOR MR. BATTLE:

Messrs. Speaker, Biggs, Blow, T. R. Caldwell, D. F. Caldwell,

Coleman, Erwin, Farmer, Farrow, Ferebee, Hayman, Logan, Long, Love, Mebane, Nicholls, Peebles, T. Person, Pigot, Proctor, Satterthwaite, Shuford, Smith, Stanly, Wadsworth, Wilkins, Rayner, Hicks—28.

FOR MR. PEARSON:

Messrs. Allen, Barringer, Bean, Blackburn, Campbell, Carmichall, Cherry, Clement, Doak, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, Keen, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholson, Oglesby, Paine, Palmer, Russell, Scott, Sheek, Skeen, Skinner, Steele, Trull, Walser, I. White, Wooten—40.

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, Regan, Reinhardt, Sanders, Sherard, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. H. Williams, C. Williams, Williamson—50.

Mr. Barringer moved to rescind the Joint Order of the two Houses, by which it was heretofore agreed to go into an election at one o'clock to-day, for Judge of the Superior Court.—The motion was disagreed to.

Mr. Martin, on behalf of the committee, appointed to superintend the election of Judge of the Supreme Court, reported that there was no election—neither of the candidates having received a majority of the whole number of votes.

Which report was concurred in.

A message from the Senate, informing that Messrs. Ashe and Thompson, of Bertie, form the committee on the part of that body to superintend the election of Judge of the Superior Court.

On the part of the House, Messrs. Nicholls and Coffield were appointed the committee, and the Senate informed thereof by message; and that Messrs. Augustus Moore, William A. Wright, Joshua Robards, and Thomas Bragg, were in nomination for the appointment.

The House then voted as follows:

FOR MR MOORE:

Messrs. Speaker, Barringer, Bean, Biggs, Blow, T. R. Caldwell, D. F. Caldwell, Cherry, Doak, Erwin, Farrow, Ferebee, Green, Hackney, Hargrave, Hayman, Headen, Johnson, J. M. Leach, Logan, Long, Mebane, McClees, McClenahan, R. I. McDowell, Nicholls, Nicholson, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Trull, Wadsworth, Walser, I. White, Wilkins, Steele—46.

FOR MR. BRAGG:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, R. Jones, R. H. Jones, McDade, T. McDowell, Newsom, S. Person, T. J. Person, Sanders, Shuford, Simms, Stevenson, Stockard, Stowe, J. Williams, C. Williams, Wooten—34.

FOR MR. WRIGHT:

Messrs. Allen, Dickson, Kelly, Koonce, Nixon, Sherard, J. M. Taylor, T. Williams—8.

FOR MR. ROBARDS:

Messrs. Farmer, Hayes, Hicks, Love—4.

FOR MR. MITCHELL:

Messrs. Blackburn, Campbell, Carmichall, J. J. Gamble, Mast, Miller, McIntosh, Oglesby—8.

FOR MR. DOBBIN:

Messrs. Herring, A. J. Leach, McNeill, Pegram, Regan, Thigpen, Williamson—7.

FOR MR. GRAVES:

Messrs. C. Jones, Keen, McMullen, Reinhardt, Sheek, C. Taylor, J. H. White—7.

FOR MR. EATON:

Messrs. Martin, Mosely, Spivey, Thornton—4.

On motion of Mr. Spivey, the House then adjourned.

TUESDAY, DEC. 5, 1848.

Received from the Senate a message, agreeing to the proposition to distribute the undisposed of copies of Rev. Mr. Peet's Address, among the members of this General Assembly.

Also, a message agreeing to the proposition to print the Report of the Adjutant General of the State.

Also, a message concurring in the proposition to raise a joint select committee of seven on the part of the House, and five on the Senate, on so much of the Governor's message as relates to an investigation of the affairs of the Raleigh and Gaston Rail road, and informing that Messrs. Hawkins, Joyner, Murchison, Hargrove, and Ashe, compose their branch of said committee.

Messrs. Martin, Rayner, Dobbin, Stanly, Ellis, Stevenson, and McClenahan, form the committee on the part of this House.

Also, a message agreeing to the proposition to furnish Miss D. L. Dix with two hundred copies of her Memorial to the General Assembly, on the subject of a Lunatic Asylum.

Also, a message proposing to raise a Joint Select Committee of two on the part of each House, to fix the time and manner of counting and comparing the votes for Governor at the last August election; which was read and concurred in, and the Senate informed thereof by message; and that Messrs. Spivey and Carmichall, form the said committee on the part of the House.

Also, a message concurring in the proposition to raise a Joint Select Committee on so much of his Excellency's message, as relates to the Cherokee Lands; and informing, that Messrs. Thomas, of Haywood, Patterson, Bower, Gilmer, and Thompson, of Wake, were the committee on behalf of the Senate.

The committee appointed on the part of this House were, Messrs. Satterthwaite, Rayner, Courts, Ellis, and Hayes.

Mr. Nicholls, from the committee appointed to superintend the election of Judge of the Superior Court yesterday, reported that no one had received a majority of the whole number of votes cast, and that there was consequently no election.

Which report was concurred in.

Mr. Dobbin presented a memorial from sundry citizens of Cumberland county, praying the passage of an act to emancipate negro slave, Peter Turner, the property of Joshua Carman and others; which was read, and on motion, referred to the committee on Propositions and Grievances.

Mr. Cherry presented a bill to amend an act, entitled an act to incorporate the town of Windsor, in the county of Bertie, ratified 5th January, 1847; which was read first time and passed, and referred to the committee on Private Bills.

Mr. Miller presented a bill to amend an act establishing the county of Alexander; which was read the first time and passed.

Mr. T. H. Williams, a bill to provide for a reassessment of the lands in the county of New Hanover, and to amend an act entitled, an act to provide for an assessment of the lands of this State, and a more accurate enlistment of the taxable Polls; which was read the first time and passed, and on motion, referred to the committee on Finance.

On motion of Mr. Martin,

Ordered, That so much of the Governor's Message as relates to the State Bonds due to the Bank of the State of North Carolina, on 1st January next, incurred by the Raleigh and Gaston Railroad, in consequence of the fire of the 25th of February last, be referred to the committee on Finance.

Mr. Stevenson introduced a bill entitled a bill to incorporate the Newbern Manufacturing Company; and,

Mr. J. H. White, a bill giving to the County Court of Gaston exclusive jurisdiction over a certain Public Road; which were severally read first time and passed, and referred to the committee on Private Bills.

Mr. Coffield presented a resolution in favor of the Clerk of the County Court of Martin; and,

Mr. Hicks, a resolution in favor of William Angell, of Macon county; which were read first time and passed, and referred to the committee on Claims.

Mr. Ballard presented a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read the first time and passed, and referred to the committee on the Judiciary.

On motion of Mr. Keen,

Ordered, That a message be sent to the Senate proposing to raise a Joint Select committee of five on the part of the Senate and ten on the part of this House, to take into consideration, and report by bill or otherwise, the propriety of establishing a Medical Board to examine and license persons for the practice of Medicine.

On motion of Mr. Rayner,

Ordered, That the use of the Commons Hall be granted to Wm. D. Cooke, Esq., superintendant of the Institute for the Education of the Deaf and Dumb, for the purpose of an exhibition of his pupils, and their progress in education and improvement, on Thursday night next, 7th Dec.

Mr. Pigot presented a bill to repeal, in part, an act entitled, an act to prevent the destruction of Oysters, Revised Statutes, page 448, ch. 84; which was read the first time and passed, and on motion, referred to the Committee on Propositions and Grievances.

Mr. R. I. McDowell presented the following Resolution, which was read and rejected:

Resolved, That whereas, there is a great and useless consumption of time, attended with great personal inconvenience, by our Militia laws, requiring all men of military age to muster some four or five times a year, the Committee on Military affairs be required to investigate the propriety and expediency of abolishing our Militia organization, and substitute in lieu thereof, a Volunteer system, requiring all musterables to join some Volunteer Corps, or pay an annual tax, not exceeding one dollar, to be applied to the benefit of the School Fund of their respective Counties; and that they be required to report by bill or otherwise.

Mr. Mebane, on behalf of the Committee of Finance, re-

ported unfavorably the bill to amend the 17th section of the Revenue Law of this State. The bill was read a second time, when Mr. Martin moved that it be indefinitely postponed, which was decided in the negative; yeas 56, nays 60.

Yeas and Nays demanded by Mr. Campbell.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Ballard, Bean, Biggs, Brown, Cannady, Cherry, Coleman, Dancy, Davis, Dobbin, Farmer, Farrow, Foy, Griggs, Green, Hamrick, Hargrave, Harrison, Herring, Headen, Hicks, R. Jones, Keen, A. J. Leach, Love, Martin, Mast, Mebane, McClees, McClenahan, T. McDowell, McMullen, McNeill, Peebles, Pegram, S. J. Person, T. J. Person, Proctor, Rayner, Regan, Russell, Sanders, Satterthwaite, Scott, Shuford, Skeen, Spivey, Stanly, Stockard, J. Taylor, Thornton, Trull, Wilkins, C. Williams—56.

Those who voted in the negative were:

Messrs. Blackburn, Blow, Brogden, T. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Coffield, Courts, Dickson, Doak, Edwards, Ellis, Erwin, Ferebee, A. Gamble, J. J. Gamble, J. Williams, Hackney, Hayman, Hayes, Johnson, C. Jones, R. H. Jones, Kelly, Koonce, J. M. Leach, Logan, Long, Miller, Mosely, R. McDowell, McIntosh, Newsom, Nicholls, Nicholson, T. Williams, Oglesby, Paine, Palmer, Pigot, Reinhardt, Sheek, Sherard, Simms, Skinner, Smith, Steele, Stevenson, Stowe, C. Taylor, Thigpen, Wadsworth, Walser, J. H. White, I. White, Williamson, Wooten, Nixon—60.

The bill then passed its second reading.

Mr. Courts, from the Committee on Propositions and Grievances, reported favorably the Bill to condemn a part of Hayne Street, in the town of Monroe, in Union County, for the purpose of erecting a public Jail thereon. Also, the bill to authorise the County Court of Mecklenburg to pay over certain funds to the County Court of Union; which were severally read the second time and passed.

Received from the Senate, a message proposing to go into an election forthwith for a Judge of the Supreme Court; which was read and concurred in, and the Senate informed thereof by message; and that Messrs. Reinhardt and Scott compos-

ed the committee of the House to superintend the election.

Received from the Senate a message, informing that Messrs. Graham and Halsey, were their branch of said committee.

The House then proceeded to vote as follows:

FOR MR. PEARSON:

Messrs. Allen, Barringer, Bean, Blackburn, Campbell, Carmichall, Cherry, Clement, Doak, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, Keen, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Rayner, Russell, Scott, Skeen, Skinner, Steele, Trull, Walser, I. White, C. Williams—40.

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Mosely, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, Williamson, Wooten—50.

FOR MR. BATTLE:

Messrs. Speaker, Atkin, Biggs, Blow, T. Caldwell, D. Caldwell, Coleman, Erwin, Farmer, Farrow, Ferebee, Hayman, Hicks, Logan, Long, Love, Martin, Mebane, McDade, R. McDowell, Peebles, T. Person, Pigot, Proctor, Satterthwaite, Smith, Stanly, Wadsworth, Wilkins—29.

Received from the Senate a message, transmitting the engrossed bill to authorise the County Court of Halifax county to sell and convey the lot in the town of Halifax, on which the old Court House is situated; and asking the concurrence of this House therein. The bill was read first time and passed.

Mr. Rayner, on behalf of the committee on Internal Improvements, reported the bill to incorporate the Charlotte and Danville Railroad Company, and recommended that the same be passed.

Mr. Ellis moved that the bill be made the special order of the day for Tuesday next, which motion did not prevail; and then, on motion of Mr. Rayner, it was ordered to lie on the table, and that it be printed.

Mr. Rayner, from the same committee, reported favorably, the bill to lay off a road from Newton to Morganton; which was read second time and passed.

Mr. Scott, on behalf of the committee appointed to superintend the election of a Judge of the Supreme Court, reported that no one of the candidates had received a majority of the whole number of votes given, and there was no election.

Which report was concurred in.

Received from the Senate, a message proposing to proceed, forthwith, to an election of Solicitor of the 6th Judicial Circuit; and informing that the name of Hamilton C. Jones, Esq., was withdrawn from nomination; which was read and concurred in, and the Senate informed thereof by message, and that the name of Joseph P. Caldwell, Esq., was added to the nominations heretofore made.

Messrs. Sherard and Miller were appointed the committee on the part of this House to superintend the election.

A message from the Senate, informing that Messrs. Walker and Davidson, form their committee, and that the Senate would proceed to vote on the return of the messenger.

The House then voted as follows:

FOR MR. COLEMAN:

Messrs. Ballard, Brogden, Cannady, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Hayes, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, McDade, T. McDowell, McMullen, McNeill, Newsom, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Scott, Sheek, Simms, Stockard, Stowe, J. M. Taylor, Thigpen, Trull, J. H. White, J. J. Williams, C. Williams, Williamson, Wooten—47.

FOR MR. CALDWELL:

Messrs. Speaker, Barringer, D. F. Caldwell, Campbell, Carmichall, Doak, Erwin, Farrow, Ferebee, J. J. Gamble, Hackney, Hargrave, Hicks, Koonce, Logan, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, I. White—30.

FOR MR. ELLIS:

Messrs. Allen, Bean, Blackburn, Blow, Brown, Cherry, Coffield, A,

M. Gamble, Hayman, Headen, J. M. Leach, Martin, Mosely, Nicholls, Nicholson, Nixon, Pegram, Satterthwaite, Sherard, Shuford, Skeen, Spivey, Stanly, Steele, Stevenson, C. H. K. Taylor, Thornton, Wadsworth, Walser, Wilkins, T. H. Williams—31.

FOR MR. GUION.

Messrs. T. R. Caldwell, Green, Johnson, Long, Oglesby, Smith, Skinner—7.

FOR MR. LILLINGTON—Messrs. Atkin, Biggs, Farmer—3.

Received from the Senate a message concurring in the proposition to print the message of his Excellency, the Governor, and the Resolution and Memorial of the National Medical Convention.

Also, a message disagreeing to the proposition to increase the number of the Joint Select Committee on Military Affairs.

The Speaker laid before the House, a communication from Thomas H. Wright, Esq., President of the Bank of Cape Fear, furnishing a statement of the condition of that institution; which, on motion of Mr. Mebane, was ordered to be printed and laid on the table.

The hour having now arrived, at which, according to the joint order of the two Houses, they were to go into an election of Solicitor of the 1st Judicial Circuit,

The Speaker announced Messrs. Biggs and Griggs, the committee on behalf of this House, to superintend the election; whereof the Senate was informed by message, and that the names of W. N. H. Smith, Esq., of Hertford, and Wm. F. Martin, Esq., of Pasquotank, were in nomination for the appointment.

A message from the Senate, informing that Messrs. ; form the committee upon the part of that body to superintend said election.

The House voted as follows:

FOR MR. SMITH.

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry,

Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, McDade, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, J. Williams—61.

FOR MR. MARTIN:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. H. Jones, C. Jones, R. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, T. Williams, C. W. Williams, Williamson, Wooten—56.

Received from the Senate, a message transmitting a communication from his Excellency, Governor Graham, addressed to the Senate, touching a memorandum and plan of a Railroad, from Gaston by way of Raleigh and Salisbury, to Charlotte, with a proposition to print the same.

Which was read and concurred in.

Also, a message concurring in the proposition of this House to raise a Joint Select committee of five on the part of the House and three on the part of the Senate, to take into consideration so much of his Excellency, the Governor's message, as relates to the School for the Deaf and Dumb, in the City of Raleigh, and to visit said Institution, and informing that Messrs. Walker, Hargrove, and Berry, form their branch of said committee.

The Speaker announced Messrs. T. H. Williams, Atkin, Erwin, Hargrave, and Hamrick, as composing the committee on behalf of the House of Commons.

On motion of Mr. Ferebee,

Ordered, That a message be sent to the Senate, proposing to proceed, immediately, to an election of a Judge of the Superior Court.

Mr. Miller, from the Committee appointed to superintend the election of Solicitor for the 6th Judicial Circuit, reported that no one had received a majority of the whole number of votes cast, and there was, therefore, no election.

On motion of Mr. Martin,

Ordered, That a message be sent to the Senate, proposing to go into an election of Judge of the Supreme Court, to-morrow at 11 o'clock.

Mr. Biggs, on behalf of the committee appointed to superintend the election of Solicitor of the 1st Judicial Circuit, reported that William N. H. Smith, Esq., had received a majority of the whole number of votes given, and was duly elected.

Which report was concurred in.

Received from the Senate, a message proposing to go forthwith into an election of Solicitor for the Sixth Judicial Circuit; which, on motion of Mr. Stanly, was ordered to lie on the table.

Mr. J. M. Taylor moved that the House do now adjourn; which was disagreed to.

Mr. Dancy, on behalf of the committee on Private Bills, reported the bill to incorporate a Female College in the County of Anson; which was read a second time and passed.

Received a message from the Senate, disagreeing to the proposition to proceed, forthwith, to vote for Judge of the Superior Court.

Also, disagreeing to the proposition to go into an election of Judge of the Supreme Court, to-morrow at 11 o'clock.

On motion of Mr. Miller, the House then adjourned.

WEDNESDAY, DEC. 6, 1848.

On motion of Mr. Rayner,

Ordered, That the use of the Commons Hall be granted to

Wm. D. Cooke, Esq. Superintendant of the School for the Deaf and Dumb, for the purpose of a public exhibition, on Friday evening next.

On motion of Mr. Courts,

Ordered, That a message be sent to the Senate, proposing to go into an election of Solicitor of the Sixth Judicial Circuit, to-morrow, at 11 o'clock.

Received from the Senate a message, concurring in the proposition to raise a Joint Select committee, consisting of two on the part of each House, to examine into the expediency of enclosing the whole of the public grounds, pertaining to the Governor's residence, and enquire what amount is necessary for repairs, furniture, &c.; and informing, that Messrs. Thompson of Wake, and Albright, form this committee on the part of the Senate.

Messrs. Rayner and Dobbin were appointed said committee on behalf of this House.

Mr. T. R. Caldwell presented a bill, accompanied by a memorial, to establish a county by the name of Lafayette; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Counter memorials on this subject, from citizens of Burke and Cleveland, were presented by Mr. Caldwell and Mr. Hamrick, and the same were referred to the Committee on Propositions and Grievances.

Mr. Hayman presented a memorial from citizens of Beaufort, praying a repeal of so much of the 6th section, chapter 31 of Revised Statutes, as gives discretionary power to the Justices to appoint a Special Court—at least, so far as relates to the County of Beaufort; which was referred to the committee on Propositions and Grievances.

Mr. Stevenson presented the Pension Certificate of Capt. John Rhem, of Craven county, which, on his motion, was ordered to be countersigned by the Speaker, and sent to the Senate.

Mr. Hayes presented a bill for the relief of James Stewart,

of Cherokee county; which was read the first time and passed, and on motion, was referred to the committee on Claims.

Mr. Brogden, a bill to incorporate the Johnston Little River Manufacturing Company, in the county of Johnston; which was read the first time and passed, and on motion, referred to the committee on Propositions and Grievances.

On motion of Mr. Stanly, the House then adjourned.

THURSDAY, DECEMBER 7, 1848.

Mr. Barringer moved that a message be sent to the Senate, proposing to go into an election, forthwith, of a Judge of the Superior Court; which motion was decided in the affirmative; Yeas 100, Nays 10.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blow, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Cannady, Cherry, Clement, Coffield, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Erwin, Farmer, Farrow, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McClenahan, T. S. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. J. Person, T. J. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Sanders, Satterthwaite, Scott, Sheek, Sheraid, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, Wilkins, T. Williams, Williamson, Wooten—100.

Those who voted in the negative were;

Messrs. Atkin, Coleman, Courts, A. M. Gamble, Mosely, McDade, Shuford, J. Williams, G. W. Williams, J. H. White—10.

Mr. T. R. Caldwell presented a memorial from citizens of Burke county, praying for relief to the purchasers of Cherokee Lands; which, on his motion, was referred to the committee on Cherokee Lands.

Mr. Steele presented a petition from sundry citizens of Richmond county, in behalf of John Gay, praying relief on account of injuries done to his fisheries on the Pedee River; which was referred to the committee on Propositions and Grievances.

Mr. Shuford, a memorial from sundry citizens of Catawba county, protesting against certain boundaries, to be given to the new county of Lafayette, if the same is established, and praying not to be included as citizens therein; which, on motion, was referred to the committee on Propositions and Grievances.

Mr. McIntosh presented a bill, accompanied by a memorial, to lay off and establish a new county out of portions of Iredell, Wilkes, and Surry; which, on motion, was referred to the committee on Propositions and Grievances.

Received from the Senate, a message concurring in the proposition to go into an election, forthwith, for a Judge of the Superior Court; and informing that Messrs. Hargrove and Collins, form the Senate branch of committee to superintend the election.

Messrs. Ballard and Hayman, were appointed the committee for this purpose, on the part of the House, and the Senate informed thereof by message, and that the name of Mr. Joshua Robards, was withdrawn from nomination.

The House then voted as follows:

FOR MR MOORE:

Messrs. Speaker, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith,

Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, Doak, Allen—60.

FOR MR. BRAGG:

Messrs. Ballard, Brogden, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dobbin, Edwards, Ellis, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, A. J. Leach, McDade, T. McDowell, McMullen, McNeill, Newsom, Pegram, S. Person, T. J. Person, Regan, Reinhardt, Sheek, Sherard, Shuford, Simms, Stevenson, Stockard, Stowe, J. M. Taylor, C. Taylor, Thigpen, J. H. White, J. Williams, Williamson, Wooten—44.

FOR MR. WRIGHT:

Messrs. Brown, Coleman, Dickson, Foy, Kelly, Nixon, Sanders, T. Williams, C. Williams—9.

FOR MR. EATON:

Messrs. Martin, Mosely, Spivey, Thornton—4.

FOR MR. GRAVES—Mr. Keen—1.

Received from his Excellency, the Governor, a communication touching the employment of B. F. Moore, Esq., as assistant counsel for the State, in the suit in Equity, against the Stockholders and Subscribers of the Raleigh and Gaston Railroad, and the compensation to be allowed him for his services; which, on motion of Mr. Mebane, was referred to the committee on Claims.

On motion of Mr. Griggs,

Ordered, That a message be sent to the Senate, proposing to go, forthwith, into an election of a Solicitor of the 6th Judicial Circuit.

Mr. Regan presented the following Resolution, which was read and adopted:

Resolved, That from and after this day, the daily hour of the meeting of the House of Commons, shall be 10 o'clock, A. M.

Mr. Hicks presented a resolution in favor of George Penland; which was read the first time and passed, and on motion, referred to the committee on Claims.

Received a message from his Excellency, the Governor, transmitting the report of the board of commissioners of the Raleigh and Gaston Railroad; which, on motion by Mr. Stanly, was ordered to be transmitted to the Senate, with a proposition to print.

Mr. Ballard, from the committee appointed to superintend the election of Judge of the Superior Court, reported that the number of votes cast were 168, of which 85 were necessary to a choice, and that Augustus Moore, Esq., having received that number, was duly elected Judge of the Superior Court.

Which report was concurred in.

Received from the Senate, a message concurring in the proposition to proceed, forthwith, to the election of Solicitor for the 6th Judicial Circuit; and informing that Messrs. Willey and Faison, constituted the Senate branch of committee to superintend the election.

The committee for this purpose on the part of the House, were Messrs. Stowe and J. Gamble; and the Senate was thereof informed.

The House then voted as follows:

FOR MR. COLEMAN:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. Gamble, Griggs, Hamrick, Harrison, Hayes, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McClees, T. McDowell, McDade, McMullen, Newsom, Nicholls, Nixon, Pegram, S. Person, T. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Trull, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—65.

FOR MR. CALDWELL:

Messrs. Speaker, Campbell, Carmichall, Doak, J. Gamble, Green, Hackney, Johnson, Logan, Miller, R. McDowell, McIntosh, Paine, Peebles, Pigot—15.

FOR MR. ELLIS:

Messrs. Allen, Blackburn, Blow, T. Caldwell, Cherry, Farmer, Far-

row, Hargrave, J. M. Leach, Long, Mebane, Nicholson, Satterthwaite, Smith, Stanly, Steele, Wadsworth, Wilkins—18.

FOR MR. LILLINGTON:

Messrs. Atkin, Barringer, Bean, Biggs, D. Caldwell, Erwin, Ferebee, Headen, Koonce, Mast, McClenahan, Palmer, Rayner, Russell, Skeen, Skinner, Walser, I. White—18.

FOR MR. GREEN—Mr. Oglesby.

Mr. Satterthwaite presented the following Resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of the House, and two on the part of the Senate, whose duty it shall be to consider the propriety of having tiers of seats erected in each House, outside of the Bar, for the comfort and accommodation of such persons as desire to witness the proceedings of the Legislature; and that said committee report by bill or otherwise.

The Speaker announced the Resolutions heretofore introduced by Mr. Steele, to be the order of the day, and they were accordingly taken up for consideration; when Mr. Steele moved that the further consideration of the same be postponed, and that they be made the special order of the day for Wednesday next.

Pending this question, Mr. Stanly moved to lay the Resolutions on the table, which was decided in the negative; yeas 50, nays 65.

Yeas and Nays being demanded by Mr. Steele.

Those who voted in the affirmative were:

Messrs. Atkin, Barringer, Bean, Biggs, Blow, T. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hayes, Hicks, Johnson, Koonce, J. M. Leach, Long, Mast, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Scott, Sherard, Skinner, Skeen, Smith, Stanly, Trull, Wadsworth, Walser, I. White, Wilkins—50.

Those who voted in the negative were:

Messrs. Allen, Ballard, Blackburn, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Foy, A. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Logan, Love, Martin, Mebane, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Proctor, Reinhardt, Sanders, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams Williamson, Wooen—65.

So the House refused to lay the Resolutions on the table; and the question then recurring upon the motion of Mr. Steele, to postpone the further consideration of the Resolution to Wednesday next, it was decided in the affirmative.

Mr. J. J. Gamble, on behalf of the committee to superintend the election of Solicitor for the 6th Judicial Circuit, reported that the whole number of votes given was 168, of which 85 were necessary to a choice, and that Mr. Coleman having received 90 votes, was duly elected Solicitor for the 6th Judicial Circuit.

In which report the House concurred.

On motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing to proceed, forthwith, to vote again for a Judge of the Supreme Court.

Mr. Dobbin presented a bill to incorporate the Union Company in the town of Fayetteville; which was read the first time and passed, and referred to the committee on Private Bills.

Received a message from the Senate, concurring in the proposition to go, forthwith, into an election of Judge of the Supreme Court; and informing that Messrs. Hester and Eborn, form the committee on their part to superintend said election.

On behalf of the House, Messrs. Coleman and Palmer, were the committee, and the Senate informed thereof by message.

The House voted as follows:

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Daney, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Martin, Mosely, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, S. Person, Regan, Reinhardt, Sanders, Sherard, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. H. Williams, Williamson, Sheek, Wooten —50.

FOR MR. PEARSON:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Campbell, Carmichall, Cherry, Clement, Doak, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Pigot, Proctor, Russell, Rayner, Scott, Skeen, Skinner, Steele, C. H. K. Taylor, Trull, Walser, I. White, C. Williams, T. R. Caldwell—46.

FOR MR. BATTLE:

Messrs. Speaker, Atkin, Blow, D. F. Caldwell, Coleman, Erwin, Farmer, Farrow, Hayman, Hicks, Keen, Logan, Long, Love, Mebane, McDade, Peebles, Satterthwaite, Shuford, Smith, Stanly, Wadsworth, Wilkins—23.

Mr. Satterthwaite presented a bill to incorporate Pamlico Encampment, No. 6, of the Independent Order of Odd Fellows, in the town of Washington; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Ellis, a bill to repeal an act entitled an act to increase the Public Revenue; which was read the first time and passed and referred to the committee on Finance.

Mr. Dancy, a bill, accompanied by a memorial, to establish a new county by the name of Wilson; which was read the first time and passed, and referred, with the memorial, to the committee on Propositions and Grievances.

Mr. Palmer, from the committee appointed to superintend the election of a Judge of the Supreme Court, reported that no one of the candidates had received a majority of the whole number of votes cast, and that there was no election.

In which report, the House concurred.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, proposing to vote again forthwith for a Judge of the Supreme Court.

Mr. Trull introduced a bill to amend an act passed in 1844–5, entitled "An act to incorporate the town of Monroe in Union County;" which was read the first time and passed, and on motion, referred to the Committee on Claims.

Mr. Satterthwaite, a bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico Rivers; which was read first time and passed, and referred to the Committee on Propositions and Grievances.

The Speaker laid before the House, a communication from O. G. Parsley, Esq., President of the Commercial Bank of Wilmington, transmitting a statement of its condition on 2d inst.; which, on motion, was ordered to be sent to the Senate, with a proposition to print.

Mr. Dobbin presented a Bill to incorporate Blount's Creek Manufacturing Company; which was read the first time and passed; and on motion, the Bill was taken up, (two-thirds of the House concurring) and read a second time and passed.

Mr. Dancy, from the committee on Private Bills, reported favorably the bill to incorporate the Bertie Guards; which was read a second time, amended on motion of Mr. Steele, and passed.

Mr. Williamson moved that the House do now adjourn; which motion did not prevail.

Mr. Dancy, from the same committee, reported favorably the bill to incorporate the town of Salisbury; which was taken up for consideration, but temporarily suspended to receive

A message from the Senate, concurring in the proposition to vote forthwith for a Judge of the Supreme Court; and informing that Messrs. Moye and Worth composed the Senate branch of the committee to superintend the election.

The committee for this purpose on behalf of the House were, Messrs. Newsom and Farrow.

The House voted as follows:

FOR MR. BATTLE:

Messrs. Speaker, Blow, D. Caldwell, Coleman, Erwin, Farmer, Farrow, Hayman, Hicks, C. Jones, Logan, Long, Love, Mebane, McDade, Peebles, Satterthwaite, Smith, Stanly, Wadsworth—20.

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Martin, Mosely, T. McDowell, McMullen, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—53.

FOR MR. PEARSON:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, T. Caldwell, Campbell, Carmichall, Cherry, Clement, Doak, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, R. McDowell, McIntosh, McNeill, Nicholls, Nicholson, Oglesby, Paine, Palmer, Proctor, Pigot, Rayner, Russell, Scott, Skeen, Skinner, Steele, Trull, Walser, I. White, Wilkins—46.

And then, on motion by Mr. S. J. Person, the House adjourned till to-morrow morning 10 o'clock.

FRIDAY, DEC. 8, 1848.

The Speaker announced the committee on Enrolled Bills, as follows: Messrs. Carmichall, Thornton, McMullen, Campbell, and Sanders.

Mr. Newsom, from the committee appointed yesterday to superintend the election of a Supreme Court Judge, reported that no one of the candidates had received a majority of the whole number of votes, and that there was no election.

Which report was concurred in.

The bill to incorporate the town of Salisbury, was then taken up, and read a second time and passed.

On motion of Mr. Steele,

Ordered, That a message be sent to the Senate, proposing to proceed, forthwith, to vote again for a Judge of the Supreme Court.

Mr. Steele, from the committee on Military Affairs, reported the bill to incorporate the Foresters, an Independent Company in the county of Richmond, with the following amendments; to add the following proviso to the first section.

"*Provided*, Said Corps shall perform Military duty, at least six times in each and every year.

And also, to add the following section to the Bill:

Be it further enacted, That upon the certificate of the Colonel commanding the Regiment to which said corps belong, that said corps has performed military duty, as required by this act, for the period of twelve years, it shall be the duty of the Brigadier General of their Brigade, to furnish said corps with a release in writing, from all military duty, except in cases of insurrection or invasion.

Which amendments were adopted; and the Bill, as amended, then passed its second reading.

Mr. Steele, from the same Committee, reported favorably the Bill to incorporate the "Summerfield Guards," with the following amendments, to wit: In the third section, strike out the words "have power to," and insert the words "call out the same at least six times in each and every year;" and also, in the same section, strike out "ten," and insert "twelve."

Which amendments were concurred in, and the bill passed its second reading.

Mr. Steele, from the same Committee, reported unfavorably the bill to arrange the Captains' Districts in each County, in the State, whereby their location may be well known, their identity be preserved and perpetuated, and for other purposes; which was read the second time, and on motion of Mr. Walser, ordered to lie on the table.

Mr. Steele, also reported adversely, the memorial from sundry citizens of Beaufort county, praying for certain amendments of the Militia laws, and asked to be discharged from the further consideration thereof. In which report the House concurred.

The Speaker laid before the House, a communication from C. L. Hinton, Esq., Public Treasurer, transmitting a statement shewing the condition of the Bank of the State on 25th Nov., 1848; also, a statement of the Merchants' Bank of Newbern, 27th Nov., 1848; which on motion of Mr. Paine, were ordered to be sent to the Senate, with a proposition to print.

Mr. Stanly, from the Select Committee, to whom was referred the bill to amend an act entitled an act to amend the laws regulating the inspection of Turpentine, chapter 57—reported the bill, with the following amendment, to wit: to add after the words, "eighty pounds," in the ninth line, the words, "and the tar;" which amendment was concurred in, and the bill then passed its second reading.

Mr. Ellis, from the Select Committee, to whom was referred the memorial of Miss Dix, soliciting a State Hospital for the protection and cure of the Insane, reported a bill to provide for the establishment of a State Hospital for the Insane in North Carolina; which was read the first time and passed. On motion of Mr. Ellis, ordered that the bill be printed and made the order of the day for Tuesday week next.

Received from the Senate, a message concurring in the proposition to go, forthwith, into an election of a Judge of the Supreme Court, and informing that Messrs. Wooten and Rowland, form their branch of the Committee to superintend the election.

The committee appointed on the part of the House for this purpose, were Messrs. McDade and McClees.

The House then voted as follows:

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. H. Jones, C. Jones, R. Jones, Keen,

Kelly, A. J. Leach, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, Williamson, Wooten—55.

FOR MR. PEARSON:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Clement, Doak, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Scott, Skeen, Skinner, Steele, Trull, Walser, I. White, Wilkins, C. W. Williams—47.

FOR MR. BATTLE:

Messrs. Speaker, Atkin, Blow, Coleman, Erwin, Farmer, Farrow, Hayman, Hicks, Logan, Long, Love, Mebane, Satterthwaite, Smith, Stanly, Wadsworth—17.

Mr. McClees, from the Committee appointed to superintend the election of a Judge of the Supreme Court, reported that no one of the candidates having received a majority of the votes given, there was no election.

In which report the House concurred.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, proposing to vote again immediately for a Judge of the Supreme Court.

Mr. Doak presented a bill to secure an equitable distribution of the estates of deceased persons, when the same are insufficient to pay all the debts; which was read the first time and passed, and referred to the committee on the Judiciary.

Received from the Senate, a message concurring in the proposition to go, forthwith, into an election of a Judge of the Supreme Court; and informing that Messrs. Berry and Kendall, composed the committee on behalf of that body to superintend the election.

The committee on the part of the House, were Messrs. Car-

michall and Sheek, and the Senate were informed thereof by message.

The House then voted as follows:

FOR MR STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, Kelly, Keen, A. J. Leach, Love, Martin, Mosely, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. W. Williams, Williamson, Wooten—57.

FOR MR. PEARSON:

Messrs. Speaker, Allen, Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Clement, Doak, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, Koonce, J. M. Leach, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Scott, Skeen, Skinner, Steele, Trull, Wadsworth, Wilkins, I. White, Walser, Mast—48.

FOR MR. BATTLE:

Messrs. Atkin, Blow, Coleman, Erwin, Farmer, Farrow, Hayman, Hicks, Logan, Long, Mebane, Satterthwaite, Smith, Stanly—14.

Mr. R. McDowell presented a bill, accompanied by a memorial, to establish a new county by the name of Graham; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. J. J. Williams presented a counter memorial on the same subject, which was, on his motion, referred to the same committee.

Mr. McNeill presented a bill to incorporate Antioch Academy, in the county of Robeson; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. McMullen, a bill to incorporate the Milton Savings' Bank, in the town of Milton; which was read the first time and passed, and on his motion, referred to a select committee

of five. On motion of Mr. T. McDowell, the bill was ordered to be printed.

The Speaker announced as composing said committee Messrs. McMullen, R. Jones, Carmichall, Skinner, and R. H. Jones.

Mr. Barringer introduced a bill for the more speedy and certain administration of Justice; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Griggs moved that a message be sent to the Senate, proposing to proceed, forthwith, to vote again for a Judge of the Supreme Court.

Mr. Mebane moved to amend the proposition by striking out the word "forthwith," and inserting, "Wednesday next, at 12 o'clock;" which was disagreed to.

Mr. Barringer, to amend by inserting, "to-morrow at 12 o'clock;" which was also disagreed to, and the question recurring on the motion of Mr. Griggs, was decided in the affirmative.

Mr. Ellis presented the following Resolution, which was read and rejected:

Resolved, That the Senate concurring, the Engrossing Clerks be permitted to occupy the room in the Capitol, allotted to them as a lodging apartment, as heretofore allowed.

On motion of Mr. Hayman,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, on the Swamp Lands.

Mr. Coleman moved that the House do now adjourn; which motion did not prevail.

Mr. Satterthwaite presented a bill to incorporate Covenant Lodge, No. 17, of the Independent Order of Odd Fellows, in the town of Greenville, Pitt county; which was read the first time and passed, and on motion, referred to the committee on Private Bills.

Mr. T. R. Caldwell moved an adjournment to to-morrow, 10 o'clock; which was not agreed to.

Mr. Wooten presented a bill, accompanied by a memorial, to alter the times of holding the Superior and County Courts of the County of Lenoir. And Mr. Logan, a bill for the better regulation and government of Slaves; which were severally read the first time and passed, and on motion, referred to the committee on Propositions and Grievances.

Mr. McMullen introduced a bill to amend an act passed 24th December, 1844, entitled an act to incorporate the Trustees of Milton Female Institute, in the county of Caswell; which was read the first time and passed.

Mr. Wilkins, a bill to discourage frivolous prosecutions; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Stevenson moved that the House do now adjourn; which motion did not prevail.

Mr. Shuford presented the following Resolution:

Resolved, That the Select Committee appointed to take into consideration the propriety of establishing a Medical Board within this State, be instructed to enquire into the expediency of regulating the fees of Physicians.

Pending the consideration of which, on motion of Mr. Wooten, the House adjourned.

SATURDAY, DEC. 9.

Received from the Senate, a message transmitting the resolution reported from the Joint Committee, appointed to fix the time and manner of counting and comparing the votes for Governor at the last August election.

The Resolution was read and adopted, and is as follows:

Resolved, That the two Houses of the General Assembly Assembly shall convene in the Hall of the House of Com-

mons, on Saturday, 9th inst, at 12 o'clock; that one member shall be appointed teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes given for Governor of the State of North Carolina, as they shall be declared by the Speaker of the Senate; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled, as aforesaid, the state of the vote, and the person elected, if it appear that a choice has been made agreeably to the Constitution of the State; which annunciation shall be deemed a sufficient declaration of the person elected, and together with the list of votes, shall be entered on the Journals of the two Houses.

Also, a message from the Senate, informing that Mr. Patterson was appointed Teller for the Senate, under the foregoing resolution.

Also, a message concurring in the proposition to raise a Joint Select Committee of five on the part of the Senate, and ten on the part of this House, to take into consideration the propriety of establishing a Medical Board, to examine and license persons for the Practice of Medicine, and informing that Messrs. Lane, Spicer, Miller, Walker, and Drake, form the Senate branch of said committee.

The committee on the part of the House are, Messrs. Keen, Erwin, Dancy, J. J. Williams, Skeen, A. J. Leach, J. M. Taylor, Ballard, and Walser.

Mr. Shuford, on leave, withdrew the resolution by him offered yesterday, proposing certain instructions to said committee.

The Speaker laid before the House sundry papers in relation to the contested election from the county of Surry; which, on motion of Mr. Stanly, were referred to the Committee on Privileges and Elections.

A message from the Senate, transmitting the following engrossed bills and resolutions, and asking the concurrence of this House therein:

A bill to incorporate the Deep River Mining and Smelting Company; and

A resolution in favor of Charles Baker, Sheriff of Yancy county, which were each read the first time and passed; also,

A resolution in favor of the Clerk of the County Court of Cumberland, which was read the first time and passed; when on motion of Mr. Dobbin, two thirds of the House concurring, the said Resolution was read the second and third times and passed, and ordered to be enrolled.

Received from the Senate, a message disagreeing to the proposition to raise a Joint Select committee, to consider the propriety of having tiers of seats erected in each House, outside of the Bar.

Mr.R.I. McDowell moved that a message be sent to the Senate, proposing to go, forthwith, into an election of Judge of the Supreme Court. Mr. Stanly moved to lay this motion on the table; and the question thereon was decided in the affirmative; yeas 81, nays 33.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Ballard, Blackburn, Blow, Brown, Brogden, Cannady, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Doak, Dobbin, Edwards, Ellis, Erwin, Ferebee, Foy, A. M. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, Kelly, Koonce, Logan, Long, Martin, Mast, Mebane, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Pegram, S. Person, T. J. Person, Proctor, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Stockard, Stowe, J. M. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. Williams, T. Williams, Williamson, Wooten—81.

Those who voted in the negative were:

Messrs. Barringer, Bean, Biggs, Caldwell, Campbell, Carmichall, Cherry, Clement, Farmer, Farrow, J. J. Gamble, C. Jones, J. M. Leach, Love, Miller, McClees, McClenahan, McDade, R. I. McDowell, McIntosh, Paine, Palmer, Peebles, Pigot, Rayner, Scott, Steele, Stevenson, Trull, J. H. White, I. White, C. Williams, Wilkins—33.

Mr. Coffield presented a bill to amend an act, passed at

the Session of the General Assembly of 1846—7, entitled "An act to amend an act passed at the Session of 1827, entitled an act to prevent the obstruction of the passage of fish up the Roanoke and Cashie Rivers;" which was read the first time, and passed, and referred to the Committee on Propositions and Grievances.

Mr. Hayman presented a bill, accompanied by a memorial, to repeal in part an act, entitled "An act to prevent obstructions to the passage of fish up Tar and Pamlico Rivers;" which was read the first time and passed, and referred to the same Committee.

Mr. Barringer, a bill accompanied by the proceedings of a Military Convention, held at Concord, October 11th, 1848, to amend the 73d ch. of Revised Statutes, entitled "An act concerning the Militia of the State," and for other purposes; which was read the first time and passed, and referred to the Committee on Military Affairs.

Mr. Steele presented the proceedings and memorial of the Officers of 93d Regiment, praying a modification of the law requiring all company Officers to wear the uniform prescribed for Officers of the U. S. Army; which was, on motion, referred to the Committee on Military Affairs.

Mr. Stanly presented sundry memorials from citizens of Beaufort county, praying an amendment of the Militia laws; which were, on his motion, referred to the same committee.

Mr. Sheek introduced a bill providing for the amendment of the Constitution of the State of North Carolina; which was read the first time and passed, and on motion, referred to the committee on the Judiciary, and ordered to be printed.

Mr. Mebane, on behalf of the committee of Finance, to whom was referred a resolution, instructing them to enquire into the expediency of so amending the Revenue law, as more effectually to secure the enlistment of black polls, in counties where slaves are hired out, reported that further legislation on the subject was unnecessary, and asked to be discharged from the further consideration of the subject. Which report was concurred in by the House.

Mr. Mebane, from the same committee, also reported the bill to increase the Revenue of the State, with certain amendments, and recommended its passage. The bill and amendments proposed, were, on motion of Mr. Ellis, ordered to be printed, and made the order of the day for Thursday next.

Mr. Paine, from the committee on the Judiciary, reported the bill to amend the 1st section of 10th chapter of Revised Statutes, entitled an act concerning Sheriffs, and recommended its passage; which was read a second time and passed.

Mr. Paine, from the same committee, reported unfavorably the bill, with the amendments for the relief of witnesses in suits removed from one county to another; and the same being taken up for consideration, was, on motion of Mr. Campbell, indefinitely postponed.

Mr. Nicholls, from the committee on Claims, reported favorably the following bills and resolutions:

A bill to amend an act passed in 1844-5, entitled, an act to incorporate the town of Monroe. Also,

A resolution in favor of the Clerk of the County Court of Martin. Also,

A resolution in favor of William Angel, of Macon county. Also,

A bill for the relief of James Stewart, of Cherokee county; which were severally read the second time and passed.

Mr. Nicholls, from the same committee, reported unfavorably on the resolution in favor of George Penland. The resolution was taken up, and pending the consideration thereof,

The Speaker announced, that the hour had now arrived, according to the Joint Resolution of the two Houses, to compare and examine the returns of the votes for Governor, at the last August election, and accordingly,

A message was sent to the Senate, informing of the readiness of this House to receive that body for this purpose; and that Messrs. Mebane and Courts were appointed the Tellers on the part of this House.

The two Houses thereupon, assembled in General Convention, in the Hall of the House of Commons, Mr. Speaker Graves of the Senate, in the chair, and the Clerks of the two Houses,

in the presence of the Tellers, proceeded to examine the several returns of the Sheriffs, and to declare the number of votes given in the several Counties of the State, as follows:

Counties.	For Charles Manly.	For D. S. Reid.
Anson,	1049	400
Alexander,	334	201
Ashe,	551	782
Beaufort,	857	512
Bertie,	524	370
Bladen,	281	516
Brunswick,	301	194
Buncombe,	921	644
Burke and McDowell,	1299	396
Cabarrus,	743	377
Caldwell,	589	138
Camden,	489	80
Carteret,	407	365
Caswell,	263	1081
Chatham,	935	781
Craven,	742	730
Chowan,	293	228
Cumberland,	578	1023
Cherokee,	582	217
Columbus,	174	440
Cleveland,	421	727
Currituck,	179	583
Davie,	542	391
Duplin,	1218	921
Davidson,	1096	669
Edgecomb,	104	1406
Franklin,	319	673
Guilford,	1567	442
Gates,	371	390
Granville,	1016	946
Greene,	207	315
Halifax,	601	507
Haywood,	412	430
Henderson,	656	227
Hyde,	469	298
Hertford,	330	173

Counties.	For Charles Manly.	For D. S. Reid.
Iredell,	1042	257
Jones,	215	181
Johnston,	720	814
Lenoir,	196	455
Lincoln,	832	1877
Mecklenburg,	698	1068
Macon,	451	352
Montgomery,	609	86
Moore,	544	556
Martin,	339	557
Northampton,	512	500
New Hanover,	275	1015
Nash,	106	887
Onslow,	176	663
Orange,	1714	1726
Person,	360	578
Perquimans,	366	265
Polk,	228	128
Pasquotank,	471	176
Pitt,	589	571
Robeson,	581	623
Rowan,	827	696
Randolph,	1199	313
Richmond,	345	68
Rockingham,	340	968
Rutherford,	1057	311
Stokes,	1003	1223
Surry,	1090	1226
Sampson,	530	692
Stanly,	746	26
Tyrrell,	336	106
Wilkes,	1299	309
Wayne,	264	1097
Washington,	358	182
Warren,	172	630
Wake,	991	1293
Yancy,	357	634
	42,536	41,682

Whereupon, Mr. Speaker Graves, as President of the Convention, made a declaration of the result, as follows:

"Gentlemen of the Senate and of the House of Commons, the tellers appointed by the two Houses to compare the returns and make a list of the votes, given at the late election for Governor, in this State, report that Charles Manly received 42,536 votes, being the highest number of votes given to any person, and that David S. Reid, received 41,682. No objection being made to the report, I declare Charles Manly, duly elected Governor of the State of North Carolina, for two years, from the first of January next."

The Senators having withdrawn, the Speaker of the Commons resumed his chair; whereupon,

On motion of Mr. Stanly, the House reconsidered the vote of yesterday, ordering a message to be sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, on the subject of the Swamp Lands; and now, on his motion,

Ordered, That a message be sent to the Senate, proposing to raise a joint select committee on the subject, to consist of seven on the part of the House, and five on the part of the Senate.

The House then adjourned.

MONDAY, DECEMBER 11, 1848.

Mr. D. F. Caldwell presented certain papers and depositions in relation to the contested election from the county of Surry; which were referred to the committee on Privileges and Elections.

The Speaker also laid before the House, sundry papers connected with the same subject, which were referred to the same committee.

Mr. Blow presented a memorial from citizens of Pitt county, praying the passage of a law imposing an additional tax upon the pedlars of Buggies, and other vehicles made out of the State; which, on his motion, was referred to the committee on Propositions and Grievances.

Mr. Stowe, a memorial from sundry citizens of Lincoln, Catawba, and Gaston, remonstrating against the establishment of a new county, out of parts of Cleveland, Burke, Catawba, Lincoln, and Gaston; which on his motion, was referred to the committee on Propositions and Grievances.

Mr. Clement presented the following resolution, (accompanied by the proceedings of the Officers of the 63d Regiment of North Carolina Militia) which was read and adopted:

Resolved, That the committee on Military Affairs be instructed to enquire into the expediency of exempting the Field Officers of the Militia of this State, after three years performance of their duties as such, from Military duty; and that all other Commissioned Officers be exempt, after serving as such eight years; and that all privates in a volunteer company be exempt, after serving twelve years; and that seventeen years service in the militia, shall exempt all other privates: *Provided*, that all of said Officers shall have equipped themselves as the law directs; and further, that nothing herein contained shall extend to times of invasion or insurrection.

On motion of Mr. Satterthwaite,

Resolved, That a message be sent to the Senate proposing to raise a Joint Select committee of three on the part of each House, whose duty it shall be to take into consideration the propriety of changing the time of the meeting of the General Assembly, and that said committee report by bill or otherwise.

Mr. Thigpen presented two memorials, one from the ministers and delegates of the Churches composing the Kehukee Association of Primitive Baptists, and the other from the ministers and messengers of the Contentnea Association, remonstrating against the enactment of any laws granting monop-

olies or exclusive privileges to any religious denominations, or any acts of incorporation for the benefit of any religious societies or conventions whatever; which, on motion, were referred to the committee on Propositions and Grievances.

Mr. Wooten moved that the said memorials be printed, which was disagreed to.

Mr. Steele moved that a message be now sent to the Senate, proposing to go into an election, forthwith, for Judge of the Supreme Court.

Mr. Coleman moved to lay this motion on the table; and upon this question, called for the yeas and nays, which were ordered and resulted as follows:

Those who voted in the affirmative were:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Erwin, Foy, Griggs, Hamrick, Harrison, Hayes, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, A. J. Leach, Logan, Long, Love, Martin, Mebane, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, S. J. Person, T. J. Person, Regan, Reinhardt, Satterthwaite, Sherard, Shuford, Simms, Spivey, Stanly, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Wadsworth, J. H. White, J. Williams, T. Williams, Williamson—53.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blow, Blackburn, Campbell, Carmichall, Cherry, Clement, Dancy, Doak, Edwards, Ellis, Farmer, Farrow, Ferebee, A. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Headen, Hicks, Kelly, Koonce, J. M. Leach, Mast, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Scott, Sheek, Skeen, Skinner, Smith, Steele, Stevenson, Thigpen, Trull, Walser, I. White, Wilkins, C. Williams Wooten—59.

So the House refused to lay the motion on the table.

The question then recurring on the motion of Mr. Steele, the same was carried.

Mr. McClees introduced a bill more effectually to suppress the traffic with slaves, and amendatory of 75th section of 34th chapter of Revised Statutes, entitled Crimes and Punishments;

which was read first time and passed, and referred to the committee on the Judiciary.

On motion of Mr. Paine,

Resolved, That the Governor be authorised to loan to Capt. O. A. Buck, sixty-four Cadet Muskets, and other suitable military equipments necessary for a company, for the purpose of enabling him to establish a Military School in this State: *Provided*, said muskets and equipments can be procured in exchange for a part of the State's next quota of public arms from the United States, and that security, approved by the Governor, be given, that they will be taken care of and returned when called for.

Mr. Ellis presented a bill to regulate the duties of Sheriffs; which was read the first time and passed, and referred to the committee on the Judiciary.

Received from the Senate, a message agreeing to the proposition to proceed immediately to the election of a Judge of the Supreme Court; and informing that Messrs. Thompson, of Bertie, and Bethell, compose their branch of the committee to superintend the election.

The committee for this purpose on the part of the House, were Messrs. A. J. Leach and Skinner, and the Senate were informed thereof by message.

The House then voted as follows:

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Martin, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, T. Person, S. Person, Regan, Reinhardt, Sanders, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. H. Williams, Williamson, Wooten—49.

FOR MR. PEARSON:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Blackburn, D. F. Caldwell, Campbell, Carmichall, Clement, Doak, Farrow, A. M. Gam-

ble, J. J. Gamble, Green, Hackney, Hargrave, Headen, Johnson, Koonce, Mast, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Proctor, Rayner, Rusell, Scott, Sheek, Skeen, Steele, Trull, Walser, I. White, Wilkins, C. Williams —43.

FOR MR. BATTLE:

Messrs. Biggs, Blow, Cherry, Coleman, Dancy, Erwin, Farmer, Ferebee, Hayman, Hayes, Hicks, J. M.Leach, Logan, Long, Love, Mebane, Pigot, Satterthwaite, Skinner, Smith, Stanly, Wadsworth—22.

FOR MR. GRAHAM—Mr. Peebles.

Mr. Sherard presented a bill to incorporate Neuse Lodge, No. 6, of the Independent Order of Odd Fellows, in the town of Goldsboro,' in Wayne County; and Mr. Barringer a bill to amend and consolidate the several acts heretofore passed, for the better regulation of the town of Concord, in the County of Cabarrus; which were severally read the first time and passed, and referred to the Committee on Private Bills.

Mr. Skinner, from the Committee appointed to superintend the election of Judge of the Supreme Court, reported that no one of the candidates had received a majority of the whole number of votes, and that there was therefore no election.

In which report, the House concurred.

Mr. J. H. White introduced a bill to alter the time of holding the non-jury terms of the Court of Pleas and Quarter Sessions for the County of Lincoln; which was read the first time, and passed, and referred to the Committee on Private Bills.

Received a message from the Senate, proposing to vote again immediately for a Judge of the Supreme Court.

Which was read and concurred in.

On motion of Mr. Smith, the name of Hon. William H. Battle was withdrawn from nomination, and the Senate informed thereof by message, and that Messrs. J. M. Leach and Herring, form the House branch of committee to superintend the election.

A message from the Senate, informing that Messrs. Worth and Speight, form their committee for this purpose.

The House thereupon voted as follows:

FOR MR. PEARSON:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, D. Caldwell, Campbell, Carmichall, Cherry, Clement, Doak, Erwin, Farmer, Farrow, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Scott, Sheek, Skeen, Skinner, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, C. Williams—57.

FOR MR. STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, Kelly, A. J. Leach, Martin, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, S. Person, T. Person, Regan, Reinhardt, Sanders, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, Williamson, Wooten, Pegram—51.

FOR MR. BATTLE:

Messrs. Coleman, Love, Satterthwaite, Stanly—4.

FOR MR. SHAW—Mr. Hayman.

FOR MR. BRYAN—Mr. Blow.

On motion of Mr. J. H. White,

Resolved, That the Joint Select Committee on Military Affairs be, and they are hereby instructed, to enquire into the expediency of so amending the Militia Laws of this State, that the election of all Field Officers be given to the rank and file, and that they report by bill or otherwise.

Mr. T. H. Williams presented a memorial from the Wilmington and Raleigh Railroad Company, praying, upon certain conditions, the States' endorsement of the bonds of the Company for a loan of $851,000; which was referred to the committee on Finance.

On motion of Mr. Nicholls,

Resolved, That the committee on Finance be instructed to

report a bill imposing a tax on Ten Pin Alleys, Bowling Saloons, or any other Games, Boards or Saloons, which are not now taxed by law.

Mr. Trull presented a bill making compensation to Tales-Jurors, in the county of Union; which was the first time and passed, and referred to the committee on Private Bills.

Mr. Paine, from the Judiciary Committee, reported the bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift, and recommended its passage. The bill was read a second time and passed.

Mr. Mebane, from the committee on Finance, to whom was referred so much of the Governor's message as relates to the monies advanced by the State to the North Carolina Regiment of Volunteers, reported: That the committee had examined the vouchers for the money so advanced, and found that the Governor had judiciously disbursed the same, as provided for by a Resolution of the last General Assembly; and the committee recommended the adoption of the following Resolution:

Resolved, That the Governor of the State be, and he is hereby authorised and required to prosecute the claim of the State against the General Government, for the monies advanced to the North Carolina Regiment of Volunteers, in such manner and by such means as he may deem most expedient.

Which was read and adopted.

Mr. Mebane, from the same committee, also reported the bill providing for a re-assessment of the lands in the county of New Hanover, and to amend an act, entitled, "an act to provide for a reassessment of the lands in this State, and a more accurate enlistment of the taxable polls;" and recommended an amendment to said bill, which was read, and on motion of Mr. Sherard, amended by adding the following counties to those provided for in the bill, viz: Wayne, Onslow, Carteret, Columbus, Edgecombe, Cumberland, Duplin, and Jones.

The question then recurring upon the passage of the bill as amended, it was read a second time and passed.

Mr. J. M. Leach, from the committee appointed to superin-

tend the election of a Judge of the Supreme Court, reported that no one of the candidates had received a majority of the whole number of votes given, and consequently there was no election.

In which report the House concurred.

Received a message from the Senate, proposing to go, forthwith, into an election of a Judge of the Supreme Court; which was read and agreed to, and the Senate informed thereof by measage; and that Messrs. Kelly and Atkin, form the committee upon the part of this House to superintend the election.

A message from the Senate, informing that Messrs. Lillington and Ward, compose the Senate Branch of said committee.

And thereupon, the House voted as follows:

FOR MR. PEARSON:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, D. F. Caldwell, Campbell, Carmichall, Cherry, Clement, Doak, Erwin, Farmer, Farrow, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Scott, Sheek, Skeen, Skinner, Steele, Trull, Walser, I. White, Wilkins, Wadsworth, C. Williams—57.

FOR MR STRANGE:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, Kelly, A. J. Leach, Martin, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sherard, Simms, Spivey, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, Wooten, Stevenson—49.

FOR MR. BATTLE:

Messrs. Coleman, Long, Love, Satterthwaite, Smith, Stanly—6.

FOR MR. BRYAN—Mr. Blow.

FOR MR. ELLIS—Mr. Shuford.

The House now resumed the consideration of the unfinished business of yesterday, being the resolution in favor of George Penland.

Mr. Hayes moved an amendment of the resolution.

Mr. Biggs moved that the resolution and proposed amendment, be indefinitely postponed; which was disagreed to. And thereupon, on motion of Mr. Ballard, the resolution, with the amendment, was referred to the committee on the Judiciary.

Mr. Courts, from the committee on Propositions and Grievances, reported favorably the bill to authorise the inspection of Provisions; which was read a second time, amended on motion of Mr. T. Williams, and passed.

Mr. Courts, from the same committee, reported adversely the memorial from sundry citizens of Burke, Cleveland, Catawba, and Lincoln Counties, praying for the establishment of a new county to be called Lafayette, and asked to be discharged from the further consideration of the same; whereupon, on motion of Mr. Ellis, the memorial, with the report, was laid upon the table.

Mr. Courts, from the same committee, reported favorably the bill to annext a part of Burke County to the County of Catawba. The bill was then read a second time, and, on motion of Mr. Walser, laid upon the table.

Mr. Courts, from the same committee, to whom was referred a memorial from sundry citizens of Beaufort County, praying a repeal in part of the 6th section of 31st chapter of Revised Statutes, reported a bill to repeal in part the sixth section of chapter 31st, Revised Statutes; which was read the first time and passed.

Mr. Atkin, from the committee appointed to superintend the election of a Judge of the Supreme Court, to supply the vacancy occasioned by the death of the late Judge Daniel, reported that the Hon. R. M. Pearson having received a majority of the whole number of votes cast, was duly elected to that office.

In which report, the House concurred.

Mr. Paine, from the committee on the Judiciary, reported the bill to secure the more certain administration of Justice, and recommended the adoption of a substitute therefor; which substitute was adopted by the House, and the bill, as thus amended, read a second time and passed.

On motion of Mr. Courts,

Ordered, That the bill be printed.

Mr. Paine, from the same committee, reported unfavorably the bill to discourage frivolous prosecutions; which was read a second time, and on motion of Mr. Campbell, indefinitely postponed.

Mr. Paine, from the same committee, to whom were referred a Resolution, instructing them to inquire into the expediency of so altering the law as to make it obligatory on persons who make deeds of trust to let all their creditors share, *pro rata*, in the proceeds of sales, &c.; also, a resolution instructing them to enquire into the propriety of a general revision and consolidation of the Public laws: also, a resolution instructing them to enquire into the expediency of so altering the law relative to the rights of females in their estates, as to secure to them the property they may have at the time of marriage, &c.; reported the same back to the House, and asked to be discharged from the further consideration of these several subjects.

In which report the House concurred.

Mr. Paine moved that a message be sent to the Senate, proposing to go into an election of United States' Senator, to-morrow at 12 o'clock.

Mr. Coleman moved to lay this motion on the table; and upon this question, demanded the yeas and nays, which were ordered and resulted as follows: yeas 57, nays 54.

Those who voted in the affirmative were:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Love, Martin, McDade, T. McDowell, McMullen,

McNeill, Newsom, Nixon, Pegram, S. Person, T.J. Person, Proctor, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. M. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—57.

Those who voted in the negative were :

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Trull, Wadsworth, Walser, I. White, Wilkins—54.

Received from the Senate, a message concurring in the proposition to print the communication of C. L. Hinton, Esq., Public Treasurer, with the accompanying reports, from the Bank of the State and the Merchants' Bank of Newbern ; also,

A message agreeing to the proposition to raise a Joint Select committee of seven on the part of the House, and five on the part of the Senate, on the subject of the Swamp Lands, and informing that Messrs. Joyner, Bower, Patterson, Drake, and Walker, compose their branch of the said committee.

The committee on the part of the House, consists of Messrs. Hayman, Nicholls, Cherry, Williamson, McNeill, McClees, and Farrow.

Mr. Ellis, on leave, introduced a bill to regulate the board of superintendants of Common Schools in the county of Rowan; which was read the first time and passed, and referred to the committee on Education.

The House then, on motion, adjourned to to-morrow morning, 10 o'clock.

TUESDAY, DEC. 12, 1848.

Mr. Hamrick presented a memorial from sundry citizens of the county of Gaston, praying that a portion of said county be ceded to Cleveland county; which was referred to the committee on Propositions and Grievances.

Mr. Hicks presented a bill to facilitate the collection of certain debts given for Cherokee Lands, and for other purposes; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Paine presented the following Resolution:

Resolved, That the third section of the Resolution relating to the State Capitol, passed at the last Session of the Legislature of this State, be so amended as to permit the Engrossing Clerks to have a bed in the Engrossing room, during the present Session; which, on motion of Mr. Stanly, was indefinitely postponed.

On motion of Mr. Ferebee,

Resolved, That a message be sent to the Senate proposing to raise a Committee of two—one on the part of the Senate, and one on the part of this House, to wait on his Excellency, Charles Manly, and inform him of his election as Governor of the State of North Carolina, for two years, from the first day of January next, and to ascertain from him, when it will suit his convenience to appear before the two Houses of the General Assembly, and take the oaths of office.

On motion of Mr. Martin,

Resolved, That so much of the Governor's message as relates to a School Commissioner, be referred to to the committee on Education.

Mr. Erwin introduced a bill to amend an act supplemental to an act, passed at the session of 1842-3, entitled "an act to

lay off and establish a county by the name of McDowell; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Hargrave, a bill to exempt the Wardens of the Poor, and the county Trustee for the county of Anson, from performing Military duty; which was read the first time and passed, and referred to the committee on Private Bills.

On motion of Mr. Palmer,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the propriety of providing, by law, for the manner of proceeding to remove Justices of the Peace from office, for misbehaviour or inability; and report by bill or otherwise.

Received from the Senate a message, transmitting the following Resolution of thanks to Miss D. L. Dix, and asking the concurrence of the House therein:

WHEREAS, The General Assembly of the State of North Carolina, now in session, has witnessed with profound admiration, the zealous labors of Miss D. L. Dix, of New York, in the cause of the suffering Insane, within our borders; *And whereas*, This body is desirous of testifying its respect and gratitude for the enlarged and noble philanthropy, which has prompted these labors:

It is Resolved, That the thanks of the people of this State are due, and through this General Assembly, representing the people, are hereby tendered to that amiable Christian Philanthropist, for her self-sacrificing devotion to the cause of those unfortunate sons and daughters of North Carolina, whose claims she has so ably and eloquently urged.

Resolved further, That his Excellency, the Governor, be requested to transmit to Miss Dix, a copy of the above Preamble and Resolution.

The Preamble and Resolutions were read, and unanimously adopted.

A message was received from the Senate, transmitting the following Preamble and Resolutions, in which they ask the concurrence of the House of Commons:

WHEREAS, By the Constitution of the United States, it is provided that the Senate of the United States, shall consist of two Senators from each State, chosen by the Legislature thereof; *And whereas*, By the Constitution of this State, the Legislative authority is vested in two distinct branches, both dependent on the people, to wit: a Senate and House of Commons; *And whereas*, The members of the Senate and House of Commons of this State, derive their seats from the sovereign people of their districts and counties, respectively; *And whereas*, an election of Uunited States' Senator, to represent the State, in the Congress of the United States, for six years from and after the 4th of March next, devolves upon the present General Assembly; *And whereas*, The said United States' Senator, when elected, is the servant and representative of the whole people of the State; *And whereas*, It is both right and expedient that the people of Yancy county should have a voice in the election of said United States' Senator; *And whereas*, An election was held in said county yesterday, the 8th inst., for a member in the other branch of the Legislature, which member elect will probably take his seat by the 20th instant:

Therefore be it Resolved, That a message be sent to the House of Commons, proposing that the two Houses shall go into an election of United States' Senator, on the 20th instant, at 12 o'clock.

Resolved further, That in the election of United States' Senator, the members of this Assembly should represent the political opinions of a majority of the people of the whole State, as clearly ascertained on the 7th of November last.

Which were read, and on motion of Mr. Hayes, ordered to lie on the table; Yeas 57, Nays 56.

Yeas and Nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—57.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Farmer, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Love, Martin, McDade, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Wooten, Williamson—56.

A motion was now made by Mr. T. R. Caldwell, that a message be sent to the Senate, proposing to vote this day, at 12 o'clock, for a United States' Senator.

Mr. Griggs moved to lay the motion on the table, and upon this question, demanded the Yeas and Nays, which were ordered, and resulted as follows:

Those who voted in the affirmative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Love, Martin, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, S. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. H. Williams, C. Williams, Williamson, Wooten—56.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak,

Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rusell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, Hayman—58.

So the House refused to lay the motion on the table; and the question then recurring on the motion of Mr. T. R. Caldwell, it was determined in the affirmative.

Received from his Excellency, the Governor, a message, suggesting certain defects in the law relative to a distribution of the Acts of Assembly, and the Reports of the Supreme Court; and recommending some provision of law, by which the Federal and various State Governments may be supplied therewith; and also recommending a small appropriation to be placed at the disposal of the Executive, with a few copies of the Revised Statutes, and other public Documents of the State, to enable him to reciprocate for any donations that may be tendered to this State, by any of the Governments, or Public Bodies of Europe: Ordered, on motion of Mr. Martin, that the communication be referred to the committee on the Library.

On motion of Mr. D. F. Caldwell,

Resolved, That the committee on Finance be instructed to enquire into the expediency of allowing the Banks of this State to issue bills of a less denomination than three dollars; and that they report by bill or otherwise.

Mr. Shuford presented a bill to provide for Tax Collectors in the several counties in this State; which was read the first time and passed, and referred to the Committee on Finance.

Mr. Nixon presented a resolution in favor of the Clerk of the County Court of New Hanover; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Courts, from the committee on Propositions and Grievances, reported unfavorably the bill, with the memorials, to establish a new county by the name of Graham. The bill was

read the second time, and on motion of Mr. R. I. McDowell, ordered to lie on the table.

Mr. Dancy, from the committee on Private Bills, reported back the bill and memorial, to authorise Osborne Henkell, to erect two gates across a public highway, and asked to be discharged from the further consideration thereof; in which report the House concurred. Mr. Dancy moved that the bill and memorial be referred to the committee on Propositions and Grievances, which was not agreed to; and thereupon, on motion of Mr. Biggs, they were indefinitely postponed.

Mr. Dancy, from the same committee, reported favorably the bill to incorporate Pamlico Encampment, No 6, of the Independent Order of Odd Fellows, in the town of Washington; and also, the bill giving to the county of Gaston exclusive jurisdiction over a certain public Road; which were each read a second time and passed.

A message from the Senate, agreeing to the proposition to go into an election at 12 o'clock this day, of United States' Senator; and informing that Messrs. Thompson, of Wake, and Davidson, form the committee on the part of that body to superintend the election.

Mr. J. M. Leach nominated for the appointment, the Hon. George E. Badger, and the Senate was informed thereof by message; and also that Messrs. Sanders and Long, were appointed the committee on behalf of the House to superintend the election.

Mr. Dancy, from the committee on Private Bills, reported the bill to incorporate the Union Company, in the town of Fayetteville, with certain amendments, and recommended its passage; which amendments were adopted, and the bill read a second time and passed.

Mr. Satterthwaite, from the Joint Select committee, to whom were referred certain Resolutions of the Legislature of Maryland, relative to the construction of a Railroad across the Continent of North America, upon the plan recommended by Mr. Whitney, reported the same back to the House, and asked to be discharged from the further consideration of the subject.

In which report the House concurred.

Mr. Satterthwaite, from the same committee, also reported back certain Resolutions of the Legislature of Alabama, upon the subject of the Veto Power, the Public Lands, Tariff, Annexation of Texas, and National Bank, and asked to be discharged from the further consideration of the same;

In which report the House concurred.

The bill to incorporate the Trustees of Snow Creek Academy, in the county of Iredell;

The bill to incorporate the Trustees of the Forestville Academy;

The bill to incorporate Dallas Male Academy;

The bill to amend the 17th section of the Revenue law of this State;

The bill to incorporate a Female College, in the county of Anson; and

The Resolution in favor of Abram Harshaw, were each read the third time and passed, and ordered to be engrossed.

The hour having now arrived, according to the Joint Order of the two Houses, for going into an election of a United States' Senator,

The House proceeded to voted as follows:

FOR MR. BADGER:

Messrs. Speaker, Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. Caldwell, D. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, Mast, Farrow—58.

FOR MR. J. B. SHEPARD:

Messrs. Brown, Brogden, Davis, Ellis, Griggs, Harrison, R. Jones, R. H. Jones, Martin, Newsom, Reinhardt, Sanders, Sherard, Simms, Spivey—15.

FOR MR. EDWARDS:

Messrs. Edwards, C. Jones, McDade, Stockard, Thornton—5.

FOR MR. CLINGMAN:

Messrs. Atkin, Coleman, Farmer—3.

FOR MR. McKAY:

Messrs. Dobbin, Foy, Herring, T. McDowell, Nixon, S. Person, T. Person, Regan, T. Williams, Ballard—10.

FOR MR. LEAKE:

Messrs. Dickson, Hamrick, Kelly, McNeill, C. Williams, J. Taylor—6.

FOR MR. DOBBIN:

Messrs. A. J. Leach, Pegram, Stevenson, J. Williams, Williamson, Dancy, Wooten—7.

FOR MR. REID:

Messrs. Courts, A. M. Gamble, McMullen, Sheek—4.

FOR MR. FISHER:

Messrs. Clement, Love, Shuford, Stowe, J. H. White—5.

FOR MR. VENABLE:

Messrs. Cannady, and C. Taylor—2.

FOR MR. A. BIGGS:

Messrs. Coffield, and Thigpen—2.

FOR MR. WM. EATON, JR.—Mr. Mosely.

The resolution in favor of Isaiah Cook and others;

The bill to lay off a road from Newton to Morganton;

The bill to authorise the County Court of Mecklenburg to pay over certain funds to the County Court of Union;

The bill to condemn a part of Hayne Street, in the town of Monroe, in Union County, for the purpose of erecting a Public Jail thereon;

The bill to incorporate Blount Creek Manufacturing Company;

The bill to incorporate the Summerfield Guards;

The bill to incorporate the Foresters, an independent Company of Infantry, in the county of Richmond; and,

The bill to incorporate the Bertie Guards, were each read a third time and passed, and ordered to be engrossed.

The bill to amend an act, entitled an act to amend the laws regulating the Inspection of Turpentine, was read a third time, when, Mr. Pigot moved to amend the same, by inserting an additional section, as follows:

"*And be it further enacted,* That the price of inspection shall be paid by the purchaser of the Tar or Turpentine, at the time of inspecting the same."

Which amendment was rejected.

The bill then passed its third reading, and was ordered to be engrossed.

Mr. Long, from the committee appointed to superintend the election of a United States' Senator, reported that no one of the candidates had received a majority of the whole number of votes given, and consequently, there was no election.

In which report, the House concurred.

And then, on motion of Mr. T. H. Williams, the House adjourned.

WEDNESDAY, DEC. 13, 1848.

Received from the Senate a message, transmitting the resignation of Hon. R. M. Pearson, as Judge of the Superior Court of Law and Equity; which was read and accepted.

Also, a message concurring in the proposition of this House, to raise a Joint Select Committee of three, on the part of each House, to consider the propriety of changing the time of the meeting of the General Assembly, and informing, that Messrs. Conner, Washington, and Walker, compose the Senate branch of said committee.

The committee on this subject on the part of the House, are Messrs. Satterthwaite, Griggs, and Nicholson.

Mr. Spivey presented a resolution for the relief of Young Patterson, Clerk of the County Court of Franklin; which was read the first time and passed, and referred to the committee on Claims.

Mr. J. Gamble presented a bill to authorise Abner Carmichall, Sheriff of Wilkes county, to collect arrears of taxes due him; which was read the first time and passed.

Mr. McClenahan, a bill to improve the Cape Fear and Deep Rivers, above Fayetteville; which was read the first time and passed, and, on motion of Mr. Headen, referred to the committee on Internal Improvements.

Mr. Barringer, a bill to amend the 49th chapter of Revised Statutes, entitled "Forcible Entry and Detainer"; which was read the first time and passed, and, on his motion, referred to the committee on the Judiciary.

Mr. Mebane, a resolution in favor of C. L. Hinton, Esq., Public Treasurer; which was read the first time and passed.

Mr. T. H. Williams introduced a bill to empower the Justices of the Peace of New Hanover county, to sell the Poor House in said county; and,

Mr. Dickson, a bill to incorporate Union Chapter, No. 17, in the county of Duplin; which were severally read first time and passed, and referred to the Committee on Private Bills.

Mr. Stanly, a Resolution, accompanied by a memorial, for the relief of Fendall Griffin; which was read the first time and passed, and referred to the Committee on Claims.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, proposing to go into an election of a Judge of the Superior Court, to supply the vacancy created by the resignation of Hon. R. M. Pearson, on Saturday next, at 11 o'clock.

Mr. Wilkins presented a resolution in favor of M. O. Dickinson, former Sheriff of Rutherford County; which was read the first time and passed, and referred to the committee on Claims.

Mr. Mebane, from the committee on Finance, reported unfavorably the bill to repeal an act entitled, "an act to increase the Public Revenue;" which was read a second time, and on motion of Mr. Ellis, laid upon the table.

Mr. Paine, from the Judiciary Committee, reported unfavorably the resolution in favor of George Penland; which, with the pending amendment, was read a second time, and on his motion, indefinitely postponed.

Mr. Paine, from the same committee, reported back the bill to secure an equitable distribution of the estates of deceased persons, when the same are insufficient to pay all their debts, with a recommendation against its passage. The bill was read a second time, and, on motion of Mr. Doak, laid upon the table.

Mr. Nicholls, from the committee on Claims, to whom was referred the communication of his Excellency, the Governor, touching the employment of B. F. Moore, Esq., as counsel for the State, and the compensation to be allowed him for his services, submitted the following Report:

The committee, to whom was referred the Governor's message in relation to making compensation to B. F. Moore, Esq., as assistant counsel with the Attorney General, have had the same under consideration, and would suggest: That it would not be expected that the Attorney General, in his official character, would be called upon to prosecute such suits without compensation allowed; and if a compensation were now allowed to the gentleman who holds the office of Attorney General, for services performed before he came into office, it would be expected, as it would be right, to make a further allowance.

The committee, after consulting with the Attorney General, who agreed with them in this view, recommended that the matter be postponed until the next session of the Legislature, when, in all likelihood, the suits will have been determined; and a proper compensation can then be made for all services, in one sum.

The committee would have reported a compensation at this time, but this course is perfectly satisfactory to the Attorney General.

The committee have instructed me to report the message back, and ask to be discharged from its further consideration.

Respectfully submitted,

T. B. NICHOLLS, Chairman.

The report was read and concurred in.

Mr. Courts, from the Committee on Propositions and Grievances, reported a bill to alter the time of holding the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions of the County of Lenoir; which was read the first and second times, and passed.

Mr. Courts, from the same Committee, reported favorably the bill to consolidate and amend the several Acts now in force, relating to fishing with seins and nets in Tar and Pamlico Rivers; which was read a second time, and on motion of Mr. Stanly, laid upon the table.

Received from his Excellency, the Governor, a message transmitting a Presentment and Petition of the Grand Jury of McDowell county, addressed to Hon. M. E. Manly, praying that the sale or giving away of Spirituous Liquors, in the immediate vicinity of public worship, whilst persons may be assembled for that purpose, may be more effectually prohibited by law.

On motion of Mr. Brogden,

Ordered, That the communication and petition be sent to the Senate.

A message from the Senate, disagreeing to the proposition to go into an election of a Judge of the Superior Court, on Saturday next.

The House proceeded now to the consideration of the Special Order of the day; being the resolutions heretofore introduced by Mr. Steele, upon the power of Congress over the Territories of the United States.

Mr. Mebane offered the following amendment as a substitute for the Resolutions: To strike out all after the first word, "Resolved," and insert:

"That the just and rightful method of settling the question of extending slavery over the Territories of the United States, acquired by the recent Treaty with Mexico, would be the continuation of the line of the Missouri Compromise, to the Pacific Ocean."

Mr. Ellis called for a division of the question, and the vote was accordingly taken upon the motion to strike out, which was decided in the negative—yeas 56, nays 59.

Yeas and Nays demanded by Mr. Spivey.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Bean, Biggs, Blackburn, D. F. Caldwell, T. R. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Long, Logan, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Trull, Wadsworth, Walser, I. White, Wilkins—56.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. M. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—59.

Mr. Mebane thereupon offered the following as an amendment to the Resolutions:

Resolved, That his Excellency, the President of the United States, James K. Polk, did not violate the Constitution in giving his official sanction to the Oregon Bill, notwithstanding the clause in said bill, prohibiting slavery in the Territory of Oregon.

Which was rejected—yeas 83, nays 26.

Yeas and Nays demanded by Mr. Mebane.

Those who voted in the affirmative were:

Messrs. Allen, D. F. Caldwell, Campbell, Carmichall, Cherry, Farmer, J. J. Gamble, Green, Hackney, Hamrick, Hargrave, Hayes, Johnson, Mast, Mebane, Miller, McClenahan, Nicholson, Oglesby, Palmer, Rayner, Russell, Skeen, Smith, Stowe, I. White—26.

Those who voted in the negative were:

Messrs. Ballard, Bean, Blackburn, Blow, Brown, Brogden, T. R. Calewell, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Doak, Dobbin, Edwards, Ellis, Erwin, Farrow, Ferebee, Foy, A. M. Gamble, Griggs, Harrison, Hayman, Headen, Herring, Hicks, R. Jones, R. H. Jones, C. Jones, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mosely, McClees, McDade, T. S. McDowell, McIntosh, A. J. Leach, McMullen, McNeill, Newsom, Nicholls, Nixon, Paine, Peebles, Pegram, S. J. Person, T. J. Person, Pigot, Regan, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—83.

Ths question then recurring upon the passage of the Resolutions, their second reading—

Mr. Miller moved that they be indefinitely postponed; and upon this question, called for the yeas and nays, which were ordered, and resulted as follows:

Those who voted in the affirmative were:

Messrs. Barringer, Bean, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, Logan, Long, Mast, Miller, McClees, McClenahan, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Russell, Satterthwaite, Skeen, Smith, Walser, I. White—38.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blow, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edwards, Ellis, Foy, Griggs, Hamrick, Harrison, Hayman, Herring, R. Jones,

C. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Love, Martin, Mebane, Mosely, McDade, T. McDowell, R. McDowell, McMullen, McNeill, Newsom, Nixon, Peebles, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Stevenson, Spivey, Steele, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—72.

So the House refused to indefinitely postpone the Resolutions.

The House then, on motion, adjourned to to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 14, 1848.

Mr. Dancy, from the Committee on Private Bills, reported the Bill to amend an act, entitled "An act to incorporate the town of Windsor, in the County of Bertie," ratified 5th Jan., 1847, with sundry amendments, and recommended its passage. The amendments were adopted, and the bill passed its second reading.

Mr. Dancy, from the same Committee, reported the Bill to incorporate the Newbern Manufacturing Company, and recommended the following amendment to be inserted, as section 10, viz:

Be it further enacted, That in case of failure on the part of said Coporation to meet its obligations, the private property of the Stockholders therein, shall be subject by law, to the payment of the debts of the Corporation, after the property of the Corporation is first exhausted, in proportion to the stock severally held and owned by them at the time of said failure, not exceeding an amount equal to the stock held by them respectively.

Which amendment was rejected—yeas 52, nays 55.

The yeas and nays demanded by Mr. Cannady.

Those who voted in the affirmative were:

Messrs. Ballard, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Ellis, Foy, A. Gamble, Griggs, Hackney, Hamrick, Harrison, Herring, Hicks, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Martin, Mast, Mosely, McClees, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholson, Nixon, Peebles, Pegram, S. Person, T. Person, Reinhardt, Sanders, Sheek, Sherard, Simms, Spivey, Stockard, Stowe, Thigpen, Thornton, J. H. White, Wilkins, T. Williams, C. Williams, Williamson, Wooten—52.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Blackburn, Blow, Brown, T. Caldwell, D. Caldwell, Campbell, Carmichall, Cherry, Davis, Dickson, Doak, Erwin, Farmer, Farrow, Ferebee, J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Johnson, Koonce, Logan, Love, Mebane, Miller, McClenahan, R. McDowell, McIntosh, Nicholls, Oglesby, Paine, Palmer, Pigot, Regan, Russell, Satterthwaite, Scott, Shuford, Skeen, Skinner, Smith, Stanly, Steele, Stevenson, Trull, Wadsworth, Walser, I. White, J. Williams—55.

The bill was then read a second time and passed.

Mr. Dancy, from the same committee, reported favorably the bill to revise and amend the 7th section of an act, supplemental to an act, passed by the General Assembly, in the year 1842, entitled "an act to lay off and establish a new county by the name of Catawba;" and recommended sundry amendments thereto, which were adopted. And thereupon the bill passed its second reading as amended.

Mr. Dancy, from the same committee, also reported favorably, without amendment, the bill to incorporate Antioch Academy, in the county of Robeson; and the bill to incorporate Covenant Lodge, No. 17, of the Independent Order of Odd Fellows, in the town of Greenville, Pitt county; which were severally read the second time and passed.

Mr. Mebane, from the Committee on Finance submitted the following Report:

"The Committee on Finance have examined the Treasurer's and Comptroller's Departments, and find that the Books and

vouchers in the Comptroller's office correspond with the printed Report, and that the duties of his office have been carefully and accurately discharged. The Committee further find, that the Books of the Treasurer correspond with the printed Report, and the monies deposited in Bank, with his statements; and that the duties of that office have been faithfully discharged.

Respectfully submitted,

GILES MEBANE, *Chairman.*"

Ordered, on motion of Mr. Mebane, that the report be transmitted to the Senate.

Mr. Steele, from the committee on Military Affairs, reported the bill to incorporate the Duplin Guards, an Independent Corps of Cavalry, in the county of Duplin; which was read the second time and passed.

Mr. Satterthwaite, from the Joint Select Committee, to whom were referred Resolutions from various States, upon the subject of a Railroad across the North American Continent, reported the same back to the House, and asked to be discharged from the further consideration of the subject.

In which report, the House concurred.

On motion of Mr. Mebane,

Ordered, That a message be sent to the Senate, proposing to go, forthwith, into an election of Public Treasurer.

Mr. Hayman presented a petition from Major John Clark, of Beaufort county, praying for some provision of law, authorising him to cut two Canals through certain lands belonging to the State; which, on motion by Mr. Hayman, was referred to the committee on Swamp Lands.

Received a message from the Senate, concurring in the proposition to appoint a Joint Committee of one on the part of that body, and two on the part of the Commons, to wait upon his Excellency, Charles Manly, Governor elect, and know of him when it will suit his convenience to appear before the two Houses, and take the oaths of office; and informing that

Mr. Thompson, of Bertie, form the Senate branch of said Committee.

On the part of this House, the committee consists of Messrs. Ferebee and Spivey.

Mr. J. H. White presented the resignation of John Falls, a Justice of the Peace, of Gaston county; which was read and accepted.

Mr. McIntosh presented the resignation of William G. James, Justice of the Peace, for Alexander county; which was read and accepted.

Mr. Ballard presented a bill to amend an act, entitled, "an act concerning the appointment and duties of Clerks and Masters in Equity," and to repeal the first section of the same; which was read the first time and passed, and on his motion, referred to the committee on the Judiciary.

Mr. Spivey presented a bill to repeal the first section of an act, entitled an act to amend an act entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools; which was read the first time and passed, and on his motion, referred to the committee on Education.

Mr. Shuford presented a bill to alter and amend the seventieth section of the Militia laws; which was read the first time and passed, and referred to the committee on Military Affairs.

Received from the Senate a message agreeing to the proposition of this House to proceed, forthwith, to an election of Public Treasurer of the State; and informing, that Charles L. Hinton, Esq. was in nomination for the appointment; and also, that Messrs. Spicer and Bell form the committee on behalf of that body, to superintend the election.

The committee appointed for this purpose on the part of the House, were Messrs. Farmer and Thigpen.

The House then proceeded to vote as follows:

FOR MR. HINTON:

Messrs. Speaker, Allen, Atkin, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, D. F. Caldwell, T. R. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Ellis, Erwin, Farmer, Farrow, Ferebee, A. M.

Gamble, J. J. Gamble, Green, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. J. Person, T. J. Person, Pigot, Rayner, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. J. Williams, C. Williams, Williamson, Wooten—104.

FOR MR. COURTS:

Messrs. Brown, Griggs, A. J. Leach, Stowe, Thigpen—5.

FOR MR. DRAKE—Mr. Mosely.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, proposing to go, forthwith, into an election of Comptroller of Public Accounts.

Mr. Pigot introduced a bill concerning Pedlars; and

Mr. McIntosh, a bill to amend an act, entitled an act concerning Weights and Measures; which were severally read the first time and passed, and referred to the committee on Propositions and Grievances.

Received from the Senate a message, disagreeing to the proposition to proceed, forthwith, to the election of Comptroller of Public Accounts.

Mr. Thigpen, from the committee appointed to superintend the election of Public Treasurer, reported that Charles L. Hinton, of Wake county, had received a majority of the whole number of votes given, and was duly elected to that office.

The House then proceeded to the consideration of the special order of the day, being the bill to increase the Revenue of the State; when, on motion of Mr. Brogden, the consideration thereof was postponed, and made the special order of the day for Monday next.

The House thereupon resumed the consideration of the un-

finished business of yesterday, being the Resolutions heretofore offered by Mr. Steele, upon the power of Congress over the Territories of the United States; when Mr. Skeen moved that they be laid upon the table. Mr. Walser moved to amend the motion by adding thereto, "and made the special order of the day for 4th of March next," which amendment was disagreed to. The question then recurring upon the motion of Mr. Skeen, was decided in the negative.

Mr. T. Caldwell moved to amend the Resolutions by adding the following:

Resolved, That nothing in these Resolutions contained, is intended, or shall be so construed as to afford any "*aid and comfort*" to the doctrine of nullification.

Which was rejected; yeas 49, nays 58.

Yeas and nays demanded by Mr. Caldwell.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Cherry, Doak, Ellis, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hargrave, Hayes, Johnson, C. Jones, Keen, Koonce, J. M. Leach, Logan, Mast, Mebane, Miller, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Pigot, Proctor, Russell, Satterthwaite, Scott, Skeen, Skinner, Trull, Wadsworth, Walser, I. White, Wilkins—49.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Hayman, Herring, Hicks, R. Jones, R. H. Jones, Kelly, A. J. Leach, Long, Martin, Mosely, McClees, McDade, McMullen, McNeill, Newsom, Nixon, Peebles, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—58.

Mr. T. McDowell offered the following as an amendment to the Resolutions:

Resolved, That in order to settle the question of the powers of Congress over Slavery in the Territories, and to secure permanency to the Union, it is the opinion of this Legislature, that the Missouri Compromise line should be extended to the Pacific Ocean.

Pending the consideration whereof, Mr. Miller moved that the Resolutions, with the proposed amendment, be committed to a select committee of four; which motion was carried—Yeas 57, Nays 53.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Hicks, Johnson, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, S. Person, Rayner, Rusell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Trull, Wadsworth, Walser, I. White, Wilkins—57.

Those who voted in the negative were:

Messrs. Ballard, Brown, Blow, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, A. J. Leach, Martin, Mosely, McDade, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. H. Williams, C. Williams, Williamson, Wooten—53.

Mr. T. H. Williams moved that the House do now adjourn; which was not carried.

Mr. Biggs moved that a message be sent to the Senate, proposing to go into an election of Comptroller of Public Accounts, on to-morrow, at 11 o'clock.

Mr. J. M. Leach moved to amend, by striking out the word "to-morrow," and inserting "Saturday next;" which was not

agreed to; and the question then recurring on Mr. Biggs' motion, was determined in the affirmative.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, proposing to go into an election of seven Counsellors of State, on to-morrow, at 12 o'clock.

Mr. J. J. Williams moved an adjournment to to-morrow, 10 o'clock. Disagreed to.

Mr. Paine, from the Judiciary committee, reported the bill for the more speedy and certain administration of justice, with sundry amendments; which were read, and pending the consideration whereof, on motion of Mr. Satterthwaite, the bill, with the amendments reported, were ordered to lie on the table, and that they be printed.

Mr. Courts, from the committee on Propositions and Grievances, reported the bill for the better regulation and government of slaves, with a recommendation against its passage. The said bill was read a second time, and on motion of Mr. McClees, indefinitely postponed.

On motion of Mr. T. R. Caldwell, the House took up for consideration, the bill to annex a part of Burke county to the county of Catawba; which was read a second time, and on motion of Mr. Satterthwaite, recommitted to the committee on Propositions and Grievances.

The bill to amend an act, supplemental to an act, passed at the session of 1842-3, entitled, "an act to lay off and establish a county by the name of McDowell," was read the second time and passed.

Received a message from the Senate, agreeing to the proposition to go into an election of Comptroller of Public Accounts, on to-morrow at 11 o'clock; and informing, that Messrs. Moye and Daniel, compose their branch of the committee to superintend said election.

Also, a message agreeing to the proposition to go into an election to morrow, at 12 o'clock, of seven Counsellors of State;

and informing that Messrs. Rowland and Speight, form the committee of the Senate to superintend the election.

On motion of Mr. McClenahan, the House then adjourned.

FRIDAY, DEC. 15, 1848.

Mr. Brown presented the petition of sundry citizens of Sampson county, praying for the enactment of a law, granting compensation to Justices of the Peace; which was, on motion, referred to the committee on Propositions and Grievances.

On motion of Mr. Oglesby,

"*Resolved*, As the sense of this House, that the committee on the Judiciary be, and they are hereby requested, to enquire into the expediency of compelling all Constables and other lawful officers of the several counties in this State, to return all warrants for debts that may come into their hands for collection, within the Captain's District, in which the defendants may reside.

"*Be it further Resolved*, That these resolutions be referred to the committee on the Judiciary, with instructions to enquire into the expediency of reporting a bill to this House, in conformity to these Resolutions."

Mr. J. Gamble introduced a bill to appoint Commissioners to lay off a road in Wilkes county; which was read the first time and passed, and referred to the committee on Internal Improvements.

Mr. Newsom introduced a bill to incorporate the Wake County Rifle Company, at Dunsville in said county; which was read the first time and passed, and referred to the committee on Military Affairs.

Ordered, On motion of Mr. Biggs, that a message be sent to the Senate, informing that W. F. Collins, Esq., is in nomination for the office of Comptroller of Public Accounts: Also, on motion of Mr. S. J. Person, the name of W. J. Clark, Esq., was added to the nomination, and the Senate informed thereof by message, and that Messrs. Green and Keen, form the committee on the part of the House to superintend the election.

Received from his Excellency, the Governor, a communication, transmitting the Report of the President and Directors of the Board of Internal Improvements; which, on motion of Mr. Steele, was ordered to be transmitted to the Senate, with a proposition to print.

Mr. S. J. Person introduced a bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of North Carolina; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Oglesby presented the following Resolutions:

Be it Resolved, as the sense of this House, That the Constitution of this State be altered and amended, in the following particulars, to-wit:

1st. So as to dispense with the freehold qualifications of members in both Houses of the Assembly.

2d. So as to provide that the Senatorial Districts shall hereafter be laid off by the General Assembly, according to the Free White Population of the State, and not in proportion to the Public Taxes paid into the Treasury of the State.

3d. So as to provide, that after allowing to each county one member in the House of Commons, that in making the appointment of the ballance of members, the ratio of representation shall be ascertained by dividing the amount of Free White Population in the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Free White Population aforesaid, by the number of Representatives less than the numbers assigned to said counties.

Be it further Resolved, That these Resolutions be referred to the committee on the Judiciary, with instructions to report by bill or otherwise.

Mr. Kelly moved that the Resolutions be rejected, and the question was determined in the affirmative—Yeas 64, Nays 48.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Biggs, Blow, Brown, Brogden, Cannady, Cherry, Coffield, Dancy, Dickson, Farrow, Ferebee, Foy, Green, Griggs, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Long, Martin, Mosely, McCleps, McClenahan, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Paine, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Sanders, Satterthwaite, Sherard, Skinner, Smith, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, T. Williams, Williamson, Wooten—64.

Those who voted in the negative were:

Messrs. Atkin, Barringer, Bean, Blackburn, T. Caldwell, D. Caldwell, Campbell, Carmichall, Clement, Coleman, Courts, Davis, Doak, Erwin, Farmer, A. M. Gamble, J. J. Gamble, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Hicks, Johnson, J. M. Leach, Logan, Love, Mast, Mebane, Miller, R. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Russell, Scott, Sheek, Shuford, Skeen, Stanly, Trull, Walser, I. White, Wilkins, J. Williams, C. Williams—48.

On motion of Mr. Rayner, the bill heretofore introduced by Mr. Sheek, providing for the Amendment of the Constitution of the State of North Carolina, was taken up for consideration. The bill was read a second time, whereupon, Mr. Rayner moved to amend the same, by striking out all after the word "Whereas," in the Preamble, and inserting a substitute; which was read, and pending the consideration whereof, on motion of Mr. Rayner, the bill and proposed amendment were laid upon the table, and the latter ordered to be printed.

The House now proceeded, under the Joint Order, to the election of Comptroller of Public Accounts, and voted as follows:

FOR MR. COLLINS:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, D. F. Caldwell, T. R. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Proctor, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. CLARK:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coleman, Courts, Dancy, Davis, Dickson, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. H. Jones, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, T. McDowell, McDade, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. J. Williams, C. Williams, T. Williams, Williamson, Wooten, Dobbin—57.

Received from the Senate, a message transmitting the following engrossed bills, in which they ask the concurrence of this House, viz:

The bill to incorporate the town of Shelby, in Cleveland county;

The bill to unite the the Roanoke Railroad and the Seaboard and Roanoke Railroad Companies, and for other purposes;

The bill to incorporate the town of Asheville;

The bill to incorporate Macon Academy, in the county of Wayne;

The bill to incorporate Mount Lebanon Lodge, No. 117, in Edgecombe;

The bill to incorporate the Island Ford Manufacturing Company, in the county of Randolph;

The bill to authorise the Roanoke Navigation Company to become common carriers of agricultural products, goods, wares, and merchandise, on Roanoke, Dan and Staunton Rivers;

The bill to alter the time of holding the Spring and Fall

Terms of Court of Pleas and Quarter Sessions, for the county of Cleveland;

The bill relative to amending an act in relation to the Depot of Arms at Newbern;

The bill to incorporate Phalanx Lodge, No. 10, of the Independent Order of Odd Fellows;

The bill to incorporate the Mecklenburg Agricultural Society;

The bill to incorporate the Trustees of the Chowan Female Institute, in the county of Chowan;

The bill to incorporate Midway Male and Female Academy, in the county of Pitt;

The bill, explanatory of section 10, chapter 34, Rev. Stat., and

The bill concerning the practice of the Law;

The foregoing engrossed bills were severally read the first time and passed.

Also, the engrossed bill to emancipate John Good, a slave; which was read the first time and passed, and on motion of Mr. Wadsworth, referred to the committee on Propositions and Grievances.

Mr. Keen, from the committee appointed to superintend the election of Comptroller of Public Accounts, reported that the whole number of votes given was 167, of which, 84 were necessary to a choice, and that Mr. Collins having received 85 votes, was duly elected to that office.

In which report, the House concurred.

On motion of Mr. T. R. Caldwell, the memorial protesting against the annexation of a part of Burke county to the county of Catawba, was taken up and referred to the committee on Propositions and Grievances.

On motion of Mr. J. M. Leach,

Ordered, That a message be sent to the Senate, informing that body, that Messrs. Lewis Bond, of Bertie county, Joshua Tayloe, of Beaufort, Nathaniel T. Green, of Warren, Charles L. Payne, of Davidson, John Winslow, of Cumberland, Thom-

as A. Allison, of Iredell, and Adolphus L. Erwin, of McDowell, are in nomination for the appointment of Counsellors of State.

On motion of Mr. Courts,

The following names were added to the nomination: Messrs. James R. Siler, of Macon, William Norfleet, of Edgecomb, Josiah O. Watson, of Wake, Oliver D. Fitts, of Warren, Thos. N. Cameron, of Cumberland, George Williamson, of Caswell, and William F. Martin, of Pasquotank; and the Senate informed thereof by message.

The House then proceeded, under the Joint Order, to vote for Counsellors of State, as follows: Messrs. McIntosh and Simms superintending the election on the part of the House:

FOR MR. BOND:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, D. F. Caldwell, T. R. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Long, Logan, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. TAYLOE:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Cherry, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. GREEN:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry,

Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Proctor, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, C. H. K. Taylor, Wadsworth, Walser, I. White, Wilkins—61.

FOR MR. PAYNE:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. Caldwell, D. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. WINSLOW:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. ALLISON:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, D. F. Caldwell, T. R. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Proctor, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. ERWIN:

Messrs. Speaker, Allen, Atkin, Bean, Barringer, Biggs, Blackburn,

Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Peebles, Palmer, Pigot, Proctor, Rayner, Rusell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—60.

FOR MR. SILER:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. M. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—58.

FOR MR. NORFLEET:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—57.

FOR MR. WATSON:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Stevenson, Spivey, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—58.

FOR MR. FITTS:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Cole-

man, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, A. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Spivey, Stevenson, Stockard, Sherard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—57.

FOR MR. CAMERON:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sherard, Sheek, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten, J. Taylor, C. Taylor—58.

FOR MR. WILLIAMSON:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coleman, Courts, Dancy, Davis, Dickson, Ellis, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. H. Jones, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, T. McDowell, McDade, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. J. Williams, C. Williams, T. Williams, Williamson, Wooten, Coffield, Dobbin—58.

FOR MR. MARTIN:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Ellis, Foy, Griggs, A. M. Gamble, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. H. Williams, C. Williams, Williamson, Wooten—56.

On motion of Mr. Satterthwaite, the House proceeded to

take up for consideration, the bill heretofore introduced by him, to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico rivers. Mr. Hayman moved that the bill be indefinitely postponed, and the question thereon, was decided in the negative.

Mr. Stanly moved to amend the bill by adding the following proviso:

Provided, That nothing herein contained, shall be construed to affect the fisheries below the lower line of Pitt county; which was rejected.

The question then recurring upon the passage of the bill, its second reading, was decided in the affirmative; yeas 79, nays 28.

Yeas and Nays demanded by Mr. Hayman.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Blackburn, Blow, T. Caldwell, D. Caldwell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Doak, Erwin, Foy, A. M. Gamble, Green, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Hicks, Johnson, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, Mosely, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Palmer, Peebles, Pegram, S. Person, T. Person, Reinhardt, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skeen, Smith, Spivey, Steele, Stowe, J. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—79.

Those who voted in the negative were:

Messrs. Atkin, Barringer, Biggs, Brown, Brogden, Cherry, Farrow, Ferebee, J. J. Gamble, Griggs, Hayman, C. Jones, Koonce, McClees, McClenahan, R. McDowell, Nicholls, Oglesby, Paine, Pigot, Proctor, Regan, Russell, Sherard, Skinner, Stanly, Stockard, Wadsworth—28.

And then on motion of Mr. Steele, the House adjourned.

SATURDAY, DEC. 16, 1848.

Calvin Edney, Esq., member elect from Yancy County, to supply the vacancy created by the resignation of Samuel Fleming, Esq., appeared, produced his credentials, was qualified and took his seat.

Mr. McIntosh, from the committee appointed to superintend the election of seven Counsellors of State, reported that Lewis Bond, Joshua Tayloe, Nath'l. T. Green, Charles L. Payne, Thomas A. Allison, Adolphus L. Erwin, and John Winslow, had received a majority of the whole number of votes given, and were duly elected Counsellors of State.

In which report the House concurred.

Mr. Miller presented the following Preamble and Resolution, viz:

WHEREAS, There has been presented, during the present session, an unusually large number of Petitions, Memorials, and Bills, in which the people of the State are deeply interested; *And whereas*, The pendency of important elections has a tendency to consume much of the time that ought to be devoted to the aforesaid objects. In order, therefore, to put an end to this fatal cause of delay in our Legislature,

Be it Resolved, By the House of Commons, that we will proceed to-day, at 12 o'clock, to the election of U. S. Senator, and that a message be sent to the Senate, making a proposition to that effect.

Mr. Keen moved to amend the Resolution by striking out the words, "to-day," and inserting, "Monday next;" which did not prevail.

Mr. Griggs moved to lay the Preamble and Resolution on the table, which, also was disagreeed to; yeas 56, nays 59.

Yeas and Nays demanded by Mr. Griggs.

Those who voted in the affirmative were:

Messrs. Atkin, Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Ellis, Foy, J. Gamble, Griggs, Hamrick, Harrison, Hayes, Headen, Herring, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, Newsom, Nixon, Pegram, S. Person, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—56.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, A. Gamble, Green, Hackney, Hargrave, Hayman, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, McNeill, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—59.

Mr. Stevenson moved to amend the Resolution by striking out the Preamble; which motion was carried.

Mr. Mosely moved further to amend, by striking out, "12 o'clock to-day," and inserting the words, "20th instant," which was disagreed to. The question then recurring upon the adoption of the Resolution as amended, was determined in the affirmative.

The Speaker laid before the House, certain papers in relation to the contested election from the county of Surry; which on motion of Mr. D. F. Caldwell, were referred to the committee on Privileges and Elections.

Mr. Shuford presented a Resolution in favor of the Executors of John R. Stamey, late Sheriff of Lincoln county, which was read the first time and passed, and referred to the committee on Propositions and Grievances.

On motion of Mr. Courts,

Ordered, That a message be sent to the Senate, proposing to go into an election of Judge of the Superior Court, to supply the vacancy occasioned by the resignation of Hon. R. M. Pearson, at one o'clock, this day.

Mr. Brown introduced a bill making compensation to Jurors in the County of Sampson, in certain cases; which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Cherry introduced a bill to provide for the taking depositions of witnesses, to be read in suits pending in Courts in other States; which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Biggs introduced a bill to incorporate the Martin and Bertie Turnpike Company; which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. A. J. Leach presented the following Resolution:

WHEREAS, a considerable portion of the time of this Session has already been consumed without having made much advance in the business of legislation;

Be it therefore resolved, For the purpose of expediting business, that this House, from and after Monday next, hold evening Sessions for the balance of the Session.

Which, on motion of Mr. Hayman, was ordered to lie on the table.

Received from the Senate a message concurring in the proposition to go into an election of U. S. Senator, at 12 o'clock, this day; and informing that Messrs. Watson and Smith, form their branch of the Committee to superintend the election.

Also, a message from the Senate, concurring in the proposition to vote for Judge of the Superior Court, at 1 o'clock, today; and informing that Messrs. Kendall and Graham, form the Senate branch of committee to superintend the election.

The committee on the part of the House, to superintend the election of U. S. Senator, were Messrs. Stevenson and Walser; and the committee appointed to superintend the election of a Judge of the Superior Court, were Messrs. Dickson and Headen.

Mr. Ballard introduced a bill concerning fishing in the Albemarle and Croton Sounds, and in the different rivers emptying therein; also, in the different Creeks emptying in said Rivers; which was read first time and passed, and referred, on motion of Mr. Paine, to a select committee of eleven.

The Speaker announced for said committee, Messrs. Ballard, McClees, Paine, Nicholls, Coffield, Cherry, Rayner, Skinner, Proctor, Ferebee, and Griggs.

Mr. Biggs presented a memorial from citizens of Bertie, protesting against the imposition of additional lay days on the Cashie and Roanoke Rivers; which was referred to the committee on Private Bills.

Mr. J. Gamble presented a memorial from sundry citizens of Wilkes, Surry, and Iredell, praying for the establishment of a new county to be called Williams, out of portions of said counties; which was referred to the committee on Propositions and Grievances.

The hour having now arrived, under the Joint Order, to go into an election of United States' Senator, the House voted as follows:

FOR MR. BADGER:

Messrs. Speaker, Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Cherry, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—58.

FOR MR. W. B. SHEPARD:

Messrs. Ballard, Brown, Courts, Dickson, Keen, Kelly, Nixon, Proctor, Sherard, Stevenson, T. Williams—11.

FOR MR. CLINGMAN:

Messrs. Atkin, Coleman, Ellis, Farmer, Sheek, Shuford, Love, C. Williams, J. H. White—9.

FOR MR. J. B. SHEPARD:

Messrs. Brogden, Dancy, Davis, Griggs, Harrison, Sanders, Simms, J. Taylor, Thigpen, Williamson—10.

FOR MR. McKAY:

Messrs. Dobbin, Foy, Herring, R. Jones, T. McDowell, Pegram, C. Taylor, S. Person—8.

FOR MR. LEAKE:

Messrs. Hamrick, A. J. Leach, McNeill, Regan, Spivey, Stockard—6.

FOR MR. EDWARDS:

Messrs. C. Jones, Martin, Newsom, Thornton—4.

FOR MR. FISHER:

Messrs. McDade, McMullen, Reinhardt, Stowe—4.

FOR MR. SWAIN:

Messrs. Clement, R. H. Jones, T. J. Person—3.

FOR MR. DOBBIN:

Messrs. Coffield, and J. J. Williams—2.

FOR MR. D. S. REID—Mr. A. M. Gamble.

FOR MR. A. W. VENABLE—Mr. Cannady.

FOR MR. W. L. STEELE—Mr. Wooten.

FOR MR. J. R. J. DANIEL—Mr. Mosely.

Mr. Mebane, from the committee of Finance, introduced a bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad; which was read the first time and passed.

On motion of Mr. Cherry,

Resolved, That the Treasurer of the State be requested to communicate to this House, the number of White Population in each County in the State; also the Federal Population in each county, and the number of White Children between the ages of five and ten years; the amount of taxes paid by the

several counties; and the amount distributable to each County from the School Fund, during the last and present years; also, that he report the sources from which the School Fund has been derived, and the investments that have been made of it.

Mr. Dobbin presented a bill, accompanied by a memorial, to establish the Bank of Fayetteville; which was read the first time and passed; and, on motion, ordered to be laid on the table, and that it be printed.

Mr. Walser, from the committee appointed to superintend the election of a United States' Senator, reported that no person had received a majority of the whole number of votes, and that there was no election.

In which report the House concurred.

The hour having now arrived, at which, by the Joint Order, the two Houses were to vote for a Judge of the Superior Court,

The House voted as follows:

FOR MR. J. W. ELLIS:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Mast, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Stevenson, Spivey, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten, Walser, Blackburn, Nicholson—60.

FOR MR. W. H. BATTLE:

Messrs. Speaker, Allen, Atkin, Barringer, Bean, Biggs, Blow, T. Caldwell, D. Caldwell, Campbell, Carmichall, Cherry, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Love, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, I. White, Wilkins, J. Gamble—58.

Mr. Satterthwaite moved that the House do now adjourn; which motion was not carried.

Mr. Headen, from the committee to superintend the election of a Judge of the Superior Court, reported that John W. Ellis, Esq. had received a majority of the whole number of votes given, and was thereupon duly elected to that office.

The report was concurred in.

Mr. J. H. White introduced a bill to extend the limits of the town of Lincolnton, in Lincoln county; which was read first time and passed, and referred to the committee on Private Bills.

Mr. T. Caldwell presented a memorial from sundry citizens of Lincoln, protesting against the passage of said bill, which were severally read and referred to the same committee.

The House then adjourned.

MONDAY, DECEMBER 18, 1848.

A message was received from the Senate, transmitting two certificates of pension allowances, made by the County Court of Wayne county, one to Theophilus Gardner and the other to William Sasser; which, on motion, were each ordered to be countersigned by the Speaker of this House.

Received from the Senate, a message transmitting the following engrossed bills, in which they ask the concurrence of this House, viz:

A bill to amend an act entitled, "an act to incorporate the Atlantic Fire Company, No. 1, in the town of Newbern," passed at the Session of 1846-7;

A bill to amend an act passed in the year 1846-7, entitled, "an act to provide for a reassessment of the lands of this State,

and a more accurate enlistment of taxable polls; which were each read the first time and passed, and the latter mentioned bill, on motion of Mr. Mebane, referred to the committee on Finance.

Also, a message transmitting the following engrossed bills, in which they ask the concurrence of the House:

A bill to emancipate James G. Hostler;

A bill authorising Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions;

And a bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson, which were read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. T. H. Williams presented a memorial from Mary Henry and others, citizens of New Hanover county, praying for the emancipation of Washington, a slave, the property of said Mary Henry; which was referred to the committee on Propositions and Grievances.

Mr. Miller, a memorial from citizens of Caldwell county, praying the passage of an act, incorporating, Lenoir, the county seat of said county; which was referred to the committee on Propositions and Grievances.

Mr. J. H. White presented a memorial from the officers of the 71st Regiment of Militia, praying the passage of a law, giving the rank and file of each Regiment, the right of electing their Field Officers; which, on motion, was referred to the committee on Military Affairs.

The Speaker laid before the House a communication from B. F. Moore, Esq. Attorney General, in regard to the claim of the devisees of William Cathcart, deceased, set forth in the memorial of W. J. Brown, agent and attorney, for said devisees, now pending before the General Assembly; which, on motion of Mr. Stanly, was ordered to be sent to the Senate, with a proposition to print.

Mr. Shuford presented a memorial and counter memorial on the subject of passing a private act, investing Ephraim Lutz and wife Catharine, with the property, real and personal, be-

longing to said Catherine, now in the hands of a trustee, for her use; which were referred to the committee on Propositions and Grievances.

Mr. Erwin introduced a bill, accompanied by a memorial, to authorise A. H. Erwin to establish a Toll Bridge over the Catawba River, in the county of Burke; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Wilkins introduced a bill, accompanied by sundry memorials, to locate the county seat of Polk county, on the lands of Mrs. Elizabeth Jones, in said county; which was read the first time and passed, and referred to a Select Committee of seven. The Speaker announced as composing said committee, Messrs. Brogden, Erwin, Sheek, Shuford, Satterthwaite, Steele, and Palmer.

Counter memorials on the same subject were presented by Mr. Logan, and referred to the same committee.

On motion of Mr. Hayman,

Resolved, That so much of the report of the President and Directors of the Literary Fund, as relates to the Swamp Lands of the State, be referred to the committee on Swamp Lands.

Mr. Brogden introduced a bill, accompanied by a memorial, to authorise Hillory Coor, *alias* Croom, a free man of color, to emancipate his wife Hannah, his son Charles, and his two daughters, Ann and Tempee, of Wayne county; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. C. Jones presented a memorial from Alex. C. McKnight and others, praying for the emancipation of Davy Moore, a slave; which was referred to the committee on Propositions and Grievances.

Mr. J. M. Taylor introduced a bill to amend the 19th section of 35th chapter of the Revised Statutes; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Mebane, from the committee on Finance, to whom were referred the subject of the expediency of imposing a tax on ten pin alleys, reported that the committee had already reported a bill to the Senate on that subject, and asked to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Mebane, from the same committee, to whom was referred a resolution, instructing them to enquire into the expediency of allowing the Banks of this State to issue bills of a less denomination than three dollars, reported that it was inexpedient to legislate on the subject, and asked to be discharged from its further consideration:

In which report, the House concurred.

Mr. Paine, from the committee on the Judiciary, reported the bill more effectually to suppress the traffic with slaves, and amendatory of 75th section, 34th chapter of the Rev. Statutes, entitled, "crimes and punishments," with an amendment. The amendment was adopted, and the bill then read a second time and passed.

Mr. Paine, from the same committee, reported, with sundry amendments, the bill to regulate the duties of Sheriffs. The amendments were adopted, and the bill passed its second reading as amended.

Mr. Nicholls, from the committee on Claims, reported favorably on the following Resolutions :

The Resolution for the relief of Y. Patterson, Clerk of the County Court of Franklin; the Resolution for the relief of Fendall Griffin; and the Resolution in favor of M. O. Dickerson, former Sheriff of Rutherford County; the first of which, was read the second time and passed, and the two last, read the second and third times and passed, and ordered to be engrossed.

Mr. Courts, from the committee on Propositions and Grievances, reported without amendment, the bill to amend an act, entitled an act concerning Weights and Measures—Ratified 7th January, 1839; which was read the second time and passed.

Mr. Courts, from the same committee, reported the bill to amend an act entitled an act to tax the venders of foreign made riding vehicles—ratified 18th January, 1847, and recommended the adoption of the following amendment, as a substitute for said bill:

"Sec. 1. That no person or persons shall hereafter peddle any foreign made riding vehicles in any County in this State, until he shall have first applied to the Sheriff of said County, and obtained a license for the same.

"Sec. 2. *Be it further enacted*, That it shall be the duty of any Sheriff to grant such license to any person who shall apply for the same, upon the payment to the said Sheriff the sum of one hundred dollars; which sum when so paid to any Sheriff, he shall account for in the same manner as he accounts for other State taxes.

"Sec. 3. *Be it further enacted*, That any person who shall attempt to peddle any riding vehicle (not manufactured in this State) without first complying with the provisions of the first section of this Act, he or they so offending, shall forfeit and pay the sum of two hundred dollars, to be recovered before any Court having cognizance of the same—one half to the use of the person who will prosecute for the same; the other half to the use of the State; and shall be further liable to indictment in the County or Superior Court, and upon conviction, shall be fined or imprisoned, at the discretion of the Court.

"Sec. 4. *Be it further enacted*, That all laws, and clauses of law heretofore passed, which conflict with any of the provisions of this Act, and especially so much of the act, as requires any pedlar of foreign made riding vehicles to pay a tax for keeping any common depository, be, and the same are hereby repealed."

Which amendment was adopted—yeas 95, nays 10.

Yeas and Nays demanded by Mr. Smith.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brown, T. R. Caldwell, D. F. Caldwell, Cannady, Campbell, Carmichall, Cherry, Coffield, Coleman, Courts, Davis, Dickson, Doak, Edney, Ellis, Erwin, Farmer, Farrow, Ferebee, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Mebane, Miller, Mosely, McClenahan, McDade, McDowell, McIntosh, McMullen, McNeill, Nicholls, Nicholson, Oglesby, Palmer, Pegram, T. Person, Pigot, Proctor, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Shuford, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stockard, Stowe, C. Taylor, Thornton, Thigpen, Wadsworth, Walser, I. White, J. H. White, Wilkins, T. Williams, C. Williams—95.

Those who voted in the negative were:

Messrs. Brogden, Foy, McClees, Newsom, Peebles, Rayner, Simms, Stevenson, J. Williams, Wooten—10.

So the amendment was adopted: And the question then recurring upon the passage of the bill as amended, its second reading, it was decided in the affirmative.

Mr. Courts, from the same committee, to whom was referred a memorial from sundry citizens of Sampson county, praying the passage of a law, giving compensation to magistrates, made an unfavorable report thereon, and asked to be discharged from the further consideration of the subject.

In which report, the House concurred.

Mr. Rayner, from the committee on Internal Improvements, reported the bill to amend an act, entitled an act to incorporate the Orapeak Canal Company, with the following amendment, to wit: strike out "1855," wherever the same occurs in the bill, and insert in lieu thereof, "1851."

Which amendment was adopted, and the bill as amended, passed its second reading.

Mr. Rayner, from the same committee, reported favorably the bill to improve the Cape Fear and Deep rivers, above Fayetteville; which was read the second time and passed.

Received from the Senate, a message proposing to go into

an election, immediately, of a United States' Senator; which was read, and on motion of Mr. Love, laid on the table.

The House then proceeded to consider the special order of the day, being the bill to increase the Revenue of the State, with the amendments reported from the committee on Finance.

Pending the consideration thereof, the House adjourned.

TUESDAY, DECEMBER 19, 1848.

Mr. Dancy, from the committee on Private Bills, reported favorably the bill to incorporate Union Chapter, No. 17, in the county of Duplin; and also the bill to empower the Justices of the Peace of New Hanover county, to sell the Poor House in said county; which were severally read the second time and passed.

Mr. Dancy, from the same committee, reported favorably the bill to alter the time of holding the Non-Jury terms of the Court of Pleas and Quarter Sessions, for the County of Lincoln; which was read a second time, amended, on motion of Mr. Shuford, by inserting, "Catawba County" after Lincoln, and passed.

Mr. Dancy, from the same committee, reported favorably the bill to amend an act passed at the session of the General Assembly of North Carolina, of 1846-7, entitled, "an act to amend an act, passed, at the session of 1827, entitled an act to prevent the obstruction of the passage of fish up the Roanoke and Cashie Rivers, and their waters; which was read a second time, and on motion of Mr. Hackney, laid on the table.

Mr. Hicks, from the Select Committee, to whom was referred a Resolution in favor of the growers of the Irish Potatoe, made an unfavorable report thereon. The resolution was read the second time, and on motion of Mr. Brogden, laid on the table.

Mr. McMullen, from the Select Committee, to whom was referred the bill to incorporate the Milton Savings' Bank, in the town of Milton, reported the same without amendment, and recommended its passage. The bill was read a second time, and on motion of Mr. Satterthwaite, laid upon the table.

Mr. Rayner, from the Joint Select committee, heretofore raised on the subject, reported a resolution for repairing and furnishing the Governor's residence; which was read the first time and passed.

Mr. Ballard presented a memorial from sundry citizens of Gates county, praying the passage of an act establishing lay days on the Albemarle and Croatan Sounds, and the Rivers emptying therein; which was referred to the select committee of eleven, heretofore raised on the subject.

On motion of Mr. Williamson,

Resolved, That the committee on Swamp Lands, be instructed to enquire into the expediency of draining a part or the whole of the Swamp Lands, belonging to the State, in the counties of Brunswick and Columbus; and that they report by bill or otherwise.

Mr. Ferebee introduced a bill to authorise William R. Abbot, to cut a Canal and make a road thereon; which was read the first time and passed, and referred to the committee on Internal Improvements.

Mr. Newsom introduced a bill to incorporate the North Carolina Blues, in the county of Wake, which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Coffield called up the bill to amend the several acts in regard to the obstruction of the passage of fish up the Roanoke and Cashie rivers and their waters, and after some time spent in consideration thereof, it was, on motion of Mr. Biggs, ordered to be laid upon the table.

On motion of Mr. Dickson,

Resolved, That the Judiciary Committee, be instructed to

enquire into the expediency of so altering and amending the law regulating Patrols, as to prohibit any person from serving as a Patrol, unless he be a slaveholder, and to report by bill or otherwise.

Mr. Coleman introduced a bill to alter and amend the 1st, 3rd, and 4th sections of chapter 94 of the Statutes of 1846-7, entitled, "an act to appoint Commissioners to view and lay off a road from Ashville, in Buncombe county, to Burnsville, in Yancy county; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Stanly presented the following Resolution:

Resolved, That the Speaker of the House of Commons inform the Hon. John W. Ellis, of his election as a Judge of the Superior Court, to fill the vacancy occasioned by the resignation of the Hon. Richmond M. Pearson, and respectfully request to be informed, whether he accepts the same.

Which was read, but pending the consideration whereof, the Chair announced the special order of the day, being the bill to Increase the Revenue of the State.

The said bill was accordingly taken up for consideration, and on motion of Mr. D. F. Caldwell, ordered to lie on the table.

The Chair also announced, as the order of the day, the bill to provide for the establishment of a State Hospital for the Insane in North Carolina; which having been read a second time, Mr. Mebane moved that it be laid upon the table, and made the special order of the day for to-morrow; which motion was decided in the negative—Yeas 53, Nays 63.

Yeas and Nays demanded by Mr. Clement.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nich-

olls, Nicholson, Oglesby, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Trull, Wadsworth, Walser, I. White, Wilkins—53.

Those who voted in the negative were:

Messrs. Atkin, Ballard, Bean, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Edney, Farmer, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, C. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Paine, Pegram, S. J. Person, T. J. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shufofd, Simms, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. H. K. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—63.

Mr. Steele now moved to amend the bill, by striking out section 5th, and inserting the following:

Be it enacted, That the sum of ——— dollars be, and the seme is hereby appropriated, for the erection of said buildings, out of any monies in the Treasury not otherwise appropriated, or any such monies which may come into the Treasury, at any time within the next five years.

Which amendment was disagreed to.

Mr. Stanly moved to amend the 1st section of the bill, by filling the blank with the following names: John M. Morehead, of Guilford, Calvin Graves, of Caswell, T. D. Cameron, of Cumberland, G. W. Mordecai, C. L. Hinton, and J. O. Watson, of Wake.

Which amendment was agreed to.

Mr. Wadsworth moved to amend the first section, by striking out the words "within 3 miles of Raleigh," and inserting in lieu thereof, "at such place as may hereafter be designated by an act supplementary to this act, for the purpose of prescribing its location."

Which amendment was also agreed to.

Mr. Stanly moved to amend the 2d section, by striking out

the words "either, or unhewn stone," in the 11th line; which was carried.

Mr. Hicks moved to amend the 5th section, by adding the following proviso thereto: "*Provided*, That the costs of said buildings shall not exceed thirty thousand dollars."

Which was not carried.

Mr. Kelly moved to strike out the 5th section of the bill, and the question thereon was determined in the affirmative—Yeas 71, Nays 40.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Ballard, Bean, Blackburn, Brown, Brogden, D. F. Caldwell, Cannady, Carmichall, Clement, Coffield, Courts, Dancy, Davis, Dickson, Doak, Farrow, Foy, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Herring, Hicks, Johnson, C. Jones, Keen, Kelly, Koonce, A. J. Leach, Long, Love, Martin, Mast, Miller, Mosely, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, T. Person, Rayner, Regan, Reinhardt, Sheek, Sherard, Simms, Skeen, Smith, Spivey, Steele, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Walser, I. White, J. H. White, J. Williams, T. H. Williams, Williamson, Wooten—71.

Those who voted in the negative were:

Messrs. Barringer, Biggs, Blow, T. R. Caldwell, Campbell, Cherry, Coleman, Ellis, Erwin, Ferebee, Hargrave, Hayes, Headen, R. Jones, J. M. Leach, Logan, Mebane, McClees, McClenahan, McDade, R. I. McDowell, Paine, Palmer, Peebles, Pegram, S. Person, Pigot, Proctor, Russell, Sanders, Satterthwaite, Shuford, Skinner, Stanly, Stevenson Stowe, Trull, Wadsworth, Wilkins, C. Williams—40.

On motion of Mr. T. R. Caldwell, the bill was then laid on the table.

Received a message from the Senate proposing to go into an election of United States' Senator, to-morrow at 12 o'clock.

Mr. Griggs moved that the message be laid upon the table; which motion was not agreed to, and the proposition of the Senate was then concurred in, and the Senate informed there-

of by mesage, and that Messrs. Satterthwaite and Wooten, compose the committee on the part of this House, to superintend the election.

And thereupon, on motion of Mr. Spivey, the House adjourned.

WEDNESDAY, DEC. 20, 1848.

Mr. J. Gamble introduced a bill to amend an act to incorporate the town of Wilksboro', in the county of Wilkes, and for the better regulation thereof—ratified 18th January, 1847; and

Mr. Satterthwaite introduced a bill to incorporate Phalanx Lodge, No. 31, of Ancient York Masons, in the town of Charlotte; which were severally read the first time and passed, and referred to the committee on Private Bills.

On motion of Mr. Biggs,

Resolved, That a message be sent to the Senate, proposing to raise a select Committee of seven on the part of the House, and five on the part of the Senate, who shall consider the propriety of altering the time for holding elections for Governor, Members of Congress, Members of the Legislature, and County Officers now elected by the people, and that they report by bill or otherwise.

Mr. Hicks introduced a bill to repeal a part of the 1st sec. of 64th chapter, Revised Statutes, and to amend the same; which was read the first time and passed, and referred to the Committee on the Judiciary.

Received from the Senate, a message transmitting the following Resolution:

Resolved by the Senate, (the House of Commons concurring,) That the two Houses adjourn *sine die*, on the 2nd day of January next;

And asking the concurrence of the House therein; which, on motion of Mr. Brogden, was ordered to be laid on the table.

Mr. Newsom presented a Resolution in favor of Messrs. Hall and Kincey, Merchants of the City of Raleigh; which was read the first time and passed, and referred to the committee on Claims.

Mr. Williamson introduced a bill to clear out White Marsh, Seven Creek, Porter Swamp, and Gapway Swamps, in the county of Columbus; which was read the first time and passed, and referred to the committee on Internal Improvements.

Mr. Logan introduced a bill for the better regulation of public highways, in Rutherford county; and

Also, a bill to amend an act entitled "an act to incorporate Hickory Nut Turnpike Company," passed at the session of the General Assembly of 1840-1; which were severally read the first time and passed, and referred to the committee on Private Bills.

On motion of Mr. Green,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending the existing law in relation to the offence of house-breaking in the day time, as more effectually to suppress the commission of said offence; and that they report by bill or otherwise.

Mr. Spivey presented a Resolution in favor of S. M. Preston; which was read the first time and passed, and referred to the committee on Military Affairs.

Received from his Excellency, the Governor, through his Private Secretary, a communication, touching the surrender of certain Cherokee Lands, executed by the securities of the purchasers of the same, according to the provisions of the act of 18th January, 1847; and recommending that provision be made, for a sale of all those lands, not heretofore sold.

Which, on motion of Mr. Martin, was ordered to be sent to the Senate.

Mr. Stanly called up the Resolution by him offered yesterday, requesting the Speaker of this House to inform the Hon. J. W. Ellis of his election as Judge of the Superior Court, but the same was temporarily laid on the table, to receive a

Message from the Senate, announcing their Committee to superintend the election of U. S. Senator, to wit: Messrs. Thomas, of Davidson, and Bethell.

And now, the hour having arrived, according to the joint order, to go into said election, Messrs. Satterthwaite and Wooten were appointed the Committee to superintend the election, on the part of the House, and,

The House voted as follows:

FOR MR. BADGER:

Messrs. Speaker, Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Proctor, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—58.

FOR MR. CLINGMAN:

Messrs. Atkin, Ballard, Brown, Cannady, Clement, Coleman, Courts, Dancy, Davis, Dickson, Farmer, Foy, A. M. Gamble, Herring, R. Jones, R.H. Jones, Keen, Love, McMullen, McNeill, Newsom, Sanders, Sheek, Shuford, Simms, Spivey, J. Taylor, Thigpen, J. H. White, C. Williams, T. Williams, Williamson, Wooten, Brogden—34.

FOR MR. LEAKE:

Messrs. Coffield, Griggs, Hamrick, A. J. Leach, McDade, Pegram, S. Person, Regan, Reinhardt, Stockard—10.

FOR MR. EDWARDS:

Messrs. C. Jones, Martin, Stevenson, C. Taylor, Thornton—5.

FOR MR. FISHER:

Messrs. Harrison, Stowe, and J. J. Williams—3.

FOR MR. McKAY:

Messrs. T. McDowell, and Nixon—2.

FOR MR. BASKERVILLE—Mr. Mosely.

FOR MR. SWAIN—Mr. T. J. Person.

FOR MR. DOBBIN—Mr. Kelly.

FOR MR. BROGDEN—Mr. Sherard.

Mr. Satterthwaite, from the Committee appointed to superintend the election of U. S. Senator, reported, that no person had received a majority of the whole number of votes, and that there was no election.

In which report the House concurred.

Received a message from the Senate, proposing to vote again forthwith for U. S. Senator.

Mr. Griggs moved to lay the message on the table; and upon this question, demanded the yeas and nays, which were ordered, and resulted as follows, yeas 18, nays 97.

Those who voted in the affirmative were:

Messrs. Ballard, Brogden, Coleman, Courts, Davis, Griggs, Hamrick, Harrison, Keen, Love, Mosely, Newsom, Oglesby, Sanders, Sherard, Stowe, Thornton, J. H. White—18.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Blow, Brown, D. F. Caldwell, T. R. Caldwell, Campbell, Cannady, Carmichall, Coffield, Dancy, Dickson, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Martin, Mast, Mebane, Miller, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Nicholson, Nicholls, Nixon, Paine, Palmer, Peebles, Pegram, S. Person, T. J. Person, Proctor, Pigot, Rayner, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, C. Taylor, Thigpen, Trull, Wadsworth,

Walser, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—97.

The question then recurring upon the proposition contained in the message of the Senate, the same was agreed to, and the Senate informed thereof by message; and that Messrs. Biggs and Martin, formed the committee on the part of this House to superintend the election.

On motion of Mr. Stanly, the name of Hon. D. L. Swain, was added to the nomination for the appointment of U. S. Senator, and the Senate informed thereof by message.

Received from the Senate, a message informing that Messrs. Lillington and Graham, form the committee on the part of that body to superintend the said election, and that the Senate would vote on return of the messenger.

The House then voted as follows:

FOR MR. BADGER:

Messrs. Speaker, Allen, Barringer, Bean, Biggs, Blackburn, T. Caldwell, D. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Skeen, Skinner, Smith, Trull, Walser, I. White, Wilkins—51.

FOR MR. CLINGMAN:

Messrs. Atkin, Ballard, Brown, Brogden, Cannady, Clement, Courts, Dancy, Davis, Dickson, Farmer, Foy, A. M. Gamble, Hamrick, Herring, R. Jones, Keen, Love, Martin, McMullen, Newsom, Regan, Reinhardt, Scott, Sheek, Sherard, Shuford, Simms, Spivey, J. Taylor, Thigpen, J. H. White, C. Williams, Williamson, A. J. Leach, Pegram, T. Williams, Sanders, Wooten—39.

FOR MR. SWAIN:

Messrs. Coleman, R. H. Jones, McDade, T. Person, Satterthwaite, Stanly, Stevenson, Wadsworth, R. I. McDowell—9.

FOR MR. EDWARDS:

Messrs. Blow, C. Jones, C. H. K. Taylor, Thornton—4.

FOR MR. LEAKE:

Messrs. Coffield, Griggs, McNeill, S. Person, Steele, Stockard, Stowe, —7.

FOR MR. McKAY:

Messrs. Mosely, T. McDowell, Nixon—3.

FOR MR. FISHER:

Messrs. Harrison, and J. Williams—2.

FOR MR. W. B. SHEPARD—Mr Kelly.

Mr. Biggs, from the committee appointed to superintend the election of a U. S. Senator, reported that no person had received a majority of the whole number of votes given, and consequently, that there was no election.

In which report the House concurred.

Mr. Steele moved that a message be sent to the Senate, proposing to vote again, immediately, for a U. S. Senator; pending which question,

Mr. Hayes moved an adjournment, which was disagreed to.

The question, on Mr. Steele's motion was then determined in the affirmative.

Received from the Senate, a message concurring in the proposition to vote again, forthwith, for a U. S. Senator; and informing that Messrs. Gilmer and Hawkins, form their branch of the committee to superintend the election.

The committee appointed for this purpose, on the part of the House, were Messrs. D. F. Caldwell and Coffield, and the Senate was informed thereof by message.

The House voted as follows:

FOR MR. BADGER:

Messrs. Speaker, Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, McClees, McClenahan, R. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen,

Skinner, Smith, Stanly, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—59.

FOR MR. CLINGMAN:

Messrs. Atkin, Ballard, Brown, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dickson, Foy, A. M. Gamble, Hamrick, Herring, R. H. Jones, C. Jones, R. Jones, Keen, A. J. Leach, Love, Martin, McMullen, McNeill, Newsom, Nixon, Pegram, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stockard, J. Taylor, Thigpen, J. H. White, T. Williams, C. Williams, Williamson, Coleman, Griggs, Brogden, Stevenson, T. S. McDowell, Wooten—47.

FOR MR. SWAIN:

Messrs. McDade, and T. J. Person—2.

FOR MR. EDWARDS:

Messrs. C. Taylor, and Thornton—2.

FOR MR. LEAKE:

Messrs. S. J. Person, and Stowe—2.

FOR MR. FISHER:

Messrs. Harrison, and J. Williams—2.

FOR MR. DOBBIN—Mr. Kelly.

FOR MR. McKAY—Mr. Mosely.

Mr. D. F. Caldwell, from the committee appointed to superintend the election of United States' Senator, reported that the Hon. George E. Badger, had received a majority of the whole number of votes given, and was therefore duly elected a Senator of the United States, for six years, from and after the fourth of March next.

In which report the House concurred.

And then on motion, the House adjourned.

THURSDAY, DEC. 21, 1848.

Mr. Ferebee, from the committee appointed to wait on his Excellency, Charles Manly, Governor elect, and know of him at what time it will suit his convenience to appear before the two Houses and take the oaths of office, made a verbal report, that the committee had discharged that duty, and that Governor Manly would appear before the two Houses, and take the oaths of his office, on Monday, the first day of January next, at 12 o'clock of that day.

The Speaker laid before the House the resignation of Hon. William H. Battle, as Judge of the Supreme Court; which was read and accepted, and on motion of Mr. Ferebee, ordered to be sent to the Senate.

Received from the Senate, a message transmitting the following engrossed bills, in which they ask the concurrence of the House of Commons:

A bill to Increase the Revenue of the State, which was read the first time and passed; and,

A bill concerning Registers and Clerks and Masters in Equity, which also was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Courts called up the resolution heretofore introduced by Mr. Stanly, requesting the Speaker of this House to inform Mr. John W. Ellis of his election as Judge of the Superior Court; whereupon, Mr. Stanly moved that the same be laid upon the table, which motion was decided in the negative—Yeas 47, Nays 63.

Yeas and nays demanded by Mr. Love.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, D. Caldwell, Carmichall, Cherry, Doak, Edney, Erwin, Ferebee, J. J. Gamble, Hackney, Hargrave, Hayes, Headen, Johnson, Koonce, J. M. Leach, Logan, Long,

Mast, Mebane, McClees, McClenahan, T. McDowell, R. McDowell, McIntosh, Nicholson, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Rayner, Regan, Russell, Satterthwaite, Scott, Skeen, Skinner, Stockard, Walser, I. White, Wilkins—47.

Those who voted in the negative were:

Messrs. Atkin, Ballard, Brown, Brogden, Campbell, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Farrow, Foy, A. M. Gamble, Green, Griggs, Hamrick, Hayman, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Miller, Mosely, McDade, McNeill, Newsom, Nicholls, Nixon, Pegram, S. Person, T. Person, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stanly, Steele, Stevenson, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—63.

A motion was then made by Mr. Steele that the resolution be postponed indefinitely, which passed in the affirmative; yeas 66, nays 41.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Atkin, Ballard, Barringer, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Foy, A. Gamble, Griggs, Hamrick, Harrison, Hayes, Headen, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McDade, T. McDowell, McNeill, Newsom, Nicholson, Nixon, Pegram, S. Person, T. Person, Rayner, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Skeen, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—66.

Those who voted in the negative were:

Messrs. Allen, Biggs, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Edney, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Koonce, J. M. Leach, Logan, Long, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Oglesby, Paine, Palmer, Peebles, Pigot, Proctor, Russell, Satterthwaite, Scott, Skinner, Stanly, Wadsworth, I. White, Wilkins—41.

So the resolution was indefinitely postponed.

The Speaker laid before the House a communication from C. L. Hinton, Esq. Public Treasurer, in answer to a resolution of this House, requiring him to furnish information as to the number of white population in each county in the State; the number of white children between the ages of five and ten years; the amount of taxes paid by the several counties, and the amount distributable to each county for the School Fund, during the last and present years; which, on motion of Mr. Cherry, was

Ordered, to be sent to the Senate, with a proposition to print.

Received from his Excellency, the Governor, a message transmitting the Annual Report of the Treasurer of the University; which, on Mr. Wadsworth's motion, was ordered to be sent to the Senate.

Mr. C. Jones presented instructions, from sundry citizens of Orange county, to the members of the Legislature from that county, to vote for a bill to alter the Constitution; so as to allow every free white citizen, who has the right to vote for a member of the House of Commons, to have also the right to vote for Senator; which were referred to the committee on the Judiciary.

Received from the Senate, a message transmitting an engrossed resolution, authorising the Doorkeepers to purchase chairs for the committee rooms; and asking the concurrence of this House in the same.

The resolution was read the first, second and third times and passed, and ordered to be enrolled.

Received also, a message from the Senate, transmitting the following engrossed bills, in which they ask the concurrence of the House of Commons, viz:

A bill to repeal an act concerning the Wardens of the Poor of the county of Lincoln; and

A bill to establish Lumberton Academy, in the county of Robeson, and to incorporate the Trustees thereof; which were each read the first time and passed.

Also, a message informing that they have passed the engrossed resolution of this House, in relation to the State's claim against the General Government; and the engrossed bill to authorise the County Court of Mecklenburg, to pay over certain funds to the County Court of Union, with certain amendments, and asking the concurrence of this House therein. The amendments were read and concurred in, and the said bills respectively ordered to be enrolled.

On motion of Mr. Mebane, the House took up the bill to provide for the payment of the debt of the State to the Bank of Cape Fear, and the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad. The said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Wooten introduced a bill to incorporate the town of Kinston, in the county of Lenoir; which was read the first time and passed.

Mr. Hayes introduced a bill to dispose of a portion of the unsold lands in Cherokee county; which was read the first time and passed, and referred to the committee on Cherokee Lands.

The House then proceeded to the consideration of the special order of the day, being the bill to provide for the establishment of a State Hospital for the Insane.

Mr. Rayner moved to amend the bill, by inserting the following, as section 5:

Be it further enacted, That the sum of one hundred thousand dollars be, and the same is hereby appropriated, to erect the buildings for a Lunatic Asylum; and that the same shall be raised by a tax to be annually levied, of two and half cents on the hundred dollars of land, and seven and half cents on each taxable poll.

Mr. Keen moved to amend the amendment, by striking out "one hundred thousand," and inserting "fifty thousand," which was disagreed to; and the question then recurring on Mr. Rayner's motion, it was decided in the negative—Yeas 44, Nays 66.

Those who voted in the affirmative were:

Messrs. Barringer, Biggs, D. F. Caldwell, Campbell, Cannady, Coleman, Courts, Dobbin, Edney, Erwin, Farmer, Ferebee, Green, Hargrave, Hayes, Hicks, Keen, Love, Mebane, Miller, McClenahan, Nixon, Paine, Palmer, Peebles, S. J. Person, T. J. Person, Pigot, Proctor, Rayner, Satterthwaite, Scott, Shuford, Skeen, Skinner, Stanly, Stevenson, J. Taylor, Trull, Wadsworth, I. White, Wilkins, Wooten, Russell—44.

Those who voted in the negative were:

Messrs. Allen, Atkin, Ballard, Bean, Blackburn, Brown, Brogden, Cherry, Coffield, Dancy, Davis, Dickson, Doak, Farrow, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Harrison, Hayman, Headen, Herring, Johnson, R. Jones, R. H. Jones, C. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Martin, Mosely, McClees, McDade, T. McDowell, R. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Pegram, Regan, Reinhardt, Sanders, Sheek, Sherard, Simms, Spivey, Steele, Stockard, Stowe, C. H. K. Taylor, Thigpen, Thornton, J. H. White, Walser, J. Williams, T. Williams, C. Williams, Williamson—66.

Mr. Steele then moved to amend the bill by inserting the following as section 5 thereof:

"That the sum of fifty thousand dollars be, and the same is hereby appropriated, for the purpose of constructing said Hospital, and the Treasurer of the State is hereby authorised to borrow that amount of money upon the credit of the State, from the Bank of Cape Fear, in such sums and at such times as the progress of the work may require, and pay the same over to the Commissioners above named, under the restrictions and limitations prescribed in this act. And the Commissioners named in this act, shall be, and they are hereby required, to let out the construction of said buildings to the lowest bidder, and shall require the person or persons, contracting for the building of the same, to enter into bond, with sufficient security, to be judged of by the Commissioners, for their faithful compliance with the terms of the contract."

Mr. Martin moved to amend the amendment, by striking out fifty thousand and inserting twenty-five thousand; pend-

ing which question, the bill and the proposed amendment were, on motion, laid on the table.

The Speaker laid before the House, the resignation of Hon. John W. Ellis, of his seat as a member of this House, from the county of Rowan; whereupon, on motion of Mr. Barringer,

Ordered, That a writ of election issue to the Sheriff of Rowan County, directing him to hold an election in said county, on Friday 29th inst., to supply the vacancy occasioned by said resignation.

And then, on motion of Mr. Mebane, the House adjourned to to-morrow morning, 10 o'clock.

FRIDAY, DEC. 22, 1848.

Mr. Trull presented a memorial from sundry citizens of the county of Anson, protesting against the passage of any act incorporating religious institutions; which was referred to the committee on Propositions and Grievances.

On motion of Mr. S. J. Person,

Ordered, That the committee on Privileges and Elections, have leave to hold their sessions during the sittings of this House.

Mr. Hackney presented the resignation of Josiah Headen, a Justice of the Peace for the county of Chatham; which was read and accepted, and ordered to be sent to the Senate.

Mr. Dobbin introduced a bill to incorporate the Fayetteville and Western Plank road Company; which was read the first time and passed, and on his motion, ordered to be printed.

Mr. Carmichall introduced a bill to extend the authority of Justices of the Peace in the county of Wilkes; and

Mr. Logan a bill to authorise the Chairman of the Board of

Superintendants of Common Schools, in the county of Rutherford, to pay over to the Chairman of the Board of Superintendants of Common Schools for the county of Polk, certain monies; which were severally read the first time and passed, and referred to the Committee on Private Bills.

Mr. Hamrick introduced a bill for the better organization of the militia of the county of Cleveland; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Nicholls introduced a bill to amend the 3rd section of 86th chapter of Revised Statutes, concerning Patrols; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. McClees introduced a bill to amend an act, passed at the session of the General Assembly, 1846-7, entitled, "an act to authorise the laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal, near Matamuskeet Lake, in Hyde county, to Columbia, in Tyrrell county; which was read the first time and passed.

Mr. R. I. McDowell introduced a bill to incorporate Statesville Male Academy, in the county of Iredell; which was read the first time and passed, and referred to the committee on Education.

Mr. Green presented the following Resolution, which was read and adopted:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of authorising the Judges of the Superior Courts, who may be appointed to hold special terms, to hear and determine causes in Equity; and that they report by bill or otherwise.

Mr. J. J. Gamble introduced a bill to lay off and establish a Public Road, begining at Trap Hill, and running across the Blue Ridge, to Gap Civil, in the county of Ashe; which was read the first time and passed, and referred to the committee on Internal Improvements.

Mr. T. S. McDowell presented the following Resolution, which was read and adopted:

Resolved, That the committee on Finance be instructed to enquire into the expediency of increasing the tax on Retailers of Spirituous Liquors; also, of imposing a tax on all waggons, and other vehicles, engaged in the transportation of liquors in counties other than those in which such liquors are manufactured.

On motion of Mr. D. F. Caldwell,

Resolved, That the committee on Education be instructed to enquire into the expediency of allowing the proceeds of all escheated property to be transferred to the Literary Fund, instead of the University, as heretofore.

Mr. Coffield introduced a bill to exempt the officers and soldiers of the North Carolina Regiment from military duty; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. J. H. White introduced a bill, accompanied by a memorial, to alter an act concerning a Road in Iredell County; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Sheek presented the following Resolution, which was read and adopted:

WHEREAS, Different opinions are entertained in regard to the Constitutional right of persons qualified to vote for members of the House of Commons, to vote also for Electors of President and Vice President, and for Governor, in any county they may happen to be in on the day of election, within this State: some inspectors of election believing it to be Constitutional so to vote, and others not:

And whereas, in different counties, and frequently at different precincts in the same county, the inspectors of election view the Constitution in a different way, and either many freemen are deprived of their rights of suffrage, or frequently improper votes are polled; and as a declaratory opinion of the Legislature may be calculated to produce uniformity on the subject—

Be it therefore Resolved, That the subject be referred to the committee on the Judiciary, with instructions to report by resolution or otherwise.

Mr. S. J. Person presented a resolution in favor of James Turner; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Paine, from the Judiciary committee, to whom was referred the memorial of B. H. Stanmire, relative to the land of his grandfather, escheated to the State, reported a resolution in favor of Ailsey Medlin, of Franklin county; which was read the first time and passed.

Mr. Paine from the same committee, reported favorably the Resolution in favor of the Clerk of the County Court of New Hanover; which was read the second time and passed.

Mr. Paine, from the same committee, reported the bill to provide for the taking of depositions of witnesses, to be read in suits pending in other States, with sundry amendments.—The amendments were adopted, and the bill, as amended, read a second time and passed.

Mr. Paine, from the same committee, reported also favorably the bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry and Detainer;" which was read the second time and passed.

Mr. Paine, from the same committee, reported unfavorably the bill to amend an act entitled, "an act concerning the appointment and duties of Clerks and Masters in Equity," and to repeal the first section of the same. The said bill was read a second time, whereupon, Mr. Stanly moved that it be laid on the table, and made the special order for to-morrow afternoon, at 5 o'clock, and the question thereon was decided in the affirmative; yeas 51, nays 45.

Yeas and nays demanded by Mr. Coleman.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, D. F. Caldwell, Campbell, Carmichall, Cherry, Dickson, Doak, Edney, Erwin, Farrow, Ferebee, A. M. Gambell, Green, Hackney, Hargrave, Harrison, Hayman, Hicks, John-

son, Keen, Kelly, Koonce, J. M. Leach, Mast, Mebane, McClees, McClenahan, T. McDowell, R. I. McDowell, McIntosh, Nicholls, Nicholson, Paine, Palmer, Peebles, Rayner, Regan, Russell, Satterthwaite, Skinner, Stanly, Steele, Trull, Wadsworth, J. H. White, Wilkins, Logan, Walser—50.

Those who voted in the negative were :

Messrs. Atkin, Ballard, Blackburn, Brown, Brogden, Cannady, Coleman, Courts, Dancy, Davis, Dobbin, Farmer, Foy, Griggs, Hamrick, Hayes, Herring, R. Jones, C. Jones, R. H. Jones, A. J. Leach, Long, Love, Martin, Mosely, McDade, Newsom, Oglesby, Pegram, S. Person, T. Person, Pigot, Reinhardt, Sheek, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, Thigpen, Thornton, J. Williams, Williamson, Wooten—45.

Mr. Nicholson, from the committee on Claims, reported favorably the resolution in favor of Hall & Kincey, Merchants of the City of Raleigh; which was read the second time and passed.

M. Courts, from the committee on Propositions and Grievances, reported unfavorably the bill to establish a new county by the name of Wilson; which was read the second time, but pending the consideration of the same,

The Chair announced the special order of the day; being the bill to provide for the establishment of a State Hospital for the Insane in North Carolina. The pending question being the amendment proposed by Mr. Steele yesterday.

Mr. Dobbin moved to amend the amendment, by striking out all after the words "Be it enacted," in the 5th section, and inserting the following as section 5th of the bill:

"That a tax of one and three-fourths of a cent shall be levied on every hundred dollars worth of land, and five and one-fourth of a cent shall be levied on every taxable poll, for the space of four years, and that the proceeds arising from said taxation shall be annually, during that period, appropriated for the erection of a Hospital for the Insane, and that the County Courts shall, during that period, have authority to make a proportionate reduction of the poor tax, in their respective counties."

Which amendment was adopted—yeas 94, nays 9.

Yeas and Nays demanded by Mr. Sherard.

Those who voted in the affirmative were:

Messrs. Atkin, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, D. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hamrick, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mebane, Miller, Mosely, McClees, McClenahan, McDade, R. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skinner, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, Wilkins, J. Williams, Wooten—94.

Those who voted in the negative were:

Messrs. Brogden, Farrow, Harrison, Kelly, A. J. Leach, Sherard, J. H. White, T. Williams, Williamson—9.

The question then recurring upon the adoption of the amendment, as amended, it was determined in the affirmative.

Mr. Stanly now moved to amend the bill by adding the following new section.

Be it enacted, That when and after the State's Hospital shall be opened for receiving patients, no insane person who shall be committed to any jail in North Carolina, for safe keeping or for the public security, shall be held and detained therein for a period exceeding two weeks; but said patient shall be by his friends, if they are able, or at public cost, if they are in necessitous circumstances, conveyed to the State Hospital, by and under such form and provisions of this act, as apply to the case.

Which amendment was agreed to.

The question then recurring on the passage of the bill as a-

mended, its second reading, was decided in the affirmative; yeas 90, nays 11.

Yeas and Nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Atkin, Bean, Ballard, Barringer, Biggs, Blackburn, Brown, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, A. Gamble, J. J. Gamble, Green, Griggs, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mebane, Miller, Mosely, McClees, McClenahan, R. I. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skinner, Spivey, Stanly, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Wilkins, J. Williams, Wooten—90.

Those who voted in the negative were:

Messrs. Brogden, Farrow, Hamrick, Harrison, Kelly, A. J. Leach, Reinhardt, Sherard, Steele, J. H. White, Williamson—11.

On motion of Mr. Stanly, the rules were suspended, two thirds of the House concurring, and the bill was read the third time; and the question, "shall the bill pass its third reading?" was decided in the affirmative; yeas 91, nays 10.

Yeas and nays demanded by Mr. Sherard.

Those who voted in the affirmative were:

Messrs. Atkin, Barringer, Bean, Biggs, Blackburn, Brown, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Coleman, Courts, Dancy, Davis, Dickson, Dobbin, Edney Erwin, Farmer, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. H. Jones, C. Jones, R. Jones, Koonce, Keen, Logan, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, R. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, T. J. Person, S. J. Person, Pigot, Proctor, Rayner,

Regan, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skinner, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Wilkins, J. Williams, T. Williams, Wooten—91.

Those who voted in the negative were:

Messrs. Brogden, Farrow, Hamrick, Harrison, Kelly, A. J. Leach, Reinhardt, Sherard, J. H. White, Williamson—10.

Ordered, That the bill be engrossed.

Received from the Senate, a message proposing that when the House adjourn on Saturday next, they shall adjourn until Tuesday, the 26th inst., at 10 o'clock.

Which was read and agreed to.

On motion of Mr. Biggs, the House adjourned.

SATURDAY MORNING, DEC. 23, 1848.

Received from his Excellency, the Governor, a message transmitting the resignation of James Webb, Esq., as a Trustee of the University; which was read and accepted; and ordered to be sent to the Senate.

Mr. J. J. Gamble presented a memorial from citizens of Wilkes county, praying the appropriation of one thousand dollars, to lay off a public road from Wilkesboro', to intersect with the State Road, leading from Jonesville to John Woodruff's, in Ashe county; which was referred to the commit tee on Internal Improvements.

Mr. Mebane presented a bill to repeal an act entitled, "an act to amend the Revised Statutes, entitled Religious Societies;" which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Received from the Senate, a message transmitting the resignation of Alexander Gray, a Justice of the Peace for the county of Guilford; which was read and accepted.

Mr. McClees introduced a bill to amend an act, passed at the session of the last General Assembly, entitled, an act to provide for the apprehension of runaway slaves in the great Dismal Swamp, and for other purposes, and to extend the same; which was read the first time and passed, and referred, on motion of Mr. McClees, to a select committee of three, from the counties of Beaufort, Hyde, and Washington.

Messrs. Stanly, Farrow, and Nicholls, were appointed to compose said committee.

Mr. S. J. Person introduced a bill to incorporate a Mutual Life Insurance Company in North Carolina; which was read the first time and passed, and referred to the Committee on Private Bills.

On motion of Mr. Paine,

Ordered, That a message be sent to the Senate proposing to go into an election at 12 o'clock this day, for a Judge of the Supreme Court, to fill the vacancy created by the resignation of Judge Battle.

Mr. Mebane introduced a bill to amend the 16th Section of 31 Chapter of the Revised Statutes, entitled Courts of Equity; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Courts, from the committee on Propositions and Grievances, reported unfavorably the bill to provide for tax collectors, in the several counties in this State; which was read the second time and rejected.

Mr. Courts, from the same committee, reported back to the House the bill to annex a part of Burke county to the county of Catawba, with an amendment; which was read a second time and laid on the table.

Mr. Dancy, from the committee on Private Bills, reported favorably the following bills; which were severally read the second time and passed, viz:

The bill to incorporate the Grand Lodge of the State of North Carolina, of the Independent Order of Odd Fellows;

The bill to extend the limits of the town of Lincolnton, in Lincoln county;

The bill to incorporate Neuse Lodge, No. 6, in the town of Waynesboro', Wayne county;

The bill to alter and amend the 1st, 3rd, and 4th sections of chapter 94 of the Statutes of 1846-7, entitled, "an act to appoint Commissioners to view and lay off a Road from Asheville, in Buncombe county, to Burnsville, in Yancy county; and

The bill making compensation to Tales-Jurors, in the county of Union.

Mr. Dancy, from the same committee, also reported with an amendment, the bill to exempt the Wardens of the Poor, and the County Trustee for the county of Anson, from performing military duty. (The amendment reported, exempts these officers in the several counties of the State.) The amendment was adopted, and the bill passed its second reading as amended.

Mr. Dancy, also reported favorably, the bill to amend an act entitled, "an act to incorporate the Hickory Nut Turnpike Company," passed at the session of the General Assembly, of 1840-1; which was read the second time, and on motion of Mr. Dancy, recommitted to the committee on Private Bills.

Received from the Senate, a message concurring in the proposition to vote this day at 12 o'clock, for a Judge of the Supreme Court, to fill the unexpired term of Judge Battle, resigned; and informing that Messrs. Exum and Worth, compose their branch of the committee to superintend the election.

Messrs. J. M. Taylor and Hargrave, were appointed the committee for this purpose on the part of the House, and the Senate were informed thereof by message, and that the Hon. R. M. Pearson, was in nomination for the appointment.

Mr. Cherry, from the committee on Education, reported favorably the bill to incorporate the Statesville Male Academy,

in the county of Iredell; which was read the second time and passed, and on motion of Mr. R. I. McDowell, the said bill was taken up, and two thirds of the House concurring, read the third time and passed, and ordered to engrossment.

Mr. Cherry, on behalf of a majority of the committee, reported unfavorably the bill for the better regulation of Common Schools: Mr. Atkin, from a minority of said committee, made a favorable report thereon; which, with the bill, were on Mr. Cherry's motion, ordered to lie on the table.

Mr. Mebane, presented the report of Wm. B. Thompson, Esq., Engineer upon the Cape Fear and Deep Rivers; which on his motion, was ordered to be printed.

Mr. Steele, from the committee on Military Affairs, rsported favorably the following bills, viz:

The bill to incorporate the North Carolina Blues, in the county of Wake;

The bill to alter and amend the 70th section of the Militia Laws;

And the bill to exempt the officers and soldiers of the North Carolina Regiment, from military duty; which were severally read the second time and passed.

Mr. Steele, from the same committee, to whom were referred a resolution instructing them to enquire into the expediency of amending the Militia Laws, so as to give to the rank and file the right of electing Field Officers; also a memorial to the same effect, from the officers of the 71st Regiment, and also sundry memorials from Beaufort county, praying certain amendments in the Militia Laws, made an adverse report thereon, and asked to be discharged from the further consideration of these several subjects.

In which report the House concurred.

The hour having now arrived, under the Joint Order, for the election of Judge of the Supreme Court,

The House voted as follows:

FOR MR. PEARSON:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Brogden, D. F. Caldwell, Cannady, Cherry, Clement, Courts, Dancy, Davis, Dobbin, Ferebee, A. M. Gamble, J. J. Gamble, Hamriek, Hargrave, Harrison, Hayes, Johnson, R. Jones, C. Jones, Keen, Mast, Mebane, Miller, McClees, R. McDowell, McIntosh, McNeill, Nicholls, Oglesby, Palmer, Paine, Pegram, S. Person, Pigot, Rayner, Reinhardt, Russell, Scott, Sherard, Shuford, Skeen, Steele, Stevenson, J. Taylor, Trull, Wadsworth, J. H. White, Wilkins, J. J. Williams, Williamson—55.

FOR MR. STRANGE:

Messrs. Griggs, and Stockard—2.

FOR MR. COLEMAN:

Messrs. Atkin, and A. J. Leach—2.

FOR MR. C. DAVIS:

Messrs. Erwin, and Coleman—2.

FOR MR. GRAHAM:

Messrs. Long, and Stanly—2.

FOR MR. BATTLE—Mr. Farmer.

FOR MR. RODMAN—Mr. Satterthwaite.

FOR MR. CLINGMAN—Mr. Logan.

FOR MR. C. JONES—Mr. Stowe.

On motion of Mr. Mebane,

Resolved, That the use of the Commons Hall be tendered to the North Carolina Bible Society, on the 8th of January next.

Mr. Brogden, from the Select Committee, to whom was referred a bill to locate the county seat of Polk County, on the lands of Elizabeth Jones, in said county, with sundry memorials on the subject, made an adverse report thereon.

On motion of Mr. Logan, the bill was laid on the table.

Mr. Brogden, from the same committee, then reported a bill to repeal the act of 1846-7, entitled "an act to lay off and establish a county by the name of Polk," which was read the first time and passed.

Mr. Satterthwaite, from the Joint Select Committee, to whom was referred certain Resolutions of the Legislature of Alabama, submitted the following Report:

"The Joint Select Committee, to whom was referred the consideration of the Resolutions of the Legislature of Alabama, upon the subject of the repudiation of State Debts, have had the same under consideration; and while your committee fully concur in the opinions expressed in said Resolutions, they are of opinion that the known character of the people of North Carolina, for honesty and integrity, makes it unnecessary for their Representatives in this Legislature, to express their condemnation of the odious principle of repudiation; and they ask to be discharged from the further consideration of said Resolutions.

Respectfully submitted,

F. B. SATTERTHWAITE, Chairman."

The Report was read and concurred in.

Mr. Dancy called up the bill to lay off and establish a new county by the name of Wilson; which, on his motion, was ordered to lie on the table.

Mr. S. J. Person moved that the House do now adjourn; which motion was disagreed.

Mr. Satterthwaite moved that the House take a recess until 4 o'clock this afternoon; which was carried.

SATURDAY AFTERNOON, 4 O'CLOCK.

The bill for the incorporation of the town of Salisbury, was read the third time and passed, and ordered to be engrossed.

In obedience to the special order of yesterday, the House

proceeded to the consideration of the bill to amend an act, entitled an "an act concerning the appointment and duties of Clerks and Masters in Equity," and to repeal the first section of the same; which was read, and after debate, on motion of Mr. Coleman, ordered to lie on the table.

And thereupon, on motion, the House adjourned till Tuesday morning, 10 o'clock.

TUESDAY, DECEMBER 26, 1848.

Received from the Senate, a message transmitting the following engrossed bills, in which they ask the concurrence of the House viz:

A bill to authorise the erection of a Male and Female Academy, in or near the town of Shelby, in Cleveland county; which was read the first time and passed; and

A bill to authorise the further taxation of Costs, in the trial of action at law; which also was read the first time and passed, and on motion of Mr. Satterthwaite, referred to the committee on the Judiciary.

Also, a resolution directing the Governor of the State to appoint a day in every year, as a day of solemn Thanksgiving, and to make proclamation of the same; which was read and adopted, and ordered to be enrolled.

Mr. Hargrave, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that the Hon. R. M. Pearson had received a majority of the whole number of votes, and was therefore duly elected.

Which report was concurred in.

A message from the Senate, transmitting the following engrossed bill, in which they ask the concurrence of the House of Commons:

A bill to lay off and establish a new county by the name of Watauga; which was read the first time and passed, and on motion of Mr. Palmer, referred to the committee on Propositions and Grievances.

Also, a message stating that they had passed the engrossed bill from the House of Commons, entitled a bill to amend an act, entitled an act to amend the laws regulating the Inspection of Turpentine—ratified 14th of January, 1847—with an amendment, in which they ask the concurrence of the House.

On motion of Mr. Stanly, the bill and amendment were laid on the table.

Mr. Satterthwaite called up for consideration, the engrossed bill concerning the Practice of the Law; which was read, and on his motion, referred to the committee on the Judiciary.

Received a message from the Senate, transmitting the following resolution:

Resolved, That the Speaker of the Senate, and the Speaker of the House of Commons, inform the Hon. George E. Badger, of his election as Senator of the United States, for the State of North Carolina, for six years, from and after the 4th March next."

Which was read and adopted.

Also, a message proposing to print the Annual Report of the Treasurer of the University; which was agreed to.

Mr. Miller presented the following Resolution:

Resolved, That this House hold evening Sessions from and after this day.

Which was read and rejected.

Mr. Hayes introduced a bill to amend an act, entitled an act to authorise A. R. S. Hunter, of Macon county, to erect a bridge across the Highwassee River, passed at the session of 1834; also to amend the acts of 1838 and 40;

Which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Williamson presented the resignation of James Smith, Justice of the Peace for the county of Columbus; which was read and accepted, and ordered to be sent to the Senate.

Mr. Atkin introduced a bill, accompanied by a petition from a number of citizens of Yancy county, to attach a portion of Yancy county to the county of Buncombe;

Mr. Coffield, a bill to incorporate the Williamston Library Association, in the county of Martin;

Mr. Coffield, also a bill to amend the acts heretofore passed, for the better regulation of the town of Williamston; which were each read the first time and passed, and referred to the committee on Private Bills.

Mr. Courts, from the committee on Propositions and Grievances, reported the bill to repeal in part, an act entitled, "an act to prevent obstructions to the passage of fish up Tar and Pamlico rivers," passed in the year 1832, with a recommendation that it do not pass; which was read a second time, and on motion of Mr. Stanly, ordered to lie on the table.

Mr. Dancy, from the committee on Private Bills, reported, with sundry amendments, the following bills, viz:

A bill for the better regulation of Public Highways in Rutherford county;

And a bill to amend and consolidate the several acts heretofore passed, for the better regulation of the town of Concord, in the county of Cabarrus. The amendments were agreed to and the bills were severally read the second time and passed.

Mr. Pigot presented a bill to incorporate Concordia Lodge, No. 11, of the I. O. O. F., in the town of Beaufort; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Steele, from the committee on Military Affairs, to whom was referred the bill for the better organization of the Militia of Cleveland county, reported the same with an amendment, which was read and adopted, and the bill as amended, read second time and passed.

The following bills and resolutions were read the third time and passed, and ordered to be engrossed, viz.

A bill to amend an act, passed in 1844-5, entitled, "an act to incorporate the town of Monroe, in the county of Union;"

A bill for the relief of James Stewart, of Cherokee county;

A Resolution in favor of the Clerk of the County Court of Martin;

A resolution in favor of William Angel, of Macon county; and

A bill to extend the time for registering grants, mesne conconveyances, powers of attorney, bills of sale, and deeds of gift;

Mr. Stanly presented the memorial of A. Whitney, concerning a project for a Rail Road from Lake Michigan to the Pacific Ocean; which was read and ordered to be sent to the Senate.

On motion of Mr. Stanly,

Resolved, That Mr. Asa Whitney be allowed the use of the Hall of the House of Commons, this evening, at 7 o'clock, for the purpose of delivering a lecture before the members of the General Assembly, upon his project for a Rail Road from Lake Michigan to the Pacific Ocean.

Mr. Hayes presented a memorial from sundry Cherokee Indians, praying for a grant of a portion of Territory sufficient for their accommodation and support, and that they may come under the Laws of the State, to do Militia duty, work roads, &c.; which was read and ordered to be sent to the Senate, with a proposition to refer it to a committee of five, on the part of the House, and three on the part of the Senate.

The following bills were read the third time, passed, and ordered to be engrossed:

A bill to amend the 1st section of the 109th chapter of the Revised Statutes, entitled "an act concerning Sheriffs;"

A bill to authorise the Inspection of Provisions;

A bill to incorporate Pamlico Encampment, No. 6, of the I. O. O. F., in the town of Washington;

A bill giving to the County Court of Gaston exclusive jurisdiction over a certain Public Road;

A bill to incorporate the Union Company, in the town of Fayetteville;

A bill to secure the more certain administration of Justice;

A bill to alter the time of holding the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions, of the county of Lenoir;

A bill to revise and amend the 7th section of an act, supplemental to an act, passed by the General Assembly in the year 1842, entitled an act to lay off and establish a new county by the name of Catawba;

A bill to amend an act, entitled an act to incorporate the town of Windsor, in the county of Bertie, ratified 5th day of January, 1847;

A bill to incorporate the Newbern Manufacturing Company;

A bill to incorporate Antioch Academy, in the county of Robeson;

A bill to incorporate Covenant Lodge, No. 17, of the I. O. O. F., in the town of Greenville, Pitt county;

A bill to incorporate the Duplin Guards, an Independent Corps of Cavalry, in the county of Duplin;

A bill to amend an act supplemental to an act passed at the session of 1842-3, entitled an act to lay off and establish a county by the name of McDowell;

A bill more effectually to suppress the traffic with slaves, and amendatory of the 75th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments.

A bill to amend an act, entitled an act concerning Weights and Measures. Ratified 7th of January, 1839;

A resolution for the relief of Young Patterson, Clerk of the County Court of Franklin; and

A bill to regulate the duties of Sheriffs.

The bill to provide for a reassessment of the lands in the counties of New Hanover, Johnston, Brunswick, Bladen,

Sampson, Wayne, Onslow, Carteret, Columbus, Edgecomb, Robeson, Cumberland, Duplin, and Jones, was taken up, and on motion of Mr. Satterthwaite, laid on the table.

The bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico rivers, was read the third time, and on motion of Mr. Stanly, ordered to lie on the table.

The bill to amend an act entitled, "an act to tax the venders of foreign made riding vehicles," ratified the 18th January, 1847, was taken up, and read the third time, and on motion of Mr. Satterthwaite, laid on the table.

The bill to improve the Cape Fear and Deep rivers above Fayetteville, was read the third time, and on motion of Mr. Headen, ordered to lie on the table.

The following bills and resolutions were read the third time, passed, and ordered to be engrossed:

A bill to amend an act entitled, "an act to incorporate the Orapeake Canal and Turnpike Company;

A bill to empower the Justices of the Peace of New Hanover county, to sell the Poor House in said county;

A bill to alter the time of holding the Non-Jury terms of the Court of Pleas and Quarter Sessions, for the county of Lincoln;

A resolution in favor of Messrs. Hall and Kincey, Merchants of the City of Raleigh;

A bill to incorporate Union Chapter, No. 17, in the county of Duplin;

A bill to amend the 49th chapter of the Revised Statutes, entitled, "forcible entry and detainer;"

A bill relative to taking depositions;

A resolution for the relief of the Clerk of the County Court of New Hanover;

A bill to incorporate Neuse Lodge, No. 6, in the town of Goldsboro', Wayne county;

A bill to incorporate the Grand Lodge of North Carolina, of the Independent Order of Odd Fellows; and

A bill to alter and amend the 1st, 3rd, and 4th sections of

chapter 94, of the Statutes of 1846-7, entitled, "an act to appoint Commissioners to review and lay off a road from Asheville, in Buncombe county, to Burnsville, in Yancy county.

The bill to extend the limits of the town of Lincolnton, in Lincoln county, was read the third time, and on motion, postponed until to-morrow.

The bill making compensation to the Tales-Jurors in the county of Union, was read the third time, and on motion of Mr. Scott, ordered to lie on the table.

A bill to exempt the wardens of the poor, and the county trustee of the several counties in this State, from militia duty; and

A bill to incorporate the North Carolina Blues, in the county of Wake, were each read the third time and passed, and ordered to be engrossed.

The House then adjourned.

Dennis D. Camden

WEDNESDAY, DEC. 27, 1848.

The Chair presented to the House, a memorial from sundry citizens of Virginia and North Carolina, relative to the improvement of the navigation of Smith's river; which, on motion of Mr. Courts, was referred to the committee on Internal Improvements.

Mr. Ferebee presented a memorial from the Justices of the County Court of Camden, praying the passage of a law authorising said Court to lay a tax sufficient to pay for keeping a Free School in each of the fifteen districts in said county, at the rate of three hundred dollars for ten months in each year, or for a less time than ten months; which, on motion, was referred to the Committee on Finance.

Mr. Stanly presented Resolutions approving of Mr. A. Whit-

ney's plan for a Rail Road to connect the Atlantic and Pacific Oceans; which were read the first and second times and passed. Read also the third time, and

On motion of Mr. Stanly, laid on the table.

Mr. S. J. Person introduced a bill, founded on sundry memorials, to authorize Cornelius Shields to build a Bridge across Bear Creek, in the County of Moore; which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Nicholls introduced a bill to incorporate Plymouth Academy in the town of Plymouth, Washington County; which was read the first time and passed, and referred to the Committee on Private Bills.

A message was received from the Senate, disagreeing to the proposition to raise a Joint Select Committee of seven on the part of the House, and five on the part of the Senate, to take into consideration the propriety of changing the time for holding the State Elections; also,

A message proposing to raise a Joint Select Committee of three on the part of the House, and two on the part of the Senate, to whom shall be referred the memorial of A. Whitney, Esq., on the subject of a Rail Road from Michigan to the Pacific; which was read and agreed to.

The Committee on the part of the House for this purpose, consists of Messrs. Rayner, Dobbin and Satterthwaite.

Received from the Senate, a message concurring in the proposition to raise a Joint Select Committee of five on the part of the House, and three on the part of the Senate, to whom shall be referred the memorials from the Cherokee Indians, and informing that Messrs. Woodfin, Thomas, and Graham, form their branch of said Committee.

The Committee appointed for this purpose on the part of the House are, Messrs. T. R. Caldwell, Stockard, A. Gamble, Palmer and Skinner.

On motion of Mr. Steele,

Resolved, That the committee on military affairs, be requested to enquire of the expediency of so amending the existing laws, as to make it the duty of the Sheriffs of the different counties in this State, to receive and collect all executions for fines and penalties, which may hereafter be issued, under the authority of any company, batallion, regimental, or general court martial; and that they report by bill or otherwise.

On motion of Mr. Brogden,

The House took up for consideration, the bill to repeal the act of 1846-7, entitled, "an act to lay off and establish the county of Polk;" which was read the second time, and on motion, ordered to lie on the table.

Mr. T. R. Caldwell called up for consideration, the bill to extend the corporate limits of the town of Lincolnton, in the county of Lincoln, and for other purposes; which having been read, he moved to amend the same by adding to the first section, the following:

"Except in the direction of Clark's Creek, and the south fork of the Catawba river; and it shall not be lawful to extend the corporate limits of said town, across either Clark's Creek, or the south fork."

Which amendment was rejected; yeas 30, nays 44.

Yeas and Nays demanded by Mr. J. H. White.

Those who voted in the affirmative were:

Messrs. Brown, T. R. Caldwell, Cherry, Coffield, Doak, Erwin, Farrow, Ferebee, J. J. Gamble, Green, Hargrave, Hicks, Johnson, Keen, Logan, Miller, McClees, McClenahan, Nicholls, Oglesby, Paine, Pigot, Rayner, Russell, Skeen, Skinner, Stanly, Steele, Wadsworth, D. F. Caldwell—30.

Those who voted in the negative were:

Messrs. Atkin, Barringer, Bean, Brogden, Cannady, Clement, Coleman, Courts, Dancy, Davis, Foy, A. Gamble, Griggs, Hamrick, Hackney, R. H. Jones, R. Jones, C. Jones, Keen, Long, Martin, McIntosh, McNeill, Newsom, Nicholson, Palmer, S. Person, Reinhardt, Sanders, Sheek, Scott, Shuford, Spivey, Stevenson, Stockard, Stowe, J. Taylor,

Thornton, Trull, Walser, J. H. White, Wilkins, J. Williams, Williamson—44.

Mr. T. R. Caldwell then moved that the bill be indefinitely postponed; which was decided in the negative—yeas 16, nays 55.

Yeas and nays demanded by Mr. Stowe.

Those who voted in the affirmative were:

Messrs. Bean, T. R. Caldwell, Doak, Farrow, Green, Hicks, Johnson, Miller, Nicholls, Oglesby, Proctor, Rayner, Skeen, Stanly, Steele, Wadsworth—16.

Those who voted in the negative were:

Messrs. Atkin, Ballard, Barringer, Brown, Brogden, Cannady, Clement, Coleman, Courts, Dancy, Davis, Dobbin, Ferebee, Foy, A. M. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, R. H. Jones, C. Jones, R. Jones, Keen, Logan, Long, Martin, McClenahan, McDade, R. McDowell, McIntosh, McNeill, Newsom, Nicholson, S. J. Person, Pigot, Reinhardt, Russell, Sanders, Scott, Sheek, Shuford, Skinner, Spivey, Stevenson, Stockard, Stowe, J. Taylor, Thornton, Trull, Walser, J. H. White, Wilkins, J. Williams, Williamson—55.

So the House refused to postpone the bill indefinitely.

Mr. Caldwell then moved to amend the first section of the bill by striking out "one mile," and inserting "three miles;" which was decided in the negative—yeas 5, nays 64.

Yeas and nays demanded by Mr. Caldwell.

Those who voted in the affirmative were:

Messrs. T. R. Caldwell, Farrow, Green, Miller, Stanly—5.

Those who voted in the negative were:

Messrs. Atkin, Ballard, Barringer, Bean, Blackburn, Brown, Brogden, D. F. Caldwell, Cannady, Clement, Coffield, Coleman, Courts, Davis, Dancy, Doak, Dobbin, Erwin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Harrison, Hayes, Hicks, Johnson, R. Jones, C. Jones, Logan, Martin, McClenahan, McDade, R. I. McDowell, McIn-

tosh, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Palmer, S. Person, Pigot, Rayner, Reinhardt, Sanders, Scott, Sheek, Shuford, Skeen, Skinner, Spivey, Steele, Stockard, Stowe, J. Taylor, Thornton, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, Williamson—64.

The bill then passed its third reading, and was ordered to be engrossed.

Mr. Atkin presented the following Resolution:

WHEREAS, The time is rapidly approaching, when the present session of the Legislature must come to a close: *And whereas*, it is proper that every means should be used to expedite the business: Therefore,

Be it Resolved, That this House hold Night Sessions, beginning at 7 o'clock, from and after to-day.

Mr. Williamson moved to amend the resolution by striking out all after the word, "Resolved," and inserting, "that this House hold afternoon sessions from and after Monday next, for the balance of the session," which amendment was rejected; and thereupon, on motion of Mr. Spivey, the resolution was laid upon the table.

Mr. Rayner presented a resolution, directing the Secretary, Treasurer, and Comptroller of State, to rent out the buildings and grounds enclosed on Burke Square, in the City of Raleigh; which was read the first time and passed.

Mr. Cherry presented the resignation of Wm. S. Pruden, a Justice of the Peace of Bertie county; and

Mr. Hicks, the resignation of Alfred Hall, a Justice of the Peace for Macon county; which were read and accepted, and ordered to be sent to the Senate.

Mr. Hicks presented a memorial from sundry Indians of the Cherokee Tribe, praying a grant of land, sufficient for their support and accommodation, and to come under the laws of the State, to do militia duty, work roads, &c; which was referred to the Joint Select committee, heretofore raised on like memorials.

A motion was made by Mr. Stanly, that the House do reconsider the vote of yesterday, by which was passed, its third

reading, a bill more effectually to suppress the traffic with slaves, and amendatory of 75th section of 34th chapter of Revised Statutes, entitled, "Crimes and Punishments;" which motion was carried. Mr. Stanly then moved to amend by adding the following section:

"*And be it further enacted*, That no bill of indictment shall be found, or presentment made, by the Grand Jury of any county in this State, for any violation of said 75th and 79th sections, unless such indictment be commenced within two years after such violation."

Which amendment was adopted.

Mr. J. J. Williams moved to amend the first section, by inserting after the words, "manufactured or not," the words, "nor fowls of any kind." Mr. Griggs moved to amend the amendment by inserting the words, "or eggs," after the word fowls, which was disagreed to; and the question recurring on the amendment proposed by Mr. Williams, it was determined in the affirmative, and thereupon the bill passed its third reading as amended, and was ordered to be engrossed.

Mr. Courts, from the committee on Propositions and Grievances, reported unfavorably the bill to authorise John Gay to construct dams and traps on the Pedee River, in Richmond county; which was read the second time, and on Mr. Steele's motion, laid upon the table.

On motion of Mr. Biggs, the House then adjourned.

THURSDAY, DEC. 28, 1848.

A message was received from the Senate, proposing to raise a Joint Select Committee of four on the part of each House, to make the necessary arrangements for inducting into office the Governor elect, on the 1st day of January next.

Which was read and agreed to; and Messrs. Ferebee, Thornton, Erwin, and Spivey, were appointed said committee on behalf of the House.

Received from the Senate a message, transmitting the following engrossed bills and resolutions, in which they ask the concurrence of the House of Commons:

A bill to authorise Elijah S. Moore, late Sheriff of Caldwell county, to collect the arrears of taxes due him;

A resolution in favor of Thomas Loring;

A resolution in favor of James W. Walton;

A bill for the better protection of seins and nets;

A bill to extend the time for the duration of the charter for erecting a Bridge across Pasquotank River;

A bill to revive an act, passed in the year 1842, entitled an act to establish and incorporate a town at Onslow Court House, in the county of Onslow, by the name of Jacksonville;

A bill for the further protection of Wake Forest College;

A bill to incorporate the Perquimans Academy;

A bill to incorporate Achoree Lodge, No. 14, of the Independent Order of Odd Fellows;

A bill to incorporate the Charlotte Engine Company; and

A bill to incorporate Tosnot Depot and Hickory Grove in the County of Edgecomb, into a town by the name of Wilson.

The said bills and resolutions were severally read the first time and passed.

Mr. Wilkins presented a memorial from sundry citizens of Polk county, praying an amendment of the law regulating the width of Public Roads in that county; which, on his motion, was referred to the committee on Private Bills.

Mr. Mast introduced a bill to repeal the second section of 56th chapter of Revised Statutes; and

Mr. Pigot, a bill to provide for the more speedy and convenient administration of Justice in the county of Carteret; which were severally read the first time and passed, and referred to the committee on the Judiciary.

Mr. Wilkins introduced a bill, granting to the Superior

Courts of Polk County, exclusive jurisdiction in all cases, where the intervention of a jury may be necessary; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Satterthwaite introduced a bill to incorporate the South Creek Land Company; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Courts, from the committee on Propositions and Grievances, reported adversely the bill to lay off and establish a new county, out of portions of Iredell, Wilkes, and Surry, by the name of Williams; which was read a second time, and on motion of Mr. McIntosh, laid upon the table.

Mr. Courts, from the same committee, reported favorably the engrossed bill to lay off and establish a new county, by the name of Watauga. The bill was read the second time, when Mr. Coleman moved that it be laid on the table, which was disagreed to. And thereupon, on motion of Mr. Stanly, the consideration of the bill was postponed till Saturday next, and made the special order of the day, for that day, at 11 o'clock.

Mr. Dancy, from the committee on Private Bills, reported favorably and without amendment, the bill to attach a portion of Yancy county to the county of Buncombe. The bill was read a second time, when Mr. T. R. Caldwell moved that it be laid upon the table, which was not carried. The bill then passed its second reading.

Mr. Dancy, from the same committee, reported with an amendment, the bill to extend the authority of Justices of the Peace, in the county of Wilkes. The amendment was adopted, and the bill was read a second time, and, on motion of Mr. J. J. Gamble, ordered to lie on the table.

Mr. Dancy, from the same committee, reported favorably the bill to incorporate the Martin and Bertie Turnpike Company; and also, the bill to authorise the Chairman of the Board of Superintendants of Common Schools, in the county of Rutherford, to pay over to the Chairman of the Board of Superintendants of Common Schools for the county of Polk,

certain monies; which were severally read the second time and passed.

Mr. Dancy, from the same committee, reported the bill to amend an act entitled an act to incorporate the Hickory Nut Turnpike Company, passed at the session of the General Assembly of 1840-41, with an amendment; which amendment was agreed to, and the bill read a second time and passed.

Mr. Dancy, from the same committee, reported unfavorably the resolution in favor of James Turner; which was read a second time and rejected.

Mr. Dancy, from the same committee, reported without amendment, the bill to authorise A. H. Erwin to establish a toll bridge over the Catawba river, in the county of Burke. The bill having been read a second time, Mr. T. R. Caldwell moved to amend the first section thereof (by reducing the rates of tolls on five or six horse waggons, to sixty-two and a half cents; on four horse waggons, to thirty-seven and a half cents; on two horse waggons, to twenty cents; and on one horse waggons, to twelve and a half cents,) pending the consideration whereof, on motion of Mr. Erwin, the bill was ordered to be recommitted to the committee on Private Bills.

Received from the Senate, a message asking the concurrence of this House in the appointment of the following persons as Justtices of the Peace, for the county of Lenoir, viz: Newett Edwards, Geo. W. Venters, Jas. W. Morris, Henry F. Bond, John Pearce, and James Parrot; in which appointments the House concurred.

Mr. Cherry, from the Select Committee, to whom was referred the bill concerning fishing in the Albemarle and Croatan Sounds, and in the different rivers emptying therein; also in the creeks emptying in said rivers, reported the same back to the House, with a recommendation against its passage. The bill was read a second time, when Mr. Cherry moved that it be indefinitely postponed: this motion was disagreed to; ayes 40, nays 49.

Yeas and Nays demanded by Mr. Dancy.

Those who voted in the affirmative were:

Messrs. Atkin, Barringer, Bean, Biggs, Blackburn, Blow, Brown, T. R. Caldwell, D. F. Caldwell, Cherry, Farrow, Ferebee, J. J. Gamble, Green, Griggs, Hargrave, C. Jones, Keen, Logan, Mast, McClees, McClenahan, McDade, R. I. McDowell, McNeill, Nicholls, Oglesby, Paine, Palmer, Pigot, Proctor, Russell, Scott, Sherard, Skeen, Skinner, Stanly, Steele, Stowe, Wadsworth—40.

Those who voted in the negative were:

Messrs. Ballard, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Doak, Erwin, Foy, A. M. Gamble, Hackney, Hamrick, Harrison, Hayes, Hicks, Johnson, R. Jones, R. H. Jones, A. J. Leach, Long, Martin, Miller, McIntosh, McMullen, Newsom, Nicholson, Pegram, S. Person, Rayner, Reinhardt, Sanders, Satterthwaite, Sheek, Shuford, Simms, Smith, Stevenson, Stockard, J. Taylor, Trull, Thornton, Walser, I. White, Wilkins, J. J. Williams, Williamson—49.

Mr. Paine then moved that the bill be laid upon the table, which motion was not carried; and thereupon, he moved to postpone the consideration of the same to Monday next, which was also disagreed to; and then,

On motion of Mr. Rayner, it was

Ordered, That the further consideration of the bill be postponed till Saturday next, and made the special order of the day for that day, at 12 o'clock.

On motion of Mr. Barringer, the bill for the more certain and speedy administration of Justice, was taken up, and was ordered to be made the special order of the day for Tuesday next.

A message was received from his Excellency, the Governor, suggesting that there were four vacancies in the Board of Trustees of the University, instead of three, as heretofore stated; which was read, and, on motion of Mr. Biggs, ordered to be sent to the Senate.

Mr. Dobbin, from the Select Committee, to whom were referred the Resolutions introduced by Mr. Steele, of Richmond, upon the power of Congress over the Territories of the United

States, reported the same back to the House, with the following amendment, and recommended its adoption as a substitute for said Resolutions; Strike out all after the first word "Resolved," and insert:

1. That the States came into the Union as equals; and that the citizens of each State are entitled to equal rights, privileges and immunities, under the Constitution of the United States.

2. *Resolved*, That the proceedings of the Convention, by which the Federal Constitution was framed, clearly demonstrate that the institution of slavery was maturely considered; and that the union of the States was finally secured, by incorporating into that instrument, distinct and ample guaranties of the rights of the slaveholder.

3. *Resolved*, That we view, with deep concern and alarm, the constant aggressions on the rights of the slaveholder, by certain reckless politicians of the North, and that the recent proceedings of Congress on the subject of slavery, are fraught with mischief, well calculated to disturb the peace of our Country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

4. *Resolved*, That the enactment of any law by Congress, which shall directly or indirectly, deprive the citizens of any of the States, of the right of emigrating with their slave property, into any of the territories of the United States, and of exercising ownership over the same, while in said territories, will be an act not only of injustice and wrong, but the exercise of power contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof.

5. *Resolved*, That while we do not intend hereby to be understood as conceding that Congress has the power, under the Constitution, to enact a law, prohibiting slavery in any portion of the territories of the United States, yet for the sake of preserving the peace, and promoting the prosperity of the Union, we are willing that the basis of the Missouri Compromise

should be adopted, in reference to the recently acquired territories of New Mexico and California, by extending the line then agreed upon, to the Pacific Ocean.

6. *Resolved*, That a copy of the foregoing Resolutions be signed by the Speaker of Senate, and House of Commons, and forwarded to our Senators and Representatives in Congress, with a request that they be laid before their respective Houses.

The foregoing Resolutions were read, and on motion of Mr. Biggs, ordered to be printed, and made the special order of the day for Wednesday next.

On motion of Mr. Courts,

Ordered, That a message be sent to the Senate, proposing to go into an election on Monday next, at 11 o'clock, of four Trustees of the University.

On motion of Mr. T. R. Caldwell,

The bill to establish a new county by the name of Lafayette, was taken up; and pending the consideration thereof,

On motion of Mr. Spivey, the House adjourned.

FRIDAY, DEC. 29, 1848.

A message was received from the Senate, transmitting the following resolution, in which they ask the concurrence of the House, viz :

Resolved, That the Principal Clerks of the two Houses of the General Assembly, be directed to dismiss the Engrossing Clerks who have been appointed by them at the present session, and appoint others, who will remain at their posts and discharge the duties assigned them.

Which was read, and on motion of Mr. Mebane, postponed indefinitely.

Received also, a message from the Senate, transmitting the following engrossed bills, in which they ask the concurrence of this House, viz:

A bill to appoint Commissioners for the new bridge on the French Broad river, in Buncombe county; and

A bill to incorporate the Union Manufacturing Company; which were severally read the first time and passed.

Mr. Coleman introduced a bill for the relief of certain citizens of Buncombe county; which was read the first time and passed, and ordered, on Mr. Coleman's motion, to be printed, and referred to the committee on Propositions and Grievances.

Mr. Ballard introduced a bill to provide for the better government and regulation of the town of Gatesville, in Gates county; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Hicks introduced a bill to incorporate the Macon County Cavalry; and

Mr. Stockard, a bill to prevent the felling of timber in the Alamance river in Orange County; which were severally read the first time and passed.

Mr. Barringer introduced a bill concerning appeals from Justices' Judgments; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Ferebee introduced a bill to prevent fishing near the mouth of Raymond's Creek, in Camden county; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

On motion of Mr. Miller,

Ordered, That a message be sent to the Senate, proposing to set apart to-morrow for the appointment of Justices of the Peace.

The Speaker announced Mr. Mebane, of Orange, as a member of the Judiciary Committee, in the place of John W. Ellis, Esq. resigned.

On motion of Mr. Stanly,

Resolved, That a message be sent to the Senate, proposing to adopt the following as one of the Joint Rules for both Houses:

"There shall be a Joint Committee on Public Buildings and Grounds, consisting of three Members on the part of the House of Commons, and two on the part of the Senate, whose duty it shall be to consider all subjects relating to the Public Edifices, and grounds within the City of Raleigh, which may be referred to them, and report such propositions relating thereto, as may seem to them expedient."

Mr. Nicholls introduced a bill to amend the 75th section of 102d chapter, Revised Statutes; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Sheek introduced a bill to amend the third section of the Revised Statutes, chapter 73d, exempting certain persons from performing military duty; which was read the first time and passed, and referred to the committee on Military Affairs.

A message was received from the Senate, transmitting the following engrossed bills, in which they ask the concurrence of the House of Commons, to-wit:

A bill extending the time of perfecting titles to lands heretofore entered, which was read the first time and passed;

A bill to establish a Toll Bridge on French Broad River; and

A bill to provide for the settlement of estates in the hands of Executors and Administrators, and for the relief of the same, which were severally read the second time and passed, and referred to the committee on the Judiciary; and also,

A resolution in favor of Thomas Reddick, Sheriff of Gates county, which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Atkin presented the following Resolution:

Resolved by the House of Commons, the Senate concurring herein, that this General Assembly will adjourn *sine die*, on the 15th day of January next.

A motion was made by Mr. Wadsworth, that the resolution do lie upon the table, and it passed in the affirmative; Yeas 59, Nays 37.

Yeas and Nays being demanded by Mr. Atkin.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, Brown, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Coffield, Davis, Dickson, Dobbin, Edney, Erwin, Foy, A. M. Gamble, J. J. Gamble, Hackney, Hamrick, Harrison, Hayman, Hayes, Herring, Hicks, Johnson, R. Jones, Kelly, Koonce, Logan, Martin, Mebane, McDade, R. I. McDowell, McIntosh, McNeill, Nicholls, Nicholson, Pegram, S. Person, Pigot, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Skeen, Spivey, Stanly, Steele, Stevenson, Wadsworth, Walser, I. White, J. H. White, Wooten—59.

Those who voted in the negative were:

Messrs. Atkin, Ballard, Cannady, Cherry, Courts, Dancy, Doak, Farmer, Farrow, Ferebee, Griggs, Hargrave, R. H. Jones, Keen, A. J. Leach, Love, Miller, McClees, McClenahan, McMullen, Newsom, Oglesby, Paine, Palmer, Proctor, Reinhardt, Shuford, Simms, Skinner, Smith, Stowe, Thigpen, Thornton, Trull, Wilkins, J. Williams, Williamson—37.

So the Resolution was laid on the table.

Mr. Dancy, from the committee on Private Bills, reported, without amendment, the following bills, which had been referred to that committee:

A bill to incorporate Concordia Lodge, No. 11, of the Independent Order of Odd Fellows, in the town of Beaufort;

A bill to incorporate Phalanx Lodge, No. 31, of Ancient York Masons, in the town of Charlotte;

A bill to incorporate a Mutual Life Insurance Company, in North Carolina; which were severally read the second time and passed.

Mr. Rayner, from the committee on Internal Improvements, to whom were referred the bill to clear out White Marsh, Sev-

en Creeks, Porter Swamp, and Gap-way Swamps, in the county of Columbus, reported the same back to the House, with a recommendation that it do not pass. The bill was read the second time, when,

Mr. Brogden moved that it be laid upon the table; which motion was not carried.

A motion was then made by Mr. Rayner, that the bill be indefinitely postponed, but this he subsequently withdrew; when, on motion of Mr. Stevenson, the House reconsidered the vote by which on Mr. Brogden's motion, it refused to lay the bill on the table, and the same motion being now renewed by Mr. Stevenson, was carried.

Mr. Rayner, from the same committee, reported, without amendment, the bill to authorise William R. Abbott, to cut a canal and make a road therein; which was read a second time and passed.

Mr. Courts, from the committee on Propositions and Grievances, reported, without amendment, the following bills:

A bill to alter an act concerning a road in Iredell county;

A bill to amend an act entitled, "an act to authorise A. R. S. Hunter, of Macon county, to erect a bridge across the Hiwassee river, passed at the session of 1834; Also,

To amend the acts of 1838-40;

And a bill to authorise Cornelius Shields, to build a bridge across Bear Creek, in the county of Moore, which were severally read the second time and passed.

Mr. Steele, from the committee on Military Affairs, to whom was referred the bill to amend the 73d chapter of the Revised Statutes, entitled, "an act concerning the militia of this State," and for other purposes, reported the same, with an amendment which the committee recommend as a substitute for said bill. The amendment was adopted, and on motion of Mr. D. F. Caldwell, it was ordered that the bill, with the amendment be laid upon the table, and the amendment be printed.

Mr. Steele, from the same committee, reported favorably the bill to incorporate the Wake County Rifle Company, which was read the second time and passed.

Mr. Steele, from the same committee, reported adversely upon the proceedings of the officers of 62d Regiment, at a Convention held in Concord on 11th October last, and asked to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Satterthwaite, from the Joint Select committee, to whom was referred the memorial of Asa Whitney, Esq., reported the following resolutions:

1. *Resolved, by the General Assembly of the State of North Carolina,* That we approve of the project of Mr. Asa Whitney, of New York, for the construction of a Rail Road from Lake Michigan to the Pacific Ocean—it being an individual enterprise.

2. *Resolved,* That his Excellency, the Governor, be, and he is hereby requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Governors of the several States of this Union.

Which were read the first time and passed.

On motion of Mr. Satterthwaite, the rules were suspended, and the resolution read a second time and passed. On motion, they were also read a third time, and the question, "shall the resolutions pass their third reading?" was decided in the affirmative; yeas 70, nays 24.

Yeas and nays demanded by Mr. Farrow.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Biggs, Brown, D. F. Caldwell, Campbell, Carmichall, Courts, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Hargrave, Hayes, Headen, Hicks, C. Jones, R. H. Jones, Keen, Koonce, A. J. Leach, Logan, Mast, Mebane, McClenahan, McDade, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Paine, Palmer, Pegram, S. J. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stowe, Thornton, Wadsworth, J. H. White, I. White, J. Williams, Wilkins, Williamson—70.

Those who voted in the negative were:

Messrs. Blackburn, Blow, Brogden, Cannady, Coffield, Farrow, Green, Griggs, Hackney, Hamrick, Harrison, Hayman, Herring, Johnson, R. Jones, Kelly, Martin, Miller, Simms, Stockard, Thigpen, Trull, Walser, Wooten—24.

Ordered, that the resolutions be engrossed.

On motion of Mr. Brogden, the House proceeded to the consideration of the bill to locate the county seat of Polk county, on the lands of Mrs. Elizabeth Jones, in said county; the pending question being on the adoption of the amendment reported by the select committee, to wit: to strike out all after the enacting clause, and insert: "That the act passed at the session of the General Assembly of 1846-7, entitled, "an act to lay off and establish a county by the name of Polk," be, and the same is hereby repealed; and that this act shall be in force from and after its ratification."

Which amendment was adopted; and the question then recurring on the passage of the bill as amended, its second reading, was decided in the affirmative; yeas 84, nays 11.

Yeas and nays demanded by Mr. Logan,

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blow, Brown, Brogden, D. F. Caldwell, Campbell, Cannady, Cherry, Courts, Carmichall, Coffield, Dancy, Davis, Dickson, Doak, Dobbin, Erwin, Farrow, Ferebee, Foy, J. Gamble, Green, Griggs, Hackney, Hargrave, Harrison, Hayman, Hayes, Herring, Hicks, Johnson, R. Jones, R. H. Jones, C. Jones, Kelly, Koonce, A. J. Leach, Martin, Mebane, McClees, McClenahan, McDade, R. I. McDowell, McMullen, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Palmer, S. Person, Pigot, Proctor, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, I. White, Wilkins, J. Williams, Williamson Wooten—84.

Those who voted in the negative were:

Messrs. Blackburn, T. R. Caldwell, Clement, Edney, Hamrick, Logan, Miller, McIntosh, Paine, Rayner, Trull—11.

Mr. Hicks moved that the House do now adjourn, which was not carried.

On motion of Mr. Dobbin,

The bill to establish the Bank of Fayetteville, was taken up, and made the special order of the day, for Tuesday next, at 11 o'clock.

And, on motion of Mr. Steele, the House adjourned.

SATURDAY, DEC. 30, 1848.

Mr. Hayman, at his own request, was excused from serving on the committee on the Deaf and Dumb School; and Mr. Sanders, was appointed in his stead.

A message was received from the Senate, transmitting the engrossed bill to amend the 15th section of the 102nd chapter of the Revised Code, and asking the concurrence of this House therein.

The said bill was read the first time and passed.

Also, a message agreeing to the proposition to vote for four Trustees of the University, on Monday at 11 o'clock; and informing, that Messrs. Murchison and Albright compose the Senate branch of the Committee to superintend the election.

Mr. Cannady presented the memorial of sundry citizens of Granville, praying the passage of an act incorporating the "Granville Mechanics' Savings' Bank;" which, on his motion, was referred to a select committee of five.

Said Committee consists of Messrs. Cannady, Dobbin, Skinner, McMullen and Hargrave.

Mr. Headen presented the resignation of A. J. Baldwin, a Justice of the Peace for Chatham County; which was read and accepted, and ordered to be sent to the Senate.

Mr. J. J. Gamble presented the memorial of certain citizens of Wilkes County, praying the passage of an act to lay off and open a Public Road from Trap Hill, in said county, to the Virginia line, in the direction of the Salt Works; which was referred to the committee on Internal Improvements.

Mr. T. R. Caldwell introduced a bill apportioning Representatives between Burke and McDowell Counties; and,

Mr. Miller introduced a bill to establish the Cranberry Manufacturing Company, which were severally read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Wilkins presented the following Resolution:

Resolved, That from and after Monday next, this House will take a recess at half after one o'clock, until three o'clock, P. M.

Mr. Stanly moved to lay the Resolution on the table; which motion was disagreed to—Yeas 14, Nays 86.

Yeas and Nays demanded by Mr. R. I. McDowell.

Those who voted in the affirmative were:

Messrs. Blow, T. R. Caldwell, D. F. Caldwell, Edney, Erwin, Green, Hayman, Hicks, J. M. Leach, Nicholls, Proctor, Rayner, Stanly, Stowe —14.

Those who voted in the negative were:

Messrs. Allen, Atkin, Barringer, Bean, Biggs, Blackburn, Brown, Campbell, Cannady, Carmichael, Clement, Coffield, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Herring, Johnson, R. H. Jones, C. Jones, R. Jones, Keen, Kelly, Koonce, A. J. Leach, Logan, Martin, Mebane, Miller, McClees, McClenahan, McDade, T. McDowell, R. McDowell, McMullen, McIntosh, Newsom, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. J. Person, Pigot, Reinhardt, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Steele, Stevenson, Stockard, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, Wilkins, J. Williams, T. Williams, Williamson, Wooten—86.

So the House refused to lay the resolution on the table; and the question then recurring on the adoption of the Resolution, was determined in the affirmative.

Mr. Johnson presented a resolution, directing the Treasurer to pay interest on certain debts of State; which was read the first time and passed and referred to the committee on Finance.

Mr. Barringer moved to take up the the bill to incorporate the Charlotte and Danville Railroad Company, and that it be made the special order of the day for Tuesday next, at 3 o'clock, P. M.

Mr. Stevenson moved to amend the motion by striking out "Tuesday," aad inserting, "Thursday," but subsequently withdrew, when the motion of Mr. Barringer passed in the affirmative.

Mr. Ferebee, from the committee appointed to make arrangements for the inauguration of the Governor elect, submitted the following report, which was read and concurred in:

"The committee appointed to make arrangements for the inauguration of the Governor elect, ask leave to make the following report: That the Speakers of the two Houses will occupy the place at the Speaker's table, in the Commons Hall, and that the Governor elect and Ex-Governor, will occupy the place at the Clerk's table. The Chief Justice and Judges of the Supreme Court will occupy the seats in front of the Clerk's table, and the committee of arrangements immediately in front of the Judges of the Supreme Court.

"The Members of the Senate, will sit on the right of the Speaker's Chair in the Commons Hall, which will be set apart for that purpose; and after the Governor elect shall have taken and subscribed the oaths of office, in the presence of the members of both branches of the General Assembly, the Speaker of the Senate will announce that the Senators will retire to the Senate Chamber, and thereupon the Governor, Judges, and Committee of Arrangements, will first retire, and the Speaker of the Senate will retire at the head of the members of the Senate.

D. D. FEREBEE, Ch'm'n
of Com. on part of House Commons.

Received from his Excellency, the Governor, a message transmitting a letter and memorial from David Patton, of Edinburg, Architect, asking compensation for his services in superintending the building of the State Capitol; which, on motion of Mr. Courts, was ordered to lie upon the table.

In obedience to the special order, the House now proceeded to the consideration of the engrossed bill to lay off and establish a new county by the name of Watauga; which was read the second time and passed; yeas 79, nays 22.

Yeas and Nays demanded by Mr. Spivey.

Those who voted in the affirmative were:

Messrs. Allen, Atkin, Ballard, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Cannady, Carmichall, Cherry, Clement, Coleman, Courts, Doak, Dobbin, Edney, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, A. M. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayes, Herring, Hicks, Johnson, R. Jones, Keen, J. M. Leach, A. J. Leach, Logan, Mast, Mebane, Miller, Mosely, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, Newsom, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, Pigot, Proctor, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Smith, Stockard, Stowe, J. Taylor, Thornton, Trull, Walser, I. White, J. H. White, Wilkins, J. J. Williams, T. Williams—79.

Those who voted in the negative were:

Messrs. Barringer, Blow, Coffield, Davis, Dickson, Foy, Green, Hayman, C. Jones, Kelly, Koonce, Martin, McClees, T. McDowell, Nicholls, Rayner, Simms, Spivey, Stanly, Thigpen, Wadsworth, Wooten—22.

So the bill passed its second reading.

Mr. Spivey moved that the House do now adjourn till Monday morning 10 o'clock; which motion was not agreed to.

Mr. Dobbin asked for, and obtained leave of absence from the House for a week, for Mr. Dancy of Edgecomb.

On motion of Mr. R. I. McDowell,

The bill to establish a new county by the name of Graham,

was taken up and made the special order of the day for Monday next, at 3 o'clock, P. M.

The House now proceeded to the consideration of the special order for 12 o'clock of this day; being the bill concerning fishing in the Albemarle and Croatan Sounds, and the different rivers emptying therein; the pending question being the amendment offered by Mr. Stanly on 28th inst.

Mr. Ballard moved to postpone the further consideration of the bill till Thursday next, and that it be made the special order of the day for that day, at 12 o'clock. The motion was disagreed to.

Mr. Satterthwaite moved that the House adjourn to Monday morning, 10 o'clock; which motion was disagreed to; yeas 26, nays 67.

The yeas and nays being demanded by Mr. Hayman.

Those who voted in the affirmative were:

Messrs. Allen, T. R. Caldwell, Carmichall, Davis, Dickson, Farrow, J. J. Gamble, Green, Hamrick, Hayes, Hicks, R. Jones, Long, Mast, McClenahan, Nicholls, Pegram, S. Person, Sanders, Satterthwaite, Sherard, Smith, J. H. White, J. Williams, T. Williams, Wooten—26.

Those who voted in the negative were:

Messrs. Atkin, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, D. F. Caldwell, Campbell, Cannady, Cherry, Coffield, Courts, Doak, Edney, Erwin, Ferebee, Foy, A. M. Gamble, Griggs, Hackney, Hargrave, Harrison, Hayman, Johnson, C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Martin, Miller, Mosely, McClees, McDade, R. I. McDowell, McIntosh, McMullen, Newsom, Nicholson, Nixon, Oglesby, Paine, Palmer, Pigot, Proctor, Rayner, Reinhardt, Russell, Scott, Sheek, Shuford, Simms, Skeen, Spivey, Stanly, Stockard, Stowe, J. Taylor, Thornton, Wadsworth, Walser, I. White, Wilkins, Williamson—67.

Mr. Stanly then withdrew his motion to amend the bill, and thereupon, Mr. Smith moved that the House adjourn, and upon this question, called for the yeas and nays. The question was determined in the negative; yeas 18, nays 78.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Carmichall, Coffield, Dancy, Davis, R. Jones, Long, McClenahan, Pegram, S. Person, Satterthwaite, Smith, Walser, J. H. White, J. Williams, T. Williams, Wooten—18.

Those who voted in the negative were:

Messrs. Allen, Atkin, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Cherry, Courts, Dickson, Doak, Edney, Erwin, Farrow, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Herring, Hicks, Johnson, C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Martin, Mast, Mebane, Miller, Mosely, McClees, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pigot, Proctor, Rayner, Reinhardt, Russell, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Spivey, Stanly, Stevenson, Stockard, Stowe, J. Taylor, Thornton, I. White, Wadsworth, Williamson, Wilkins—78.

So the House refused to adjourn.

Mr. S. J. Person moved that the bill be laid upon the table; which motion was not carried.

A motion was then made by Mr. Wooten, that the House take a recess untill 4 o'clock this afternoon; which motion was disagreed to.

Mr. D. F. Caldwell moved that the bill be indefinitely postponed, which was determined in the negative; yeas 40, nays 49.

Yeas and nays demanded by Mr. Dancy.

Those who voted in the affirmative were:

Messrs. Atkin, Barringer, Bean, Biggs, Blackburn, Blow, Brown, T. Caldwell, D. Caldwell, Cherry, Farrow, Ferebee, J. J. Gamble, Griggs, Green, Hargrave, C. Jones, Keen, Logan, Mast, McClees, McClenahan, McDade, R. I. McDowell, McNeill, Nicholls, Oglesby, Paine, Palmer, Pigot, Proctor, Russell, Scott, Sherard, Skeen, Skinner, Stanly, Steele, Stowe, Wadsworth—40.

Those who voted in the negative were:

Messrs. Ballard, Brogden, Cannady, Clement, Coffield, Coleman,

Courts, Dancy, Davis, Doak, Erwin, Foy, A. M. Gamble, Hamrick, Hackney, Harrison, Hayes, Hicks, Johnson, R. Jones, R. H. Jones, A. J. Leach, Long, Martin, Miller, McIntosh, McMullen, Newsom, Nicholson, Pegram, S. Person, Rayner, Reinhardt, Sanders, Satterthwaite, Sheek, Shuford, Simms, Smith, Stevenson, Stockard, J. Taylor, Thornton, Trull, Walser, I. White, J. Williams, Williamson, Wilkins —49.

So the House refused to postpone indefinitely.

And then, on motion of Mr. Dobbin, the House adjourned till Monday morning, 10 o'clock.

MONDAY, JANUARY 1, 1849.

Received from the Senate, a message agreeing to the proposition to appoint a Joint Select committee on Public Buildings and grounds, and informing that Messrs. Patterson and Hawkins, form their branch of said committee.

The committee on this subject, on the part of the House, are Messrs. Satterthwaite, S. J. Person, and McClenahan.

On motion of Mr. Mebane,

The House took up the bill to improve the Cape Fear and Deep rivers, above Fayetteville; which was read the third time and passed, and ordered to be engrossed.

Mr. Satterthwaite called up the bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico rivers; which was read the third time and passed; yeas 64, nays 24.

Yeas and nays demanded by Mr. Hayman,

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Bean, Blackburn, Blow, Brogden, T. R. Caldwell, Campbell, Cannady, Carmichall, Clement, Coffield, Courts, Davis, Dickson, Doak, Dobbin, Edney, Farmer, Farrow, Foy, A. M. Gamble,

J. J. Gamble, Hackney, Hamrick, Harrison, Hayes, R. Jones, Keen, J. M. Leach, Logan, Long, Mast, Mosely, T. McDowell, McMullen, Nicholson, Nixon, Oglesby, Pegram, S. J. Person, Proctor, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Shuford, Simms, Spivey, Stowe, J. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, I. White, Wilkins, T. Williams, Williamson, Wooten, Smith—64.

Those who voted in the negative were:

Messrs. Barringer, Biggs, Brown, Erwin, Ferebee, Green, Griggs, Hayman, Herring, C. Jones, Kelly, Koonce, McClees, McClenahan, McDade, McNeill, Nicholls, Paine, Palmer, Stanly, Steele, Stevenson, Stockard, Wadsworth—24.

So the bill passed its third reading, and was ordered to be engrossed.

Mr. Mebane presented a bill, accompanied by a memorial, to lay off and establish a new county by the name of Alamance; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Griggs introduced a bill to exempt the commissioned officers in the militia, from working on the public roads; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. T. H. Williams, introduced a bill to incorporate the Wilmington Thalian Association;

Which was read the first time and passed, and referred to the Committee on Education.

On motion of Mr. Mebane,

Ordered, That a message be sent to the Senate, proposing to rescind the joint order by which the two Houses have agreed to go into an election of four Trustees of the University, this day at 11 o'clock, and further proposing, to go into said election to-morrow, at 11 o'clock.

Mr. Stevenson presented Resolutions concerning the improvement of the Indian Tribes; which were read the first time and passed, and on his motion, made the special order of the day for Thursday, at 12 o'clock.

A message from the Senate concurring in the proposition to

rescind the joint order to vote for Trustees of the University, at 11 o'clock to-day, and to go into said election to-morrow, at 11 o'clock.

Mr. R. McDowell moved that the House do now take up and consider the bill reported from the Select Committee, to repeal the act of 1846, entitled "An act to lay off and establish the County of Polk;" which motion was agreed to, and the Bill was read the third time and passed—yeas 85, nays 16.

Yeas and nays demanded by Mr. Logan,

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blow, Brown, Brogden, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Courts, Coffield, Davis, Dickson, Dobbin, Erwin, Farrow, Ferebee, Foy, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Herring, Hicks, Johnson, R. Jones, C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Long, Mebane, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Oglesby, Palmer, Pegram, S. Person, Pigot, Proctor, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, I. White, J. H. White, Wilkins, J. Williams, Williamson—85.

Those who voted in the negative were:

Messrs. Blackburn, T. R. Caldwell, Doak, Edney, A. Gamble, J. Gamble, Headen, Logan, Miller, McIntosh, Nicholson, Paine, Trull, Rayner, Walser, T. Williams—16.

So the bill passed its third reading, and was ordered to be engrossed.

Mr. Cherry called up the bill for the better regulation of Common Schools, which, on his motion, was made the special order of the day for Friday next, at 12 o'clock of that day.

Mr. Oglesby presented a resolution in favor of Joshua Patterson, of the county of Surry:

Mr. Nixon, a bill to incorporate Rock Spring Tent, No. 186. Independent Order of Rechabites, in the town of Wilmington;

And Mr. Allen, a bill concerning the public roads, in Brunswick county; which were severally read the first time and passed, and referred to the committee on Private Bills.

Mr. Rayner, from the committee on Internal Improvements, reported, without amendment, the bill to appoint commissioners to lay off a road in Wilkes County; which was read the second time and passed.

Mr. Dancy, from the committee on Private Bills, reported, without amendment, the bill to incorporate the Williamston Library Association, in the County of Martin; and

Also, the bill to amend the acts heretofore passed for the better regulation of the town of Williamston; which were each read the second time and passed.

Mr. Courts, from the committee on Propositions and Grievances, reported adversely the memorial from certain citizens of Gaston county, praying to be attached to the county of Cleveland, and asked to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Courts, from the same committee, reported adversely the bill concerning Pedlars; which was read the second time, and on motion of Mr. Pigot, laid upon the table.

Mr. Courts, from the same committee, reported favorably on the Resolution in favor of the Executors of John R. Stamey, of Lincoln county; which was read the second time and passed.

Mr. Steele, from the committee on Military Affairs, reported favorably the resolution in favor of S. M. Preston; which was read the second time, and on his motion, laid upon the table.

Mr. Steele, from the same committee, reported unfavorably the bill to amend the 3d section, Revised Statutes, chapter 73, exempting certain persons from peforming military duty; which was read the second time, and on motion of Mr. McClees, indefinitely postponed.

The Speaker laid before the House a memorial from James G. Mitchell, praying permission to build a house upon the land

of the State, at the Rock Quarry, near the City of Raleigh; which was, on Mr. Dobbin's motion, referred to the committee on Propositions and Grievances.

The hour having now arrived at which, by the joint order of the two Houses, they were to proceed to the Inauguration of the Governor elect, a message was accordingly sent to the Senate, informing that body of the readiness of the House of Commons to receive them for this purpose in the Hall of the House.

The Senate thereupon appeared in the Commons Hall, and were received by the members of the House standing, uncovered.

The Speaker of the Senate took his seat with the Speaker of the House, at the Speaker's desk; the Senators took their seats on the right of the Speaker's chair, according to the arrangements heretofore made.

And then, CHARLES MANLY, Esq. Governor elect, attended by the Judges of the Supreme Court, and the Committee of Arrangements, waited upon the Convention of the two Houses, and took and subscribed the oaths of office, prescribed by law for the qualification of the Governor of the State; the oaths having been administered by the Hon. Chief Justice RUFFIN, after which, the Governor addressed the Members of the General Assembly, in a neat and appropriate address: whereupon, he, attended by the committee of arrangements, having retired, the Speaker of the Senate announced that the Senate would retire to their chamber, which was accordingly done.

The Senate having retired, the House proceeded to consider the following bills, which were severally read the third time and passed, and ordered to be engrossed, viz:

A bill for the better regulation of public highways, in Rutherford county;

A bill to amend and consolidate the several acts heretofore passed for the better regulation of the town of Concord, in the county of Cabarrus; and

A bill for the better organization of the militia in the county of Cleveland.

And then, on motion of Mr. Satterthwaite, the House adjourned.

TUESDAY, JANUARY, 2, 1849.

Hamilton C. Jones, Esq., member elect from the county of Rowan, in place of John W. Ellis, Esq., resigned, appeared, produced his credentials, was qualified, and took his seat.

Mr. Smith called up the engrossed bill from the Senate, to unite the Roanoke Railroad and the Seaboard and Roanoke Railroad Companies, and for other purposes; which was read the second time, amended on motion of Mr. Smith, and passed. And the rules being dispensed with, two thirds of the House concurring, the bill was read a third time and passed, and ordered to be sent to the Senate for their concurrence in the amendment.

On motion of Mr. Blow,

The House took up the bill to amend an act entitled, "an act to tax the venders of foreign made riding vehicles," ratified the 18th of January, 1847; which was read the third time, when Mr. Wadsworth moved to refer the bill to the committee on Finance, which motion was not carried. On motion of Mr. Wadsworth, the bill was then amended by striking out, "one hundred dollars," and inserting, "fifty dollars," in the first section of the bill, and passed, as thus amended, and ordered to be engrossed.

The hour having now arrived, at which, by the joint order of the two Houses, they had agreed to ballot for four Trustees of the University, a message was sent to the Senate, informing that body, that Messrs. Hargrave and Brogden form the committee to superintend the ballotting for said Officers, on the part of the House; And that Messrs. James C. Dobbin, J. W. Osborne, W. L. Steele, Wm. B. Rodman, David S. Reid,

Lewis Thompson, L. B. Sanders, Anderson Mitchell, Henry T. Clarke, C. B. Hassell, F. S. Proctor, Jesse R. Siler, James T. Miller, William R. Smith, and Isaac Hall, are in nomination for the appointment.

On motion of Mr. Dobbin, the bill to establish the Bank of Fayetteville, heretofore made the special order for this day, was taken up and made the special order for to-morrow, at 11 o'clock.

The House now proceeded to the consideration of the special order, being the bill for the more certain and speedy administration of Justice—the question being on the amendments reported from the committee on the Judiciary; pending the consideration of which,

The Speaker announced a message from his Excellency, the Governor, received through the hands of his Private Secretary, L. C. Manly, Esq., transmitting the resignation of Hon. Augustus Moore, as Judge of the Superior Courts: which, on motion of Mr. Brogden, was ordered to be sent to the Senate.

On motion of Mr. D. F. Calawell,

Resolved, That the use of the Commons Hall be granted to the friends of Internal Improvement, for the purpose of holding a meeting this evening.

The House then took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

Mr. Brogden, from the committee appointed to attend the balloting on the part of the House, for four Trustees of the University, reported that the Hon. James C. Dobbin, of Cumberland, had received a majority of the whole number of votes

given, and was therefore duly elected, and that no other person had received such majority.

In which report the House concurred.

On motion of Mr. D. F. Caldwell, the House took up the bill to Increase the Revenue of the State, which on his motion, was ordered to be made the special order of the day for 3 o'clock, P. M. on Thursday.

On motion of Mr. Mebane, the bill to incorporate the Charlotte and Danville Rail Road Company, which had been made the special order for 3 o'clock this afternoon, was taken up, and postponed to 3 o'clock, to-morrow, P. M., and made the special order for that day.

A message from the Senate, informing, that they have passed the engrossed bill from this House, to provide for the payment of the Debt of the State, to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad, with an amendment, in which they ask the concurrence of this House.

The amendment of the Senate was concurred in, and the bill ordered to enrollment.

The House then resumed the consideration of the unfinished business of this morning, being the bill with the pending amendments, for the more certain and speedy administration of Justice. The said amendments as reported from the committee, are as follows, viz:

"To strike out sections first and second, of the bill, and insert in lieu thereof:

"1. That hereafter, the State shall be divided into nine Judicial Circuits, and there shall be held in each and every county therein, three terms a year of the Superior Courts of Law and Equity.

"2. *Be it further enacted*, That the present General Assembly shall provide for the division of the State, into nine Judicial Circuits, as aforesaid, and shall fix the times for holding the several Courts therein.

Which amendments were severally read and concurred in.

Also, to strike out the 16th section of the bill and insert, in lieu thereof, the following:

"16. *Be it further enacted*, That in all elections hereafter to be made of Judges of the Superior Courts of Law and Equity, the election shall be made for some Judicial Circuit, in which there is no Judge resident, and it shall be the duty of the Judge so elected to reside in some one of the counties of the circuit, for which he shall have been chosen, so long as he may hold the office; *Provided however*, That this clause shall not be so construed as to alter the law which now requires the Judges of said Courts, to allot the several Circuits among themselves, and allow them to exchange Circuits; *And provided further*, That nothing in this act contained, shall be so construed as to confine the election to any person residing in any particular Circuit in the State."

Which amendment was also adopted.

Mr. Spivey moved, further to amend the bill by inserting the following as section four;

"That from and after the passage of this act, every person who may have attained a license to practice law, in the Courts of Pleas and Quarter Sessions, and has been admitted to practice in the same, by taking the oaths required by law, shall be allowed and entitled, to practice in the Superior Courts, in the State, as though they had been regularly licensed to practice in the same."

Which amendment was read and disagreed to.

Mr. Hayes moved to amend the bill by adding the following proviso to the 5th section:

Provided however, That none of the provisions of this act shall extend to the county of Cherokee.

Pending the consideration whereof, the House, on motion of Mr. Stanly, adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, JAN. 3, 1849.

Mr. Nicholls, from the Select Committee, to whom was referred a bill to amend an act passed at the last session of the General Assembly, entitled an act to provide for the apprehension of runaway slaves, in the Great Dismal Swamp, and for other purposes; and to extend the provisions thereof, reported the same back to the House with certain amendments; which amendments were adopted, and the bill, as amended, passed its second reading.

On motion of Mr. T. S. McDowell,

Ordered, That a message be sent to the Senate, proposing to ballot, forthwith, for three Trustees of the University.

On motion of Mr. Coleman, leave of absence was granted to Mr. Atkin, one of the members from Buncombe county, for the residue of the Session.

Received a message from the Senate, concurring in the proposition to go, forthwith, into an election of three Trustees of the University; and informing, that Messrs. Patterson and Bethell, form the Senate branch of committee to superintend the ballotting.

Messrs. T. J. Person, and McIntosh, were appointed said committee on behalf of the House, and the Senate informed thereof by message; whereupon, the House proceeded to ballot for three Trustees—the name of Mr. D. D. Ferebee having been added to the nominations, and the name of Mr. Rodman withdrawn.

On motion of Mr. T. H. Williams,

The House took up for consideration, the bill heretofore reported from the Committee of Finance, to provide for a reassessment of the lands of New Hanover, Brunswick, Bladen, Johnston and Sampson; which bill was reported as a substitute for a bill introduced by Mr. T. H. Williams, and referred to said Committee. The said bill was read the third time, and

amended on motion by Messrs. Stevenson, Cherry and Wadsworth, by adding the Counties of Green, Bertie and Craven, to those embraced in the first section.

Mr. Miller moved further to amend the bill, by adding the County of Caldwell; which was disagreed to.

The question then recurring on the passage of the bill its third reading, as amended, passed in the affirmative—yeas 86, nays 21.

The Yeas and Nays demanded by Mr. Johnson.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Biggs, Blow, Brown, Brogden, D. Caldwell, Campbell, Carmichall, Cherry, Coffield, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farrow, Farmer, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hargrave, Hayman, Hayes, Headen, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Mast, Mebane, Mosely, McClees, McClenahan, T. McDowell, R. I. McDowell, McMullen, McNeill, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. J. Person, Pigot, Proctor, Regan, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, J. Taylor, Thigpen, Thornton, C. Taylor, Trull, Wadsworth, Wilkins, J. Williams, T. Williams, Wiliamson, Wooten, Hicks—86.

Those who voted in the negative were:

Messrs. Bean, T. R. Caldwell, Cannady, Hackney, Hamrick, Harrison, Johnson, R. Jones, Miller, Newsom, Nicholls, Rayner, Reinhardt, Russell, Simms, Stockard, Stowe, Walser, J. H. White, I. White, C. Williams—21.

So the bill passed its third reading; and thereupon, on motion of Mr. T. H. Williams, the title of the bill was amended, by adding the words, "and other counties," and the bill was ordered to be engrossed.

In obedience to the special order of the day, the House now proceeded to the consideration of bill, heretofore introduced by Mr. Dobbin, to establish the Bank of Fayetteville. The bill was read the second time, amended on motion of Mr. D.

F. Caldwell, by striking out the words, "three hundred thousand dollars," wherever they occur in the bill, and inserting instead thereof, "eight hundred thousand dollars;" and also amended on motion of Mr. Dobbin, by striking out sections 17 and 18, by striking out "two hundred," in the 5th section and inserting, "two thousand;" and by adding a new section, to wit: section 17. And the bill as thus amended, then passed its second reading; yeas 81, nays 27.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Coffield, Coleman, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Farrow, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hayes, Herring, Hicks, Johnson, R. Jones, H. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Mast, Mebane, Mosely, McClees, McClenahan, R. I. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nixon, Palmer, Peebles, Pegram, S. Person, Pigot, Proctor, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sherard, Shuford, Skeen, Smith, Stanly, Steele, Stowe, Stevenson, J. Taylor, Thornton, Trull, Wadsworth, Walser, J. H. White, J. Williams, T. Williams, Williamson, Wooten—81.

Those who voted in the negative were:

Messrs. Biggs, Blow, Courts, Ferebee, Green, Hamrick, Harrison, C. Jones, R. H. Jones, Keen, Miller, McDade, T. S. McDowell, McMullen, Nicholson, Oglesby, Paine, T. Person, Rayner, Sheek, Simms, Skinner, Stockard, C. Taylor, I. White, Wilkins, C. Williams—27.

So the bill passed its second reading.

A motion was then made by Mr. H. C. Jones, that the bill be put upon its third reading; which was done, two thirds of the House concurring.

Mr. Mebane moved to amend the bill by striking out the words, "or their equivalent," in the second and third lines of section second; which was not carried.

Mr. Thigpen moved to amend the bill by adding the following proviso to the eleventh section:

"*Provided*, That hereafter, when the taxes shall be raised by law on the real estate and taxable polls, the General Assembly shall have the right to raise the tax on the stock in a like proportion."

Which was also disagreed to: And the bill then passed its third reading, and was ordered to be engrossed.

Mr. McIntosh, from the committee to superintend the balloting for three Trustees of the University, reported that Mr. C. B. Hassell, of Martin County, had received a majority of the whole number of votes, and was duly elected, and that no other person had received such majority.

In which report the House concurred.

Received from his Excellency, the Governor, a message transmitting sundry resignations of Justices of the Peace, which had been received at the Executive Department; which were on Mr. Brogden's motion, ordered to be sent to the Senate.

The House then proceeded to take up the special order of the day, to wit: The Resolutions upon the power of Congress over the Territories of the United States; the pending question being on the amendment reported from the Select Committee, to whom the Resolutions were referred.

On motion of Mr. D. F. Caldwell,

The proposed amendment was amended by striking out the words, "and alarm;" in the first line of the third Resolution, and the amendment as thus amended was adopted.

The House then took a recess.

THREE O'CLOCK, P. M.

Mr. Biggs moved a call of the House, which was ordered; and the roll being called, the following named members did not answer to the call, viz: William J. Blow, Newton Coleman, Calvin Edney, Johnson, R. Hargrave, James G. Edwards, Frederick S. Proctor, David W. Spivey, William K. Martin, A. J. Leach, and John Y. Hicks.

The doors were then closed, and excuses were offered and received for the following members: Messrs. Edwards, Hargrave, and Martin, when, on motion, further proceedings in the call were dispensed with.

Thereupon the House resumed the consideration of the unfinished business of this morning; being the Resolutions pending at the adjournment.

Mr. H. C. Jones moved to amend the fourth Resolution in the series, by striking out the words, "meaning and" before the words, "spirit of the Constitution;" which the Chair ruled to be out of order at this stage of proceedings on the Resolutions.

Mr. Rayner moved to amend the said Resolution, by striking out the words, "contrary to the true meaning and spirit of the Constitution," and to modify the concluding branch of the same so as to read, "but the exercise of power never contemplated by the framers of the Constitution;" which also was ruled out of order by the Chair.

The question now being on the adoption of the Resolutions as amended.

Mr. Stanly asked to be excused from voting, which was agreed to.

Mr. H. C. Jones, also asked to be excused from voting on the fourth Resolution, which was not agreed to.

Mr. Jones then called for a division of the question, and moved that the question be taken on each resolution seperately. The motion prevailed, and the question being on the adoption of the first Resolution in the following words, viz:

"*Resolved*, That the States came into the Union as equals,

and that the citizens of each State are entitled to equal rights, privileges and immunities, under the Constitution of the United States," was determined in the affirmative; yeas 109, nays none.

Yeas and nays demanded by Mr. J. J. Williams.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, T. McDowell, R. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pegram, S. J. Person, T. J. Person, Pigot, Rayner, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—109.

SECOND RESOLUTION.

Resolved, That the proceedings of the Convention, by which the Federal Constitution was framed, clearly demonstrate that the institution of slavery was maturely considered, and that the union of the States was finally secured, by incorporating into that instrument, distinct and ample guaranties of the rights of the slaveholder.

The question on the adoption of this Resolution was determined in the affirmative—yeas 110, nays none.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. Caldwell, D. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, Foy, J. J. Gamble, A.

M. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, C. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Rayner, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, J. H. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—110.

THIRD RESOLUTION.

Resolved, That we view with deep concern, the constant aggressions on the rights of the slaveholders, by certain reckless politicians of the North; and that the recent proceedings of Congress, on the subject of slavery, are fraught with mischief, well calculated to disturb the peace of our country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

The question on the adoption of this Resolution, was determined in the affirmative—yeas 107, nays 2.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brogden, Brown, T. R. Caldwell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Edney, Erwin, Farmer, Farrow, Ferebee, Foy, A. Gamble, J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Rayner, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—107.

Those who voted in the negative were:

Messrs. D. F. Caldwell, and Campbell—2.

FOURTH RESOLUTION.

Resolved, That the enactment of any Law by Congress, which shall directly or indirectly, deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act, not only of gross injustice and wrong, but the exercise of power contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof.

Mr. Rayner asked for a division of the question, and moved that the question be first taken on the Resolution, leaving out the words, "contrary to the true meaning and spirit of the Constitution and;" but the Chair deciding that the Resolution was not divisible, the question was taken on the adoption of the whole Resolution, and determined in the affirmative—yeas 90, nays 4.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Blackburn, Brown, Brogden, T. R. Caldwell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Edney, Erwin, Farrow, Farmer, Ferebee, Foy, J. J. Gamble, A. M. Gamble, Green, Griggs, Hamrick, Harrison, Hayman, Hayes, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, Logan, Long, Love, Mast, Mebane, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Peebles, Pegram, S. Person, T. Person, Pigot, Regan, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. J. Williams, T. Williams, C. Williams, Williamson, Wooten—90.

Those who voted in the negative were:

Messrs. D. F. Caldwell, Campbell, Miller, Hargrave—4.

FIFTH AND SIXTH RESOLUTIONS.

"*Resolved*, That while we do not intend hereby to be understood as conceding that Congress has the power, under the Constitution, to enact a law prohibiting slavery in any portion of the territories of the United States; yet, for the sake of preserving the peace, and promoting the perpetuity of the Union, we are willing that the basis of the MissouriCompromise should be adopted in reference to the recently acquired Territories of New Mexico and California, by extending the line then agreed upon, to the Pacific Ocean."

"*Resolved*, That a copy of the foregoing Resolutiong be signed by the Speakers of the Senate and House of Commons, and forwarded to our Senators and Representatives in Congress, with a request that they be laid before their respective Houses."

On motion of Mr. Hayes,

By general consent, the question upon these two Resolutions was taken jointly, and determined in the affirmative; yeas 101, nays 2.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Edney, Erwin, Farrow, Farmer, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hamrick, Hargrave, Harrison, Hayes, Hayman, Headen, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, Mosely, McClees, McClenahan, T. McDowell, R. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Peebles, Pegram, S. J. Person, T. J. Person, Pigot, Rayner, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T Williams, C. Williams, Williamson, Wooten, McDade—101.

Those who voted in the negative were:

Messrs. D. F. Caldwell, and Campbell—2.

So the Resolutions, as amended, passed their second reading.

And then, on motion, the House adjourned till to-morrow morning, 10 o'clock.

THURSDAY, JAN. 4, 1849.

Mr. Kelly presented a memorial, remonstrating against the incorporation of religious societies, schools or churches of any denomination, and praying the repeal of laws heretofore passed for such purposes.

Mr. Kelly moved to refer the said memorial to the Committee on Propositions and Grievances; but objection being made thereto, the memorial was ordered, under the rule, to lie on the table.

Mr. Campbell presented a memorial from certain Officers of 89th Regiment, praying sundry alterations in the militia law, so far as relates to the county of Wilkes; which, on his motion, was referred to the committee on Military Affairs.

Mr. Isaac White introduced a bill to repeal an act, passed in the year 1835, entitled, "an act to amend an act, passed in the year 1824, entitled an act to establish a Poor and Work House in the counties of Jones and Randolph;" which was read the first time and passed, and referred to the Judiciary Committee.

Mr. Hayman introduced a bill to authorise Major John Clark, of Beaufort county, to make a road on his own land, from Pantego to the head of Pungo river; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. McNeill, a bill to prevent the sale of spirituous liquors, within a certain distance of Floral College; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Ferebee, a bill to provide for the establishment of a

Medical Board, in and for the State of North Carolina; which was read the first time and passed, and on his motion, ordered to be printed, and made the order of the day for Monday next.

Mr. Green introduced a bill to incorporate the Granville County Mechanics' Association; which was read the first time and passed, and referred to the Select Committee heretofore raised on a memorial on the same subject, from citizens of Granville.

Mr. Coffield introduced a bill to amend an act, passed at the session of 1846-7, entitled, an act to alter the mode of electing Wardens of the Poor, chapter 62, ratified 18th of January, 1847; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Coffield also introduced a resolution in favor of N. B. Marriner, late Sheriff of Martin County; which was read the first time and passed, and referred to the committee on Claims

Mr. Edney introduced a bill to open and improve the Road from the Tennessee line, passing Laurel, to Burnsville; which was read the first time and passed, and referred to the committee on Internal Improvements.

Mr. Skeen introduced a bill to incorporate the Reep River Manufacturing Company, in the county of Randolph; and

Mr. Miller, a bill to lay off a Road in Ashe and Wilkes counties; which were severally read the first time and passed.

Mr. Carmichall introduced a bill to repeal an act, entitled an act to alter the mode of electing Constables, in the county of Wilkes; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. T. H. Williams presented the following Resolution, which was read and adopted:

Resolved, That when the contractors for the building of the Deaf and Dumb Asylum, now in process of erection, shall have executed to William D. Cooke, Superintendant, their written consent for him to occupy said building, conditioned that said occupancy shall in no way affect the due and faithful execution of their contract, the said Cooke be allowed to take immediate possession of said Asylum.

Ordered, That the resolution be engrossed.

Mr. Mebane called up the bill for the more speedy and certain administration of justice; which, on his motion, was made the order of the day for to-morrow, 12 o'clock.

Mr. Love introduced a bill to repeal a part of an act of the General Assembly of 1844-5; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. T. S. McDowell presented a resolution in favor of Chas. H. Stevens, administrator of George W. Melvin, late Sheriff of Bladen county; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Erwin presented a Resolution for the better protection of Religious Camp Meetings; which was read and referred to the committee on the Judiciary.

Mr. T. H. Williams introduced a bill to emancipate Billy Colvin and wife Phillis; which was read the first time and passed, and on motion of Mr. Stanly, referred to the committee on Propositions and Grievances.

Mr. Hicks presented the following Resolution, which by the rules, lies over one day:

Resolved, That the fortieth rule of order for the conducting the business of the House of Commons, be, and the same is hereby rescinded.

Mr. Mebane introduced a bill for the better regulation of practice in the Superior Courts of Law and Equity in this State; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Foy introduced a bill to repeal, in part, an act, passed at the last session of the General Assembly, entitled "an act to alter the times of holding the Superior Courts of Law and Equity, in the second Judicial Districts of the State, and of the Courts of Pleas and Quarter Sessions, in the counties of Onslow, Jones, Craven, Beaufort, and Hyde; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Sanders asked to be excused from serving on the com-

mittee raised on that portion of his Excellency's message, relative to geological, mineralogical, and agricultural survey of the State, which was granted, and Mr. Hayman appointed in his stead.

Mr. Brogden introduced a bill to amend the second section, chapter 67, of the Revised Statutes, entitled, "an act to drain the Swamp Lands in this State, and to create a fund for Common Schools;" which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. S. J. Person called up the Engrossed bill from the Senate, "extending the time of perfecting titles to land heretofore entered; which being read a second time, Mr. Paine moved to amend the same by striking out the word "ratification," in the last section, and inserting, "passage," which was not carried.

The bill then passed its second reading; when on Mr. S. J. Person's motion, two thirds of the House concurring, the rule was dispensed with, and the bill was read a third time.

Mr. Hicks thereupon moved to amend the bill by striking out "1851," in the first section, and inserting "1850," which was disagreed to; yeas 42, nays 62.

Yeas and Nays demanded by Mr. Hicks.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Brown, Brogden, D. F. Caldwell, Dickson, Doak, Erwin, Farrow, A. Gamble, Green, Hackney, Hamrick, Herring, Hicks, Johnson, R. Jones, H. C. Jones, Keen, Logan, Love, Mast, McClees, McClenahan, R. I. McDowell, McMullen, Nicholson, Oglesby, Peebles, T. Person, Russell, Satterthwaite, Sheek, Simms, Skeen, Stanly, Stowe, J. Taylor, C. Taylor, Thigpen, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams—42.

Those who voted in the negative were:

Messrs. Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, Campbell, Cannady, Cherry, Clement, Coffield, Coleman, Courts, Dobbin, Edney, Farmer, Ferebee, Foy, J. J. Gamble, Griggs, Hargrave, Harrison, Hayman, Headen, C. Jones, R. H. Jones, Kelly, Koonce, J. M. Leach, Long, Mebane, Miller, Mosely, McDade, T. McDowell,

McIntosh, McNeill, Newsom, Nixon, Paine, Palmer, Pegram, S. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Sanders, Scott, Sherard, Shuford, Skinner, Smith, Spivey, Steele, Stevenson, Stockard, Thornton, Wadsworth, Williamson, Wooten—62.

So the amendment did not prevail; and the question recurring on the passage of the bill its third reading, was determined in the affirmative, and the bill was ordered to be enrolled.

Received from the Senate a message, proposing to ballot, forthwith, for two Trustees of the University; which was read and concurred in, and the Senate informed thereof by message, and that Messrs. Skinner, and J. M. Taylor, form the House branch of Committee to superintend the ballotting for said officers.

A message from the Senate, informing that Messrs. Brown and Worth, attend the Senate to conduct the ballotting for two Trustees of the University, and that the Senate would proceed to vote on the return of the messenger.

The House then proceeded to vote, Messrs. Proctor, Siler, and Mitchell, having been withdrawn from nomination, and the name of Mr. Satterthwaite added to the nominations heretofore made.

Mr. Trull presented the resignation of James Marsh, a Justice of the Peace for the County of Union, which was read and accepted, and ordered to be sent to the Senate.

Mr. Paine, from the committee on the Judiciary, reported adversely the bill concerning Appeals from Justice's Judgments; which was read the second time, and on motion of Mr. Scott, laid upon the table.

Mr. Paine, from the same committee, reported adversely the bill to repeal a part of the 1st section of 64th chapter of Revised Statutes, and to amend the same. The bill was read a second time, when Mr. Keen moved to amend the same, by striking out all after the first section; which was carried; And the question then recurring on the passage of the bill its second reading, was decided in the negative—Yeas 35, Nays 72.

Those who voted in the affirmative were:

Messrs. Ballard, Campbell, Cannady, Erwin, Hayman, Hayes, Hicks,

Keen, Logan, Love, Mast, Mebane, McClenahan, T. McDowell, R. I. McDowell, McIntosh, Nixon, S. J. Person, T. Person, Proctor, Sanders, Satterthwaite, Shuford, Stanly, Steele, Stockard, Stowe, Thigpen, Thornton, Wadsworth, Walser, I. White, J. Williams, Wiliamson, Wooten, —35.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, Brown, D. Caldwell, T. R. Caldwell, Carmichall, Clement, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Edney, Farmer, Farrow, Ferebee, Foy, A. Gamble, J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Headen, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, Long, Miller, Mosely, McClees, McDade, McMullen, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Paine, Palmer, Peebles, Pegram, Pigot, Rayner, Reinhardt, Regan, Russell, Scott, Sheek, Sherard, Simms, Skeen, Smith, Spivey, Stevenson, C. Taylor, J. H. White, Wilkins, C. Williams—72.

So the bill was rejected.

Mr. Paine, from the same committee, reported favorably the following bills, which were severally read the second time and passed, viz:

A bill to amend the 16th section, 31st chapter of the Revised States, entitled, "Courts of Equity;"

The engrossed bill to establish a Toll Bridge on French Broad river;

The engrossed bill concerning the practice of the Law;

The engrossed bill to provide for the settlement of estates in the hands of Executors and Administrators, and for the relief of the same;

And the bill to amend the 19th section, 35th chapter, Rev. Statutes.

Mr. Skinner, from the committee appointed to superintend the balloting for two Trustees of the University, reported that no one of the candidates had received a majority of the votes given, and there was no election:

In which report the House concurred.

Mr. Paine, from the committee on the Judiciary, reported adversely the bill to amend the 3d section of 86th chapter, Revised Statutes concerning Patrol. The bill was read the second time and passed.

Mr. Wadsworth moved that a message be sent to the Senate, proposing to proceed, forthwith, to another ballotting for two Trustees of the University; which motion was disagreed to.

Mr. Paine, from the committee on the Judiciary, reported adversely the bill to provide for the more speedy and convenient administration of Justice, in the county of Carteret; Also,

The bill to repeal the 2d section of 56th chapter of Revised Statutes; which were severally read the second time and rejected.

Mr. Paine, from the same committee, reported with an amendment, the bill to consolidate the various acts concerning Poor Debtors, which was read the second time, and pending the consideration of said amendment; the House took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House now resumed the consideration of the unfinished business at the last adjournment, being the amendment reported from the Judiciary Committee, as a substitute for the bill to consolidate the various acts, concerning Poor Debtors. The said amendment was adopted, and the bill as amended, passed its second reading.

Mr. Hayes called up the resolution in favor of Ailsey Medlin, of Franklin county; which, on his motion, was made the special order of the day for Saturday next, 12 o'clock.

On motion of Mr. R. I. McDowell,

The bill to establish a new county by the name of Graham, was taken up, and made the special order of the day for Saturday next, 3 o'clock, P. M.

On motion of Mr. Brogden,

The House took up the Resolution, heretofore reported from the Joint Select Committee, directing the enclosure of the grounds appertaining to the Governor's residence, and an appropriation for furniture; which was read the second and third times, and passed, and ordered to be engrossed.

Mr. C. Jones, from the committee on the Judiciary, to whom was referred a resolution instructing them to enquire into the expediency of authorising the Judges of the Superior Court, who may be appointed to hold Special Terms, to hear and determine causes in Equity, reported a bill to authorise the Judges who may hold Special Terms of the Superior Court, under the provisions of the act passed in the year 1844, chapter 10, to take jurisdiction of Equity causes in like manner as they are, by that act, authorised to take cognizance of civil suits; which was read the first time and passed.

Mr. Paine, from the committee on the Judiciary, reported favorably the bill to lay off and establish a county by the name of Alamance; which was read the second time and passed.

Mr. Paine, from the same committee, reported favorably the bill providing for the amendment of the Constitution of the State of North Carolina; which was read the second time, and on motion, made the special order of the day for Tuesday next.

On motion of Mr. Rayner,

The bill concerning a Convention to amend the Constitution of the State of North Carolina, was taken up, and made the special order of the day for Tuesday next, at 12 o'clock.

Mr. Paine, from the same committee, reported the engrossed bill from the Senate, concerning Registers and Clerks and

Masters in Equity, with an amendment, which was adopted, and the bill as amended, passed its second reading.

Mr. Rayner, from the Committee on Internal Improvement, to whom a memorial on the subject was referred, reported a bill to open and improve Smith's River, in Rockingham County; which was read the first time and passed.

Mr. Courts, from the Committee on Propositions and Grievances, reported, with an amendment, the bill to repeal in part an act, entitled "an act to prevent the destruction of Oysters;" which was read the second time, amended according to the recommendation of the Committee, and passed.

Mr. Courts, from the same committee, to whom the memorial of Ephraim Lutz was referred, reported a bill for the relief of Ephraim Lutz, of Catawba County; which was read the first time and passed.

Mr. Courts, from the same committee, reported favorably the bill to repeal the 3d and 4th sections of chapter 100, of the Statutes of the Legislature of 1846-7; which was read the second time and passed.

Mr. Scott called up the bill to amend the 73d chapter of Revised Statutes, entitled "an act concerning the militia of this State," and for other purposes; which, on his motion, was made the order of the day, for to-morrow at 11 o'clock.

On motion of Mr. McIntosh,

The bill to lay off and establish a new county, out of portions of Iredell, Wilkes, and Surry; by the name of Williams, was taken up and referred to a select committee of five.

Messrs. McIntosh, C. W. Williams, Carmichall, R. I. McDowell, and Miller, were appointed said committee.

Mr. Smith, from the committee on Private Bills, reported favorably the following bills, which were severally read the second time and passed, viz:

A bill to incorporate Rock Spring Tent, No. 180, Independent Order of Rechabites, in the town of Wilmington;

A bill to incorporate the South Creek Swamp Land Company;

A bill to incorporate Plymouth Academy in the town of Plymouth, Washington county; and

The engrossed resolution in favor of Thomas Reddick, Sheriff of Gates county.

Mr. Smith, from the same committee, also reported favorably the bill concerning the Public Roads in Brunswick county; which was read the second time, amended on motion of Mr. Stanly, by inserting, "and Beaufort," after the word "Brunswick," and modifying the bill so as to read counties instead of county, and passed.

Mr. Smith, from the same committee, also reported favorably the bill to amend an act, entitled "an act to incorporate the town of Wilkesborough, in the county of Wilkes, and for the better regulation thereof; which was read the second time and passed.

Mr. Smith, from the same committee, reported adversely the bill making compensation to Jurors in the county of Sampson, in certain cases, which was read the second time, and on motion of Mr. Brown, laid upon the table.

Mr. Smith, from the same committee, reported a bill to provide for the better regulation and government of the town of Gatesville, in Gates county, with an amendment; which amendment was concurred in, and the bill passed its second reading.

Mr. Smith, from the same committee, also reported, with an amendment, the bill to authorise A. H. Erwin to establish a Toll Bridge over the Catawba River, in the county of Burke; the amendment was agreed to, and the bill passed its second reading.

Mr. Smith, from the same committee, to whom was referred a petition from citizens of Polk county, praying an alteration in the Road Laws of said county, made an adverse report thereon, and asked to be discharged from the further consideration of the subject:

Which report was concurred in.

Mr. J. J. Williams moved that the House do now adjourn, which was disagreed to.

On motion of Mr. D. F. Caldwell,

The bill to increase the Revenue of the State, was taken up and made the special order of the day for to-morrow at 11 o'clock.

Mr. Cherry, from the committe on Education, reported favorably the bill to incorporate the Wilmington Thalian Association;

And also, reported favorably the bill to authorise the Superintendants of Common Schools of Rowan county, to invest a part of its funds; which were severally read the second time and passed.

And then, on motion of Mr. Williamson, the House adjourned.

FRIDAY, JAN. 5, 1849.

A message was received from the Senate, transmitting the following engrossed bills and resolutions, in which they ask the concurrence of this House viz:

A bill to open and improve the Road from Salathiel Stone's old place, in Forsythe county, to the Virginia line, near the mouth of Wilson, in Ashe county;

A bill to incorporate the Camden Guards, in the county of Camden;

A bill to revive an act to establish and incorporate a town at Trent Bridge, in the county of Jones, by the name of Polloksville;

A bill to amend the law in relation to the collection of taxes, in the town of Newbern;

A bill to open and improve the Road leading from Council's Store, in Ashe county, to Bedford Wiseman's in Yancy county;

A bill to amend section 3rd, chapter 99, of Revised Statutes, entitled, Religious Societies;

A bill to authorise Francis J. Prentiss, and George D. Bogle, to collect arrears of taxes;

A bill to incorporate the Davidson Mining and Smelting Company;

A resolution in favor of Thomas Anderson;

And, a resolution in favor of the Executors of Joseph J. Daniel.

The foregoing bills and resolutions were severally read the first time and passed.

Also a message, transmitting the engrossed resolution authorising the Governor to procure copies of papers in England; which was read the first time and passed. On motion of Mr. Ferebee, two-thirds of the House concurring, the resolution was read the second and third times, and passed, and ordered to be enrolled.

Also a message, transmitting the engrossed resolution, calling upon the Public Treasurer for information; which was read first time and passed.

Mr. Palmer presented a petition from certain citizens of Stanly county, praying the removal of Henry Davis, one of the Justices of the Peace of said county, from the list of acting Justices; which was referred to the committee on the Judiciary.

Mr. Johnson presented a memorial from sundry citizens of the county of Guilford, praying the passage of an act imposing a tax on Dogs; which was referred to the committee on Finance.

Mr. Williamson presented the resignation of Elisha Sellars, a Justice of the Peace for the county of Columbus; which was read and accepted, and ordered to be sent to the Senate.

Mr. Griggs presented a memorial from sundry citizens of Currituck, praying the passage of a law allowing free persons of color in said county, to carry fire arms;

And Mr. C. W. Williams, a petition from citizens of Surry county, praying the passage of an act granting to Joshua Patterson the right to put up two gates on a public road, leading through his plantation; which were referred to the committee on Private Bills.

Mr. J. Gamble presented a memorial from citizens of Wilkes county protesting against the establishment of a new county out of portions of Wilkes, Surry, and Iredell, to be called Williams; which was referred to the select committee raised upon the bill introduced for that purpose.

Mr. Kelly called up the memorial introduced by him yesterday, remonstrating against the incorporation of Religious Societies; which was, on his motion, referred to the committee on Propositions and Grievances.

Mr. Rayner introduced a bill concerning the debt due from the Trustees of Wake Forest College to the Literary Board; which was read the first time and passed.

Mr. T. H. Williams, from the joint select committee, to whom was referred so much of the Governor's message as relates to the Deaf and Dumb School in the city of Raleigh, reported a bill to establish a Board of Directors for the Deaf and Dumb Institution of this State; which was read the first and second times and passed.

Received from the Senate, a message proposing to ballot, forthwith, for two Trustees of the University, which was read and concurred in, and the Senate informed thereof by message, and that Messrs. Carmichall and Mosely form the House branch of the Committee to superintend the ballotting, and that Messrs. Osborne, Sanders, Satterthwaite, Smith and Hall, were withdrawn from nomination.

A message from the Senate, informing that Messrs. Drake and Thomas, of Davidson, form the committee on the part of that body to superintend the ballotting for two Trustees.

Mr. S. J. Person presented the following Resolution, which was read and adopted, viz:

Whereas, The case has been presented by H. M. Waugh, of the county of Surry, touching the right of one of the sitting members to his seat in the House of Commons; *And whereas*, Depositions have been taken since the meeting of this Legislature, by said sitting member:

Therefore Resolved, By the House of Commons, that a com-

mission signed by the Speaker, issue at the instance of either party, to William Zachary, Joseph Phillips, and J. H. Dobson, Justices of the Peace of Surry county, or in case of their inability to act, to any other Justices of the said county, authorising and commissioning them to take the depositions of any person or persons offered in the said contested election from said county, for a seat in this body, touching said contested election now pending, and return said depositions, sealed up, to the Speaker of the House of Commons; *Provided*, The party offering the witnesses shall give to the adverse party, at least five days previous notice in writing, of the time and place of taking such depositions; and when such depositions are re-received by the Speaker of this House, they shall be referred to the committee on Privileges and Elections, *And provided*, The testimony be closed by the 15th instant.

In obedience to the special order of yesterday, the House now proceeded to the consideration of the bill to amend the 73d chapter of Revised Statutes, entitled "an act concerning the militia of this State," and for other purposes.

Mr. Spivey moved to amend the bill by striking out the 7th section; which was carried.

On motion of Mr. Steele,

The bill was further amended by striking out the 5th and 6th sections, and inserting as section 5th, the following:

"*Be it further enacted*, That all commissioned officers now in office, or those who may hereafter be elected, (Major and Brigadier Generals excepted,) who shall equip themselves as the law directs, and shall perform military duty as such commissioned officers, for the period of eight years, in either one or all these offices, shall thereafter be exempt from military duty, except in cases of insurrection or rebellion."

Mr. Cannady moved to amend the bill, by inserting the following, as section 10:

"*Be it further enacted*, That it shall be the duty of the Captain commanding any Company in this State, to select two or more of his non-commissioned officers, when circumstances

may require it, to form with himself a Court Martial, for the transaction of business appertaining to the Company."

Which amendment was rejected.

Mr. Spivey moved to amend, by adding the following section to the bill:

"*Be it further enacted*, That all Patrols, County Trustees, and County Solicitors, be exempted from Military duty, except in cases of insurrection or invasion."

Which amendment was also rejected.

Mr. McClees moved that the bill be indefinitely postponed; which was not carried.

Mr. J. H. White moved to amend the bill, by inserting the following as section 6th:

"*Be it further enacted*, That all the rank and file throughout the State, shall be allowed to vote for the Field Officers thereof."

The question on this amendment was determined in the affirmative—Yeas 87, Nays 20.

The Yeas and Nays being demanded by Mr. Miller.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, D. F. Caldwell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Davis, Dickson, Doak, Edney, Erwin, Farmer, Farrow, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, A. J. Leach, Logan, Love, Martin, Mast, Mebane, Miller, McClees, McClenahan, McDade, T. McDowell, McIntosh, McMullen, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Peebles, Pegram, T. J. Person, Pigot, Proctor, Reinhardt, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Smith, Stanly, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—87.

Those who voted in the negative were:

Messrs. Blow, Campbell, Ferebee, Hargrave, H. C. Jones, Koonce, Kelly, J. M. Leach, Mosely, R. I. McDowell, McNeill, Paine, Regan, Russell, Skeen, Skinner, Spivey, Steele, Wadsworth, I. White—20.

So the amendment was adopted.

Mr. Russell moved to amend the 11th section of the bill, by inserting after the words "lawful deputies," in the second line, the words, "or Constables, or any other lawful officers."

Which amendment was agreed to.

Mr. McClees moved to amend the first section, by striking out all after the word "heretofore," in the eleventh line; which was not carried.

And thereupon, the bill as amended passed its second reading.

Mr. Mosely, from the committee appointed to superintend the balloting for two Trustees of the University, reported, that Mr. Lewis Thompson, of Bertie, had received a majority of the whole number of votes cast, and was therefore duly elected; and that no other person had such majority.

The report was concurred in.

The House then proceeded to the consideration of the special order of the day, viz: A bill to Increase the Revenue of the State; the question being on the adoption of the amendments reported from the committee on Finance.

Mr. R. I. McDowell called for a division of the question, and moved that the question be taken on each amendment separately. The motion prevailed, and the question being on the first amendment, viz: to strike out the words "five hundred," in section 1st, and insert the words, "one thousand," was determined in the negative.

The second amendment proposed, viz:

To insert the words, "less or" immediately before the word "more," in the 18th line of first section, was adopted.

Pending the consideration of the third amendment, viz: "to

strike out the 2d and 3d sections of the bill," (relating to a tax on slaves bought and sold within the State,) the House took a recess.

THREE O'CLOCK, P. M.

A motion was now made by Mr. Pigot, that the House do reconsider the vote by which was rejected yesterday, the bill introduced by Mr. Hicks, to repeal a part of 1st section, 64th chapter, Rev. Statutes, and to amend the same; which motion was, on motion of Mr. Stanly, laid upon the table.

The House then resumed the consideration of the amendment pending at the adjournment, to wit: to strike out the 2d and 3d sections of the bill to increase the Revenue of the State; when Mr. C. Jones moved to commit the bill to a select committee; which motion was determined in the negative; yeas 31, nays 80.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Barringer, Blow, T. R. Caldwell, Clement, Coffield, Griggs, Hargrave, C. Jones, H. C. Jones, Keen, J. M. Leach, A. J. Leach, Mosely, McDade, T. McDowell, McMullen, Peebles, S. Person, Proctor, Regan, Reinhardt, Scott, Shuford, Simms, Spivey, Steele, Stockard, C. Taylor, Thornton, T. Williams, C. Williams—31.

Those who voted in the negative were:

Messrs. Allen, Ballard, Bean, Biggs, Blackburn, Brown, Brogden, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Farrow, Ferebee, Foy, J. J. Gamble, A. Gamble, Green, Hackney, Hamrick, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, Kelly, Koonce, Logan, Love, Martin, Mast, Mebane, Miller, McClees, R. I. McDowell, McIntosh, McNeill, Newsom, Nicholls,

Nicholson, Nixon, Oglesby, Palmer, Pegram, T. Person, Pigot, Rayner, Russell, Satterthwaite, Sheek, Sherard, Skeen, Skinner, Smith, Stanly, Stevenson, Stowe, J. Taylor, Thigpen, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, Williamson, Wooten—80.

So the House refused to commit; and the question recurring upon the adoption of the amendment, Mr. Skinner called for a division of the question, and moved that the question be taken on striking out the 2d and 3d sections, separately; which motion prevailed, and the House agreed to strike out each of said sections.

The following other amendments, recommended by the committee, were read and concurred in, viz: "To insert after the words "every denomination," in the 4th section, the words "Governor of the State, and Judges of the Supreme and Superior Courts;"

To insert after the words "silver plate," in the 3rd line of the 5th section, the words, "in use by the owner or owners thereof;" also, to insert the same words after the words "pleasure carriages," in said section; also, the same words after the words "gold watches, and after the words "silver watches." To strike out the words in section 5th: "All negro slave mechanics, employed usually at their trades, the sum of one dollar, instead of twenty cents, as now imposed;" to strike out the words, "negro slave mechanics," in the 7th line of 9th section; and to strike out the words "except negro slave mechanics," in the 3d line, the 10th section.

Mr. Rayner then moved to amend the bill, by inserting between the words "interest," in the 7th line, and "shares," in the 8th line of first section, the words, "vested in stocks in trade, (whether in buying and selling slaves, or otherwise) or in."

Pending the consideration of which, the House, on motion of Mr. Dobbin, adjourned till to-morrow morning, 10 o'clock.

SATURDAY, JAN. 6, 1849.

Received from his Excellency, the Governor, a message transmitting the reply of Miss D. L. Dix, to the letter of his Excellency, communicating the Resolution of thanks of the General Assembly, for her distinguished services, in the cause of the Insane in this State; which, on motion of Mr Martin, was ordered to be sent to the Senate.

A message from the Senate, transmitting the Report of the joint select committee on so much of the Report of the President and Directors of the Literary Fund, as relates to Swamp Lands, and asking the concurrence of this House therein; which was read and concurred in.

A message also, transmitting the engrossed bill to provide for making a Turnpike Road from Salisbury West to the line of Georgia, and asking the concurrence of the House therein. The bill was read the first time and passed.

Mr. Cannady, from the Select Committee, to whom the subject was referred, by leave, reported the bill to incorporate the Granville County Mechanics' Association; which was read the second time and passed.

On motion of Mr. McMullen,

The bill to incorporate the Milton Savings' Bank, in the town of Milton, was now taken up and considered; and the question being upon the passage of the bill its second reading, was determined in the negative, yeas 21, nays 77.

Yeas and Nays demanded by Mr. Stevenson.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Clement, Courts, Davis, Foy, Griggs, Hamrick, Hayes, R. Jones, Keen, McIntosh, McMullen, Pegram, Reinhardt, Scott, Shuford, Stockard, C. Taylor, Wilkins, J. Williams—21.

Those who voted in the negative were:

Messrs. Allen, Biggs, Blackburn, Blow, Brown, Brogden, D. F. Cald-

well, T. R. Caldwell, Campbell, Carmichall, Coffield, Dickson, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, J. Gamble, Green, Hackney, Harrison, Headen, Herring, Hicks, Johnson, C. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Martin, Mebane, Miller, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McNeill, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Peebles, S. J. Person, T. Person, Pigot, Proctor, Rayner, Regan, Satterthwaite, Sheek, Sherard, Simms, Skeen, Skinner, Smith, Stanly, Stevenson, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, J. H. White, C. Williams, Wiliamson, Wooten—77.

So the bill was rejected.

Received from the Senate, a message proposing to raise a Joint Select committee, of three on the part of the Senate, and five on the part of the House, to take into consideration the subject of International Exchanges, according to the plan proposed by M. Alexandre Vattemare.

Which was read and concurred in; and Messrs. Rayner, Dobbin, Stanly, Courts, and H. C. Jones, named the committee on the part of this House.

On motion of Mr. S. J. Person,

The House now proceeded to consider the bill for the more speedy and certain administration of justice; the question being on the amendment proposed by Mr. Hayes, on 2d instant; pending the consideration of which, the House took a recess.

THREE O'CLOCK, P. M.

The Speaker announced the special order for three o'clock, this afternoon, the bill to establish a new county by the name of Graham; which, on motion of Mr. Walser, was laid upon the table;

And thereupon, the House resumed the consideration of the

unfinished business at the last adjournment, when Mr. Hayes withdrew his amendment.

Mr. Mosely then moved that the bill be indefinitely postponed, which question, after debate, was decided in the affirmative; yeas 68, nays 37,

Yeas and nays demanded by Mr. Mosely,

Those who voted in the affirmative were:

Messrs. Ballard, Biggs, Blackburn, Blow, Brogden, Campbell Cannady, Carmichall, Cherry, Clement, Coffield, Courts, Dickson, Farrow, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Hayes, Headen, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Love, Martin, Mast, Miller, Mosely, McClees, McClenahan, McDade, McIntosh, McMullen, Newsom, Nicholls, Nicholson, Ogiesby, Peebles, T. J. Person, Regan, Reinhardt, Sheek, Sherard, Simms, Skinner, Smith, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, J. Williams, C. Williams, Williamson, Wooten—68.

Those who voted in the negative were:

Messrs. Barringer, Bean, Brown, D. F. Caldwell, T. R. Caldwell, Coleman, Davis, Doak, Edney, Erwin, Farmer, Ferebee, Hargrave, Herring, Hicks, Johnson, H. C. Jones, Logan, Mebane, R. McDowell, McNeill, Nixon, Palmer, S. J. Person, Pigot, Rayner, Russell, Scott, Shuford, Skeen, Stanly, Steele, Stowe, Trull, I. White, Wilkins, T. Williams—37.

So the bill was indefinitely postponed.

Mr. Biggs, on leave, introduced a bill for the better regulation of the town of Windsor; which was read the first time and passed, and referred to the committee on the Judiciary.

And then, on motion of Mr. Keen, the House adjourned to Monday morning, 10 o'clock.

MONDAY MORNING, JANUARY 8, 1849.

Mr. Wooten asked for and obtained leave of absence for James G. Edwards, Esq. member from Greene county, from and after this day.

Mr. Mebane presented a memorial from citizens of Orange, praying a division of that county; which, on his motion, was ordered to lie on the table.

Mr A. J. Leach presented a memorial from sundry citizens of Johnston and Cumberland counties, remonstrating against the incorporation of Religious Societies, Schools and Colleges; which was referred to the committee on Propositions and Grievances.

Mr. Smith presented a petition of sundry citizens of the county of Halifax, praying the passage of a law granting compensation to Justices of the Peace; which was referred to the committee on the Judiciary.

Mr. McIntosh, on leave, presented a bill, accompanied by a memorial, to attach a part of Wilkes county to the County of Alexander, and for other purposes; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

On motion of Mr. Allen,

Resolved, That the Judiciary Committee be instructed to enquire into the propriety of amending the Criminal Laws, so as more effectually to punish persons guilty of administering poison, and to report by bill or otherwise.

Mr. J. J. Williams introduced a bill to authorise the County Courts in the several counties of this State, to allow compensation to Justices of the Peace, who may be appointed to settle the accounts of Executors, Administrators, and Guardians, and for other services; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. J. J. Gamble, on leave, presented a memorial from citizens of Wilkes county, praying the establishment of a Public

Road; which was read, and referred to the committee on Internal Improvements.

Mr. T. R. Caldwell introduced a bill, abolishing Jury Trials in Burke County Courts; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Williamson introduced a bill, to amend the 2d and 3rd sections of an act ratified on the 18th January, 1847, entitled, an act to amend an act, entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools; which was read the first time and passed, and referred to the committee on Education.

Mr. Ferebee presented the following Resolution:

Resolved, That from and after Friday next, this House will receive no more Private Bills, this session.

Which was read and rejected.

The resignation of A. Stowe, Esq. a Justice of the Peace for the County of Lincoln, was presented, read, and accepted, and ordered to be sent to the Senate.

On motion of Mr. Rayner,

Resolved, That a message be sent to the Senate, proposing to invite M. Alexandre Vattemare, to address the two Houses of the General Assembly, in the Commons Hall, on Tuesday evening, the 9th inst. on his system of International Literary Exchanges; and that the Joint Select Committee appointed on that subject, tender to said M. Vattemare, such invitation.

On motion of Mr. McClees,

Resolved, That from and after to-day, at the meeting of the House at Three O'clock, bills upon the third reading shall be taken up and disposed of, unless the House shall otherwise direct.

On motion of Mr. Satterthwaite,

Resolved, That the Independent Order of Odd Fellows, of the City of Raleigh, be allowed the use of the Hall of the House of Commons, on Saturday evening next, for the pur-

pose of hearing an Address from the Hon. William H. Washington.

Mr. Miller introduced a bill to authorise the erection of a Toll Bridge over Catawba River, between the counties of Caldwell and Catawba, and to incorporate a Company for that purpose; which was read the first time and passed.

Mr. Blackburn introduced a bill to incorporate Germanton Lodge, No. 116, of Ancient York Masons, in the county of Stokes: which was read the first time and passed, and referred to the committee on Private Bills.

Mr. T. S. McDowell introduced a Resolution in favor of John A. Robeson; which was read the first time and passed, and referred to the committee on Claims.

Mr. Cherry, from the committee on Education, to whom a resolution of enquiry on the subject was referred, reported a bill to repeal the 20th section of the Revised Statutes, ch. 46 —Executors and Administrators; which was read the first time and passed.

Mr. Rayner introduced a bill more effectually to provide for the Education of the Deaf Mutes within this State; which was read the first time and passed.

Mr. Cherry presented the proceedings of a public meeting of the citizens of the town of Windsor, requesting the members from Bertie county, to insist upon the passage of a law, legalizing certain obstructions existing in the streets of said town, on certain conditions; which was referred to the committee on the Judiciary.

Mr. Courts, from the Committee on Propositions and Grievances, reported unfavorably the engrossed bill to emancipate John Good, a slave; which bill was read the second time, and on motion of Mr. C. Jones, indefinitely postponed.

Mr. Courts, from the same Committee, also reported adversely a bill to authorise Hillory Coor *alias* Croom, a free man of color, to emancipate his wife Hannah, his son Charles, and his two daughters, Ann and Tempee, of Wayne County; which was read the second time, and on motion of Mr. Shuford, indefinitely postponed—yeas 55, nays 53.

Yeas and nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Brown, Campbell, Cannady, Cherry, Courts, Davis, Dickson, Farrow, Ferebee, A. M. Gamble, Green, Hackney, Hargrave, Harrison, Headen, C. Jones, R. H. Jones, Koonce, A. J. Leach, Long, Martin, Mebane, Miller, McClenahan, McDade, T. S. McDowell, McMullen, Newsom, Nicholls, Nicholson, Palmer, Peebles, T. Person, Proctor, Rayner, Regan, Reinhardt, Satterthwaite, Shuford, Simms, Skinner, Smith, Steele, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Walser, J. H. White, J. Williams, Wilkins, Williamson—55.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Blackburn, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Coffield, Doak, Dobbin, Edney, Erwin, Foy, J. J. Gamble, Hamrick, Hayman, Herring, Hicks, Johnson, R. Jones, H. C. Jones, Keen, Kelly, J. M. Leach, Logan, Love, Mast, Mosely, McClees, R. I. McDowell, McIntosh, McNeill, Nixon, Oglesby, Pegram, S. Person, Pigot, Russell, Scott, Sheek, Sherard, Skeen, Stanly, Stevenson, J. Taylor, Trull, Wadsworth, I. White, C. Williams, Wooten—53.

Mr. Courts, from the same committee, reported adversely the bill to emancipate Billy Colvin and wife Phillis; which was read the second time, and on motion of Mr. Satterthwaite, was indefinitely postponed.

Mr. Courts, from the same committee, also reported adversely the engrossed bill authorising Daniel Skeen, a free man of color, to emancipate his wife and daughter upon certain conditions; which was read the second time, and on motion of Mr. McClees, indefinitely postponed—yeas 85, nays 20.

Yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Blackburn, Brown, Blow, Brogden, T. R. Caldwell, Cannady, Cherry, Coffield, Courts, Davis, Dickson, Doak, Dobbin, Edney, Farrow, Ferebee, Foy, A. M. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Headen, Hayes, Herring, Hicks, Johnson, R. Jones, C. Jones, H. C. Jones, R. H. Jones, Keen, Koonce, A. J. Leach, Long, Martin, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I.

McDowell, McIntosh, McMullen, Newsom, Nicholls, Nicholson, Oglesby, Palmer, Peebles, T. J. Person, S. Person, Proctor, Rayner, Regan, Reinhardt, Satterthwaite, Shuford, Simms, Skinner, Smith, Steele, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, C. Williams, Williamson—85

Those who voted in the negative were:

Messrs. D. F. Caldwell, Campbell, Carmichall, Erwin, J. J. Gamble, Kelly, Logan, McNeill, Nixon, Pegram, Pigot, Scott, Sheek, Sherard, Skeen, Stanly, Trull, I. White, T. Williams, Wooten—20.

Mr. Courts, from the same committee, reported favorably the bill to prevent Fishing near the mouth of Raymond's Creek, in Camden County; which was read a second time and passed.

Mr. Satterthwaite, from the Joint Select committee, to whom was referred the bill to dispose of a portion of the unsold lands in Cherokee county, reported the same back with an amendment, which the committee recommend as a substitute for said bill. The amendment was adopted, and on motion of Mr. H. C. Jones,

Ordered, That the bill and amendment lie on the table, and the amendment be printed.

The House now proceeded to the consideration of the special order of the day, viz:

A bill to provide for the establishment of a Medical Board in and for the State of North Carolina. The bill was read a second time; when, on motion of Mr. Keen, the second section was amended by filling the blanks for the five divisions of the State.

Mr. Ferebee moved further to amend the bill by striking out the words, "five dollars," and inserting "ten dollars," in the 3d line of section 6th; pending the consideration whereof,

The Chair, by general consent, announced a message from the Senate, proposing to set apart the afternoon of Wednesday next, for the appointment of Justices of the Peace;

Also, a message proposing to go into an election to-morrow at 12 o'clock, for a Judge of the Superior Court, to supply the

vacancy occasioned by the resignation of Hon. Augustus Moore.

Which were severally read and concurred in; and Messrs. Scott and S. J. Person, appointed the committee on the part of this House to superintend said election.

Ordered, On motion of Mr. T. J. Person, that a message be sent to the Senate, informing that body that the Hon. William H. Battle is in nomination for the said office.

Also a message concurring in the proposition of this House to invite M. Alexandre Vattemare, to address the two Houses Tuesday evening next, on the subject of the plan proposed by him, of International Literary Exchanges.

Also, a message informing that Messrs. Smith, Bethell, and Washington, form the Senate branch of the committee to consider the subject of International Exchanges.

The House then resumed the consideration of the bill for the establishment of a Medical Board, when the amendment proposed by Mr. Ferebee, was passed in the affirmative.

Mr. Dickson moved that the bill be indefinitely postponed, and the question thereon was decided in the negative: yeas 45, nays 59.

The Yeas and Nays demanded by Mr. Dickson.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Blackburn, Brown, Cannady, Coleman, Davis, Dickson, Doak, Erwin, Farmer, Farrow, Foy, A. M. Gamble, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, R. H. Jones, Koonce, Martin, Mast, Mosely, McClees, McDade, T. McDowell, McIntosh, McMullen, Nicholson, Peebles, T. Person, Reinhardt, Scott, Sheek, Steele, Stockard, J. Taylor, Thornton, Trull, I. White, J. J. Williams, Williamson—45.

Those who voted in the negative were:

Messrs. Barringer, Bean, Biggs, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Coffield, Courts, Dobbin, Edney, Ferebee, J. J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, C. Jones, H. C. Jones, Keen, Kelly, A. J. Leach, Logan, Love, Mebane, R. I. McDowell, Nicholls, Nixon, Oglesby, Palmer,

Pegram, S. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Satterthwaite, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Stanly, Stevenson, Stowe, C. Taylor, Thigpen, Wadsworth, Wilkins, C. Williams, Wooten—59.

So the House refused to postpone indefinitely.

Mr. Shuford then moved to amend the bill by striking out all after the word "not," in the 4th line of section 10, and inserting:

"*Provided*, That all persons who have not been practising medicine five years or longer, shall be required to stand an examination and obtain a license from the said Board, before they shall be allowed to practice."

Which amendment was rejected.

Mr. Ballard moved to amend, by inserting after the word, "qualification," in the 7th line of 3rd section, "on the following branches of medical science, viz:

"Anatomy, Physiology, Surgery, Practice of Medicine, Abstetrics, Materia Medica, and Chemistry;" which was disagreed to.

Mr. J. J. Williams moved to strike out the word "five," in the 6th section, and insert "three," when Mr. Sherard moved to amend this amendment by inserting "ten," instead of "three," which was not carried; and the question recurring on the motion of Mr. Williams, was also determined in the negative.

Mr. Williamson then moved to amend the bill, by adding the following as section 11, before the last section:

"*Be it further enacted*, That the provisions of this act shall not extend to Steam Doctors, or those who practice on the Thompsonian principle."

Which amendment was rejected.

Mr. Ballard moved further to amend the bill by striking out "five hundred," and inserting "three hundred," in the 5th section, and adding thereto the words, "and shall further receive

ten cents a mile for travelling to and from the place of meeting of the said Board."

Which amendment was carried.

Mr. Dickson moved to amend the bill, by adding the following as section 12:

"*Be it further enacted*, That the provisions of this bill shall extend to those who practice Obstetrics."

Which was disagreed to.

Mr. McIntosh moved to amend the first section of the bill, by striking out the word "June," and inserting "November;" which was disagreed to.

Mr. J. J. Williams moved the following amendment as an additional section:

"*Be it further enacted*, That whenever the income arising from the Phyaicians' Shop Tax, shall fail to pay the expenses of the Board hereby established, the said Medical Board, shall be discontinued."

Which amendment was adopted; and the question then recurring upon the passage of the bill, as amended, its second reading, was decided in the affirmative; yeas 59, nays 45.

Yeas and Nays demanded by Mr. Farmer.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Cherry, Courts, Davis, Edney, Ferebee, J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, H. C. Jones, Keen, Kelly, J. M. Leach, A. J. Leach, Logan, Long, Love, Mebane, Miller, R. I. McDowell, Newsom, Nicholls, Nixon, Oglesby, Palmer, Pegram, S. Person, Pigot, Proctor, Russell, Sanders, Satterthwaite, Scott, Sherard, Simms, Skinner, Smith, Stanly, Stevenson, Stowe, C. Taylor, Thigpen, Wadsworth, I. White, Wilkins, C. Williams, Wooten—59.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, Brown, Campbell, Cannady, Coffield,

Coleman, Dickson, Doak, Dobbin, Erwin, Farrow, Foy, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Koonce, Martin, Mast, Mosely, McClees, McClenahan, McDade, T. McDowell, McIntosh, McMullen, Peebles, T. Person, Rayner, Regan, Reinhardt, Sheek, Steele, Stockard, J. Taylor, Thornton, Trull, J. Williams, Williamson—45.

So the bill passed its second reading.

On motion of Mr. Wardsworth,

Resolved, That the use of this Hall be granted to the friends of Internal Improvement this evening.

A motion was now made by Mr. Barringer, to take up the bill to incorporate the Charlotte and Danville Railroad Company, and that it be made the special order of the day for to-morrow at 11 o'clock, which motion was disagreed to.

On motion of Mr. R. I. McDowell,

The House now proceeded to consider the bill to establish a new county by the name of Graham; which was read the second time, and on motion of Mr. Williams, indefinitely postponed; yeas 69, nays 23.

Yeas and nays demanded by Mr. Williamson,

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Brown, Brogden, Cannady, Cherry, Coffield, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Farrow, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Logan, Long, Martin, Mosely, McClees, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Oglesby, Palmer, Peebles, Pegram, S. Person, T. Person, Pigot, Proctor, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Sheek, Sherard, Shuford, Simms, Skinner, Smith, Spivey, Stevenson, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, J. H. White, I. White, C. Williams, Wilkins, J. Williams, Wililamson, Wooten—79.

Those who voted in the negative were:

Messrs. Barringer, Blackburn, T. Caldwell, D. Caldwell, Campbell, Carmichall, Edney, Erwin, Farmer, A. M. Gamble, Hicks, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholson, Rayner, Scott, Stanly, Steele, Stockard, Trull—23.

So the bill was indefinitely postponed.

Mr. T. R. Caldwell called up the engrossed bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia; which, on his motion, was made the order of the day for Friday next.

Mr. Rayner, on leave, introduced a bill to amend the 21st section of 115th chapter of the Revised Statutes; which was read the first time and passed, and referred to the committee on Finance.

Mr. Miller presented the following Resolution:

Resolved, That from and after Tuesday next, this House take a recess at 5 o'clock, P. M., and meet at half past six o'clock, P. M.

Pending the consideration whereof, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 9, 1849.

Mr. D. F. Caldwell presented a memorial from sundry citizens of Guilford county, praying the repeal of a private act of Assembly, disallowing fees to officers of Court in said county, in certain cases. Referred to the committee on Private Bills.

Mr. Dobbin introduced a bill concerning the mode of Widow's dissenting from the last Wills and Testaments of deceased Husbands, in certain cases; which was read the first time and passed, and referred to the committee on the Judiciary.

On motion of Mr. Mebane,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of repealing the third section of an act, entitled, an act more effectually to prevent the imprisonment of Honest Debtors, passed at the session of the General Assembly of 1844 and 45.

Mr. Dobbin presented a resolution in favor of S. W. Tillinghast and others; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Martin presented a resolution in favor of Young Patterson; which was read the first time and passed.

Mr. Spivey moved that the rules be suspended, and the resolution be now put upon its second reading, which was disagreed to; and thereupon, on Mr. Martin's motion, the resolution was referred to the committee on Private Bills.

Mr. J. H. White introduced a bill to amend the 11th section of the 90th chapter of the Revised Statutes, concerning Prison Bounds; which was read first time and passed, and referred to the committee on the Judiciary.

Mr. Williamson introduced a bill to incorporate the Columbus Guards, a Volunteer Company, in the county of Columbus; and,

Mr. Dobbin, a bill to incorporate Concord Division, No. 1, of the Sons of Temperance; which were severally read the first time and passed.

On motion of Mr. T. R. Caldwell,

Ordered, That the Judiciary committee have leave to hold their sittings during the sessions of this House.

Mr. Brogden introduced a bill supplemental to an act passed at the present session of the General Assembly, repealing the law establishing the county of Polk; which was read the first time and passed.

Mr. Walser offered the following resolution:

Resolved, That by and with the concurrence of the Senate, the two Houses of this General Assembly will adjourn *sine die*, on Monday, the 22d instant.

Which, on motion of Mr. C. Jones, was ordered to lie on the table.

Mr. Oglesby introduced a bill to amend an act incorporating Rockford, in Surry county; which was read the first time and passed, and referred to the committee on Private Bills.

Received from his Excellency, the Governor, a message

transmitting sundry resignations of Justices of the Peace, received at the Executive Department; which, on motion of Mr. Brogden, were ordered to be sent to the Senate.

On motion of Mr. Nicholls,

Resolved, That from and after the 13th instant, (Saturday) no new bills of a private nature shall be entertained.

Mr. Mebane, from the committee on Finance, reported favorably the engrossed bill to amend an act, passed in the year 1846 and 47, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of taxable polls; which was read the second time and passed.

Mr. Courts, from the committee on Propositions and Grievances, to whom was referred a memorial praying the emancipation of Davy Moore, reported the same back to the House, with a recommendation that the prayer be not granted.

Which report was concurred in.

Mr. Courts, from the same committee, reported adversely the engrossed bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson, which was read the second time, and on motion of Mr. J.M.Leach, indefinitely postponed.

Mr. Smith, from the committee on Private Bills, reported favorably the bill to prevent the sale of Spirituous Liquors within a certain distance of Floral College; which bill was read the second time and passed.

On motion of Mr. Dobbin.

Resolved, That when the House take a recess to-day, it shall be to 4 o'clock, instead of 3 o'clock, as heretofore.

Mr. McIntosh, from the Select Committee, to whom was referred the bill to lay off and establish a new county, out of portions of Iredell, Wilkes, and Surry, by the name of Williams, reported the same back to the House, with an amendment, and recommended its passage. The bill was read the second time, and pending the question on the amendment reported by the committee,

A message was received from the Senate, informing, that

Messrs. Graham and Halsey, form the committee on the part of the Senate, to superintend the election of Judge of the Superior Court.

And the hour having now arrived, at which by the Joint Order, the two Houses were to vote in said election,

The House voted as follows:

FOR MR. BATTLE:

Messrs. Allen, Barringer, Bean, Blackburn, Blow, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Coleman, Clement, Courts, Davis, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, A. Gamble, J. J. Gamble, Green, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, R. I. McDowell, McIntosh, Newsom, Nicholson, Nicholls, Oglesby, Paine, Palmer, Peebles, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, C. Taylor, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, C. Williams—90.

FOR MR. DOBBIN:

Messrs. Foy, McNeill, Nixon, Pegram, Reinhardt, Simms, Stowe, J. Williams, Williamson—9.

FOR MR. STRANGE:

Messrs. Dickson, and Herring—2.

FOR MR. BIGGS:

Messrs. Coffield, A. J. Leach, T. McDowell, Thigpen—4.

FOR MR. HEATH—Mr. Griggs.

FOR MR. RODMAN—Mr. Wooten.

FOR MR. C. EDNEY—Mr. J. Taylor.

A message from the Senate, transmitting an engrossed bill to locate the Judges of the Superior Courts of Law and Equity in North Carolina, in which they ask the concurrence of this House. The bill was read the first time and passed. Mr.

Mebane then moved its reference to the committee on the Judiciary, which was disagreed to.

The House now proceeded to consider the special order of the day, to wit: The bill providing for the amendment of the Constitution of the State of North Carolina. The bill having been read a second time, Mr. Hicks moved to amend the same by inserting as section 3d, the following:

"*Be it further enacted*, That in all future arrangements of Senatorial Districts, the whole number of white population of the State alone, shall be divided by fifty, and every fiftieth part of the white population alone, shall be entitled to a member of the Senate."

Pending the consideration whereof, Mr. Keen moved that the bill, with the amendment, be indefinitely postponed. This motion was determined in the negative; yeas 28, nays 84.

Yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Campbell, Cherry, Farrow, Ferebee, Hargrave, Hayman, H. C. Jones, Keen, Kelly, Koonce, Long, McClees, McClenahan, Nicholls, Peebles, T. J. Person, Proctor, Rayner, Russell, Satterthwaite, Scott, Skinner, Smith, C. Taylor—28.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, Blow, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, C. Jones, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Mebane, Miller, Mosely, McDade, T. McDowell, R. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Oglesby, Palmer, Pegram, S. J. Person, Pigot, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten, Green—84.

So the House refused to postpone indefinitely.

Mr. Scott, from the committee appointed to superintend the election of Judge of the Superior Court, reported that the Hon. William H. Battle had received a majority of the votes given, and was therefore duly elected. In which report the House concurred.

The House then adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The House proceeded, under the rule, to consider bills on their third reading, viz:

The bill to attach a portion of Yancy county to the county of Buncombe, which was read the third time, passed, and ordered to be engrossed;

Also, the bill to authorise the chairman of the Board of Superintendants of Common Schools, in the county of Rutherford, to pay over to the Chairman of the Board of Superintendants of Common Schools, for the County of Polk, certain monies; which was read third time, and on motion of Mr. Stanly, laid upon the table.

Mr. Caldwell, on leave, presented the following Resolution:

Resolved, By the House of Commons, that Commissions, signed by the Speaker, issue at the instance of either party, to Nathaniel Blackwood, T. F. Prather, and John H. Dobson, Justices of the Peace of Surry county, or in case of their inability to act, to any other Justices of said county, authorising and commissioning them, to take the depositions of any person or persons, offered in the said contested election, from said county for a seat in this body, touching said contested election now pending, and return said depositions, sealed up, to the Speaker of the House of Commons; *Provided*, The party offering the witnesses, shall give to the adverse party, at least

five days notice, in writing, of the time and place of taking such depositions; and when such depositions are received by the Speaker of this House, they shall be referred to the committee of Privileges and Elections; *And provided,* The testimony be closed by the 22d instant.

Mr. S. J. Person moved to amend the resolution by striking out "22d," and inserting "18th" instant; which was disagreed to; yeas 47, nays 52.

Yeas and Nays demanded by Mr. Person.

Those who voted in the affirmative were:

Messrs. Brown, Brogden, Campbell, Cannady, Clement, Coffield, Courts, Davis, Dickson, Foy, Hamrick, Harrison, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Martin, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. J. Person, T. Person, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, J. Williams, C. Williams, Wiliamson, Wooten, C. Taylor—47.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, D. F. Caldwell, T. R. Caldwell, Carmichall, Cherry, Coleman, Doak, Erwin, Farmer, Farrow, Ferebee, J. Gamble, Hackney, Hargrave, Hayman, Hayes, Herring, Hicks, Johnson, H. C. Jones, Keen, Koonce, Logan, Long, Love, Mast, Mebane, Miller, McClees, McClenahan, McIntosh, R. I. McDowell, Nicholls, Palmer, Peebles, Pgot, Proctor, Rayner, Regan, Russell, Skinner, Smith, Stanly, Trull, Wadsworth, I. White, Wilkins—52.

So the amendment was rejected.

Mr. S. J. Person then moved to amend the resolution, by inserting after the words, "such depositions," in the 11th line, the following:

"*Provided,* The depositions so taken, shall be received two days before the day which shall hereafter be fixed upon for the adjournment of the Legislature, and in case they shall not be received by that time, then the committee on Privileges and

Elections, shall make a report upon such testimony as may be before them."

Which amendment was rejected; yeas 47, nays 58.

Yeas and nays demanded by Mr. Stevenson.

Those who voted in the affirmative were:

Messrs. Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, Martin, Mosely, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, S. Person, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, J. Williams, C. Williams, Williamson, Wooten—47.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Carmichall, Cherry, Coleman, Doak, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, H. C. Jones, Koonce, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Palmer, Peebles, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Satterthwaite, Scott, Skinner, Smith, Stanly, Walser, Wadsworth, J. H. White, I. White, Wilkins—58.

So the amendment was rejected; and the question recurring upon the adoption of the Resolution, it passed in the affirmative.

Mr. Sherard moved that the House do now adjourn; which was not agreed to.

A motion to adjourn was subsequently made by Mr. Coleman, and the question thereon was determined in the negative, Yeas 41, Nays 57.

Yeas and nays demanded by Mr. Coleman.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Brown, T. R. Caldwell, Campbell, Carmichall, Cherry, Coffield, Davis, Dickson, Hargrave, Harrison, Hayman, Headen, Hicks, C. Jones, Keen, J. M. Leach, Long, Martin, Mebane,

McClenahan, McDade, T. McDowell, McMullen, McNeill, Peebles, Pegram, Russell, Scott, Skinner, Spivey, Stanly, Stevenson, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, Wooten—41.

Those who voted in the negative were:

Messrs. Allen, Bean, Biggs, Blackburn, Blow, Brogden, D. F. Caldwell, Cannady, Coleman, Courts, Doak, Erwin, Farmer, Farrow, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hayes, Herring, Johnson, R. Jones, R. H. Jones, H. C. Jones, Kelly, Koonce, A. J. Leach, Logan, Love, Mast, Miller, Mosely, McClees, R. I. McDowell, McIntosh, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Palmer, T. J. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Sanders, Satterthwaite, Sheek, Sherard, Shuford, Simms, Skeen, Smith, Steele, Stockard, Stowe, Wadsworth, Walser, I. White, Wilkins, C. Williams, Williamson—67

The bill to incorporate the Martin and Bertie Turnpike Company, was read the third time and passed, and ordered to be engrossed.

And then, on motion of Mr. Hicks, the House adjourned.

WEDNESDAY, JANUARY 10, 1849.

Mr. S. J. Person introduced a bill to incorporate Crane's Creek Burial Ground Company, in the county of Moore; and,

Mr. Blow, a bill to lay off a Road in Yancy county, North Carolina, from Flat Rock, to the Burnsville and Indian Grave Gap Road; which were severally read the first time and passed, and the latter bill referred to the committee on Internal Improvements.

Mr. Hayman called up the bill to repeal in part the 6th section, chapter 31, Revised Statutes; which, on his motion, was made the order of the day for to-morrow, at 11 o'clock.

Mr. Mebane, from the committee on Finance, reported unfavorably on the resolution directing the Treasurer to pay in-

terest on certain debts of the State; which was read the second time, and on motion of Mr. Johnson, laid upon the table.

Mr. Rayner, from the Committee on Internal Improvements, reported with an amendment, the bill to lay off and establish a public road, beginning at Trap Hill, in Wilkes County, and running across the Blue Ridge, to Gap Civil, in the County of Ashe. The amendment was concurred in, and the bill as amended, passed its second reading.

Mr. Courts, from the Committee on Propositions and Grievances, reported adversely on the memorial of N. N. Nixon, and certain citizens of New Hanover County, praying the emancipation of James, a slave; which report was read and concurred in.

Mr. Smith, from the committee on Private Bills, reported favorably the bill to incorporate Germanton Lodge, No. 116, of Ancient York Masons, in the County of Stokes; and also, the bill to repeal a part of an act of the General Assembly of 1844 and 45, chapter 5; which were severally read the second time and passed.

Mr. Hicks moved a suspension of the rules, and that the latter bill be put upon its third reading. Disagreed to.

Mr. Smith, from the same committee, reported unfavorably the Resolution in favor of Joshua Patterson, of the County of Surry; which was read the second time and rejected.

Mr. Smith, from the same committee, reported favorably the bill to repeal an act, entitled "an act to alter the mode of electing Constables in the County of Wilkes;" which was read the second time, and on motion, laid upon the table.

Mr. T. J. Person, from the committee on the Library, to whom was referred the communication of his Excellency, touching the subject of International Exchanges of books and documents, according to M. Vattemare's system, reported the same back to the House, and asked to be discharged from the further consideration of the same. The report was concurred in.

Mr. T. R. Caldwell, from the committee on the Judiciary, reported favorably the bill, abolishing Jury Trials in Burke County Court; which was read the second time and passed.

Mr. Dobbin, from the same committe, reported favorably the bill concerning the mode of widows dissenting from the last will and testament of deceased husbands, in certain cases; which was read the second time and passed.

Mr. Satterthwaite, from the same committee, reported the bill granting to the Superior Courts, of the counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases, where the intervention of a jury may be necessary, with an amendment, proposing to strike out all after the enacting clause of the bill, and to insert the substitute recommended by the committee. The amendment was adopted, and the bill as amended, then passed its second reading.

Mr. Rayner from the Joint Select committee, to whom the subject was referred, reported resolutions relative to M. Vattemare's system of International, Literary and Scientific Exchanges; and

Also, a bill to provide for the support of the system of International, Literary and Scientific Exchanges; which were severally read the first time and passed.

On motion of Mr. Dobbin,

Ordered, That the said Resolution and Bill be printed.

Mr. Keen moved that the House do now take up and consider the bill to incorporate the Charlotte and Danville Railroad Company; pending the consideration of which,

The Chair announced the special order of the day, viz:

A bill providing for the amendment of the Constitution of the State of North Carolina, being the unfinished business of yesterday, and the pending question being the amendment offered by Mr. Hicks

A motion was now made by Mr. Satterthwaite, that the House do resolve itself into a committee of the whole, on said bill and amendment; which motion prevailed, and the House accordingly went into a committee of the whole, Mr. Mebane in the Chair. After some time spent therein, the Speaker resumed the Chair, the Chairman reported progress; and asked

leave to sit again. The report was concurred in, and the leave granted.

On motion, the House adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

In obedience to the joint order of the two Houses, the House now proceeded, with the concurrence of the Senate, to the appointment of Justices of the Peace, for the several Counties of the State; and thereupon, on motion of Mr. Biggs,

The House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JAN. 11, 1849.

A message was received from the Senate, disagreeing to the appointment of Thomas Cherry, James K. Costin, and Thomas Powell, as Justices of the Peace for Gates County, as proposed by the House yesterday; and recommending the names of Costin Jordan and Jordan Parker, for Justices of said county.

The House refused to concur in the recommendation.

Also, a message informing, that at the request of the Senator from Orange, John Berry, Esq., the Senate refuses to concur in the recommendation of his name as a Justice of the Peace for Orange County.

On motion of Mr. Long,

The House took up for consideration, the engrossed resolution in favor of the Executors of Joseph J. Daniel; which was

read the second and third times and passed, and ordered to be enrolled.

In obedience to the special order of yesterday, the House now proceeded to consider the bill to repeal, in part, the 6th section, chapter 31st, Revised Statutes; which was read the second time, and on motion of Mr. Farmer, indefinitely postponed; yeas 70, nays 28.

Yeas and nays demanded by Mr. Hayman,

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Brown, D. F. Caldwell, Clement, Doak, Dobbin, Edney, Erwin, Farmer, Ferebee, J. Gamble, A. Gamble, Green, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Hicks, Johnson, C. Jones, Keen, J. M. Leach, A. J. Leach, Long, Love, Mebane, Miller, Mosely, McClees, McClenahan, McDade, R. I. McDowell, McIntosh, Newsom, Nicholson, Nixon, Oglesby, Palmer, Peebles, Pegram, T. Person, Reinhardt, Russell, Satterthwaite, Sheek, Shuford, Skeen, Skinner, Smith, Stanly, Steele, Stevenson, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, J. Williams, C. Williams, Wooten—70.

Those who voted in the negative were:

Messrs. Allen, Blow, Brogden, Cannady, Coffield, Courts, Davis, Dickson, Farrow, Foy, Hayman, Herring, R. Jones, Kelly, Koonce, Logan, Martin, T. McDowell, McMullen, McNeill, Pigot, Proctor, Sanders, Scott, Sherard, Wilkins, T. Williams, Williamson—28.

So the bill was indefinitely postponed.

Mr. Barringer moved that the House do now take up for consideration the bill to incorporate the Charlotte and Danville Rail Road Company; and the question thereon was decided in the affirmative; Yeas 66, Nays 46.

Yeas and Nays demanded by Mr. T. R. Caldwell.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Brown, T. Caldwell, D. Caldwell, Campbell, Carmichall, Clement, Coffield, Coleman, Courts, Davis, Doak, Edney, Erwin, Farrow, A. M. Gamble, J. J. Gamble,

Hackney, Hamrick, Harrison, Hayes, Headen, Hicks, Johnson, R. Jones, C. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Nicholson, Oglesby, Palmer, Pegram, Proctor, Rayner, Regan, Reinhardt, Russell, Scott, Sheek, Shuford, Steele, Stockard, Stowe, Trull, Walser, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams—66.

Those who voted in the negative were:

Messrs. Allen, Biggs, Blow, Brogden, Cannady, Dickson, Dobbin, Ferebee, Foy, Green, Griggs, Hargrave, Hayman, Herring, R. H. Jones, Kelly, Koonce, A. J. Leach, Martin, Mosely, McClees, T. McDowell, Newsom, Nicholls, Nixon, Peebles, S. Person, T. Person, Sanders, Satterthwaite, Sherard, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Stevenson, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, I. White, Williamson, Wooten—46.

So the House agreed to take up the bill; and pending the consideration of the same,

The Chair announced the special order of the day, to-wit, the unfinished business of yesterday, being the bill providing for an amendment of the Constitution of the State of North Carolina; when Mr. Clement moved that the same be postponed until to-morrow, and made the special order for 12 o'clock, of that day.

The question on this motion was decided in the negative—Yeas 52, Nays 61.

Yeas and Nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Coleman, Courts, Davis, Doak, Edney, Erwin, Farrow, A. M. Gamble, J. J. Gamble, Hackney, Hamrick, Harrison, Hayes, Headen, Hicks, Johnson, R. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Long, Mast, Mebane, McClenahan, R. I. McDowell, McIntosh, McMullen, Nicholson, Oglesby, Palmer, S. Person, Proctor, Regan, Reinhardt, Scott, Shuford, Steele, Stowe, Trull, Walser, J. H. White, Wilkins, J. J. Williams—52.

Those who voted in the negative were:

Messrs. Allen, Biggs, Blow, Brown, Brogden, Cannady, Coffield, Dickson, Dobbin, Farmer, Ferebee, Foy, Green, Griggs, Hargrave, Hayman, Herring, C. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Love, Martin, Miller, Mosely, McClees, McDade, T. McDowell, McNeill, Newsom, Nicholls, Nixon, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Sheek, Sherard, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, I. White, T. Williams, C. Williams, Williamson, Wooten, Peebles—61.

So the House refused to postpone till to-morrow.

The House thereupon went into Committee of the Whole on said bill and the amendment, Mr. Mebane in the Chair. After some time spent therein, the Speaker resumed the Chair, the Chairman reported progress, and asked leave to sit again; and thereupon, on motion of Mr. Stanly, the committee were discharged from the further consideration of the subject.

Mr. Hicks then withdrew his amendment; when, Mr. Rayner moved to amend the bill, by striking out all after the first word "whereas," and inserting as a substitute therefor, the bill heretofore introduced by him, concerning a Convention to amend the Constitution of the State of North Carolina.

Mr. T. R. Caldwell moved to amend the amendment, by inserting after the word "State," in the 7th line, the following: "and give to a minority of the people a majority of the Representatives;" and to insert in the 14th line of section 13, after the word "Assembly," the following, to-wit: "And shall so provide that the members of the Senate, and of the House of Commons, shall hereafter be apportioned among the several counties in this State, according to the white population."

Pending the consideration whereof, the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House now proceeded, under the rule, to take up and consider bills on their third reading; and the following were read the third time and passed, and ordered to be engrossed, viz:

A bill to amend an act passed at the last session of the General Assembly, entitled, "an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp, and for other purposes," and to extend the provisions thereof;

A bill to incorporate the Williamston Library Association, in the county of Martin;

A bill to amend the acts heretofore passed for the better regulation of the town of Williamston;

A bill to appoint Commissioners to lay off a Road in Wilkes County.

A bill to authorise Cornelius Shields, to build a bridge across Bear Creek in the county of Moore;

A bill to amend an act entitled, "an act to authorise A. R. S. Hunter, of Macon County, to erect a bridge across the Hiwassee River," passed at the session of 1834; also,

To amend the acts of 1838-40;

A bill to alter an act concerning a Road in Iredell county;

A bill to authorise Wm. R. Abbot, to cut a Canal and make a Road thereon;

A bill to incorporate the Wake County Rifle Company, at Dunsville, in Wake county.

A bill to amend an act entitled, "an act to incorporate the Hickory Nut Turnpike Company," passed at the session of the General Assembly of 1840-1;

A bill to incorporate a Mutual Life Insurance Company, in North Carolina;

A bill to incorporate Phalanx Lodge, No. 31, of Ancient York Masons, in the town of Charlotte;

A bill to incorporate Concordia Lodge, No. 11, of the Independent Order of Odd Fellows, in the town of Beaufort; and

A resolution in favor of the Executors of John R. Stamey, late Sheriff of Lincoln county.

The bill to extend the time of perfecting titles to land, here-

tofore entered, was also read the third time, and on motion of Mr. Hicks, laid upon the table.

The engrossed bill to lay off and establish a new county, by the name of Watauga, was read the third time, and the question, "shall this bill pass its third reading?" was decided in the affirmative, yeas 75, nays 27.

Yeas and nays demanded by Mr. Barringer.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichael, Clement, Coleman, Courts, Doak, Dobbin, Edney, Erwin, Farmer, A. M. Gamble, J. J. Gamble, Griggs, Haekney, Hamrick, Hargrave, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, H. C. Jones, Keen, J. M. Leach, A. J. Leach, Logan, Love, Mast, Mebane, Miller, Mosely, McClenahan, McDade, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Pegram, T. Person, Regan, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Skeen, Smith, Stockard, Stowe, Trull, Walser, J. H. White, J. White, Wilkins, J. Williams, C. Williams, Farrow—75.

Those who voted in the negative were:

Messrs. Barringer, Biggs, Cherry, Coffield, Dickson, Ferebee, Foy, Green, Hayman, C. Jones, Kelly, Koonce, Martin, McClees, Nicholls, Peebles, Pigot, Proctor, Rayner, Simms, Spivey, Stanly, Taylor, Thigpen, Thornton, Wadsworth, Wooten—27.

Ordered, That the said bill be enrolled.

The Resolutions upon the power of Congress over Territories belonging to the United States, were read the third time, when Mr. Stanly moved that they be laid upon the table.

Mr. C. Jones moved to amend the motion, by adding, and that they be made the special order of the day for Saturday next, 11 o'clock; which motion was disagreed to; and the question recurring on the motion of Mr. Stanly, was determined in the negative—Yeas 36, Nays 67.

Yeas and nays demanded by Mr. A. J. Leach.

Those who voted in the affirmative were:

Messrs. Barringer, Blackburn, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Cherry, Edney, Erwin, Farmer, Ferebee, Green, Hackney, Hargrave, Hayes, Headen, Johnson, H. C. Jones, Logan, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholls, Oglesby, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Skeen, Skinner, Stanly, Trull, Wadsworth—36.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Doak, Dobbin, Farrow, A. Gamble, J. J. Gamble, Griggs, Hamrick, Harrison, Hayman, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Kelly, Keen, Koonce, J. M. Leach, A. J. Leach, Love, Martin, Mast, Mebane, Mosely, McClees, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nicholson, Nixon, Pegram, T. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Spivey, Steele, Stockard, Stowe, Thigpen, Thornton, Walser, J. H. White I. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—67.

So the House refused to lay the Resolutions on the table.

A motion was then made by Mr. Stanly, that the House adjourn till to morrow morning 10 o'clock, and upon this question he demanded the yeas and nays, which were ordered. The question was decided in the negative; yeas 27, nays 77.

Those who voted in the affirmative were:

Messrs. Barringer, Biggs, Blackburn, D. F. Caldwell, T. R. Caldwell, Campbell, Cherry, Doak, Edney, Ferebee, J. Gamble, Green, Hackney, Headen, Johnson, C. Jones, J. M. Leach, McClenahan, McDade, Nicholls, Peebles, Pgot, Satterthwaite, Skeen, Skinner, Stanly, Wadsworth—27.

Those who voted in the negative were:

Messrs. Ballard, Bean, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Erwin, Foy, A. Gamble, Griggs, Hamrick, Hargrave, Harrison, Hayman, Hayes, Herring, Hicks, R. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, A. J. Leach, Logan, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, T. McDowell,

R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, T. Person, Proctor, Rayner, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, Wilkins, J. Williams, C. Williams, T. Williams, Wiliamson, Wooten—77.

So the House refused to adjourn.

A motion was made by Mr. Satterthwaite, that the resolutions be indefinitely postponed; and the question thereon was decided in the negative—Yeas 22, nays 81.

Yeas and nays demanded by Mr. Doak.

Those who voted in the affirmative were:

Messrs. Barringer, D. F. Caldwell, Campbell, Cherry, Doak, Edney, Erwin, Ferebee, Green, Hackney, Hargrave, Headen, Johnson, Logan, Miller, McClenahan, Rayner, Russell, Satterthwaite, Skeen, Skinner, Stanly—22.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, A. Gamble, J. J. Gamble, Griggs, Hamrick, Harrison, Hayman, Hayes, Herring, Hicks, C. Jones, R. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, A. J. Leach, J. M. Leach, Love, Martin, Mast, Mebane, Mosely, McClees, McDade, T. McDowell, R. I. McDowell, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Peebles, Pegram, T. J. Person, Pigot, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—80.

So the House refused to postpone indefinitely.

Mr. D. F. Caldwell moved that the House do now adjourn; and the question thereon was decided in the negative; yeas 25, nays 73.

Yeas and nays demanded by Mr. A. J. Leach.

Those who voted in the affirmative were:

Messrs. Barringer, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Doak, Edney, Ferebee, Green, Hackney, Hargrave, Hayes, Headen, McClenahan, McDade, Nicholls, Peebles, Pigot, Rayner, Russell, Satterthwaite, Skinner, Stanly, Trull—25.

Those who voted in the negative were:

Messrs. Ballard, Bean, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Erwin, Foy, A. Gamble, J. J. Gamble, Griggs, Hamrick, Harrison, Hayman, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, A. J. Leach, Logan, Love, Martin, Mast, Miller, Mosely, McClees, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Pegram, T. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Walser, J. H. White, Wilkins, C. Williams, J. Williams, T. Williams, Wadsworth, Williamson, Wooten—73.

So the House refused to adjourn.

Mr. T. R. Caldwell then moved that the House take a recess until 7 o'clock, this evening; which motion was disagreed to.

Mr. Stanly moved to amend the Fourth Resolution in the series, by striking out all after the first word "Resolved," and inserting the following:

"That the enactment of any law by Congress, which shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the territories of the United States, and of exercising ownership over the same while in said territories, will be an act of gross injustice and wrong; and that all efforts of the abolitionists to interfere with slavery, either in the District of Columbia, or the States, deserve our severest reprehension, and should call forth the earnest and prompt disapprobation of every friend of the Union."

Mr. Dobbin called for a division of the question, and moved that the question be first taken on striking out. The motion prevailed, and the question on striking out was decided in the negative; yeas 40, nays 59.

Yeas and nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, Cherry, Doak, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, H. C. Jones, Koonce, J. M. Leach, Logan, Mebane, Miller, McClenahan, McIntosh, Nicholls, Nicholson, Oglesby, Palmer, Pigot, Rayner, Russell, Satterthwaite, Skeen, Smith, Stanly, Trull, Wadsworth, Walser—40.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Herring, Hayman, Hicks, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mast, Mosely, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—59.

So the House refused to strike out; and the amendment was not carried.

Mr. Stanly now moved a call of the House, and the question on this motion was determined in the negative; yeas 40, nays 61.

Yeas and nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, Brogden, T. R. Caldwell, Cherry, Doak, Edney, Erwin, Farmer, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Johnson, H. C. Jones, Kelly, J. M. Leach, Logan, Love, Miller, T. McDowell, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Pigot, Rayner, Russell, Satterthwaite, Skinner, Smith, Stanly, Wadsworth, Walser, Wilkins—40.

Those who voted in the negative were:

Messrs. Ballard, Brown, Campbell, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, Griggs, Hamrick, Harrison, Hayman, Hayes, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Keen,

Koonce, A. J. Leach, Martin, Mast, Mebane, Mosely, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Pegram, T. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Skeen, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, J. H. White, J. Williams, C. Williams, T. Williams, Williamson, Wooten—61.

So a call of the House was disagreed to.

Mr. H. C. Jones moved to amend the 4th Resolution, by striking out the words, "meaning and," immediately preceding the word "spirit." Pending the consideration of this amendment, Mr. T. R. Caldwell moved an adjournment till tomorrow morning, 10 o'clock; and the question thereon was decided in the negative; yeas 28, nays 77.

Yeas and Nays demanded by Mr. Caldwell.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, T. R. Caldwell, Campbell, Cherry, Doak, Edney, Erwin, Ferebee, J. J. Gamble, Green, Hargrave, Headen, Johnson, H. C. Jones, Koonce, J. M. Leach, Mebane, McClenahan, Oglesby, Palmer, Pigot, Russell, Skinner, Smith, Stanly, Trull, Wadsworth—28.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blackburn, Blow, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Farmer, Foy, A. Gamble, Griggs, Hamrick, Harrison, Hayman, Hayes, Herring, Hicks, C. Jones, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Logan, Love, Martin, Mast, Miller, Mosely, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Pegram, T. J. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Skeen, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Walser, J. H. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—71.

So the House refused to adjourn.

A motion to adjourn was made by Mr. Stanly, and the question thereon was decided in the negative; yeas 29, nays 69.

Yeas and nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, D. F. Caldwell, Campbell, Cherry, Doak, Edney, Erwin, J. J. Gamble, Green, Hargrave, Hayes, Hicks, H. C. Jones, Koonce, J. M. Leach, Miller, McClenahan, McDade, Nicholls, Oglesby, Russell, Skeen, Skinner, Smith, Stanly, Ferebee—29.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Farmer, Foy, Griggs, Hamrick, Harrison, Hayman, Herring, R. H. Jones, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, Logan, Love, Martin, Mast, Mebane, Mosely, McClees, R. I. McDowell, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Pegram, T. Person, Pigot, Proctor, Regan, Reinhardt, Sanders, Scott, Shuford, Sheek, Simms, Spivey, Stockard, Stowe, Stevenson, Steele, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, Wilkins, T. Williams, C. Williams, J. J. Williams, Williamson, Wooten—68.

So the House again refused to adjourn.

The question was then taken on the amendment offered by Mr. H. C. Jones, and decided in the negative; yeas 32, nays 57.

Yeas and nays demanded be Mr. T. McDowell.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Cherry, Doak, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Hicks, Johnson, H. C. Jones, Koonce, J. M. Leach, Logan, Miller, McIntosh, Nicholson, Oglesby, Palmer, Pigot, Proctor, Satterthwaite, Skeen, Skinner, Stanly, Wadsworth—32.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, A. M. Gamble, Griggs, Hamrick, Harrison, Hayman, Hayes, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Martin, Mosely, McClees, T. McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person,

Regan, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Walser, J. H. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—58.

So the amendment was rejected.

Mr. Steele moved that the House do now adjourn; which motion was decided in the negative; yeas 42, nays 48.

Yeas and nays demanded by Mr. Blow.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, Campbell, Cherry, Doak, Edney, Erwin, Ferebee, J. J. Gamble, Hackney, Hayes, Headen, Hicks, Johnson, H. C. Jones, Koonce, J. M. Leach, Logan, Mast, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, Pigot, Regan, Satterthwaite, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, C. Taylor, Trull, Wadsworth Wilkins—42.

Those who voted in the negative were:

Messrs. Blow, Brown, Brogden, Cannady, Coffield, Courts, Dickson, Dobbin, Foy, Green, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mosely, McClees, T. S. McDowell, McMullen, McNeill, Newsom, Nixon, Palmer, Pegram, T. Person, Proctor, Reinhardt, Sanders, Scott, Sheek, Simms, Skeen, Stockard, Stowe, J. Taylor, Thigpen, Thornton, J. H. White, C. Williams, Williamson, Wooten—48.

So the House refused to adjourn.

Mr. Blow now moved to amend the Resolutions, by striking out all after the first word "Resolved," and inserting the following as a substitute for the series:

"WHEREAS, The State of North Carolina is represented in the Senate of the United States by two of her ablest sons, and has in the House of Representatives, nine faithful and vigilant guardians of her peculiar interests; Therefore,

Be it Resolved, That those gentlemen in Congress, who are the Representatives of Southern interests, be requested to do their duty."

Pending the consideration whereof, Mr. Biggs moved to postpone the further consideration of the Resolutions, and to make them the order of the day for to-morrow, at 10 o'clock; which motion was disagreed to; yeas 20, nays, 67.

Yeas and nays demanded by Mr. Love.

Those who voted in the affirmative were:

Messrs. Barringer, Biggs, Blackburn, Campbell, Erwin, J. J. Gamble, Hayes, Hicks. H. C. Jones, J. M. Leach, Logan, McIntosh, Miller, Satterthwaite, Smith, Spivey, Steele, Stevenson, Trull, Wadsworth—20.

Those who voted in the negative were:

Messrs. Bean, Blow, Brown, Brogden, T. Caldwell, Cannady, Cherry, Courts, Davis, Dickson, Doak, Edney, Farmer, Ferebee, Foy, Green, Griggs, Haekney, Hamrick, Harrison, Hayman, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Martin, Mosely, McClees, McClenahan, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Palmer, Pegram, T. Person, Proctor, Pigot, Regan, Reinhardt, Sanders, Scott, Sheek, Simms, Skeen, Skinner, Stanly, Stokard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, Wilkins, C. Williams, Williamson, Wooten, Love—67.

A motion was now made by Mr. Coffield, that the House adjourn to to-morrow morning, 10 o'clock; which was disagreed to—yeas 39, nays 49.

Yeas and nays demanded by Mr. C. Jones.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Blackburn, T.R. Caldwell, Campbell, Cherry, Coffield, Doak, Edney, Farmer, Ferebee, J. J. Gamble, Green, Haekney, Hamriek, Hayes, Hieks, Johnson, J. M. Leaeh, Logan, Martin, Miller, McClenahan, McIntosh, Nicholls, Nicholson, Oglesby, Palmer, Pigot, Regan, Satterthwaite, Skinner, Spivey, Stanly, Steele, Trull, J. H. White, Wilkins—39.

Those who voted in the negative were:

Messrs. Ballard, Bean, Blow, Brown, Brogden, Cannady, Courts, Davis, Dickson, Dobbin, Erwin, Foy, Griggs, Harrison, Hayman, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leaeh,

Love, Mosely, McDowell, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, Proctor, Reinhardt, Sanders, Scott, Sheek, Simms, Skeen, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, C. Williams, Williamson, Wooten—49.

So the House again refused to adjourn.

A motion was then made by Mr. Dobbin, that the further consideration of the Resolutions be postponed until to-morrow, and that they be made the special order of the day for that day, at half past 10 o'clock; which motion passed in the affirmative; yeas 48, nays 37.

Yeas and nays demanded by Mr. Farmer.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Ballard, Biggs, Blackburn, T. R. Caldwell, Campbell, Coffield, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Ferebee, Foy, J. Gamble, Green, Griggs, Hamrick, Harrison, Hayman, Hayes, Hicks, R. H. Jones, Koonce, J. M. Leach, Logan, Martin, McClenahan, McMullen, Nixon, Pegram, T. Person, Pigot, Satterthwaite, Spivey, Stanly, Steele, Stevenson, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, Wilkins, C. Williams, Wiliamson—48.

Those who voted in the negative were:

Messrs. Bean, Blow, Brown, Brogden, Cannady, Cherry, Courts, Farmer, Herring, Johnson, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, Love, Miller, Mosely, T. McDowell, McIntosh, McNeill, Newsom, Nicholls, Oglesby, Palmer, Proctor, Sanders, Scott, Sheek, Simms, Skeen, Skinner, Stockard, Stowe, Wadsworth, Wooten, Reinhardt—37.

So the motion to postpone till to-morrow prevailed; and thereupon, the House adjourned.

FRIDAY, JAN. 12, 1849.

Mr. Stevenson presented a memorial from citizens of Craven county, praying an alteration in the laws relative to the Inspection of Tar and Turpentine. Ordered to lie on the table.

Mr. McClenahan introduced a bill supplemental to an act, passed at the present session of the Legislature, to improve the Cape Fear and Deep Rivers, above Fayetteville; which was read thd first time and passed, and referred to the committee on Internal Improvements.

Mr. Shuford introduced a bill to alter the time of holding two terms of the Court of Pleas and Quarter Sessions, in the counties of Lincoln and Catawba; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Farmer presented a Resolution in favor of Joseph W. Livingston, and

Mr. H. C. Jones, a Resolution in favor of H. L. Robards; which were severally read the first time and passed.

Mr. Cherry presented a Resolution, instructing the Literary Board to sell the Swamp Lands of the State, belonging to the said Fund. The Resolution passed its first reading.

The House now proceeded to the consideration of the special order of the day, to wit: The Resolutions on the power of Congress over the Territories of the United States, the pending question being on the amendment proposed by Mr. Blow yesterday. Mr. Blow withdrew the said amendment, and thereupon, Mr. Stanly moved to amend the 4th Resolution by striking out all after the word "Resolved," and inserting:

"That the enactment of any law by Congress, which shall directly or indirectly, deprive the citizens of any of the States, of the right of emigrating with their slave property, into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act of gross injustice and wrong."

Which amendment was rejected; yeas 49, nays 59.

Yeas and nays demanded by Mr. Williamson.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Doak, Edney Erwin, Farmer, Ferebee, Farrow, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, H. C. Jones, Koonce, J. M. Leach, Logan, Mebane, Miller, McClenahan, R. McDowell, McIntosh, Nicholls, Oglesby, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Skeen, Skinner, Smith, Stanly, Trull, Wadsworth, I. White—49.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts, Davis, Dickson, Dobbin, Foy, A. Gamble, Griggs, Hamrick, Harrison, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Long, Love, Martin Mast, Mosely, McDade, T. McDowell, McNeill, McMullen, Newsom, Nixon, Pegram, T. Person, Proctor, Regan, Reindhardt, Sanders, Scott, Sheek, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—59.

Mr. Cherry then moved the following amendment as a substitute for the fourth Resolution, striking out all after the word "Resolved":

"That the enactment of any law by Congress, which shall, directly or indirectly, deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the Territories of the United States, will be the exercise of power, contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof; and will be an act of gross injustice and wrong."

Pending the consideration of which,

The Speaker announced the special order for this hour, to wit: The engrossed bill to provide for making a Turnpike from Salisbury West, to the line of the State of Georgia. Mr. Stevenson moved that the consideration of this bill be postponed, and that it be made the special order for this afternoon at 3 o'-

clock; which motion was disagreed to; yeas 58, nays 52. (The rule requiring a vote of two thirds.)

Yeas and nays demanded by Mr. Miller.

Those who voted in the affirmative were:

Messrs. Ballard, Biggs, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Farrow, Foy, A. M. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Herring, R. Jones, R. H. Jones, H. C. Jones, Kelly, A. J. Leach, Martin, Mebane, Mosely, McClees, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Pegram, T. Person, Proctor, Regan, Reinhardt, Sanders, Scott, Sheek, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, J. H. White, J. Williams, C. Williams, T. Williams, Williamson, Wooten—58.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Blackburn, Blow, T. Caldwell, D. Caldwell, Campbell, Carmichall, Cherry, Coleman, Doak, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hayman, Hayes, Headen, Hicks, Johnson, Keen, Koonce, J. M. Leach, Logan, Long, Love, Mast, Miller, McClenahan, McDade, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Shuford, Skeen, Skinner, Smith, Stanly, Wadsworth, Walser, I. White, Wilkins—52.

So the House refused to postpone; and the bill was then read a second time and passed.

The House then resumed the consideration of the unfinished business of yesterday, being the bill providing for an amendment of the Constitution of the State of North Carolina; the pending question being the amendment offered by Mr. T. R. Caldwell, to the proposed amendment of Mr. Rayner.

Mr. Caldwell withdrew his amendment as to the Preamble of the substitute proposed by Mr. Rayner, and the question then being on the amendment of the 13th section, as proposed

by him yesterday, was decided in the negative—Yeas 39 Nays 70.

Yeas and nays demanded by Mr. Brown.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, D. Caldwell, T. Caldwell, Campbell, Carmichall, Coleman, Doak, Edney, Erwin, Farmer, J. J. Gamble, Hackney, Hamrick, Hargrave, Hayes, Hicks, Johnson, H. C. Jones, Logan, Love, Mast, Mebane, Miller, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Reinhardt, Russell, Scott, Sheek, Shuford, Walser, J. H. White, I. White, Wilkins—39.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Blow, Brown, Brogden, Cannady, Cherry, Coffield, Courts, Davis, Dickson, Dobbin, Farrow, Ferebee, Green, Foy, Griggs, Harrison, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, J. M. Leach, Long, Martin, Mosely, McClees, McClenahan, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Peebles, Pegram, T. Person, Pigot, Proctor, Rayner Regan, Sanders, Satterthwaite, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. Williams, T. Williams, C. Williams, Williamson, Wooten—70.

So the House rejected the amendment.

Mr. J. M. Leach then moved the following amendment, as section 3rd, of the substitute:

"*And be it further enacted*, That the Constitution shall be so amended, as to provide that the Senate shall hereafter be apportioned among the several counties of this State, according to the Federal basis, and the members of the House of Commons, according to the White population of the State."

Pending the consideration whereof, Mr. Kelly moved that the bill and amendment be indefinitely postponed; and the question thereon was decided in the negative—Yeas 19, Nays 89.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Brown, Cherry, Dickson, Farrow, Hayman, Herring, Keen, Kelly, Long, McClees, Nicholls, Peebles, T. Person, Regan, Satterthwaite, Smith, C. Taylor—19.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Blow, Brogden, D. Caldwell, T. Caldwell, Campbell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Davis, Doak, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hargrave, Hamrick, Hayes, Harrison, Hicks, Johnson, R. Jones, H. C. Jones, R. H. Jones, Koonce, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Mebane, Miller, Mosely, T. McDowell, R. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Scott, Sheek, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, J. Williams, T. Williams, C. Williams, Williamson and Wooten, McDade—89.

So the House refused to postpone indefinitely.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Stanly moved a reconsideration of the vote, by which yesterday, was rejected the bill to repeal, in part, the 6th section of chapter 31, Revised Statutes; which motion was agreed to. And thereupon, on his motion, the bill was referred to the committee on the Judiciary, with instructions to report as a

substitute therefor, the amendment now offered by him, and referred with the bill.

Mr. Ferebee moved a reconsideration of the vote, by which was passed yesterday its third reading, a bill to amend an act passed at the last session of the General Assembly, entitled "an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp, and for other purposes," and to extend the provisions thereof. The motion prevailed; the bill was amended on motion of Mr. Ferebee, and then read the third time and passed, and ordered to be engrossed.

The bill to authorise A. H. Erwin to establish a Toll Bridge over the Catawba River, in the County of Burke, was read the third time and passed, and ordered to be engrossed.

Mr. J. M. Leach moved that the bill to incorporate the Charlotte and Danville Rail Road Company, be now taken up, and made the order of the day for to-morrow, at 11 o'clock.

Mr. Dobbin moved to amend the motion, by striking out "to-morrow, at 11 o'clock," and inserting "Monday next, 12 o'clock;" which was carried.

A motion was now made by Mr. Rayner, that the rules be suspended, and that the House proceed to take up and consider the bill providing for the amendment of the Constitution of the State of North Carolina; which motion, two thirds concurring, was agreed to—yeas 74, nays 32.

Yeas and Nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brown, Brogden, T. Caldwell, D. Caldwell, Cannady, Cherry, Clement, Coffield, Coleman, Courts, Doak, Dobbin, Edney, Farmer, Ferebee, Foy, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Johnson, R. Jones, H. C. Jones, Keen, J. M. Leach, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, McDade, R. I. McDowell, McMullen, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Peebles, T. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Scott, Sheek, Shuford, Simms, Skeen, Skinner, Stanly, Stockard, Stowe, Trull, Walser, J. H. White, I. White, T. Williams, C. Williams, J. Willliams, Williamson—74.

Those who voted in the negative were:

Messrs. Allen, Campbell, Carmichall, Davis, Dickson Erwin, Farrow, Griggs, Hamrick, Hayman, Herring, Hicks. R. H. Jones, Kelly, Koonee, Logan, T. McDowell, McIntosh, McNeill, Pegram, Regan, Sanders, Smith, Spivey, Steele, Stevenson, J. Taylor, C. Taylor, Thornton, Wadsworth, Wilkins, Wooten—32.

So the House proceeded to consider the said bill; and the question being on the adoption of the amendment to the amendment as proposed by Mr. Leach, was decided in the negative—yeas 41, nays 65.

Yeas and nays demanded by Mr. Leach.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, T. R. Caldwell, D.F. Caldwell, Campbell, Carmichall, Coleman, Doak, Edney, Erwin, Farmer, J. J. Gamble, Hackney, Hamrick, Hargrave, Hayes, Headen, Hicks, Johnson, H. C. Jones, J. M. Leach, Logan, Love, Mast, Mebane, Miller, R. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Reinhadt, Russell, Scott, Shuford, Skeen, Trull, Walser, J. H. White, Wilkins—41.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Blow, Brown, Brogden, Cannady, Cherry, Coffield, Courts, Davis, Dickson, Dobbin, Farrow, Ferebee, Foy, Green, Griggs, Harrison, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonee, A. J. Leach, Long, Martin, Mosely, McClees, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Peebles, Person, Pigot, Proctor, Rayner, Sanders, Sheek, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, I. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—65.

So the amendment was rejected.

Mr. D. F. Caldwell moved to amend the amendment of Mr. Rayner, by striking out the word "not," in the 14th line of 13th section, and adding thereto the words, "they may deem necessary," so that the section shall read, "And that said Convention shall make any alteration or amendment of the Constitution they may deem necessary;" which amendment was disagreed to.

The question then recurring upon the adoption of the amendment proposed by Mr. Rayner, as a substitute for the bill introduced by Mr. Sheek. Mr. A. J. Leach called for a division of the question, and moved that the question be first taken on the proposition to strike out. The motion prevailed, and the question on striking out, was decided in the negative.—Yeas 51, nays 59.

Yeas and nays demanded by Mr. Leach.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Carmichall, Cherry, Coleman, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Hackney, Hargrave, Hayman, Hayes, Headen, Johnson, H. C. Jones, J. M. Leach, Logan, Long, Love, Mebane, Miller, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Pigot, Proctor, Regan, Reinhardt, Satterthwaite, Scott, Skeen, Skinner, Steele, Trull, Wadsworth, Walser, I. White, Wilkins, Mast, Hicks—51.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, A. Gamble, Green, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Martin, Mosely, McClees, McDade, T. S. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Peebles, Pegram, T. Person, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Smith, Spivey, Stanly, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor Thigpen, Thornton, J. H. White, C. Williams, J. Williams, T. Williams, Williamson, Wooten—59.

So the House refused to strike out.

The question now being upon the passage of the bill its second reading, Mr. Cannady moved to amend the same, by striking out all after the first word "Whereas," of the Preamble, and inserting a substitute in lieu thereof. (The proposed amendment provides for taking the vote of the people, at the next election for members of the General Assembly, in regard to an amendment of the Constitution, so as to extend the right of voting for members of the Senate, to all persons who are entitled to vote for members of the House of Commons.)

Pending the consideration of which amendment, Mr. Love moved a call of the House; the question upon which motion was decided in the negative—Yeas 40, Nays 70.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blow, D. F. Caldwell, T. R. Caldwell, Carmichall, Coleman, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, J. Gamble, Hackney, Hargrave, Hayes, Headen, Johnson, H. C. Jones, J. M. Leach, Logan, Long, Love, Mebane, Miller, Nicholson, Oglesby, Palmer, Peebles, Pigot, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Steele, Trull, I. White—40.

Those who voted in the negative were:

Messrs. Allen, Ballard, Blackburn, Brown, Brogden, Campbell, Cannady, Cherry, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, A. Gamble, Green, Griggs, Hamrick, Harrison, Herring, Hicks, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Martin, Mast, Mosely, McClees, McClenahan, McDade, T. McDowell, R. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nixon, Pegram, T. Person, Proctor, Regan, Reinhardt, Sanders, Sheek, Shuford Simms, Spivey, Smith, Stanly, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—70.

So a call of the House was disagreed to:

And the question recurring upon the amendment proposed by Mr. Cannady, was decided in the negative; yeas 40, nays 67.

Yeas and nays demanded by Mr. Cannady.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Coleman, Dickson, Doak, Edney, Erwin, Green, Hayes, R. H. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Love, Martin, Mebane, Miller, McClenahan, McDade, R. I. McDowell, Oglesby, Palmer, Proctor, Satterthwaite, Simms, Steele, Stevenson, Stockard, C. Taylor, Wilkins, T. Williams, Wooten—40.

Those who voted in the negative were :

Messrs. Biggs, Blackburn, Blow, Brown, Cherry, Clement, Coffield, Courts, Davis, Dobbin, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, Hicks, Johnson, R. Jones, Kelly, Koonce, A. J. Leach, Long, Mosely, McClees, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Pegram, Peebles, T. Person, Rayner, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Shuford, Skeen, Skinner, Smith, Spivey, Stanly, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, C. Williams, J. Williams, Williamson—67.

So the amendment was rejected.

A motion was now made by Mr. Smith, that the House do reconsider the vote, by which the amendment offered by Mr. Rayner had been rejected; and the question thereon was decided in the negative; yeas 52, nays 58.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were :

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Coleman, Doak, Edney, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, H. C. Jones, J. M. Leach, Logan, Long, Love, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Peebles, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Steele, Trull, Wadsworth, Walser, I. White, Wilkins—52.

Those who voted in the negative were :

Messrs. Ballard Blow, Brown, Brogden, Cannady, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Foy, A. Gamble, Green, Griggs, Hamrick, Harrison, Hayman, Herring, R. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Martin, Mosely, McClees, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Pegram, T. Person, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Smith, Spivey, Stanly, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, C. Williams, T. Williams, Williamson, Wooten—58.

So the House refused to reconsider the amendment.

Mr. J. M. Leach then moved to amend the bill, by inserting the following as section 3d:

"*And be it further enacted*, That the Constitution shall be so amended, as to provide that the Senate shall hereafter be apportioned among the several counties of this State, according to the Federal basis, and the members of the House of Commons, according to the White population of this State."

Which amendment was rejected; yeas 36, nays 66.

Yeas and nays demanded by Mr. Doak.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Farmer, A. M. Gamble, J. J.Gamble, Hackney, Hamrick, Hayes, Headen, Hicks, Johnson, H. C. Jones, Logan, Love, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Reinhardt, Scott, Shuford, Walser, J. H. White, I. White, Wilkins—36.

Those who voted in the negative were:

Messrs. Allen, Ballard, Blow, Brown, Brogden, Cannady, Cherry, Coffield, Courts, Davis, Dickson, Dobbin, Farrow, Ferebee, Foy, Green, Griggs, Harrison, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Long, Martin, Mosely, McClees, McDade, T. McDowell, McMullen, McNeill, Newsom, Nixon, Peebles, Pegram, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Sheek, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, J. Williams, C. Williams, T. Williams, Williamson, Wooten—66.

Mr. T. J. Person moved the indefinite postponement of the bill, and the question on this motion was decided in the negative; yeas 21, nays 84.

Yeas and Nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Brown, Campbell, Cherry, Dickson, Farrow,

Hayman, Keen, Kelly, Long, McClees, McClenahan, Peebles, T. Person, Rayner, Regan, Smith, Steele, C. Taylor, I. White—21.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Davis, Doak, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, H. C. Jones, Koonce, A. J. Leach, J. M. Leach, Logan, Love, Martin, Mast, Miller, Mosely, McDade, T. McDowell, R. I. McDowell, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, Pigot, Proctor, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skinner, Spivey, Stanly, Stevenson, Steele, J. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, J. Williams, C. Williams, T. Williams, Williamson, Wooten —84.

Mr. Mebane moved the following amendment, viz: To insert after the word "Senate," the following:

"And that the Senators shall be elected from Counties or Senatorial Districts, according to their Federal population, that is, according to their respective numbers; which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

The question upon which amendment was decided in the negative; yeas 37, nays 66.

Yeas and nays demanded by Mr. Mebane.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, D. F. Caldwell, T. R. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Farmer, A. Gamble, J. J. Gamble, Hackney, Hamrick, Hayes, Headen, Hicks, Johnson, H. C. Jones, J. M. Leach, Logan, Love, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Scott, Shuford, Walser, J. H. White, I. White, Wilkins—37.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Blow, Brown, Brogden, Cannady, Cherry, Coffield, Courts, Davis, Dickson, Dobbin, Farrow, Ferebee, Foy, Green, Griggs, Harrison, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Long, Martin, Mosely, McClees, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Peebles, Pegram, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Sheek, Simms, Skeen, Smith, Stanly, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, J. J. Williams, C. Williams, Williamson, Wooten—66.

So the amendment was rejected.

Mr. Love moved the following amendment, viz: to insert after the word "Senate," in the 18th line of the 1st section—

"And that said Constitution be further amended and altered, by striking out all after the words "in proportion to," and before the word "provided," in the first clause, of the first section of the first article of said Constitution, and insert in lieu thereof, the words "free white population thereof;" and that the word "taxation" be stricken out of said clause, wherever it occurs, and the words "free white population" be inserted instead thereof. And that said Constitution be further amended and altered by striking out all after the words "according to," and before the words "other persons," in the second clause of said first section, of said first article, of said Constitution, and insert in lieu thereof, the words "free white population," so as to read "according to their free white population;" and in the first clause of said section and article, strike out the words "federal population," wherever they occur, and insert in the stead thereof the words "free white population."

The question on which amendment was decided in the negative—yeas 28, nays 66.

Yeas and nays demanded by Mr. Love.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Farmer, A. Gamble, J. J. Gamble, Hamrick, Hayes, Headen, Hicks, Johnson, J. M. Leach, Logan, Love, Miller, R. McDowell, McIntosh, Nicholson, Oglesby, Scott, Walser, I. White—28.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Blow, Brown, Brogden, Cannady, Cherry, Clement, Coffield, Courts, Davis, Dickson, Dobbin, Farrow, Ferebee, Foy, Green, Griggs, Hayman, Herring, R. Jones, R. H. Jones, Keen, Kelly, Koonce, A. J. Leach, Long, Mosely, McClees, McClenahan, McDade, T. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Peebles, T. J. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Wilkins, J. Williams, C. Williams, Williamson, Wooten—66.

So the amendment was rejected; and the question now recurring upon the passage of the bill its second reading, was decided in the affirmative, (more than three fifths of the House voting therefor)—yeas 75, nays 26.

Yeas and nays demanded by Mr. Sheek.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Blackburn, Blow, Brogden, Cannady, Carmichall, Clement, Coffield, Courts, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Foy, A. Gamble, J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, Koonce, J. M. Leach, A. J. Leach, Love, Martin, Mast, Mosely, McDade, T. McDowell, R. McDowell, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, Pigot, Regan, Reinhardt, Sanders, Sheek, Shuford, Simms, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, Walser, J. H. White, J. Williams, C. Williams, Wilkins, Williamson, Wooten—75.

Those who voted in the negative were:

Messrs. Bean, Biggs, Brown, Campbell, Cherry, Farrow, Ferebee, H. C. Jones, Keen, Kelly, Logan, Long, Mebane, Miller, McClees, Nicholls, Peebles, T. Person, Proctor, Rayner, Russell, Scott, Skeen, Skinner, Smith, C. Taylor—26.

So the bill passed its second reading; and then on motion, the House adjourned.

SATURDAY, JAN. 13, 1849.

Mr. Stowe introduced a bill to amend the 104th chap., section 8th, of Revised Statutes; which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. R. Jones introduced a bill to repeal an act, passed at the last Session of the General Assembly, entitled "an act to increase the Public Revenue," chapter 72, as relates to a tax on collateral desents or devises; and

Mr. Shuford a bill concerning bail; which were severally read the first time and passed, and referred to the committee on the Judiciary.

Mr. Newsom introduced a bill concerning the Wardens of the Poor;

And Mr. J. M. Taylor, a bill for the better organization of the County Court of Nash; which were severally read the first time and passed.

Mr. Love introduced a bill to establish a new county, by the name of Jackson; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Long introduced a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to unite the Roanoke Railroad and the Seaboard and Roanoke Railroad Companies;" which was read the first time and passed; and thereupon, on Mr. Long's motion, the rule was suspended, the bill read the second and third times and passed, and ordered to be engrossed.

Mr. Mebane introduced a Resolution in favor of the Public Treasurer; which was read the first time and passed; the rule suspended, and the Resolution being read the second time, was, on motion, laid on the table.

Mr. Keen presented the following Resolution, which, by the Rule, lies over one day:

"*Resolved*, That no member shall speak more than fifteen minutes at any time in this House, and after two on each side of a question have spoken, no member shall speak on the same subject more than five minutes."

Mr. Mebane introduced a bill to incorporate the North Carolina Railroad Company, and for other purposes; which was read the first time and passed.

Mr. Satterthwaite, on leave, presented the petition of the President and Directors, of the High Shoals Manufacturing Company, praying a dismissal of an information filed against the Company, in the name of the Attorney General; which, on his motion, was referred to a Select Committee of Five.

Mr. T. R. Caldwell moved the following Resolution:

"*Resolved*, That a message be sent to the Senate, proposing that the two Houses of the General Assembly, meet together on the first Monday in June, 1849, for the purpose of devising ways and means to improve the internal condition of the State, and for other purposes."

Ordered to lie on the table.

On motion of Mr. Coffield,

The House now proceeded to consider the bill to amend an act passed at the session of the General Assembly of North Carolina, of 1846-7, entitled "an act to amend an act, passed at the session of 1827, entitled an act to prevent the obstruction of the passage of fish up the Roanoke and Cashie rivers, and their waters." The bill was read the second time, whereupon, Mr. Cherry moved that the same be indefinitely postponed; and the question thereon was decided in the negative; yeas 28, nays 58.

Yeas and nays demanded be Mr. Coffield;

Those who voted in the affirmative were:

Messrs. Bean, Biggs, Blackburn, Brogden, Campbell, Cherry, Doak, Farmer, Ferebee, J. J. Gamble, Green, Griggs, Hamrick, Hayman, R. Jones, H. C. Jones, Koonce, Love, Miller, McClees, Nicholls, Palmer, Peebles, Russell, Skinner, Stanly, Stowe, Wadsworth—28.

Those who voted in the negative were:

Messrs. Allen, Ballard, Brown, Cannady, Carmichall, Clement, Cole-

man, Coffield, Courts, Dancy, Davis, Dickson, Edney, Erwin, Foy, Hargrave, Harrison, Herring, Keen, Kelly, A. J. Leach, Logan, Long, Martin, Mast, Mebane, Mosely, McIntosh, McMullen, McNeill, Newsom, Pegram, T. Person, S. Person, Proctor, Regan, Reinhardt, Satterthwaite, Scott, Sheek, Shuford, Simms, Smith, Spivey, Stockard, J. Taylor, C. Taylor Thigpen, Thornton, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—58.

So the House refused to postpone indefinitely; and thereupon the bill passed its second reading.

The Chair announced as the order at this time, the unfinished business of yesterday, to wit: The Resolutions on the power of Congress over the Territories of the United States; whereupon, Mr Satterthwaite moved that the same be laid upon the table, and that the House do now proceed to take up and consider the message from the Senate, proposing that the two Houses adjourn *sine die*, on the 20th instant.; which motion was disagreed to; yeas 44, nays 56.

Yeas and nays demanded by Mr. Doak.

Those who voted in the affirmative were:

Messrs. Biggs, Blackburn, Blow, Carmichall, Cherry, Coffield, Courts, Doak, Faimer, Farrow, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hackney, Headen, Hicks, Keen, Koonce, Logan, Love, Miller, Mosely, McClees, R. McDowell, Nicholls, Nicholson, Oglesby, Palmer, Regan, Reindhardt, Satterthwaite, Skeen, Skinner, Smith, Stanly, Stockard, Stowe, Trull, Wadsworth, Walser, I. White, Wilkins—44.

Those who voted in the negative were:

Messrs. Barringer, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Clement, Coleman, Davis, Dickson, Dobbin, Edney, Erwin, Hamrick, Harrison, Hargrave, Hayman, Herring, R. Jones, R. H. Jones, H. C. Jones, Kelly, A. J. Leach, J. M. Leach, Martin, Mast, Mebane, T. McDowell, McIntosh, McMullen, McNeill, Newsom, Nixon, Pegram, T. Person, Pigot, Rayner, Russell, Scott, Sheek, Shuford, Simms, Spivey, Stevenson, C. Taylor, J. Taylor, Thigpen, Thornton, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten, Dancy—56.

So the House refused to take up the message, and then pro-

ceeded to the consideration of the Resolutions, which were the unfinished business of yesterday:

Mr. Barringer moved the indefinite postponement of the Resolutions, which motion, after some debate, he withdrew.

Mr. Cherry, also withdrew the amendment offered by him on Friday last; and thereupon, Mr. Stanly moved to amend the 4th Resolution, by striking out all after the word "Resolved," and inserting the following:

"That the enactment of any law by Congress, which shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property, into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act of gross injustice and wrong; and that all efforts of the abolitionists to interfere with slavery in the District of Columbia or the States, deserves our severest reprehension, and should call forth the earnest and prompt disapprobation of every friend of the Union; *And further Resolved*, That the enactment of any law by Congress, which shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property, into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories would be the exercise of power contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof."

Mr. Mosely called for a division of the question, which was ordered; and pending the first question, on striking out, after some time spent in debate, Mr. McClees moved to recommit the Resolutions to the Select Committee. Before the question was taken, the House took a recess till 3 o'clock.

THREE O'CLOCK, P. M.

The following bills were read the third time and passed, and ordered to be engrossed:

A bill to incorporate Rock Spring Tent, No. 180, Independent, Order of Rechabites, in the town of Wilmington :

A bill to authorise the Superintendants of Common Schools of Rowan county, to invest a part of its Funds;

A bill to establish a Board of Directors for the Deaf and Dumb Institution of this State;

A bill to repeal the third and fourth sections of chapter 100, of the Statutes of the Legislature of 1846-7;

A bill to amend and consolidate the several acts heretofore passed, in favor of Poor Debtors;

A bill to amend the 16th section of 31st chapter of the Revised Statutes, entitled, "Courts of Equity;"

A bill to amend the 3d section of the 86th chapter of Rev. Statutes, concerning Patrol;

A bill to amend the 19th section of the 35th chapter of the Revised Statutes;

A bill to provide for the better government and regulation of the town of Gatesville, in Gates county:

A bill to amend an act, entitled, "an act to incorporate the town of Wilkesborough, in Wilkes county, and for the better regulation thereof;"

A bill to incorporate Plymouth Academy in the town of Plymouth, Washington county;

A bill to incorporate the South Creek Land Company;

And a bill concerning Public Roads, in Brunswick county;

The following engrossed bills from the Senate, were severally read the third time and passed, and ordered to be enrolled, viz:

The bill to provide for the settlement of estates in the hands of Executors and Administrators, and for the relief of the same;

The bill to establish a Toll Bridge over French Broad River;

The bill concerning Registers and Clerks, and Masters in Equity;

And the engrossed Resolution in favor of Thomas Reddick, late Sheriff of Gates county.

The Speaker announced Messrs. Satterthwaite, Barringer, Stanly, H. C. Jones, and Stowe, as composing the Select Com-

mittee on the memorial of the High Shoals Manufacturing Company.

The bill to repeal, in part, an act entitled "an act to prevent the destruction of Oysters," was read the third time, and, on motion of Mr. Mebane, laid upon the table.

The bill to lay off and establish a new county by the name of Alamance, was also read the third time, and on motion, the consideration of the same was postponed to Monday next, and made the order of the day for that day at 3 o'clock, P. M.

The engrossed bill concerning the Practice of the Law, was read the third time and rejected.

On motion of Mr. Stanly, the House adjourned.

MONDAY, JANUARY 15, 1849.

A message was received from the Senate, transmitting the following engrossed bills, viz:

A bill to incorporate the Shelby Male and Female Academies, in the county of Cleveland;

A bill to revive and amend the act passed at Raleigh, in the year 1805, entitled an act to establish an Academy in the county of Buncombe; and,

A bill supplemental to an act passed at the present session, dividing the county of Stokes into two distinct counties; which were severally read the first time and passed.

Also a message, informing, that they have passed the engrossed bill from this House, to alter the time of holding the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions, of the County of Lenoir, with certain amendments, in which they ask the concurrence of the House of Commons. The amendments were read and concurred in, and the bill ordered to be enrolled.

On motion of Mr. Dobbin,

The bill to incorporate the Fayetteville and Western Plank Road Company; and,

On motion of Mr. Mebane,

The bill to Increase the Revenue of the State, were severally taken up. The first named bill was made the special order for to-morrow at 12 o'clock, and the last named bill, the special order for to-morrow, at 11 o'clock.

Mr. Carmichall introduced a bill to lay off a Public Road, from Alexander Church's, in Wilkes county, to William Phillips' in Ashe county; which was read the first and second times, and passed.

On motion of Mr. Stanly,

Resolved, That the Governor be requested to inform the House of Commons, whether the Buildings for the Deaf and Dumb in Raleigh, have been completed according to the act of the last session of the General Assembly, and to furnish a copy of the contract for the construction of the same.

Mr. McDade presented sundry memorials from the citizens of the county of Orange, in relation to the creation of a new county by the name of Alamance; which were ordered to lie on the table.

Mr. Doak introduced a bill to repeal a part of the 14th section of the 102d chapter of the Revised Statutes, so far as relates to Retail Merchants and Jewellers, for the more equitable payments of the taxes imposed upon them by said act; which was read the first time and passed, and on his motion, referred to the committee on Finance.

Mr. Dobbin introduced a bill to amend the 24th chapter of the Revised Statutes, in regard to Constables; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Mebane introduced a bill for the improvement of the Public Road from Raleigh to Hillsborough, which was read the first time and passed.

Mr. Mebane, from the committee on Finance, to whom was referred a memorial from the County Court of Camden coun-

ty, praying the passage of a law to authorise said County Court, to increase the taxes for Common School purposes in said county, reported the same back to the House, and recommended that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane, from the same committee, to whom was referred a memorial of citizens of Guilford county, praying the passage of an act, imposing a tax on dogs, reported a bill to tax dogs, which was read the first time and passed.

Mr. Satterthwaite, from the committee on the Judiciary, reported the bill to facilitate the collection of certain debts, given for Cherokee Lands, and for other purposes, with an amendment; which amendment was concurred in, and the bill as amended, read the second time and passed.

Mr. Satterthwaite, from the same committee, reported unfavorably the bill to authorise the County Courts in the several counties in this State, to allow compensation to Justices of the Peace, who may be appointed to settle the accounts of Executors and Administrators and Guardians, and for other services. The bill was read the second time, and on motion of Mr. Martin, indefinitely postponed.

Mr. Satterthwaite, from the same committee, to whom was referred a memorial from citizens of Halifax county, praying the passage of a law, granting compensation to Justices of the Peace, made an unfavorable report thereon, and asked to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Satterthwaite, from the same committee, reported favorably the bill to amend an act of the General Assembly of North Carolina, passed at the session of 1846-7, entitled, "an act to alter the mode of electing Wardens of the Poor, chapter 62, Ratified 18th January, 1847; and

Also, a bill to repeal an act, passed in the year 1835, entitled, "an act to amend an act, passed in the year 1824, entitled, an act to establish a Poor and Work House in the coun-

ties of Jones and Randolph;" which were severally read the second time and passed.

Mr. Satterthwaite, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of so amending the law in relation to House-breaking in the day time, as more effectually to suppress the commission of said offence, reported the same back to the House, with a recommendation that it is inexpedient to legislate upon the subject, and asked to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Satterthwaite, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of so amending the law relating to Patrols, as to prohibit any person from serving as Patrol, unless he be a slave-holder, made an adverse report thereon, and asked to be discharged from its further consideration.

In which report the House concurred.

Mr. Satterthwaite, from the same committee, to whom was referred a resolution instructing them to enquire into the propriety of providing by law for the removal of Justices of the Peace from Office, for misbehavior or inability, reported the same adversely to the House, and asked to be discharged from the further consideration of the subject.

Mr. Stanly moved that the said resolution be recommitted to the Judiciary Committee; which motion was disagreed to, and the question then, on concurring in the report of the committee, was determined in the affirmative.

Mr. Mebane, from the same committee, to whom was referred a Resolution instructing them to enquire into the propriety of amending the criminal law, so as more effectually to punish persons guilty of administering poison, reported a bill more effectualy to prevent the administering poison, with the intent to kill and murder; which was read the first time and passed.

Mr. Mebane, from the same committee, reported favorably the bill for the better regulation of practice in the Superior

Courts of Law and Equity, in this State; which was read the second time and passed.

Mr. Stevenson, from the same committee, reported adversely the bill to amend the second section, chapter 67th of the Revised Statutes, entitled, "an act to drain the Swamp Lands in this State, and to create a fund for Common Schools; which was read the second time and rejected.

Mr. T. R. Caldwell, from the same committee, to whom was referred a memorial from the Grand Jury of the Superior Court of McDowell County, on the subject, reported a bill more effectually to prevent the selling or giving away of spirituous liquors, at or near places of public worship; which bill was read the first time and passed.

Mr. Rayner, from the Committee on Internal Improvements, reported favorably the bill supplemental to an act, passed at the present session of the Legislature, to improve the Cape Fear and Deep Rivers above Fayetteville. The bill was read the second time and rejected—yeas 49, nays 54.

Yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, T. Caldwell, D. Caldwell, Campbell, Carmichall, Coleman, Dobbin, Edney, Erwin, Farrow, Ferebee, A. M. Gamble, J. J. Gamble, Hackney, Hargrave, Hayes, Headen, Hicks, H. C. Jones, Koonce, J. M. Leach, Logan, Love, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nicholson, Nixon, Pegram, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Shuford, Skeen, Skinner, Stanly, Steele, Trull, I. White, T. Williams—49.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brown, Brogden, Cannady, Cherry, Clement, Coffield, Courts, Dancy, Davis, Dickson, Doak, Foy, Griggs, Hamrick, Harrison, Herring, Hayman, Johnson, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Long, Martin, Mast, McDade, T. McDowell, McMullen, Newsom, Nicholls, Oglesby, S. Person, Regan, Sanders, Sheek, Sherard, Simms, Smith, Spivey, Stevenson, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, J. H. White, Wilkins, J. Willliams, C. Williams, Williamson, Wooten—55.

So the bill was rejected.

Mr. Rayner, from the same committee, reported favorably the bill to lay off a Road in Yancy County, from Flat Rock to the Burnsville and Indian Grave Gap Road; which was read the second time and passed.

Mr. Rayner, from the same committee, reported favorably the bill to open and improve the road from the Tennessee line, passing Laurel to Burnsville; which was read the second time, and rejected—yeas 48, nays 56.

Yeas and nays demanded by Mr. Coleman.

Those who voted in the affirmative were:

Messrs. Allen, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cherry, Coleman, Courts, Dobbin, Edney, Erwin, Farmer, A. Gamble, J. J. Gamble, Hargrave, Hayes, Hicks, H. C. Jones, Keen, A. J. Leach, Logan, Love, Mast, Mebane, McClenahan, McIntosh, Nicholson, Nixon, Oglesby, Pegram, Pigot, Proctor, Rayner, Reinhardt, Russell, Satterthwaite, Shuford, Stanly, Stevenson, C. Taylor, Trull, Wadsworth, Walser, J. H. White, Wilkins, T. Williams, C. Williams, —48.

Those who voted in the negative were:

Messrs. Barringer, Bean, Brown, Brogden, Clement, Dancy, Dickson, Davis, Doak, Farrow, Ferebee, Foy, Griggs, Hackney, Hamrick, Harrison, Hayman, Headen, Herring, Johnson, R. Jones, Kelly, Koonce, J. M. Leach, Long, Martin, Mosely, McClees, McDade, T. McDowell, R. McDowell, McMullen, McNeill, Newsom, Nicholls, Palmer, S. Person, T. Person, Regan, Sanders, Scott, Sheek, Sherard, Simms, Skeen, Skinner, Smith, Stockard, Stowe, J. Taylor, Thigpen, Thornton, I. White, J. Williams, Williamson, Wooten—56.

In obedience to the special order of the 12th instant, the House now proceeded to consider the bill to incorporate the Charlotte and Danville Rail Road Company.

On motion of Mr. Jones, the bill was laid upon the table.

On motion of Mr. T. Williams,

The bill to incorporate the North Carolina Rail Road Company, was now taken up for consideration; when Mr. Barringer moved to strike out all after the enacting clause, and to insert in lieu thereof a substitute.

On motion of Mr. Williams, the further consideration of the bill and amendments was postponed till to-morrow, and made the order of the day for that day, at 3 o'clock, P. M.

Received from the Senate, a message transmitting the following engrossed bills and resolutions, and asking the concurrence of this House therein, viz:

A bill to appoint Commissioners for the town of Ashboro', in the county of Randolph, and to incorporate the same;

A bill to provide for the opening and clearing out of Big Rock Fish Creek, in the counties of Cumberland and Robeson; and to prevent the obstruction to the free navigation of the same;

A Resolution in favor of the President and Directors of the Greensboro' Female College;

A bill to incorporate the town of Goldsboro;

And a bill to incorporate the Greensboro' and Mount Airy Turnpike Company.

The foregoing bills were read the first time and passed.

Also, a message transmitting the engrossed bill to amend an act passed at the last session of the General Assembly, entitled "an act to amend an act to reduce into one, the several acts concerning Pilots and Commissioners of Navigation, Rev. Statutes, chapter 88, section 40; and asking the concurrence of this House therein. The bill was read the first time and passed, and on motion of Mr. Farrow, referred to a Select Committee of six, from the counties of Carteret, Craven, Beaufort, Washington, Tyrell, and Hyde.

Also, a message transmitting the engrossed bill to amend an act, passed at the session of 1844-5, entitled, "an act to amend the 7th section of the Revised Statutes, entitled, "Guardian and Ward;" which was read the first time and passed, and on motion of Mr. Cherry, referred to the committee on the Judiciary.

Also, a message informing, that they have passed the engrossed bill from this House, to extend the limits of the town of Lincolnton, in Lincoln county, with an amendment, in which

they ask the concurrence of this House. The amendment was agreed to, and the bill ordered to enrolment.

The House then took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A message from the Senate, transmitting the engrossed bill concerning the Wilmington and Raleigh Railroad Company, and asking the concurrence of this House therein. The bill was read the first time and passed, and on motion of Mr T. H. Williams, made the special order of the day for Wednesday next, at 11 o'clock.

According to the special order of the 13th instant, the House now proceeded to the consideration of the bill to lay off and establish a new county by the name of Alamance. The said bill was read the third time, and on motion of Mr. McDade, amended by adding to the first section, the following Proviso:

"*Provided*, A majority of the qualified voters for members of the House of Commons, in the county of Orange, shall vote for the division aforesaid, at an election to be held according to the provisions of an act to be passed supplemental to this act."

The bill then passed its third reading, and was ordered to be engrossed.

The House then proceeded to consider the bill to provide for the establishment of a Medical Board, in and for the State of North Carolina. The said bill having been read a third time, Mr. Dickson moved to amend the same, by striking out the word "Duplin," from the first section, which motion was disagreed to.

Mr. Ballard moved to amend the bill, by adding the following Proviso to the third section:

"*Provided*, That no person shall present himself before said

Board for examination, without having first obtained a Diploma from some respectable Medical Institution;"

Which amendment was disagreed to.

Mr. Martin moved the indefinite postponement of the bill; and the question thereon was decided in the negative; yeas 45, nays 57.

Yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Brown, D. F. Caldwell, Cannady, Clement, Coffield, Dancy, Davis, Dickson, Doak, Erwin, Farrow, Farmer, Foy, Green, Griggs, Hackney, Hamrick, Harrison, Johnson, R. Jones, R. H. Jones, Kelly, Koonce, Martin, Mebane, Mosely, McClees, McClenahan, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, T. Person, Regan, Reinhardt, Sheek, Simms, Stockard, J. Taylor, Thigpen, Thornton, J. H. White, J. Williams, Williamson—45.

Those who voted in the negative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, T. R. Caldwell, Campbell, Carmichall, Cherry, Courts, Dobbin, Edney, Ferebee, A. M. Gamble, J. J. Gamble, Hayman, Hayes, Headen, Herring, Hicks, H. C. Jones, Keen, A. J. Leach, J. M. Leach, Logan, Mast, Miller, McDade, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, S. Person, Pigot, Rayner, Russell, Sanders, Scott, Sherard, Shuford, Skeen, Skinner, Stanly, Stevenson, Stowe, C. Taylor, Wadsworth, I. White, Wilkins, T. Williams, C. Williams, Wooten—57.

So the House refused to postpone indefinitely.

Mr. Mebane moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof a substitute; which was disagreed to, and the question then recurring on the passage of the bill, its third reading, was decided in the affirmative; yeas 52, nays 52.

Yeas and nays demanded by Mr. Dickson.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Biggs, Blackburn, Blow, Brogden, T. R.

Caldwell, Campbell, Carmichall, Cherry, Courts, Edney, Ferebee, A. Gamble, J. J. Gamble, Hayman, Hayes, Headen, H. C. Jones, Keen, A. J. Leach, J. M. Leach, Logan, Love, Mast, Miller, Nicholson, Nixon, Oglesby, Palmer, S. Person, Pigot, Proctor, Russell, Sanders, Satterthwaite, Scott, Sherard, Shuford, Skeen, Skinner, Smith, Stanly, Stevenson, Stowe, C. Taylor, Wadsworth, I. White, Wilkins, T. Williams, C. Williams, Wooten—52.

Those who voted in the negative were:

Messrs. Allen, Ballard, Brown, Cannady, D. F. Caldwell, Clement, Coffield, Dancy, Davis, Dickson, Doak, Dobbin, Erwin, Farmer, Foy, Green, Griggs, Hackney, Hamrick, Harrison, Herring, Hicks, Johnson, R. Jones, R. H. Jones, Kelly, Koonce, Martin, Mebane, Mosely, McClees, McClenahan, McDade, T. S. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Pegram, T. Person, Regan, Reinhardt, Sheek, Simms, Stockard, J. Taylor, Thigpen, Thornton, J. H. White, J. Williams, Williamson—52.

There being a tie, the Chair voted in the affirmative, and the bill accordingly passed its third reading, and was ordered to be engrossed.

Mr. Wilkins called up the bill supplemental to an act passed at the present session of the General Assembly, repealing the law establishing a County by the name of Polk; which bill was read the second time, amended on motion of Mr. Stanly, by inserting an additional section as section eight, and passed. On motion, the rule was suspended, and the bill read a third time and passed, and ordered to be engrossed.

Mr. Mosely moved the following Resolution, which was read and adopted:

Resolved, That from and after to-day, the House of Commons hold night sessions during the remainder of the present session; and therefore, that a recess be taken each afternoon from half past five, till seven o'clock.

The bill to incorporate the Granville Mechanics' Association, was read the third time and passed, and ordered to be engrossed.

The House then proceeded to consider the bill to amend the 73d chapter of the Revised Statutes, entitled "an act concern-

ing the Militia of the State," and for other purposes. The bill was read the third time, when,

Mr. Miller moved to postpone the same indefinitely. The question on which motion was decided in the negative—yeas 35, nays 65.

Yeas and nays demanded by Mr. Williamson.

Those who voted in the affirmative were:

Messrs. Biggs, Blow, T. R. Caldwell, Cherry, Davis, Dickson, Ferebee, Green, Hackney, Hamrick, Hayman, Hicks, R. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Miller, McClees, McMullen, McNeill, Oglesby, Pegram, T. Person, Pigot, Russell, Satterthwaite, Sherard, Skinner, Stanly, Wadsworth, J. J. Williams —35.

Those who voted in the negative were:

Messrs. Allen, Ballard, Barringer, Bean, Blackburn, Brown, Brogden, D. F. Caldwell, Campbell, Cannady, Carmichall, Clement, Coffield, Courts, Dancy, Doak, Edney, Erwin, Farmer, Foy, A. Gamble, J. J. Gamble, Griggs, Harrison, Hayes, Herring, Johnson, Logan, Love, Martin, Mast, Mebane, Mosely, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, Newsom, Nicholson, Nixon, Palmer, Proctor, Regan, Reinhardt, Scott, Sheek, Shuford, Simms, Skeen, Smith, Stevenson, Stockard, Stowe, Thigpen, Thornton, C. Taylor, Walser, I. White, J. H. White, Wilkins. T. Williams, C. Williams, Williamson, Wooten —65.

So the motion failed.

Mr. J. M. Leach moved the following amendment, as an additional section to the bill, viz:

"That hereafter forty-five privates shall be the number required to form each Captain's Company, exclusive of the officers."

Which was read and agreed to.

Mr. Russell moved to amend the bill by striking out the words "thirty-five," in the last line of section 1st, and inserting in lieu thereof, the word "forty," which was not agreed to;

and the question then recurring on the passage of the bill as amended, its third reading, was determined in the affirmative, and the same was ordered to be engrossed.

Mr. Stanly called up the bill to lay off and establish a new county by the name of Williams, out of portions of Iredell, Wilkes, and Surry, counties; which, on his motion, was made the special order for to-morrow at 7 o'clock, P. M.; and

On motion of Mr. Cherry, the bill for the better regulation of Common Schools, was also taken up, and made the special order for to-morrow, at 8 o'clock, P. M.

And then, on motion of Mr. Johnson, the House adjourned.

TUESDAY, JANUARY 16, 1849.

Mr. Martin moved the following Resolution, which was read and adopted:

Resolved, That the Principal Clerks of the two Houses be, and they are hereby authorised to employ one or more additional Assistant Clerks, as may be needed for the present General Assembly, and that they be paid as the other Engrossing Clerks are now paid by law.

Mr. Martin presented a Resolution relative to the State Librarian; which was read the first time and passed, and on motion of Mr. Stanly, referred to the committee on the Library.

Mr. Dancy, on leave, introduced a bill to exempt the estate of the late Col. Wilson, of the County of Edgecomb, from the payment of a tax, under the provisions of an act passed at the Session of 1846—47, entitled "an act to increase the Public Revenue;" which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Johnson moved a reconsideration of the vote of yesterday, by which was rejected a bill supplemental to an act passed at the present session of the Legislature, to improve the Cape

Fear and Deep Rivers above Fayetteville, and the question on this motion, was decided in the affirmative—yeas 97, nays 29.

Yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Coleman, Courts, Dickson, Doak, Dobbin, Erwin, Edney, Farrow, Ferebee, A. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Mast, Mebane, Miller, McClees, T. McDowell, R. I. McDowell, McIntosh, McNeill, McClenahan, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, Pigot, Proctor, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Skeen, Skinner, Smith, Stanly, Stowe, Stevenson, Steele, J. Taylor, Trull, Wadsworth, Walser, J. H. White, I. White, T. Williams—77.

Those who voted in the negative were:

Messrs. Blow, Brogden, Cannady, Cherry, Coffield, Davis, Foy, Griggs Hamrick, Harrison, Herring, R. Jones, Martin, Mosely, McDade, McMullen, Newsom, T. J. Person, Regan, Sherard, Simms, Spivey, Stockard, Thigpen, Thornton, Wilkins, C. Williams, Williamson, Wooten—29.

So the House agreed to reconsider the bill; and then, on motion of Mr. S. J. Person, the same was laid upon the table.

Mr. Sanders moved a reconsideration of the vote by which, yesterday, was passed, the bill to provide for the establishment of a Medical Board in and for the State of North Carolina; the question upon which motion passed in the affirmative—Yeas 54, Nays 51.

Yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Brown, D. F. Caldwell, Cannady, Coffield, Dancy, Davis, Dickson, Erwin, Farrow, Foy, J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Headen, Herring, R. Jones, R. H. Jones, Kelly, Koonce, Logan, Martin, Mast, Mebane, Mosely, McClees, McDade, R. McDowell, McIntosh, McMullen, McNeill, Newsom, Nixon,

T. Person, Proctor, Regan, Sanders, Satterthwaite, Simms, Spivey, Steele, Stevenson, Stockard, J. Taylor, Thigpen, Thornton, Trull, J. Williams, T. Williams, Williamson—54.

Those who voted in the negative were:

Messrs. Barringer, Bean, Blow, Brogden, T. R Caldwell, Campbell, Carmichall, Coleman, Courts, Doak, Edney, Ferebee, A. Gamble, Hargrave, Hayman, Hicks, H. C. Jones, C. Jones, Keen, J. M. Leach, A. J. Leach, Long, Love, Miller, McClenahan, T. McDowell, Nicholson, Oglesby, Paine, Palmer, Pegram, S. Person, Pigot, Reinhardt, Russell, Scott, Sheek, Shuford, Sherard, Skeen, Skinner, Stanly, Stowe, C. Taylor, Wadsworth, Walser, J. H. White, I. White, Wilkins, C. Williams, Wooten—51.

So the House agreed to reconsider; and then, on motion of Mr. Sanders, the bill was indefinitely postponed.

Mr. Farmer moved the following Resolution:

"*Resolved*, That a message be sent to the Senate, proposing that both Houses of the General Assembly, adjourn *sine die*, on Thursday 25th January instant."

Mr. Martin moved to amend the Resolution, by striking out "25th," and inserting "22d;" pending which, Mr. H. C. Jones moved to lay the Resolution on the table, which motion was decided in the negative; yeas 28, nays 85.

Yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, T. R. Caldwell, Campbell, Davis, Dickson, Dobbin, Erwin, Hayman, Hayes, R. Jones, H. C. Jones, Long, Mebane, Mosely, McClenahan, McNeill, Newsom, Nixon, Paine, Pegram, S. Person, Sanders, Spivey, Stanly, J. Taylor, Thornton, J. H. White—28.

Those who voted in the negative were:

Messrs. Biggs, Blackburn, Blow, Brown, Brogden, D. F. Caldwell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Dancy, Doak, Edney, Farmer, Farrow, Ferebee, Foy, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Headen, Herring, Hicks, Johnson, R. H. Jones, C. Jones, Keen, Kelly,

Koonce. J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Miller, McClees, McDade, T. McDowell, R. I. McDowell, McMullen, McIntosh, Nicholls, Nicholson, Oglesby, Palmer, T. Person, Pigot, Proctor, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner. Smith, Steele, Stevenson, Stowe, Stockard, C. Taylor, Thigpen, Trull, Wadsworth, Walser, I. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—85.

So the House refused to lay the Resolution on the table.

Mr. Stanly then moved to amend the amendment, proposed by Mr. Martin, by striking out "22d," and inserting "29th;" which was disagreed to. Pending the amendment of Mr. Martin,

The House, in obedience to the special order, proceeded to consider the bill to increase the Revenue of the State. The bill having been read, Mr. T. R. Caldwell moved to amend the same, by inserting in section 5, after the words "ten cents," the following: "On all pistols with one barrel, five dollars, and fifty cents for each additional barrel; three dollars on every sword cane or dirk, and twenty dollars on every bowie-knife;" which amendment was agreed to.

Mr. Stanly then moved to amend the fifth section, 10th line, by inserting, after the word "ten cents," the following: "On all negro slave mechanics, employed usually at their trade, the sum of one dollar, instead of twenty cents, as now imposed."

Mr. Stevenson moved to amend this amendment, by striking out all after the first word thereof, and inserting: "All slave mechanics, whose services yield to their masters or owners, one hundred and fifty dollars per annum, or upwards, a tax of one dollar;" which was disagreed to.

Mr. T. J. Person then moved to amend the amendment, by striking out the words "negro slave," which was carried; and the question then recurring upon the adoption of the amendment as amended, Mr. Stanly moved to further amend the same, by inserting the word "colored," immediately before the word "mechanics."

The Chair deciding said last amendment to be in order, Mr. Paine appealed from the decision, and the question, "shall the

decision of the Chair stand," was decided in the negative; yeas 34, nays 60.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Brogden, Cannady, Coleman, Courts, Dobbin, Erwin, A. M. Gamble, J. J. Gamble, Hamrick, Hargrave, Hayes, R. H. Jones, R. Jones, H. C. Jones, Keen, R. I. McDowell, McMullen, Newsom, Oglesby, Palmer, S. Person, Reinhardt, Stanly, Steele, Stevenson, Stockard, C. Taylor, Thornton, Wadsworth, J. Williams—34.

Those who voted in the negative were:

Messrs. Allen, Blow, Brown, D. F. Caldwell, Campbell, Carmichall, Cherry, Coffield, Davis, Dickson, Doak, Edney, Farmer, Farrow, Ferebee, Foy, Griggs, Hackney, Harrison, Headen, Herring, Hicks, Johnson, Kelly, Koonce, A. J. Leach, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McClenahan, McIntosh, McNeill, Nicholson, Paine, Pegram, Proctor, Regan, Russell, Satterthwaite, Shuford, Scott, Simms, Skeen, Smith, Stowe, Trull, Walser, J. H. White, I. White, Wilkins, T. Williams, C. Williams, Williamson, Wooten—60.

So the House overruled the decision of the Chair, and the question then recurring on the original amendment as amended, offered by Mr. Stanly, to the 5th section, was decided in the negative; yeas none, nays 112.

Yeas and nays demanded by Mr. Stevenson.

Those who voted in the negative were:

Messrs. Allen, Ballard, Barringer, Bean, Blackburn, Blow, Brown, Brogden, T. Caldwell, D. Caldwell, Campbell, Cannady, Carmichall, Cherry, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dickson, Doak, Dobbin, Edney, Erwin, Farmer, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms,

Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, J. Willliams, T. Williams, Walser, C. Williams, Williamson, Wooten—112.

So the amendment as amended was unanimously rejected.

Mr. Mebane then moved to amend the bill, by inserting in lieu of the first section, the following substitute, viz:

"Sec. 1. That hereafter there shall be levied the sum of three cents upon every dollar of interest, safely secured or actually due, or received upon all sums of money at interest, whether in this State or out of it, at any time during the year next preceding the time when the owner thereof, shall give in his or their tax list."

Sec. 2. *Be it further enacted,* That hereafter there shall be levied the sum of three cents on every dollar of profit or dividend, safely secured, actually due or received, upon all sums of money vested in trading in slaves, or vested in steam or sailing vessels, or in any other species of trade, or vested in stocks of any kind, or in shares of any incorporated or trading company, whether in this State or out of it, at any time during the year immediately preceding the time, when the owner or owners thereof shall give in his, her, or their tax list; *Provided,* That this act shall not authorise the taxing of any stock or shares in any of the incorporated Banks of this State, already taxed by law; *And Provided further*, That no person, whose interest, dividend or profit shall not exceed the sum of twenty-four dollars, shall be subject to the tax imposed by this Statute.

Sec. 3. That so much of the capital stock in trade, of any merchant or jeweller, wholesale or commission merchant, as is now taxed by the 14th section of 102d chapter of the Revised Statutes, shall be exempt from the provisions of this act.

Sec. 4. That each and every person whose interest, dividend or profit, is subject to taxation as hereinbefore provided, shall have an amount equal to the sum of interest which he, she, or they, owe or pay, or secure to be paid, upon his, her, or their own debt, or debts, exempt from the provisions of this act.

Sec. 5. That the taxes by this act imposed, shall be returned on oath to the Justices of the several counties in this State, appointed to take the list of taxable property in their respective counties; and shall be collected by the Sheriffs of the several counties of this State, at the same time and in the same manner, in which they now collect other State taxes; and shall by them be paid in the Treasury of the State, at the same time, and under the same penalties, which are now prescribed by law, for the collection and payment of other State taxes."

Pending the consideration of which amendment, the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Chair announced Messrs. Farrow, Pigot, Stevenson, Hayman, Nicholls, and McClees, as composing the Select Committee upon the engrossed bill to amend an act, passed at the last session of the General Assembly, entitled "an act to amend an act to reduce into one, the several acts concerning Pilots and Commissioners of Navigation."

Received from his Excellency, the Governor, through the hands of his Private Secretary, L. C. Manly, Esq., a message, transmitting according to the request of this House, a copy of the contract for the construction of the Building for the Deaf and Dumb School in the City of Raleigh, with other papers connected therewith, furnished by W. D. Cooke, Esq., Superintendant to the Literary Board; and informing; that the School House has not yet been built according to contract; which, on motion of Mr. Stanly, was ordered to be sent to the Senate.

Also, a message from his Excellency, transmitting sundry resignations of Justices of the Peace, received at the Execu-

tive Department; which were ordered to be sent to the Senate.

Mr. R. I. McDowell moved a reconsideration of the vote, by which yesterday was rejected, a bill to open and improve the Road from the Tennessee line, passing Laurel, to Burnsville; which motion was carried, and the bill was, on his motion, made the special order for to-morrow, at 3 o'clock.

A message from the Senate, informing, that they have rejected the engrossed bill from this House, entitled "a bill to amend the 17th section of the Revenue Laws of the State;" and also indefinitely postponed the engrossed bill, to secure the more certain administration of Justice.

Also a message, transmitting the engrossed bill to produce conformity in the charters granted to the Charlotte and South Carolina Rail Road Company, by the States of North and South Carolina; and asking the concurrence of this House therein. The bill was read the first time and passed.

Also, a message informing that they have passed the engrossed bill from the House, "more effectually to suppress the traffic with slaves, and amendatory of the 75th section of the 34th chapter of the Revised Statutes, entitled "Crimes and Punishments," with an amendment, to wit, by striking out the words, "fowls of any kind;" and asking the concurrence of the House therein.

The question on concurring in the amendment of the Senate, was decided in the affirmative—Yeas 68, Nays 31.

Yeas and Nays demanded by Mr. T. J. Person.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Coffield, Dancy, Doak, Dobbin, Erwin, Ferebee, Foy, A. Gamble, Green, Griggs, Hackney, Hamrick, Hayman, Headen, Johnson, R. Jones, C. Jones, Keen, Kelly, Koonce, J. M. Leach, Long, Love, Martin, Mast, Mebane, Miller, McClenahan, McDade, T. McDowell, R.I. McDowell, McIntosh, McMullen, Nicholls, Nicholson, Paine, Pigot, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Shuford, Skeen, Smith, Spivey, Stanly, Stevenson, Stowe, C. Taylor, Wadsworth, J. H. White, I. White, Wilkins, C. Williams, Williamson—68.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, Courts, Davis, Dickson, Farrow, J. J. Gamble, Harrison, Hayes, Herring, Hicks, R. H. Jones, Logan, Mosely, McClees, McNeill, Newsom, Oglesby, Pegram, T. Person, Regan, Sanders, Sherard, Skinner, Thigpen, Thornton, Walser, J. Williams, T. Williams, C. Williams—31.

So the Senate's amendment was concurred in, and the bill ordered to enrolment.

Mr. Dancy moved to take up and consider the bill to lay off and establish a new county by the name of Wilson; which motion was disagreed to.

In obedience to the special order of yesterday, the House now proceeded to the consideration of the bill to incorporate the North Carolina Railroad Company, and for other purposes, the pending question being the amendment proposed yesterday by Mr. Barringer.

Mr. H. C. Jones moved to amend the amendment, by adding thereto, sections 41st, 42d, 43d, 44th, and 45th; which amendment was agreed to. (This amendment provided for the relief of the stockholders and subscribers of the Raleigh and Gaston Railroad Company.)

Mr. Wadsworth moved further to amend the amendment, by adding thereto the following section:

"*Be it further enacted*, That the sum of forty thousand dollars, to be raised by the State, in the same manner as other monies are raised, by the provisions of this act, be, and the same is hereby appropriated for the purpose of cleaning out and improving the navigation of the River Neuse, between the town of Newbern and the town of Smithfield; and also, that the further sum of twenty five thousand dollars, to be raised in like manner, be, and the same is hereby appropriated for the purpose of cleaning out and improving the navigation of the Tar River, between the town of Washington and the Falls of said river; and that his Excellency, the Governor, is hereby empowered, and required, to appoint suitable commissioners to carry into effect the requirements of this section."

Pending the consideration of this amendment, Mr. Keen

moved that the bill and amendments be indefinitely postponed; the question on which motion was decided in the negative; yeas 41, nays 68.

Yeas and nays demanded by Mr. Keen.

Those who voted in the affirmative were:

Messrs. Ballard, Biggs, Blow, Brown, Brogden, Cherry, Clement, Coffield, Courts, Dancy, Davis, Doak, Farrow, Foy, A. Gamble, Griggs, Hamrick, Hackney, Harrison, Headen, Herring, Johnson, R. Jones, Keen, Logan, McClees, McMullen, Nicholls, Oglesby, T. Person, Regan, Sheek, Stockard, J. Taylor, Thigpen, J. H. White, I. White, Wilkins, J. Williams, Williamson, Wooten—41.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Carmichall, Campbell, Cannady, Dickson, Dobbin, Erwin, Farmer, Ferebee, Green, Hargrave, Hayman, Hayes, Hicks, C. Jones, R. H. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClenahan, T. McDowell, R. McDowell, McIntosh, McNeill, Newsom, Nicholson, Nixon, Paine, Pegram, S. Person, Pigot, Proctor, Reinhardt, Russell, Sanders, Spivey, Steele, Scott, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Stanly, Stevenson, Stowe, C. Taylor, Thornton, Trull, Wadsworth, Walser, T. Williams, C. Williams—68.

So the House refused to postpone indefinitely.

And the question then recurring on the passage of the bill, its recond reading, as amended; pending the consideration thereof, the House took a recess, under the rule of yesterday, until 7 o'clock, P. M

SEVEN O'CLOCK, P. M.

A motion was made by Mr. Martin to take up and consider the message from the Senate, heretofore laid on the table, pro-

posing that both Houses adjourn, *sine die*, on the 20th instant; which motion was disagreed to.

Mr. Mosely moved that the House do now proceed to take up and consider the unfinished business, pending at the last adjournment, viz: The bill to incorporate the North Carolina Railroad Company. The motion was not agreed to; and

In accordance with the special order of yesterday, the House proceeded to the consideration of the bill to lay off and establish a new county, out of portions of Iredell, Wilkes, and Surry, to be called by the name of Williams. The bill was read the second time, when

Mr. Sheek moved to amend the same, by striking out the words "at the mouth of Mitchell's River," and to insert in lieu thereof, the words "at the place where the Wilkes line crosses said River;" and the question thereon was decided in the negative—yeas 29, nays 62.

Yeas and nays demanded by Mr. Oglesby.

Those who voted in the affirmative were:

Messrs. Barringer, Blackburn, Brogden, Courts, Dancy, Davis, Farrow, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Mast, McClees, McDade, Newsom, Palmer, Pegram, S. Person, T. Person, Reinhardt, Sheek, Stowe, J. Taylor, Thigpen, Thornton, J. H. White, C. Williams, Wooten—29.

Those who voted in the negative were:

Messrs. Allen, Bean, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Cherry, Coffield, Dickson, Doak, Dobbin, Erwin, Farmer, Ferebee, J. J. Gamble, Griggs, Hackney, Hamrick, Hayes, Herring, Hicks, Johnson, R. Jones, H. C. Jones, Koonce, Logan, Long, Love, Martin, Mebane, Miller, McClenahan, T. McDowell, R. McDowell, McIntosh, McMullen, McNeill, Nixon, Oglesby, Paine, Pigot, Regan, Russell, Sanders, Scott, Sherard, Simms, Skinner, Smith, Spivey, Stanly, Stevenson, Stockard, Trull, Wadsworth, J. H. White, Wilkins, T. Williams, J. Williams, Williamson—62.

So the amendment was rejected; and the question recurring on the passage of the bill its second reading, was decided in the negative—yeas 41, nays 60.

Those who voted in the affirmative were:

Messrs. Allen, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Coleman, Doak, Erwin, Farmer, A. M. Gamble, J. J. Gamble, Hayes, Hicks, Johnson, R. Jones, H. C. Jones, J. M. Leach, A. J. Leach, Logan, Love, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McMullen, Nicholson, Nixon, Oglesby, Paine, Pegram, Scott, Shuford, Stockard, Trull, J. H. White, J. Williams, C. Williams, Hargrave—41.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Brown, Brogden, Cannady, Cherry, Courts, Coffield, Dancy, Davis, Dickson, Dobbin, Farrow, Ferebee, Griggs, Hackney, Hamrick, Harrison, Hayman, Headen, Herring, C. Jones, R. H. Jones, Keen, Kelly, Koonce, Long, Martin, Mosely, McClees, T. McDowell, McNeill, Newsom, Palmer, S. Person, T. Person, Pigot, Regan, Reinhardt, Russell, Sanders, Sheek, Sherard, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, J. H. White, Wilkins, T. Williams, Williamson, Wooten—60.

Mr. Pigot called up the bill to repeal, in part, an act, entitled, "an act to prevent the destruction of Oysters;" which was read the third time, amended on motion of Mr. Pigot, and passed, and ordered to be engrossed.

The House now proceeded to the consideration of the special order, to wit: The bill for the better regulation of Common Schools. The bill was read the second time, when Mr. Martin moved that the same be indefinitely postponed; which motion was disagreed to; yeas 49, nays 50.

Yeas and nays demanded by Mr. J. Gamble.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Brown, Brogden, Cannady, Cherry, Coffield, Dancy, Dickson, Dobbin, Farrow, Ferebee, Griggs, Hayman, Headen, Herring, R. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Long, Martin, Mosely, McClees, McClenahan, T. McDowell, McMullen, McNeill, Paine, Pegram, T. Person, Pigot, Regan, Sanders, Sherard, Simms, Skinner, Smith, Spivey, Stanly, Stevenson, J. Taylor, Thigpen, Thornton, Wadsworth, T. Williams, Williamson, Wooten—43.

Those who voted in the negative were:

Messrs. Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Coleman, Courts, Davis, Doak, Erwin, Farrow, A. Gamble, J. J. Gamble, Hamrick, Hargrave, Harrison, Hicks, Hayes, Johnson, C. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Love, Mast, Mebane, Miller, McDade, R. I. McDowell, McIntosh, Nicholson, Nixon, Oglesby, Palmer, Reinhardt, Scott, Sheek, Shuford, Stowe, Trull, J. H. White, I. White, Wilkins, J.J.Williams, C.Williams—50.

So the House refused to postpone indefinitely.

Mr. Stanly then moved to amend the bill, by adding the following Proviso to section first:

"*Provided*, That this distribution shall only apply to so much of the Literary Fund, as was created prior to year 1836."

Which amendment was disagreed to.

Mr. Stanly then moved to amend the bill, by adding the following Proviso:

"*Provided*, That this distribution shall not be made out of the funds received from the General Government, under the Deposit Act, which were divided among the States, according to their Federal population."

Pending which amendment, Mr. Kelly moved a call of the House, which was disagreed to.

Mr. Hayman moved that the House adjourn, which was also disagreed to.

Mr. Brogden moved to postpone the further consideration of the bill until to-morrow, and that it be made the special order for 10 o'clock of that day. This motion was disagreed to; and thereupon, Mr. Griggs moved an adjournment, and called for the yeas and nays, which was ordered and resulted, yeas 43, nays 55.

Those who voted in the affirmative were:

Messrs. Allen, Brown, Cherry, Coffield, Dancy, Dickson, Dobbin, Farmer, Ferebee, Griggs, Harrison, Hayman, Headen, Herring, R. H. Jones, Kelly, Koonce, A. J. Leach, Long, Mosely, McClees, McClena-

han, McDade, T. S. McDowell, McNeill, Nixon, Paine, Pegram, T. Person, Pigot, Sanders, Sherard, Simms, Skinner, Smith, Spivey, Stanly, Stevenson, Thigpen, Thornton, Wadsworth, T. Williams, Wooten—43.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Clement, Coleman, Courts, Davis, Doak, Erwin, Farmer, A. Gamble, J. J. Gamble, Hackney, Hamrick, Hayes, Hicks, Johnson, R. Jones, C. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Love, Martin, Mebane, Mast, Miller, R. I. McDowell, McIntosh, McMullen, Nicholson, Palmer, Regan, Reinhardt, Russell, Scott, Sheek, Shuford, Stockard, Stowe, J. Taylor, Trull, J. H. White, I. White, J. Williams, C. Williams, Williamson—55.

So the House refused to adjourn; and the question now recurring on the adoption of the amendment, offered by Mr. Stanly, was decided in the negative; yeas 18, nays 74.

Yeas and nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Brown, D. F. Caldwell, Cherry, Coffield, Farrow, Ferebee, Hackney, Hayes, Hicks, Johnson, McClenahan, R. McDowell, Palmer, Pegram, Pigot, Stanly—18.

Those who voted in the negative were:

Messrs. Bean, Biggs, Blackburn, Brogden, T. R Caldwell, Campbell, Cannady, Carmichall, Clement, Courts, Dancy, Davis, Dickson, Doak, Edney, Erwin, Foy, A. Gamble, J. Gamble, Hamrick, Harrison, Hayman, Herring, C. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Miller, Mosely, McDade, T. McDowell, McIntosh, McMullen, Newsom, Nicholson, Nixon, Oglesby, T. Person, Regan, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—74.

So the amendment was rejected.

Mr. Martin moved an adjournment—disagreed to.

Mr. Cherry moved a call of the House, which motion also was disagreed to; and the question then recurring upon the passage of the bill, its second reading, was decided in the negative, yeas 52, nays 54.

Yeas and nays demanded by Mr. J. Gamble.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Coleman, Courts, Davis, Doak, Edney, Erwin, Farmer, A. Gamble, J. J. Gamble, Hamrick, Harrison, Hayes, Hicks, Johnson, C. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Love, Mast, Mebane, Miller, McDade, R. I. McDowell, McIntosh, Nicholson, Oglesby, Palmer, Reinhardt, Russell, Scott, Sheek, Shuford, Skeen, Stockard, Stowe, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams—52.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Blow, Brown, Brogden, Cannady, Cherry, Coffield, Dancy, Dickson, Dobbin, Farmer, Ferebee, Foy, Griggs, Hackney, Hayman, Herring, R. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Long, Martin, Mosely, McClees, McClenahan, T. McDowell, McMullen, McNeill, Newsom, Nixon, Paine, Pegram, T. J. Person, Pigot, Regan, Sanders, Sherard, Simms, Skinner, Smith, Spivey, Stanly, Stevenson, J. Taylor, Thigpen, Thornton, Wadsworth, T. Williams, Williamson, Wooten—54.

So the bill was rejected, and thereupon the House adjourned.

WEDNESDAY, JANUARY 17, 1849.

Mr. Rayner asked for and obtained leave of absence for Mr. Cherry, of Bertie, from and after this day.

Mr. Hayes called up the Resolution heretofore reported from the Judiciary Committee, in favor of Ailsey Medlin, of Franklin county; which, having been read the second time, Mr.

Hayes moved to amend the Resolution, by adding the following, to wit:

"That the said warrant or warrants, shall, or may be laid, so as to include any lands now belonging to the State, for which the State is not bound for title; *Provided*, This act does not extend to any of the Swamp Lands of this State."

Pending the consideration of which,

The House, in obedience to the special order, proceeded to take up and consider the bill to incorporate the North Carolina Railroad Company. The pending amendment, proposed by Mr. Wadsworth, was adopted; and the amendment of Mr. Barringer as thus amended, was agreed to.

The question now being on the passage of the bill as amended, its second reading; pending this question, after debate, the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Hayman,

Ordered, That a message be sent to the Senate, proposing to ballot to-morrow, at 11 o'clock, for one Trustee of the University.

On motion of Mr. Farmer,

The Resolution in favor of Joseph W. Livingston, and on motion of Mr. Paine, the Resolution in favor of H. L. Robards, were severally taken up, and read the second and third times and passed, and ordered to be engrossed.

Mr. Dancy moved that the House do now take up and consider the bill to lay off and establish a new county by the name of Wilson; which motion was disagreed to.

In accordance with the special order, the House now proceeded to the consideration of the bill to open and improve the

Road from the Tennessee line, passing Laurel, to Burnsville; which was read the second time, and on motion postponed till to-morrow, and made the special order of the day, for that day.

On motion of Mr. Shuford,

The House now resumed the consideration of the unfinished business at the last adjournment, viz:

The bill to incorporate the North Carolina Railroad Company; and the question being on the passage of the bill, as amended, its second reading, was decided in the negative; yeas 49, nays 56.

Yeas and nays demanded by Mr. Griggs.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Cannady, Dobbin, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, H. C. Jones, Koonce, J. M. Leach, Long, Mebane, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, Newsom, Nixon, Paine, Pegram, Pigot, Proctor, Russell, Scott, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Thornton, Wadsworth, T. Williams—49.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blow, Brown, Brogden, Clement, Coffield, Courts, Dancy, Davis, Dickson, Doak, Farrow, Foy, A. Gamble, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, Keen, Kelly, A. J. Leach, Love, Logan, Martin, Mast, Miller, McClees, McMullen, McNeill, Nicholls, Nicholson, Oglesby, Palmer, T. Person, S. Person, Regan, Reinhardt, Sheek, Sherard, Skeen, Stockard, J. Taylor, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—55.

So the bill was rejected.

Mr. Stevenson now moved to take up and consider the unfinished business of yesterday, being the proposition of the Senate to adjourn *sine die* on the 22d inst.; which motion was, on motion of Mr. Stanly, laid upon the table.

Mr. Stanly moved a call of the House; which motion was carried: and the roll being twice called, the following named members did not answer to the call, viz: Messrs. James L. Mosely, Kenneth Rayner, and Samuel N. Stowe. The doors were then closed, and an excuse offered and received for the non-attendance of Mr. Stowe.

On motion of Mr. Walser, further proceedings in the call were dispensed with.

A motion was then made by Mr. Love, that the House do reconsider the vote by which was just rejected, the bill to incorporate the North Carolina Rail Road Company, and for other purposes; which motion was decided affirmative—yeas 85, nays 26.

Yeas and nays demanded by Mr. Griggs.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Clement, Coleman, Courts, Dancy, Dickson, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Mebane, Mosely, McClenahan, McDade, T. McDowell, R. McDowell, McIntosh, McNeill, Newsom, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, Walser, Wilkins, T. Williams, C. Williams, Williamson, Wooten—85.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brogden, Coffield, Doak, Farrow, A. Gamble, Griggs, Hamrick, Harrison, Herring, Johnson, R. Jones, Martin, Miller, McClees, McMullen, Nicholls, Nicholson, Reinhardt, Stockard, Stowe, Thigpen, J. H. White, I. White, J. Williams—26.

So the House agreed to reconsider; and the bill as amended, being then put on its second reading, passed in the affirmative—yeas 60, nays 49.

Yeas and nays demanded by Mr. Griggs.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, T. Caldwell, D. Caldwell, Campbell, Cannady, Carmichall, Coleman, Dobbin, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, H. C. Jones, Koonce, J. M. Leach, Logan, Long, Love, Mebane, Miller, Mosely, McClenahan, T. McDowell, R. I. McDowell, McIntosh, Newsom, Nixon, Paine, Pegram, Pigot, Proctor, Russell, Scott, Shuford, Simms, Skeen, Skinner, Smith, Spivey, Stanly, Stevenson, Steele, C. Taylor, Thornton, Trull, Wadsworth, Walser, Wilkins, T. Williams—60.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blow, Brown, Brogden, Clement, Coffield, Courts, Dancy, Davis, Doak, Farrow, Foy, A. M. Gamble, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, C. Jones, Keen, A. J. Leach, Martin, Mast, McClees, McDade, McMullen, McNeill, Nicholls, Nicholson, Oglesby, Palmer, S. Person, T. Person, Regan, Reinhardt, Sheek, Sherard, Stockard, Stowe, Thigpen, J. H. White, I. White, J. Williams, C. Williams, Williamson, Wooten—49.

So the bill passed its second reading; and the House then adjourned till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

A message from the Senate, concurring in the proposition of the House, to ballot to-morrow at 11 o'clock, for a Trustee of the University, and informing that Messrs. Miller and Walker form the committee on behalf of that body to superintend the election.

A message from the Senate, transmitting the following engrossed bills, in which they ask the concurrence of the House of Commons, viz:

A bill to incorporate the Wilmington and Walker's Ferry Plank Road Company;

A bill to incorporate the Wilmington and Masonboro' Plank Road Company;

A bill to incorporate the Mountain Guards;

A bill to appoint Commissioners to lay off and amend a road in the counties of Buncombe and Yancy;

A bill to amend an act passed at the last session of the General Assembly, entitled, "an act to increase the Public Revenue;"

A bill to incorporate Fairfield Canal Company, in Hyde county;

A bill to regulate the holding of Elections for Commissioners of Navigation;

A bill concerning costs in certain cases in Equity;

A bill concerning the President and Directors of the Literary Fund;

A bill relating to the Town Magistrate, for the town of Wilmington;

And a Resolution respecting furnishing Weights and Measures, to Chatham County.

The foregoing bills and resolution were read the first time and passed.

Also, a message from the Senate, transmitting the engrossed bill to incorporate the "Caswell Rangers," a Company of Cavalry, in the county of Caswell, which was read the first and second times and passed.

Also, a message transmitting the engrossed bill to repeal the 3d section of an act, passed 1846-7, so far as it relates to the County of Onslow; which was read the first time, and on motion of Mr. Foy, rejected.

Mr. J. Gamble called up the bill to authorise Abner Carmichall, late Sheriff of Wilkes county, to collect arrears of taxes due him; which bill was read the second time, amended on motion, by Messrs. J. H. White, J. M. Leach, Sheek, and Foy, and passed.

The engrossed bill to provide for making a Turnpike Road, from Salisbury West, to the line of the State of Georgia, was taken up and read a third time. Mr. Mebane moved to amend

the bill by inserting after the word "completed," in the second line of section 9, the words "or any twenty miles thereof;" which amendment was adopted.

Mr. Mebane moved further to amend the bill by inserting after the word "toll," in the 9th line, 9th section, the words, "to be paid by the agent of the State into the Public Treasury, and;" pending the consideration of which,

Mr. Griggs moved that the bill and amendments be laid upon the table; which motion was disagreed to. And thereupon, on motion of Mr. Hayes, the bill and amendments were ordered to be made the special order for to-morrow at 7 o'clock, P. M.

Mr. Dobbin called up the bill to incorporate the Fayetteville and Western Plank Road Company; which, on his motion, was ordered to be made the special order of the day for to-morrow at 12 o'clock.

On motion of Mr. Wadsworth,

The House proceeded to consider the bill to amend an act entitled, "an act to amend the laws regulating the inspection of Turpentine," Ratified 14th January, 1847; and the question being on concurring in the amendment of the Senate, was decided in the negative.

Mr. Coffield called up the bill to amend an act, passed at the session of the General assembly of North Carolina, of 1846-7, entitled, "an act to amend an act passed at the session of 1827, entitled an act to prevent the obstruction of the passage of fish up the Roanoke and Cashie rivers, and their waters." The bill was read the third time and passed; yeas 58, nays 38.

Yeas and Nays demanded by Mr. McClees

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Bean, Blow, Brown, Brogden, Cannady, Clement, Coffield, Courts, Dancy, Davis, Dickson, Doak, Foy, Hargrave, Harrison, Hayes, Herring, Hicks, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Martin, Miller, Mosely, McMullen, McNeill, Newsom, Nicholson, Oglesby, Pegram, S. Person, T. Person, Proctor, Regan, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Stevenson, C. Taylor,

J. Taylor, Thornton, Thigpen, Trull, Walser, J. H. White, I. White, T. Williams, C. Williams, J. Williams, Williamson, Wooten—58.

Those who voted in the negative were:

Messrs. Biggs, D. F. Caldwell, T. R. Caldwell, Campbell, Edney, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, Green, Griggs, Hamrick, Headen, Hayman, Johnson, C. Jones, H. C. Jones, Koonce, J. M. Leach, Logan, Love, Mebane, McClees, McClenahan, McDade, T. S. McDowell, R. I. McDowell, Nicholls, Nixon, Palmer, Pigot, Reinhardt, Russell, Skinner, Stanly, Stockard, Wadsworth—38.

So the bill passed its third reading, and was ordered to be engrossed.

Mr. Stanly called up the bill to incorporate the North Carolina Railroad Company; which, on his motion, was made the special order of the day for to-morrow, at 11 o'clock.

Mr. Hayes called up the Resolution in favor of Ailsey Medlin, of Franklin county; which, on his motion, was made the order of the day for to-morrow, at 3 o'clock, P. M.

Mr. Sherard called up the bill to establish a new county by the name of Wilson; which, on his motion, was made the special order for to-morrow, at 8 and half o'clock, P. M.

The bill concerning the mode of widows dissenting from the last will and testaments of deceased husbands, in certain cases, was read the third time and passed, and ordered to be engrossed.

The bill granting to the Superior Courts of Lincoln and Gaston, original and exclusive jurisdiction in all cases, where the intervention of a jury may be necessary, was read the third time, amended on motion of Mr. White, of Lincoln, and passed, and ordered to be engrossed.

The following bills were also read the third time and passed, and ordered to be engrossed:

A bill to incorporate Germanton Lodge, No. 116, of Ancient York Masons, in the county of Stokes;

A bill to repeal part of an act of the General Assembly of 1844-5, chapter 14;

And a bill abolishing Jury Trials in Burke County Court.

The bill to lay off and establish a Public Road, beginning at Trap Hill in Wilkes county, and running across the Blue Ridge to Gap Civil, in Ashe county, was read the third time and passed; yeas 73, nays 17.

Yeas and nays demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Courts, Dickson, Doak, Edney, Erwin, Farmer, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hargrave, Hayes, Headen, Hicks, Johnson, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Mast, Mebane, McClenahan, McDade, T. McDowell, R. I. McDowell, McIntosh, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Pegram, S. Person, Pigot, Proctor, Regan, Russell, Scott, Sheek, Shuford, Skinner, Stanly, Stevenson, Stockard, J. Taylor, Thornton, Trull, Wadsworth, J. H. White, Wilkins, T. Williams, C. Williams, Williamson, Wooten—73.

Those who voted in the negative were:

Messrs. Brogden, Davis, Farrow, Foy, Griggs, Hamrick, Herring, R. Jones, Martin, Miller, Mosely, McClees, T. Person, Sherard, Skeen, Thigpen, I. White—17.

Ordered that the said bill be engrossed.

The House now proceeded to consider the bill providing for an amendment of the Constitution of North Carolina; which, having been read the third time,

Mr. T. R. Caldwell moved to postpone the consideration of the same, and that it be made the special order for Friday next, at 3 o'clock; which motion was disagreed to.

Mr. C. Jones then moved that the bill be made the special order for to-morrow at 10 o'clock; which was also disagreed to. And the question then recurring upon the passage of the bill, its third reading, was decided in the affirmative; yeas 75, nays 21.

Yeas and nays demanded by Mr. Love.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Bean, Blackburn, Blow, Brogden, Cannady, Carmichall, Clement, Coffield, Courts, Dancy, Davis, Dickson, Doak, Edney, Erwin, Farmer, Foy, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Hayes, Headen, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Koonce, J. M. Leach, A. J. Leach, Love, Mar-

tin, Mast, Mosely, McDade, T. McDowell, McIntosh, McNeill, McMullen, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, S. Person, Pigot, Regan, Reinhardt, Scott, Sheek, Sherard, Shuford, Stanly, Stevenson, Stockard, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—75.

Those who voted in the negative were:

Messrs. Biggs, Brown, Campbell, Farrow, Ferebee, Hargrave, Hayman, H. C. Jones, Keen, Kelly, Logan, Mebane, McClees, McClenahan, Nicholls, T. Person, Proctor, Russell, Skeen, Skinner, I. White—21.

Ordered, That the said bill be engrossed.

On motion, the House then adjourned.

THURSDAY, JAN. 18, 1849.

Mr. Dobbin asked for, and obtained leave of absence, for Mr. Regan, of Robeson county, from and after this date.

Mr. Dancy presented a memorial from certain citizens of Edgecomb county, praying the passage of a law preventing the obstruction of the passage of fish up the Tar River; which was referred to the committee on Propositions and Grievances

Mr. Erwin introduced a bill to incorporate the McDowell and Yancy Turnpike Company.

Mr. C. Jones, a bill supplemental to an act passed at the present General Assembly, entitled, "an act to lay off and establish a new county by the name of Alamance.

Mr. Miller, a bill to amend the 8th section of an act, entitled "an act to incorporate the Caldwell and Ashe Turnpike Company;" and,

Mr. Foy, a bill to incorporate the town of Swansboro; which were severally read the first time and passed.

On motion of Mr. Dobbin,

The House proceeded to consider the Resolutions heretofore reported from the Joint Select Committee on the subject, the Resolutions relative to Mons. Vattemare's system of Literary and Scientific Exchanges; which were read the second time and passed—Yeas 77, Nays 18.

Yeas and nays demanded by Mr. Miller.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Biggs, Blow, D. F. Caldwell, T. R Caldwell, Campbell, Cannady, Carmichall, Clement, Coleman, Courts, Daney, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, J. Gamble, Hamrick, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, H. C. Jones, Keen, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Mebane, McClenahan, T. McDowell, R. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nixon, Oglesby, Paine, Palmer, Pegram, T. Person, S. Person, Pigot, Proctor, Rayner, Regan, Reinhardt, Russell, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Smith, Stanly, Steele, Stevenson, Stowe, J. Taylor C. Taylor, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams, Wooten—77.

Those who voted in the negative were:

Messrs. Brogden, Dickson, Farrow, Green, Griggs, Hackney, Herring, C. Jones, Kelly, Martin, Miller, Mosely, McClees, McMullen, Simms, Spivey, Stockard, I. White—18.

The Resolutions were then put upon their third reading, and passed, and were ordered to be engrossed.

According to the joint order of the two Houses on yesterday, the House now proceeded to go into an election of Trustee of the University; the name of Mr. Steele having been withdrawn from nomination, and the name of Mr. W. F. Dancy added—of which the Senate were informed by message.

Messrs. Hayman and Love formed the Committee on behalf of this House, to superintend the ballotting.

Mr. Rayner called up for consideration, the bill to provide for the support of the system of International, Literary and Scientific Exchanges; which was read the second time and passed—yeas 75, nays 19.

Yeas and Nays demanded by Mr. Miller.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Edney, Erwin, Farmer, Ferebee, Foy, A. Gamble, J. J. Gamble, Hamrick, Hargrave, Hayes, Headen, Hicks, R. H. Jones, H. C. Jones, Keen, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Mebane, McClenahan, T. S. McDowell, R. I. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nixon, Oglesby, Paine, Palmer, Pegram, T. Person, S. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Scott, Sherard, Shuford, Skeen, Skinner, Smith, Stanly, Steele, Stevenson, Stowe, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams—75.

Those who voted in the negative were:

Messrs. Brown, Brogden, Clement, Dickson, Doak, Farrow, Herring, R. Jones, Kelly, Martin, Miller, Mosely, McMullen, Sheek, Simms, Stockard, I. White, C. Williams, Wooten—19.

So the bill passed its second reading.

On motion, the rule was suspended, and the bill read the third time and passed, and ordered to be engrossed.

Mr. Farmer, from the Select Committee, to whom was referred the engrossed bill to amend the act passed at the last session of the General Assembly, entitled, "an act to amend an act to reduce into one, the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40," reported the same back to the House, with a recommendation that the same do not pass. The bill was read the second time, and on motion of Mr. Biggs, laid on the table.

Mr. Hayman, from the committee appointed to superintend the ballotting for a Trustee of the University, reported that no one had received a majority of the whole number of votes given, and that consequently, there was no election.

The report was concurred in.

A message was received from the Senate, proposing to ballot

again forthwith, for a Trustee of the University, which, on motion of Mr. Stanly, was ordered to lie on the table.

In obedience to the special order of yesterday, the House now proceeded to the consideration of the bill to incorporate the North Carolina Rail Road Company. The bill having been read the third time,

Mr. T. J. Person proposed to amend the same by striking out all between the words "from" in the 6th line of section 45, and "thereof," in the 15th line of said section, and inserting in lieu thereof, the following: "Gaston to some point on the Sea Board and Roanoke Rail Road, at or near Garysburg, and shall expend the said sum in forming the said connection; then the said Raleigh and Gaston Railroad shall be extended to the said point on the Roanoke and Sea Board Railroad, at or near Garysburg;" which amendment was rejected.

Mr. J. Gamble moved to amend the bill, by adding the following section:

"*Be it further enacted*, That the sum of forty thousand dollars be, and the same is hereby appropriated for the purpose of opening and improving the navigation of the Yadkin River, between Locke's Bridge, in the county of Rowan, and the town of Wilkesboro; *Provided*, That no part of the sum hereby appropriated, shall be applied to the opening of said river, until the sum of twenty thousand dollars has been subscribed and secured by individuals.

Which amendment was rejected.

Mr. Griggs moved to amend the bill by adding the following section:

"*And be it further enacted*, That the sum of fifty thousand dollars be appropriated for the purpose of removing the Shoals at the mouth of Oregon Inlet, in the county of Currituck."

Which amendment was also rejected;

Mr. S. J. Person moved to amend by adding to section 46th the following:

"That it shall be optionary with the said Raleigh and Gaston Railroad Company, whether they will connect the said Raleigh and Gaston Railroad, with the Seaboard and Roanoke Railroad

by constructing a Railroad from Gaston, in the county of Northampton, to some point on the Seaboard and Roanoke Railroad, at or near Garysburg; and, if the said Raleigh and Gaston Railroad Company should deem it expedient to adopt this line instead of the one specified in the 5th section, they shall then be entitled to all the benefits and privileges, which they would have been entitled to, had they chosen the line marked out in the 5th section."

Which amendment was rejected.

Mr. Pegram offered the following amendment, to be inserted after the word "Raleigh," in the 5th line of the 2d section:

"And some point on the Cape Fear River, due South of Raleigh or nearly so; that is to say, beginning on said Wilmington and Raleigh Railroad, and from thence as the said Company may deem most expedient, either to the said City of Raleigh, by the most practicable and convenient route;—and from thence to the said point on the Cape Fear River, by the most practicable and convenient route; and from thence to Charlotte, *via* Salisbury, by the most practicable and convenient route; or else from the said point, on the Wilmington and Raleigh Railroad, to the said point on the Cape Fear river, by the most practicable and convenient route; and from thence to Raleigh, by the most practicable and convenient route; and from thence to Charlotte, *via* Salisbury, by the most practicable and convenient route; or else, beginning from the said point on the Wilmington and Raleigh Railroad, to run from thence to the said point on the Cape Fear river, with a lateral Road from thence to Raleigh, and from the said point on the Cape Fear river, to Charlotte, in the county Mecklenburg, *via* Salisbury, in the county of Rowan, by the most practicable and convenient route."

This amendment was rejected.

Mr. Ballard moved to amend by adding the section following, viz:

"That the sum of fifty thousand dollars be appropriated for

the purpose of cleaning out and extending the Orapeake Canal and Turnpike, from the Dismal Swamp Canal, to the waters of Bennet's Creek, in the county of Gates."

Which amendment was also rejected.

Mr. Steele moved to amend the 47th section, by inserting an appropriation of fifteen thousand dollars for Lumber River; and

Mr. Nicholls to amend the same, by inserting an appropriation of fifty thousand dollars for Nag's Head Inlet, but these amendments were severally withdrawn before the vote was taken.

On motion of Mr. Stanly,

The bill was then amended by adding a new section, to wit:

Section 48. And also, on his motion, further amended by filling the blanks in the first section.

On motion of Mr. Mebane,

The bill was further amended by adding to the 47th section the following Proviso:

"*Provided*, The sums hereby appropriated to the Neuse and Tar Rivers, shall not be paid by the Public Treasurer, until the said Company shall have subscribed the whole amount of stock, required from them by the provisions of this act; and have commenced operations on said Road."

The question now being on the passage of the bill, its third and last reading as amended, was decided in the affirmative; yeas 60, nays 53.

Yeas and nays demanded by Mr. Griggs.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Coleman, Dobbin, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, H. C. Jones, Koonce, J. M. Leach,

Logan, Long, Love, Mebane, Miller, Mosely, McClenahan, R. I. McDowell, McIntosh, Newsom, Nixon, Paine, Pegram, Pigot, Proctor, Rayner, Russell, Sanders, Scott, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, C. Taylor, Thornton, Trull, Wadsworth, Walser, Wilkins, T. Williams—60.

Those who voted in the negative were:

Messrs. Ballard, Biggs, Blow, Brown, Brogden, Clement, Coffield, Courts, Daney, Davis, Dickson, Doak, Farrow, Foy, A. Gamble, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, Martin, Mast, McClees, McDade, T. McDowell, McMullen, McNeill, Nicholls, Nicholson, Oglesby, Palmer, S. Person, T. Person, Reinhardt, Sheek, Sherard, Skeen, Stockard, Stowe, Thigpen, J. H. White, I. White, J. J. Williams, C. Williams, Williamson, Wooten—52.

Before the vote was announced, Mr. Rayner, on leave, submitted to the House, that as a Stockholder in the Raleigh and Gaston Railroad, he felt some scruples in voting on the bill, and accordingly asked to be excused from voting. Whereupon, on motion of Mr. Stanly, it was, by a unanimous vote, ordered that the member from Hertford, might with propriety vote on said bill, and that he be requested so to do. Mr. Rayner voted in the affirmative.

Ordered that the said bill be engrossed.

THREE O'CLOCK, P. M.

Mr. Smith, from the committee on Private Bills, reported favorably the bill to incorporate the town of Gatesville, in Gates county; and

Also the Resolution in favor of Young Patterson; which were severally read the second and third times and passed, and ordered to be engrossed.

The House now proceeded to the consideration of the special order of yesterday, to wit: A bill to incorporate the

Fayetteville and Wertern Plank Road Company.

On motion of Mr. Dobbin,

The Bill was amended by adding a new section, as section 20.

Mr. Dobbin moved further to amend the bill, by adding the following as section 21.

"Whenever the sum of fifty thousand dollars shall be subscribed by individuals or corporations, as hereinbefore provided, the Treasurer of the State, for the time being, shall be, and he is hereby authorised and directed to subscribe the sum of twenty thousand dollars, for and on behalf of the State, so that the State shall hold an interest of two fifths of the Stock of said Company; and the Treasurer shall from time to time increase the State's subscription to the capital stock of said Company, in the same proportion of two fifths, with the other subscribers to the same; *Provided however*, That the subscription on the part of the State shall not exceed the sum of eighty thousand dollars; *And provided further*, That the State shall not be called on to pay any installments of such subscriptions, but as follows: Whenever individuals shall pay three fifths of fifty thousand dollars, the State shall pay its subscription of twenty thousand dollars; whenever individuals shall have paid three fourths of a subscription of one hundred and fifty thousand dollars, then the State shall pay an additional sum of twenty thousand dollars more; and whenever individuals shall have paid three fourths of a subscription of two hundred thousand dollars, then the State shall pay an additional sum of twenty thousand dollars more, being two fifths of the capital stock of said Company. The payments on the part of individual stockholders, to be first certified by the President and Treasurer of said Company."

The question on the adoption of which amendment, was decided in the negative; yeas 48, nays 57.

Yeas and nays demanded by Mr. Farrow.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Coleman, Dobbin, Edney, Erwin, Ferebee, Hargrave, Hayes, Headen, Hicks, H. C. Jones, Koonce, J. M. Leach, Logan, Love, Mebane, McClenahan, R. McDowell, McIntosh, McNeill, Nixon, Paine, Palmer, Pegram, Pigot, Proctor, Rayner, Regan, Russell, Scott, Skeen, Skinner, Stanly, Steele, Shuford, Stevenson, C. Taylor, Trull, Wadsworth, T. Williams—48.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Doak, Farmer, Farrow, Foy, Green, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Long, Martin, Miller, McDade, T. McDowell, Mosely, McMullen, Newsom, Nicholls, Nicholson, Oglesby, S. Person, T. Person, Reinhardt, Sheek, Sherard, Simms, Smith, Stockard, Stowe, J. Taylor, Thigpen, Thornton, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten, McClees—57.

So the amendment was rejected, and the question recurring on the passage of the bill, its second reading, was determined in the affirmative.

In obedience to the special order, the House now proceeded to consider the Resolution in favor of Ailsey Medlin, of Franklin county; the question being on the adoption of the amendment offered by Mr. Hayes yesterday; pending the discussion of which, the House took a recess until 7 o'clock.

SEVEN O'CLOCK, P. M.

The House proceeded to consider the engrossed bill to provide for making a Turnpike Road from Salisbury west, to the line of the State of Georgia; which being read the third time,

Mr. Hackney proposed to amend the same by inserting after the word "judgment" in 9th line of section 8th, the words, "whenever the work is done according to contract." The amendment was disagreed to; and the question, "shall the bill

pass its third and last reading?" was decided in the affirmative —yeas 82, nays 24.

Yeas and nays demanded by Mr. Hackney.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Clement, Coleman, Courts, Dickson, Dobbin, Edney, Erwin, Farmer, Farrow, Ferebee, J. J. Gamble, A. Gamble, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Mast, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Pegram, S. Person, Pigot, Rayner, Regan, Reinhardt, Russell, Scott, Sheek, Shuford, Skeen, Skinner, Smith, Stanly, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, C. Williams, T. Williams Williamson—82.

Those who voted in the negative were:

Messrs. Ballard, Blow, Brogden, Coffield, Dancy, Davis, Doak, Foy, Green, Griggs, Hackney, Johnson, R. Jones, C. Jones, Martin, Mosely, McClees, McDade, T. McDowell, Palmer, Sherard, Thigpen, I. White, Wooten—24.

So the bill as amended, passed its third reading.

Ordered, That it be sent to the Senate, requesting their concurrence in the amendments.

The bill to establish a new County by the name of Wilson, was now read the second time.

Mr. Brogden moved to amend the bill by adding to the first section thereof, the following proviso: "*Provided*, a majority of the qualified voters for members of the House of Commons in the Counties of Edgecomb, Nash and Wayne, respectively, shall vote in favor of the new County of Wilson, at an election to be held according to the provisions of an act to be passed, supplemental to this act;" whereupon, Mr. Paine moved to amend the amendment by striking out the words "Counties of Edgecomb, Nash and Wayne, respectively, shall vote in favor of the," and by adding thereto, the words "shall vote in favor

of said County of Wilson." Pending the consideration of which amendment,

A motion was made by Mr. Griggs, that the bill, with the amendments, be indefinitely postponed, which motion passed in the affirmative—yeas 57, nays 42.

Yeas and Nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Ballard, Brown, Brogden, Cannady, Coffield, Courts, Dancy, Davis, Dickson, Dobbin, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Kelly, A. J. Leach, J. M. Leach, Logan, Long, Martin, Mast, Mosely, McClenahan, McDade, T. McDowell, McMullen, McNeill, Newsom, Palmer, Pegram, T. J. Person, S. Person, Regan, Reinhardt, Sheek, Sherard, Shuford, Smith, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, J. H. White, Wilkins, J. Williams, C. Williams, Williamson, T. Williams, Wooten—57.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Biggs, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Coleman, Doak, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hargrave, Hayman, Hayes, Hicks, Headen, H. C. Jones, Koonce, Love, Mebane, Miller, McClees, R. I. McDowell, McIntosh, Nicholls, Nixon, Oglesby, Paine, Pigot, Rayner, Scott, Skeen, Skinner, Stanly, Trull, I. White—42.

So the bill was indefinitely postponed; and thereupon, the House adjourned.

FRIDAY, JAN. 19, 1849.

On motion of Mr. Long,

Leave of absence was granted to Mr. Smith, a member from Halifax county, from and after this day.

Mr. Mebane presented the following Resolution, which was read and adopted unanimously:

"*Resolved*, That the 31st Rule of the House, requiring that no Bill, Petion, Memorial, or other papers, that may be introduced, shall be taken out of the possession of the House or sent to the Senate, until the time for reconsideration shall have elapsed, be suspended for the present session."

Mr. Paine, from the committee on the Judiciary, reported favorably the bill to amend the 11th section of the 90th chapter of the Revised Statutes, concerning Punishments. The bill was read the second time, and amended on motion of Mr. H. C. Jones, by striking out "six hundred and forty acres," and inserting "twelve acres," and passed; yeas 97, nays 6.

Yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Doak, Dobbin, Edney, Erwin, Farmer, Farrow, Foy, A. M. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Martin, Miller, Mosely, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Pigot, Proctor, Reinhardt, Russell, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Smith, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Jaylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, Williamson, Wooten—97.

Those who voted in the negative were:

Messrs. Brown, Ferebee, Herring, Mebane, McDade, C. Williams—6.

So the bill as amended, passed its second reading.

Mr. Paine, from the Judiciary Committee, reported adversely sundry bills—

A bill to prevent the abuse of process in civil cases before Justices of the Peace;

A bill to amend the 75th section of 102nd chapter, Revised Statutes; and

A bill to repeal so much of an act passed at the last Session of the General Assembly, entitled "an act to increase the Public Revenue," as relates to a tax on collateral descents and devises.

Which bills were severally read the second time and rejected.

Mr. Paine, from the same committee, reported favorably the bill to locate the Judges of the Superior Courts, hereafter to be elected, which was read the second time and passed.

Mr. Paine, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of repealing the 3d section of an act, entitled "an act more effectually to prevent the imprisonment of honest debtors," made an unfavorable report thereon, and asked to be discharged from the further consideration of the same. The report was concurred in.

Mr. Paine, from the same committee, reported unfavorably a bill to amend the 22d section of 62d chapter Revised Statutes; which was read the second time, and on motion of Mr. Hayman, laid on the table.

Mr. Dobbin, from the same committee, reported favorably a bill to amend the 24th chapter of the Revised Statutes, in regard to Constables; which was read the second time and passed.

Mr. Courts, from the committee on Propositions and Grievances, reported favorably the bill to alter the time of holding two terms of the Courts of Pleas and Quarter Sessions, in the counties of Lincoln and Catawba; and

Also the bill to authorise Major John Clark, of Beaufort county, to make a Road on his own land from Pantego to the head of Pungo River; which were severally read the second time and passed.

Mr. Courts from the same committee, reported unfavorably the engrossed bill to emancipate James G. Hostler; which was

read the second time, and on motion of Mr. Miller indefinitely postponed.

Mr. Courts, from the same committee, reported unfavorably the bill for the relief of certain citizens of Buncombe county; and

Also the bill to establish a new county by the name of Jackson; which were severally read the second time, and laid upon the table.

Mr. Courts, from the same committee, reported unfavorably a bill to repeal, in part, an act passed at the last session, entitled "an act to alter the times of holding the Superior Courts of Law and Equity, in the second Judicial District; and

The Courts of Pleas and Quarter Sessions in the counties of Onslow, Jones, Craven, Beaufort, and Hyde, and

Also, a bill apportioning Representatives between Burke and McDowell counties, which were severally read the second time. The first named bill was indefinitely postponed, and the last named bill rejected.

Mr. Courts, from the same committee, to whom were referred the memorial from citizens of Bertie county, relative to the corporation of the town of Windsor; also

The petition of James G. Mitchell, asking permission to settle on a public lot near the city of Raleigh; also,

A memorial of Mary Henry and sundry citizens of New Hanover County, praying the emancipation of her negro slave Washington; also,

A petition of sundry citizens of Cumberland county, praying the emancipation of Peter, a slave; and also,

A memorial from sundry citizens of Bertie county, praying for the relief of Andrew Northcoot—reported adversely thereon, and asked to be discharged from the further consideration of these several subjects. The reports were concurred in.

Mr. Courts, from the same committee, reported favorably a bill to incorporate the Johnston Little River Manufacturing Company, in the county of Johnston; which, having been read the second time,

Mr. Stevenson moved to amend the same, by striking out section 12, which is as follows:

"That at the time of the dissolution of the corporation, the private property of the persons then composing the Company, shall be liable for all the debts, contracts, and liabilities of the corporation, in proportion to the amount of stock owned by each individual stockholder."

The question on which motion, was decided in the negative; Yeas 34, nays 66.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Blackburn, Brogden, Campbell, Carmichall, Coleman, Courts, Erwin, Farrow, Ferebee, Hargrave, Hayman, Koonce, Logan, Mebane, McClenahan, R. I. McDowell, McIntosh, Nicholson, Paine, Pigot, Proctor, Rayner, Regan, Russell, Sherard, Skinner, Smith, Stanly, Stevenson, J. Taylor, C. Taylor, Wadsworth—34.

Those who voted in the negative were:

Messrs. Ballard, Bean, Blow, Brown, T. Caldwell, D. Caldwell, Cannady, Clement, Coffield, Dancy, Davis, Doak, Edney, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Hayes, Headen, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Long, Love, Martin, Miller, Mosely, McDade, McMullen, Newsom, Nicholls, Nixon, Oglesby, Palmer, Pegram, S. Person, T. Person, Reinhardt, Sanders, Scott, Sheek, Shuford, Simms, Steele, Stockard, Stowe, Thigpen, Thornton, Trull, Walser, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—66.

Mr. Dancy, from the committee on Private Bills, reported favorably the bill to amend the act incorporating Rockford, in Surry county; and also, the resolution for the relief of S. W. Tillinghast, and others; which were each read the second time and passed.

Mr. Paine, from the committee on the Judiciary, reported unfavorably, the bill to repeal in part the 6th section, chapter 31, Revised Statutes; which was read the second time, and, on motion of Mr. Stanly, indefinitely postponed—Yeas 64, Nays 30.

Yeas and nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Blackburn, Blow, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Clement, Courts, Doak, Edney, Erwin, Ferebee, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hargrave, Harrison, Hayes, Headen, Hicks, Johnson, R. Jones, Keen, Koonce, J. M. Leach, A. J. Leach, Logan, Mast, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McMullen, Nicholson, Oglesby, Paine, Palmer, T. Person, Proctor, Russell, Sheek, Simms, Skeen, Skinner, Smith, Stanly, Stevenson, Stockard, Stowe, C. Taylor, Thornton, Wadsworth, Walser, I. White, Wilkins, J. Williams, C. Williams, Wooten—64.

Those who voted in the negative were:

Messrs. Ballard, Brogden, Cannady, Coffield, Farrow, Foy, Hamrick, Hayman, Herring, C. Jones, R. H. Jones, Kelly, Long, Martin, Mosely, McNeill, Newsom, Nicholls, Pegram, S. Person, Reinhardt, Sanders, Scott, Sherard, Steele, Thigpen, Trull, J. H. White, T. Williams, Williamson—30.

So the bill was indefinitely postponed.

Mr. Nicholls, from the committee on Claims, reported favorably a resolution in favor of N. B. Marriner, late Sheriff of Martin county; which was read the second time and passed.

Mr. Nicholls, from the same committee, reported adversely on the Resolution in favor of John A. Robeson; which was read the second time and rejected.

The bill to repeal a part of the 14th section of the 102d ch. of the Revised Statutes, so far as relates to Retail Merchants and Jewellers, for the more equitable payment of taxes imposed on them by said act, was read the second time, when Mr. Doak moved that the same be laid upon the table and be printed.

On motion of Mr. Stanly, a division of the question was ordered, and the proposition to print was disagreed to.

Ordered, That the bill be laid upon the table.

The bill to amend the 21st section of the 115th chapter of the Revised Statutes, was read the second time and passed.

On motion of Mr. C. Jones, the rule was suspended, and the

bill read the third time, and the question, "shall the bill pass its third and last reading?" was decided in the negative—Yeas 48, Nays 53.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Blow, D. F. Caldwell, Campbell, Clement, Coleman, Courts, Dobbin, Erwin, Farrow, Ferebee, Hayman, Hayes, Headen, Hicks, C. Jones, H. C. Jones, Keen, Koonce, Long, Mebane, Miller, McClees, McClenahan, Nicholls, Nixon, Oglesby, Paine, Pegram, S. Person, Pigot, Proctor, Rayner, Russell, Scott, Skeen, Skinner, Smith, Stanly, Steele, Stevenson, J. Taylor, C. Taylor, Wadsworth, I. White, Wooten—48.

Those who voted in the negative were:

Messrs. Ballard, Bean, Brogden, Blackburn, Brown, Cannady, Carmichall, Coffield, Dancy, Davis, Edney, Foy, J. J. Gamble, A. Gamble, Green, Griggs, Hackney, Hamrick, Harrison, Herring, R. H. Jones, Johnson, R. Jones, Kelly, A. J. Leach, Logan, Martin, Mast, R. I. McDowell, McMullen, McNeill, Newsom, Nicholson, Palmer, T. Person, Regan, Reinhardt, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stockard, Stowe, Thornton, Thigpen, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wilkins—53.

So the bill was rejected.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A message from the Senate, transmitting the engrossed bill supplemental to an act passed at the present session, dividing the county of Stokes into two distinct counties; which was read the first time and passed.

Also, transmitting engrossed resolutions respecting Slavery in the Territories; which were read the first time and passed,

and on motion of Mr. S. J. Person, made the order of the day for to-morrow, at half past ten o'clock.

Mr. T. H. Williams called up the engrossed bill concerning the Wilmington and Raleigh Railroad Company, which, having been read a second time,

Mr. Brogden moved to amend the same, by inserting after the word "dollars," in the 8th line of first section, the following—"for the purpose of taking up and redeeming the bonds for the sum of $250,000, endorsed by the Public Treasurer, under and by the authority of the act of the General Assembly of 1840-1, for the relief of the Wilmington and Raleigh Railroad Company."

Which amendment was rejected.

Mr. Brogden then moved the following amendment, to-wit, to add the following proviso to the 2nd paragraph of the Preamble, under 10th section:

"*Provided*, That nothing contained in this act shall be so construed as to pledge the faith and credit of the State, in any manner whatever, beyond her interest in said corporation, for the payment of every part of the $520,000, which the Wilmington and Raleigh Railroad Company are authorised to borrow, by the provisions of this act."

Which amendment was agreed to.

The question then recurring on the passage of the bill its second reading, as amended, was decided in the affirmative—Yeas 77, Nays 20.

Yeas and nays demanded by Mr. J. J. Williams.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Coleman, Courts, Dancy, Dickson, Doak, Dobbin, Edney, Erwin, Farrow, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Hargrave, Hayman, Headen, Herring, Hicks, Johnson, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, Logan, Long, Love, Mast, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McNeill, Nicholls, Nicholson,

Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Scott, Sheek, Sherard, Shuford, Skinner, Smith, Stanly, Steele, Stevenson, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, Wilkins, T. Williams, C. Williams, Williamson, Wooten—77.

Those who voted in the negative were:

Messrs. Cannady, Clement, Davis, Green, Griggs, Hamrick, Harrison, R. Jones, Martin, McMullen, Newsom, Reinhardt, Sanders, Simms, Spivey, Stockard, Stowe, J. H. White, J. Williams, A. Leach—20.

So the bill passed its second reading.

Mr. Nicholls presented resolutions relative to the reopening of Roanoke Inlet, which were read the first time and passed.

On motion, the rule was suspended, and the resolutions read the second time and passed—Yeas 73, Nays 25.

Yeas and nays demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Biggs, Bean, Blackburn, Blow, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Coffield, Dickson, Doak, Edney, Erwin, Farrow, Ferebee, A. Gamble, J. Gamble, Green, Griggs, Hamrick, Hargrave, Hayman, Headen, Hicks, Johnson, C. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Mast, Mebane, Miller, McClenahan, R. McDowell, McIntosh, McMullen, McNeill, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, Pigot, Proctor, Rayner, Reinhardt, Russell, Scott, Sheek, Shuford, Skinner, Smith, Spivey, Stanly, Steele, J. Taylor, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, T. Williams, Farmer—73.

Those who voted in the negative were:

Messrs. Brown, Brogden, Cannady, Coleman, Courts, Davis, Dobbin, Dancy, Foy, R. H. Jones, Keen, Love, Martin, Newsom, S. Person, T. Person, Sanders, Sherard, Stowe, Simms, Thigpen, J. Williams, Wooten, R. Jones, C. Williams—25.

A motion was made by Mr. Keen, that the House do now take up and consider the bill for the improvement of Smith's River, in Rockingham county; which was disagreed to.

Mr. Dancy, from the committee on Private Bills, to whom

was referred a memorial from citizens of Currituck, praying the passage of a law allowing free persons of color, in that county, to carry fire arms; and also,

A memorial from citizens of Guilford county, praying the repeal of a private act, disallowing half fees to the officers of Court of that county, made adverse reports thereon, and asked to be discharged from the further consideration of the same. The reports were concurred in.

Mr. J. M. Leach moved that the bill to incorporate the Danville and Charlotte Railroad Company, be now taken up and made the special order of the day for to-morrow, 12 o'clock.

Mr. Love moved to amend the motion, by striking out "to-morrow," and inserting "Tuesday next," which motion was not carried; and the question then recurring on the motion of Mr. Leach, passed in the affirmative; yeas 68, nays 31.

Yeas and nays demanded by Mr. Stowe.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Coffield, Courts, Dancy, Davis, Doak, Dobbin, Edney, Erwin, A. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, A. J. Leach, J. M. Leach, Logan, Love, Mast, Mebane, Miller, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Nicholson, Nixon, Oglesby, Palmer, Pegram, S. Person, Rayner, Reinhardt, Russell, Scott, Sheek, Shuford, Steele, Stockard, Stowe, Trull, J. H. White, I. White, Wilkins, J. Williams, C. Williams—67.

Those who voted in the negative were:

Messrs. Allen, Biggs, Blow, Brogden, Cannady, Dickson, Ferebee, Foy, Green, Kelly, Koonce, Long, Nicholls, T. Person, Proctor, Pigot, Spivey, Sanders, Sherard, Simms, Skinner, Smith, Stanly, Stevenson, J. Taylor, C. Taylor, Thornton, Wadsworth, T. Williams, Williamson, Wooten—31.

Mr. Ferebee called up for consideration the resolution heretofore offered by Mr. Farmer, to send a message to the Senate proposing to adjourn *sine die* on the 25th instant.

On motion of Mr. Mebane, the resolution was amended by inserting "29th," instead of "25th;" and as thus amended, was adopted by the House.

The House then took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

On motion of Mr. Shuford,

The House proceeded to consider the Resolution in favor of Ailsey Medlin, of Franklin County, which was the unfinished business of yesterday. The amendment heretofore offered by Mr. Hayes, was adopted, and the Resolution then read the second and third times and passed, and ordered to be engrossed.

Mr. Courts, from the Committee on Propositions and Grievances, reported favorably the bill to attach a part of Wilkes county to the county of Alexander, and for other purposes; which was, on his motion, laid upon the table.

Mr. Blow, from the committee on Education, reported adversely, a bill to amend the 2d and 3d sections of an act ratified 18th January, 1847, entitled "an act to amend an act, entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools;" which was read the second time and rejected—Yeas 15, Nays 65.

Yeas and nays demanded by Mr. Williamson.

Those who voted in the affirmative were:

Messrs. Blow, Brogden, Cannady, Coffield, Edney, J. J. Gamble, Hackney, Hamrick, Hayman, Sanders, Sherard, Stockard, J. H. White, J. J. Williams, Williamson—15.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Blackburn, T. R. Caldwell, Campbell, Carmichall, Courts, Dancy, Davis, Doak, Dobbin, Erwin, Farrow, Ferebee, A. Gamble, Green, Griggs, Harrison, Headen, Herring, R. Jones,

C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Martin, Mast, Mebane, Mosely, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nixon, Oglesby, Palmer, T. Person, Pigot, Reinhardt, Russell, Scott, Sheek, Shuford, Skeen, Skinner, Spivey, Stanly, Stevenson, Stowe, J. Taylor, Thigpen, Thornton, Wadsworth, Walser, I. White, Wilkins, C. Williams, Wooten—65.

So the bill was rejected.

Mr. Coleman called up the bill for the relief of certain citizens of Buncombe county; which was read the second time, and on motion of Mr. Stanly, laid upon the table.

Received from the Senate, sundry messages, transmitting the following engrossed bills, and asking the concurrence of this House therein:

A bill to extend the corporate limits of the town of Warrenton;

A bill to secure the title of purchasers of land, sold under execution;

A bill to further justice in the county of New Hanover;

A bill to incorporate the Clay Mining Company;

A bill to incorporate Johnston Academy, in the county of Johnston;

A bill to empower single Justices of the Peace, to tax Prosecutors on State's Warrants, with the payment of cost in certain cases;

A bill to confer on the Courts certain powers over imprisoned Lunatics;

A bill to alter the times of holding the Superior Courts of Law and Equity, in the county of Cleveland;

A bill supplemental to an act, passed at the present Session, entitled, "an act to provide for the establishment of a State Hospital for the Insane in North Carolina;

A bill to incorporate the Providence Band, in the county of Mecklenburg;

A bill to amend the Revised Statutes, section 5th, chapter 102;

A bill to amend the 10th section of the 102d chapter of the Revised Statutes, concerning Pedlars;

A bill amendatory and supplemental to an act passed at the last session of the General Assembly, entitled "an act to provide suitable buildings for the comfortable accommodation of the Deaf Mutes and Blind persons of this State;

A bill to amend the 60th section of the 34th chapter of Revised Statutes, entitled "Crimes and Punishments," and,

A bill supplemental to an act passed at the present session of the General Assembly, laying off and establishing the county of Watauga.

The foregoing bills were read the first time and passed.

Also, a message, transmitting the following engrossed resolutions, in which they ask the concurrence of this House:

A resolution in favor of Charles H. Stevens, administrator on the estate of G. W. Melvin, late sheriff of Bladen county;

A resolution in favor of J. Hogarth Van Bokelin, keeper of Public Arms at Newbern;

A resolution in relation to the Clubfoot and Harlow's Creek Canal; and,

A resolution in favor of R. W. Haywood.

The foregoing resolutions were read the first time and passed.

Also, a message, informing, that the Senate have passed the engrossed bills from the House, viz:

The bill to provide for a reassessment of the lands in the counties of New Hanover, Brunswick, Bladen, Johnston, Sampson, and other counties; and also,

The bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico Rivers, with amendments, in which they ask the concurrence of this House. The amendments were severally concurred in, and the bills ordered to enrolment.

Also, a message from the Senate, informing, that they recede from their proposed amendment to the engrossed bill re-

lating to the Inspection of Turpentine, and have orderred the same to be enrolled.

The following bills were read the third time and passed, and ordered to be engrossed, viz:

A bill to amend an act passed at the session of 1846-7, entitled "an act to alter the mode of electing Wardens of the Poor"—chapter 62d, ratified 18th January, 1847;

A bill to prevent the sale of spirituous liquors within a certain distance of Floral College;

A bill to facilitate the collection of certain debts given for Cherokee Lands, and for other purposes; and,

A bill to lay off a Road in Yancy county, from Flat Rock, to the Burnsville and Indian Grave Gap Road.

Mr. D. F. Caldwell moved to take up and consider the engrossed bill to incorporate the Deep River Mining and Smelting Company; which motion was disagreed to.

The bill to authorise the Chairman of the Board of Superintendants of Common Schools in the county of Rutherford, to pay over to the Chairman of the Board of Superintendants of Common Schools for the county of Polk, certain monies, was read the third time, and on motion of Mr. Logan, indefinitely postponed.

The engrossed bill to amend an act, passed at the last session of the General Assembly, entitled "an act to amend an act to reduce into one, the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40, was read the third time and rejected.

Mr. Dobbin asked for and obtained leave of absence for Mr. Coffield, member from Martin county, from and after to-day; and

Mr. Stanly asked for and obtained leave of absence for Mr. Blow, a member from Pitt county, from and after Saturday next.

On motion of Mr. Love, the House then adjourned till to-morrow morning, 10 o'clock.

SATURDAY, JAN. 20, 1849.

Mr. Carmichall asked for and obtained leave of absence for Mr. Farmer, member from Henderson county, from and after Monday next.

The House now proceeded to the consideration of the engrossed resolutions respecting slavery in the Territories, being the special order for this day. The resolutions having been read the second time, Mr. Stanly moved to amend the same by adding the following:

"*Resolved*, That we believe the people of North Carolina of all parties, are devotedly attached to the union of these States; that they regard it as a main pillar in the edifice of real independence, the support of tranquility at home, of peace abroad, of safety, of prosperity, and of that very liberty they so highly prize; that they cherish a cordial, habitual and immoveable attachment to it, and that they watch for its preservation with jealous anxiety; that they believe it to be the duty of their public servants to discountenance whatever may suggest even a suspicion, that it can, in any event, be abandoned; and to repel, indignantly, every attempt to alienate any portion of our Country from the rest, or to enfeeble the sacred ties which now link together the various parts."

The question on the adoption of which amendment, was decided in the affirmative; yeas 55, nays 33.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Edney, Erwin, Farmer, Ferebee, J. J. Gamble, Green, Hackney, Hargrave, Hayman, Headen, Hicks, Johnson, H. C. Jones, Keen, Koonce, J. M. Leach, Logan, Mast, Mebane, Miller, McClenahan, McDade, R. I. McDowell, McIntosh, Nicholls, Oglesby, Paine, Palmer, Pigot, Proctor, Russell, Shuford, Skeen, Skinner, Smith, Stanly, Stevenson, Trull, Wadsworth, Walser, I. White, Wilkins, J. Williams—55.

Those who voted in the negative were:

Messrs. Brown, Cannady, Courts, Dancy, Davis, Foy, Hamrick, Harrison, Herring, R. Jones, Kelly, A. J. Leach, Long, Martin, McNeill, Newsom, Pegram, T. Person, Reinhardt, Sanders, Scott, Sheek, Sherard, Simms, Spivey, Steele, Stockard, Stowe, C. Taylor, Thigpen, J. H. White, C. Williams, Wooten—33.

Mr. H. C. Jones then moved to amend the 3d Resolution, by striking out the words "and alarm," in the first line thereof; and the question thereon, was decided in the negative; yeas 48 nays 50.

Yeas and nays demanded by Mr. H. C. Jones.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Ferebee, J. Gamble, Hackney, Hargrave, Hayman, Headen, Hicks, C. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, Logan, Long, Miller, McClenahan, McIntosh, Nicholls, Nixon, Oglesby, Palmer, Pigot, Rayner, Russell, Skeen, Skinner, Smith, Stanly, J. Taylor, C. Taylor, Wadsworth, Walser, I. White, Wilkins—48.

Those who voted in the negative were:

Messrs. Ballard, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Foy, A. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, R. H. Jones, Keen, A. J. Leach, Love, Martin, Mosely, McMullen, McNeill, Newsom, Paine, Pegram, S. Person, T. Person, Proctor, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Stevenson, Spivey, Steele, Stockard, Stowe, Thigpen, Thornton, Trull, J. H. White, J. Williams, T. Williams, C. Williams, Williamson, Wooten—50.

So the amendment was rejected.

The Chair here announced the special order for this hour, the engrossed bill concerning the Wilmington and Raleigh Rail Road Company; whereupon, on motion of Mr. S. J. Person, two-thirds concurring,

Ordered, That the said special order be postponed, and that this House undertake the consideration of no other business,

until the Resolutions from the Senate, in relation to Slavery in the Territories, shall have been disposed of.

The question then being upon the passage of the Resolutions as amended, their second reading, Mr. Stanly called for a division of the question, and moved that the vote be taken on each Resolution separately. The motion prevailed, and the question being on the passage of the First Resolution, which is as follows:

"*Resolved*, That the States came into the Union as equals, and that the citizens of each State are entitled to equal rights, privileges and immunities, under the Constitution of the United States."

Was decided in the affirmative—Yeas 103, Nays 1.

Yeas and nays demanded by Mr. H. C. Jones.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, Campbell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Doak, Dobbin, Edney, Erwin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Jaylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—103.

Mr. Blow voted in the negative.

SECOND RESOLUTION.

"*Resolved*,, That the proceedings of the Convention by which the Federal Constitntion was framed, clearly demonstrate that the institution of slavery was maturely considered; and that

the union of the States was finally secured by incorporating into that instrument, distinct and ample guaranties of the rights of the slaveholder."

The question on the passage of this Resolution, was decided in the affirmative; yeas 97, nays 1.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brogden, Brown, T. R. Caldwell, Cannady, Campbell, Clement, Coffield, Coleman, Courts, Dancy, Davis, Doak, Dobbin, Erwin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Harrison, Hayman, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Martin, Mast, Miller, Mosely, McClenahan, McDade, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, T. J. Person, S. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—97.

Mr. Blow voted in the negative.

THIRD RESOLUTION.

Resolved, That we view with deep concern and alarm, the constant aggressions on the rights of the slaveholder, by certain reckless politicians of the north; and that the recent proceedings of Congress on the subject of Slavery, are fraught with mischief, well calculated to disturb the peace of our country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

The question on the adoption of this resolution, was decided in the affirmative—Yeas 82, Nays 10.

Before the vote was taken, Mr. Stanly moved for a dispensation of the rule, that the Speaker, *pro tempore*, Mr. Satterthwaite, be permitted to vote on this and the remaining resolutions; which was unanimously agreed to.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Ballard, Barringer, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Erwin, Foy, A. Gamble, J. J. Gamble, Griggs, Hamrick, Hargrave, Harrison, Headen, Herring, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Mosely, McClenahan, McDade, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Proctor, Rayner, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—82.

Those who voted in the negative were:

Messrs. Blow, Campbell, Edney, Hicks, Long, McIntosh, Pigot, Satterthwaite, Stanly, I. White—10.

FOURTH RESOLUTION.

"*Resolved*, That the enactment of any law by Congress, which shall abolish slavery or the slave trade in the District of Columbia, or shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act, not only of gross injustice and wrong, but the exercise of power contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof."

The foregoing Resolution having been read, Mr. Stanly moved to amend the same, by striking out the words, "not only," before the word "act;" and also, by striking out the word "but," in the following line, and inserting in lieu thereof, the word "and;"

The Speaker ruling which amendment to be in order, Mr. H. C. Jones appeled from the decision, and the question, "shall the decision of the Chair stand?" was determined in the negative.

The question then being upon the adoption of the Resolution, was decided in the affirmative; yeas 74, nays 10.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Brown, Brogden, T. R. Caldwell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Erwin, Foy, J. J. Gamble, A. Gamble, Griggs, Hamrick, Harrison, Hayman, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, Koonce, Leach, Logan, Long, Love, Martin, Mosely, McDade, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Pegram, S. Person, T. Person, Proctor, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Thigpen, Trull, Wadsworth, Walser, J. H. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—74.

Those who voted in the negative were:

Messrs. Allen, Blow, Campbell, Hargrave, Hicks, McClenahan, McIntosh, Satterthwaite, Stanly, I. White—10.

FIFTH RESOLUTION.

Resolved, That while we do not intend hereby to be understood as conceding that Congress has the power under the Constitution, to enact a law prohibiting slavery in any portion of the Territories of the United States, yet, for the sake of preserving the peace, and promoting the perpetuity of the Union, we are willing that the basis of the Missouri Compromise should be adopted, in reference to the recently acquired Territories of New Mexico and California, by extending the line then agreed upon to the Pacific Ocean.

The question on the adoption of this Resolution, was decided in the affirmative—Yeas 87, Nays 6.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, Cannady, Carmichall, Clement, Coffield, Courts, Dancy, Davis, Dobbin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, R. H. Jones, H. C. Jones, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, J. M. Leach, Logan, Love, Martin, Mast, Mosely, McClenahan,

McDade, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Pigot, Proctor, Rayner, Regan, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten —87.

Those who voted in the negative were:

Messrs. Blow, Campbell, Hicks, Long, Satterthwaite, Stanly—6.

SIXTH RESOLUTION.

"*Resolved*, That we believe the people of North Carolina of all parties, are devotedly attached to the union of these States; that they regard it as a main pillar in the edifice of real independence, the support of tranquility at home, of peace abroad, of safety, of prosperity, and of that very liberty they so highly prize; that they cherish a cordial, habitual and immoveable attachment to it, and that they watch for its preservation with jealous anxiety; that they believe it to be the duty of their public servants to discountenance whatever may suggest even a suspicion, that it can, in any event, be abandoned; and to repel, indignantly, every attempt to alienate any portion of our Country from the rest, or to enfeeble the sacred ties which now link together the various parts."

The question on the adoption of this Resolution, was decided in the affirmative; yeas 65, nays 24.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, T. Caldwell, Cannady, Campbell, Carmichall, Courts, Davis, Dobbin, Edney, Erwin, Ferebee, J. J. Gamble, Hackney, Hamrick, Hargrave, Hayman, Headen, Johnson, C. Jones, R. H. Jones, H. C. Jones, Koonce, Keen, J. M. Leach, Logan, Love, Miller, McClenahan, McDade, R. I. McDowell, McIntosh, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pigot, Proctor, Rayner, Russell, Sanders, Satterthwaite, Scott, Sherard, Shuford, Skinner, Smith, Stanly, Stevenson, Wadsworth, Walser, I. White, Wilkins, J. Williams, Williamson, Wooten—65.

Those who voted in the negative were:

Messrs. Coleman, Foy, Harrison, Herring, Hicks, R. Jones, Kelly, A. J. Leach, Long, Martin, Pegram, T. Person, Reinhardt, Sheek, Simms, Steele, Stockard, Stowe, C. Taylor, Thornton, Trull, J. H. White, T. Williams, C. Williams—24.

SEVENTH RESOLUTION.

"*Resolved*, That a copy of the foregoing Resolutions be signed by the Speakers of the Senate and House of Commons, and forwarded to our Senators and Representatives in Congress, with a request that they be laid before their respective Houses."

The question on the adoption of this Resolution, was decided in affirmative; the call for the yeas and nays, by consent, having been withdrawn.

So the Resolutions as amended, passed their second reading.

A motion was made by Mr. S. J. Person, that the rule be suspended, and that the Resolutions be now put upon their 3d reading, pending the consideration whereof, the House took a recess.

THREE O'CLOCK, P. M.

The House resumed the unfinished business of the morning, being the motion of Mr. S. J. Person, that the engrossed resolutions respecting slavery in the Territories, be now put upon their third reading; which motion, two thirds concurring, prevailed, and the Resolutions were read the third time: and the question being on their passage the third reading, Mr. Long demanded the yeas and nays, which were ordered. Mr. H. C. Jones then called for a division of the question, and moved that the question be taken on each Resolution separately.—This motion prevailed, and the question on the first Resolution was decided in the affirmative; yeas 89, nays 2.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Bean, Blackburn, Brown, Brogden, Campbell, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Doak, Dobbin, Edney, Ferebee, Foy, A. Gamble, J. Gamble, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, C. Jones, H. C. Jones, R. H. Jones, R. Jones, Keen, Kelly, A. J. Leaeh, J. M. Leach, Logan, Love, Martin, Mast, Miller, Mosely, MeClenahan, McDade, R. McDowell, McIntosh, MeMullen, MeNeill, Newsom, Nicholls, Nicholson, Oglesby, Paine, Palmer, S. Person, T. Person, Pigot, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—89.

Those who voted in the negative were:

Messrs. Blow, and Long.

The question on the passage of the second Resolution, was decided in the affirmative; yeas 89, nays 2.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blaekburn, Brown, Brogden, Campbell, Cannady, Carmiehall, Clement, Coffield, Coleman, Courts, Daney, Davis, Doak, Dobbin, Edney, Erwin, Ferebee, Foy, A. Gamble, J. J. Gamble, Griggs, Haekney, Hamrick, Harrison, Hayman, Headen, Herring, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Miller, Mosely, MeClenahan, McDade, R. I. McDowell, MeNeill, McIntosh, MeMullen, Newsom, Nicholson, Nixon, Paine, Palmer, S. Person, T. Person, Pigot, Reinhardt, Russell, Sanders, Seott, Sheek, Sherard, Shuford, Simms, Skinner, Smith, Spivey, Stanly, Steele, Stevenson, Stoekard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson, Wooten—89.

Those who voted in the negative were:

Messrs. Blow, and Long.

The question on the passage of the third Resolution, was decided in the affirmative: yeas 83, nays 5.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, Carmichall, Cannady, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Edney, Erwin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hamrick, Hargrave, Harrison, Hayman, Headen, Herring, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, Kelly, J. M. Leach, A. J. Leach, Logan, Love, Martin, Mast, Mosely, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Paine, Palmer, S. J. Person, T. J. Person, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Skinner, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—83.

Those who voted in the negative were:

Messrs. Blow, Campbell, Long, Stanly, I. White—5.

The question on the passage of the fourth Resolution, was decided in the affirmative; yeas 70, nays 13.

Those who voted in the affirmative were:

Messrs. Barringer, Brown, Brogden, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Erwin, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hamrick, Harrison, Hayman, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Logan, Love, Martin, Mosely, McDade, R. I. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Oglesby, Paine, Pegram, T. Person, S. Person, Reinhardt, Russell, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, C. Taylor, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—70.

Those who voted in the negative were:

Messrs. Allen, Blow, Campbell, Edney, Hargrave, Headen, Hicks, Long, Miller, McIntosh, McClenahan, Stanly, I. White—13.

The question on the passage of the fifth Resolution, was decided in the affirmative; yeas 75, nays 11.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Blackburn, Brown, Brogden, Cannady, Carmichall, Clement, Coffield, Coleman, Courts, Dancy, Davis, Dobbin, Erwin, Ferebee, Foy, A. Gamble, Griggs, Hamrick, Hargrave, Harrison, Headen, Herring, R. Jones, C. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Logan, Love, Martin, Miller, Mosely, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, S. Person, T. Person, Reinhardt, Sanders, Scott, Sheek, Sherard, Shuford, Simms, Smith, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—75.

Those who voted in the negative were:

Messrs. Bean, Blow, Campbell, Edney, J. J. Gamble, Hicks, H. C. Jones, Long, McIntosh, Pigot, Stanly—11.

The question on the passage of the sixth Resolution, was decided in the affirmative; yeas 57, nays 30.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Blow, Brogden, Campbell, Cannady, Carmichall, Coffield, Courts, Doak, Dobbin, Edney, Erwin, Ferebee, J. J. Gamble, Hackney, Hargrave, Hayman, Headen, Herring, Johnson, C. Jones, R. H. Jones, H. C. Jones, Koonce, J. M. Leach, Logan, Love, Mast, Miller, McClenahan, R. I. McDowell, McIntosh, Nicholls, Nixon, Oglesby, Paine, Palmer, S. Person, Pigot, Rayner, Sanders, Scott, Shuford, Skinner, Smith, Stanly, Stevenson, Wadsworth, I. White, Wilkins, J. J. Williams, Williamson, Wooten—57.

Those who voted in the negative were:

Messrs. Brown, Coleman, Dancy, Foy, Hamrick, Harrison, Hicks, Keen, Kelly, A. J. Leach, Long, Martin, Mosely, McMullen, McNeill, Pegram, T. Person, Reinhardt, Sheek, Sherard, Simms, Steele, Stowe, C. Taylor, Thornton, Trull, J. H. White, C. Williams, T. Williams, R. Jones—30.

The question on the passage of the seventh Resolution, was also decided in the affirmative; yeas 62, nays 28.

Those who voted in the affirmative were:

Messrs. Brown, Brogden, Cannady, Clement, Coffield, Coleman, Courts,

Dancy, Davis, Dobbin, Erwin, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hamrick, Harrison, Herring, R. Jones, C. Jones, R. H. Jones, Keen, A. J. Leach, Love, Martin, Mast, Mebane, Mosely, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Pegram, S. Person, T. Person, Reinhardt, Sanders, Shook, Sherard, Shuford, Spivey, Simms, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Thigpen, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson, Wooten—62.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Campbell, Carmichall, Doak, Edney, Ferebee, Hackney, Hargrave, Hayman, Headen, Hicks, H. C. Jones, Logan, Long, Miller, McClenahan, R. I. McDowell, Oglesby, Paine, Palmer, Pigot, Scott, Skinner, Smith, Stanly, I. White—28.

So the Resolutions passed their third reading, and were ordered to be sent to the Senate for their concurrence in the amendment.

Mr. Stanly moved a reconsideration of the vote, by which yesterday, this House concurred in the Senate's amendment to the engrossed bill "to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico rivers;" which motion prevailed, and the bill and amendments were, on his motion, laid on the table.

Mr. Dancy asked for and obtained leave of absence, from and after Monday next, for Mr. Coleman, a member from Buncombe county.

The House now proceeded to the consideration of the special order, viz: The engrossed bill concerning the Wilmington and Raleigh Railroad Company. The bill having been read the third time, on motion of Mr. Mebane, the same was amended, by inserting after the word "dollars," in the 7th line of sec. 11, the words "and upon a credit not exceeding twenty years."

Mr. Mebane moved further to amend the bill by adding the following proviso to the last section:

"*And Provided further*, That the State shall not be liable for the payment of the Stock, hereby authorised to be subscribed in the Wilmington and Manchester Railroad Company, and

that said subscription shall be made upon the exclusive credit of the Wilmington and Raleigh Railroad Company."

Pending the consideration whereof, on motion of Mr. H. C. Jones, the House adjourned to Monday morning, 10 o'clock.

MONDAY, JANUARY 22, 1849.

Received from the Senate, sundry messages, transmitting the following engrossed bills, in which they ask the concurrence of this House, viz:

A bill in relation to Sheriffs, Clerks of the County and Superior Courts, and Clerks and Masters;

A bill to amend an act, passed at the last session, entitled an act to provide for the sales of certain lands in Cherokee and Macon counties, which have been surrendered to the State;

A bill to amend the 4th section of the 65th chapter of Rev. Statutes.

A bill to provide for the improvement of Clubfoot and Harlow's Creek Canal Company;

A bill to amend the 4th chapter of the Revised Statutes, entitled "an act concerning appeals and proceedings in the nature of appeals;" and

A bill to amend the 13th chapter of the Revised Statutes, entitled "an act concerning Bills, Bonds, and Promissory Notes."

These several bills were read the first time and passed.

Also, a message informing that they have passed the engrossed bills from this House, viz:

The bill to authorise the Superintendants of Common Schools of Rowan County, to invest a portion of its funds; and

The bill to appoint Commissioners to lay off a road in Wilkes County—with amendments, in which they ask the concurrence.

of the House of Commons. The amendments were severally concurred in, and the said bills ordered to be enrolled.

Also, a message transmitting the following engrossed Resolutions, and asking the concurrence of this House therein:

A Resolution in favor of Scroop Enloe;

A Resolution authorizing the State Treasurer to sell certain town lots; and

Resolutions on the subject of the Raleigh and Gaston Rail Road.

The foregoing Resolutions were read the first time and passed.

Mr. Dobbin asked for and obtained leave of absence for Mr. Person, member from Moore County, from and after to-day.

On motion of Mr. T. R. Caldwell,

The House now took up for consideration, on its second reading, the bill to increase the Revenue of the State, the pending question being on the adoption of the amendment proposed by Mr. Mebane on the 16th instant, as a substitute for the 1st section.

Mr. Barringer moved to amend the amendment, by striking out the words, "three cents," in the 2d line of the 2d section thereof, and inserting the words "two cents;" which was agreed to.

Mr. Pigot moved to amend the amendment, by striking out the words "sailing or steam vessels;" which motion did not prevail.

Mr. R. I. McDowell moved to amend the 5th section of the proposed amendment, by adding thereto the following proviso: "*Provided*, That this act shall not extend to the interest or dividends accruing to any Literary Institution." This amendment was agreed to.

Mr. Griggs moved to amend the second section of the proposed amendment, by adding thereto the following proviso: "*Provided further*, That this act shall not extend to any sailing or steam vessels under the burden of sixty tons;" which amendment was rejected.

Mr. Barringer moved to amend by striking out the words

"twenty four," in the 6th line of the Proviso to the 2d section of the proposed amendment, and inserting in lieu thereof, the word "sixty." Disagreed to.

Mr. Mebane moved to amend, by striking out said words "twenty four," and inserting instead thereof, the word "thirty," which was carried.

The question then recurring on the adoption of the amendment as amended, passed in the affirmative.

Mr. J. M. Leach moved to amend the bill by adding to the fifth section of the original bill, the following:

"On all harps, in use by the owner or owners thereof, the sum of two dollars; on all piano fortes, in use by the owner or owners thereof, the sum of one dollar, except in Seminaries of Learning.

On motion of Mr. Clement,

The bill was further amended, by striking out the words, "one hundred," in the 4th line of 5th section, and inserting the word "fifty."

Mr. H. C. Jones moved further to amend the bill, by inserting as section 6th, the following:

"*And be it further enacted*, That every person who shall bring any horses, mules, or hogs, into this State, from any other State by the drove, and shall offer the same or any part thereof for sale, in any county in this State, shall pay to the Sheriff of every such county, the sum of ten dollars; which tax shall be accounted for by the Sheriff in like manner as other public taxes; and upon paying such tax and obtaining a receipt therefor, and a license to sell such droves or parts thereof, such person shall be authorised to sell and retail such horses, mules, or hogs, as may belong to the then present drove, and no others, for the term of one year. And that each and every person, who shall sell or offer to sell, such drove of horses, mules or hogs, or any part thereof, without having previously paid the tax thereon, and without having obtained a license so to do, or who shall refuse or neglect, upon the request of the Sheriff or his lawful deputy, or any Justice

of the Peace, to show such license, shall pay a tax of one hundred dollars, to be collected by the Sheriff of the county where such failure takes place, by distress and sale of the property of such delinquent, to be applied one half to the use of the State, and one half to the use of the Sheriff collecting the same."

Mr. Biggs moved to amend the amendment, by striking out the word "ten," in the seventh line, and inserting the word "five;" which motion was disagreed to.

Mr. C. Jones then moved to amend the amendment, by striking out the word "ten," and inserting "fifteen;" which was also disagreed to—Yeas 12, Nays 83.

Yeas and Nays demanded by Mr. Biggs.

Those who voted in the affirmative were:

Messrs. Doak, J. J. Gamble, Johnson, C. Jones, R. H. Jones, A. J. Leach, Logan, Miller, McDade, Sherard, Shuford, Wooten—12.

Those who voted in the negative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Courts, Dancy, Davis, Dobbin, Edney, Erwin, Ferebee, Foy, A. Gamble, Green, Griggs, Hamrick, Hargrave, Harrison, Hayman, Hayes, Herring, Hicks, R. Jones, Keen, Kelly, Koonce, J. M. Leach, Love, Long, Martin, Mast, Mebane, Mosely, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, T. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Scott, Sheek, Simms, Skeen, Skinner, Spivey, Stanly, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Walser, Wadsworth, J. H. White, I. White, Wilkins, J. Williams, C. Williams, T. Williams, Williamson —82.

The question then recurring on the adoption of the amendment, passed in the affirmative—Yeas 59, Nays 37.

Yeas and nays demanded by Mr. Johnson.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, Blackburn, Brown, T. Caldwell, D. Caldwell, Cannady, Campbell, Clement, Courts, Dancy, Doak, Edney, Er-

win, Ferebee, J. J. Gamble, A. Gamble, Griggs, Hayman, Johnson, R. Jones, C. Jones, R. H. Jones, H. C. Jones, Keen, J. M. Leach, A. J. Leach, Logan, Love, Mebane, Miller, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Oglesby, Palmer, Pigot, Proctor, Reinhardt, Russell, Sanders, Scott, Sherard, Shuford, Simms, Skoen, Spivey, Stanly, J. Taylor, Wadsworth, Walser, I. White, C. Williams, Wooten—59.

Those who voted in the negative were:

Messrs. Allen, Ballard, Biggs, Brogden, Davis, Dobbin, Foy, Green, Hamrick, Hargrave, Harrison, Hayes, Herring, Hicks, Kelly, Koonce, Martin, Mast, Mosely, Nicholls, Nixon, Paine, Pegram, T. Person, Rayner, Sheek, Stevenson, Stowe, C. Taylor, Thigpen, Thornton, Trull, J. H. White, Wilkins, J. Williams, T. Williams, Williamson—37.

So the amendment was adopted.

A motion was now made by Mr. J. M. Taylor, that the vote by which the foregoing amendment was adopted, be reconsidered; which motion was disagreed to.

Mr. Hargrave now moved to amend, by striking out all between the words "to wit," in 3rd line, 2nd section, of the original bill, and the word "provided," in the 22nd line thereof, and inserting in the stead thereof, the following:

"On all Surgeon Dentists, all Practising Physicians, all Practising Lawyers, and all other persons, except Ministers of the Gospel of every denomination, Governor of the State, and Judges of the Supreme and Superior Courts, whose practice, salaries, or fees, or all together, shall yield an annual income not less than five hundred dollars, the sum of three dollars."

Which amendment was adopted.

Mr. H. C. Jones moved to amend the 5th section of the original bill, by adding the following: "on every pack of playing cards, ten cents; and every merchant, shop-keeper, and dealer in goods, wares, and merchandize, shall state on oath how many packs he has sold within the past year; *Provided*, that this enactment shall not be in force before the 1st April, in the year 1850."

Which amendment was adopted.

Mr. Steele moved to add to said section as amended:

"On all Retailers of Spirituous Liquors, ten dollars, instead of four, as now taxed by law."

Which amendment was also carried.

Mr. Steele moved further to amend, by adding to said section as amended, the following:

"On all public Billiard Tables, Two Hundred Dollars, instead of Five Hundred Dollars, as now taxed by law."

Which amendment was adopted.

Mr. H. C. Jones moved further to amend, by adding to said section, as follows:

"On all Bowling Alleys, whether called Nine Pin or Ten Pin Alleys, or by any other name, twenty-five dollars."

Mr. J. M. Taylor moved to amend the amendment, by adding thereto the words, "provided the same be for public use or profit;" which was disagreed to.

Mr. Martin moved to amend the amendment, by striking out "Twenty-five," and inserting "Fifteen;" which was also disagreed to; and the question recurring on the adoption of the amendment as proposed by Mr. H. C. Jones, passed in the affirmative.

Mr. Hargrave then moved to strike out the words "one hundred dollars," in the sixth section, and insert in lieu thereof, "fifty dollars," which was disagreed to. And the question then recurring on the passage of the bill its second reading, as amended, was decided in the affirmative—Yeas 65, Nays 25.

Yeas and nays demanded by Mr. T. J. Person.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Cannady, Courts,

Dancy, Davis, Doak, Dobbin, Erwin, Ferebee, A. Gamble, Green, Hargrave, Hayman, Hayes, Hicks, Johnson, R. H. Jones, H. C. Jones, Keen, J. M. Leach, Long, Logan, Love, Mast, Mebane, McClenahan, McIntosh, Newsom, Nicholson, Nixon, Oglesby, Paine, Palmer, Pegram, Rayner, Russell, Sanders, Scott, Sheek, Sherard, Simms, Skeen, Skinner, Stanly, Steele, Stowe, J. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, I. White, Wilkins, C. Williams, Wooten—65.

Those who voted in the negative were:

Messrs. Ballard, Brown, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, Kelly, Koonce, Martin, Miller, Mosely, McDade, R. I. McDowell, McMullen, Nicholls, T. Person, Proctor, Reinhardt, Shuford, Stevenson, C. Taylor, Wadsworth, J. Williams—25.

Mr. T. J. Person, from the committee on the Library, to whom was referred a Resolution in relation to the State Librarian, reported the same back to the House and recommended its rejection.

The Resolution was read a second time and rejected.

The engrossed bill to incorporate the Shelby Male and Female Academies in the county of Cleveland;

And the engrossed bill amendatory and supplemental to an act passed at the last session of the General Assembly, entitled "an act to provide suitable buildings for the comfortable accommodation of the Deaf Mutes and Blind persons of this State, were severally read the second time and passed.

Mr. Sheek presented the resignation of Mr. J. Chappell, Justice of the Peace for Surry county, which was read and accepted, and ordered to be sent to the Senate.

Mr. Hayman presented a Resolntion directing the continuation of the Road from Lake Pungo to the town of Plymouth, in Washington county; which was read the first time and passed.

The engrossed bill to incorporate the Perquimans Academy; and

The engrossed bill to authorise the erection of a Male and Female Academy, in or near the town of Shelby, in Cleveland county, were severally read the second time, the first amended on motion of Mr. Skinner, and the last amended on motion of Mr. Wilkins, and passed.

Mr. Dobbin called up the bill to incorporate the Fayetteville and Western Plank Road Company, which, on his motion, was made the special order for to-morrow, at 11 o'clock.

Mr. Shuford called up the bill to annex a part of Burke county to the county of McDowell, which was read the second time, amended according to the report of the committee, and passed.

Mr. Mebane called up the bill supplemental to an act passed at the present session, to improve the Cape Fear and Deep rivers above Fayetteville; which, on his motion, was made the special order for 7 o'clock this evening; and

Mr. J. M. Leach the engrossed bill supplemental to an act, passed at the present session, to provide for the establishment of a State Hospital for the Insane in North Carolina; which, on his motion, was made the special order for to-morrow, at 3'clock.

Mr. J. H. White asked for and obtained leave of absence for Mr. Wilkins, a member from Rutherford county, from and after Wednesday next; and

Mr. Courts, leave of absence for Mr. Keen, a member from Rockingham county, from and after Thursday next.

The House then took a recess.

SEVEN O'CLOCK, P. M.

Mr. Martin called up the engrossed resolutions on the subject of the Raleigh and Gaston Railroad; which were read the second and third times and passed, and ordered to be enrolled.

The House now proceeded to the consideration of the special order—the bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep Rivers, above Fayetteville. The bill having been read the second time, Mr. Mebane moved to amend the same, by adding a new section, as section 5, which was agreed to, and

the question then recurring on the passage of the bill its second reading, was decided in the affirmative—Yeas 59, Nays 28.

The Yeas and Nays being demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, D. Caldwell, Campbell, Carmichall, Courts, Doak, Dobbin, Edney, Erwin, Ferebee, A. Gamble, J. J. Gamble, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, C. Jones, H. C. Jones, Keen, Koonce, J. M. Leach, A. J. Leach, Long, Love, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McNeill, Nicholson, Nixon, Oglesby, Paine, Pegram, Pigot, Proctor, Rayner, Russell, Scott, Sheek, Skeen, Skinner, Stanly, Steele, Stevenson, Trull, Wadsworth, Walser, I. White, T. Williams, C. Williams, Wooten—59.

Those who voted in the negative were:

Messrs. Brown, Brogden, Davis, Foy, Griggs, Hamrick, Harrison, Herring, R. Jones, Kelly, Logan, Martin, Mast, Mosely, McMullen, Newsom, Nicholls, T. Person, Simms, Spivey, Stowe, C. Taylor, Thigpen, Thornton, J. H. White, J. Williams, Wilkins, Williamson—28.

On motion by Mr. Mebane,

The rule was suspended, two-thirds of the House concurring, and the bill put upon its third reading; and the question, "shall the bill pass its third reading?" was decided in the affirmative—Yeas 55, Nays 27.

Yeas and nays demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Bean, Biggs, D. F. Caldwell, Campbell, Carmichall, Courts, Doak, Dobbin, Edney, Erwin, Ferebee, A. Gamble, J. Gamble, Hackney, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, C. Jones, H. C. Jones, Keen, Koonce, J. M. Leach, Love, Mebane, Miller, McClenahan, McIntosh, McNeill, Nicholson, Nixon, Oglesby, Paine, Pegram, Pigot, Proctor, Rayner, Russell, Scott, Sheek, Shuford, Skeen, Skinner, Stanly, Steele, Stevenson, Trull, Walser, Wadsworth, I. White, T. Williams, C. Williams—55.

Those who voted in the negative were:

Messrs. Brown, Brogden, Dancy, Davis, Foy, Griggs, Harrison, Herring, R. Jones, Kelly, Logan, Martin, Mosely, McMullen, Newsom, Nicholls, T. Person, Reinhardt, Simms, Spivey, Stowe, Thigpen, Thornton, J. H. White, Wilkins, J. Williams, Wooten—27.

So the bill passed its third reading, and was ordered to engrossment.

Received from the Senate, sundry messages, transmitting the following engrossed bills, in which they ask the concurrence of the House of Commons, viz:

A bill to provide relief for the purchasers of the Cherokee Lands, at the sale of 1838, and to secure a portion of the debts due the State;

A bill to incorporate the Dan River Mechanics' Association, in the town of Milton;

A bill to amend the 10th chapter of the Revised Statutes, relating to Bail;

A bill assenting to the purchase by the United States, of certain parcels of land on the Cape Fear River, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions;

A bill to incorporate the Greensboro' Fire Engine Company, in the town of Greensboro';

A bill to alter the 8th section of 89th chapter of the Revised Statutes, so far only, as to provide that the action therein given, shall be in the name of the State of North Carolina;

A bill to incorporate the Head Buffaloe Company, in Guilford county;

A Resolution in favor of Isham Hancock;

And a Resolution in favor of S. M. Preston;

The foregoing Bills and Resolutions, were read the first time and passed.

The following bills and resolutions were read the third time and passed, and ordered to be engrossed:

A bill to lay off a public road from Alexander Church's, in Wilkes County, to Wm. Phillip's, in Ashe County;

A bill to authorise Abner Carmichall, late Sheriff of Wilkes County, to collect arrears of taxes due him;

A bill to repeal an act passed in the year 1835, entitled "an act to amend an act passed in the year 1824, entitled an act to establish a Poor and Work House in the counties of Jones and Randolph;

A bill to amend an act incorporating Rockford, in Surry County;

A bill to incorporate the Johnston Little River Manufacturing Company in the County of Johnston;

A bill to alter the time of holding two terms of the Court of Pleas and Quarter Sessions in the Counties of Lincoln and Catawba;

A resolution for the relief of S. W. Tillinghast;

A bill to authorise Major John Clark, of Beaufort County, to make a road on his own land, from Pantego to the head of Pungo River;

A bill to amend the 24th chapter of Revised Statutes; and

A resolution in favor of N. B. Marriner, late Sheriff of Martin County.

The engrossed bill to incorporate the Caswell Rangers, a company of Cavalry in the County of Caswell; and

The engrossed bill to locate the Judges of the Superior Courts of Law and Equity in North Carolina, were severally read the third times, and passed, and ordered to be enrolled.

The bill to locate the residence of Judges of the Superior Courts hereafter to be elected, was read the third time, and on motion by Mr. Stanly, laid upon the table.

The House then adjourned.

TUESDAY, JANUARY 23, 1849.

The following declaration was submitted, by way of Protest, by Messrs. Fenner B. Satterthwaite, Edward Stanly, and John Y. Hicks, who voted in the negative on the Resolutions, which follow, on the 20th instant; and the same is, by order, spread upon the Journal:

The undersigned, being of the minority, do hereby solemnly protest against the vote of the majority of the House of Commons, on the 20th day of January, 1849, which

Resolved, That we view with deep concern and alarm, the constant aggressions on the rights of the slaveholder by certain reckless politicians of the North; and that the recent proceedings of Congress, on the subject of slavery, are fraught with mischief, well calculated to disturb the peace of our Country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

Resolved, That the enactment of any law by Congress, which shall abolish slavery or the slave trade, in the District of Columbia, or shall directly or indirectly, deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act, not only of gross injustice and wrong, but the exercise of power contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof.

Resolved, That while we do not intend hereby to be understood as conceding that Congress has the power under the Constitution, to enact a law prohibiting slavery in any portion of the Territories of the United States, yet, for the sake of preserving the peace, and promoting the perpetuity of the Union, we are willing that the basis of the Missouri Compromise should be adopted, in reference to the recently acquired Ter-

ritories of New Mexico and California, by extending the line then agreed upon to the Pacific Ocean.

1st. Because the name and authority of North Carolina has been usurped to denounce "aggressions" upon our rights, which are not enumerated; to reprobate certain politicians of the North, who are not named; and to *intimate* a forcible resistance to recent proceedings in Congress, (perhaps the future action of the General Government) which are not defined.

2d. Because this General Assembly was not elected to revise the proceedings of Congress, nor to resist the General Government, nor to denounce, in the name of North Carolina, other portions of this Confederacy. But, if we *had* been chosen for that purpose, it would be due to the dignity and character of the State, that her remonstrance against any aggressions upon her rights, and her warnings against any mischiefs, which are sincerely believed to be likely to disturb the "peace" of the country, should be spoken, if uttered at all, with plain and manly sincerity—not in unmeaning generalities.

3rd. Because, in one part of said Resolutions, it is asserted as a principle of the Constitution, that Congress has no power to prohibit the extension of slavery in "any of the territories of the Union;" and yet, in the next, it is declared that we are willing it should be done by Congress, regardless of the Constitution, provided we are not understood as conceding the power of Congress to do it. All which, appears to the undersigned, a plain absurdity.

4th. Because, if Congress do possess the power under the Constitution to prohibit slavery in the Territories now free, the first proposition is false; and if Congress have no such power, then the second proposition is nothing more or less than a recommendation to Congress *to violate the Constitution*, which they, and we (their assumed advisers,) have all solemnly sworn to support.

5th. The undersigned protest against the vote of the majority in this whole proceeding, as being well calculated, they will

not say designed, to create the impression that North Carolina would be willing, under certain contingencies, to give up the union of the States, and to that extent, give encouragement to "reckless politicians" of the South, as well as North, who seem determined "to rule or ruin;" whereas, this General Assembly must know that such impression would be doing great injustice to our constituents.

6th. The undersigned protest against the vote of the majority, because all such Resolutions are useless and unprofitable, more especially as the majority have themselves voted that the institution of slavery was "maturely considered in the Convention which framed the Federal Constitution, "and that the union of the States was finally secured by incorporating into that instrument, distinct and ample guaranties of the rights of the slaveholder." But if any vote of a majority of this General Assembly, could give either more "distinct" or more "ample" guaranties, it may at least, be doubted, whether we add to these guaranties by solemnly asserting what are the rights of slaveholders under the Constitution, only for the sake of volunteering our advice to disregard it; and that, for no better reason than that it has been done before—thus commending the Constitution as the better *theory*, but its *violation*, the better practice, for Statesmen and for the protection of Southern rights.

Mr. A. J. Leach presented the memorial of certain citizens of Johnston County, remonstrating against the incorporation of Religious Societies; which, on his motion, was referred to committee on Propositions and Grievances.

Mr. McIntosh introduced a bill to effect a better organisation of the militia in Iredell county, and for other purposes; and

Mr. T. R. Caldwell, a bill amendatory of an act, passed at the session of the General Assembly of 1846-7, entitled "an act to charter a Turnpike Road from Morganton, in the county of Burke, to the forks of the road near the 17 mile post, on the Road leading to Yorkville, South Carolina;" which were severally read the first time and passed.

Mr. Mebane introduced a bill to regulate the dismissal of ap-

peals in the Supreme Court, and to regulate the fees of Sheriffs for serving process issued from said Court; which was read the first and second times and passed.

Mr. I. White presented a petition from certain citizens of Randolph county, praying the General Assembly to fix the location of the Lunatic Asylum, at Ashborough, in said county. On motion, the petition was ordered to lie on the table.

Mr. Satterthwaite, from the committee on the Judiciary, reported unfavorably the engrossed bill to amend an act passed at the session of 1844-5, entitled an act to amend the 7th section of the Revised Statutes, entitled "Guardian and Ward;" which was read the second time, and on motion of Mr. Satterthwaite, indefinitely postponed; yeas 61, nays 23.

Yeas and nays demanded by Mr. T. J. Person.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Courts, Dobbin, Edney, Erwin, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hackney, Hayes, Herring, Hicks, Johnson, R. Jones, H. C. Jones, J. M. Leach, Logan, Long, Martin, Mast, Miller, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Pegram, Pigot, Reinhardt, Satterthwaite, Scott, Sheek, Spivey, Stanly, Steele, Stevenson, Stowe, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams, T. Williams, Williamson, Wooten—61.

Those who voted in the negative were:

Messrs. Dancy, Davis, Foy, Hamrick, Hargrave, Harrison, R. H. Jones, Keen, Koonce, A. J. Leach, Mosely, Oglesby, Palmer, T. Person, Russell, Sanders, Sherard, Shuford, Skeen, Stockard, C. Taylor, Thigpen, C. Williams—23.

So the bill was indefinitely postponed.

Mr Rayner introduced a bill concerning a Convention to amend the Constitution of North Carolina; which was read the first time and passed.

Received from his Excellency, the Governor, a message in relation to the Raleigh and Gaston Railroad, and transmitting

sundry papers referring thereto; which, on motion of Mr. Newsom, was ordered to be sent to the Senate, with a proposition to print.

In obedience to the special order, the House now proceeded to the consideration of the bill to incorporate the Fayetteville and Western Plank Road Company. The bill having been read the third time, Mr. T. H. Williams moved to amend the same, by inserting after section 19, sections, 20, 21, 22, 23, and 24; which amendment was adopted; yeas 45, nays 44.

Yeas and nays demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Dobbin, Edney, Erwin, Ferebee, Hargrave, Hayman, Hayes, Headen, Hicks, H. C. Jones, Koonce, J. M. Leach, Logan, Long, Love, Mebane, Miller, McClenahan, McIntosh, McNeill, Nixon, Palmer, Pegram, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Stanly, Steele, Stevenson, Wadsworth, Walser, T. Williams—45.

Those who voted in the negative were:

Messrs. Ballard, Brogden, Courts, Davis, Doak, Foy, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Harrison, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, A. J. Leach, Martin, Mosely, R. I. McDowell, McMullen, Newsom, Nicholls, Nicholson, Oglesby, T. Person, Reinhardt, Sanders, Sheek, Sherard, Simms, Spivey, Stockard, Stowe, Thigpen, Thornton, Trull, J. H. White, I. White, J. Williams, C. Williams, Wooten—44.

So the amendment was adopted.

And the question then recurring on the passage of the bill as amended, its third reading, was decided in the affirmative; yeas 51, nays 43.

Yeas and Nays demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Dobbin, Edney, Erwin,

Ferebee, J. J. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Hicks, H. C. Jones, Koonce, J. M. Leach, Logan, Long, Love, Miller, McClenahan, McIntosh, McNeill, Nicholson, Nixon, Palmer, Pegram, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Stanly, Steele, Stevenson, C. Taylor, Trull, Wadsworth, Walser, Wilkins, T. Williams—51.

Those who voted in the negative were:

Messrs. Ballard, Brogden, Courts, Dancy, Davis, Doak, Foy, A. Gamble, Griggs, Hackney, Harrison, Hamrick, Herring, Johnson, C. Jones, R. Jones, R. H. Jones, Keen, A. J. Leach, Martin, Mosely, McDade, R. I. McDowell, McMullen, Newsom, Nicholls, Oglesby, T. Person, Reinhardt, Sanders, Sheek, Sherard, Simms, Spivey, Stockard, Stowe, Thornton, Thigpen, J. H. White, I. White, J. Williams, C. Williams, Wooten—43.

So the bill passed its third and last reading, and was ordered to be engrossed.

Mr. Satterthwaite, from the committe on the Judiciary, reported adversely the bill to exempt certain lands from execution in certain cases; which was read the second time, and on motion of Mr. Hicks, laid upon the table.

Mr. Satterthwaite, from the same committee, reported the bill to exempt the estate of Col. Wilson, of the county of Edgecombe, from the payment of a tax, under the provisions of an act, passed at the session of 1846-7, entitled "an act to increase the Public Revenue," with an amendment, which the committee recommend as a Substitute for the bill.

Mr. T. R. Caldwell moved to amend the amendment proposed by the committee, by adding to the first section, the words, "and that John Rutherford, of Burke county, executor of Jane and Cecilia Rutherford, be also exempt;" pending the consideration whereof, Mr. Miller moved the indefinite postponement of the bill and the amendments, and the motion was carried.

The House now proceeded to consider the engrossed bill concerning the Wilmington and Raleigh Railroad Company; which having been read the third time, Mr. Rayner moved to amend, by striking out the words, "five hundred and twenty

thousand dollars," in the seventh line of the eleventh section, and inserting in the stead thereof, the words "two hundred and sixty thousand dollars, for the purpose of relaying with new and heavy iron, that portion of the road, lying between Wilmington and Neuse River; and that the proceeds of said loan of $260,000, shall be applied to this purpose, and none other."

Pending the consideration whereof, the House took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

The House now proceeded to the consideration of the engrossed bill supplemental to an act, passed at the present session, entitled an "act to provide for the establishment of a State Hospital for the Insane, in North Carolina." The bill was read the second time, when Mr. Stanly moved to strike out the word "Lexington," wherever it occurs in the bill, and to insert in lieu thereof, the word, "Lincolnton." Mr. J. M. Leach called for a division of the question, and moved that the question be first taken on striking out; which motion prevailing, the question was put on striking out, and resulted—yeas 45, nays 49.

Yeas and Nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative were:

Messrs. Biggs, Brown, D. F. Caldwell, Dancy, Dobbin, Erwin, Ferebee, Foy, Green, Griggs, Hayman, Herring, C. Jones, R. H. Jones, Kelly, Koonce, Long, Love, Martin, Mebane, Mosely, McDade, R. I. McDowell, McNeill, Newsom, Nicholls, Nixon, Pegram, T. J. Person, Rayner, Sanders, Simms, Skinner, Spivey, Satterthwaite, Stanly, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, T. Williams, Wooten—45.

Those who voted in the negative were:

Messrs. Ballard, Brogden, Bean, Blackburn, T. R. Caldwell, Campbell, Carmichall, Clement, Courts, Davis, Edney, A. M. Gamble, J. J. Gamble, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Hicks, Johnson, R. Jones, Koonce, J. M. Leach, Logan, Mast, Miller, McClenahan, McIntosh, McMullen, Nicholson, Oglesby, Palmer, Reinhardt, Russell, Scott, Sheek, Sherard, Shuford, Skeen, Steele, Stowe, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams—49.

So the motion to strike out was lost.

A motion was now made by Mr. Ballard, that the House do reconsider the vote, by which it had just refused to strike out the word "Lexington." Mr. Satterthwaite moved to lay this motion on the table, and the question thereon was decided in the affirmative; yeas 53, nays 43.

Yeas and nays demanded by Mr. Stowe.

Those who voted in the affirmative were:

Messrs. Barringer, Biggs, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Dobbin, Edney, Erwin, Ferebee, Foy, Green, Griggs, Hayman, Herring, Headen, Hicks, Johnson, C. Jones, R. H. Jones, H. C. Jones, Kelly, Koonce, A. J. Leach, Long, Love, Martin, Mebane, Moseley, McDade, R. I. McDowell, McNeill, Newsom, Nicholls, Nixon, Pegram, T. Person, Pigot, Rayner, Sanders, Skinner, Spivey, Stanly, Stevenson, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, T. Williams, Satterthwaite, Scott, Simms—53.

Those who voted in the negative were:

Messrs. Bean, Blackburn, Campbell, Carmichall, Clement, Courts, Dancy, Davis, A. M. Gamble, J. J. Gamble, Hackney, Hamrick, Hargrave, Hayes, R. Jones, Keen, J. M. Leach, Logan, Mast, Miller, McClenahan, McIntosh, McMullen, Nicholson, Oglesby, Palmer, Reinhardt, Russell, Sheek, Sherard, Shuford, Skeen, Steele, Stockard, Stowe, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Wooten—43.

So the motion to reconsider was laid on the table, and on motion of Mr. Mebane, its further consideration postponed until Thursday next, and made the order of the day for that day.

Mr. Courts asked for and obtained leave of absence for Mr.

Miller, member from the county of Caldwell, from and after to-morrow.

Mr. J. J. Gamble presented a memorial from sundry citizens of Wilkes county, recommending certain persons for the appointment of Justices of the Peace; which was ordered to lie on the table.

The House then took a recess.

SEVEN O'CLOCK, P. M.

A motion was made by Mr. Rayner, that the rule be suspended, and the bill introduced by him this morning, concerning a Convention to amend the Constitution of North Carolina, be now put upon its second reading; which motion, two thirds concurring, passed in the affirmative, yeas 75, nays 13.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Courts, Dancy, Davis, Doak, Dobbin, Edney, Erwin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Johnson, R. Jones, C. Jones, R. H. Jones, Koonce, J. M. Leach, A. J. Leach, Logan, Mast, Mebane, Miller, Mosely, McClenahan, McDade, R. I. McDowell, McIntosh, McMullen, Nicholson, Nixon, Oglesby, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Simms, Skeen, Stanly, Steele, J. Taylor, Thornton, Thigpen, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, C. Williams, Williamson—75.

Those who voted in the negative were:

Messrs. Herring, Hicks, Kelly, McNeill, Martin, Newsom, Shuford, Spivey, Stockard, C. Taylor, J. J. Williams, T. Williams, Wooten—13.

So the House agreed to consider the bill; and the same was accordingly read the second time.

Mr. D. F. Caldwell moved to amend the bill by striking out the word "not," in the 14th line of section 13th, and by adding to said section, the words "it may deem necessary;" making the passage read, "and that said committee shall make any other amendment or alteration of the Constitution, it may deem necessary;" the question upon which amendment, was decided in the negative. Yeas 23, nays 65.

Yeas and nays demanded by Mr. Caldwell.

Those who voted in the affirmative were:

Messrs. Barringer, Bean, T. R. Caldwell, D. F. Caldwell, Carmichall, Doak, Edney, Erwin, A. M. Gamble, Hayman, Hayes, Headen, Hicks, Johnson, Logan, Love, Miller, McIntosh, Nicholson, Oglesby, Wilkins, J. H. White, J. Gamble—23

Those who voted in the negative were:

Messrs. Ballard, Biggs, Brown, Brogden, Courts, Davis, Dobbin, Ferebee, Foy, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Herring, R. Jones, R. H. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Long, Martin, Mast, Mosely, McClenahan, R. I. McDowell, McMullen, McNeill, Newsom, Nicholls, Nixon, Palmer, Pegram, T. Person, Figot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Sherard, Simms, Skinner, Spivey, Stanly, Steele, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Walser, I. White, J. Williams, C. Williams, T. Williams, Williamson, Wooten, Wadsworth—65.

So the amendment was rejected.

Mr. Kelly then moved to amend the Preamble of the Bill by inserting, after the word "Commons," in the 12th line thereof, the words, "and of abolishing the property qualification in the Senators and Commoners."

This amendment was rejected—Yeas 19, Nays 72.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. T. Caldwell, D. Caldwell, Carmichall, Dancy, Erwin, Edney, J. J. Gamble, Hayman, Hackney, Kelly, Koonce, Love, Mebane, Miller, Oglesby, Stevenson, Thornton, Wadsworth, T. Williams—19.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, Clement, Courts, Davis, Dobbin, Ferebee, Foy, A. Gamble, Griggs, Green, Hamrick, Hargrave, Harrison, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, J. M. Leach, A. J. Leach, Logan, Long, Martin, Mast, Mosely, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Nixon, Palmer, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Spivey, Stanly, Steele, Stockard, J. Taylor, C. Taylor, Thigpen, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—72.

Mr. Miller moved to amend, by adding the following, as section 16, of the bill:

"That all Jurors of the respective Courts of this State, shall be selected and be competent to serve without respect to any freehold qualification."

And the question thereon was decided in the negative; yeas none, nays 69.

Yeas and nays demanded by Mr. Miller.

Those who voted in the negative were:

Messrs. Barringer, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, Carmichall, Clement, Courts, Dancy, Erwin, Fereebe, Foy, J. J. Gamble, Green, Griggs, Hamrick, Hargrave, Hayman, Hayes, Headen, Herring, Johnson, R. H. Jones, Kelly, Koonce, A. J. Leach, Logan, Long, Martin, Miller, Mosely, McClenahan, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nixon, Oglesby, Palmer, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Spivey, Steele, J. Taylor, C. Taylor, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, C. Williams, T. Williams, Williamson, Wooten, Hackney—69.

So the amendment was unanimously rejected.

The question then was put upon the passage of the bill, its second reading, and resulted as follows: Yeas 74, nays 16.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Brogden, T. R. Caldwell, Carmichall, Clement, Courts, Dancy, Dobbin, Edney, Erwin, Ferebee, Foy, A. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hargrave, Hamrick, Hayman, Hayes, Headen, Hicks, Johnson, R. Jones, C. Jones, Koonce, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, R. I. McDowell, McIntosh, McMullen, Newsom, Nicholson, Oglesby, Palmer, Pegram, Pigot, Rayner, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Stevenson, Stockard, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, J. H. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—74.

Those who voted in the negative were:

Messrs. Brown, D. F. Caldwell, Davis, Herring, R. H. Jones, Kelly, A. J. Leach, Mosely, McClenahan, McNeill, Nicholls, Nixon, T. Person, Russell, Sanders, C. Taylor—16.

The Chair deciding that upon this vote, the bill had passed its second reading. Mr. Stanly took an appeal from the decision; pending the consideration whereof,

The House adjourned.

WEDNESDAY, JANUARY 24, 1849.

The House resumed the consideration of the unfinished business at the last adjournment, to wit:

The appeal from the decision of the Chair upon the passage of the bill providing for an amendment of the Constitution of the State; and the question, "shall the decision of the Chair stand?" was decided in the negative.

So the bill, two thirds of the whole House not voting in the affirmative, was rejected.

Mr. D. F. Caldwell now moved a reconsideration of the vote by which the said bill was rejected; and the Chair deciding that the mover, Mr. Caldwell, having voted in the negative, was not entitled to make this motion under the rules.—Mr. Rayner appealed from the decision. The question was then put, "shall the decision of the Chair stand?" and was decided in the negative.

Mr. Rayner moved a call of the House; which motion prevailed, and the roll having been twice called over, the following named gentlemen did not answer to the call: Messrs. David D. Allen, T. S. D. McDowell, James G. Dickson, and N. E. Cannady. The doors were then closed, and excuses offered and received for each of the absentees, and further proceedings in the call were accordingly dispensed with.

The question then being on the motion of Mr. Caldwell, for a reconsideration of the vote of yesterday,

Mr. Stanly moved that said motion be laid upon the table; and the question thereon was decided in the negative; yeas 11, nays 89.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Doak, Farrow, Kelly, McClenahan, McDade, Nicholls, Pigot, Stanly, J. Taylor, Wadsworth, Wooten—11.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Courts, Dancy, Davis, Dobbin, Edney, Erwin, Ferebee, Foy, A. M. Gamble, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, H. C. Jones, Keen, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, Mosely, McClees, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholson, Nixon, Oglesby, Palmer, Pegram, T. Person, Proctor, Rayner, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Shuford, Simms, Skeen, Skinner, Spivey, Steele, Stevenson, Stockard, Stowe, Thigpen, Thornton, Trull, Walser, J. H. White, I. White, Wilkins, J. Williams, C. Williams, Williamson, C. Jones—89.

So the motion to lay on the table was not carried; and the question then recurring upon the motion to reconsider, was decided in the negative; Yeas 77, Nays 25. [The House having previously decided that a vote of two-thirds of the whole House was necessary to its passage.]

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Biggs, Blackburn, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Courts, Dancy, Doak, Dobbin, Edney, Erwin, Ferebee, Foy, A. Gamble, J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Hicks, Johnson, C. Jones, H. C. Jones, R. Jones, Keen, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, R. I. McDowell, McIntosh, McMullen, Nicholson, Oglesby, Palmer, Pegram, Pigot, Proctor, Rayner, Reinhardt, Russell, Scott, Sheek, Shuford, Simms, Skeen, Skinner, Spivey, Steele, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, J. H. White, Wilkins, J. Williams, C. Williams—77.

Those who voted in the negative were:

Messrs. Brown, Davis, Farrow, Hayman, Herring, R. H. Jones, Kelly, Koonce, A. J. Leach, Mosely, McClees, McClenahan, McDade, McNeill, Newsom, Nixon, Nicholls, T. Person, Sanders, Satterthwaite, Sherard, Stanly, C. Taylor, T. Williams, Wooten—25.

So the motion to reconsider did not prevail.

Received a message from the Senate, concurring in the proposition of this House that the two Houses do adjourn *sine die*, on Monday, 29th instant.

Mr. Courts, from the committee on Propositions and Grievances, reported adversely the bill to repeal an act, entitled, an act to amend the Revised Statutes, entitled Religious Societies; which was read the second time and rejected.

Mr. Steele introduced a bill, making appropriations for improving the navigation of Lumber River; and

Mr. Stanly, a bill for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and

the improvement of the grounds thereof; which were severally read the first time and passed.

Mr. Pigot introduced a Bill to repeal an act passed at the last session of the General Assembly, entitled an act to repeal an act passed in 1821, entitled an act to prevent the fire hunting of fowl in the County of Carteret; which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

The House now proceeded to consider the engrossed bill concerning the Wilmington and Raleigh Rail Road Company; Mr. Rayner's amendment offered yesterday, pending.

Mr. T. J. Person moved to amend the amendment, by striking out the words "that portion of the road lying between Wilmington and the Neuse River," and insert in lieu thereof, the words, "the said Wilmington and Raleigh Rail Road;"—pending the consideration whereof, the House took a recess to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Hayman asked for and obtained leave of absence for Mr. Farrow, member from Hyde County, from and after to-day.

A message from the Senate, transmitting the engrossed bill from that House, making better and more suitable provisions for femes covert, and asking the concurrence of this House therein.

Said bill was read the first time and passed.

Mr. Stanly called up the engrossed bill from this House, to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico Rivers; and the question being on concurring in the amendment thereto proposed by the Senate, was determined in the negative, and the Senate was informed thereof by message.

The resolutions relative to the re-opening of Roanoke Inlet, were read the third time and passed—yeas 66, nays 25.

Yeas and nays demanded by Mr. Thigpen.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Biggs, Blackburn, T. R. well, D. F. Caldwell, Campbell, Carmichall, Courts, Doak, Edney, Erwin, Farrow, Ferebee, A. M. Gamble J. J. Gamble, Green, Griggs, Hackney, Hargrave, Hayman, Hayes, Hicks, Johnson, C. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, Logan, Long, Mast, Mebane, Miller, Mosely, McClees, R. I. McDowell, McIntosh, Nicholls, Nicholson, Nixon, Oglesby, Palmer, Pigot, Proctor, Rayner, Reinhardt, Russell, Satterthwaite, Scott, Skeen, Skinner, Stanly, Steele, Stockard, Stowe, Wadsworth, Walser, J. H. White, I. White, Wilkins, T. Williams, Thornton, Trull—66.

Those who voted in the negative were:

Messrs. Brown, Brogden, Foy, Hamrick, Harrison, Herring, R. H. Jones, R. Jones, Keen, A. J. Leach, Martin, McMullen, Newsom, Pegram, T. Person, Sanders, Sheek, Sherard, Simms, J. Taylor, C. Taylor, Thigpen, J. Williams, C. Williams, Wooten—25.

Ordered, That said Resolutions be engrossed.

The engrossed bills from the Senate, to wit:

The bill to authorise the erection of a Male and Female Academy, in or near the town of Shelby, in Cleveland county; and

A bill to incorporate the Perquimans County Academy, were severally read the third time and passed, and ordered to be returned to the Senate for their concurrence in the amendments proposed by this House.

The following engrossed bills were severally read the third time and passed, and ordered to be enrolled:

A bill supplemental to an act, passed at the present session, dividing the county of Stokes, into two distinct counties;

A bill to incorporate the Shelby Male and Female Academy in the county of Cleveland; and

A bill amendatory and supplemental to an act passed at the

last session of the General Assembly, entitled "an act to provide suitable buildings for the comfortable accommodation of the deaf mutes and blind persons of this State.

The bill to effect a better organisation of the militia in Iredell county, and for other purposes, was read the third time, amended on motion of Mr. McIntosh, and passed, and ordered to be engrossed.

The bill to annex a part of Burke county to the county of Catawba;

The bill to amend the 11th section of the 9th chapter of the Revised Statutes, concerning Punishments; and

The bill to regulate the dismissal of appeals in the Supreme Court, and to regulate the fees of Sheriffs for serving process issued from said Court, were severally read the third time and passed, and ordered to be engrossed.

The bill to establish a county to be called Lafayette, was read the second time, and on Mr. Hayman's motion, indefinitely postponed; yeas 63, nays 21.

Yeas and nays demanded by Mr. T. R. Caldwell.

Those who voted in the affirmative were:

Messrs. Biggs, Brown, Brogden, Courts, Dancy, Davis, Ferebee, Foy, A. Gamble, Green, Griggs, Hackney, Harrison, Hamrick, Hayman, Herring, Johnson, R. Jones, Keen, Kelly, Koonce, A. J. Leach, Martin, Mebane, Mosely, McClees, R. I. McDowell, McMullen, Newsom, Nicholls, Nixon, Oglesby, Pegram, T. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Steele, Stevenson, Stowe, J. Taylor, C. Taylor, Thornton, Wadsworth, J. H. White, Wilkins, J. Williams, C. Williams, Williamson, Wooten—63.

Those who voted in the negative were:

Messrs. Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Doak, Edney, J. J. Gamble, Hargrave, Hicks, C. Jones, H. C. Jones, Logan, Mast, Miller, McClenahan, McIntosh, Nicholson, Stockard, Trull, I. White—21.

So the bill was indefinitely postponed.

The bill to incorporate the town of Kinston, in the county of

Lenoir, was read the second time, amended, on motion of Mr. Wooten, by striking out all after the enacting clause and inserting a substitute, and passed.

The bill to increase the Revenue of the State, was now put upon its third reading. Mr. Stanly moved to amend the first section of the bill, by striking out "two cents,' (upon every dollar of interest, &c.) and inserting "three cents;" and upon this question called for the yeas and nays, which were ordered, and resulted as follows; yeas 61, nays 37.

Those who voted in the affirmative were:

Messrs. Allen, Bean, Biggs, Blackburn, Brogden, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Farrow, Fereebe, Foy, J. J. Gamble, A. Gamble, Green, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, R. H. Jones, H. C. Jones, Koonce, A. J. Leach, Logan, Long, Love, Mast, Mebane, Miller, Mosely, McClees, Nicholson, Nixon, Oglesby, Pigot, Proctor, Rayner, Russell, Sanders, Satterthwaite, Skinner, Spivey, Stanly, Steele, Stevenson, Stowe, J. Taylor, Thigpen, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. Williams—61.

Those who voted in the negative were:

Messrs. Ballard, Brown, Clement, Courts, Davis, Griggs, Hamrick, Harrison, C. Jones, Keen, Kelly, J. M. Leach, Martin, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Palmer, Pegram, T. Person, Reinhardt, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Stockard, C. Taylor, Thornton, Trull, C. Williams, Williamson, Wooten—37.

So the amendment was agreed to.

Mr. Rayner moved to amend the second section of the bill by striking out the words "two cents," (upon every dollar of profit, &c.,) and insert in the stead thereof "three cents;" which was agreed to.

Mr. Farrow moved to strike out of said section, the words, "in sailing or steam vessels," occurring in the 7th line thereof, upon which question Mr. Griggs demanded the yeas and nays, which were ordered and resulted: yeas 30, nays 65.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Campbell, Dobbin, Farrow, Foy, Griggs, Hayman, Headen, Herring, Hieks, H. C. Jones, Keen, Kelly, Koonce, J. M. Leach, A. J. Leach, McClees, McClenahan, Nixon, T. J. Person, Pigot, Stevenson, J. Taylor, Wadsworth, Wilkins, J. Williams, T. Williams, Williamson, Wooten—30.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Courts, Dancy, Davis, Doak, Edney, Erwin, Ferebee, A. M. Gamble, J. J. Gamble, Green, Hamriek, Hargrave, Harrison, Johnson, R. Jones, R. H. Jones, Logan, Love, Martin, Mebane, Mosely, McDade, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Palmer, Pegram, Proctor, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Spivey, Stanly, Steele, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, I. White, C. Williams—66.

So the amendment was disagreed to.

Mr. Pigot moved to amend said section, by inserting after the words "sailing or steam vessels," the words "excepting the profits from such vessels as are under the burthen of twenty tons;" which amendment was adopted.

Mr. Farrow moved to amend said section, by inserting immediately after the last amendment, as follows: "on every road waggon, employed and used by common carriers, the sum of two dollars;" which was disagreed to.

Mr. Barringer moved to amend the said section, by striking out the word "thirty," in the line next before the last, and inserting therefor, the word "sixty;" upon which question Mr. Dancy called for the yeas and nays, which were ordered and resulted: yeas 64, nays 31.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Brogden, T. Caldwell, Dancy, Davis, Dobbin, Edney, Erwin, Ferebee, Foy, Green, Griggs, Hargrave, Hayman, Headen, Herring, Hieks, R. Jones, C. Jones, Keen, Koonce, Kelly, J. M. Leach, A. J. Leach, Logan, Martin, Mebane, Mosely, Mc-

Clenahan, McDade, R. I. McDowell, McIntosh, McMullen, Newsom, Nicholls, Nixon, Palmer, Pegram, T. Person, Pigot, Proctor, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skinner, Stanly, Steele, Stevenson, Stockard, C. Taylor, Thigpen, Thornton, Wadsworth, Wilkins, C. Williams, Williamson, Wooten—64.

Those who voted in the negative were:

Messrs. Biggs, Blackburn, Brown, D. Caldwell, Campbell, Carmichall, Clement, Courts, Doak, A. Gamble, J. J. Gamble, Hamrick, Harrison, Hayes, R. H. Jones, H. C. Jones, Love, Mast, Miller, McNeill, Nicholson, Oglesby, Rayner, Spivey, Stowe, J. Taylor, Trull, Walser, J. H. White, L. White, J. Williams—31.

So the amendment was adopted.

Mr. Doak moved to amend the third section of the bill, by adding thereto the following:

"*Provided*, any retail merchant or jeweller of this State shall be released from the payment of a tax required by the 14th section of the 102d chapter of the Revised Statutes, imposing a tax on sales on those who commence after the 1st day of April, to the 1st day of the next April succeeding, this being taken in connexion with another part of the same section, required every retail merchant or jeweller having a store on the 1st day of April, in each and every year, to make an affidavit to the amount of his purchases made in the year preceding the 1st day of April, makes said jeweller or merchant liable to pay tax on sales and purchases both, in the same chapter; in the same chapter and section, we discover a disproportionate payment—the merchant having a capital of $400, pays $1,50 on the $100, while the merchant having $2000, pays 30 cents on the $100; the merchant having $5000, pays 16 cents; the merchant having $10,000, pays 12 cents; and the merchant having a capital of five thousand and one dollars, pays as much as the merchant having $10,000. There are $4,999 that are not taxed, and so on to $15,000, and upwards: For remedy whereof, every such merchant or jeweller of this State, having a store on the 1st day of April, in each and every year, shall pay twenty cents on every hundred dollars of

purchases made in the year immediately preceding the 1st day of April."

The question upon the adoption of which amendment, was decided in the negative—Yeas 6, Nays 76.

Yeas and nays demanded by Mr. Doak.

Those who voted in the affirmative were:

Messrs. T. R. Caldwell, Doak, Edney, Erwin, H. C. Jones, Miller—6.

Those who voted in the negative were:

Messrs. Biggs, Brown, Brogden, D. F. Caldwell, Campbell, Courts, Davis, Dobbin, Ferebee, Foy, J. J. Gamble, Green, Hamrick, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Logan, Martin, Mast, Mebane, McClenahan, McDade, R. I. McDowell, McIntosh, McNeill, McMullen, Newsom, Nicholson, Nicholls, Nixon, Palmer, Pegram, T. Person, Pigot, Proctor, Rayner, Russell, Reinhardt, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Stevenson, Stockard, Stowe, C. Taylor, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, J. H. White, I. White, Wilkins, J. J. Williams, T. Williams, C. Williams, Williamson, Wooten—76.

So the amendment was rejected.

The House then took a recess.

SEVEN O'CLOCK, P. M.

The House now resumed the consideration of the unfinished business of the morning, viz:

The amendment offered by Mr. T. J. Person, to the amendment proposed by Mr. Rayner, to the 11th section of the bill concerning the Wilmington and Raleigh Railroad Company; which amendment was disagreed to.

The question then recurring on the adoption of the amendment offered by Mr. Rayner, was decided in the negative; yeas 42, nays 50.

Yeas and Nays demanded by Mr. Campbell.

Those who voted in the affirmative were:

Messrs. Ballard, Bean, Blackburn, Campbell, Carmichall, Clement, Courts, Davis, Doak, J. Gamble, A. M. Gamble, Green, Hamrick, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, J. M. Leach, Love, Miller, Mosely, McIntosh, McMullen, Newsom, Nicholson, Oglesby, Palmer, Rayner, Reinhardt, Russell, Sheek, Simms, Skeen, Stockard, Stowe, C. Taylor, Thornton, Trull, J. H. White, J. Williams, C. Williams—42.

Those who voted in the negative were:

Messrs. Allen, Barringer, Biggs, Brown, Brogden, T. R. Caldwell, Dobbin, Daney, Edney, Erwin, Ferebee, Foy, Griggs, Hayman, Headen, Hayes, Herring, Hicks, H. C. Jones, Kelly, Koonce, A. J. Leach, Logan, Long, Martin, Mebane, McClenahan, R. I. McDowell, McNeill, Nixon, Pegram, T. Person, Pigot, Proctor, Sanders, Satterthwaite, Scott, Sherard, Skinner, Spivey, Stanly, Steele, Stevenson, J. Taylor, Thigpen, Wadsworth, Wilkins, T. Williams, Williamson, Wooten—50.

So the amendment was rejected.

Mr. Rayner moved to strike out of the 11th section of the bill, the following words, immediately preceding the Proviso of said section, viz:

"Which it is hereby declared and enacted, shall be preferred to the mortgage and pledge to be executed under the previous provisions of this act; and all such other mortgages and pledges as may have been heretofore executed by said Company, to secure the State against its loss by reason of her endorsement for said Company, and in case of default by said Company, the said mortgage, so to be executed, shall be first satisfied."

The question upon which amendment pasesd in the affirmative; yeas 53, nays 42.

Yeas and Nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Brogden, D. F. Caldwell, Campbell, Clement, Courts, Dancy, Davis, Doak, Erwin, A. M. Gamble, J. J. Gamble, Green, Hamrick, Harrison, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, J. M. Leach, Love, Martin, Miller, Mosely, McDade, McIntosh, McMullen, Newsom, Nicholson, Oglesby, T. Person, Palmer, Rayner, Reinhardt, Russell, Sheek, Shuford, Simms, Skeen, Spivey, Stowe, Stockard, C. Taylor, Thigpen, Thornton, Trull, J. H. White, J. Williams, C. Williams—53.

Those who voted in the negative were:

Messrs. Allen, Biggs, Brown, T. R. Caldwell, Dobbin, Edney, Ferebee, Foy, Griggs, Hayman, Hayes, Headen, Herring, Hicks, H. C. Jones, Kelly, Koonce, A. J. Leach, Logan, Long, Mebane, McClees, R. I. McDowell, McNeill, Nixon, Pegram, Pigot, Proctor, Sanders, Satterthwaite, Scott, Sherard, Skinner, Stanly, Steele, Stevenson, J. Taylor, Wadsworth, Wilkins, T. Williams, Williamson, Wooten—42.

So the amendment was adopted.

Mr. J. M. Leach, who voted with the majority, moved that the House do now reconsider the vote by which the said last amendment was adopted; pending the consideration whereof, after debate, on motion of Mr. Satterthwaite, the House adjourned.

THURSDAY, JAN. 25, 1849.

Mr. Stevenson asked for and obtained leave of absence for Mr. Koonce, member from Jones county, from and after to-morrow; Also,

Mr. Courts, leave of absence for Mr. Williams, a member from Mecklenburg; and,

Mr. Long, leave of absence for Mr. McDowell, member from Iredell county, from and after to-morrow.

A message from the Senate, transmitting the following Engrossed Bills, in which they ask the concurrence of the House of Commons:

A bill to incorporate the Cape Fear Steamboat Company;

A bill to revive an act entitled, "an act to incorporate the North and South Carolina Rail Road Company;"

A bill to incorporate the Young Men's Museum Society, in the town of Salem, in the county of Forsythe;

A bill to incorporate Lafayette Division, No. 2, of the order of the Sons of Temperance, in the town of Fayetteville;

A bill in relation to Justices of the Peace;

A bill to amend the acts now in force, on the subject of Common Schools;

And a bill to prevent obstruction to the passage of fish up the waters of Swift Creek, in the county of Edgecomb.

The foregoing bills were read the first time and passed.

Also a message, transmitting the following Engrossed Resolutions, in which the Senate asks the concurrence of this House, viz:

A resolution in favor of B. F. Moore, Attorney General; which was read the first, second, and third times, and passed, and ordered to be enrolled;

A resolution in favor of John Maxwell; and,

A resolution in relation to the Distribution of Military Tactics; which were each read first time and passed.

Also, a message, informing, that the Senate concur in the several amendments proposed by this House, to the engrossed bill to incorporate Perquimans Academy; and the bill to erect a Male and Female Academy in Shelby, Cleveland county.

A bill concerning the improvement of Smith's River, in the county of Rockingham, was read the second time and passed.

Mr. Mebane presented a Resolution, directing the Public Treasurer to procure a Seal of Office; which was read the first, second, and third times and passed, and ordered to be engrossed.

Mr. Stanly introduced a bill allowing compensation to the Reporter of the Supreme Court, for reporting the cases decided at the terms held in Morganton, which was read the first and second times, and passed. The rules being suspended, the said bill was read a third time, amended on motion of Mr. T. R. Caldwell, by adding a new section, as section 2, and passed, and ordered to be engrossed.

Mr. Mebane presented a Resolution in favor of the Doorkeepers; which was read the first and second times, and passed.

The following bills and resolutions were read the second time and passed :

A bill to amend an act, passed at the session of 1846-7, entitled "an act to authorise the laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal, near Matamuskeet Lake, in Hyde County, to Columbia, in Tyrrell County ;

A bill to incorporate Belmont Lodge, No. 118, in the county of Duplin ;

A bill to amend an act, passed 24th December, 1844, entitled "an act to incorporate the Trustees of Milton Female Institute, in the county of Caswell" ;

A bill to amend an act establishing the County of Alexander ;

A bill for the relief of Ephriam Lutz, of Catawba county ;

A bill to authorise the County Court of Halifax County, to sell and convey the lot in the town of Halifax, on which the old Court House is situated ; and

A bill to repeal an act, entitled "an act to alter the mode of electing constables in the county of Wilkes; and

A Resolution in favor of Charles L. Hinton, Public Treasurer.

The bill to arrange the different Captain's Districts in North Carolina, according to the militia usage, and arranging the 4th Division of North Carolina militia, and for other purposes, was read the second time, and on motion of Mr. Martin, indefinitely postponed.

The following bills were severally read the second time and passed, viz:

A bill to authorise the Judges, who may hold special terms of the Superior Courts, under the provisions of the act, passed in the year 1844, chapter 10, to take jurisdiction of Equity cases in like manner, as they are by that act, authorised to take cognizance of Civil suits;

A bill to incorporate the Deep River Manufacturing Company;

A bill to prevent the felling of timber in the Alamance River, in Orange County; and

A bill to incorporate the Macon County Cavalry Company;

The bill supplemental to an act, passed by the present General Assembly, entitled "an act to lay off and establish a new county by the name of Alamance, was read the second time, amended on motions by Mr. Jones and Mr. Mebane, and passed.

The Resolution directing the Secretary, Comptroller, and Treasurer of the State, to rent out the Buildings and Grounds, enclosed on Burke Square in the city of Raleigh, was read the second time, and on motion of Mr. Rayner, laid on the table.

In obedience to the special order of 23d instant, the House now proceeded to the consideration of the motion of Mr. Ballard then made, to reconsider the vote by which it was determined not to strike out the word "Lexington," wherever it occurs, in the bill supplemental to an act, passed at the present session, establishing a State Hospital for the Insane; and the question on this motion, was decided in the affirmative; yeas 51, nays 41.

Yeas and Nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative were:

Messrs. Ballard, Biggs, Brown, Campbell, Cannady, Dancy, Dobbin, Erwin, Ferebee, Foy, Green, Griggs, Herring, Johnson, C. Jones, R. H. Jones, H. C. Jones, Kelly, Koonce, A. J. Leach, Long, Love, Martin, Mebane, McClees, McDade, McNeill, Newsom, Nicholls, T. J. Person, Pigot, Proctor, Rayner, Sanders, Satterthwaite, Scott, Shuford, Simms,

Skeen, Skinner, Spivey, Stanly, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, T. Williams, Wooten—51.

Those who voted in the negative were:

Messrs. Allen, Bean, Blackburn, Brogden, Clement, Courts, Davis, Edney, A. M. Gamble, J. J. Gamble, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, R. Jones, Keen, J. M. Leach, Logan, McClenahan, Miller, McIntosh, McMullen, Nicholson, Nixon, Oglesby, Palmer, Pegram, Reinhardt, Russell, Sheek, Sherard, Stowe, Trull, Walser, J. H. White, I. White, J. Williams, C. Williams, Williamson—41.

So the motion to reconsider was carried.

And the question recurring on the motion of Mr. Stanly, to strike out the word "Lexington," was decided in the affirmative; yeas 50, nays 47.

Yeas and nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Biggs, Brown, Brogden, Campbell, Cannady, Dancy, Dobbin, Erwin, Ferebee, Foy, Green, Griggs, Herring, Johnson, C. Jones, R. H. Jones, Kelly, Koonce, A. J. Leach, Long, Love, Martin, Mebane, McClees, McDade, McNeill, Newsom, Nicholls, Pegram, T. Person, Pigot, Proctor, Rayner, Sanders, Satterthwaite, Simms, Skinner, Spivey, Stanly, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, T. Williams, Wooten—50.

Those who voted in the negative were:

Messrs. Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Courts, Davis, Edney, A. Gamble, J. J. Gamble, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, R. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Mast, Miller, McClenahan, McIntosh, McMullen, Nicholson, Nixon, Oglesby, Palmer, Reinhardt, Russell, Scott, Sheck, Sherard, Shuford, Skeen, Stowe, Trull, Walser, I. White, J. H. White, Wilkins, J. Williams, C. Williams, Williamson—47.

So the motion to strike out prevailed.

Mr. Dobbin then moved to fill the blank by inserting the word "Fayetteville;" pending the consideration whereof, the House took a recess.

THREE O'CLOCK, P. M.

A message from the Senate, transmitting the engrossed bill to incorporate the town of Shelby, in the County of Cleveland, in which they ask the concurrence of this House.

The bill was read the first time and passed; Also,

A message, informing that they have passed the engrossed bill from the House to amend an act, entitled "an act to incorporate the Hickory Nut Turnpike Company," passed at the session of 1840-1, with an amendment. The amendment was concurred in, and the bill ordered to enrolment.

The bill to incorporate the town of Kinston, in the county of Lenoir, was read the third time and passed, and ordered to be engrossed.

The House now proceeded to consider the bill, upon its 3d reading, to increase the Revenue of the State.

Mr. Biggs moved to amend the 6th section of the Bill, by inserting in the proviso thereof, after the word "lawyers," the words "surgeon dentists;" which amendment was agreed to.

Mr. T. R. Caldwell moved to amend said section, by striking out the words "all pistols with one barrel, five dollars, and fifty cents for each additional barrel;" which amendment was adopted.

Mr. Satterthwaite moved to strike out of the 7th section, the words "on every sword cane or dirk, three dollars, and twenty dollars on every bowie knife;" which question was determined in the affirmative; yeas 61, nays 24.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Bean, Blackburn, Brown, D. F. Caldwell, Carmichall, Davis, Dobbin, Ferebee, Foy, J. J. Gamble, Green, Griggs, Hackney, Hamrick, Hargrave, Harrison, Hayes, Headen, Herring, Johnson, Keen, Kelly, Koonce, Mast, Mebane, Miller, McClees, McClenahan, McDade, R. I. McDowell, Nicholls, Nicholson, Nixon, Oglesby, Palmer, T. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Sanders, Satterthwaite, Scott, Skeen, Skinner, Stanly, Spivey, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Wadsworth, J. H. White, I. White, C. Williams, Sheek, Shuford—61.

Those who voted in the negative were:

Messrs. Brogden, T. R. Caldwell, Cannady, Courts, Erwin, Hayman, Hicks, R. Jones, R. H. Jones, A. J. Leach, Logan, Martin, McIntosh, McMullen, Pegram, Sherard, Steele, Thigpen, Trull, Walser, Wilkins, T. Williams, Wooten—23.

So the amendment was adopted.

Mr. A. J. Leach moved to amend the said section, by striking out the words "two hundred," after the words 'pleasure carriages," and inserting the words "one hundred;" which was disagreed to.

Mr Erwin moved to amend the said section, by striking out the tax on harps and piano fortes; which was not carried.

Mr. Skinner moved to strike out the word "fifty," in the 6th line of the 7th section, and insert the words "one hundred"—making the passage read: "On gold and silver plate, of the value of one hundred dollars, &c.;" which amendment was rejected.

Mr. Hicks moved to amend the said section, by striking out all after the word "plate," in the third line, to the word "on," in the 7th line, and inserting the words "one half of one per cent. on the value thereof;" which amendment was rejected.

Mr. Mebane moved to strike out the part of the section relating to a tax on Billiard Tables; and thereupon, Mr. Wooten moved to amend the amendment by inserting the words "one thousand dollars," instead of "two hundred dollars;" which was disagreed to; and the question recurring on striking out, was decided in the negative. Yeas 38, nays 55.

Yeas and nays demanded by Mr. Wadsworth.

Those who voted in the affirmative were:

Messrs. Ballard, Brown, Courts, Doak, Dobbin, Ferebee, Foy, Griggs, Hackney, Harrison, Herring, Hicks, Johnson, R. Jones, C. Jones, Koonce, A. J. Leach, Mast, Mebane, Miller, McMullen, Newsom, Nixon, Palmer, Pegram, Proctor, Rayner, Reinhardt, Russell, Sheek, Stockard, Thigpen, Wadsworth, Walser, I. White, Wilkins, Williamson, Wooten—38.

Those who voted in the negative were:

Messrs. Barringer, Bean, Biggs, Blackburn, Brogden, D. F. Caldwell, Cannady, Carmichall, Dancy, Edney, Erwin, A. Gamble, J. J. Gamble, Green, Hamrick, Hargrave, Hayman, Hayes, Headen, R. H. Jones, H. C. Jones, Keen, Kelly, J. M. Leach, Logan, Martin, McClees, McClenahan, McDade, R. I. McDowell, McIntosh, Nicholls, Nicholson, Oglesby, T. Person, Pigot, Sanders, Satterthwaite, Scott, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Steele, Stevenson, Stowe, J. Taylor, Thornton, Trull, J. H. White, T. Williams, C. Williams—55.

So the amendment was rejected.

Mr. Wilkins moved to strike out the 8th section of the bill (imposing a tax on persons bringing droves of horses, mules and hogs, from other States,) the question on which motion was decided in the negative, yeas 38, nays 53.

Yeas and nays demanded by Mr. Wilkins.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Biggs, Brogden, Davis, Erwin, Green, Hamrick, Hargrave, Hayman, Harrison, Hayes, Hicks, Kelly, Koonce, A. J. Leach, Long, McClees, Newsom, Nicholls, Nixon, T. Person, Pigot, Rayner, Sanders, Stockard, C. Taylor, J. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, Wilkins, J. Williams, T. Williams, C. Williams, Williamson—38.

Those who voted in the negative were:

Messrs. Brown, Bean, T. R. Caldwell, D. F. Caldwell, Cannady, Carmichall, Clement, Courts, Doak, Edney, Ferebee, A. Gamble, J. J. Gamble, Griggs, Herring, Johnson, R. Jones, C. Jones, R. H. Jones, Keen, J. M. Leach, Logan, Martin, Mast, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Nicholson, Oglesby, Palmer, Pegram, Proctor, Reinhardt, Russell, Satterthwaite, Scott, Sheek, Sherard, Shuford, Skeen, Skinner, Spivey, Stanly, Stevenson, Stowe, Walser, I. White, Wooten, McDade—53.

So the proposition to strike out was not carried.

Mr. T. Person then moved to strike out "ten dollars" and

insert "five dollars," in the 7th line of said section; which amendment was adopted.

On motion of Mr. Mebane,

The said section was further amended, by striking out the words "shall offer the same or any part thereof for sale," and inserting in the stead thereof, "shall dispose of the same, or any part thereof;" and further amended also, by striking out the words "offer to sell," in the 16th line.

Mr. Keen proposed to amend the bill by adding as section 9, the following:

Be it further enacted, That there shall be levied on all venders of patent medicines, in each and every county in this State, the sum of two dollars, on each and every species which he, she or they may sell, either as proprietor or agent; *Provided*, That no patent medicine, the ingredients of which are written on the label shall be subject to this tax."

Which amendment was rejected.

Mr. Stanly moved the following amendment, as section 9, which was also rejected, viz:

And be it further enacted, That hereafter, there shall be imposed and levied, annually, a tax on all negro slave mechanics, employed usually at their trade, the sum of one dollar, instead of twenty cents, as now imposed.

Mr. Rayner moved to amend the bill, by adding a new section, viz: Sec. 13; which amendment was agreed to, and the question now recurring on the passage of the bill its third and last reading, was decided in the affirmative; yeas 60, nays 25.

Yeas and nays demanded by Mr. Keen.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Cannady, Carmichall, Clement, Courts, Dancy, Davis, Doak, Dobbin, Edney, Erwin, A. Gamble, J. J. Gamble, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, R. Jones, R. H. Jones, Keen, Logan, Love, Mast, Mebane, McClenahan, R. I. McDowell, McIntosh, McMullen, McNeill, Newsom, Nixon, Oglesby, Palmer, Pegram, T. Person, Pigot, Proctor, Rayner, Reinhardt, Russell, Scott, Shuford, Skeen,

Spivey, Stanly, Stowe, J. Taylor, Thornton, Walser, J. H. White, I. White, Wilkins—60.

Those who voted in the negative were:

Messrs. Ballard, Brown, Brogden, Griggs, Hamrick, Harrison, Herring, C. Jones, Kelly, A. J. Leach, Martin, Miller, McClees, McDade, Nicholls, Sanders, Stockard, C. Taylor, Thigpen, Trull, Wadsworth, J. J. Williams, C. Williams, Williamson, Wooten—25.

So the bill passed its third reading, and was ordered to be engrossed.

The House then took a recess.

SEVEN O'CLOCK, P. M.

The House now resumed the consideration of the unfinished business of yesterday, to wit, the motion of Mr. J. M. Leach to reconsider the vote by which was adopted, the amendment offered by Mr. Rayner, to the 11th section of the Engrossed Bill concerning the Wilmington and Raleigh Rail Road Company; and the question thereon was decided in the affirmative; Yeas 51, Nays 18.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Courts, Dobbin, Edney, Erwin, Griggs, Hamrick, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, R. H. Jones, Kelly, J. M. Leach, A. J. Leach, Logan, Long, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McNeill, Newsom, Nixon, Palmer, Pigot, Proctor, Russell, Sanders, Scott, Sherard, Shuford, Stanly, J. Taylor, Thigpen, Thornton, Wilkins, T. Williams, Williamson, Wooten—51.

Those who voted in the negative were:

Messrs. Ballard, Campbell, Davis, Doak, Harrison, C. Jones, R. Jones, Martin, McMullen, Nicholls, Rayner, Reinhardt, Sheek, Spivey, Stockard, Stowe, J. H. White, J. Williams—18.

So the House agreed to reconsider the amendment, and the question now being on the adoption of the same, was decided in the negative—Yeas 35, Nays 50.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Bean, Blackburn, Brogden, Campbell, Dancy, Davis, Doak, Griggs, Hamrick, Harrison, Johnson, R. Jones, C. Jones, Love, Martin, McDade, McMullen, Newsom, Nicholls, Oglesby, Palmer, Rayner, Reinhardt, Russell, Sheek, Skeen, Spivey, Stockard, Stowe, Thigpen, J. H. White, J. White, J. Williams, C. Williams—35.

Those who voted in the negative were:

Messrs. Allen, Biggs, Brown, T. R. Caldwell, D. F. Caldwell, Carmichall, Courts, Dobbin, Edney, Erwin, Ferebee, Foy. Hargrave, Hayman, Hayes, Headen, Herring, Hicks, R. H. Jones, Kelly, Koonce, A. J. Leach, J. M. Leach, Logan, Long, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McNeill, Nixon, Pegram, Pigot, Proctor, Sanders, Satterthwaite, Scott, Sherard, Stanly, Stevenson, J. Taylor, Thornton, Trull, Wadsworth, Walser, Wilkins, T. Williams, Williamson, Wooten—50.

So the amendment was rejected.

Mr. Mebane now moved to amend the bill, by adding the following as a new section:

"That the said Wilmington and Raleigh Rail Road Company is hereby authorised to make a subscription to the stock of the Wilmington and Manchester Railroad Company, to an amount not exceeding three hundred thousand dollars, upon the exclusive credit of the said Wilmington and Raleigh Rail Road Company."

Which amendment was rejected.

Mr. Mebane also moved to amend the bill, by striking out all of the 11th section, from the words "And whereas," (com-

mencing the second paragraph thereof) to the close of the section; which amendment was carried: And the question now recurring on the passage of the bill as amended, its third reading, passed in the affirmative—Yeas 54, Nays 39.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Courts, Dobbin, Edney, Erwin, Ferebee, Foy, J. J. Gamble, Hargrave, Hayman, Hayes, Headen, Herring, Hicks, R. H. Jones, H. C. Jones, Kelly, Koonce, J. M. Leach, A. J. Leach, Logan, Long, Mebane, Miller, McClenahan, R. I. McDowell, McIntosh, McNeill, Nixon, Pegram, Pigot, Proctor, Sanders, Satterthwaite, Stevenson, Scott, Sherard, Stanly, Steele, J. Taylor, Thornton, Trull, Wadsworth, Walser, Wilkins, T. Williams, Williamson, Wooten—54.

Those who voted in the negative were:

Messrs. Ballard, Barringer, Bean, Blackburn, Campbell, Clement, Daney, Davis, Doak, A. M. Gamble, Green, Griggs, Hamrick, Harrison, Johnson, R. Jones, C. Jones, Love, Martin, McDade, McMullen, Newsom, Nicholls, Nicholson, Oglesby, Palmer, Rayner, Reinhardt, Russell, Sheek, Skeen, Spivey, Stockard, Stowe, Thigpen, J. H. White, I. White, J. Williams, C. Williams—39.

So the bill passed its third reading, and was ordered to be sent to the Senate, for their concurrence in the several amendments proposed by this House.

The following bills were read the third time and passed, and ordered to be engrossed, viz:

A bill for the relief of Ephriam Lutz, of Catawba County;

A bill to amend an act, passed at the session of 1846-7 entitled "an act to authorise the laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal near Matamuskeet Lake, in Hyde County, to Columbia, in Tyrrell County;

A bill concerning the improvement of Smith's River, in the county of Rockingham;

A bill to incorporate Belmont Lodge, No. 118, in the county of Duplin;

A bill to amend an act, passed 24th December, 1844, entitled "an act to incorporate the Trustees of Milton Female Institute, in the county of Caswell";

A bill to amend an act establishing the County of Alexander;

A bill to repeal an act, entitled "an act to alter the mode of electing constables in the county of Wilkes;

A bill to authorise the County Court of Halifax County, to sell and convey the lot in the town of Halifax, on which the old Court House is situated;

A bill to authorise the Judges, who may hold special terms of the Superior Courts, under the provisions of the act, passed in the year 1844, chapter 10, to take jurisdiction of Equity cases in like manner, as they are by that act, authorised to take cognizance of Civil suits;

A bill to incorporate the Deep River Manufacturing Company;

A bill to prevent the felling of timber in the Alamance River, in Orange County; and

A bill to incorporate the Macon County Cavalry Company;

A Resolution in favor of Charles L. Hinton, Public Treasurer, was read the third time and passed, and ordered to be engrossed; and

A Resolution concerning the improvement of the Indian Tribes, was also read the second and third times and passed, and ordered to be engrossed.

The bill supplemental to an act passed at the present session of the General Assembly, entitled, "an act to lay off and establish a new county by the name of Alamance," was read the third time, amended on motion of Mr. Mebane, and passed, and ordered to be engrossed.

The engrossed bill to amend an act, entitled "an act to incorporate a Mutual Insurance Company in the State of North Carolina;" was read the second time and passed.

The following bills were read the second time and passed.:

A bill to incorporate the Columbus Guards, a Volunteer Company in the county of Columbus;

A bill to provide more effectually for the education of the Deaf Mutes within this State;

A bill concerning the debt due from the Trustees of Wake Forest College to the Literary Board;

A bill to establish a Toll Bridge on Catawba River;

A bill to open and improve the Road from Salathiel Stone's old place, in Forsythe county, to the Virginia line, near the Mouth of Wilson, in Ashe County;

A bill amendatory of an act, passed at the session af 1846-7, entitled an act to charter a Turnpike Road from Morganton, in the county of Burke, to the forks of the road, near the 17 mile post, on the road leading to Yorkville, South Carolina;

A bill to incorporate Concord Division, No. 1, of the Sons of Temperance;

A bill concerning the Wardens of the Poor;

A bill more effectually to prevent the administering poison with intent to kill or murder; and

A bill for the better organisation of the County Court of Nash.

The bill to repeal the 20th section of the Revised Statutes, chapter 46, Executors and Administrators, was read the second time, and on motion of Mr. Thigpen, indefinitely postponed.

The bill to lay off a Road in Wilkes and Ashe counties, was read the second time, and on motion by Carmichall, indefinitely postponed.

The bill to tax dogs, was read the second time, and on motion by Mr. J. J. Williams, was indefinitely postponed.

The bill to prevent more effectually the selling or giving away of spirituous liquors, at or near places of public worship, was read the second time; whereupon,

Mr. Rayner moved to amend the same, by striking out the words "or give, or in any manner dispose of," occurring in the first section, which amendment was disagreed to.

Mr. Scott moved to strike out the word "two," and insert the word "one," immediately before the words "miles of any place of public worship, &c;" which amendment was also disagreed to; and the bill then passed its second reading.

A bill to incorporate Crane's Creek Burial Ground Company, in the county of Moore;

A bill for the improvement of the Public Road, from Raleigh to Hillsborough;

A bill to incorporate the town of Swansboro';

A bill to amend the 8th section of an act, entitled an act to incorporate the Caldwell and Ashe Turnpike Company; and

A bill to incorporate the McDowell and Yancy Turnpike Company, were severally read the second time and passed.

The bill to clear out White Marsh, Seven Creeks, Porter Swamp, and Gapway Swamps, in the County of Columbus; and

The bill to authorise John Gay, to construct Dams and Traps in the Pedee River, in Richmond county, were severally read the second time, and indefinitely postponed.

The Resolution instructing the Literary Board to sell the Swamp Lands of the State, belonging to the said Fund, if they deem it necessary, was read the second time, amended on motion of Mr. Hayman, and passed.

The bill to provide for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and the improvement of the Grounds thereof, was read the second and third times, amended on motion of Mr. Stanly, and passed, and ordered to be engrossed.

The bill making appropriations for improving the Navigation of Lumber River, was read the second time, and on motion laid on the table.

The Resolution directing the continuation of the road from Lake Pungo to the town of Plymouth, in Washington county, was read the second time and passed. Yeas 34, nays 27.

Yeas and nays demanded by Mr. J. J. Williams.

Those who voted in the affirmative were:

Messrs. Biggs, Blackburn, Brogden, T. R. Caldwell, Campbell, Carmichall, Courts, Edney, Erwin, Griggs, Hayman, Hayes, Herring, Kelly, Koonce, Logan, Love, Mebane, Miller, McClenahan, McIntosh, McNeill, Nicholls, Nixon, Pegram, Rayner, Scott, Shuford, Stanly, J. M. Taylor, Thornton, Wadsworth, Wilkins, Pigot—34.

Those who voted in the negative were:

Messrs. Ballard, Bean, Doak, Gamble, Hamrick, R. Jones, C. Jones, A. J. Leach, Long, McDade, R. J. McDowell, McMullen, Newsom, Nicholson, Oglesby, T. J. Person, Reinhardt, Sheek, Skeen, Stockard, Stowe, Thigpen, J. H. White, I. White, J. Williams, C. Williams, Williamson—27.

So the Resolution passed its second reading.

The bill to attach a part of Wilkes county to the county of Alexander, and for other purposes, was read a second time.

Pending the consideration whereof, the House adjourned.

FRIDAY, JAN. 26, 1849.

Mr. Stockard presented the following Resolution:

"*Resolved*, That a message be sent to the Senate, proposing that the hour for the adjournment of the General Assembly on Monday next, shall be 8 o'clock, A. M., and that the Clerks be directed to make up their estimates accordingly."

Mr. Stanly moved to lay the Resolution on the table, and the question on this motion was decided in the negative; yeas 25, nays 61.

The same being demanded by Mr. A. J. Leach.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Dobbin, Edney, Erwin, Hargrave, Hicks, R. H. Jones, H. C. Jones, Love, McIntosh, Newsom, Nixon, T. Person, Rayner, Sanders, Scott, Stanly, Steele, J. Taylor, Thornton—25.

Those who voted in the negative were:

Messrs. Bean, Blackburn, Brown, Brogden, Cannady, Courts, Dancy,

Davis, Doak, Ferebee, A. M. Gamble, Green, Griggs, Hamrick, Headen, Herring, Johnson, R. Jones, Keen, A. J. Leach, J. M. Leach, Logan, Martin, Mast, Miller, McClees, McDade, R. I. McDowell, McMullen, McNeill, Nicholls, Nicholson, Oglesby, Palmer, Pegram, Pigot, Proctor, Reinhardt, Russell, Satterthwaite, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, Walser, I. White, Wilkins, C. Williams, Williamson, Wooten—61.

So the motion to lay on the table was disagreed to.

And the question now being on the adoption of the Resolution, was determined in the affirmative.

Mr. Stanly, from the Committee on Privileges and Elections, submitted the following Report:

The committee on Privileges and Elections, to whom were referred the Depositions relative to the Contested Election from Surry county, between Mr. A. A. Oglesby, the sitting member, and Mr. Harrison M. Waugh, the Contestant, have instructed the Chairman of the Committee to report, that they have examined the papers referred to them on behalf of the Contestant, and being satisfied he has not proved his case, they beg leave to be discharged from the further consideration of the same."

The report having been read, Mr. Clement moved that the report be not received by the House; pending the consideration of which motion,

Mr. Wooten moved to lay the report on the table, and the question on this motion was decided in the negative. Yeas 28, nays 54.

Those who voted in the affirmative were:

Messrs. Brogden, Cannady, Dancy, Davis, Hamrick, Keen, A. J. Leach, Mebane, McDade, Newsom, Nixon, Pegram, T. Person, Reinhardt, Sanders, Sheek, Sherard, Shuford, Spivey, Stevenson, Stockard, Stowe, C. Taylor, Thigpen, J. H. White, C. Williams, Williamson, Wooten—28.

Those who voted in the negative were:

Messrs. Allen, Barringer, Ballard, Bean, Biggs, Blackburn, Brown, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Doak, Edney, Erwin, Ferebee, A. Gamble, J. J. Gamble, Green, Griggs, Hargrave, Hayes, Headen, Herring, Hicks, Johnson, R. Jones, C. Jones, H. C. Jones, Logan, Martin, Miller, McIntosh, McMullen, McNeill, Nicholls, Nicholson, Palmer, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Simms, Skeen, Skinner, Stanly, Steele, Thornton, Trull, Wadsworth, Walser, I. White, Wilkins—54.

So the House refused to lay on the table.

And Mr. Clement having withdrawn his motion, the question on concurring in the report, was decided in the affirmative; yeas 47, nays 45.

Yeas and nays demanded by Mr. Clement.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, Biggs, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Doak, Edney, Erwin, Ferebee, J. Gamble, Green, Hamrick, Hargrave, Hayes, Headen, Johnson, H. C. Jones, J. M. Leach, Logan, Long, Mebane, Miller, R. I. McDowell, McIntosh, Nicholls, Palmer, T. Person, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Stanly, Steele, C. Taylor, Thornton, Trull, Wadsworth, Walser, I. White, Wilkins—47.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, Brown, Brogden, Cannady, Clement, Courts, Dancy, Davis, Dobbin, A. M. Gamble, Griggs, Herring, C. Jones, R. Jones, R. H. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mast, McDade, McMullen, McNeill, Newsom, Nicholson, Nixon, Pegram, Sanders, Sheek, Sherard, Shuford, Simms, Spivey, Stevenson, Stockard, Stowe, J. Taylor, Thigpen, J. H. White, C. Williams, Williamson, Reinhardt, Wooten—45.

So the committee were discharged.

Received from the Senate, a message informing, that they concur in the amendments proposed by this House to the engrossed bill concerning the Wilmington and Raleigh Railroad Company.

Mr. Courts, from the committee on Propositions and Griev-

ances, reported favorably the bill to repeal an act, passed at the last session of the General Assembly, entitled, "an act to repeal an act, passed in the year 1821, entitled an act to prevent the fire hunting of fowl in the county of Carteret;" which bill was read the second time and passed.

Mr. Steele called up the bill making appropriations for improving the navigation of Lumber River, in Richmond and Robeson counties; which was read the second time, and rejected; Yeas 33, Nays 58.

Yeas and Nays demanded by Mr. Griggs.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, T. R. Caldwell, Campbell, Carmichall, Dobbin, Edney, Erwin, Ferebee, Hargrave, Hayman, Hayes, Herring, Hicks, H. C. Jones, Logan, Long, Mebane, McClenahan, R. I. McDowell, McIntosh, McNeill, Nixon, Pegram, Pigot, Rayner, Scott, Stanly, Steele, Stevenson, Wadsworth, T. Williams, Williamson—33.

Those who voted in the negative were:

Messrs. Ballard, Bean, Biggs, Blackburn, Brown, Brogden, D. F. Caldwell, Cannady, Clement, Courts, Dancy, Davis, Deak, A. M. Gamble, J. J. Gamble, Green, Griggs, Hamrick, Herring, Johnson, R. Jones, C. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mast, Miller, McClees, McDade, McMullen, Newsom, Nicholls, Oglesby, Palmer, T. Person, Reinhardt, Russell, Sanders, Sheek, Sherard, Shuford, Simms, Skinner, Spivey, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Trull, Walser, J. H. White, I. White, C. Williams, Wooten —58.

So the bill was rejected.

Received from the Senate, a message, informing that they have passed the engrossed bill to incorporate the North Carolina Railroad Company, with sundry amendments, viz:

Amendment marked "A" to be added to the 2d section; amendment marked "B" as a substitute for section 38, and amendment "C" as an additional section, at the close of the bill.

Mr. Williamson moved to lay the proposed amendments

with the bill, on the table, and upon this question demanded the yeas and nays, which were ordered, and being taken, resulted: yeas 35, nays 57.

Those who voted in the affirmative were:

Messrs. Ballard, Biggs, Brown, Brogden, Courts, Dancy, A. Gamble, Davis, Griggs, Herring, R. Jones, Keen, A. J. Leach, Love, Martin, Mast, McDade, McMullen, McNeill, Nicholson, Oglesby, T. Person, Rayner, Reinhardt, Sheek, Steele, Stockard, Stowe, Thigpen, Sherard, J. H. White, C. Williams, Walser, Williamson, Wooten—35.

Those who voted in the negative were:

Messrs. Allen, Barringer, Bean, Blackburn, D. F. Caldwell, T. R. Caldwell, Campbell, Cannady, Carmichall, Doak, Dobbin, Edney, Erwin, Ferebee, J. J. Gamble, Green, Hamrick, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, H. C. Jones, Kelly, J. M. Leach, Logan, Long, Mebane, Miller, McClees, McClenahan, R. I. McDowell, McIntosh, Nixon, Nicholls, Newsom, Pigot, Pegram, Proctor, Russell, Sanders, Satterthwaite, Scott, Shuford, Simms, Skinner, Spivey, Stanly, Stevenson, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, Wilkins, T. Williams—57.

So the motion to lay on the table was not carried.

And the question recurring on the adoption of the amendments proposed by the Senate, passed in the affirmative, and the bill was ordered to be enrolled, and the Senate was thereof informed by message.

Received from the Senate, a message proposing that the 8th Joint Rule of the two Houses, be so altered as to read as follows:

"After examination and report, each bill shall be ratified and signed; first by the Speaker of the House of Commons, and then by the Speaker of the Senate."

Which was read and concurred in.

The House now resumed the consideration of the unfinished business of yesterday, viz:

The engrossed bill supplemental to an act passed at the present session, entitled "an act to provide for the establishment of a State Hospital for the Insane in North Carolina."

The question being on the motion of Mr. Dobbin, to fill the blank in the bill with the word "Fayetteville." The question on this motion was decided in the negative; yeas 13, nays 80.

Yeas and Nays demanded by Mr. J. H. White.

Those who voted in the affirmative were:

Messrs. Brogden, Dancy, Dobbin, Herring, Kelly, A. J. Leach, McNeill, Pegram, Steele, Thigpen, Walser, T. Williams, Williamson—13.

Those who voted in the negative were:

Messrs. Allen, Ballard, Bean, Biggs, Blackburn, Brown, T. R. Caldwell, D. F. Caldwell, Campbell, Cannady, Carmichall, Courts, Davis, Doak, Edney, Erwin, Ferebee, A. Gamble, J. J. Gamble, Green, Griggs, Hamrick, Hargrave, Hayman, Hayes, Headen, Hicks, Johnson, R. Jones, R. H. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McDade, R. I. McDowell, McIntosh, McMullen, Newsom, Nicholls, Nicholson, Nixon, Oglesby, Palmer, T. Person, Pigot, Rayner, Reinhardt, Russell, Sanders, Scott, Satterthwaite, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, C. Williams, Wooten—80.

Mr. C. Jones then moved to fill the blank, by inserting the words "near the City of Raleigh;" pending the consideration of which motion, the House took a recess.

THREE O'CLOCK, P. M.

The following bills were read the third time and passed, and ordered to be engrossed, viz:

A bill to incorporate the Columbus Guards, a Volunteer Company in the county of Columbus;

A bill to open and improve the Road from Salathiel Stone's old place, in Forsythe county, to the Virginia line, near the Mouth of Wilson, in Ashe County;

A bill to establish a Toll Bridge over Catawba River;

A bill amendatory of an act, passed at the session af 1846-7, entitled an act to charter a Turnpike Road from Morganton, in the county of Burke, to the forks of the road, near the 17 mile post, on the road leading to Yorkville, South Carolina;

A bill to incorporate Concord Division, No. 1, of the Sons of Temperance;

A bill concerning the Wardens of the Poor;

A bill more effectually to prevent the administering poison with intent to kill and murder; and

A bill for the better organisation of the County Court of Nash.

A bill to provide more effectually for the education of the Deaf Mutes within this State;

The bill to prevent more effectually the selling or giving away of spirituous liquors, at or near places of public worship;

A bill to incorporate Crane's Creek Burial Ground Company, in the county of Moore;

A bill for the improvement of the Public Road, from Raleigh to Hillsborough;

A bill to incorporate the town of Swansboro';

A bill to amend the 8th section of an act, entitled an act to incorporate the Caldwell and Ashe Turnpike Company.

The bill concerning the debt due from the Trustees of Wake Forest College to the Literary Board, was read the third time; when Mr. T. J. Person moved to amend the same, by striking out the second section, which is as follows:

"That in case the Trustees of Wake Forest College, shall pay up the whole of the principal of said debt of ten thousand dollars, to the President and Directors of the Literary Fund, as aforesaid, on or before the first day of January, 1851, then, and in that case, the interest due on said debt, from and after

the ratification of this act, shall be remitted to the Trustees aforesaid, and the payment of the principal shall be deemed and held in full satisfaction of the whole debt, both principal and interest."

The question on which amendment was decided in the affirmative; yeas 37, nays 33.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Blackburn, Brown, Brogden, Courts, Davis, Edney, A. Gamble, Hamrick, Johnson, Keen, A. J. Leach, Love, Martin, McClees, McDade, McMullen, McNeill, Nixon, Oglesby, Pegram, T. Person, Reinhardt, Sheek, Sherard, Shuford, Simms, Skeen, Stanly, Stockard, Stowe, Thigpen, Walser, J. H. White, J. White, Wilkins—37.

Those who voted in the negative were:

Messrs. Ballard, Biggs, T. R. Caldwell, Carmichall, Erwin, Fereebe, Green, Hargrave, Hayes, Herring, Hicks, R. H. Jones, Logan, Long, Mebane, Miller, Newsom, Nicholls, Nicholson, Palmer, Pigot, Rayner, Russell, Sanders, Scott, Spivey, Stevenson, C. Taylor, Trull, Wadsworth, T. Williams, C. Williams, Williamson—33.

So the motion to strike out was carried.

And the question recurring on the passage of the bill, its 3d reading, as amended, was decided in the affirmative, and the same was ordered to be engrossed.

The House now resumed the consideration of the unfinished business at the last adjournment, viz:

The engrossed bill supplemental to the act, passed at the present session, to provide for the establishment of a State Hospital for the Insane in North Carolina, the pending question being on the motion of Mr. C. Jones, to fill the blank in said bill by inserting the words "near the City of Raleigh;" the question on which motion was decided in the affirmative; yeas 44, nays 37.

Yeas and nays demanded by Mr. J. H. White.

Those who voted in the affirmative were:

Messrs. Biggs, Brogden, D. F. Caldwell, Campbell, Carmichall, Davis, Edney, Erwin, Ferebee, Green, Griggs, Hamrick, Herring, C. Jones, R. H. Jones, A. J. Leach, Logan, Long, Love, Martin, Mebane, McClees, McDade, Newsom, Nicholls, Pegram, T. Person, Pigot, Rayner, Sanders, Satterthwaite, Scott, Simms, Skinner, Spivey, Stanly, Stevenson, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Williamson, Wooten—44.

Those who voted in the negative were:

Messrs. Bean, Blackburn, Brown, T. R. Caldwell, Clement, Courts, A. Gamble, J. J. Gamble, Hargrave, Harrison, Hayes, Hicks, Johnson, R. Jones, Keen, J. M. Leach, Mast, Miller, McIntosh, McMullen, McNeill, Nicholson, Nixon, Reinhardt, Russell, Sheek, Sherard, Shuford, Skeen, Stockard, Stowe, Walser, J. H. White, I. White, Wilkins, T. Williams, C. Williams—37.

Mr. Stanly moved to amend the bill, by striking out the second section; which was carried.

And thereupon, he moved further to amend the bill by adding a new section, as section 2; which amendment was also adopted.

Mr. Walser moved the indefinite postponement of the bill and amendments, and the question thereon, was decided in the negative; yeas 1, nays 75.

Yeas and nays demanded by Mr. Walser.

Mr. Walser voted in the affirmative.

Those who voted in the negative were:

Messrs. Allen, Barringer, Biggs, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Courts, Davis, Doak, Edney, Erwin, Ferebee, A. M. Gamble, J. J. Gamble, Green, Griggs, Hamrick, Hargrave, Hayes, Headen, Herring, Hicks, Johnson, C. Jones, R. H. Jones, Keen, Logan, Long, Love, Martin, Mast, Mebane, Miller, McClees, McDade, McIntosh, McNeill, McMullen, Newsom, Nicholls, Nixon, Oglesby, Palmer, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Sherard, Shuford, Simms, Skeen, Skinner, Spivey, Stanly, Steele, Stevenson, Stockard, Stowe, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, I. White, Wilkins, C. Williams, Williamson, Wooten—75.

So the House refused to postpone indefinitely.

On motion of Mr. Mebane,

The bill was then further amended, by adding a new section, as section 3:

Mr. T. R. Caldwell moved the following amendment, as sec. 4, of the bill:

"That the building and furnishing said Hospital, shall not exceed the amount appropriated in this act."

The question on the adoption of which amendment, passed in the affirmative; yeas 55, nays 23.

Yeas and nays being demanded by Mr. Caldwell.

Those who voted in the affirmative were:

Messrs. Ballard, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Carmichall, Clement, Courts, Dancy, Davis, Doak, Edney, Erwin, A. Gamble, J. Gamble, Hamrick, Herring, Hicks, Johnson, R. Jones, C. Jones, Keen, A. J. Leach, J. M. Leach, Logan, Love, Martin, Mast, Miller, McCless, McDade, McIntosh, McMullen, Nicholson, Oglesby, Palmer, T. Person, Reinhardt, Sheek, Sherard, Shuford, Spivey, Steele, Stockard, Stowe, Thigpen, Walser, J. H. White, Wilkins, T. Williams, C. Williams, Williamson, Wooten—55.

Those who voted in the negative were:

Messrs. Biggs, Campbell, Ferebee, Green, Hargrave, Hayes, Headen, R. H. Jones, Long, Newsom, Nicholls, Nixon, Pegram, Russell, Sanders, Satterthwaite, Scott, Skeen, Stanly, Stevenson, J. Taylor, Wadsworth, Rayner—23.

So the amendment was agreed to.

Mr. J. M. Leach moved further to amend the bill, by add- the following, as section 5:

"That the erection of said Hospital shall not cost a sum exceeding fifty thousand dollars, and that the balance of the eighty-six thousand dollars, to be raised for its erection, shall remain in the hands of the State Treasurer, subject to the future order of the General Assembly of North Carolina."

And the question upon this amendment was decided in the negative; yeas 21, nays 56.

Yeas and nays demanded by Mr. Leach.

Those who voted in the affirmative were:

Messrs. Ballard, Blackburn, Brogden, Dancy, R. Jones, Keen, J. M. Leach, Martin, McMullen, Reinhardt, Sanders, Shuford, Sherard, Steele, Stockard, Stowe, Walser, J. H. White, I. White, Williamson, Wooten —21.

Those who voted in the negative were:

Messrs. Allen, Bean, Biggs, T. R. Caldwell, D. F. Caldwell, Carmichall, Campbell, Courts, Davis, Edney, Erwin, Ferebee, A. Gamble, J. Gamble, Green, Hamrick, Hargrave, Hayes, Headen, Herring, Hicks, Johnson, C. Jones, R. H. Jones, Logan, Long, Mast, Mebane, Miller, McClees, McDade, McIntosh, Newsom, Nicholls, Nixon, Oglesby, Pegram, Palmer, T. Person, Pigot, Rayner, Satterthwaite, Scott, Sheek, Simms, Skeen, Spivey, Stanly, Stevenson, J. Taylor, C. Taylor, Thigpen, Thornton, Wilkins, C. Williams, Nicholson—56.

So the amendment was disagreed to.

And the question then recurring on the passage of the bill, as amended, its third reading, was determined in the affirmative, and the bill was ordered to be sent to the Senate, for their concurrence in the amendments proposed by this House.

The following bills and resolutions were read the third time, and passed and ordered to be engrossed, viz:

A bill to incorporate the McDowell and Yancy Turnpike Company;

The Resolution directing the continuation of the road from Lake Pungo to the town of Plymouth, in Washington county;

A Resolution instructing the Literary Board to sell the Swamp Lands of the State, belonging to the said Fund, if they deem it necessary;

And a resolution in favor of the Public Treasurer.

The bill to attach a part of Wilkes county to the county of Alexander, and for other purposes, was read the second time, amended on motion of Mr. Carmichall, by striking out the first section, and passed.

The House then took a recess.

SEVEN O'CLOCK, P. M.

Mr. Brogden gave notice that on to-morrow, he should introduce a Resolution to rescind the standing rule, requiring that no bill shall be read twice on the same day.

The engrossed bill to amend an act, entitled "an act to incorporate a Mutual Insurance Company, in the State of North Carolina," was read the third time, and passed, and ordered to be enrolled.

The following engrossed bills were severally read the second and third times, and passed, and ordered to be enrolled, viz:

A bill to incorporate the Trustees of the Chowan Female Institute, in the county of Hertford;

A bill to incorporate Tosnot Depot and Hickory Grove, in the county of Edgecombe, into a town by the name of Wilson;

A bill to incorporate the Deep River Mining and Smelting Company;

A bill to incorporate the town of Asheville;

A bill to authorise the Roanoke Navigation Company to become common carriers of agricultural products, goods, wares, and merchandise, on Roanoke, Dan and Staunton Rivers;

A bill to incorporate Macon Academy, in the county of Wayne;

A bill to incorporate Midway Male and Female Academy, in the county of Pitt;

A bill to incorporate the Mecklenburg Agricultural Society;

A bill to incorporate Phalanx Lodge, No. 10, of the Independent Order of Odd Fellows;

A bill to amend an act, passed at the Legislature of 1846-7, entitled "an act authorising the Governor to establish a Depot of Arms at Newbern;

A bill to incorporate Mount Lebanon Lodge, No. 117, in Edgecombe County;

A bill to establish Lumberton Academy, in Robeson county, and to incorporate the Trustees thereof;

A bill to authorise Elijah S. Moore, late Sheriff of Caldwell county, to collect arrears of taxes due him;

A bill to amend an act, entitled "an act to incorporate the Atlantic Fire Company, No. 1, in the town of Newbern," passed at the session of 1846-7;

A bill for the better protection of seins and nets;

A bill to revive an act, passed in the year 1842, entitled "an act to establish and incorporate a town at Onslow Court House, in the county of Onslow by the name of Jacksonville;"

A bill to extend the time for the duration of the charter for erecting a bridge across Pasquotank River;

A bill to repeal an act concerning the Wardens of the Poor of the county of Lincoln;

A bill for the further protection of Wake Forest College;

A bill to incorporate the Charlotte Fire Engine Company; and,

A bill to incorporate Achoree Lodge, No. 14, of the Independent Order of Odd Fellows.

The following Engrossed Resolutions were read the second and third times and passed, and ordered to be enrolled, viz:

A resolution in favor of James W. Walton;

A resolution in favor of Thomas Loring;

A resolution in favor of Charles Baker, of Yancy county; and,

A resolution in favor of R. W. Haywood.

The engrossed bill to alter the time of holding the Spring and Fall Terms of the Court of Pleas and Quarter Sessions for the county of Cleveland, was read the third time; and, on motion of Mr. Shuford, ordered to lie on the table.

The engrossed bill to appoint Commissioners for the new Bridge on French Broad River, in Buncombe County, was read the second time, amended on Mr. Stanly's motion, by striking out the words "perpetual succession," in the second section, and inserting in the stead thereof, "succession for thirty years," and passed. The bill was also read the third time and passed, and ordered to be sent to the Senate for their concurrence in the said amendment.

The following engrossed bills and resolutions were read the second and third times, and passed, and ordered to be enrolled, viz:

A bill to incorporate the Union Manufacturing Company;

A bill to incorporate the Camden Guards, in the County of Camden;

A bill to amend the 15th section of the 102d chapter of the Revised Statutes;

A bill to revive an act, entitled "an act to establish and incorporate a town at Trent Bridge, in the county of Jones, by the name of Polloksville;

A bill to amend the law in relation to the collection of taxes for the town of Newbern;

A bill to improve the Road leading from Council's Store, in Ashe county, to Bedford Wiseman's, in Yancy County;

A bill to appoint Commissioners for the town of Ashboro', in the county of Randolph, and to incorporate the same;

A bill to incorporate the Davidson Mining and Smelting Company;

A bill to authorise Francis J. Prentiss and George D. Bogle, to collect arrears of taxes;

A bill to amend section 3d, chapter 99, Revised Statutes, entitled "Religious Societies;" and

A Resolution in favor of Thomas C. Anderson.

Mr. Stanly, on leave, introduced a Resolution to protect the interest of the State in the Raleigh and Gaston Railroad, which was read the first time and passed; the rules being suspended, the said Resolution was read the second time, and rejected; yeas 36, nays 44.

Yeas and Nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, Carmichall, Dobbin, Edney, Erwin, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, Mebane, Logan, McClenahan, McIntosh, Newsom, Nicholls, Nixon, Pegram, Pigot,

Proctor, Rayner, Russell, Satterthwaite, Scott, Skeen, Skinner, Spivey, Stanly, Steele, C. Taylor, Thornton, Wilkins, T. Williams—36.

Those who voted in the negative were:

Messrs. Ballard, Bean, Blackburn, Brown, Brogden, T. R. Caldwell, D. F. Caldwell, Courts, Dancy, Davis, Doak, J. Gamble, Griggs, Hamrick, Herring, Johnson, R. Jones, C. Jones, Keen, J. M. Leach, A. J. Leach, Martin, Mast, Miller, McClees, McDade, McMullen, McNeill, Nicholson, T. J. Person, Reinhardt, Sanders, Sheek, Sherard, Shuford, Stockard, Stowe, Thigpen, Wadsworth, Walser, J. H. White, C. Williams, Williamson, Wooten—44.

A motion was now made by Mr. Courts, that the House do reconsider the vote, by which the said resolution was rejected; which motion prevailed, and the question on the passage of the same its second reading, was decided in the affirmative—Yeas 38, Nays 36.

Yeas and nays demanded by Mr. R. Jones.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, T. R. Caldwell, Carmichall, Courts, Dobbin, Edney, Erwin, J. J. Gamble, Hargrave, Hayman, Hayes, Headen, Hicks, R. H. Jones, Keen, Logan, McClenahan, McIntosh, Newsom, Nicholls, Nixon, Palmer, Pegram, Pigot, Proctor, Rayner, Russell, Satterthwaite, Scott, Shuford, Skinner, Spivey, Stanly, C. Taylor, Thornton, Wilkins—38.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, Brown, Brogden, D. F. Caldwell, Davis, Doak, Griggs, Hamrick, Herring, R. Jones, C. Jones, A. J. Leach, Martin, Mast, Mebane, Miller, McClees, McDade, McMullen, McNeill, Nicholson, Oglesby, T. Person, Reinhardt, Sanders, Sheek, Sherard, Stockard, Stowe, Thigpen, Wadsworth, J. H. White, C. Williams, Williamson, Wooten—36.

So the resolution passed its second reading.

The engrossed resolution calling on the Public Treasurer for information, was read the second time, and on motion of Mr. Hayes, indefinitely postponed.

The engrossed bill to amend an act passed in the year 1846-7, entitled "an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of taxable polls, was read the third time and passed, and ordered to be enrolled.

The engrossed bills, viz: The bill explanatory of section 10, chapter 34, Revised Statutes; and the bill to authorise the further taxation of costs in the trials of action at law, were severally read the second time and passed.

A message from the Senate, transmitting the following Engrossed Bills, in which they ask the concurrence of the House of Commons:

A bill to extend the limits of the town of Wilmington, and for other purposes;

A bill to establish a Turnpike Road in Yancy County;

A bill to supply an omission in the 46th chapter, Revised Statutes, entitled "an act concerning Executors and Administrators;"

A bill to amend the 20th section of 102d chapter of Revised Statutes, entitled Revenue;

A bill making it the duty of Sheriffs and other officers making sale of land or slaves, to prepare and execute deeds for the same; and

A bill to amend the 48th chapter of the Revised Statutes, entitled "an act concerning fences," so far as relates to land on Meherrin River, in the County of Hertford;

Which were severally read the first time, and passed.

Also, a message transmitting the following Engrossed Resolutions, in which they ask the concurrence of this House, viz:

A resolution in favor of Samuel Kissam, of the County of Washington;

A resolution relating to the Public Arms; and

A resolution in favor of Joseph Kearney and Howell Cook; which were severally read the first time and passed.

The House then adjourned.

SATURDAY, JAN. 27, 1849.

Mr. Mebane presented a Resolution to pay for the contingent expenses of this General Assembly, which was read the first time and passed; and the rule being suspended, the same was read the second and third times and passed, and ordered to engrossment.

Mr. Brogden, in pursuance of notice given yesterday, introduced the following Resolution:

Resolved, That the rule which requires that no bill shall be read twice on the same day, be, and the same is hereby rescinded.

Mr. Stanly moved to lay the Resolution on the table, and the question on this motion passed in the affirmative; yeas 46, nays 37.

Yeas and Nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Bean, T. R. Caldwell, D. F. Caldwell, Campbell, Edney, Erwin, Ferebee, J. J. Gamble, Green, Hamrick, Hargrave, Hayman, Hayes, Hicks, R. H. Jones, H. C. Jones, Kelly, Logan, Long, Mebane, Miller, McClenahan, McDade, McIntosh, Newsom, Nicholls, Nixon, Pegram, Pigot, Russell, Sanders, Satterthwaite, Simms, Skeen, Skinner, Stanly, C. Taylor, J. Taylor, Thornton, Trull, Wadsworth, I. White, Wilkins, T. Williams—46.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, Brogden, Carmichall, Clement, Courts, Dancy, Davis, Doak, A. Gamble, Hackney, Harrison, Herring, R. Jones, Keen, A. J. Leach, J. M. Leach, Love, Martin, Mast, McMullen, McNeill, Nicholson, Oglesby, T. Person, Rayner, Reinhardt, Sheek, Sherard, Steele, Stockard, Stowe, Thigpen, J. H. White, C. Williams, Williamson, Wooten—37.

So the Resolution was laid on he table.

Mr. Stanly presented a Resolution in favor of Perrin Busbee,

which was read the first time and passed; and the rule being suspended, was read the second and third times and passed, and ordered to be engrossed.

The engrossed Resolution in favor of the President and Trustees of the Greensboro' Female College, was read the 2d time and passed. The rule being suspended, the Resolution was read the third time and passed; yeas 58, nays 8.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Ballard, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Courts, Dancy, Davis, Doak, Edney, Erwin, Ferebee, A. M. Gamble, J. J. Gamble, Griggs, Hackney, Hamrick, Hargrave, Hayes, Hicks, R. Jones, R. H. Jones, H. C. Jones, Keen, J. M. Leach, Logan, Mast, Mebane, McIntosh, McNeill, Nicholls, Nicholson, Oglesby, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Sheek, Skeen, Stanly, Steele, Stevenson, Stowe, J. Taylor, C. Taylor, Thornton, Trull, Wadsworth, Wilkins, T. Williams, C. Williams, Williamson, Wooten—58.

Those who voted in the negative were;

Messrs. Harrison, Herring, Kelly, A. J. Leach, Miller, Sherard, Skinner, Thigpen—8.

Mr. Rayner moved a reconsideration of the vote, by which the House had just passed the said Resolution, and the question thereon was decided in the affirmative; yeas 45, nays 32.

Yeas and nays demanded by Mr. Rayner.

Those who voted in the affirmative were:

Messrs. Ballard, Bean, Blackburn, Brown, Brogden, Cannady, J. J. Gamble, Hamrick, Harrison, Herring, R. Jones, C. Jones, H. C. Jones, Kelly, A. J. Leach, Love, Martin, Miller, McClees, McDade, McMullen, Newsom, Palmer, T. Person, Pigot, Rayner, Reinhardt, Sanders, Satterthwaite, Scott, Sherard, Shuford, Simms, Skeen, Stockard, Stowe, C. Taylor, Thigpen, Thornton, Trull, Wadsworth, J. H. White, I. White, Wilkins, Wooten—45.

Those who voted in the negative were;

Messrs. Allen, Barringer, T. R. Caldwell, D. F. Caldwell, Courts, Dancy, Doak, Edney, Erwin, Green, Hackney, Hargrave, Hicks, Johnson, Keen, J. M. Leach, Logan, Mebane, McIntosh, McNeill, Nicholson, Nixon, Oglesby, Pegram, Sheek, Skinner, Spivey, Stanly, Steele, J. Taylor, T. Williams, Williamson—32.

So the House agreed to reconsider.

And thereupon, on motion of Mr. Rayner, the Resolution was amended, by adding thereto, the following:

"Whenever the President and Directors of the Literary Fund, shall have on hand that amount of money, uninvested, or not required for the purpose of Common Schools."

The Resolution then passed its third reading; yeas 47, nays 24.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Barringer, Bean, Brogden, T. R. Caldwell, D. F. Caldwell, Cannady, Clement, Courts, Dancy, Doak, Edney, Erwin, Green, Hargrave, Hicks, Johnson, R. H. Jones, H. C. Jones, J. M. Leach, Long, Love, Mebane, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Oglesby, Palmer, Pegram, T. Person, Pigot, Proctor, Rayner, Satterthwaite, Sheek, Skeen, Skinner, Stanly, Steele, C. Taylor, J. Taylor, Thornton, Trull, Wadsworth—47.

Those who voted in the negative were:

Messrs. Blackburn, Brown, J. Gamble, Herring, R. Jones, C. Jones, Kelly, A. J. Leach, Martin, Miller, McDade, Nicholson, Reinhardt, Sanders, Scott, Sherard, Shuford, Stockard, Stowe, Spivey, Thigpen, J. H. White, Wilkins, Wooten—24.

So the Resolution as amended, passed its third reading, and was ordered to be sent to the Senate for their concurrence in the amendment.

THREE O'CLOCK, P. M.

Mr. Stanly called up the Resolution introduced by him yesterday, to protect the interest of the State in the Raleigh and Gaston Railroad; which was put upon its third reading, and passed; yeas 47, nays 32.

Yeas and nays demanded by Mr. Kelly.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Biggs, T. R. Caldwell, Cannady, Carmichall, Dobbin, Edney, Erwin, Ferebee, J. J. Gamble, Green, Hargrave, Hayes, Hicks, R. H. Jones, H. C. Jones, Logan, Long, Mebane, McClees, McClenahan, McIntosh, Newsom, Nixon, Paine, Palmer, Pegram, T. Person, Pigot, Rayner, Russell, Sanders, Satterthwaite, Scott, Shuford, Skeen, Spivey, Stanly, Steele, Stevenson, J. Taylor, C. Taylor, Thornton, Wadsworth, Wilkins, T. Williams—47.

Those who voted in the negative were:

Messrs. Ballard, Brogden, D. F. Caldwell, Davis, Doak, Hamrick, Harrison, Herring, C. Jones, Keen, Kelly, A. J. Leach, Love, Martin, Mast, McDade, T. McDowell, McMullen, McNeill, Nicholson, Oglesby, Reinhardt, Sheek, Sherard, Simms, Stowe, Thigpen, J. H. White, I. White, C. Williams, Williamson, Wooten—32.

Ordered, That the Resolution be engrossed.

The engrossed bill to provide for the improvement of the Club Foot and Harlow's Creek Canal, was read the second time and passed, and the rule being dispensed with, was read the third time, and passed; yeas 37, nays 32.

Yeas and nays demanded by Mr. A. J. Leach.

Those who voted in the affirmative were:

Messrs. Allen, Barringer, Brown, Campbell, Cannady, Edney, Erwin, Ferebee, J. J. Gamble, Green, Hargrave, Hayes, Hicks, R. H. Jones, H. C. Jones, Logan, Long, Love, Mebane, Miller, McIntosh, Newsom, Nixon, Pigot, Rayner, Russell, Satterthwaite, Scott, Spivey, Stanly, Steele, Stevenson, J. Taylor, Thornton, Wadsworth, Wilkins, T. Williams—37.

Those who voted in the negative were:

Messrs. Ballard, Bean, Brogden, Courts, Dancy, Davis, Hamrick, Harrison, Herring, R. Jones, C. Jones, Kelly, A. J. Leach, Martin, McClees, McDade, McMullen, Newsom, Oglesby, T. Person, Reinhardt, Sanders, Sheek, Sherard, Simms, Stowe, Thigpen, I. White, C. Williams, Williamson, Wooten—31.

Ordered, That the said bill be enrolled.

The following engrossed bills and resolutions were read the second and third times and passed, and ordered to be enrolled, viz:

A bill to alter the times of holding the Superior Courts of Law and Equity, in the county of Cleveland;

A bill to provide for the opening and clearing out of Big Rockfish Creek, in the counties of Cumberland and Robeson, and to prevent the obstruction of the free navigation of the same;

A bill to incorporate the town of Goldsboro';

A bill to confer on the Courts, certain powers over imprisoned Lunatics;

A bill to incorporate Johnston Academy, in the county of Johnston;

A bill to empower single Justices of the Peace to tax Prosecutors on States' Warrants with the payment of costs in certain cases;

A bill to incorporate the Clay Mining Company;

A bill to further justice in the county of New Hanover;

A bill to extend the corporate limits of the town of Warrenton;

A bill to incorporate Island Ford Manufacturing Company, in the county of Randolph;

A bill to amend an act, passed at the last session of the General Assembly, entitled "an act to increase the Public Revenue;"

A bill to incorporate the Greensboro' and Mount Airy Turnpike Company;

A bill to produce conformity in the charters granted the

Charlotte and South Carolina Railroad Company, by the States of North and South Carolina;

A bill to revise and amend an act, entitled "an act to amend an act, passed at Raleigh, in the year 1805, entitled an act to establish an Academy in the county of Buncombe;

A bill to incorporate the Wilmington and Masonboro' Plank Road Company;

A bill to incorporate the Wilmington and Walker's Ferry Plank Road Company;

A bill to incorporate the "Mountain Guards," in the county of Haywood;

A bill to appoint Commissioners to lay off and amend a road in the counties of Buncombe and Yancy;

A bill to regulate the holding of elections for Commissioners of Navigation;

A bill concerning the President and Directors of the Literary Fund;

A bill concerning costs in certain cases in Equity;

A bill to incorporate the town of Shelby, in the county of Cleveland;

A bill to incorporate Fairfield Canal Company, in Hyde county; and

A bill relating to the town Magistrate for the town of Wilmington.

The engrossed bill to amend the 10th section of the 102d chapter of the Revised Statutes, concerning Pedlars, was read the second and third times, and passed.

Mr. Pigot moved a reconsideration of the vote by which said bill passed its third reading, which was carried; and upon his motion, the bill was amended by inserting, after the word "person," the words "except resident citizens of this State." This amendment was subsequently reconsidered, and rejected, and the bill passed its third reading, and was ordered to be enrolled.

Received from the Senate, a message informing that they disagree to the 1st, 2nd, and 3d amendments proposed by this House, to the engrossed bill supplemental to an act passed at the present Session, entitled "an act for the establishment of a State Hospital for the Insane in North Carolina;" and that they

do agree to the 4th and 5th amendments, as proposed by this House.

Mr. Stanly moved that the House do insist upon their amendments to said bill, heretofore proposed to the Senate, and the question on this motion passed in the affirmative; yeas 47, nays 36.

Yeas and nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative were:

Messrs. Allen, Ballard, Biggs, Brown, Brogden, Cannady, Davis, Edney, Erwin, Ferebee, Green, Hamrick, Hayman, Herring, R. Jones, C. Jones, R. H. Jones, Kell, Long, Love, Martin, Mebane, Miller, McClees, McDade, Newsom, Nicholls, Pegram, T. Person, Pigot, Proctor, Rayner, Sanders, Satterthwaite, Simms, Skinner, Spivey, Stanly, Stevenson, Stockard, J. Taylor, C. Taylor, Thigpen, Thornton, Wadsworth, Williamson, Wooten—47.

Those who voted in the negative were:

Messrs. Bean, Blackburn, T. R. Caldwell, Carmichall, Clement, Courts, A. Gamble, J. J. Gamble, Hackney, Hargrave, Harrison, Hicks, Johnson, Keen, J. M. Leach, Logan, Mast, McClenahan, McIntosh, McMullen, Nicholson, Nixon, Oglesby, Reinhardt, Russell, Scott, Sheek, Sherard, Shuford, Skeen, Steele, Stowe, Trull, J. H. White, I. White, C. Williams—36.

So the House agreed to insist on their amendments; and the Senate was informed thereof by message.

SEVEN O'CLOCK, P. M.

The House now proceeded to the consideration of the bill concerning fishing in the Albemarle and Croatan Sounds, and in the different rivers emptying therein; also in the Creeks emptying in said Rivers; which bill was read the second time, and on motion of Mr. Paine, indefinitely postponed; yeas 49, nays 28.

Yeas and nays demanded by Mr. Ballard.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Edney, Erwin, Ferebee, J. Gamble, Green, Hamrick, Hargrave, Hayes, Headen, Hicks, Johnson, C. Jones, H. C. Jones, Kelly, J. M. Leach, Logan, Love, Mebane, Miller, McClees, McClenahan, McDade, McIntosh, McNeill, Nicholls, Nixon, Pigot, Sanders, Satterthwaite, Scott, Shuford, Skinner, Stanly, Steele, Stevenson, Stowe, C. Taylor, Wadsworth, J. H. White, I. White, Williamson, Wooten—49.

Those who voted in the negative were:

Messrs. Ballard, Brown, Clement, Courts, Dancy, Hackney, Harrison, Herring, R. Jones, Keen, A. J. Leach, Long, Martin, Mast, Newsom, Nicholson, Oglesby, Pegram, T. Person, Rayner, Reinhardt, Sheek, Simms, Spivey, Stockard, J. Taylor, Thigpen, C. Williams—28.

So the bill was indefinitely postponed.

Received from the Senate, a message transmitting a Resolution, proposing to change the 6th joint rule, so that all bills of a private and local character, that have been engrossed in a fair hand, and wherein no amendments have been made after engrossment, shall be ratified and signed by the Speakers of the two Houses, without being enrolled.

On motion of Mr. Stanly, the Resolution was ordered to lie on the table.

A bill to attach a part of Wilkes County to the County of Alexander, and for other purposes, was read a third time, amended on motion of Mr. McIntosh, by adopting a substitute, and passed; whereupon, on motion of Mr. McIntosh, the title of said bill was amended, so as to read, "A bill to amend an act, passed at the last session of the General Assembly, entitled an act to lay off and establish a new County, by the name of Alexander."

A Resolution in favor of the Doorkeepers, was read a third time, and passed, and ordered to be engrossed.

The bill to amend the 60th section of the Revised Statutes, entitled "Crimes and Punishments," was read the second time and passed.

The following engrossed bills were severally read the third time and passed, and ordered to be enrolled, viz:

A bill to amend section 3, chapter 99, Revised Statutes, entitled Religious Societies;

A bill explanatory of section 10, chapter 34, Revised Statutes; and

A bill to authorise the further taxation of costs in the trials of actions at law;

The following engrossed bills were severally read the second and third times and passed, and ordered to be enrolled, viz:

A bill to amend the 4th section of the 65th chapter of the Revised Statutes;

A bill to amend an act, passed at the last session, entitled "an act to provide for the sale of certain lands in Cherokee and Macon Counties, which have been surrendered to the State;

A bill to amend the Revised Statutes, section 5, chap. 102;

A bill to incorporate the Providence Band of Mecklenburg County;

And a bill in relation to Sheriffs, Clerks of the County and Superior Courts, and Clerks and Masters.

The engrossed Resolution respecting furnishing Weights and Measures to Chatham county; and

The Resolution in relation to the Clubfoot and Harlow's Creek Canal, were severally read the second and third times and passed, and ordered to be enrolled.

Received from the Senate, a message, receding from their disagreement to certain amendments proposed by this House to the engrossed bill supplemental to an act, passed at the present session, entitled "an act to provide for the establishment of a State Hospital for the Insane, in North Carolina.

Ordered, That the said bill be enrolled.

On motion of Mr. Satterthwaite,

"*Resolved*, That a message be sent to the Senate, proposing to increase the committee on enrolled bills, to three more on

the part of the Senate, and five more on the part of the House of Commons."

Received from the Senate, a message, transmitting the following Resolutions, viz:

A Resolution from the committee on the Library;

And a Resolution in favor of W. J. Clarke; which were severally read the first, second and third times and passed, and ordered to be enrolled.

Received from the Senate, a message, agreeing to the proposition to increase the committee on enrolled bills to three more on the part of the Senate, and five more on the part of the House; and informing that Messrs. Watson, Worth, and Speight, form their part of said Committee.

Messrs. Erwin, Logan, Nixon, Scott, and Love, form the committee on the part of this House.

Mr. Rayner, on leave, introduced a Resolution providing for the publication of an act, passed at the present session of the General Assembly, entitled, "an act to increase the Public Revenue;" which was read the first time and passed. The rule being suspended, the Resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Satterthwaite, from the select committee, to whom was referred the memorial of the High Shoals Manufacturing Company, reported the same back to the House, stating that the subject matter of complaint with the memorialists, had been referred to the Attorney General of the State; and the committee asked to be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Satterthwaite, the memorialists have leave to withdraw the said memorial from the files of this House.

Received from the Senate a message, informing that they have passed the engrossed bill to incorporate the Yadkin and Danville Railroad Company, and asking the concurrence of this House in the same. The bill having been read the first time, Mr. H. C. Jones, moved that the same be rejected, and the question thereon was decided in the negative; yeas 37, nays 41.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, Brown, Brogden, Erwin, Ferebee, Green, Hayman, Herring, Hicks, R. H. Jones, H. C. Jones, Kelly, Logan, Long, Martin, McClees, Newsom, Nicholls, Nixon, Pegram, Pigot, Proctor, Sanders, Satterthwaite, Simms, Skinner, Spivey, Stanly, Steele, Stevenson, J. Taylor, Thornton, Wadsworth, T. Williams, Williamson, Wooten—37.

Those who voted in the negative were:

Messrs. Ballard, Bean, Blackburn, T. R. Caldwell, D. F. Caldwell, Carmichall, Campbell, Clement, Courts, Davis, Doak, Edney, A. Gamble, J. Gamble, Hackney, Hargrave, Hayes, Johnson, R. Jones, Keen, J. M. Leach, A. J. Leach, Love, Mast, Miller, McClenahan, McDade, McIntosh, McMullen, Nicholson, Oglesby, Rayner, Reinhardt, Russell, Scott, Sheek, Stowe, Trull, J. H. White, I. White, C. Williams—41.

So the motion to reject did not prevail, and the bill passed its first reading.

A motion was then made by Mr. D. F. Caldwell, that the rule be suspended, and the bill be put upon its second reading; the question on which motion was decided in the negative, (two-thirds not concurring)—Yeas 38, Nays 44.

Yeas and Nays demanded by Mr. Keen.

Those who voted in the affirmative were:

Messrs. Ballard, Blackburn, T. R. Caldwell, D. F. Caldwell, Campbell, Carmichall, Clement, Courts, Dancy, Davis, Doak, Edney, A. Gamble, J. Gamble, Hackney, Johnson, R. Jones, Keen, J. M. Leach, A. J. Leach, Mast, Mebane, McClenahan, McIntosh, McMullen, Nicholson, Oglesby, Rayner, Reinhardt, Russell, Scott, Sheek, Sherard, Stowe, Trull, J. H. White, I. White, C. Williams—38.

Those who voted in the negative were:

Messrs. Allen, Biggs, Brown, Brogden, Erwin, Ferebee, Green, Hargrave, Hayman, Hayes, Herring, Hicks, R. H. Jones, H. C. Jones, Kelly, Logan, Long, Martin, Miller, McClees, McDade, McNeill, Newsom, Nicholls, Nixon, Pegram, Pigot, Proctor, Sanders, Satterthwaite, Simms, Skinner, Spivey, Stanly, Steele, Stevenson, Stockard, J. Taylor, C. Taylor, Thornton, Wadsworth, T. Williams, Williamson, Wooten—44.

So the House refused to put the bill on its second reading.

Received from the Senate a message, transmitting an engrossed resolution in favor of William F. Collins, Comptroller of the State; which was read the first time and passed. The rule being suspended, the resolution was put upon its second reading, and passed—Yeas 38, Nays 29.

Yeas and Nays demanded by Mr. Stanly.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, T. R. Caldwell, Carmichall, Clement, Courts, Edney, Erwin, J. J. Gamble, Hargrave, Hayman, Hayes, Headen, Hicks, C. Jones, R. H. Jones, J. M. Leach, Logan, Long, Miller, McClees, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Palmer, Pegram, Proctor, Rayner, Scott, Sherard, Steele, Stevenson, Trull, Wadsworth, J. H. White, I. White—38.

Those who voted in the negative were:

Messrs. Barringer, Bean, Brogden, Blackburn, Dancy, Davis, Green, Harrison, Herring, R. Jones, H. C. Jones, Kelly, Love, Martin, McMullen, McDade, Oglesby, T. Person, Satterthwaite, Sheek, Shuford, Spivey, Stanly, Stockard, J. Taylor, C. Williams, T. Williams, Williamson, Wooten—29.

So the resolution passed its second reading, and the rule being suspended, the same was read the third time and passed; Yeas 38, Nays 29.

Yeas and nays demanded by Mr. T. H. Williams.

Those who voted in the affirmative were:

Messrs. Allen, Biggs, T. R. Caldwell, Carmichall, Courts, Edney, Erwin, J. J. Gamble, Hargrave, Hayman, Hayes, Headen, Hicks, C. Jones, R. H. Jones, A. J. Leach, J. M. Leach, Logan, Long, Miller, McClees, McClenahan, McIntosh, McNeill, Newsom, Nicholls, Nicholson, Palmer, Pegram, Proctor, Rayner, Scott, Steele, Stevenson, Trull, Wadsworth, J. H. White, I. White—38.

Those who voted in the negative were:

Messrs. Barringer, Bean, Blackburn, Brown, Brogden, Dancy, Davis,

Green, Harrison, Herring, R. Jones, H. C. Jones, Kelly, Love, Martin, McDade, McMullen, T. Person, Reinhardt, Sheek, Sherard, Shuford, Spivey, Stanly, Stockard, J. Taylor, C. Williams, T. Williams, Wooten —29.

So the Resolution passed its third reading, and was ordered to enrolment.

Received from the Senate a message, transmitting an engrossed Resolution in favor of Hugh Waddell and others, and asking the concurrence of this House therein. The Resolution was read the first time and passed.

The engrossed bill to amend the 60th section of 34th chapter Revised Statutes, entitled "Crimes and Punishments," was read the third time and passed, and ordered to enrolment.

The following engrossed bills were severally read the second and third times and passed, and ordered to be enrolled, viz:

A bill to alter the 8th section of 89th chapter of the Revised Statutes, so far only as to provide that the action therein given shall be in the name of the State;

A bill assenting to the purchase, by the United States, of certain parcels of land on the Cape Fear, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions;

A bill to incorporate the Greensboro' Fire Engine Company;

And a bill to incorporate the Head Buffalo Volunteer Company, in Guilford County.

The engrossed bill to amend the 4th chapter of Revised Statutes, entitled an act concerning appeals and proceedings in the nature of appeals;

The engrossed Resolution authorising the State Treasurer to sell certain town lots; and

The engrossed bill to incorporate the Dan River Mechanics' Association, in the town of Milton, were severally read the second time, and indefinitely postponed.

Mr. Stanly called up the message from the Senate, proposing to change the 6th Joint Rule, so that all bills of a private or local character, that have been engrossed in a fair hand, and to which no amendments have been made after engrossment,

shall be ratified and signed by the Speakers of the two Houses without being enrolled; and the question now on concurring in the same, was determined in the affirmative; and the Senate were informed thereof by message.

Mr. Satterthwaite, from the committee on the Judiciary, reported adversely the bill for the better regulation of Windsor;

And also the bill concerning Bail; which were severally read the second time and rejected.

The following engrossed bills and resolutions were severally read the second and third times, and passed, and ordered to be enrolled, viz:

A bill supplemental to an act, passed at the present session of the General Assembly, laying off and establishing the county of Watauga;

A bill to secure the title of purchasers of land sold under execution;

A bill to amend the 13th chapter of the Revised Statutes, entitled "bills, bonds and promissory notes;"

A bill to amend the 10th chapter of the Revised Statutes, relating to bail;

A resolution in favor of S. M. Preston;

A resolution in favor of Isham Hancock;

A resolution in favor of Scroop Enloe;

A resolution in favor of Charles H. Stevens, Administrator of the Estate of G. W. Melvin, late Sheriff of Bladen County;

A resolution in favor of H. Van Bokelin, keeper of Public Arms at Newbern; and

A resolution in relation to the Distribution of Military Tactics.

The engrossed bill to extend the limits of the town of Wilmington, and for other purposes, was read the second time, amended on motion of Mr. T. J. Person, by striking out the words "also on all free negroes who may live," occurring in the 4th section—and passed. The bill was then read the third time and passed, and ordered to be sent to the Senate for their concurrence in said amendment.

The engrossed bill making better and more suitable provis-

ion for feme coverts, was read the second time and passed; and thereupon, the rule being dispensed with, the bill was read the third time and passed—yeas 58, nays 3.

Yeas and nays demanded by Mr. Carmichall.

Those who voted in the affirmative were:

Messrs. Ballard, Barringer, Biggs, Blackburn, Brogden, T. R. Caldwell, D. F. Caldwell, Clement, Courts, Dancy, Davis, Doak, Edney, Erwin, J. J. Gamble, A. Gamble, Hayes, Headen, Herring, Hicks, R. Jones, C. Jones, R. H. Jones, A. J. Leach, Love, Martin, Mast, Mebane, Miller, McClees, McClenahan, McMullen, McNeill, Newsom, Nicholson, Oglesby, Pegram, T. Person, Pigot, Rayner, Reinhardt, Russell, Satterthwaite, Sheek, Shuford, Simms, Spivey, Stanly, Stockard, Stowe, J. Taylor, Thornton, Wadsworth, J. H. White, I. White, C. Williams, Williamson, Wooten—58.

Those who voted in the negative were:

Messrs. Carmichall, H. C. Jones, and McIntosh—3.

Ordered, That the said bill be enrolled.

Mr. Love, on leave, introduced a bill to amend an act, entitled "an act to incorporate Jonathan's Creek and Tennessee Mountain Turnpike Company." Read first time and passed.

The bill to open and improve the road from the Tennessee line, passing Laurel to Burnsville, was read the second time, and on motion of Mr. Miller, indefinitely postponed.

The engrossed bill to provide relief for the purchasers of Cherokee Lands, at the sale of 1838, and to secure a portion of the debts due the State, was read the second time, when Mr. D. F. Caldwell moved to amend the same, by striking out the 7th section thereof; pending the consideration of this motion, the House on motion of Mr. H. C. Jones, adjourned till Monday morning 4 o'clock, A. M.

MONDAY MORNING, 4 O'CLOCK, A. M.

Received from the Senate, a message, transmitting the following engrossed bill, in which they ask the concurrence of this House, viz:

A bill to improve the navigation of the Catawba River, from the point where the Railroad from Columbia to Charlotte, crosses said river, up to the Rocky Ford near Morganton; which was severally read the first, second, and third times and passed, and ordered to be enrolled.

On motion of Mr. D. F. Caldwell,

Ordered, That A. A. Oglesby and H. M. Waugh, have leave to withdraw from the office of the Clerk of the House of Commons, the depositions taken by them respectively, relative to the contested election between said parties.

The House now proceeded to the consideration of the unfinished business at the last adjournment, viz: The engrossed bill to provide relief for the purchasers of the Cherokee lands at the sales of 1838, and to secure a portion of debts due the State; which, after debate, was, on motion of Mr. T. J. Person, ordered to lie on the table.

Mr. Hayes presented a resolution to suspend the collection of Cherokee bonds until the laying off the Turnpike Road from the Georgia line to Salisbury; which was read the first, second, and third times, and passed, and ordered to engrossment.

Mr. Stanly, on leave, introduced a bill to amend the Revised Statutes, chapter 95, relating to public printing; and

Mr. Steele, a resolution to pay the Assistant Engrossing Clerks; which were severally read the first, second, and third times, and passed, and ordered to be engrossed.

The following engrossed bills were severally read the second and third times and passed, and ordered to be enrolled, viz:

A bill making it the duty of Sheriffs and other officers making sale of land or slaves, to prepare and execute deeds for the same;

A bill to supply an omission in the 46th chapter of Revised Statutes, entitled "an act concerning Executors and Administrators;" and

A bill to revive an act, entitled "an act to incorporate the North and South Carolina Rail Road Company."

A message from the Senate, concurring in the amendment proposed by this House, to the engrossed bill to appoint Commisioners for the new bridge on French Broad River.

Also, a message informing that they have passed the engrossed Resolution to suspend the collection of the Cherokee Bonds, until the laying off the Turnpike Road from the Georgia line to Salisbury, with an amendment; and

Also the engrossed bill to repeal an act, entitled "an act to alter the mode of electing constables in Wilkes county, with an amendment, in which they ask the concurrence of this House.

The amendments were severally concurred in, and the bills ordered to be enrolled.

The engrossed resolution relating to the Public Arms, was read the second time, amended on motion of Mr. Spivey, and passed. The rule being suspended, the said resolution was read the third time and passed, and ordered to be sent to the Senate for their concurrence in the amendment.

The following engrossed bills and resolutions were severally read the second and third times, and passed, and ordered to be enrolled, viz :

A resolution in favor of Joseph Kearney and Howell Cooke;

A resolution in favor of Samuel Kissam, of the County of Washington;

A resolution in favor of John Maxwell ;

A bill in relation to Justices of the Peace;

And a bill to prevent obstruction to the passage of fish up the waters of Swift Creek, in the county of Edgecomb.

A bill to amend the 48th chapter of Revised Statutes, entitled "an act concerning fences"—so far as relates to lands on the Meherrin River, in the County of Hertford; and

A bill to amend the acts now in force, on the subject of Common Schools.

The following engrossed bills and resolutions were severally read the second time, and on motion, laid on the table, viz :

A bill to provide for a survey of the Catawba River;

A resolution in favor of Hugh Waddell and others;

A bill to increase the Revenue of the State; and

A bill to amend the 20th section of the 102d chapter of the Revised Statutes, entitled Revenue.

The following engrossed bills were severally read the second and third times, and passed, and ordered to be enrolled, viz:

A bill to establish a Turnpike Road in Yancy County;

A bill to incorporate Lafayette Division, No. 2, of the order of the Sons of Temperance, in the town of Fayetteville;

A bill to incorporate the Cape Fear Steamboat Company; and,

A bill to incorporate the Young Men's Museum Society, in the town of Salem, in the county of Forsythe.

Mr. Love called up the bill heretofore introduced by him, to establish a new county by the name of Jackson; which was read the second time, and on motion of Mr. T. J. Person, laid on the table.

Mr. Stanly introduced a resolution for furnishing the Halls of the two Houses of the General Assembly; which was read the first, second, and third times, and passed, and ordered to be engrossed.

The engrossed bill to incorporate the Yadkin and Danville Rail Road Company, was read the second time. Mr. Stanly moved that the same be indefinitely postponed, and the question thereon was decided in the negative—Yeas 31, Nays 32.

Yeas and nays demanded by Mr. J. H. White.

Those who voted in the affirmative were:

Messrs. Brown, Brogden, Cannady, Green, Hargrave, Herring, Hicks, R. H. Jones, H. C. Jones, Kelly, A. J. Leach, Martin, McDade, New-

som, Nixon, Pegram, T. Person, Pigot, Sanders, Simms, Skeen, Spivey, Stanly, Steele, Stevenson, Stockard, J. Taylor, C. Taylor, Thornton, Wadsworth, T. Williams—31.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, T. R. Caldwell, D. F. Caldwell, Clement, Courts, Carmichall, Davis, Dancy, Doak, Erwin, J. J. Gamble, A. Gamble, Hackney, Harrison, Johnson, R. Jones, J. M. Leach, Mast, McClenahan, McIntosh, Nicholson, Oglesby, Rayner, Reinhardt, Scott, Sheek, Shuford, Stowe, J. H. White, J. White—31.

There being a tie, the Chair voted in the negative, and the House accordingly refused to postpone indefinitely.

Mr. T. J. Person then moved that the said bill be laid upon the table; and the question thereon was decided in affirmative—Yeas 34, nays 32.

Yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative were:

Messrs. Brown, Brogden, Cannady, Dancy, Green, Hargrave, Herring, Hicks, R. H. Jones, H. C. Jones, Kelly, A. J. Leach, Martin, Mebane, McDade, Newsom, Nixon, Pegram, T. Person, Pigot, Sanders, Sherard, Simms, Skeen, Spivey, Stanly, Steele, Stevenson, Stockard, J. Taylor, C. Taylor, Thornton, Wadsworth, T. Williams—34.

Those who voted in the negative were:

Messrs. Ballard, Blackburn, D. F. Caldwell, Carmichall, Clement, Courts, Davis, Doak, Erwin, A. M. Gamble, J. J. Gamble, Hackney, Hayes, Johnson, R. Jones, J. M. Leach, Love, Mast, McClenahan, McIntosh, McMullen, Nicholson, Oglesby, Rayner, Reinhardt, Scott, Sheek, Shuford, Stowe, J. H. White, I. White, C. Williams—32.

So the bill was ordered to lie on the table.

Mr. Sheek moved that the House do now take up and consider the engrossed resolution in favor of Hugh Waddell and others; which motion was disagreed to.

A message from the Senate, proposing to rescind the joint rule of order of the two Houses to adjourn, *sine die*, at 8 o'-

clock, A. M. of this day, and proposing to adjourn at the hour of 10. The proposition was concurred in, and on motion of Mr. Dancy, the House took a recess until 9 o'clock.

NINE O'CLOCK.

On motion, ordered, that a message be sent to the Senate, informing that body that this House having acted on all the business before them, is now ready to adjourn, *sine die*.

Received from the Senate a message, informing that that House is also ready to adjourn without day.

Mr. Dobbin presented the following Resolution, which was read and unanimously adopted:

Resolved, That the thanks of this House are due, and are hereby tendered, to the Hon. Robt. B. Gilliam, for the ability, dignity, and impartiality, with which he has discharged the duties of Speaker of this House.

Whereupon, the Speaker made his acknowledgements to the House, in an appropriate address, and adjourned the same without day.

ROBERT B. GILLIAM,
Speaker House of Commons.

By ordor

PERRIN BUSBEE,
Clerk House Commons.

NOTE.

From the 4th of January, until the close of the Session, Mr. GILLIAM, the Speaker of the House, was detained from his seat by sickness; during which period, the Chair was occupied, from time to time, upon his appointment, by Messrs. Robert T. Paine, of Chowan; S. J. Person, of Moore; C. Jones, Jr., of Orange; and F. B. Satterthwaite, of Pitt.

P. BUSBEE, Clerk.

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