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**JOURNAL**

OF

**THE SENATE**

OF THE

**GENERAL ASSEMBLY**

OF THE

**STATE OF NORTH-CAROLINA,**

AT ITS

**SESSION OF 1858--'9.**

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**RALEIGH:**

**HOLDEN & WILSON, PRINTERS TO THE STATE.**

**1859.**

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## SENATE JOURNAL, 1858-'9.

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At a General Assembly of the State of North-Carolina, begun and held in the City of Raleigh, on Monday, the fifteenth day of November, Anno Domini, one thousand eight hundred and fifty-eight, and the eighty-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 Senate appeared, exhibited their credentials and were qualified according to law, viz :

- |               |                                   |                        |
|---------------|-----------------------------------|------------------------|
| 1st District, | Pasquotank and Perquimons—        | <i>John Pool</i>       |
| 2d            | “ Camden and Currituck—           | Charles C. Williams.   |
| 3d            | “ Gates and Chowan—               | <i>Richard Sillman</i> |
| 4th           | “ Tyrrell and Hyde—               | B. S. Basnight.        |
| 5th           | “ Northampton—                    | <i>Thos J. Pearson</i> |
| 6th           | “ Hertford—                       | <i>R. G. Cowher</i>    |
| 7th           | “ Bertie—                         | <i>W. B. Cherry</i>    |
| 8th           | “ Martin and Washington—          | D. C. Guyther.         |
| 9th           | “ Halifax—                        | <i>Mat C. Whitaker</i> |
| 10th          | “ Edgecombe—                      | Henry T. Clark.        |
| 11th          | “ Pitt—                           | E. J. Blount.          |
| 12th          | “ Beaufort—                       | R. S. Donnell.         |
| 13th          | “ Craven—                         | John D. Planner.       |
| 14th          | “ Carteret and Jones—             | William P. Ward.       |
| 15th          | “ Greene and Lenoir—              | J. P. Speight.         |
| 16th          | “ New Hanover—                    | <i>W. S. Ashe</i>      |
| 17th          | “ Duplin—                         | W. J. Houston.         |
| 18th          | “ Onslow—                         | L. W. Humphrey.        |
| 19th          | “ Bladen, Brunswick and Columbus— | Thomas D. McDowell.    |
| 20th          | “ Cumberland—                     | John T. Gilmore.       |
| 21st          | “ Sampson—                        | A. A. McKoy.           |

22d	District,	Wayne—William K. Lane.
23d	“	Johnston—J. T. Leach.
24th	“	Wake—M. A. Bledsoe.
25th	“	Nash—L. N. B. Battle.
26th	“	Franklin—M. Lankford.
27th	“	Warren—T. J. Pitchford.
28th	“	Granville—C. H. K. Taylor.
29th	“	Person—J. W. Cunningham.
30th	“	Orange— <i>Is Turner</i>
31st	“	Alamance and Randolph—Jonathan Worth.
32d	“	Chatham—E. H. Straughan.
33d	“	Moore and Montgomery—A. R. McDonald.
34th	“	Richmond and Robeson—W. L. Steele.
35th	“	Anson and Union—S. H. Walkup.
36th	“	Guilford—Ralph Gorrell.
37th	“	Caswell—Bedford Brown.
38th	“	Rockingham--George D. Boyd.
39th	“	Mecklenburg—W. F. Davidson.
40th	“	Stanly and Cabarrus—E. W. Davis.
41st	“	Rowan and Davie—J. G. Ramsay.
42d	“	Davidson—B. C. Douthitt.
43d	“	Stokes and Forsyth—J. J. Martin.
44th	“	Ashe, Surry, Watauga and Yadkin—Joseph Dobson.
45th	“	Wilkes, Iredell and Alexander—L. B. Carmi- chael.
46th	“	Burke, McDowell and Caldwell—E. P. Miller.
47th	“	Lincoln, Gaston and Catawba—F. D. Reinhardt.
48th	“	Rutherford and Cleveland—L. A. Mills.
49th	“	Buncombe, Henderson, Madison and Yancey— B. M. Edney.
50th	“	Haywood, Jackson, Cherokee and Macon— William H. Thomas.

W. S. Ashe, the Senator elect from the county of New Hanover, (being the 16th Senatorial District,) and Josiah Turner, Jr., the Senator elect from the county of Orange, (being the 30th Senatorial District,) appeared without the



usual certificates of election ; and satisfactory evidence being adduced, that they had been duly elected members of the Senate, and no objection being made to their qualification, on motion, they were permitted to qualify and take their seats.

A quorum, consisting of a majority of the whole number of members being present,

Mr. McDowell nominated HENRY T. CLARK, of Edgecombe county, for Speaker.

On motion by Mr. McDonald, the name of RALPH GORRELL was added to the nomination ; and the Senate voted as follows, viz :

For Mr. CLARK.—Messrs. Ashe, Basnight, Battle, Biedsoe, Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward and Williams—28.

For Mr. GORRELL.—Messrs. Blount, Carmichael, Davis, Donnell, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth—14.

Mr. Clark voted for Mr. McDOWELL.

Mr. Gorrell voted for Mr. McDONALD.

Mr. CLARK having received a majority of the votes given, was declared duly elected Speaker of the Senate, and being conducted to the chair by Messrs McDowell and McDonald, made his acknowledgements in an appropriate address.

Mr. Boyd nominated JOHN HILL, of Stokes, for Principal Clerk ; whereupon, the Senate proceeded to vote as follows, viz :

For Mr. HILL.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cunningham, Davidson, Davis, Dobson, Donthitt, Edney, Flanner, Gilmore, Gorrell, Gnyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McDonald, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Williams and Worth—43.

Mr. HILL having received the whole number of votes cast, was declared duly elected Principal Clerk of the Senate.

On motion of Mr. Houston, QUENTIN BUSBEE was duly appointed Assistant Clerk of the Senate.

On motion of Mr. Ward, JAMES PAGE was appointed Principle Doorkeeper of the Senate.

Mr. Cunningham nominated C. C. TALLY for Assistant Doorkeeper; and, on motion by Mr. McDonald, the name of JOSEPH J. RIGSBY was added to the nomination.

The Senate then voted as follows :

For Mr. TALLY.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward and Williams—29.

For Mr. RIGSBY.—Messrs. Blount, Carmichael, Davis, Douthit, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth.—14.

Mr. TALLY, having received a majority of the votes given, was declared duly elected.

On motion by Mr. Boyd,

*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 HENRY T. CLARK, the Senator from Edgecombe county, Speaker; JOHN HILL, Principal Clerk; QUENTIN BUSBEE, Assistant Clerk; JAMES PAGE, Principal Doorkeeper, and C. C. TALLY, Assistant Doorkeeper; and that the Senate is now ready to proceed to the dispatch of public business.

On motion by Mr. Martin,

*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.

On motion by Mr. Steele,

Messrs. Steele, Donnell, McDowell, Gorrell and Houston were appointed a committee to prepare and report rules for the government of the Senate.

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



TUESDAY, NOVEMBER 16, 1858.

Richard Dillard, the Senator elect from the counties of Gates and Chowan, (being the 3d Senatorial district,) and Richard G. Cowper, the Senator elect from the county of Hertford, (being the 6th Senatorial district,) appeared, produced their credentials, were qualified and took their seats.

Received a message from the House of Commons, announcing the due organization of that body, by the appointment of THOMAS SETTLE, jr., Speaker; EDWARD CANTWELL, Principal Clerk; GEORGE HOWARD, jr., Assistant Clerk; WILLIAM S. WEBSTER, Principal Doorkeeper, and JOHN LAWRENCE, Assistant Doorkeeper; and that it is now ready to proceed to the dispatch of public business.

On motion by Mr. Boyd,

*Ordered*, 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 wait on his Excellency, the Governor, and inform him of the due organization of both branches of the General Assembly, and of their readiness to receive any communication he may have to make to them.

On motion by Mr. McDonald,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select committee, of two on the part of the Senate, and three on behalf of the House, to prepare and report rules for the government of the intercourse between the two Houses.

Received a message from the House of Commons, concurring in the proposition to raise a joint select committee on the part of each House, to wait on his Excellency, the Governor, and informing that Messrs. Kerr and Benbury constitute the committee on the part of the House; whereupon Messrs. Boyd and Cowper were appointed the committee on behalf of the Senate.

Mr. Boyd, from the committee appointed to wait on his Excellency, the Governor, reported that the committee had performed the duty assigned them, and received for answer,

that he would be pleased to make a communication to the two Houses to-day at 12 o'clock, M.

Received a message from the House of Commons, concurring in the proposition of the Senate, to raise a joint select committee of two on the part of the Senate, and three on the part of the House, to prepare and report joint rules of order for the government of the intercourse between the two Houses, and informing that Messrs. Bridges, Ferebee and Love constitute the committee on the part of the Commons.

Whereupon, Messrs. McDonald and Humphrey were appointed the committee on the part of the Senate, and the House informed thereof by message.

On motion by Mr. Humphrey,

*Ordered*, That a message be sent to the House of Commons proposing to raise a joint select committee of two on the part of the Senate, and three on the part of the House, to inquire into the expediency of providing the means for warming the two Halls of the Capitol, and for lighting the same, and that they be requested to report by bill or otherwise.

Received a message from the House of Commons, proposing to go forthwith into an election for State Printer. The proposition was concurred in, and the House informed by message that Messrs. Cunningham and Ramsay are appointed a committee to superintend said election, on behalf of the Senate.

Received a message from the House of Commons informing that Messrs. Holden & Wilson, and Mr. John W. Syme, are in nomination for State Printer—that Messrs. Love and T. R. Caldwell constitute the committee to superintend said election on the part of the House, and that the House would proceed to vote on the return of the messenger.

The Senate, under the superintendence of Messrs. Cunningham and Ramsay, then voted as follows, viz :

FOR HOLDEN & WILSON.—Messrs. Speaker, Ashe, Basnight, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward and Williams—28.

FOR JOHN W. SYME.—Messrs. Blount, Carmichael, Cowper,



Davis, Donnell, Douthitt, Gorrell, McDonald, Miller, Ramsay, Stranghan, Turner, Walkup and Worth—14.

Mr. Flanner voted for John L. Pennington.

Mr. Leach voted for the Warrenton News.

On motion by Mr. Steele,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select committee on the subject of Finance, consisting of eight members, upon the part of each branch of the General Assembly.

Mr. Cunningham, from the committee appointed to superintend the election for public printer, reported that the whole number of votes given was 152, of which Holden & Wilson received 104, John W. Syme 46, Pennington 1 and Warrenton News 1; that Holden & Wilson having received a majority of the votes cast, are duly elected.

Report concurred in.

On motion by Mr. Ramsay,

*Resolved*, That the Speaker of the Senate be requested to order suitable accommodations for the reporters of the public press during the session of the General Assembly.

Received a message from the House of Commons transmitting the message of his Excellency, the Governor, and accompanying documents, with a proposition to print ten copies of the message, and one of the documents, for each member of the General Assembly.

Mr. Martin moved that the reading of the message be dispensed with; Mr. McDonald called for a division of the question, and moved that the vote be first taken on the motion to dispense with the reading of the message, and the question being taken thereon, it was determined in the affirmative. The proposition to print was then concurred in, and the House of Commons informed thereof.

Received a message from the House of Commons concurring in the proposition of the Senate to raise a joint select committee to enquire into the expediency of providing the means for warming and lighting the Capitol, and informing that Messrs. N. N. Flemming, Pride Jones and Thomas D. Meares, constitute the committee on the part of the House.

Whereupon, the Commons were informed by message, that Messrs. Humphrey and Flanner constitute the committee on the part of the Senate.

On motion by Mr. Thomas, the Senate adjourned until tomorrow morning, 11 o'clock.

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WEDNESDAY, NOVEMBER 17, 1858.

M. C. Whitaker, the Senator elect from the county of Halifax, (being the 9th Senatorial District,) appeared, produced his credentials, was qualified and took his seat.

Mr. Steele, from the committee appointed to prepare and report rules of order for the government of the Senate, reported the following, which were adopted, viz :

1. It shall be the duty of the Speaker to invite the pastors of the several churches of this city, under such arrangements as they may make among themselves, to perform the service of prayer at the opening of the daily sessions of the Senate.

2. When the Speaker takes the chair, each member shall take his seat, and, on the appearance of a quorum, the journals of the preceding day shall be read.

3. After the reading of the journal of the preceding day, the Senate shall proceed to business in the following order, namely : 1. The receiving petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the Senate ; 2. The reports of standing committees ; 3. The reports of select committees ; 4. Resolutions ; 5. Bills ; 6. 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.

4. When any member is about to speak in debate, or deliver any matter to the Senate, he shall arise 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 happen to rise at once, the Speaker is to name the one who is first to speak.



No member shall speak oftener than twice on the same question or nomination for office, without leave of the Senate; and when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or by passing between him and the Chair.

5. All bills and resolutions introduced shall pass, as a matter of course, the first reading.

6. If any member, in speaking or otherwise, transgress the rules of the Senate, 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 Senate 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 Senate.

7. 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 commit or to amend; which several motions shall have precedence in the order they stand arranged, and any motion to adjourn or lay on the table shall be decided without debate; and a motion to adjourn shall always be in order.

8. 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 the 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 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, to tell the number in the affirmative; which being reported, he shall name two others, one from each side, to tell those in the negative; which being also reported, he shall state the decision to the Senate, and announce the de-



cision. No member who was without the bar of the Senate when any question was put from the chair, shall enter his ye 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.

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

10. In all cases of election by the Senate, 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 minority will make the division equal, and when an equal division is produced by the Speaker's vote, the question shall be lost.

11. No member shall depart the service of the Senate without leave, or receive pay as a member for the time he is absent.

12. Petitions, memorials and other papers addressed to the Senate, 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 Senate.

13. 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 bills, with the orders taken on each, *in the order in which they are introduced*, and they shall be taken up and considered as they stand on the calendar, unless otherwise ordered, and the calendar shall be daily revised and kept on the Speaker's table for the inspection of members, *and all bills shall be numbered and dispatched in the order in which they stand upon the calendar*.

14. All bills of a public nature, when ready for the second reading, shall be noticed as having been read at least one day previous thereto, and then shall be first read for information,

and then paragraph by paragraph, and held open for amendment.

15. After a bill or resolution has been once rejected, postponed indefinitely, or to a day beyond the session, another of a like provision shall not be introduced during the same session.

16. When a question has been once decided, it shall be in order for any member in the majority to move a reconsideration thereof, on the same or succeeding day, if the bill, resolution or paper upon which the question has been taken, be in 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; but when the motion to reconsider is laid on the table, it shall not again be called up.

17. When an amendment to be proposed to the Constitution is under consideration, a concurrence of two-thirds or three-fifths of the members present shall not be requisite to decide any question for amendment or extending to the merits short of the final question.

18. When any question may have been decided by the Senate, in which three-fifths or two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question may be at liberty to move a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

19. The Speaker shall examine and correct the journal before it is read; he shall have the general direction of the hall; he shall designate who shall compose all committees, except when otherwise ordered; and the select committees of the Senate shall consist of five members.

20. There shall be appointed by the Speaker the following committees, namely: 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 improvements, a committee on education and the literary fund, a committee on banks and currency, and a committee on corporations, consisting of seven members each, and a committee on public buildings, to consist of three members.

21. When the Senate 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*.

22. When any petition, memorial, or other paper addressed to the Senate, 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.

23. In case of any disturbance or disorderly conduct in the lobby or gallery, the Speaker or chairman of the committee of the whole, shall have power to have the same cleared.

24. 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.

25. Any member, dissatisfied with the decision of the Speaker, on any question of order, may appeal to the Senate.

26. When the Senate adjourns, the members shall keep their seats till the Speaker leaves the chair.

27. *Saturday in every week shall be set apart for the consideration of private bills, and private business, in preference to any other, unless otherwise determined by the majority of the Senate, and the clerk shall keep a separate calendar of the same.*

28. 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, nor without the consent of two-thirds of the members present.

Mr. Bledsoe introduced a bill to alter the constitution, which was read the first time, and on motion by Mr. Thomas, laid on the table and ordered to be printed.

Mr. Boyd introduced a bill to incorporate the Danville & Greensborough Railroad Company, which was read the first time and passed; and, on motion by Mr. Thomas, ordered to be printed.

Received a message from the House of Commons proposing to go immediately into the election for one Engrossing Clerk. The proposition was concurred in, and a message sent to the House of Commons, informing that Messrs. Lankford and Carmichael constitute the Senate branch of the committee to superintend said election.

Received a message from the House of Commons, informing that LEWIS W. JOYNER and C. HILL are in nomination for the appointment of Engrossing Clerk, and that Messrs. Badham and Chambers constitute the committee to superintend the election on behalf of the Commons.

The Senate under the superintendence of Messrs. Lankford and Carmichael, then voted as follows, viz :

For Mr. JOYNER.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Carmichael, Cowper, Davidson, Davis, Dillard, Dobson, Douthitt, Edney, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker, Williams and Worth—39.

For Mr. HILL.—Messrs. Blount and Turner—2.

For JOSEPH SMALL.—Messrs. Donnell, Flanner, McDonald, Straughan and Walkup—5.

Mr. Humphrey introduced a bill concerning free persons of color, which was read the first time, passed, and ordered to be printed.

Mr. Carmichael, from the committee appointed to superintend the election for one Engrossing Clerk, reported that the whole number of votes given was 159, of which LEWIS W. JOYNER received 117 votes, C. HILL 31 votes, and JOSEPH SMALL 11 votes. That Mr. JOYNER having received a majority of the whole number of votes given, is duly elected. Report concurred in.

Mr. Thomas introduced a bill to incorporate the North-Carolina Central, Atlantic & Pacific Railroad Company, which was read the first time and passed; and, on motion by Mr. Lankford, ordered to be printed.

Received a message from the House of Commons, trans-



mitting a report from the Public Treasurer, with a proposition to print the same; concurred in, and the House of Commons informed thereof by message.

Mr. Turner introduced a bill to abolish the freehold qualification for jurors, which was read the first time and passed.

Mr. Gorrell moved that a message be sent to the House of Commons, proposing forthwith to go into the election of United States Senator, to fill the unexpired term of the Hon. Asa Biggs, resigned.

Mr. Bledsoe moved that said motion be laid on the table, which was carried.

Yeas 28, nays 16.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Basnight, Battle, Bledsoe, Boyd, Brown, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steel, Taylor, Thomas, Ward, Whitaker and Williams—28.

Those who voted in the negative, are:

Messrs. Blount, Carmichael, Cowper, Davis, Donnell, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Straughn, Turner, Walkup and Worth—16.

Received a message from the House of Commons proposing to raise a joint select committee of three, on the part of the House, and two on the part of the Senate, to take into consideration that part of the Governor's message which relates to the State Geologist and his report, and that they report by bill or otherwise.

Concurred in, and the Commons informed by message that Messrs. Davidson and Donnell constitute the committee on the part of the Senate.

On motion by Mr. Turner,

*Resolved*, That a committee of five be appointed to which shall be referred all bills and resolutions, to amend the constitution of North-Carolina, which shall be designated the committee on constitutional reform.

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

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THURSDAY, NOVEMBER 18, 1858.

Mr. Gilmore presented the petition of the stockholders of the Western Railroad Company, which, on motion, was referred to the committee on internal improvements, and ordered to be printed.

Mr. Flanner presented the pension certificate of Alexander Taylor, which, on his motion, was ordered to be signed by the Speaker of the Senate, and transmitted to the House of Commons.

Mr. Martin offered the following resolution, viz :

WHEREAS, By the adoption of the present rules for the government of the Senate, the resident clergymen of this city are requested to open its daily sittings with prayer; and, whereas further, some misunderstanding may exist with regard to compensating said clergymen. Therefore,

*Resolved*, That the minister or ministers so officiating shall receive no pecuniary compensation whatever.

On motion by Mr. Gorrell, said resolution was laid on the table—yeas 33, nays 12.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cowper, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Mills, Ramsay, Reinhardt, Steele, Straughan, Taylor, Turner, Walkup and Worth—33.

Those who voted in the negative are,

Messrs. Cunningham, Dillard, Guyther, Houston, Humphrey, Lane, Martin, Pitchford, Speight, Ward, Whitaker and Williams—12.

Mr. Lane give notice that he would move to-morrow to amend the rules of the Senate by striking out *Rule 1st*.



Received a message from the House of Commons, transmitting the report of the committee on joint rules, which was read and concurred in, and the House of Commons informed thereof.

Also, a message from the House of Commons, proposing to print in pamphlet form the Constitution of the United States, the Constitution of North-Carolina, the Rules of the Senate, the Rules of the House of Commons, and the joint rules of the two Houses. Concurred in.

Mr. Bledsoe introduced a bill to amend Section 1st of Chapter 28, of the Revised Code, entitled County Revenue and Charges, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

Mr. Humphrey introduced a bill to permit free persons of African descent to choose their own masters and become slaves, which was read the first time and passed; and, on motion by Mr. McDowell, referred to the committee on the judiciary, and ordered to be printed.

Mr. Gilmore introduced a bill to aid in the construction and equipment of the Western Railroad, from Fayetteville to the coalfields, which was read the first time and passed; and, on motion, referred to the committee on internal improvements, and ordered to be printed.

On motion by Mr. Humphrey, the bill concerning free persons of color was referred to the committee on the judiciary.

Received a message from the House of Commons, proposing to raise a joint select committee of five on the part of each House, to take into consideration, that portion of the Governor's message, which relates to military affairs. Concurred in.

Mr. Turner introduced a bill to repeal the 2d clause of the 3d section of the 4th article of the Constitution of North-Carolina; which on motion was referred to the committee on Constitutional reform.

On motion by Mr. Thomas,

*Ordered,* That a message be sent to the House of Commons, proposing to raise a joint select committee, to consist of three on the part of the Senate, and five on the part of the House,

to take into consideration, so much of the Governor's message, as relates to the purchasers of Cherokee lands and other purchasers similarly situated; also the Western Turnpike, and other Turnpike roads, in which the State has been authorized to subscribe stock, west of the Blue Ridge, as well as the bonds and lands appropriated to these objects; and that they report by bill or otherwise such legislation as may be deemed necessary in relation to these subjects.

Received a message from the House of Commons, transmitting the report of the Librarian, with a proposition to print the same. Concurred in.

Also a message informing that Messrs. Norwood, Outlaw, and Baird, form the House branch of the committee on so much of the Governor's message as relates to the State Geologist.

Received a message from the House of Commons, proposing to go forthwith into the election of Secretary of State. The proposition was concurred in, and the House of Commons informed that Messrs. Reinhardt and Worth constitute the Senate branch of the committee to superintend said election.

Received a message from the House of Commons, informing that RUFUS H. PAGE is in nomination for the office of Secretary of State, and that Messrs. Spear and Gardner are appointed a committee to superintend the election on behalf of the Commons.

The Senate under the superintendence of Messrs. Reinhardt and Worth, voted as follows:

For Mr. PAGE.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cunningham, Davidson, Dillard, Dobson, Donnel, Edney, Flanner, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKay, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker, Williams and Worth.—38.

For W. H. HARRISON.—Messrs. Davis, Douthitt, Gorrell, Straughan and Walkup.—5.

For CHARLES B. ROOT.—Messrs. Cowper and Turner.  
Mr. Leach voted for Mr. Lewis.



Mr. Thomas introduced a bill to amend the act of 1836, and to confer the privileges therein provided to be conferred on the Charleston, Cincinnati and Louisville Railroad Company, on the Central, Atlantic and Pacific Railroad Company, which was read the first time and passed, and on motion of Mr. Carnichael ordered to be printed.

Mr. Worth, from the committee appointed to superintend the election of Secretary of State, reported that the whole number of votes cast is 159; that RUFUS H. PAGE received 151 votes; WM. H. HARRISON 5 votes; C. B. ROOT 2 votes, and Mr. LEWIS 1 vote. That Mr. PAGE having received a majority of the whole number of votes given, is duly elected. Report concurred in.

On motion by Mr. Speight, the Senate adjourned until tomorrow morning 11 o'clock.

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FRIDAY, NOVEMBER 19, 1858.

On motion by Mr. Steele,

*Ordered*, That a message be sent to the House of Commons proposing to print, with the rules of order of each House, and the joint rules, a list of the Senators and Members of the House of Commons, with the Districts and Counties which they represent, the standing committees of each House, and the joint standing committees.

Mr. Bledsoe introduced a bill to increase the Sinking Fund, which was read the first time and passed.

Mr. Leach introduced a bill to amend the 53d section of the 99th chapter of the Revised Code so as to provide for a compensation to Justices of the Peace appointed to take the lists of taxable property, which was read the first time and passed; and, on motion, referred to the committee on the judiciary, and ordered to be printed.

On motion by Mr. Gorrell,

*Ordered*, That a message be sent to the House of Commons proposing to add the following committees to the joint stand-

ing committees of the two Houses, in addition to those contained in Rule 12:

- A committee on the Lunatic Asylum,
- A committee on the Deaf and Dumb and Blind Asylum,
- A committee on Military Affairs,
- A committee on Swamp Lands,
- A committee on Cherokee Lands,
- And Western Turnpike.

And that said committees consist of three members on the part of the Senate, and five on the part of the Commons.

Mr. McKoy introduced a bill to alter and amend the 114th chapter of the Revised Code, *entitled* "Usury," which was read the first time and passed, and on motion referred to the committee on the judiciary, and ordered to be printed.

Mr. McDonald introduced a bill to establish a homestead free-hold, which was read the first time and passed, and on motion referred to the committee on the judiciary, and ordered to be printed.

The Speaker announced the following committees, viz:

*On the Judiciary*:—Messrs. Houston, Donnell, Dobson, Gorrell, McKoy, Carmichael and Lankford.

*On Propositions and Grievances*:—Messrs. Lane, Mills, Miller, Douthitt, Basnight, Davis and McDonald.

*On Internal Improvements*:—Messrs. Edney, Ashe, Thomas, Straughn, Ward, Gorrell and Blount.

*On Education and the Literary Fund*:—Messrs. McDowell, Steele, Cunningham, Walkup, Martin, Flanner and McDonald.

*On Claims*:—Messrs. Davidson, Ramsay, Reinhardt, Blount, Whitaker, Leach and Battle.

*On Corporations*:—Messrs. Humphrey, Speight, Taylor, Turner, Williams, Dillard and Dobson.

*On Privileges and Elections*:—Messrs. Steel, McKoy, Blount, Miller, Gilmore, Taylor and Boyd.

*On Banks and Currency*:—Messrs. Brown, Bledsoe, Thomas, Guyther, Carmichael, Reinhardt and Cowper.

*On Constitutional Reform*:—Messrs. Turner, Bledsoe, Donnell, Pitchford and McDowell.

The Speaker announced that Messrs. Boyd, Bledsoe, Worth,



Steele, Cowper, Leach, Mills and Flanner, constitute the Senate branch of the joint committee on Finance, and the House of Commons were informed thereof by message.

In pursuance of notice given on yesterday, Mr. Lane moved to rescind Rule 1st of the rules of order, for the government of the Senate, authorizing the Speaker to have the daily sessions of the Senate opened with prayer. The question being taken thereon, was determined in the negative: yeas 21, nays 23.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Boyd, Brown, Cunningham, Dillard, Dobson, Guyther, Houston, Humphrey, Lane, Martin, Mills, Pitchford, Speight, Taylor, Turner, Whitaker, Williams and Worth—21.

Those who voted in the negative, are:

Messrs. Bledsoe, Blount, Carmichael, Cowper, Davidson, Davis, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Ramsay, Reinhardt, Steele, Straughn and Walkup.—23.

Mr. Ashe gave notice that on to-morrow, or some succeeding day, he would introduce a resolution to pay the pastor or pastors who may officiate under Rule 1st, of the rules of order for the government of the Senate.

Received a message from the House of Commons proposing to go forthwith into the election of Comptroller of State. Concurred in; and the House of Commons informed that Messrs. Battle and Cowper constitute the committee to superintend said election, on the part of the Senate.

A message was received from the House of Commons informing that Messrs. Hill, of Stokes, and Dockery constitute the committee, on the part of the House, to superintend the election for Comptroller of State, and that CURTIS H. BROGDEN and NATHAN A. RAMSAY are in nomination for the office.

The Senate, under the superintendence of Messrs. Battle and Cowper, then voted as follows, viz:

FOR MR. BROGDEN.—Messrs. Speaker, Ashe, Basnight, Bat-

tle, Bledsoe, Boyd, Brown, Cowper, Cuninghame, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Whitaker and Williams.—31.

For Mr. RAMSAY.—Messrs. Blount, Carmichael, Davis, Donnell, Douthitt, Flanner, Gorrell, McDonald, Miller, Ramsay, Straughan and Walker—12.

Mr. Turner voted for Mr. COLLINS.

Received a message from the House of Commons, concurring in the proposition of the Senate to print the list of members, &c., with the Constitution, Rules of Order, &c.

Also a message concurring in the proposition of the Senate to add the following committees to the joint standing committees of the two Houses, in addition to those contained in Rule 12, viz:

A committee on the Lunatic Asylum;

A committee on the Deaf and Dumb and Blind Asylum;

A committee on Military Affairs;

A committee on Swamp Lands; and

A committee on Cherokee Lands and Western Turnpikes.

Received a message, informing that the House of Commons concur in the proposition of the Senate to raise a joint select committee on that part of the Governor's message, which relates to purchasers of Cherokee Lands and Western Turnpikes, &c.

Mr. Turner moved that a message be sent to the House of Commons, proposing to go forthwith into the election of United States Senator.

Mr. Houston moved a call of the Senate, and it being ascertained that a majority of Senators were present, the call was dispensed with.

Mr. Houston then moved to lay the motion to send a message on the table, which was determined in the affirmative—yeas 24, nays 15.

Mr. McDonald demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Basnight, Bledsoe, Boyd, Brown, Cunningham,



Davidson, Dobson, Edney, Gilmore, Guyther, Houston, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Whitaker and Williams—24.

Those who voted in the negative are :

Messrs. Blount, Carmichael, Davis, Donnell, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth—15.

On motion by Mr. Houston,

1. *Resolved*, That so much of the Governor's message as relates to a deficiency in the revenue and sinking fund, be referred to the committee of finance.

2. *Resolved*, That so much of said message as relates to common schools and the literary fund, be referred to the committee on education.

3. *Resolved*, That so much of said message as relates to railroads, turnpikes and water navigation, be referred to the committee on internal improvements.

4. *Resolved*, That so much of said message as relates to banks, be referred to the committee on banking.

5. *Resolved*, That so much of said message as relates to the creation of an additional judicial circuit, and the distribution of the Revised Code, be referred to the committee on the judiciary.

6. *Resolved*, That so much of said message as relates to the militia of the State, be referred to the joint standing committee on military affairs; and that each of said committees shall report by bill or otherwise.

On motion by Mr. Houston,

*Ordered*, That the foregoing resolutions be printed.

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

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SATURDAY, 20<sup>TH</sup> NOVEMBER, 1858.

Mr. Boyd introduced a resolution concerning the distribution of the Revised Code, which was read the first time and passed; and, on motion of Mr. Donnell, referred to the committee on the judiciary.

Mr. Cowper, from the committee appointed to superintend the election for Comptroller of State, reported that the whole number of votes cast was 157. That C. H. BROGDEN received 118 votes, N. A. RAMSAY, 38 votes, and Mr. COLLINS, 1 vote. That Mr. Brogden having received a majority of the whole number of votes given, is duly elected. Report concurred in.

Mr. Donnell introduced a bill to amend the 15th section of 119th chapter of the Revised Code of North Carolina, which was read the first time and passed ; and, on motion, referred to the committee on the judiciary.

Mr. Bledsoe introduced a bill to incorporate the Raleigh Gas Light Company, which was read the first time and passed ; and, on motion, referred to the committee on corporations and ordered to be printed.

Mr. Davidson introduced a bill to repeal the 37th section of the 61st chapter of the Revised Code, which was read the first time and passed ; and, on motion, referred to the committee on internal improvements.

Mr. Turner moved that a message be sent to the House of Commons proposing to vote forthwith for a United States Senator.

Mr. Edney moved to lay said motion on the table ; and the question being taken thereon, it was determined in the affirmative—yeas 27, nays 15.

Mr. McDonald demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Gnyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Whitaker and Williams—27.

Those who voted in the negative, are :

Messrs. Blount, Carmichael, Cowper, Davis, Donnell, Donthitt, Flanner, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth—15.

On motion, by Mr. Turner, leave was granted to withdraw



from the archives of the Senate the petition of Samuel Morphis.

Mr. Flanner introduced a bill to incorporate the Newbern Light Infantry, which was read the first time and passed. Mr. Flanner moved a suspension of the rules, that said bill might be put upon its second reading. Not agreed to.

The bill, on his motion, was then referred to the committee on corporations.

Mr. McDonald introduced a resolution requiring the Legislature to provide means for the payment of its appropriations, which was read the first time and passed.

Mr. Ramsay, moved a suspension of the rule, that said resolution might be put upon its second reading; not agreed to.

Mr. Donnell introduced a bill to encourage the planting of oysters and clams; which was read the first time and passed, and on motion, referred to the committee on the judiciary and ordered to be printed.

On motion by Mr. Steele, a committee on Agriculture was added to the standing committees of the Senate.

Mr. Ramsay<sup>†</sup> moved that a message be sent to the House of Commons, proposing to go forthwith into the election of a United States Senator, to fill the unexpired term of the Hon. Asa Biggs.

Mr. Lane moved to lay said motion on the table. And the question being taken thereon, it was determined in the affirmative—yeas 27, nays 15.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Witaker and Williams —27.

Those who voted in the negative are:

Messrs. Bloant, Carmichael, Cowper, Davis, Donnell, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth.—15.

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

Commons, proposing to go forthwith into the election of a United States Senator for the term of six years, commencing on the 4th of March next.

Mr. Martin moved that the Senate adjourn until Monday morning, 10 o'clock; not agreed to—yeas 16, nays 24.

Mr. Ramsay demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bledsoe, Boyd, Brown, Davidson, Dobson, Leach, Martin, McDowell, Mills, Pitchford, Reinhardt, Speight, Taylor, Whitaker and Williams.—16.

Those who voted in the negative are:

Messrs. Blount, Carmichael, Cowper, Cunningham, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Gilmore, Guyther, Houston, Lane, Lankford, McDonald, McKoy, Miller, Ramsay, Steele, Straughan, Turner, Walkup and Worth.—24.

So the Senate refused to adjourn.

The question now recurred on the motion of Mr. Turner, to send a message to the House, proposing to go forthwith into the election for a Senator of the United States for six years.

Mr. Edney moved to lay the motion on the table; which was carried—yeas 27, nays 15.

Mr. Edney demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Whitaker and Williams.—27.

Those who voted in the negative are:

Messrs. Blount, Carmichael, Cowper, Davis, Donnell, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth.—15.

On motion by Mr. Steele, the Senate adjourned until Monday morning, 11 o'clock.



MONDAY, NOVEMBER 22, 1858.

John Pool, the Senator elect from the counties of Pasquotank and Perquimans, (being the first senatorial district,) appeared, exhibited his credentials, was qualified, and took his seat.

On motion by Mr. Steele,

*Resolved*, That the committee on finance be instructed to enquire into the expediency of so amending the law relating to the mode of taking the lists of taxable property, as to confer upon the county court the power to appoint others than justices of the peace for that purpose, and that they report by bill or otherwise.

On motion by Mr. Martin,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of altering the present mode of voting by ballot, in all elections by the people of this State, and consider the propriety of recommending the mode of voting *viva voce* in lieu thereof, and that they report by bill or otherwise.

On motion by Mr. Bledsoe,

*Resolved*, That the committee on finance be instructed to enquire into the expediency of reporting a revenue bill on the *ad valorem* principle, embracing as far as may be done consistently with the Constitution and the interest of the people, the entire property of the State; and a capitation and specific tax upon such persons, property, &c., as are not the legitimate subjects of taxation, *ad valorem*.

On motion by Mr. Steele,

*Resolved*, That the committee on finance be instructed to enquire into the propriety of so amending the laws relating to county revenue as to change the time when said taxes shall be due and collected by the sheriffs, and fix it at such period as shall better suit the convenience of the tax payers of the State, and that they report by bill or otherwise.

Mr. Brown introduced a bill to incorporate the Milton & Yanceyville Junction Railroad Company, which was read

the first time and passed; and, on motion, referred to the committee on internal improvements.

Mr. Lankford introduced a bill providing for the election of Clerks & Masters in Equity by the people, which was read the first time and passed; and, on motion, referred to the committee on the judiciary, and ordered to be printed.

Mr. Houston introduced a bill to create and establish courts of pleas, and for other purposes, which was read the first time and passed; and, on motion, referred to the committee on the judiciary, and ordered to be printed.

Received a message from the House of Commons, informing that their branch of the joint committee on finance consists of Messrs. Fries, Morehead, Bridgers, Thompson, Leak, Haywood, Smith and Bryan, of New Hanover.

That Messrs. Simpson, Dargan, Fagg, Whitfield and Roney, constitute the House branch of the committee on military affairs.

That the House branch of the joint committee on Cherokee Lands, and Western Turnpikes consists of Messrs. Bryson, Stanford, Walker, Dula and Thornburg.

That Messrs. Speight, Sparrow, Watson, Farrow and Stephens, constitute the house branch of the committee on Swamp Lands.

That the House branch of the joint committee on the Deaf and Dumb, and Blind Asylum, consists of Messrs. Love, Cox of Jones, Spear, Kirby and Eller.

And that Messrs. Williams, Wallace, Craven, Blount and Burns, constitute the House branch of the committee on the Lunatic Asylum.

Whereupon, the Speaker announced that the Senate branch of the joint committee on military affairs consists of Messrs. Martin, Edney, Carmichael, Walkup and Davidson.

That Messrs. Ramsay, Humphrey and Mills, constitute the Senate branch of the joint committee on the Deaf and Dumb and Blind Asylum.

That the Senate branch of the joint committee on the Lunatic Asylum consists of Messrs. Pitchford, Worth and Steele.



That Messrs. Humphrey and Flanner, constitute the Senate branch of the joint committee on public buildings and grounds.

That the Senate branch of the joint committee on Cherokee Lands and Western Turnpikes, consists of Messrs. Thomas, Walkup and Dobson.

And that Messrs. Pool, McKoy and Donnell, constitute the Senate branch of the joint committee on the Library.

Mr. Humphrey, from the joint select committee, to whom was referred a resolution on the subject, reported a bill for erecting gas fixtures in the Capitol, which was read the first time and passed.

The bill to abolish the freehold qualification of jurors was now taken up, and on motion by Mr. Carmichael, referred to the committee on the judiciary.

The Senate now took up the resolution requiring the Legislature to provide means for the payment of its appropriations, which, on motion Mr. Steele, was referred to the committee on finance.

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

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TUESDAY, 23RD NOVEMBER, 1858.

Thomas J. Person, the Senator elect from the county of Northampton, (being the 5th Senatorial District,) appeared without his credentials, and satisfactory evidence of his election being adduced to the Senate, on motion, he was permitted to qualify and take his seat.

On motion by Mr. Humphrey :

*Resolved*, That the committee on propositions and grievances be instructed to enquire into the expediency of keeping up the common public highways by taxation, and that they be requested to report by bill or otherwise.

On motion by Mr. Edney :

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of repealing the en-

tire militia law of North Carolina, and that they report the result of their enquiries at as early a day as convenient.

Mr. Bledsoe introduced the following resolution, which lies over one day under the rule, viz :

*Resolved*, That the Speaker be authorized to add to any of the committees of the Senate those Senators who have taken their seats since the arrangement of said committees.

The bill for erecting gas-fixtures in the Capitol was now taken up, read the second time and rejected.

The bill to increase the sinking fund was taken up ; and, on motion of Mr. Bledsoe, referred to the committee on finance.

On motion of Mr. Bledsoe, the bill to amend section 1st, chapter 28th, of the Revised Code, entitled "Comnty Revenue and Charges," was now taken up and ordered to be printed.

On motion by Mr. McDowell :

*Ordered*, That a message be sent to the House of Commons proposing to go forthwith into the election of a United States Senator, for six years from and after the 4th of March next.

Mr. Gilmore introduced the following resolutions, viz :

*Resolved unanimously*, That the General Assembly of the State of North Carolina hereby approve the Naval Commission, by which the coal fields on Deep river were recently examined by Com. Wilkes and others, in reference to a suitable location for government machine shops for the manufacture of machinery for the United States Navy.

*Resolved further*, That should the report of said commissioners be favorable to said location, that our Senators in Congress are hereby instructed, and our Representatives requested, to use all proper means for the speedy establishment of the same ; and to press upon the attention of government the practicability and advantage of establishing a national foundry at the coal fields on Deep river.

On motion of Mr. Ashe, said resolutions were ordered to be laid on the table.

On motion by Mr. Thomas, the Senate now took up the bill to amend the act of 1836, and to confer the privileges therein provided to be conferred on the Charleston, Cincinnati &



Louisville Railroad Company on the North Carolina Central, Atlantic & Pacific Railroad Company; which, on motion, was referred to the committee on banks and currency.

Mr. Thomas introduced a bill to complete and amend the acts of 1854-'55, 1856-'57, in relation to the Western North-Carolina Railroad, which was read the first time and passed; and, on motion by Mr. Dobson, referred to the committee on internal improvements.

Also, a bill to incorporate the Tennessee Bridge Company, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

Also, a bill to amend the act of 1783, relating to the Cherokee Indians, and to secure to the widow and children of Chunaluska a home, which was read the first time and passed; and, on motion by Mr. Edney, referred to the committee on the judiciary.

Received a message from the House of Commons, concurring in the proposition of the Senate that the two Houses go forthwith into the election of a United States Senator for six years, after the 4th of March next, informing that THOMAS BRAGG is in nomination for the appointment, and that Messrs. Love and Chambers are the House branch of the committee to superintend said election; whereupon a message was sent to the House of Commons, informing that Messrs. Person and Gorrell are appointed the committee to superintend said election on the part of the Senate, and that the Senate would proceed to vote on the return of the messenger.

The Senate, under the superintendence of Messrs. Person and Gorrell, then voted as follows:

For Mr. BRAGG.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Williams—32.

For GEORGE E. BADGER.—Messrs. Blount, Davis, Donnell, Douthitt, Flanner, Gorrell, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth—13.

Messrs. Cowper and Pool voted for KENNETH RAYNER.

Mr. Carmichael voted for WM. A. GRAHAM.

Mr. Thomas introduced a bill to amend an act entitled an act to amend an act to incorporate the "Tuckasege & Nantahala Turnpike Company," passed at the session of 1856-'57, which was read the first time and passed; and, on motion by Mr. Dobson, referred to the committee on internal improvements.

A message was received from the House of Commons, transmitting a message from his Excellency, the Governor, which was read.

The same message transmitted a report from the President and Directors of the Deaf and Dumb and Blind Asylum, with a proposition to print the same, which was agreed to.

Received a message from the House of Commons, proposing to go forthwith into the election for a United States Senator to fill the vacancy caused by the resignation of the Hon. Asa Biggs.

The proposition was agreed to, and a message sent to the House of Commons, informing that the Senate branch of the committee to superintend the election on the part of the Senate, consists of Messrs. Dobson and Miller.

Received a message from the House of Commons, informing that THOMAS L. CLINGMAN and WM. A. GRAHAM, are in nomination. That Messrs. Green of Franklin, and Henry of Bertie are the House branch of the committee to superintend said election, and that the House would proceed to vote on the return of the messenger.

The Senate under the superintendence of Messrs. Dobson and Miller, then voted as follows, viz :

For Mr. CLINGMAN.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Williams.—30.

For Mr. GRAHAM.—Messrs. Blount, Carmichael, Davis,



Donnell, Douthitt, Flanner, Gorrell, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth.—14.

Mr. Cowper voted for Mr. Rayner.

Mr. Person, from the committee appointed to superintend the election of a United States Senator for six years from and after the 4th of March next, reported that the whole number of votes is 162. That THOMAS BRAGG received 113 votes, GEORGE E. BADGER, 20 votes, and that there were sundry scattering votes; that THOMAS BRAGG, having received a majority of the whole number of votes given, is duly elected—report concurred in.

Mr. Donnell introduced a bill to enlarge the powers of married women over their estates in certain cases, which was read the first time and passed; and on motion referred to the committee on the judiciary.

Received a message from the House of Commons, proposing to go forthwith into the election of a Judge of the first Judicial Circuit. The proposition was concurred in, and a message sent to the House of Commons, informing that the Senate branch of the committee to superintend the election, consists of Messrs. Lankford and Pool.

A message was received from the House of Commons, informing that Messrs. Moore of Chatham, and Purdie constitute the House branch of the committee to superintend said election. That R. R. HEATH and W. H. N. SMITH, are in nomination for the office, and that the Commons would proceed to vote on the return of the messenger.

The Senate under the superintendence of Messrs. Lankford and Pool then voted as follows, viz:

For Mr. HEATH.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Donnell, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Williams.—33.

For Mr. SMITH.—Messrs. Blount, Carmichael, Cowper, Davis, Douthitt, Flanner, Gorrell, McDonald, Pool, Ramsay, Straughan, Turner, Walkup and Worth.—14.

Mr. Miller voted for Anderson Mitchell.

Mr. Dobson from the committee appointed to superintend the election for a Senator of the United States, to fill the vacancy caused by the resignation of Hon. ASA BIGGS reported, that the whole number of votes cast, was 159. That THOMAS L. CLINGMAN received 108 votes; WM. A. GRAHAM, 47 votes; scattering 4 votes. That THOMAS L. CLINGMAN, having received a majority of the whole number of votes given, is duly elected—report concurred in.

Received a message from the House of Commons proposing to go forthwith into the election of a Judge for the 5th Judicial Circuit. The proposition was concurred in, and a message sent to the House of Commons informing that the Senate branch of the Committee to superintend said election consist of Messrs. Gilmore and Davis.

A message was received from the House of Commons informing that JESSE G. SHEPHERD and ANDERSON MITCHELL are in nomination for Judge of the 5th Judicial Circuit; that Messrs. Shaw and Martin constitute the House branch of the committee to superintend said election, and that the House would proceed to vote on the return of the messenger.

The Senate, under the superintendence of Messrs. Gilmore and Davis, then voted as follows, viz:

For Mr. SHEPHERD.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Dillard, Dobson, Donnell, Edney, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth—37.

For Mr. MITCHELL.—Messrs. Blount, Carmichael, Davis, Douthitt, Flanner, Miller, Pool and Ramsay—8.

Mr. Turner voted for Mr. Gilliam.

Mr. Lankford, from the committee appointed to superintend the election of Judge of the 1st Judicial Circuit, reported, that the whole number of votes cast is 161: that R. R. HEATH received 114 votes, W. H. N. SMITH 47 votes; that R. R.



HEATH having received a majority of the whole number of votes given, is duly elected. Report concurred in.

Mr. Thomas introduced a bill to complete the charter of the Western North-Carolina Railroad, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

Received a message from the House of Commons proposing to go immediately into the election for a Solicitor of the 2nd Judicial Circuit. Concurred in, and the House informed thereof by message, that Messrs. Lane and Ramsay, form the Senate branch of the committee, to superintend the election.

Received a message from the House of Commons, informing that Messrs. Simpson and Windley constitute the House branch of the committee to superintend the election for Solicitor of the 2nd Judicial Circuit, that Wm. J. Houston and Thos. Sparrow are in nomination for the appointment, and that the Commons would proceed to vote on the return of the messenger.

The Senate, under the superintendence of Messrs. Lane and Ramsay, then voted as follows, viz :

For Mr. Houston—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Carmichael, Cowper, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore; Guyther, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Miller, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Ward, Whitaker, Williams and Worth—37.

For Mr. Sparrow.—Messrs. Blount, Davis, Donnell, Douthit, Flanner, Gorrell, McDonald, Pool, Turner and Walkup—10.

Mr. Houston voted for Mr. George Green.

Received a message from the House of Commons proposing forthwith to go into the election for Solicitor of the 5th Judicial Circuit. Concurred in, and the Commons informed by message that Messrs. McDowell and Carmichael constitute the Senate branch of the committee to superintend said election.

Received a message from the House of Commons informing that Robert Strange and Thomas Fuller are in nomination for

Solicitor of the 5th Judicial Circuit; that the House branch of the committee to superintend the election, consists of Messrs. Lewis, and Gaither of Iredell, and that the House of Commons would proceed to vote on the return of the messenger.

The Senate, under the superintendence of Messrs. McDowell and Carmichael, then voted as follows, viz :

For Mr. STRANGE.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Walkup, Ward, Whitaker and Williams—35.

For Mr. FULLER.—Messrs. Blount, Carmichael, Douthit, McDonald, Miller, Pool and Straughan—7.

Mr. Turner voted for L. C. Edwards.

Mr. Davis, from the committee appointed to superintend the election for a Judge of the 5th Judicial Circuit, reported that the whole number of votes cast was 158; that Jesse G. Shepherd received 117 votes, and Anderson Mitchell 38 votes; that Jesse G. Shepherd having received a majority of the whole number of votes given, is duly elected. Report concurred in.

Mr. Lane, from the committee appointed to superintend the election of Solicitor of the 2nd Judicial Circuit, reported that the whole number of votes cast was 159; that W. J. Houston received 116 votes, and Thomas Sparrow 42 votes, and Geo. Green one vote; that W. J. Houston having received a majority of the whole number of votes given, is duly elected. Report concurred in.

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

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WEDNESDAY, 24TH NOVEMBER, 1858.

Mr. Humphrey, from the committee on corporations, to whom was referred the bill to incorporate the Newbern Light Infantry Company, reported the same back to the Senate and recommended its passage.



Mr. Worth, from the committee on finance, to whom was referred the report of the Public Treasurer, reported that the committee had examined the books of his office and find them to agree with his report.

Also, that they have examined his deposit account in the banks and find it to correspond with his report.

Mr. Thomas, from the committee on internal improvements, to whom was referred the bill to incorporate the Tennessee Bridge Company, reported the same back to the Senate and recommended its passage.

Mr. Houston, from the committee on the judiciary, to whom was referred the bill proposing to abolish the freehold qualification of jurors, reported the same back to the Senate and recommend that it do not pass.

Mr. Houston, from the same committee, to whom was referred the bill to amend the 54th section of the 99th chapter of the Revised Code, so as to provide for a compensation to justices of the peace, appointed to take the list of taxable property, reported the same back to the Senate, with amendments.

Mr. McDowell, from the committee appointed to superintend the election of Solicitor for the 5th Judicial Circuit, reported that the whole number of votes cast was 150; that Robert Strange received 113 votes; Thomas Fuller 36 votes, and L. C. Edwards 1 vote. That Robert Strange having received a majority of the whole number of votes given, is duly elected. Report concurred in.

On motion by Mr. Cunningham,

*Ordered*, That a message be sent to the House of Commons proposing that when the two Houses adjourn to-day, they adjourn to 10 o'clock on Friday next.

Mr. Davis introduced a resolution in favor of Joseph Marshall, Sheriff of Stanly county, which was read the first time and passed; and, on motion, referred to the committee on claims.

On motion by Mr. Bledsoe,

*Ordered*, That a message be sent to the House of Commons proposing to raise a joint select committee of two from

the Senate and three from the House, to take into consideration that portion of the Governor's message which refers to the non-payment of the dividends on the preferred stock of the State in the North Carolina Central Railroad Company.

Received a message from the House of Commons, proposing to go forthwith into the election of a Solicitor of the 4th Judicial Circuit; the proposition was concurred in, and a message sent to the House of Commons, informing that Messrs. Taylor and Straughan form the Senate branch of the committee to superintend said election.

Received a message from the House of Commons, informing that THOMAS RUFFIN, JR., and JAMES A. LONG are in nomination for the appointment; that Messrs. Hutchins and Woodfin constitute the House branch of the committee to superintend the election, and that the House would proceed to vote on the return of the messenger.

The Senate then voted as follows, to wit:

FOR THOMAS RUFFIN.—Messrs. Speaker, Ashe, Basnight, Battle, Bledsoe, Blonnt, Boyd, Brown, Davidson, Dillard, Dobson, Donnell, Edney, Gilmore, Guyther, Houston, Humphrey, Lankford, Leach, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Worth—34.

FOR JAMES A. LONG.—Messrs. Carmichael, Cowper, Davis, Douthitt, Flanner, Gorrell, McDonald, Miller, Pool, Straughan and Walkup—11.

The resolutions approving the naval commission of the United States, appointed to examine the coal fields and for other purposes, were now called up and adopted.

On motion by Mr. McKoy,

*Ordered*, That said resolutions be printed.

Mr. Carmichael introduced a bill to amend an act entitled an act to improve the road from Reddie's river to the Tennessee line, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

Mr. Edney introduced a bill to appoint a tax collector for the several counties in this State and for other purposes, which



was read the first time and passed ; and, on motion, referred to the committee on the judiciary.

Mr. Davidson introduced a bill to emancipate Crese, a slave, which was read the first time and passed ; and, on motion, referred to the committee on propositions and grievances.

A message was sent to the House of Commons informing that Messrs. Ward, Flanner and Basnight constitute the Senate branch of the committee on swamp lands.

Received a message from the House of Commons stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz :

A bill to repeal an act entitled an act to change the time of holding the Courts of Pleas and Quarter Sessions for Chowan county, passed at the session of 1856-'7, which was read the first time and passed ; and, on motion of Mr. Dillard, the rule was suspended, and said bill was read the second and third times, passed, and ordered to be enrolled.

A bill to revive an act passed at the session of 1848-'49, entitled "an act to authorize William R. Abbott to cut a canal and make a road thereon," which was read the first time and passed ; and, on motion by Mr. McDonald, referred to the committee on internal improvements. And,

A bill to extend the time for registering grants, deeds and other conveyances, which was read the first time and passed ; and, on motion by Mr. McDowell, the rule was suspended, and said bill read the second and third times, passed, and ordered to be enrolled.

Received a message from the House of Commons informing that the House branch of the committee on the library consists of Messrs. Moore, of Chatham, Outlaw and Shaw ;

And that Messrs. R. K. Bryan, Simonton and Bullock constitute the House branch of the committee on public grounds and buildings.

Also, a message concurring in the proposition of the Senate to adjourn over until Friday next.

Mr. Straughan, from the committee appointed to superintend the election for Solicitor in the 4th Judicial Circuit, reported that the whole number of votes cast was 150 ; that

THOS. RUFFIN, Jr., received 109 votes, and J. A. LONG 41 votes; that THOMAS RUFFIN, Jr., having received a majority of the votes given, is duly elected. Report concurred in.

A message was received from the House of Commons proposing to go forthwith into the election for a Treasurer of State. Concurred in, and the House of Commons informed by message, that Messrs. Boyd and Walkup constitute the Senate branch of the committee to superintend said election.

Received a message from the House of Commons informing that Messrs. Leak and Roney form their branch of the committee to superintend the election for Public Treasurer, that DANIEL W. COURTS is in nomination for the appointment, and that the Commons would proceed to vote upon the return of the messenger.

The Senate then voted as follows, viz:

For Mr. COURTS.—Messrs. Speaker, Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Walkup, Whitaker and Worth—42.

Mr. Turner voted for Geo. W. Mordecai.

The Speaker announced that the committee on agriculture, consists of Messrs. Steele, Boyd, Whitaker, Blount, Reinhardt, Taylor, and Davis. Mr. Steele asked to be excused from serving on said committee—not agreed to.

The resolution, authorizing the Speaker to add to any of the committees of the Senate, those Senators who have taken their seats since the arrangements of said committees, was now taken up and agreed to.

On motion by Mr. Thomas, the bill to incorporate the Tennessee Bridge Company was now taken up, read the second time, amended and passed.

On motion by Mr. Thomas, the rule was suspended, and said bill read the third time, passed and ordered to be engrossed.



Received a message from the House of Commons, proposing to go forthwith into the election for two Engrossing Clerks. The proposition was agreed to and the Commons informed by message that Messrs. Guyther and Douthitt, form the Senate branch of the committee to superintend said election.

Received a message from the House of Commons informing that Messrs. Tomlinson and Taylor, form the House branch of the committee, to superintend the election for two Engrossing Clerks. That Messrs. CALEB HILL, JAMES WARD and JOSEPH SMALL, are in nomination, and that the Commons would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz :

For CALEB HILL.—Messrs. Speaker, Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gilmore, Guyther, Houston, Humphrey, Lankford, Leach, Martin, McDowell, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Walkup, Whitaker and Worth.—39.

For JAMES WARD.—Messrs. Speaker, Ashe, Basnight, Battle, Boyd, Brown, Cowper, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Thomas and Witaker.—28.

For JOSEPH SMALL.—Messrs. Blount, Carmichael, Davis, Douthitt, Flanner, Leach, McDonald, Miller, Straughan, Taylor, Walkup and Worth.—12.

Mr. Turner voted for Moore and Smith.

Mr. Boyd from the committee appointed to superintend the election for Treasurer of the State, reported that the whole number of votes cast was 145. That DANIEL W. COURTS received 139; C. L. HINTON, 5 votes, and GEO. W. MORDECAI, one vote. That DANIEL W. COURTS having received a majority of the whole number of votes given is duly elected—report concurred in.

On motion by Mr. McDowell, the Senate adjourned until Friday morning 11 o'clock.

FRIDAY, 26<sup>TH</sup> NOVEMBER, 1858.

Mr. Edney, from the committee on Internal Improvements, to whom was referred the bill to repeal the 37th Section of the 61st Chapter of the Revised Code, reported the same back to the Senate and recommended that it do not pass.

On motion by Mr. Cunningham,

*Ordered*, That a message be sent to the House of Commons proposing to raise a joint select committee of one on behalf of the Senate and two on behalf of the Commons, to make necessary arrangements for comparing the votes polled for Governor, at the election in August last.

Mr. Boyd introduced a bill to provide for marking and running the dividing line between the States of North Carolina and Virginia, which was read the first time and passed, and on motion was referred to the committee on the judiciary.

Mr. Thomas introduced a bill to authorize the county courts to abolish or establish jury trials, which was read the first time and passed, and on motion, referred to the committee on the judiciary.

A message was sent to the House of Commons, informing that the Senate has passed the following engrossed bill and resolution, in which it asks the concurrence of that body, viz: "A bill to incorporate the Tennessee Bridge Company;" and "A resolution approving the Naval Commission of the United States, appointed to examine the Coalfields, and for other purposes."

Mr. Houston introduced a bill to provide for the procurement of evidence against owners, keepers and dealers of Faro Banks, and Faro Tables, which was read the first time and passed.

Mr. Houston moved that the rule be suspended, that said bill might be put on its second reading, which motion was carried, and the bill being read the second time,

Mr. Steele moved to amend the same by adding after the words "*Faro Banks*," the words "Rolette Tables."

Mr. Turner moved to amend the amendment by adding the words "and *Vingt-un*," which was not carried.



Mr. Pool moved to amend the amendment by striking out the words "*Faro Banks*," and insert "*Tables prohibited by the 34th Chapter of the Revised Code*," which amendment was agreed to, and the bill passed its second reading as amended.

Whereupon, on motion of Mr. Carmichael, the bill was referred to the committee on the judiciary.

Received a message from the House of Commons concurring in the proposition of the Senate to raise a joint select committee of one on the part of the Senate, and two on the part of the Commons, to make arrangements for comparing the votes polled for Governor at the election in August last, and informing that Messrs. Scales and T. R. Caldwell constitute the committee on the part of the House. Whereupon, a message was sent to the House of Commons, informing that Mr. Cunningham is appointed the committee on behalf the Senate.

Also, a message concurring in the proposition of the Senate to raise a joint select committee on that part of the Governor's message which relates to the *non*-payment of the dividends on the preferred stock of the State in the North Carolina Railroad Company, and informing that Messrs. Ransom, Morehead, and Moore of Chatham, constitute the committee on the behalf of the Commons.

Whereupon a message was sent to the House of Commons, informing that Messrs. Bledsoe and Leach constitute the committee on behalf of the Senate.

Received a message from the House of Commons, transmitting a message from his Excellency, the Governor, with accompanying documents concerning the erection of a monument in Independence Square, Philadelphia, proposing to raise a joint committee of two on the part of the House and one on the part of the Senate, to consider the same; and further, that said message and documents be printed.

On motion by Mr. Thomas,

*Ordered*, That said message be laid on the table.

Mr. Thomas introduced a bill to amend an act entitled "an act to amend an act to incorporate the Cheowee Turnpike Company," passed at the session of 1856-'57, which was read

the first time and passed; and, on motion, referred to the committee on Cherokee Lands and Western Turnpikes.

Also, a bill to incorporate the Tuckasege & Keowee Turnpike Company, which was read the first time and passed; and, on motion, referred to the committee on Cherokee Lands and Western Turnpikes.

The Speaker announced that Mr. Pool was added to the committee on internal improvements and the judiciary; and

That Mr. Person was added to the committee on propositions and grievances and education and the literary fund.

Mr. Guyther, from the committee appointed to superintend the election for two Engrossing Clerks, reported that the whole number of votes cast was 143; necessary to a choice 72; that CALEB HILL received 115 votes, JAMES WARD 95 votes, JOSEPH SMALL 47 votes, and Mr. BROWN 29 votes; that Messrs. HILL and WARD having each received a majority of the whole number of votes given, are duly elected. Report concurred in.

Mr. Edney, from the committee on internal improvements, to whom was referred a bill to amend an act entitled an act to improve the road from Reddie's river to the Tennessee line, reported the same back to the Senate and recommended its passage.

The bill to abolish the freehold qualification for jurors, was read the second time and rejected.

On motion by Mr. Houston, the vote by which said bill was rejected was reconsidered; and, after debate, the question recurred on the passage of the bill on its second reading; the same was determined in the negative—ayes 14, nays 26.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Bledsoe, Brown, Davis, Douthitt, Gilmore, Guyther, Humphrey, Leach, McDonald, Miller, Pool, Ramsay, Straughan and Turner—14.

Those who voted in the negative, are:

Messrs. Blount, Boyd, Carmichael, Cowper, Cunningham, Davidson, Dillard, Dobson, Donnell, Edney, Gorrell, Houston, Lankford, Martin, McDowell, Mills, Person, Pitchford, Rein-



hardt, Steele, Thomas, Walkup, Ward, Whitaker, Williams and Worth—26.

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

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SATURDAY, 27TH NOVEMBER, 1858.

Mr. Donnell, from the committee on the judiciary, to whom was referred the bill to amend the 15th section of the 119th chapter of the Revised Code, reported the same back to the Senate and recommended its passage.

Mr. Donnell, from the same committee, to whom was referred the bill to encourage the planting of oysters and clams, reported the same back to the Senate and recommended its passage.

Mr. Gorrell, from the same committee, to whom was referred the bill to appoint a tax collector for the several counties in this State, and for other purposes, reported the same back to the Senate and recommended that it do not pass.

Mr. Carnichael, from the same committee, to whom was referred the bill to provide for the procurement of evidence against owners, keepers and dealers of Faro Banks and Faro Tables, reported the same back to the Senate with amendments.

Mr. Dobson, from the same committee, to whom was referred the bill to authorize the County Courts to abolish or establish jury trials, reported the same back to the Senate and recommended that it do not pass.

Mr. Dobson, from the same committee, to whom was referred the bill providing for the elections of Clerks and Masters in Equity by the people, reported the same back to the Senate and recommended that it do not pass.

Mr. Houston, from the same committee, to whom was referred the resolution in favor of adopting the *viva voce* mode of voting, reported the same back to the Senate and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Thomas, from the joint select committee to whom was referred the bill to amend an act entitled an act to amend an act to incorporate the Cheowee Turnpike Company, passed at the session of 1856-'57, reported the same back to the Senate and recommended its passage.

Mr. Cunningham, from the committee appointed to make the necessary arrangements for counting the votes polled for Governor at the election in August last, reported the following resolution, viz :

*Resolved*, That the two Houses of the General Assembly will assemble in the Hall of the House of Commons, on Monday the 29th day of November, A. D. 1858, at 12 o'clock, and the Speaker of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes polled for Governor of the State at the late election, 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 the state of the vote and the person elected, which 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. Which was read and adopted, and ordered to be sent to the House of Commons for their concurrence.

Mr. Turner introduced the following preamble and resolution, viz :

WHEREAS, The Executive branch of the Federal Government by reason of the increased and increasing patronage of the same, has grown greatly beyond the expectation of the wise and patriotic framers of the Federal Constitution; and, whereas, the said Executive patronage may be used to intimidate the weak and corrupt the venal. Therefore,

*Resolved*, By the Senate and House of Commons of the State of North-Carolina in General Assembly convened, that the unjust and unwarrantable interference on the part of the present Executive in the late election in the State of Illinois to defeat the Hon. Stephen A. Douglas, was a violation of



the spirit of the constitution, subversive of State rights, and in gross derogation of Executive dignity and duty.

The resolution was read, and, on motion by Mr. Humphrey, ordered to be laid on the table—yeas 26, nays 16.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Basnight, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, Mills, Person, Pitchford, Reinhardt, Steele, Taylor, Thomas, Ward, Whitaker and Williams—26.

Those who voted in the negative are:

Messrs. Blount, Carmichael, Cowper, Davis, Donnell, Douthitt, Gorrell, Leach, McDonald, Miller, Pool, Ramsay, Straughan, Turner, Walkup and Worth—16.

Mr. Donnell introduced the following resolution, which was read and adopted:

*Resolved*, That the Governor furnish twenty copies of the Revised Code of North Carolina for the use of the committees and members of the Senate, and fifty copies for the use of the committees and members of the House of Commons.

Mr. Leach introduced the following resolution, viz:

*Resolved*, That in view of the embarrassed and crippled condition of the finances of the State of North Carolina and the burthensome taxes her people are now laboring under, that the Senate is opposed to any further appropriations of money for purposes of internal improvement until the necessary ways and means are provided to meet her present liabilities, and any further appropriations at this time, outside of what is necessary for the economical administration of her State government, would impair her credit and impose an onerous tax upon her citizens.

The resolution being read, Mr. Thomas moved that it be referred to the committee on internal improvements, and Mr. Gorrell moved that it be referred to the committee on the judiciary, when, on motion of Mr. Worth, it was ordered to be laid on the table—yeas 25, nays 15.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Boyd, Brown, Carmichael, Cowper, Davidson, Davis, Dobson, Edney, Houston, Humphrey, Lankford, Martin, McDowell, Mills, Pitchford, Reinhardt, Steele, Straughan, Tayler, Thomas, Ward, Whitaker, Williams and Worth—25.

Those who voted in the negative, are :

Messrs. Blount, Cunningham, Dillard, Donnell, Douthitt, Gorrell, Guyther, Leach, McDonald, Miller, Person, Pool, Ramsay, Turner and Walkup—15.

On motion of Mr. Houston, the bill to provide for the procurement of evidence against owners, keepers or dealers of faro banks and faro tables was taken up and read the third time, the amendments proposed by the committee amended and agreed to, and the bill passed its third reading as amended and was ordered to be engrossed.

On motion by Mr. Thomas, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, NOVEMBER 29TH, 1858.

The Speaker announced that the Senate branch of the committee on enrolled bills for the present week, consists of Messrs. Cunningham, Blount and Dobson; and the House of Commons was informed thereof by message.

Joseph B. Cherry, the Senator elect from the county of Bertie, (being the 7th Senatorial District,) appeared, produced his credentials, was qualified and took his seat.

Mr. Lankford, from the committee on the judiciary to whom was referred the resolution concerning the distribution of the Revised Code, reported the same back to the Senate with an amendment.

Mr. Mills introduced a resolution in favor of the Trustee of Polk county, which was read the first time and passed; and, on motion, referred to the committee on claims.

On motion by Mr. Cunningham,

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



proposing to rescind the joint order of Saturday, setting apart this day at 12 o'clock M., for the meeting of the two Houses for the purpose of counting and comparing the votes polled for Governor at the election in August last; and that 12 o'clock M. on Monday next, the 6th of December, be set apart for that purpose.

On motion by Mr. Worth,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select committee of five—three on the part of the Commons and two on the part of the Senate, to enquire into and report on the general management and financial condition and prospects of the North-Carolina Railroad Company.

On motion by Mr. Guyther,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select committee of five on the part of the Senate, and five on the part of the Commons, to take into consideration the fishing interest of the waters of Albemarle, Croatan & Pamlico Sounds and their other tributary rivers, and that they report by bill or otherwise.

Mr. McDonald introduced the following preamble and resolution, which were adopted, viz:

WHEREAS, The public has suffered considerably from the unlimited traffic in spirituous liquors, especially at musters, elections and other public gatherings, by persons who hawk and carry the same from place to place, to the great detriment of the public morals. Therefore,

*Resolved*, That the committee on finance be requested to take into consideration the propriety of imposing a tax on such persons as are engaged in peddling on spirituous liquors, and report the same by bill or otherwise.

On motion by Mr. Steele, the vote by which a message was ordered to be sent to the House of Commons proposing to appoint a joint committee to inquire into the condition of the North-Carolina Railroad Company was agreed to, was reconsidered.

Mr. Steele now moved to amend the proposition, by adding to the same, the words, "the *Western North-Carolina Rail-*

*road Company and the Atlantic and North-Carolina Railroad Company."*

On motion by Mr. Edney, the original proposition was so amended as to propose to the House of Commons, the appointment of joint select committee, of one on the part of the Senate, and two on the part of the House of Commons, to enquire into, and report on the general management, and financial condition and prospects of each and every one of the Railroad Companies in this State, in which the State is interested.

The proposition, as amended was agreed to, and a message sent accordingly.

Mr. Thomas, introduced a bill to incorporate the Tusquitta Turnpike Company, which was read the first time and passed, and on motion, referred to the committee on Cherokee lands and Western Turnpikes.

Mr. Donnell introduced a bill to incorporate the Pamplico Guards, which was read the first time and passed; and on motion referred to the committee on military affairs.

Mr. Bledsoe, introduced a bill to repeal the 5th and 6th sections of chapter 90, of the Revised Code, entitled "public debt," which was read the first time and passed; and, on motion by Mr. Donnell, referred to the committee on the judiciary.

The Senate now proceeded to the consideration of the bill to amend the 54th section of the 99th chapter of the Revised Code, so as to provide for a compensation of justices of the peace appointed to take the list of taxable property, which was read the second time, the amendment proposed by the committee, viz: Strike out "three dollars per day," and insert in lieu thereof, not exceeding "ten dollars in full, as a compensation for their services," being read; Mr. Pool moved to lay the bill and amendment on the table, and the question being taken thereon it was determined in the negative, yeas 20, nays 27.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Dillard, Edney, Guyther, Lane, Lankford,



Martin, McDowell, Miller, Pool, Steele, Taylor, Whitaker and Williams.—20.

Those who voted in the negative are :

Messrs. Ashe, Basnight, Bledsoe, Carmichael, Davidson, Davis, Dobson, Donnell, Douthitt, Gilmore, Gorrell, Houston, Humphrey, Leach, McDonald, McKoy, Mills, Person, Pitchford, Ramsay Reinhardt, Speight, Straughan, Thomas, Walkup, Ward and Worth.—27.

Mr. Carmichael now moved to amend the bill by striking out all, after the words, "and the said justices," in the 2d clause of the bill, and insert the words, "shall receive for said services such compensation as the county court, a majority of the justices being present, may in their discretion allow."

Mr. Miller moved that the bill and amendment be indefinitely postponed; and the question being taken thereon, it was determined in the negative, yeas 3, nays 44.

Mr. Houston demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. McDowell, Miller and Taylor.—3.

Those who voted in the negative are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Mills, McDonald, McKoy, Martin, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Ward, Whitaker, Williams and Worth.—44.

The amendment of Mr. Carmichael was now agreed to, and the bill passed its second reading as amended.

The Senate now took up for consideration the resolution concerning the distribution of the Revised Code, which was read the second time; the amendments proposed by the committee agreed to, and the resolution passed its second reading as amended.

Received a message from the House of Commons, concurring in the proposition of the Senate, to rescind the order for counting and comparing the votes polled for Governor at the

last August election, and agreeing to set apart Monday the 6th December next, at 12 o'clock, M., for that purpose.

The same message announced that the House branch of the committee on enrolled bills for the present week consists of Messrs. Dortch, Ferebee, Green of Franklin, Simonton and Pritchard.

Received a message from the House of Commons, transmitting a message from his Excellency, the Governor, accompanied by the report of the President and Directors of the Albermarle and Chesapeake Canal Company, with a proposition to print the same; concurred in and the Commons informed thereof by message.

The bill to amend the 15th sec. of the 119th chap. of the Revised Code, was read the second time and passed.

The bill to repeal the 37th sec. of the 61st chap. of the Revised Code, was now taken up and read the second time; and after debate, on motion by Mr. Houston, the further consideration of the bill was postponed, and made the special order of the day for Wednesday next, at the hour of 11 o'clock, A. M.

Mr. Thomas, from the joint select committee, to whom was referred the bill to incorporate the Tuckasege Turnpike Company, reported the same back to the Senate, and recommended its passage.

The bill to encourage the planting of oysters and clams was now taken up and read the second time, amended, and on motion of Mr. Humphrey, by excepting the county of Onslow from its provisions, and passed its second reading as amended.

On motion by Mr. Ramsay, the Senate adjourned until tomorrow morning, 11 o'clock.

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TUESDAY, NOVEMBER 30, 1858.

Received a message from the House of Commons, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz :

A bill for the protection of "wild fowl" in the waters of



the county of Currituck, which was read the first time and passed, and, on motion by Mr. Humphrey, referred to the committee on the Judiciary.

A bill to incorporate the "Arendell Hotel Company," which was read the first time and passed, and on motion by Mr. Humphrey, referred to the committee on corporations.

A bill to incorporate the "White Oak River Navigation Company," which was read the first time, passed, and on motion by Mr. Humphrey, referred to the committee on corporations.

A bill to amend the act of 1840, to prevent the felling of timber in the rivers of Cherokee county, which was read the first time, passed, and on motion by Mr. Speight, referred to the committee on the judiciary.

A bill to amend the acts passed at the sessions of 1850-'51, 1854-'55, and 1856-'57, entitled an act, to incorporate the Tuckasege and Keowee Turnpike Company, which was read the first time, passed, and on motion by Mr. Edney, referred to the committee on internal improvements.

Mr. Humphrey, from the Committee on Corporations, to whom was referred the bill to incorporate the Raleigh Gas Light Company, reported a substitute for the same, and recommended its passage.

Mr. Edney, from the Committee on Internal Improvements, to whom was referred the bill to amend an act, "entitled an act, to amend an act, to incorporate the Nantahala and Tuckasege Turnpike Company," reported the same back to the Senate, and recommended its passage.

On motion by Mr. Steele,

*Resolved*, That the committee on internal improvements be instructed to enquire and report whether it is not expedient to tender to the North-Carolina Railroad Company and other companies for internal improvements, in which the State owns a majority of the shares of stock, an amended charter, giving to the individual corporators a majority of the votes in the general meeting of the stockholders.

On motion by Mr. Steele, the Senate now took up the message from the House of Commons, heretofore laid on the table,

transmitting a message from the Governor, and accompanying documents, concerning the erection of a monument in Independence Square, Philadelphia, proposing to raise a joint select committee of two on the part of the House, and one on the part of the Senate, to consider the same, and that said message and documents be printed. Concurred in.

Mr. Thomas introduced a bill to establish a system of free banking in North Carolina, which was read the first time and passed; and, on motion, referred to the committee on banks and currency.

Mr. Walkup introduced a bill requiring magistrates to keep a record of their proceedings, and allowing them compensation for their services, which was read the first time and passed; and, on motion, referred to the committee on the judiciary and ordered to be printed.

Mr. Gilmore introduced a bill assenting to the purchase by the United States, of a certain parcel of land, near Deep river, in the counties of Chatham, Moore and Harnett, or either of them, for the purpose of erecting machine shops for the manufacture of machinery and for the establishment of a national foundry, or either of them, which was read the first time and passed; and referred to the committee on the judiciary, and ordered to be printed.

Mr. Steele introduced a bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company, which was read the first time and passed; and, on motion, referred to the committee on internal improvements, and ordered to be printed.

Mr. Ashe introduced a bill (accompanied by a memorial) to amend the charter of the Bank of Cape Fear, which was read the first time and passed; and, on motion, referred to the committee on banks and currency, and ordered to be printed.

Mr. Ramsay introduced a bill for better securing the freedom of elections for sheriffs, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.



Mr. Leach introduced a bill requiring inspectors of elections to make return of taxes from privileged voters, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

On motion of Mr. Edney, the Senate now took up the bill to appoint tax collectors for the several counties in this State and for other purposes, which, on motion, was recommitted to the committee on finance, and ordered to be printed.

Mr. Carmichael, from the committee on the judiciary, to whom was referred the bill to amend the act of 1783, relating to the Cherokee Indians and to secure to the widow and children of Chunaluska a home, reported the same back to the Senate with amendments.

On motion by Mr. Edney,

*Ordered*, That a message be sent to the House of Commons proposing to increase the number of each of the committees proposed to be appointed to enquire into the condition of the several railroads in this State to five, two on the part of the Senate and three on the part of the Commons.

Mr. McKoy introduced a resolution authorizing the Governor to furnish arms to the military schools upon the same terms that arms are now furnished to military companies, which was read the first time and passed; and, on motion, referred to the committee on military affairs.

The bill providing for the election of Clerks and Masters in Equity by the people, was read the second time and rejected.

The bill to amend an act entitled an act to improve the road from Reddie's river to the Tennessee line;

The bill to incorporate the Tuckasege Turnpike Company, and

The bill to amend an act entitled an act to amend an act entitled an act to incorporate the Keowee Turnpike Company, passed at the session of 1856-'57, were severally read the second time and passed.

The bill authorizing the county courts to abolish or establish jury trials, was read the second time, and,

On motion of Mr. Thomas, ordered to be laid on the table.

Received a message from the House of Commons, stating that they have passed the engrossed bill to provide for the procuring of evidence against keepers, owners and dealers of faro banks, &c., with an amendment in which they ask the concurrence of the Senate.

The amendment was agreed to, and the House of Commons informed thereof by message.

The bill to amend the 54th section of the 99th chapter of the Revised Code, so as to provide for a compensation to justices of the peace appointed to take the lists of taxable property, and

The resolution concerning the distribution of the Revised Code, were severally read the third time, passed and ordered to be engrossed.

On motion by Mr. Cunningham,

*Ordered*, That a message be sent to the House of Commons, proposing to go forthwith into the election for a superintendent of common schools.

The bill to amend the 15th section of the 119th chapter of the Revised Code of North-Carolina, was read the third time, passed and ordered to be engrossed.

The bill to encourage the planting of oysters and clams was read the third time, amended on motion by Mr. Ward, by striking out the word five and inserting the word two wherever it occurs, which passed its third reading and was ordered to be engrossed.

On motion by Mr. Gorrell,

*Resolved*, That when the Senate adjourns from and after this day, it shall adjourn to meet at 10 o'clock on the succeeding day, till otherwise ordered, Sundays excepted.

Received a message from the House of Commons, concurring in the proposition of the Senate to go forthwith into the election for a superintendent of common schools: that Messrs. Masten and Burns will superintend the election on the part of the House, and that CALVIN H. WILEY is in nomination.

On motion by Mr. Houston, R. P. Waring was added to the nomination; of which, the House of Commons was informed by message. Also, that Messrs. Cunningham and



Cherry, constitute the committee to superintend the election on the part of the Senate.

Under the superintendence of Messrs. Cunningham and Cherry, the Senate then voted as follows, viz:

For Mr. WILEY.—Messrs. Basnight, Bledsoe, Blount, Brown, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Straghan, Steele, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth.—39.

For Mr. WARING.—Messrs. Speaker, Ashe, Davidson and Houston.—4.

Mr. Battle voted for Mr. Cunningham.

Mr. Edney voted for Wm. H. Thomas, and

Mr. Leach voted for Moses A. Bledsoe.

Received a message from the House of Commons, concurring in the proposition of the Senate, to increase the number of members on the committee on Railroads.

Received a message from the House of Commons, concurring in the proposition of the Senate, to raise a joint select committee of five on the part of each House, to take into consideration the fishing interest of the State.

Mr. Houston introduced the following resolution, viz:

*Resolved*, That the committee on judiciary be authorized and requested, to enquire into the expediency of abolishing the terms of the Supreme Court of North Carolina, now established and held at the town of Morganton.

Mr. Edney moved to amend the resolution, by adding to the same the words, "*and at the City of Raleigh.*" The amendment was agreed to, and the resolution adopted as amended.

On motion by Mr. Miller, the Senate adjourned until tomorrow morning 10 o'clock.

WEDNESDAY, DECEMBER 1, 1858.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolution, in which it asks the concurrence of that body :

A bill to encourage the planting of oysters and clams.

A bill to amend the 15th sec. of the 119th chap. of the Revised Code.

A bill to amend the 53rd sect. of the 99th chap. of the Revised Code, so as to provide for a compensation to justices of the peace, appointed to take the lists of taxable property ;

And, a resolution concerning the distribution of the Revised Code.

Mr. Houston, from the committee on the judiciary, to whom was referred the engrossed bill for the protection of wild fowl in the waters of the county of Currituck, reported the same back to the Senate and recommended its passage.

Mr. Lane, from the committee on propositions and grievances, to whom was referred the bill to emancipate Crese, a slave, reported the same back to the Senate, and recommended that it do not pass.

Mr. Davidson, from the committee on claims, to whom was referred the resolution in favor of Joseph Marshall, sheriff of Stanly county, reported the same back to the Senate, and recommended its passage.

Mr. Cunningham, from the committee appointed to superintend the election of superintendent of common schools, reported that the whole number of votes cast was 158, necessary to a choice, 80 ; that C. H. Wiley received 141 votes, Mr. Waring 13 votes, Mr. Cunningham one vote, Wm. H. Thomas one vote, Moses A. Bledsoe one vote, and Mr. Grady one vote ; that C. H. Wiley, having received a majority of the whole number of votes given, is duly elected. Report concurred in.

Mr. Boyd, from the committee on finance, to whom was referred the bill to amend sect. 1st, chap. 28th, of the Revised Code, entitled county revenue and charges, reported the same back to the Senate and recommended that it do not pass.



Mr. Cunningham introduced a bill to amend the 19th sect. of the 59th chap. of the Revised Code, which passed its first reading, and on motion, was referred to the committee on the judiciary.

Mr. McKoy introduced a bill to incorporate the Fayetteville branch of the Wilmington and Weldon Railroad, leading from Warsaw to Fayetteville, which passed its first reading, and on motion, was referred to the committee on internal improvements.

Mr. Gorrell introduced a bill to aid in the circulation of small silver coin in this State, which passed its first reading, and on motion, was referred to the committee on education and the literary fund.

On motion by Mr. Edney, leave was granted to withdraw from the archives of the Senate, all the memorials in relation to the establishment of a new county by the name of *Ruffin*.

Mr. Edney introduced a bill to lay off and establish a new county by the name of *Clingman*, which passed its first reading; and, on motion, was referred to the committee on propositions and grievances.

Mr. Battle introduced a bill to lay off and establish a new county by the name of *Dobbin*, which passed its first reading; and, on motion, was referred to the committee on propositions and grievances.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz: The bill to repeal the 37th section of the 61st chapter of the Revised Code.

Whereupon, on motion by Mr. Ashe, the consideration of said bill was postponed, and made the special order of the day for Wednesday next at the hour of 11 o'clock.

Mr. Bledsoe introduced a bill as to the State engineer, which passed its first reading; and, on motion, was referred to the committee on finance.

Mr. Donnell introduced a bill to discontinue the Morganton term of the Supreme Court of the State, which passed its first reading; and, on motion, was referred to the committee on the judiciary.

Mr. Leach introduced a bill to tax non-resident negro traders, which passed its first reading; and, on motion, was referred to the committee on finance, and was ordered to be printed.

Mr. Flanner introduced a bill to incorporate the Elm City Cadets, a volunteer company in the town of Newbern, which passed its first reading; and, on motion, was referred to the committee on corporations.

The bill to amend the act of 1783, relating to the Cherokee Indians, and to secure to the widow and children of Chunaluska a home, was read the second time, the amendments proposed by the committee agreed to, and the bill passed its second reading as amended.

The bill to amend an act entitled an act to amend an act to incorporate the Nantahala & Tuckasege Turnpike Company, was read the second time and passed.

The bill to amend an act entitled an act to improve the road from Reddie's river to the Tennessee line, was read the third time, passed and ordered to be engrossed.

The bill to amend an act entitled an act to amend an act to incorporate the Cheowee Turnpike Company, passed at the session of 1856-'57, was read the third time; on motion of Mr. Houston, amended by striking out 99 and inserting 60, passed its third reading as amended, and was ordered to be engrossed.

On motion by Mr. Houston,

*Ordered,* That a message be sent to the House of Commons, proposing to raise a joint select committee of three on the part of the Senate, and four on the part of the House, to enquire into and investigate the condition of all navigation companies in which the State is interested.

The bill to incorporate the Tuckasege Turnpike Company was read the third time, passed and ordered to be engrossed.

On motion by Mr. Bledsoe, the Senate took up for consideration the bill to incorporate the Raleigh Gas Light Company, which was read the second time, the substitute reported by the committee agreed to, and the bill passed its second reading as amended; on motion, the rule was suspended, and the



bill passed its third reading, and was ordered to be engrossed.

Mr. Flanner introduced a bill to incorporate the Newbern Gas Light Company, which passed its first reading; and, on motion, was referred to the committee on corporations.

The bill to incorporate the Newbern Light Infantry Company was read the second time and passed; on motion, by Mr. Humphrey, the rule was suspended, and said bill read the third time, passed and ordered to be engrossed.

The bill to amend section 1st, chapter 28th, of the Revised Code entitled Revenue and Charges, was read the second time, and after debate, on motion by Mr. Gorrell, ordered to be laid on the table.

Received a message from the House of Commons transmitting the report of the Adjutant General, with a proposition to print the same; concurred in, and the Commons informed thereof by message.

Mr. Ramsay introduced a bill to incorporate the Salisbury Gas Light Company, which passed its first reading; and, on motion, was referred to the committee on corporations.

The engrossed bill for the protection of wild fowl in the waters of Currituck county, was read the second time and passed; on motion by Mr. Dillard, the rule was suspended, and said bill read the third time, was passed, and ordered to be enrolled.

On motion by Mr. Taylor, the Senate adjourned until tomorrow morning, 11 o'clock.

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#### THURSDAY, DECEMBER 2, 1858.

Mr. Humphrey, from the committee on corporations, to whom was referred, the bill to incorporate the Elm City Cadets, a volunteer company in the town of Newbern, reported the same back to the Senate, and recommended its passage.

On motion by Mr. Steele, leave of absence was granted to the Senator from Person, for three days, including to-day.

On motion by Mr. Lankford, leave of absence was granted to the Senator from Warren, for three days from and after to-day.

Mr. Pool, from the committee on the judiciary, to whom was referred the bill to repeal the 5th and 6th sections of chap. 90, of the Revised Code, entitled, "Public Debt," reported the same back to the Senate, and recommended that it do not pass.

Mr. Brown, from the committee on banks and currency, to whom was referred the bill to amend the act of 1836, and to confer the privileges therein provided to be conferred on the Charleston, Cincinnati and Louisville Railroad Company, on the North-Carolina Central, Atlantic and Pacific Railroad Company, reported the same back to the Senate, and recommended that the same do not pass.

Mr. Humphrey, from the committee on corporations, to whom was referred the bill to incorporate the Newbern Gaslight Company, reported a substitute for the same, and recommended its passage.

Mr. Lane, from the committee on propositions and grievances, to whom was referred the resolution concerning common public highways, reported that it is inexpedient to legislate on the subject, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Speight, from the committee on corporations, to whom was referred the engrossed bill to incorporate the "Arendell Hotel Company," at the city of Morehead, reported the same back to the Senate, and recommended its passage.

Mr. Edney, from the committee on internal improvements, to whom was referred the bill to amend the acts passed at the session of 1850-'51, 1854-'55, and 1856-'57, entitled, an act to incorporate the Tuckasege and Keowee Turnpike Company, reported the same back to the Senate and recommended its passage.

Mr. Edney, from the same committee to whom was referred the bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coal Fields, reported the same back with amendments.

On motion by Mr. Cowper,

*Resolved*, That the committee on finance be instructed to enquire into the expediency of so amending the law which re-



quires the court of pleas and quarter sessions of each county in this State, to appoint a justice of the peace for each captain's district in said counties, to take the list of taxable property to be so amended as to require the courts of pleas and quarter sessions of each county, held next after the first day of April, in each and every year, to appoint a suitable and competent person to take the lists of taxable property for his county. That such person so appointed for said county, shall receive a compensation for his services, to be determined by said court, not less than \$150, nor more than \$300; that they report by bill or otherwise.

Mr. McDonald introduced a bill to incorporate the Christian Gold Mining Company, which passed its first reading and on motion was referred to the committee on corporations.

Mr. Blount introduced a bill for the relief of such persons as may suffer from the destruction of the records of Pitt county, occasioned by the burning of the court house of said county, which passed its first reading, and on motion was referred to the committee on the judiciary.

Mr. Cowper introduced a bill to amend the Revised Code, chap. 59, for the relief of insolvent debtors, which passed its first reading, and on motion was referred to the committee on the judiciary.

Received a message from the House of Commons, stating that they have passed the following engrossed bill, in which they ask the concurrence of the Senate, viz:

A bill to cede to the United States jurisdiction over a lot of land in the city of Raleigh, to be used for the purpose of erecting a court house and post office, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

The bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the coal fields, was now taken up and read the second time, and the amendments proposed by the committee agreed to; but before any question was taken on the passage of the bill, on motion of Mr. Dobson, the further consideration of the same was postponed,

and made the special order of the day for Tuesday next, at 12 o'clock, M.

Mr. Humphrey introduced a bill to incorporate the "Buckhorn Iron Company," which was read the first time, passed, and on motion, referred to the committee on corporations.

On motion by Mr. Thomas, the bill to establish a system of free banking in North Carolina was now taken up and ordered to be printed.

A message was sent to the House of Commons stating that the Senate had passed the following engrossed bills, in which it asks the concurrence of that body, viz:

A bill to amend an act entitled an act to amend an act to incorporate the Cheoe Turnpike Company, passed at the session of 1856-'57;

A bill to incorporate the Newbern Light Infantry;

A bill to incorporate the Tuckasege Turnpike Company;

A bill to incorporate the Raleigh Gaslight Company; and

A bill to amend an act entitled an act to improve the road from Reddie's river to the Tennessee line.

The bill to amend the act of 1836, and to confer the privileges therein provided to be conferred on the Charleston, Cincinnati & Louisville Railroad Company, on the North Carolina Central Atlantic and Pacific Railroad Company, was now read the second time; and, after debate, on motion by Mr. Thomas, ordered to be laid on the table.

Received a message from the House of Commons, transmitting a message from the Governor, accompanied by the report of Charles Manly, Treasurer of the University, with a proposition to print the same; concurred in.

On motion by Mr. Leach, the Senate adjourned until tomorrow morning, 11 o'clock.

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FRIDAY, DECEMBER 3, 1858.

Mr. McDowell introduced the petition of sundry Jewish citizens of the town of Wilmington, praying for an alteration of



the constitution, which, on motion, was referred to the committee on constitutional reform.

Mr. Edney, from the committee on internal improvements, to whom was referred the bill to incorporate the Milton and Yanceyville Junction Railroad Company, reported the same back to the Senate, and recommended that it do not pass.

Mr. Edney, from the same committee, to whom was referred the bill to revive an act passed at the session of 1848-'49, entitled an act, to authorize Wm. R. Abbott to cut a canal and make a road thereon, reported the same back to the Senate and recommended its passage.

Mr. Edney, from the same committee, to whom was referred the bill to incorporate the North Carolina, Central, Atlantic, and Pacific Railroad Company, reported the same back to the Senate with amendments.

Mr. Houston, from the committee on the judiciary, to whom was referred the bill to provide for running and marking the dividing line between the States of North Carolina and Virginia, reported the same back to the Senate with amendments.

Mr. McKoy, from the committee on the judiciary, to whom was referred the bill requiring magistrates to keep a record of their proceedings, and allowing them compensation for their services, reported the same back to the Senate, and recommended that it do not pass.

Mr. McKoy, from the same committee, to whom was referred the bill to amend the act of 1840, to prevent the felling of timber in the rivers of Cherokee county, reported the same back to the Senate and recommended its passage.

Mr. Dobson, from the same committee, to whom was referred the bill to amend the Revised Code, chap. 59, for the relief of insolvent debtors, reported the same back to the Senate and recommend that it do not pass.

Mr. Humphrey, from the committee on corporations, to whom was referred the bill to incorporate the White Oak River Navigation Company, reported the same back with amendments.

Mr. Humphrey, from the same committee, to whom was

referred the bill to incorporate the Buckhorn Iron Company, reported the same back with amendments.

Mr. Martin, from the committee on military affairs, to whom was referred the bill to incorporate the Pamplico Guards, reported the same back to the Senate and recommended its passage.

Mr. Martin, from the same committee, to whom was referred the resolution authorizing the Governor to furnish arms to military schools upon the same terms that arms are now furnished to military companies, reported the same back to the Senate and recommended its passage.

Mr. Humphrey introduced the memorial of sundry citizens of Onslow county, relating to free negroes, which, on motion, was referred to the committee on the judiciary.

Mr. Ashe presented a memorial from the citizens of Wilmington in relation to the tax on auctioneers, which, on motion, was referred to the committee on finance.

Mr. McDowell introduced the following resolution, which lies over one day for consideration, viz :

*Resolved*, That Rule 13th for the government of the Senate be amended as follows, to wit : Strike out all after the word " readings" in the 5th line of said rule, and insert the following :

" And the Clerk shall keep all such bills and resolutions in proper files, numbered in the order in which they are respectively introduced, with the order taken on each ; and said bills and resolutions shall be taken up and considered according to their numbers on the files."

*And further*, That Rule 27 for the government of the Senate, be amended by striking out the word "*calendar*" in the 4th line of the said rule, and insert "*files.*"

On motion by Mr Davidson,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of adding one or more judges to the Supreme court bench, and that they report by bill or otherwise

On motion by Mr. Davidson,

*Resolved*, That for the purpose of encouraging volunteer



companies in this State, the committee on military affairs be instructed to enquire into the expediency of passing a law, allowing the formation of one volunteer company in each and every county, which shall be exempt from working on roads; and that they report by bill or otherwise.

✓ Mr. Houston introduced a resolution authorizing the Governor to furnish arms to the Franklin military school, in Duplin county, which was read the first time and passed.

Mr. Houston introduced a bill to repeal the 3rd section of the 102d chapter of the Revised Code, and to increase the salary of the judges of the Superior Courts in this State, which passed its first reading; and, on motion, was referred to the committee on the judiciary.

Mr. Davidson introduced a bill to facilitate the collection of debts, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

Mr. Battle introduced a bill to repeal the 13th, 14th, and 16th sections of the 2nd chap. of the Revised Code, which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Walkup introduced a bill for the relief of the sureties of Joshua Sikes, decd., late sheriff of Union county, which was read the first time and passed, and, on motion, referred to the committee on claims.

The bill to repeal the 5th and 6th sections of chapter 90, of the Revised Code, entitled "public debts," was read the second time and rejected.

The bill to amend the act passed at the sessions of 1850-'51, 1854-'55, and 1856-'57, entitled an act, to incorporate the Tuckasege and Keowee Turnpike Road Company, was read the second time and passed.

The bill to amend the act of 1783 relating to the Cherokee Indians, and to secure to the widow and children of Chunalaska a home, was read the third time, but before any question was taken on its passage, on motion by Mr. Miller, the further consideration of the same was postponed, and the said bill made the special order of the day for Friday next.

The bill to amend an act entitled an act to amend an act

to incorporate the Nantahala and Tuckasege Turnpike Company, was read the third time, passed, and ordered to be engrossed.

Received a message from the House of Commons, 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 concerning the Revised Code, which was read the first time and passed, and, on motion of Mr. Houston, ordered to be laid on the table.

A bill to prohibit betting on elections, which was read the first time and passed, and, on motion by Mr. Edney, referred to the committee on the judiciary.

A bill to amend the charter of the Little River Turnpike Company, in the county of Henderson, which was read the first time and passed.

And a resolution in favor of Donald Frazer, which was read the first time and passed, and, on motion by Mr. Cowper, referred to the committee on claims.

The bill to incorporate the North Carolina, Central, Atlantic, and Pacific Railroad Company, was read the second time and the amendments reported by the committee agreed to. On motion by Mr. Speight, the bill was further amended by striking out the 13th section thereof. Mr. Bledsoe moved to amend the bill by striking out the 12th section of the same, which amendment was agreed to; the bill was further amended, on motion of Mr. Bledsoe, by striking out the 18th sect. Mr. Bledsoe now moved further to amend the bill, by striking out the 26th sect., but pending the consideration of the same, on motion by Mr. Brown, it was ordered that said bill and amendments be laid on the table.

On motion by Mr. Worth, the Senate adjourned until tomorrow morning, 11 o'clock.

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SATURDAY, DECEMBER 4, 1858.

Mr. Donnell introduced a memorial from sundry citizens of the town of Washington, asking State aid to a Railroad, pro-



posed from the town of Washington to Yanceyville, which on motion was referred to the committee on internal improvements.

Mr. Edney introduced a resolution in favor of George W. Hampton, sheriff of Buncombe county; which was read the first time and passed.

Mr. Carmichael introduced a bill to improve a part of the public road from Wilkesboro' to Jefferson; which was read the first time and passed, and on motion referred to the committee on internal improvements.

Mr. Worth introduced a bill to incorporate Cedar Falls Manufacturing Company, in the county of Randolph, which was read the first time and passed, and on motion, referred to the committee on corporations.

On motion by Mr. Edney, the resolution in favor of George W. Hampton was now taken up for consideration, but on motion of Mr. Donnell, referred to the committee on propositions and grievances.

The resolution introduced by Mr. McDowell on yesterday, proposing amendments to the 13th and 17th Rules of the Senate, were now taken up and agreed to, two-thirds of the Senators present having voted in their favor.

The resolution in favor of Joseph Marshall, sheriff of Stanly county, was read the second time and passed.

The engrossed bill to revive an act passed at the session of 1848-'49, entitled an act to authorize Wm. R. Abbott to cut a canal and make a road thereon, was read the second time and passed.

A bill to emancipate *Orese*, a slave, was read the second time and rejected.

The bill to incorporate the Pamlico Guards;

The bill to incorporate the Elm City Cadets; and

The engrossed bill to incorporate the Arendell Hotel Company, were severally read the second time and passed.

The engrossed bill to incorporate the White Oak River Navigation Company, was read the second time, and the amendments reported by the committee agreed to.

Whereupon, on motion by Mr. Ward,

*Ordered*, That said bill be laid on the table.

The bill to incorporate the Buckhorn Iron Company was read the second time, and the amendments proposed by the committee agreed to.

On motion by Mr. Ramsay, the bill was amended, by striking out the word "*passage*," and inserting the word "*ratification*."

Mr. Ashe, moved further to amend the 5th sec. of the bill by adding the following, to-wit:

*Provided*, nevertheless, that said company shall pay into the public treasury, the sum of *twenty dollars*, before said corporation shall be organized.

The amendment was rejected, and the bill passed its second reading as amended.

On motion by Mr. Ashe, the rule was suspended, and the said bill was read the third time and passed, and was ordered to be engrossed.

The engrossed bill, to amend the charter of the Little River Turnpike Company, in the county of Henderson, was now taken up, and, on motion by Mr. Gorrell, referred to the committee on internal improvements.

Received a message from the House of Commons, transmitting a message from his Excellency the Governor, accompanied by the report of Jacob Siler, agent for Cherokee bonds, &c., with a proposition to print the same, which was concurred in and the Commons informed thereof by message.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill, and asks the concurrence of the Commons therein, viz:

A bill to amend an act entitled an act to amend an act to incorporate the Nantahala and Tuckasege Turnpike Company.

A message was received from the House of Commons, proposing to raise a joint select committee of three on the part of the House and two on the part of the Senate, to examine and report to the General Assembly, the condition of the works on Deep River, and whether it be not to the best interest of the State to complete said works in a permanent manner.



On motion by Mr. Donnell,

*Ordered*, That said message be laid on the table.

On motion by Mr. Turner,

*Resolved*, That the Secretary of State be required to furnish for the use of the Senate a statement, showing the number of Magistrates appointed by each successive Legislature, beginning with that of 1850 ; his report to show the whole number, as well as the number for each county.

Mr. Humphrey introduced a resolution in favor of David Piggot, which was read the first time and passed, and on motion referred to the committee on the judiciary.

On motion by Mr. McDowell, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, DECEMBER 6, 1858.

The Speaker announced that the committee on enrolled bills, on the part of the Senate for the present week, consists of Messrs. Cherry, Gilmore and Davis, and the House of Commons were informed thereof by message.

Mr. Steele, from the joint committee on finance, to whom was referred the resolution requiring the Legislature to provide means for the payment of its appropriations, reported unfavorably on the same, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Boyd, from the committee on finance, to whom was referred the resolution providing for a change in the present mode of taking the tax lists, so as to make it the duty of the county courts to appoint one person to take the lists of the whole county, reported the same back to the Senate, and asked to be discharged from its further consideration. Discharged accordingly.

Received a message from the House of Commons, informing that Messrs. T. R. Caldwell and Flemming are appointed tellers on the part of the House for counting and comparing the votes polled for Governor in August last ; whereupon a message was sent to the House of Commons, informing that

Mr. Cunningham is appointed teller on the part of the Senate.

Mr. Bledsoe introduced the following resolutions, viz :

*Resolved*, That it is the opinion of this General Assembly that the government of North Carolina was established for the equal protection of all the citizens and property within the limits of the State.

*Resolved*, That the government having been established for the equal protection of all the citizens and all the property within the limits of the State, justice demands that all should equally contribute to the support of the government, in proportion to the protection enjoyed.

*Resolved*, That in the collection of *revenue*, for the support of the *government*, and the payment of the public debt, it is unwise, unjust, and inexpedient, to discriminate in favor of, or against, any particular class of persons, or any particular species of property, not contemplated by the framers of our Constitution.

*Resolved*, That any system of *revenue* imposing upon a class of citizens or property more than their equitable share of the burdens of government, is inconsistent with the principle of *Democratic Republican* equality, and without which it could not exist.

*Resolved*, That the committee on finance are hereby instructed to report a revenue bill upon the principles set forth in the foregoing resolutions.

Mr. Carmichael moved to amend the resolutions by striking out the last of the same; which motion prevailed, yeas 24, nays 15.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Battle, Blount, Carmichael, Cowper, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Lane, Lankford, Leach, Martin, McDowell, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Whitaker and Williams—24.

Those who voted in the negative, are :

Messrs. Bledsoe, Boyd, Brown, Cherry, Cunningham, Davidson, Davis, Dillard, Houston, McDowell, McKoy, Miller, Walkup, Ward and Worth.—15.



The question now recurred on the adoption of the resolutions as amended, which was determined in the negative, yeas 18, nays 21.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Carmichael, Cherry, Davis, Dillard, Dobson, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Steele, Walkup, Ward, and Worth—18.

Those who voted in the negative are :

Messrs. Basnight, Battle, Boyd, Brown, Cowper, Cunningham, Davidson, Edney, Guyther, Houston, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pool, Reinhardt, Speight, Whitaker and Williams.—21.

So the resolutions were rejected.

Received a message from the House of Commons informing that the Commons branch of the committee on enrolled bills for the present week consists of Messrs. Hill of Stokes, Chambers, Burke, Baird and Leak.

Mr. Steele gave notice of his intention to introduce an amendment to the rules, providing for a call of the Senate ; also an amendment providing for a suspension of the rules ; which notice lies over one day for consideration.

Mr. Carmichael introduced a bill to provide for a more speedy distribution of the Laws, Journals and Documents of the General Assembly ; which was read the first time and passed, and on motion referred to the committee on propositions and grievances.

Mr. Edney introduced a bill to amend an act passed at the session of 1848, entitled an act to provide for a turnpike road from Salisbury, west to the Georgia line, which was read the first time and passed ; and on motion referred to the committee on Cherokee lands and western turnpikes.

Mr. Ward introduced a bill to amend the charter of the Western Railroad Company, which was read the first time and passed, and on motion referred to the committee on internal improvements and ordered to be printed.

Mr. Thomas introduced a bill to amend the charter of the Jonathan's Creek and Tennessee Mountain Turnpike Com-

pany; which was read the first time and passed, and on motion referred to the committee on Cherokee lands and western turnpikes.

Mr. Bledsoe introduced a bill to incorporate the Oak City Savings Bank, which was read the first time, and passed, and on motion, referred to the committee on banks and currency.

Mr. Thomas introduced a bill to amend the charter of the Oconalufsa Turnpike Company, which was read the first time and passed, and on motion, referred to the committee on Cherokee lands and western turnpikes.

Mr. Ward introduced a bill to incorporate Pollocksville Lodge, No. 175, of Free and Accepted Masons, in the town of Pollocksville, Jones county, which passed its first reading; and, on motion, was referred to the committee on corporations.

Mr. Worth introduced a bill to prevent fraudulent judicial sales, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

Mr. Thomas introduced the following resolution, which was read, and, on his motion, ordered to be laid on the table, viz:

*Resolved*, That our Senators and Representatives in Congress, be, and are hereby requested to use their influence to procure the passage of an act to release the States from any liability to return any portion of the surplus revenue deposited with the States under the act of Congress of 1836.

The Speaker announced that the Senate branch of the following joint select committee (of which the Commons are informed by message) consists of the following members, to wit:

*On the Governor's Message, relating to a Monument in Independence Square, Philadelphia*:—Messrs. Houston and Turner.

*On Fisheries*:—Messrs. Dillard, Cherry, Guyther, Williams and Blount.

*On Cape Fear and Deep River Navigation Company*:—Messrs. Cherry, Davidson and Gilmore.

*On Yadkin Navigation Company*:—Messrs. Dobson, Martin and Carmichael.



*On Roanoke Navigation Company*:—Messrs. Brown, Cowper and Boyd.

*On the Albemarle and Chesapeake Canal Company*:—Messrs. Ashe, McDowell and Williams.

*On Neuse River Navigation Company*:—Messrs. Speight, Leach and Ward.

*On Tar River Navigation Company*:—Messrs. Lane, Douthitt and Person.

*On the Raleigh and Gaston Railroad*:—Messrs. Whitaker and Davis.

*On the Wilmington and Manchester Railroad*:—Messrs. McKoy and McDonald.

*On the Wilmington and Weldon Railroad*:—Messrs. Gilmore and Flanner.

*On the North-Carolina Railroad*:—Messrs. Mills and Worth.

*On the Western North-Carolina Railroad*:—Messrs. Steele and Pool.

*On the Wilmington & Rutherford Railroad*:—Messrs. Turner and Battle.

*On the North Carolina and Atlantic Railroad*:—Messrs. Edney and Carmichael.

*On New River Navigation Company*:—Messrs. Cunningham, Walkup and Guyther.

Received a message from the House of Commons stating that the hour agreed upon for counting and comparing the votes cast for Governor in August last had now arrived, and that the House of Commons was ready to receive the Senate for that purpose.

The Senate repaired to the Commons Hall, and Mr. Speaker Clark made the following announcement to the convention of the two Houses :

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

The two Houses of the General Assembly being here assembled, I will proceed, according to the requirements of the Constitution, to open and publish, in their presence, the returns of the election for Governor, held on the first Thursday in

August last. I will commence with the counties in alphabetical order.

HENRY T. CLARK,  
*Speaker of the Senate.*

The returns were then opened, and the vote compared in the presence of the convention of the two Houses, under the inspection of Mr. Cunningham as teller on the part of the Senate, and Messrs. T. R. Caldwell and Flemming as tellers on the part of the House.

Mr. Cunningham, on behalf of the tellers, reported the result of the convention, as follows, viz:

COUNTIES.	JNO. W. ELLIS.	DUNCAN K. McRAE.
Alamance,	825	616
Alexander,	430	350
Anson,	325	774
Ashe,	809	683
Bertie,	459	321
Beaufort,	585	780
Bladen,	683	329
Brunswick,	336	435
Buncombe,	980	701
Burke,	525	521
Cabarrus,	481	582
Caldwell,	371	500
Camden,	112	454
Catawba,	990	181
Carteret,	423	261
Caswell,	996	184
Chatham,	1077	1113
Cherokee,	552	635
Chowan,	307	184
Columbus,	689	291
Craven,	759	559
Currituck,	638	142
Cleveland,	1104	207
Cumberland,	854	652



COUNTIES.	JNO. W. ELLIS.	DUNCAN K. McRAE.
Davie,	408	586
Davidson,	971	1064
Duplin,	1257	132
Edgecombe,	871	108
Franklin,	825	372
Forsythe,	882	634
Gaston,	845	99
Gates,	402	393
Granville,	1083	783
Greene,	328	151
Guilford,	409	1819
Henderson,	526	672
Haywood,	527	215
Halifax,	712	401
Harnett,	639	201
Hertford,	309	325
Hyde,	421	412
Jackson,	587	99
Johnston,	819	728
Jones,	238	182
Iredell,	384	1256
Lenoir,	462	274
Lincoln,	601	222
Madison,	499	231
Macon,	365	357
Martin,	646	150
Mecklenburg,	998	455
Montgomery,	323	581
McDowell,	429	368
Moore,	658	666
Nash,	804	321
New Hanover,	1410	407
Northampton,	648	365
Onslow,	777	141
Orange,	1012	1037
Pasquotank,	324	436
Person,	636	196

COUNTIES.	JNO. W. ELLIS.	DUNCAN K. McRAE.
Pitt,	733	723
Perquimons,	300	320
Polk,	248	144
Randolph,	492	1230
Richmond,	258	527
Robeson,	759	532
Rockingham,	1127	332
Rowan,	1226	852
Rutherford,	600	689
Sampson,	1041	485
Stanly,	139	821
Stokes,	788	396
Surry,	989	464
Tyrrell,	217	154
Union,	824	309
Wilson,	880	108
Wake,	1659	778
Warren,	872	100
Washington,	288	206
Watauga,	246	381
Wayne,	1236	164
Wilkes,	562	1081
Yadkin,	737	757
Yancey,	863	199
	56,429	40,046

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

*Gentlemen of the Senate and House of Commons :*

The tellers appointed by the two Houses of the General Assembly to compare the returns and make a list of the votes given at the late election for Governor in this State, report that JOHN W. ELLIS received 56,429 votes, being the highest number given, and that DUNCAN K. McRAE received 40,046 votes.



No objection being made to this report, I declare JOHN W. ELLIS duly elected Governor of the State of North-Carolina for two years, from and after the first day of January, which shall be in the year of our Lord, one thousand eight hundred and fifty-nine.

HENRY T. CLARK,

*Speaker of the Senate.*

The members of the Senate then returned to the Senate chamber.

When, on motion by Mr. Cherry, the Senate adjourned until to-morrow morning 10 o'clock.

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TUESDAY, DECEMBER 7, 1858.

Mr. Houston, from the committee on the judiciary, to whom was referred the bill to repeal the 13th, 14th, 15th and 16th sections of the 2nd chapter of the Revised Code, reported the same back to the Senate, and recommended that it do not pass.

Mr. Houston, from the same committee to whom was referred the bill for the better securing the freedom of elections of sheriffs, reported a substitute for the same, and recommended its passage.

Mr. Houston, from the same committee, to whom was referred the resolution in favor of David Pigott, reported the same back to the Senate with an amendment.

Mr. Gorrell, from the same committee, to whom was referred the bill to prohibit betting on elections, reported the same back to the Senate, and recommended its passage.

Mr. Carmichael, from the same committee, to whom was referred the resolution to add to the number of judges of the Supreme Court, reported the same back to the Senate, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Lane, from the committee on propositions and grievances, to whom was referred the bill to provide for a more speedy distribution of the laws, journals, and documents of the General Assembly, reported the same back to the Senate and recommended its passage.

Mr. Lane, from the same committee, to whom was referred the bill to lay off and establish a new county by the name of Clingman, reported the same back to the Senate and recommend that it do not pass.

Mr. McKoy, from the committee on the judiciary, to whom was referred the bill requiring inspectors of elections to make return of taxes collected from privileged voters, reported the same back to the Senate and recommended that it do not pass.

Mr. McKoy, from the same committee, to whom was referred the bill to facilitate the collection of debts, reported the same back to the Senate, and asked to be discharged from its further consideration. Discharged accordingly.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bill, in which it asks the concurrence of that body, viz: "A bill to incorporate the Buckhorn Iron Company."

Mr. Edney introduced a bill to amend the act passed at the session of 1854, entitled an act, to incorporate the Western North Carolina Railroad Company, and the amendatory act thereto passed at the session of 1856, entitled an act to amend an act entitled an act to incorporate the Western North Carolina Railroad Company, which was read the first time and passed, and on motion, referred to the committee on internal improvements and ordered to be printed.

Mr. Battle introduced a bill to establish the 113th regiment of North Carolina Militia, in the county of Wilson, which was read the first time and passed, and on motion, referred to the committee on military affairs.

Mr. Donnell introduced a bill to amend the 28th sect. of the 7th chap. of the Revised Code, which was read the first time and passed, and on motion, referred to the committee on the judiciary.

The resolution requiring the Legislature to provide means for the payment of its appropriations was read the second time and rejected.

The bill to incorporate the Milton and Yanceyville Junction Railroad Company was read the second time, after which, on motion by Mr. Brown, the further consideration of the same



was postponed and the said bill made the special order of the day for to-morrow.

The bill to provide for the running and marking the dividing line between the States of North-Carolina and Virginia, was read the second time, the amendment proposed by the committee agreed to, and the bill passed its second reading as amended.

On motion by Mr. Thomas, the Senate now took up from the table the bill to incorporate the North-Carolina Central, Atlantic & Pacific Railroad Company; the pending question being on the motion to strike out the 26th section, and the question recurring thereon, the same was determined in the negative—yeas 2, nays 40.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Bledsoe and Leach—2.

Those who voted in negative are,

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Gorrell, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McKoy, Miller, Mills, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, and Worth—40.

The bill now passed the second reading as amended.

A message was received from the House of Commons, transmitting a message from the Governor accompanied by reports in relation to the North-Carolina and Gaston Railroad, and the Western North-Carolina Railroad, with a proposition to print the same, which was concurred in.

The resolution authorizing the Governor to furnish arms to military schools upon the same terms that arms are now furnished to militia companies, was read the second time and passed.

The bill requiring magistrates to keep a record of their proceedings, and allowing them compensation for their services, was read the second time and rejected.

The hour of 12 o'clock having now arrived, the Speaker

announced the special order, viz: The bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the coalfields.

The same being on its second reading, Mr. McKoy moved the following as an additional section to the bill, which was agreed to, viz:

*“Be it further enacted,* That in case any railroad company shall be incorporated hereafter, running westwardly from the town of Fayetteville, or if the Wilmington & Weldon Railroad Company, or the Wilmington, Charlotte and Rutherford Railroad Company shall ever build a branch under their charter, then said Western Railroad Company shall join in the erection of any warehouses and passenger sheds that may be necessary to render such connection as perfect as possible, and regularly use the same for the reception and delivery of all passengers, goods and other articles whatever; and the said Railroad Company shall not discriminate by its charges against the company or companies so connecting with its railway.”

On motion by Mr. Guyther the bill was further amended by striking out the first section, and inserting the following, in lieu thereof, viz:

SEC. 1. That the Public Treasurer is hereby authorized and directed to sell the Coupon bonds of the State to an amount not exceeding the sum of six hundred thousand dollars, signed by the Governor, countersigned by the Public Treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons on interest payable semiannually in such form as the Public Treasurer may direct, to be made payable at such time and place as may be agreed upon by the Public Treasurer, and that the Public Treasurer, shall pay over the said sum of six hundred thousand dollars, to the President and Directors of the Western Railroad Company, at such time, and upon such conditions as are hereafter provided: *Provided,* said bonds shall not be sold by the Public Treasurer for a less sum than their par value.

On motion by Mr. McDonald, the bill was further amended so as to conform to the first section, as amended.



The question now recurred on the passage of the bill on its second reading, and was determined in the negative, yeas 15, nays 30.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Cherry, Davidson, Davis, Gilmore, Gorrell, Houston, McDonald, McDowell, McKoy, Steele, Straughan, Thomas, Walkup and Worth.—15.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Bledsoe, Blount, Brown, Carmichael, Cowper, Cunningham, Dillard, Dobson, Douthitt, Edney, Flanner, Guyther, Humphery, Lane, Lankford, Leach, Martiu, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Taylor, Turner, Ward, Whitaker and Williams.—30.

So the bill was rejected.

On motion by Mr. Bledsoe, the Senate adjourned until tomorrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 8TH, 1858.

Mr. Battle introduced a memorial praying for the creation of a new regiment in the county of Wilson, which, on motion, was referred to the committee on military affairs.

Mr. Donnell, from the committee on the judiciary, to whom was referred the bill to amend the 19th section of the 59th chapter of the Revised Code, reported a substitute for the same.

Mr. Pool, from the same committee, to which was referred the bill to discontinue the Morganton term of the Supreme Court, reported the same back to the Senate and recommended its passage.

On motion of Mr. Humphrey,

*Resolved*, That the doorkeepers be required to light the passages and stairways of the Capitol during the session of the Legislature.

Mr. Edney, from the committee on internal improvements, to whom was referred the bill to amend the charter of the

Wilmington, Charlotte & Rutherford Railroad Company, reported the same back to the Senate and recommend that it do not pass.

Mr. Bledsoe introduced a resolution in favor of Sarah A. Johnson, which was read the first time and passed; and, on motion, referred to the committee on claims.

Mr. Donnell introduced a bill to incorporate the Long Acre Guards, which was read the first time and passed; and, on motion, referred to the committee on corporations.

The engrossed bill to prevent the felling of timber in the rivers of Cherokee county, was read the second time and passed.

Mr. Dobson moved a reconsideration of the vote by which was rejected the bill to aid in the construction and equipment of the Western railroad from Fayetteville to the coalfields; which motion to reconsider was postponed, and made the special order of the day for to-morrow at the hour of 12 o'clock.

The bill requiring inspectors of elections to make returns of taxes collected from privileged voters, was read the second time and rejected.

The bill to establish a new county by the name of Clingman, was read the second time; but on motion by Mr. Edney, the consideration of the same was postponed, and said bill made the special order of the day for Friday next.

The bill to amend the Revised Code, chapter 59, for the relief of insolvent debtors, was read the second time and rejected.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz: The bill to repeal the 37th section of the 61st chapter of the Revised Code, being upon its second reading.

On motion by Mr. Davidson,

*Ordered*, That said bill be laid on the table.

The bill to incorporate the Milton and Yanceyville Junction Railroad Company was now taken up, and, on motion by Mr. Brown, made the special order of the day for to-morrow, at the hour of 11 o'clock.



The bill to facilitate the collection of debts was read the second time and rejected.

The bill to repeal the 13th, 14th, 15th and 16th sections of the second chapters of the Revised Code was read the second time, but, on motion by Mr. Battle, the further consideration of the same was postponed, and said bill made the special order of the day for Tuesday next, at the hour of 11 o'clock.

Received a message from the House of Commons transmitting reports from the Bank of Fayetteville and the Farmer's Bank of North Carolina, with a proposition to print the same. Concurred in, and the House of Commons informed thereof by message.

The bill to prohibit betting on elections was read the second time and passed.

The resolution authorizing the Governor to furnish arms to the Franklin Military School in Duplin county was read the second time and passed.

The bill to provide for a more speedy distribution of the laws, journals and documents of the General Assembly was read the second time and passed.

Received a message from the House of Commons announcing the appointment of the following joint committees on the part of the House, viz :

*On Monument at Philadelphia* :—Messrs. Hargrove, Benbury and Fleming.

*On Cape Fear and Deep River Navigation Company* :—Messrs. Thompson, Moore of Chatham, Benbury and Martin.

*On Yadkin Navigation Company* :—Messrs. Hall of Rowan, Gaither of Iredell, Speer and Reeves.

*On Roanoke Navigation Company* :—Messrs. Smallwood, Caldwell of Guilford, Hester and Windley.

*On Albermarle and Chesapeake Canal* :—Messrs. Newby, Baxter, Henry and Norman.

*On Neuse River Navigation Company* :—Messrs. Faribault, Tomlinson, Dockery and Drake.

*On Tar River Navigation Company* :—Messrs. Dancy, Sparrow, Cox of Pitt, and Hutchins.

*On Raleigh and Gaston Railroad* :—Messrs. Dancy, Woodfin and Chambers.

*On Wilmington and Manchester Railroad*:—Messrs. Williams, Leake and Martin.

*On North Carolina Railroad*:—Messrs. Green of Franklin Ferebee and Drake.

*On Western North-Carolina Railroad*:—Messrs. Norwood, Outlaw and Long.

*On Wilmington and Rutherford Railroad*:—Messrs. Thompson, Bullock and Jones, of Orange.

*On Atlantic and North-Carolina Railroad*:—Messrs. Caldwell of Burke, Fries, and Hill of Stokes.

*On New River Navigation Company*:—Messrs. Foy, Cox of Jones, McCotter and Bryan, of Craven.

*On Wilmington and Weldon Railroad*:—Messrs. Sparrow, Moore of Chatham, and Simonton.

*On Fishing Interest, &c.*:—Messrs. Badham, Farrow, Norman, Newby and Baxter.

The bill for the better securing the freedom of elections for sheriff, was read the second time; the substitute, reported by the committee agreed to, and the bill passed its second reading as amended.

The bill to provide for running and marking the dividing line, between the State of North-Carolina and Virginia, was read the third time.

On motion by Mr. Boyd, the bill was amended by adding the following as an additional section, viz:

*Be it further enacted*, That, upon the ratification of this act, it shall be the duty of the Governor of this State to transmit a copy of this act to the Governor of the State of Virginia.

The bill was further amended, on motion of Mr. Boyd, by striking out *ten* and inserting *five* in the third section of the same. Said bill now passed its third reading as amended, and was ordered to be engrossed.

On motion by Mr. Edney, the bill to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company, was now taken up, and recommitted to the committee on internal improvements.

On motion by Mr. Thomas, the Senate now took up for consideration, the bill to incorporate the North-Carolina Central,



Atlantic and Pacific Railroad Company, which was read the third time, whereupon Mr. Thomas moved to amend the same inserting section 11.

But before any question was taken on said amendment, Mr. Turner, by consent of the Senate, offered the following resolutions, which were unanimously adopted, viz:

WHEREAS, The Senate has learned with profound emotion, that the Hon. FREDERICK NASH, Chief Justice of the Supreme Court, departed this life, at his residence in Hillsboro', on Saturday morning last,

*Resolved*, That the said intelligence is received by the Representatives of the people of North-Carolina, whom he has so long, so faithfully and so ably served, with feelings of the deepest sorrow.

*Resolved*, That on this melancholy occasion, his great virtues, his eminent bearing, his long continued usefulness, his devoted patriotism, and his christian piety, are remembered and cherished with grateful sensibility by the whole State, whose son he was, and to whose services his life was devoted.

*Resolved*, That it is fit that on the Journals of the Senate, amid the memorals of our gratitude and pride, a record should live, of the fond affection, and venerated regard, in which, that illustrious judge and good man, was held by his countrymen.

*Resolved*, That the Speaker of the Senate be requested to transmit to the widow and family of Judge Nash, a copy of these resolutions, with an expression of our heartfelt sympathy in their bereavement, and the public loss.

*Resolved*, That these proceedings be spread upon the Journals of the Senate.

On motion by Mr. Cherry, the Senate adjourned until tomorrow morning, 10 o'clock.

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THURSDAY, DECEMBER 9, 1858.

The Speaker laid before the Senate a communication from the Secretary of State, in answer to a resolution requiring

him to furnish the General Assembly with certain lists of magistrates in this State.

On motion by Mr. Edney,

*Ordered*, That said communication be laid upon the table.

Mr. Davidson presented the memorial of sundry Jews from Mecklenburg county, praying to be placed upon an equality with other citizens; which, on motion, was referred to the committee on constitutional reform.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the Cedar Falls Manufacturing Company, reported the same back to the Senate, and recommended its passage.

Mr. Edney, from the committee on internal improvements, to which was referred the bill to amend the charter of the Little River Turnpike Company, reported the same back to the Senate, and recommended its passage.

Mr. Edney, from the same committee, to which was referred the memorial from citizens of the town of Washington, asking State aid to a railroad proposed from the town of Washington to Yanceyville, reported unfavorably on the same, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Lane, from the committee on propositions and grievances, to which was referred the bill to lay off and establish a new county by the name of Dobbin, reported the same back to the Senate, and recommended that it do not pass.

Mr. Davidson, from the committee on claims, to which was referred the resolution in favor of Joshua Sikes, deceased, reported the same back to the Senate, and recommended that it do *not* pass.

Mr. McDonald introduced a bill to amend the 68th section of the 99th chapter of the Revised Code, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

Mr. Cunningham introduced a bill to amend the 17th section of the 119th chapter of the Revised Code, entitled *Wills and Testaments*, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.



On motion by Mr. Flanner, leave of absence was granted to the Senator from Beaufort for three days, including to-day.

Mr. Ward introduced a bill to incorporate the Jones County Male and Female Seminary, in the county of Jones, which was read the first time and passed; and, on motion, referred to the committee on corporations.

Received a message from the House of Commons, stating that it has passed the following engrossed bill, in which it asks the concurrence of the Senate, viz:

A bill to lay off and establish a new county by the name of Alleghany; which was read the first time and passed, and, on motion by Mr. Dobson, referred to the committee on propositions and grievances.

Mr. Houston introduced a bill concerning auctions and auctioneers, which was read the first time and passed, and on motion, referred to the committee on the judiciary.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bill, in which it asks the concurrence of the Commons, viz: "A bill to provide the running and marking the dividing line between the States of North Carolina and Virginia.

The hour of 11 o'clock having now arrived, the speaker announced the special order, viz: The bill to incorporate the Milton and Yanceyville Junction Railroad Company; said bill being on its second reading. Mr. Guyther moved the following amendments to the bill, which were agreed to, viz:

Strike out, in the sixth line of the first section, the words "*Greensboro' or*" and insert the following, "*at the work shops in Alamance county.*"

Also strike out, in the 6th and 7th lines, "*as a majority of the stockholders may decide.*"

Pending the consideration of said bill, and before any question was taken thereon,

The Speaker announced the arrival of the hour for considering the motion to re-consider the vote by which the bill to aid in the construction and equipment of the Western Railroad, from Fayetteville to the Coal Fields, was rejected; and the question being taken on said motion to re-consider, the same was determined in the affirmative, yeas 32, nays 13.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Bledsoe, Boyd, Brown, Carmichael, Cherry, Cowper, Davidson, Davis, Dobson, Edney, Gilmore, Gorrell, Houston, Humphrey, Leach, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Ward and Worth—32.

Those who voted in the negative are :

Messrs. Battle, Blount, Cunningham, Dillard, Douthitt, Flanner, Guyther, Lane, Lankford, Martin, Taylor, Whitaker and Williams—13.

So the Senate agreed to re-consider ;

Whereupon, on motion by Mr. Ashe, said bill was re-committed to the committee on internal improvements.

The Senate now resumed the consideration of the bill to incorporate the Milton and Yanceyville Junction Railroad Company.

On motion by Mr. Ashe, said bill was amended by striking out the word "*shops*" wherever it occurs, and inserting the word "*Mebanesville*" in lieu thereof.

The question now recurred on the passage of the bill its second reading, and was determined in the negative, yeas 18, nays 25.

Mr. Blount demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Boyd, Brown, Carmichael, Cherry, Cunningham, Davidson, Davis, Dobson, Douthitt, Edney, Gorrell, McDonald, Miller, Mills, Reinhardt, Steele, Walkup and Worth—18.

Those who voted in the negative are :

Messrs. Ashe, Battle, Bledsoe, Blount, Cowper, Dillard, Flanner, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, McKoy, Pitchford, Pool, Ramsay, Speight, Straughan, Taylor, Ward, Whitaker and Williams—25.

So the bill was rejected.

The bill to amend the 19th sect. of the 59th chap. of the Revised Code was read the second time, the substitute reported by the committee agreed to, and the bill passed its



second reading, as amended. On motion by Mr. Cunningham the rule was suspended, and said bill the third time passed, and was ordered to be engrossed.

The bill to discontinue the Morganton term of the Supreme Court of the State was taken up, and, on motion by Mr. Carmichael, re-committed to the committee on the judiciary.

The bill to lay off and establish a new county by the name of Dobbin was now taken up, and, on motion of Mr. Battle, the consideration of the same was postponed, and said bill made the special order of the day for Thursday next, at the hour of 12 o'clock, M.

Received a message from the House of Commons informing that the House has passed the following engrossed bills, in which it asks the concurrence of the Senate, viz :

A bill to amend the 119th sect. of the 34th chap. of the Revised Code, which was read the first time and passed, and, on motion by Mr. Speight, referred to the committee on the judiciary :

And a bill to extend the corporate limits of the town of Statesville, which was read the first time and passed. On motion by Mr. Carmichael, the rule was suspended, and said bill passed its second and third readings, and was ordered to be enrolled.

The engrossed bill to amend the acts passed at the sessions of 1850-'51, 1854 and 1856-'57, entitled an act, to incorporate the Tuckasege and Keowee Turnpike Company, was read the third time, and, on motion by Mr. Thomas, ordered to be laid on the table.

The engrossed bill to amend the act of 1840, to prevent the felling of timber in the rivers of Cherokee county, was read the third time, passed, and ordered to be enrolled.

The resolution authorizing the Governor to furnish arms to military schools, upon the same terms that they are now furnished to the militia companies, was read the third time, passed, and ordered to be engrossed.

The bill for the better securing the freedom of elections for sheriffs was read the third time, passed, and ordered to be engrossed.

The engrossed bill to prohibit betting on elections was read the third time, passed, and ordered to be engrossed.

The resolution authorizing the Governor to furnish arms to the Franklin Military School in Duplin county; and

The bill to provide for the more speedy distribution of the acts, journals and documents of the General Assembly, were severally read the third time, passed, and ordered to be engrossed.

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

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FRIDAY, DECEMBER 10, 1858.

Mr. Martin, from the committee on military affairs, to which was referred the bill to establish the 113th regiment of the North-Carolina militia, in the county of Wilson, reported the same back to the Senate, and recommended its passage.

Mr. Lane, from the committee on propositions and grievances, to which was referred the resolution in favor of Geo. W. Hampton, reported the same back to the Senate, and recommended its passage.

Mr. Dobson, from the committee on the judiciary, to whom was referred the bill to amend the 119th section of the 34th chapter of the Revised Code, and the bill to cede to the United States a tract of land in the city of Raleigh, to be used for the purpose of a court-house and post-office, reported said bills back to the Senate, and recommended that they do not pass.

Mr. Edney, from the committee on internal improvements, to whom was referred the bill to improve a part of the public road from Wilkesboro' to Jefferson, reported the same back to the Senate, and recommended its passage.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the Salisbury Gas-light Company, reported the same back to the Senate with amendments.

Mr. Reinhardt introduced a bill (accompanied by a memo-



rial,) to amend an act incorporating the town of Newton, in the county of Catawba, and to empower the commissioners thereof to convey certain real estate to trustees for school purposes, which was read the first time and passed; and, on motion, referred to the committee on corporations.

Mr. Davidson introduced a bill to prevent the sale of intoxicating liquors at or near Davidson College, and for other purposes, which was read the first time and passed; and, on motion, referred to the committee on education and the literary fund.

Mr. Davidson also a bill to amend the charter of the Charlotte and Taylorsville Plankroad Company, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

Mr. Flanner introduced a bill to establish the Bank of Commerce, which was read the first time and passed; and, on motion, referred to the committee on banks and currency, and ordered to be printed.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, in which it asks the concurrence of the House of Commons, viz:

A bill to amend the 19th section of the 59th chapter of the Revised Code;

A bill to provide for the more speedy distribution of the Laws Journals and Documents of the General Assembly;

A bill for the better securing the freedom of elections for sheriff;

A resolution authorizing the Governor to furnish arms to military schools;

A resolution authorizing the Governor to furnish arms to the Franklin military school in Duplin county.

Received a message from the House of Commons proposing that the two Houses go into the election of a Judge of the Supreme Court, this day at 12 o'clock, to fill the vacancy caused by the death of the Hon. Frederick Nash.

Mr. McDowell moved to lay the message on the table, which was not agreed to. The proposition was now concurred in;

whereupon Mr. Cunningham nominated WILLIAM EATON, for the appointment; Mr. Edney nominated M. E. MANLEY; Mr. Humphery, W. B. RODMAN; Mr. Thomas, GEO. E. BADGER; Mr. Whitaker, THOMAS RUFFIN, Sr.; Mr. Ashe, H. L. HOLMES; and on motion by Mr. Flanner, the name of R. S. DONNELL was added to the nomination, and a message sent to the House of Commons, informing thereof; and that Messrs. Mills and Worth are appointed the Committee on the part of the Senate to superintend said election.

The Speaker now announced the special order, viz: the bill to amend the act of 1783, relating to the Cherokee Indians, and to secure to the widow and children of Chunaluska, a home. Said bill being on its 3rd reading, pending the consideration of the same,

A message was received from the House of Commons, informing that Messrs. Hargrove and Sparrow constitute the House branch of the committee to superintend the election of Judge of the Supreme Court, and that the names of B. F. MOORE, W. M. A. GRAHAM, R. M. SAUNDERS, WARREN WINSLOW, and GEO. S. STEVENSON, have been added to the nomination.

On motion by Mr. Dillard, the name of R. R. HEATH was added to the nomination, and the hour agreed upon by the two Houses for going into said election having now arrived, the Senate voted as follows, viz:

For Mr. EATON.—Messrs. Battle, Bledsoe, Brown, Cunningham, Lane, Lankford, Martin, Pitchford, Reinhardt, Speight, Taylor and Ward.—12.

For Mr. BADGER.—Messrs. Carmichael, Cherry, Cowper, Douthitt, McDonald, Pool, Thomas and Worth.—8.

For Mr. DONNELL.—Messrs. Blount, Davis, Flanner, Leach, Ramsay, Straughan and Turner.—7.

For Mr. HOLMES.—Messrs. Ashe, Davidson, Gilmore, Houston, McDowell and McKoy.—6.

For Mr. RUFFIN.—Messrs. Boyd, Mills, Steele, Walkup and Whitaker.—5.

For Mr. RODMAN.—Messrs. Speaker, Guyther and Humphrey.—3.

For Mr. MANLY.—Messrs. Dobson and Edney.—2.



For Mr. GRAHAM.—Messrs. Gorrell and Miller—2.

For Mr. HEATH.—Messrs. Dillard and Williams—2.

The Senate now resumed the consideration of the bill to amend the act of 1783, relating to the Cherokee Indians and to secure to the widow and children of Chunaluska a home.

On motion by Mr. Thomas, the bill was amended by striking out the 3rd section of the same.

Mr. Turner moved further to amend the bill by striking out "*Clingman's Peak*," and inserting "*the highest peak of Smoky Mountain*."

The motion was lost.

The bill now passed its third reading as amended, and was ordered to be engrossed.

Mr. Worth, from the committee appointed to superintend the election for a judge of the Supreme Court, reported that the whole number of votes cast was 160 : necessary to a choice 81. That Ruffin received 80 votes ; Badger, 22 votes ; Eaton, 12 ; Donnell, 11 ; Holmes, 11 ; Rodman, 8 ; Manly, 4 ; Graham, 3 ; Heath, 3 ; Winslow, 3 ; Smith, 2 ; and Saunders one vote. That no person in nomination having received a majority of the whole number of votes given, there is no election. Report concurred in.

On motion by Mr. Cunningham,

*Ordered*; That a message be sent to the House of Commons, proposing to go forthwith into an election for a judge of the Supreme Court.

Mr. Houston, from the committee on the judiciary, to which was referred the bill concerning auctions and auctioneers, reported the same back to the Senate, and recommended its passage.

Mr. Ashe introduced a bill to amend section 5 of chapter 33 of the Revised Code, which was read the first time and passed ; and, on motion, referred to the committee on the judiciary.

Received a message from the House of Commons, concurring in the proposition of the Senate to go forthwith into the election for a judge of the Supreme Court, and informing that Messrs. Hargrove and Sparrow constitute the House branch of the committee to superintend said election.

Whereupon, a message was sent to the House of Commons, informing that Messrs. McDowell and Ramsay constitute the Senate branch of the committee to superintend said election; that the names of Messrs. Eaton, Holmes, Rodman, Donnell, Manly, Heath and Badger, are withdrawn from the nomination, and that the Senate would proceed to vote on the return of the messenger.

The Senate now voted as follows, viz :

For THOMAS RUFFIN, Senr.—Messrs. Speaker, Ashe, Battle, Bledsøe, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, McKoy, McDowell, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Spight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—47.

The Speaker now announced the bill to lay off and establish a new county by the name of Clingman. On motion by Mr. Edney, the consideration of the same was postponed, and made the special order of the day for Monday next.

Received a message from the House of Commons, transmitting a statement from the Merchant's Bank at Newbern, with a proposition to print the same. Concurred in.

Mr. Thomas, from the committee on Cherokee lands and Western Turnpikes, to which was referred the bill to amend the charter of the Jonathan's Creek and Tennessee Mountain Turnpike Company, reported the same back to the Senate and recommended its passage.

Mr. Gorrell, from the committee on the judiciary, to which was referred the bill to amend the 68th section of the 99th chapter of the Revised Code, reported the same back to the Senate and recommended its passage.

Mr. Gorrell, from the same committee, to which was referred the bill assenting to the purchase, by the United States, of a certain parcel of land near Deep River, reported the same back to the Senate and recommended that it do not pass.

On motion by Mr. Speight, the Senate adjourned until tomorrow morning, 10 o'clock.



SATURDAY, DECEMBER 11, 1853.

Mr. Ramsay introduced the memorial of sundry citizens of the counties of Davidson, Davie, Forsyth and Yadkin, praying that no law be passed by the Legislature to open the Yadkin river for the passage of fish, &c., which, on motion, was referred to the committee on propositions and grievances, and ordered to be printed.

On motion by Mr. Pitchford, leave of absence was granted to the Senator from Franklin for three days, including to-day.

Mr. McDowell, from the committee appointed to superintend the election for a Judge of the Supreme Court, reported that the whole number of votes cast was 159; necessary to a choice, 80; that Judge Ruffin received 145 votes; George E. Badger, 7 votes; Warren Winslow, 4 votes; R. S. Donnell, 1 vote; Judge Heath, 1 vote, and Judge Manly, 1 vote; that Hon. Thomas Ruffin, of Alamance, having received a majority of the whole number of votes given, is duly elected. Report concurred in.

On motion by Mr. Houston,

*Ordered*, That a message be sent to the House of Commons proposing to raise a joint committee of five on the part of the Senate, and three on the part of the House of Commons, for the purpose of communicating to Hon. Thomas Ruffin, Sr., of the county of Alamance, the intelligence of his election by this General Assembly as a Judge of the Supreme Court to supply the vacancy occasioned by the death of the late Chief Justice Nash, and to ascertain whether he will accept said appointment.

Received a message from the House of Commons informing that they have passed the following engrossed resolution in which they ask the concurrence of the Senate, viz:

A resolution concerning the distribution of Emmons' report, which was read the first time and passed.

Received a message from the House of Commons proposing to raise a joint select committee of three on the part of the House and two on the part of the Senate, to communicate to the Hon. Thomas Ruffin, Sr., the intelligence of his elec-

tion by the General Assembly to supply the vacancy in the Supreme Court, caused by the death of the late Chief Justice Nash.

The proposition was concurred in, and the House of Commons informed that the Senate branch of said committee consists of Messrs. Houston and Whitaker.

Mr. Houston introduced a bill to provide for the election of a sheriff in Cabarrus county, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

Mr. Dobson introduced a bill to amend the 20th section of the 31st chapter of the Revised Code, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

Mr. Basnight introduced a bill concerning pilots at Ocracoke and Hatteras inlets, which was read the first time and passed; and, on motion by Mr. Ramsay, referred to the committee on propositions and grievances.

The bill to incorporate the Newbern Gaslight Company was read the second time, the substitute reported by the committee agreed to, and the bill passed its second reading as amended; under a suspension of the rule, said bill was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Salisbury Gaslight Company, was now taken up, but on motion by Mr. Ramsay, ordered to be laid on the table.

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

The bill for the relief of the sureties of Joshua Sikes, dec'd, late sheriff of Union county;

The resolution in favor of George W. Hampton, former sheriff of Buncombe county;

The bill to incorporate the Cedar Falls Manufacturing Company.

On motion by Mr. Humphrey, the rule was suspended, and said bills and resolution severally read the third time, passed, and ordered to be engrossed.

The resolution in favor of David Piggot, was read the 2d



time; the amendment proposed by the committee agreed to, and the resolution passed its second reading as amended; under a suspension of the rule, said resolution was read the third time, passed, and ordered to be engrossed.

The engrossed bill to revive an act passed at the session of 1848-'9, authorizing Wm. R. Abbott to cut a canal, and make a road thereon;

The engrossed bill to incorporate the Arendell Hotel Company, were severally read the third time, passed and ordered to be enrolled.

Received a message from the House of Commons, informing that the House branch of the committee to communicate with Judge Ruffin, respecting his election to the office of Judge of the Supreme Court, &c., consists of Messrs. Kerr, Smith and Ransom.

The resolution in favor of Joseph Marshall, sheriff of Stanly county;

The bill to incorporate the Pamplico Guards; and the bill to incorporate Elm City Guards, a volunteer company in the town of Newbern, were severally read the third time, passed and ordered to be engrossed.

Received a message from the House of Commons, transmitting a communication from the Treasurer, with accompanying documents, with a proposition to print the same.

On motion by Mr. Steele, ordered that the message be laid upon the table.

The bill to improve a part of the public road from Wilkesboro', to Jefferson, was read the second time and passed.

On motion by Mr. Carmichael, the rule was suspended, and said bill read the third time, passed and ordered to be engrossed.

The engrossed bill to amend the charter of the Little River Turnpike Company, in the county of Henderson, was read the second time and passed.

On motion by Mr. Edney, the rule was suspended, and said bill read the third time, passed and ordered to be enrolled.

Mr. Thomas, (by consent of the Senate,) from the committee on Cherokee lands and western turnpikes, to which was

referred the bill to amend the charter of the Oconalufita Turnpike Company, reported the same back to the Senate, and recommended its passage.

On motion by Mr. Miller, the vote by which was passed the bill to amend the act of 1783, relating to the Cherokee Indians, and to secure to the widow and children of Chunaluska a home, was reconsidered ;

Whereupon, on motion by Mr. Gorrell, said bill was committed to the committee on the judiciary.

On motion by Mr. Ward, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, DECEMBER 13, 1858.

The Speaker announced that the committee on enrolled bills, on behalf of the Senate for the present week, consists of Messrs. Ashe, Carmichael and Battle, of which the House of Commons was informed by message.

Mr. Ramsay presented three petitions from sundry citizens of Davie county, including a number of magistrates, praying the repeal of an act passed at the last session of the General Assembly, establishing a public road through the counties of Davie and Davidson, and a ferry on the Yadkin river ; which, on motion, were referred to the committee on propositions and grievances, with instructions to report by bill or otherwise.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the "Long Acre Guards," reported the same back to the Senate, and recommended its passage.

Mr. Basnight presented the petition of sundry citizens of Ocracoke concerning the pilot laws, which, on motion, was referred to the committee on propositions and grievances.

Mr. Brown, from the committee on banks and currency, to which was referred the bill to incorporate the Oak City Savings Bank, reported the same back to the Senate with an amendment.



Mr. Edney introduced a resolution for the relief of Solomon M. Wray, high sheriff of the county of Yancey, which was read the first time and passed; and, on motion, referred to the committee on propositions and grievances.

Mr. Edney introduced a resolution for the relief of Jackson Stewart, former sheriff of the county of Yancey, which was read the first time and passed; and, on motion, referred to the committee on propositions and grievances.

Mr. Cunningham moved that a message be sent to the House of Commons, proposing to go forthwith into an election for thirteen Trustees of the University. The proposition was not agreed to.

Mr. Bledsoe introduced a resolution in favor of J. J. James, which was read the first time and passed; and, on motion, referred to the committee on claims.

Mr. Pitchford moved that the Senate do now take up from the table the message received from the House of Commons on Saturday, transmitting a message from the Treasurer, with accompanying documents; which motion was lost.

Mr. Cherry introduced a bill to authorize a subscription to the capital stock of the Albemarle & Chesapeake Canal Company, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

Mr. Thomas, by consent of the Senate, from the select committee to whom was referred the bill to incorporate Tusquitta Turnpike Company, reported the same back to the Senate, and recommended its passage.

Mr. Edney introduced a bill for the improvement of the roads in the counties of Henderson, Buncombe, Madison and Yancey, which was read the first time and passed; and, on motion, referred to the committee on propositions and grievances.

Received a message from the House of Commons, informing that the House branch of the committee on enrolled bills for the present week consists of Messrs. Hill of Stokes, Henry, Bryan of New Hanover, Speight and Newby.

Also a message stating that the House of Commons has passed the following engrossed bill, in which it asks the concurrence of the Senate, viz:

A bill to enlarge the powers of the commissioners of the town of Tarboro', so as to authorize them to organize and keep up a more efficient fire-engine company in said town, which was read the first time and passed, and, on motion by Mr. Ward, referred to the committee on propositions and grievances.

Also a message, transmitting a message from the Governor, accompanied by the report of the president and directors of the board of internal improvements, with a proposition to print the same, which was concurred in, and the House informed thereof by message.

On motion by Mr. Humphrey, the bill to incorporate the White Oak River Navigation Company was now taken up from the table, and was ordered to be placed on the file.

On motion by Mr. Ramsay, the Senate took up from the table the bill to incorporate the Salisbury Gas Light Company, which was ordered to be placed on the private file.

The Speaker now announced the special order, viz :

The bill to lay off and establish a new county by the name of Clingman, which was read the second time. Mr. Edney moved to amend the bill by striking out "Clingman," and inserting "Blue Ridge."

Before any question was taken thereon,

On motion by Mr. Thomas, the further consideration of the bill and amendment was postponed and made the special order of the day for Wednesday next, at the hour of 12 o'clock.

The bill to incorporate the Tusquitta Turnpike Company was read the second time and passed.

The bill assenting to the purchase, by the United States, of a certain parcel of land near Deep river was read the second time ; and, on motion by Mr. Gorrell, ordered to be laid on the table.

The engrossed bill to cede to the United States jurisdiction over a tract of land in the city of Raleigh to be used for the purpose of a court house and post office, was read the second time, and on motion by Mr. Thomas, recommitted to the committee on the judiciary.



A message was sent to the House of Commons stating that the Senate has passed the following engrossed bills and resolutions in which it asks the concurrence of the Commons, viz :

A bill to incorporate the Cedar Falls Company ;

A bill to incorporate the Newbern Gaslight Company ;

A bill to improve a part of the road from Wilkesborough to Jefferson ;

A bill for the relief of the sureties of Joshua Sykes, &c. ;

A bill to incorporate the Elm City Cadets ; and,

A bill to incorporate the Pamplico Guards ;

A resolution in favor of George W. Hampton ;

A resolution in favor of David Pigott ; and,

A resolution in favor of Joseph Marshall.

On motion by Mr. Thomas, the Senate took up the bill to incorporate the North-Carolina Central, Atlantic & Pacific Railroad Company ; which, on motion, was made the special order of the day for Thursday next at the hour of 12 o'clock, M.

The bill to amend the charter of the Jonathan's Creek & Tennessee Mountain Turnpike Company, was read the second time and passed.

The bill to amend the charter of the Oconlaufita Turnpike Company, was read the second time and passed.

The bill to establish the 113th regiment of North-Carolina militia, in the county of Wilson, was read the second time and passed.

The bill to amend the 68th section of the 99th chapter of the Revised Code, was read the second time and rejected.

The bill concerning auctions and auctioneers, was read the second time and passed.

The engrossed bill to amend 119th section of the 34th chapter of the Revised Code, was read the second time and rejected.

The engrossed resolution concerning the distribution of Emmon's report, was read the second time and passed.

On motion by Mr. Donnell, the rule was suspended, and said resolution read the third time, passed, and ordered to be enrolled.

On motion by Mr. Leach, the Senate adjourned until tomorrow morning 10 o'clock.

TUESDAY, DECEMBER 14, 1858.

Mr Douthitt introduced a petition from sundry citizens of Davidson county, praying a repeal of the act of last session, establishing a road through a part of said county, and crossing the Yadkin river at March's ferry; which, on motion, was referred to the committee on propositions and grievances.

Mr. Steele, from the committee on finance, to which was referred a resolution on the subject, reported a bill to amend the 2nd section of the 28th chapter of the Revised Code, entitled "County Revenue and Charges," which was read the first time and passed.

Mr. Boyd, from the same committee, to which was referred the bill to appoint tax collectors in the several counties in this State, and for other purposes, reported the same back to the Senate, and recommended that it do not pass.

On motion by Mr. Carmichael,

*Resolved*, That the committee on finance be instructed to enquire into the expediency of reducing the price of entries upon vacant lands in this State, and that they report by bill or otherwise.

Mr. Douthitt introduced a bill (accompanied by a memorial) to incorporate the bank of Lexington, which was read the first time and passed; and, on motion, referred to the committee on banks and currency.

On motion by Mr. Thomas,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of passing a law authorizing the Governor of the State to apply for, and receive the moneys due from the United States to the North-Carolina Cherokees, under the act of July 29, 1848, held in trust for them, as well as arrearages of interest due thereon; as well as moneys due under any subsequent acts, which have been, or may be passed in favor of the said Cherokees.

And that the Governor be authorized by and with the advice and consent of his Council, as well as the consent of the Cherokees, to whom those moneys belong, to expend and invest the same for the benefit of said Indians.



Mr. Leach introduced a bill (accompanied by a memorial) to establish a new county by the name of King, which was read the first time and passed, and on motion referred to the committee on propositions and grievances.

The bill to incorporate the Tusquitta Turnpike Company ;

The bill to establish the 113th Regiment of North-Carolina militia, in the county of Wilson ;

The bill to amend the charter of the Jonathan's Creek and Tennessee Mountain Turnpike Company, were severally read the third time, passed and ordered to be engrossed ;

The bill concerning auctions and auctioneers, was read the third time, amended, on motion by Mr. Mills, by exempting the county of Rutherford from its provisions ; passed its third reading as amended and was ordered to be engrossed.

The hour of 11 o'clock, having now arrived, the Speaker announced the special order, viz :

The bill to repeal the 13th, 14th, 15th, and 16th sections of the 2d chapter of the Revised Code ; said bill being on its second reading. Mr. Walkup moved to amend the bill by striking out all after the enacting clause, and inserting the following in lieu of the same, viz :

That the Governor of the State be authorized and required to discontinue the services of the present State Geologist, Prof. Ebenezer Emmons, and with the view of carrying into effect the provisions of the present existing law, authorizing the employment of a State Geologist, that he endeavor to engage the services of some competent and scientific Geologist, whose duty it shall be to explore the whole State, and make such surveys and practical examinations of the soils and minerals as contemplated under the present law, authorizing the employment of a State Geologist; and the said Geologist shall be instructed to confine his investigations more particularly to the agricultural department.

The amendment was disagreed to,

Mr. Ramsay moved to postpone the further consideration of the bill, and make it the special order for Friday next ; not agreed to,

The question now recurred on the passage of the bill its second reading, and was determined in the affirmative, yeas 30, nays 15.

Mr. Battle demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Basnight, Battle, Brown, Carmichael, Cherry, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Douthitt, Edney, Guyther, Humphrey, Leach, Martin, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Walkup, Ward, Whitaker and Williams.—30.

Those who voted in the negative are :

Messrs. Bledsoe, Boyd, Blount, Donnell, Flanner, Gorrell, Houston, McDonald, McDowell, Miller, Pool, Ramsay, Straughan, Turner and Worth.—15.

So the bill passed its second reading.

Mr. Ashe moved a re-consideration of the vote by which was rejected the bill to amend the 119th section of the 34th chapter of the Revised Code, which motion prevailed; whereupon, on motion by Mr. McDowell, said bill was re-committed to the committee on the judiciary.

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

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WEDNESDAY, DECEMBER 15, 1858.

Mr. Ramsay presented the petition of Renben J. Holmes, superintendent of the Gold Hill Mining Company, asking a modification of the law regarding tenements; which, on motion, was referred to the committee on the judiciary.

Mr. Houston, from the committee on the judiciary, to which was referred the bill to provide for the election of a sheriff in Cabarrus county, reported the same back to the Senate and recommended its passage.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to amend the act incorporating the town of Newton, in the county of Catawba, and to empower the commissioners thereof to convey certain real es-



tate to the trustees for school purposes, reported the same back to the Senate and recommended its passage.

Mr. Brown, from the committee on banks and currency, to which was referred the bill to amend the charter of the bank of Cape Fear, reported the same back to the Senate with an amendment.

Mr. Davidson, from the committee on claims, to which was referred a resolution in favor of Sarah A. Johnson, reported the same back to the Senate and recommended its passage.

Mr. Cowper, from the committee on finance, submitted the following report, which was concurred in, viz :

The committee on finance, to which was assigned the duty of examining the public accounts in the comptroller's department, beg leave to submit the following report :

That they have carefully examined the books and vouchers, including coupon bonds, which have been paid off by the public treasurer of the State, which said bonds they have cancelled in said department ; that they find said vouchers and bonds to agree with the entries in said books ; that they have also carefully examined the additions and footing up of said books, and the committee take pleasure in saying they find them to be correct ; that the two printed reports of the comptroller of public accounts, for the two last fiscal years, one ending the 20th September, 1857, and the other the 30th September, 1858, to accord with the books of said department.

All of which is respectfully submitted.

RICHARD G. COWPER,

*for the Committee, &c.*

Mr. Edney, from the committee on internal improvements, to which was referred the bill to amend the charter of the Western North-Carolina railroad, reported the same back to the Senate and recommended its passage.

Mr. Edney, from the same committee, to which was referred the bill to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company, reported a substitute for the same.

On motion by Mr. Davidson,

*Resolved*, That the committee on banks and currency, be instructed to inquire into the expediency of rechartering the Bank of the State, or chartering a new bank, or providing some other fiscal agent for the State, and that they report by bill or otherwise.

Mr. Leach introduced a resolution, accompanied by a memorial, in favor of James A. Vinson, former sheriff of Johnston county, which was read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Boyd introduced a bill to amend an act entitled an act to create a sinking fund, which was read the first time and passed; on motion by Mr. Boyd, the rule was suspended and said bill read the second and third times, passed and ordered to be engrossed.

Mr. Basnight introduced a bill to amend an act entitled an act to charter the Fairfield Canal Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Bledsoe, a bill to charter the Bank of North-Carolina; which was read the first time and passed, and, on motion, referred to the committee on banks and currency and ordered to be printed.

Mr. Donnell, a bill to incorporate the Lake Landing Canal Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Cowper, a bill to authorise the public treasurer to pay interest on bonds, in certain cases; which was read the first time and passed, and, on motion, referred to the committee on finance.

Received a message from the House of Commons, accompanied by a message from the governor, transmitting the resignation of sundry justices of the peace; which were ordered to be filed in the archives of the Senate.

Also, a message from the House of Commons transmitting the memorial of Gov. D. L. Swain and Rev. Dr. Hawks, with proposition to print the same, and to raise a joint select committee of seven on the part of each house to consider the



same; concurred in, and the House of Commons informed that said committee on the part of the Senate consists of Messrs. Brown, Steele, Turner, Donnell, Davidson, Edney and Gilmore.

Also, a message, accompanied by a message from the Governor, transmitting the biennial report of the President and Directors of the Literary Fund with a proposition to print the same, which was concurred in.

The bill to amend the 2nd section of the 28th chapter of the Revised Code, entitled "County Revenue and Charges," was read the second time and passed.

The bill to appoint tax collectors in the several counties in this State and for other purposes was read the second time and rejected.

The bill to amend the charter of the Oconalufita Turnpike Company was read the third time, passed and ordered to be engrossed.

Mr. Houston, from the joint select committee appointed to communicate with Judge Ruffin respecting his election to the office of Judge of the Supreme Court, reported the following correspondence, which was ordered (after being spread on the journals of the Senate) to be transmitted to the House of Commons, viz:

RALEIGH, N. C., Dec. 11, 1858.

*Hon. Thomas Ruffin:*

DEAR SIR:—In obedience to a joint resolution passed by the Senate and House of Commons this morning, we beg leave to inform you that on yesterday you were again elected a Judge of the Supreme Court of North Carolina by an almost unanimous vote of both houses of the General Assembly. We are now instructed to request you to accept that high post of honor and duty to which your State with one voice has called you, and to add another to the long list of eminent services which it has been your fortune to render to your country.

May we be permitted to say that, though you cannot increase the measure of your fame, your State hopes that you will continue and prolong the period of your usefulness? We cannot conclude this note without an assurance of our happiness at

the course which the Legislature has thought proper to pursue, and an earnest appeal that you will not decline the honor it has sought to bestow.

We are most sincerely your friends,

W. J. HOUSTON,  
M. C. WHITAKER,  
JOHN KERR,  
W. N. H. SMITH,  
M. W. RANSOM,

*Committee.*

RALEIGH, Dec. 15, 1858.

GENTLEMEN :—I left home before your letter, informing me officially that I had been elected a judge of the Supreme Court, and requesting me to accept the high trust, had arrived there, and I have just received it. No event could have been more unexpected by me, or have created more surprise. When at an advanced age, and after long service, I heretofore resigned a seat in that court, it was with the sincere desire of enjoying the repose and quietness of private life; and I thought I had then laid down the cares and responsibilities of office forever. It would not be sincere, if I were to conceal that it is painful to find myself disappointed. To give up my retirement is against my feelings, and breaks up all my plans for the short remnant of my life; and after abandoning, for six years, the study of law, I feel, and I fear others will feel, that at the age of seventy-one, it is an act of rashness, unsuitable to that age, to undertake again the labors of the judicial station to which I am called. But it has pleased the General Assembly to tender this renewed expression of confidence in my diligence and fidelity, and in a manner which touches my sensibilities most deeply, so that I am led to believe, that in their opinion, and in that of the country, it is my duty to enter once more into the public service. Under the circumstances, I also suppose it to be obligatory on me to obey the commands of the Legislature. Therefore, as a duty, I forego my own inclinations and accept the office bestowed on me; and will endeavor, with what impaired



ability I retain, to execute, with my associates, its functions. I return to the General Assembly the most unfeigned thanks and acknowledgments for the favor conferred on me; but, at the same time, I undertake the task with great diffidence, and certainly in deference to the authority of the public will. The manner in which, gentlemen, you have made the communication to me, and the kind terms in which you have expressed your hopes and wishes for my usefulness in office, lay me under great and lasting obligations to each of you individually.

With high consideration, I am, gentlemen,

Your faithful friend and servant,

THOMAS RUFFIN.

To Messrs. W. J. HOUSTON, M. C. WHITAKER, JOHN KERR, W. N. H. SMITH, M. W. RANSOM, *Committee.*

The hour of twelve o'clock having now arrived, the Speaker announced the special order, viz:

The bill to lay off and establish a new county by the name of Clingman, said bill being on its second reading. Mr. Edney moved to amend by adding the following proviso to the second section of the bill, viz:

“*Provided, however,* that it shall never be entitled to a separate representation in the House of Commons in any future apportionment of the members of the House, until, and unless it shall *then* have the full ratio of representation, and not then even, if there shall then be a deficiency in the ratio of the counties of Jackson, Haywood and Henderson.”

Pending the consideration of the bill and amendments, Mr. Edney moved an adjournment, which motion was lost, yeas 16, nays 28.

Mr. Cunningham demanded the yeas and nays.

Those who who voted in the affirmative, are:

Messrs. Bledsoe, Boyd, Brown, Carmichael, Davidson, Dobson, Edney, Gilmore, Houston, Humphrey, Martin, Pitchford, Ramsay, Thomas, Turner and Worth—16.

Those who voted in the negative are:

Messrs. Basnight, Battle, Blount, Cherry, Cowper, Cunningham, Davis, Dillard, Donnell, Douthitt, Flanner, Gorrell,

Guyther, Lane, Leach, McDonald, Miller, Mills, Person, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Walkup, Ward and Whitaker—28.

So the Senate refused to adjourn.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, in which it asks the concurrence of that body, viz:

A bill concerning auctions and auctioneers;

A bill to amend the charter of the Jonathan's Creek & Tennessee Mountain Turnpike Company;

A bill to establish the 113th regiment of North-Carolina militia, in the county of Wilson;

A bill to amend an act entitled an act to amend an act to incorporate the Cheowee Turnpike Company; and

A bill to amend an act entitled an act to create a sinking fund.

The Senate now resumed the consideration of the bill to lay off and establish a new county by the name of Clingman, the question being on the amendment proposed as a proviso to the 2nd section of the bill; and the question being taken thereon, the same was determined in the negative—yeas 13, nays 30.

Mr. Cherry demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Battle, Boyd, Brown, Carmichael, Dobson, Edney, Gilmore, Houston, Lane, Martin, Mills, Reinhardt and Thomas—13.

Those who voted in the negative are:

Messrs. Basnight, Bledsøe, Blount, Cherry, Cowper, Cunningham, Davidson, Davis, Dillard, Donnell, Douthitt, Flanner, Gorrell, Guyther, Humphrey, Leach, McDonald, Miller, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Taylor, Turner, Walkup, Ward, Whitaker and Worth—30.

So the amendment was rejected.

The Senate now resumed the consideration of the bill to lay off and establish a new county by the name of Clingman.

After debate, and before any question was taken on the passage of the bill,



On motion by Mr. Thomas, the Senate adjourned until tomorrow morning 10 o'clock.

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THURSDAY, DECEMBER 16, 1858.

✓ Mr. McDowell, from the committee on education and the literary fund, to whom was referred the bill to aid in the circulation of small silver coin in this State, reported the same back to the Senate and recommended its rejection.

Mr. Humphrey, from the committee on corporations, to whom was referred the bill to incorporate the Christian Gold Mining Company, reported a substitute for the same.

Mr. Edney, from the committee on internal improvements, to which was referred a resolution on the subject, reported a bill to amend the charters of the North-Carolina, Atlantic & North-Carolina, and Western North-Carolina Railroad Companies; which was read the first time and passed.

Mr. Houston, from the committee on the judiciary, to which was referred the bill to enlarge the powers of married women over their estates, in certain cases, reported the same back to the Senate and recommended that it do not pass.

Mr. McKoy, from the committee on the judiciary, to which was referred the bill to amend section 20 of chapter 31, of the Revised Code, reported the same back to the Senate and recommended that it do not pass.

Mr. Pitchford introduced a bill to amend the second clause of the 23d section of chapter 34 entitled Revenue, passed by the General Assembly of 1856-'57; which was read the first time and passed, and, on motion, referred to the committee on propositions and grievances.

Mr. Donnell, a bill to amend the 30th section of the 107th chapter of the Revised Code of North-Carolina; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Walkup, a bill to improve the organization of the militia; which was read the first time and passed, and, on motion, referred to the committee on military affairs.

Mr. Ward, a bill to amend the 29th section of the 45th chapter of the Revised Code; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Pitchford, a bill to incorporate the Warrenton Savings Bank; which was read the first time and passed, and, on motion, referred to the committee on banks and currency, and ordered to be printed.

Mr. Ward, a bill to alter the times of holding the courts of pleas and quarter sessions of the county of Jones; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Battle, a resolution in favor of Theodore Schrader; which was read the first time and passed, and, on motion, referred to the committee on claims.

Received a message from the House of Commons, proposing to raise a joint select committee of three on the part of the House, and two on the part of the Senate, to consider the propriety of adjourning over a definite time during the Christmas holidays; the proposition was concurred in, and the House of Commons informed, by message, that the Senate branch of the committee consists of Messrs. Miller and Guyther.

A message was received from the House of Commons stating that it had passed the engrossed bill from the Senate, to amend an act entitled an act to create a sinking fund, with an amendment, in which they ask the concurrence of the Senate.

The amendment was agreed to, and the House of Commons informed thereof by message.

The Senate now proceeded to the consideration of the unfinished business of yesterday, viz:

The bill to lay off and establish a new county by the name of Clingman; said bill being on its second reading.

Mr. Dobson moved to lay the bill on the table; which motion was lost.

The question now recurred on the passage of the bill on its second reading, and was determined in the negative, yeas 13, nays 22.



Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Boyd, Brown, Davidson, Davis, Dobson, Douthitt, Edney, Gilmore, Martin, Mills, Reinhardt, Thomas and Turner.—13.

Those who voted in the negative are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Cherry, Cowper, Cunningham, Dillard, Donnell, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, McDonald, McDowell, Miller, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker and Worth.—32.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz :

The bill to lay off and establish a new county by the name of Dobbin, which was read the second time, and the question recurring on the passage of the bill, the same was determined in the negative, yeas 11, nays 32.

Mr. Houston demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Brown, Davidson, Davis, Dobson, Edney, Martin, Miller, Reinhardt, Turner and Walkup.—11.

Those who voted in the negative are :

Messrs. Ashe, Basnight, Bledsoe, Blount, Boyd, Cherry, Cowper, Cunningham, Dillard, Donnell, Douthitt, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, McDonald, McDowell, Mills, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Taylor, Ward, Whitaker and Worth.—32.

So the bill was rejected.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill in which it asks the concurrence of that body, viz :

A bill to amend the charter of the Oconalufsta Turnpike Company.

The bill to amend the charter of the Bank of Cape Fear was read the second time. The amendment reported by the committee, proposing to strike out the word, "corporation," wherever it occurs, was agreed to.

Mr. Donnell moved a reconsideration of the vote by which

the foregoing amendment was adopted. The motion was lost.

On motion by Mr. Edney,

The bill was now recommitted to the committee on banks and currency.

Mr. Thomas moved that the bill to incorporate the North-Carolina Central, Atlantic and Pacific Railroad Company be now taken up and referred to the committee on internal improvements; pending the consideration of the question,

On motion by Mr. Turner, the Senate adjourned until tomorrow morning, 10 o'clock.

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FRIDAY, DECEMBER 17, 1858.

A message was received from the House of Commons, informing that the House branch of the committee to consider the propriety of an adjournment for a definite time in the Christmas holidays, consists of Messrs. Love, T. R. Caldwell and Moore, of New Hanover.

Also, a message transmitting a message from the Governor, with reports from several plank and railroad and navigation companies, with a proposition to print the same. Concurred in, and the Commons informed thereof.

Also, a message informing that the House branch of the committee on the memorial of Gov. Swain and Rev. Dr. Hawks, consists of Messrs. Morehead, Bridgers, Outlaw, Bullock, Kerr, Dortch and Smith.

On motion by Mr. Houston, the report of the Cape Fear Navigation Company, accompanying the message of the Governor, was referred to the committee raised on that subject; and the remaining reports accompanying the same, were referred to the committee on internal improvements.

Mr. Houston, from the committee on the judiciary, to which was referred the bill to repeal the 3rd section of the 102nd chapter of the Revised Code, and to increase the salary of the judges of the superior courts, reported the same back to the Senate with amendments.

Mr. Brown, from the committee on banks and currency, to



which was re-committed the bill to amend the charter of the bank of Cape Fear, reported a substitute for the same.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the Lake Landing Canal Company, reported the same back to the Senate with amendments.

Mr. Dillard, from the same committee, to which was referred the bill to amend an act entitled an act to charter the Fairfield Canal Company, reported the same back to the Senate, and recommended its passage.

Mr. Donnell, from the committee on the judiciary, to which was referred the bill to amend the 28th section of the 7th chapter of the Revised Code, reported the same back to the Senate, and recommended its passage.

Mr. Lane, from the committee on propositions and grievances, to which was referred the bill to lay off and establish a new county by the name of King, and a bill to amend the 7th clause of the 23d section of the 34th chapter of the Revised Code, entitled *Revenue*, reported said bills back to the Senate, and recommended that they do not pass.

Mr. Lane, from the same committee, to which was referred the bill concerning pilots at Ocracoke and Hatteras inlets, reported the same back to the Senate, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Lane, from the same committee, to which was referred the resolution for the relief of Jackson Stewart, former sheriff of the county of Yancy; the resolution for the relief of Solomon M. Wray, high sheriff of the county of Yancy; the bill to enlarge the powers of the commissioners of the town of Tarboro' so as to authorise them to organize and keep up a more efficient fire engine company, and the bill for the improvement of the roads in the counties of Henderson, Buncombe, Madison and Yancy, reported said bills and resolutions back to the Senate, and recommended their passage.

Mr. Carmichael, from the committee on the judiciary, to which was referred the bill to cede to the United States jurisdiction over a tract of land in the city of Raleigh, to be used for the purpose of a court house and post office, reported the same back to the Senate and recommended its passage.

Mr. Carmichael, from the same committee, to which was referred the memorial of Reuben I. Holmes, Superintendent of Gold Hill Mining Company, respecting tenants, reported the same back to the Senate and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Davidson, from the committee on claims, to which was referred the resolution in favor of James A. Vinson, the resolution of Theodore Schrader and the resolution in favor of Donald Frazer, reported the same back to the Senate and recommended their passage.

Mr. Lankford, from the committee on the judiciary, to which was referred the bill to amend the 30th section of the 107th chapter of the Revised Code, and the bill to alter the time of holding the courts of pleas and quarter sessions for the county of Jones, reported said bills back to the Senate and recommended their passage.

Mr. Steele introduced the following resolution, which was read and rejected, viz:

*Resolved*, That the committee on finance be instructed to enquire into the expediency of a repeal of so much of the revenue law as imposes a tax upon property descending to collateral relations, and report by bill or otherwise.

On motion by Mr. Bledsoe, the message of the Governor and the report of the Board of Internal Improvements accompanying the same were referred to the committee on internal improvements.

Mr. Flanner introduced a bill to extend the corporate limits of the town of Newbern and for the better regulation of the same, which was read the first time and passed; and, on motion, referred to the committee on corporations.

Mr. Humphrey, a bill to extend the powers of the New River Navigation Company, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

On motion by Mr. Edney, the Senate now took up the bill to amend the charter of the Western North Carolina Railroad Company; the substitute reported for the same was ordered to be printed, and the bill and substitute recommended to the committee on internal improvements.



The bill to incorporate the North Carolina Central, Atlantic & Pacific Railroad Company was now taken up and recommit-  
mitted to the committee on internal improvements.

The bill to enlarge the powers of married women over their estates in certain cases, was read the second time ; whereupon, on motion by Mr. Houston, the further consideration of the bill was postponed and made the special order of the day for Tuesday next, at the hour of 12 o'clock, M.

Mr. Ashe (by permission of the Senate) introduced a bill concerning the Wilmington and Weldon Railroad Company, which was read the first time and passed, and on motion, referred to the committee on internal improvements.

Received a message from the House of Commons, stating that it has passed the following engrossed bills, in which it asks the concurrence of the Senate, viz :

A bill to repeal so much of the eighth section of the 81st chapter of the Revised Code, as relates to Tyrrell county, which was read the first time and passed, and on motion, referred to the committee on the judiciary.

A bill to authorize and empower Solomon Klutts' administrator to collect arrears of taxes, which was read the first time and passed, and on motion, referred to the committee on propositions and grievances.

A bill to require the clerks of the General Assembly to take an oath of office, which was read the first time and passed, and on motion, referred to the committee on the judiciary.

A bill to incorporate the Wilmington Hotel Company, which was read the first time and passed, and on motion, referred to the committee on corporations.

A bill to incorporate the Orange Guards, which was read the first time and passed, and on motion, referred to the committee on military affairs.

A bill to incorporate the town of Mount Pleasant, which was read the first time and passed, and on motion, referred to the committee on corporations.

A bill to incorporate the North-Carolina College, &c., which was read the first time and passed, and on motion, referred to the committee on education and the literary fund.

A bill to encourage the formation of a military uniform company in Wilmington, North-Carolina, which was read the first time and passed, and on motion, referred to the committee on military affairs.

A bill concerning magistrates in Onslow and other counties, which was read the first time and passed, and on motion, referred to the committee on the judiciary.

And a bill to authorize a majority of the acting justices of Cumberland to appoint a special term, &c., which was read the first time and passed, and on motion, referred to the committee on the judiciary.

On motion by Mr. Brown, the Senate now proceeded to the consideration of the bill to amend the charter of the Cape Fear Bank, and the substitute reported by the committee being read, Mr. Steele moved to amend the same by striking out the third section thereof and inserting the following, viz :

*Be it further enacted*, That whenever the said bank hath any demands upon any person or corporation, it shall be lawful for said person or corporation to pay and discharge such demands in the notes of said bank, without regard to the place where the same may be payable and demandable, and the tender of such notes in payment or discharge of any such demand or any part thereof shall be good and available in law ; and the person upon whom such demand is made shall, in payment of the same, first use the notes of the bank or branch which makes the demand.

On motion by Mr. Pool, the amendment of Mr. Steele was further amended by adding to the same the following words, viz: "in case they have the same on hand at the time of the demand made."

Whereupon the amendment of Mr. Steele, as amended, was agreed to.

Mr. Brown moved further to amend the substitute reported by the committee by striking out the word *five*, and inserting the word *ten*, in the last line of the second section ; which amendment was disagreed to.

Mr. Donnell moved further to amend the substitute by striking out the words *twenty-two*, in the first section ; which



motion was lost. The substitute as amended was agreed to.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the affirmative—yeas 38, nays 5.

Mr. Brown demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Battle, Bledsoe, Blount, Carmichael, Cherry, Cowper, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Lane, Lankford, Leach, Martin, McDonald, McDowell, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams, and Worth.—38.

Those who voted in the negative are :

Messrs. Brown, Cunningham, Davidson, Donnell, and Pitchford.—5.

Mr. Houston moved a suspension of the rule, that said bill might now be put upon its third reading. Not agreed to.

On motion by Mr. Thomas, the Senate adjourned until tomorrow 10 o'clock.

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#### SATURDAY, DECEMBER 18, 1858.

Mr. Martin presented nine memorials, signed by 1727 citizens of the counties of Davidson, Davie, Stokes, Forsythe, Yadkin, Surry and Wilkes, praying for the passage of an act to open the Yadkin river for the passage of fish in said river, which on motion were referred to the committee on propositions and grievances.

Mr. Donnell from the committee on the judiciary, to which was referred the bill for the relief of such persons as may suffer from the destruction of the records in Pitt county, occasioned by the burning of the court-house, reported the bill back, with a substitute for the same, which was read and agreed to, and the bill passed its second reading as amended.

On motion by Mr. Donnell, the rule was suspended and

said bill read the third time, passed and ordered to be engrossed.

Mr. McDonald, from the same committee to which certain memorials, on the subject were referred, reported a bill to repeal an act, entitled an act to lay off and establish a public road in the county of Davie and Davidson, and to establish a public ferry across the Yadkin river, which was read the first time and passed.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the Jones County Male and Female Seminary, in the county of Jones, reported the same back to the Senate and recommended its passage.

Mr. Lane, from the committee on propositions and grievances, to which was referred the bill to lay off and establish a new county by the name of Alleghany, and the bill to authorize and empower Solomon Klutts', administrator, to collect arrears of taxes, reported said bills back to the Senate, and recommended their passage.

Mr. Edney, from the committee on internal improvements, to which was referred the bill to extend the powers of the New river Navigation Company, reported the same back to the Senate and recommended its passage.

Mr. Edney, from the same committee, to which was referred the bill (and substitute for the same) to aid in the construction and equipment of the Western Railroad, from Fayetteville to the Coalfields, reported the same back to the Senate and recommended that said substitute do pass.

Mr. Edney, from the same committee, to which was referred the bill (and substitute for the same,) to amend the charter of of the Western North-Carolina Railroad, reported the same back to the Senate, with a recommendation that said substitute do pass.

Mr. Guyther, from the joint select committee, to which was referred the proposition to adjourn over during the Christmas holidays, reported the following resolutions, which were adopted, viz :

1. *Resolved*, That a general leave of absence be granted to all the members of the Senate, who wish to accept the



same, from and after Thursday, 23d December, instant, until Saturday, the 1st of January, 1859.

2. *Resolved*, That no bill or resolution of a public nature, shall be finally acted upon, from 23d December, 1858, until the 1st day of January, 1859.

On motion by Mr. Houston,

*Resolved*, That the committee on the judiciary be authorized and required to investigate and report some general plan of publishing the public laws for the information of the people, and report by bill or otherwise.

Mr. Donnell introduced a bill to empower notaries to administer oaths in certain cases, which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Humphrey a bill concerning deeds of *feme covert*s, which was read the first time and passed; and, on motion, referred to the committee on the judiciary.

On motion by Mr. Cunningham, leave of absence was granted to the Senator from Chowan and Gates for six days, from and after Tuesday next.

Mr. Edney introduced a bill to amend the entry laws of this State, which was read the first time and passed; and, on motion, referred to the committee on propositions and grievances.

Received a message from the House of Commons, stating that it has passed the following engrossed resolution, in which it asks the concurrence of the Senate, viz:

A resolution authorizing certain repairs to the House of Commons, which was read the first time and passed; the rule being suspended, said resolution was read the 2d and 3d times, passed, and ordered to be enrolled.

The bill to incorporate the Salisbury Gaslight Company was read the second time, the amendment reported by the committee agreed to, and the bill passed its second reading as amended.

On motion, the rule was suspended, and said bill read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the White Oak River

Navigation Company, was read the second time, the amendment reported by the committee agreed to, and the bill passed its second reading as amended.

Under a suspension of the rule, said bill was read the third time and passed, and a message sent to the House of Commons asking its concurrence in the amendment of the Senate.

The engrossed resolution in favor of Donald Frazer was read the second time and passed. The rule being suspended, said resolution was read the third time, passed, and ordered to be enrolled.

The resolution in favor of Sarah A. Johnson was read the second time and passed. Under a suspension of the rule, said resolution was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Long Acre Guards was read the second time, amended on motion by Mr. Donnell, and passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Christian Gold Mining Company was now taken up; whereupon,

On motion by Mr. McDonald,

The further consideration of the same was postponed until the first day of January next.

The bill to amend an act entitled an act to incorporate the town of Newton, in the county of Catawba, and to empower the commissioners thereof to convey certain real estate to trustees for school purposes, was read the second time.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Oak City Savings Bank was read the second time, the amendments proposed by the committee agreed to, and the bill passed its second reading as amended; the rule being suspended, said bill was read the third time, passed and ordered to be engrossed.

The bill to incorporate the Lake Landing Canal Company was read the second time, the amendment proposed by the committee agreed to, and the bill passed its second reading



as amended; the rule being suspended, said bill was read the third time, passed and ordered to be engrossed.

The resolution in favor of James A. Vinson;

The resolution in favor of Theodore Schrader; and

The bill to amend an act entitled an act to charter the Fairfield Canal Company were severally read second time and passed; under a suspension of the rule, said bill and resolutions were read the third time, passed and ordered to be engrossed.

The resolution for the relief of Jackson Stewart, former sheriff of the county of Yancy, was read the second time, and on motion by Mr. Lane, recommitted to the committee on propositions and grievances.

The resolution for the relief of Solomon M. Wray was now taken up, and on motion, recommitted to the committee on propositions and grievances.

On motion by Mr. Davis, the Senate now took up for consideration the bill to provide for the election of sheriff in Cabarrus county, which was read the second time, amended, on motion by Mr. Davis, and passed its second reading as amended; the rule being suspended, said bill was read the third time, passed and ordered to be engrossed.

On motion by Mr. Humphrey, the Senate now proceeded to consider the bill to extend the powers of the New River Navigation Company, which was read the second time, amended on motion by Mr. Humphrey, and passed its second reading as amended; the rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

Mr. Turner moved that the Senate do now take up from the table the message from the House of Commons transmitting the report of the Public Treasurer and documents concerning State bonds, which was agreed to—yeas 36, nays 1.

Mr. Douthitt demanded the ayes and nays:

Those who voted in the affirmative are:

Messrs. Battle, Bledsoe, Blount, Carmichael, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, Miller, Mills,

Pitchford, Pool, Ramsay, Reinhardt, Speight, Straughan, Turner, Walkup, Ward, Whitaker and Williams.—36.

Mr. Worth voted in the negative.

So the message was taken up, and the proposition to print the report and documents concurred in.

Mr. Martin, from the committee on military affairs, to which was referred the bill to encourage the formation of a military company in Wilmington, North Carolina, reported the same back to the Senate and recommended its passage. The bill was read the second time, but pending its consideration,

On motion by Mr. Flanner, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, DECEMBER 20, 1858.

The Speaker laid before the Senate a report from the commissioners of the sinking fund, which, on motion by Mr. Boyd, was ordered to be sent to the House of Commons, with a proposition that the same be printed and referred to the committee on finance.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the town of Mt. Pleasant, reported the same back to the Senate and recommended its passage.

The Speaker announced that the committee on enrolled bills, on behalf of the Senate, for the present week, consists of Messrs. Martin, Boyd, and Flanner, of which the House of Commons was informed by message.

On motion by Mr. Guyther,

*Resolved*, That the committee on education and literary fund be instructed to inquire into the expediency of so amending the common school law as to require the chairman of the board of superintendents to loan out or to invest the surplus in State bonds, or to deposite the same in bank, and that they report by bill or otherwise.

Received a message from the House of Commons, stating that it has passed the following engrossed bill, in which it



asks the concurrence of the Senate, viz: a bill to restore jury trials in the county courts of Cleaveland; which was read the first time and passed. On motion by Mills, the rule was suspended, and said bill read the second and third times, passed and ordered to be enrolled.

A message was received from the House of Commons, informing that Messrs. Bullock, Windly, Dancey, Watters, and Taylor, form the House branch of the committee on enrolled bills for the present week.

Also a message stating that the House of Commons concur in the amendment of the Senate to the bill to incorporate the White Oak Navigation Company; and, also, in the proposition of the Senate to print the report of the commissioners of the sinking fund; also, informing that Mr. Outlaw was appointed a member of the committee of finance, in the place of Mr. Haywood.

Received a message from the House of Commons, stating that it has passed the following engrossed resolution, in which it asks the concurrence of the Senate, viz: a resolution in favor of E. G. Haywood; which was read the first time and passed, the rule being suspended, said resolution was read the second and third times, passed and ordered to be enrolled.

Mr. Cunningham moved that a message be sent to the House of Commons, proposing to set apart to-morrow, at 3 o'clock, for the appointment of magistrates.

On motion by Mr. Turner,

The proposition was amended by striking out "to-morrow," and inserting the 2d Saturday in January next, and a message sent accordingly.

A message was received from the House of Commons proposing to raise a joint committee of one on the part of the Senate, and two on the part of the House, to wait on his Excellency Governor J. W. Ellis, and inform him of his election as Governor of North-Carolina, for two years from the first day of January next, and to ascertain when it will suit his convenience to appear before the two Houses of the General Assembly and take the oath of office. The proposition was concurred in, and the House of Commons informed by mess-

age that Mr. Lane is appointed the committee on the part of the Senate.

Received a message from the House of Commons, proposing to raise a joint select committee of three on the part of the Senate, and five on the part of the House of Commons to make suitable arrangements for the reception of his Excellency John W. Ellis at such time as he may designate to take the oath of office.

Concurred in, and the House of Commons informed by message that Messrs. Steele, Donnell and Edney, constitute the committee on behalf of the Senate.

Mr. McDowell introduced a bill to prevent the emancipation of slaves by will and testament, which was read the first time and passed; and on motion referred to the committee on the judiciary.

Mr. Edney, a bill to provide a freehold for the poor, which was read the first time and passed, and on motion referred to the committee on the judiciary.

Mr. Donnell, a bill to increase the library of the Senate, and for other purposes, which was read the first time and passed; and on motion referred to the committee on the library.

Mr. Pool, from the committee on the judiciary, to which was referred the bill to amend the 17th section of the 119th chapter of the Revised Code, reported the same back to the Senate with amendments.

On motion by Mr. Cunningham,

The Senate now took up for consideration, the engrossed bill to encourage the formation of a military uniform company in Wilmington, North-Carolina, which was read the second time and passed; the rule being suspended, the bill was read the third time, passed and ordered to be enrolled.

The bill to aid in the construction and equipment of the Western Railroad, from Fayetteville to the Coalfields was now taken up, but on motion by Mr. Gilmore, the consideration of the same was postponed, and said bill made the special order of the day, for the 4th day of January next.

The Senate now took up the bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company,



when, on motion by Mr. Steele, the consideration of said bill was postponed and said bill made the special order of the day for the 5th day of January next.

The bill to aid in the circulation of small silver coin in this State was read the second time and rejected.

A message was sent to the House of Commons stating that the Senate had passed the following engrossed bill in which it asks the concurrence of that body, viz :

A bill to extend the powers of the New River Navigation Company.

On motion by Mr. Bledsoe, the Senate now took up the engrossed bill to cede to the United States jurisdiction over a tract of land in the city of Raleigh to be used for the purpose of a court house and post office, which was read the second time and passed ; and, on motion by Mr. Cunningham, the rule was suspended and said bill read the third time, passed and ordered to be enrolled.

On motion by Mr. Flanner, leave of absence was granted to the Senator from Hertford for three days from and after to-morrow.

The bill to repeal the 3rd section of the 102nd chapter of the Revised Code and to increase the salaries of Judges of the Superior Courts in this State, was read the second time and the amendment of the committee agreed to, and the question recurring on the passage of the bill on its second reading as amended, the same was determined in the negative—ayes 7, noes 29.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Davidson, Donnell, Houston, Person, Pool and Steele.—7.

Those who voted in the negative, are :

Messrs. Battle, Blount, Boyd, Carmichael, Cunningham, Davis, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, McDonald, McDowell, Miller, Mills, Ramsay, Reinhardt, Speight, Straughan, Thomas, Turner, Ward, Whitaker, Williams and Worth.—29.

So the bill was rejected.

The bill to amend the charter of the Western North Carolina Railroad was now taken up, and on motion by Mr. Edney, the consideration of the same was postponed, and the said bill was made the special order of the day for the 6th day of January next.

The bill to amend the 25th section of the 7th chapter of the Revised Code was read 2nd time and passed.

Received a message from the House of Commons concurring in the proposition of the Senate to set apart the 2d Saturday in January next, at 3 P. M., for the appointment of magistrates.

Received a message from the House of Commons informing that Messrs. Hill of Stokes and Sparrow constitute the House branch of the committee to wait on his Excellency, John W. Ellis, and inform him of his election to the office of Governor of the State, and to ascertain when it will suit his convenience to appear before the two Houses of the General Assembly and take the usual oaths of office.

Also a message informing that the House branch of the committee to make arrangements for the reception and qualification of the Governor elect consists of Messrs. Baird, Martin, Masten, Lewis and Woodfin.

Also a message from the House of Commons informing that they had accepted the recommendation of certain persons as justices of the peace for the county of Yancey, and asking the concurrence of the Senate.

On motion by Mr. Turner,

*Ordered*, That the consideration of the same be postponed until the 2d Saturday in January next.

The bill to lay off and establish a new county by the name of Alleghany was now taken up, but, on motion by Mr. Dobson, the consideration of the same was postponed, and said bill made the special order of the day for Friday the 7th of January next.

The bill for the improvement of the roads in the counties of Henderson, Buncombe, Madison and Yancy, was read the 2d time and passed.



The bill to amend section 20 of chapter 31 of the Revised Code was read the second time and rejected.

The bill to lay off and establish a new county by the name of King, was read the second time.

Mr. Houston moved to amend the bill by striking out the words *Duplin*, and *Benjamin Bowden's*, wherever they occur; which motion was disagreed to.

On motion by Mr. Cunningham, the consideration of the bill was postponed until the 4th day of July next.

A message was received from the House of Commons, stating that they have passed the engrossed bill from the Senate to incorporate the Buckhorn Iron Company, with an amendment, in which they ask the concurrence of the Senate.

The amendment was agreed to, and the House of Commons informed thereof by message.

The bill to amend the 30th section of the 107th chapter of the Revised Code of North-Carolina was read the second time and rejected.

The bill to amend the charter of the North-Carolina, Atlantic & North-Carolina, and Western North-Carolina Railroad Companies was read the second time. Pending debate,

On motion by Mr. Houston, the Senate adjourned until tomorrow morning 10 o'clock.

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TUESDAY, DECEMBER 21, 1858.

Mr. Houston presented a memorial from the citizens of Philadelphia, in relation to the erection of a monument; which, on motion, was referred to the committee on monuments.

On motion by Mr. Steele, leave of absence was granted to the Senator from Bladen, from and after to-day until the first day of January next.

On motion by Mr. McDowell, leave of absence was granted to the Senator from Richmond, from and after to-day until the first day of January next.

On motion, Mr. Gilmore was excused from serving on the committee on the Deep River Navigation Company.

Mr. Thomas introduced a memorial from citizens of Cherokee county, in relation to a railroad, which, on motion, was referred to the committee on internal improvements.

On motion by Mr. Bledsoe, leave of absence was granted to the Senator from Wayne, from and after to-day until the first day of January next.

Mr. Houston, from the committee on the judiciary, to which was referred the bill to authorize a majority of the acting justices of the county of Cumberland to appoint a special term, and the bill to require clerks of the General Assembly to take an oath of office, reported said bills back to the Senate, and recommended their passage.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the Wilmington Hotel Company, reported the same back to the Senate, and recommended its passage.

Mr. Lankford, from the committee on the judiciary, to which was referred the bill concerning magistrates in Onslow and other counties, reported the same back to the Senate, and recommended its passage.

Mr. Gorrell, from the same committee, to which was referred the bill to prevent fraudulent bidding at judicial sales, and the bill to amend the 19th section of the 119th chapter of the Revised Code, reported said bills back to the Senate, and recommended their passage.

Mr. Miller introduced a resolution in favor of the State, which was read the first time and passed; and, on motion, referred to the committee on Cherokee lands, &c.

Mr. Houston introduced a resolution (accompanied by a memorial) in favor of Edward Kidder, which was read the first time and passed; and, on motion, referred to the committee on claims.

On motion by Mr. Boyd,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the insolvent debtor's law, chapter 59, section 5, of Revised Code, so as to provide



that when a debtor remains within the walls of a prison for twenty days, and refuses or declines to take the oath of insolvency, that the plaintiff be released from liability for prison charges after that time; and that they report by bill or otherwise.

Mr. Houston introduced a resolution, accompanied by a memorial, in favor of Henry Van Glahn and H. Baker; which was read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Mills moved to reconsider the vote by which, on yesterday, was postponed until the 2nd Saturday in January next a message from the House of Commons asking the concurrence of the Senate in the appointment of justices of the peace in Yancy county; the motion was agreed to and proposition concurred in.

Mr. Houston introduced a bill prescribing the duties of executors and administrators; which was read the first time and passed, and on motion, referred to the committee on the judiciary.

Mr. Straughan, a bill to amend the 59th chapter of the Revised Code, entitled "Insolvent Debtors;" which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Worth, a bill concerning county courts; which was read the first time and passed, and on motion, referred to the committee on the judiciary.

A message was sent to the House of Commons with the following engrossed bills and resolutions, asking the concurrence of the Commons therein, to wit:

A bill to amend an act entitled an act to incorporate the town of Newton, in the county of Catawba.

A bill to incorporate the Long Acre Guards;

A bill to incorporate the Oak City Savings Bank;

A bill to incorporate the Salisbury Gaslight Company;

A bill to amend an act entitled an act to charter the Fairfield Canal Company;

A bill to provide for the election of Sheriff in Cabarrus county;

A bill to incorporate the Lake Landing Canal Company ;

A bill for the relief of such persons as may suffer from the destruction of the records of Pitt county, occasioned by the burning of the courthouse ;

A resolution in favor of James A. Vinson, former Sheriff of Johnston county ;

A resolution in favor of E. G. Haywood ;

A resolution in favor of Theodore Schrader ; and,

A resolution in favor of Sarah A. Johnson.

Received a message from the House of Commons 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 entitled an act supplemental to an act to establish a new county by the name of Harnett ; which was read the first time and passed, and, on motion, referred to the committee on propositions and grievances ;

A bill to make husbands liable for the debts of their deceased wives ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary ;

A bill to amend chapter 78th of the Revised Code, entitled " Official Bonds and for other purposes ;" which was read the first time and passed, and, on motion, referred to the committee on the judiciary ;

A bill to amend chapter 68 of the Revised Code, entitled Marriages ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary ;

A bill to incorporate the Tennessee Valley Turnpike Company ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements ;

A bill to prevent horse stealing ; which was read the first time and passed, and, on motion referred to the committee on the judiciary ;

A bill to authorize the construction of a toll bridge across the Yadkin river near Jonesville ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements ;

A bill to incorporate the Cherokee County Turnpike Company ; which was read the first time and passed, and, on motion, referred to the committee on corporations ;



A bill to authorize the court of pleas and quarter sessions of Bertie county, to impose and collect wharfage from all steamboats and other vessels landing or receiving passengers, produce, or merchandise, at the public wharf on the Chowan river, near Colerain, in said county; which was read the first time and passed. On motion by Mr. Whitaker, the rule was suspended, and said bill read the second time and passed, and, on motion, referred to the committee on the judiciary;

A bill to prevent the felling of timber in the waters of Tuckahoe and Trent rivers; which was read the first time and passed, and, on motion, referred to the committee on the judiciary;

A bill requiring the days of receiving and executing to be noted on justices' process; which was read the first time and passed, and, on motion, referred to the committee on the judiciary;

A bill to incorporate the Black Mountain Turnpike Company; which was read the first time and passed, and, on motion, referred to the committee on internal improvements;

A bill to protect purchasers under judicial sales; which was read the first time and passed, and, on motion, referred to the committee on the judiciary;

A resolution in favor of G. M. Albright; which was read the first time and passed, and, on motion, referred to the committee on claims; and

A resolution in favor of John Caldwell's executors; which was read the first time and passed, and, on motion, referred to the committee on claims.

Received a message from the House of Commons, transmitting a statement from the Commercial Bank of Wilmington, with a proposition to print the same. Concurred in.

Also, a message from the House of Commons, stating that they have passed the following engrossed resolution, in which they ask the concurrence of the Senate, viz:

A resolution in favor of Judge Nash's executors; which was read the first time and passed. On motion, the rule was suspended, and said resolution read the second and third times, passed and ordered to be enrolled.

The Speaker announced the unfinished business of yesterday, viz: the bill to amend the North-Carolina, Atlantic & North-Carolina, and Western North-Carolina Railroad Companies; when,

On motion by Mr. Lane,

The consideration of the bill was postponed and made the special order of the day for Monday, the 3d day of January next.

The bill to amend the charter of the Cape Fear bank, was read the 3d time, amended on motion by Mr. Lane, and passed its third reading as amended, and was ordered to be engrossed.

The bill to amend the second section of the 28th chapter of the Revised Code, entitled "County Revenue & Charges;"

The bill for the improvement of the roads in the counties of Henderson, Buncombe, Madison and Yancey;

The bill to amend the 28th section of the 7th chapter of the Revised Code, were severally read the third time; passed, and ordered to be engrossed.

The bill to repeal the 13th, 14th, 15th and 16th sections of the 2d chapter of the Revised Code, was read the third time. Mr. Donnell, moved that the consideration of the same be postponed, and said bill be made the special order of the day for the 7th of January next, which motion prevailed, yeas 34, nays 6.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bledsoe, Blonnt, Boyd, Brown, Carmichael, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Houston, Lane, Lankford, McDowell, McDonald, Miller, Mills, Person, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Whitaker and Worth.—34.

Those who voted in the negative are:

Messrs. Battle, Cunningham, Guyther, Leach, Martin and Williams.—6.

The hour of 12 o'clock, having now arrived, the Speaker announced the special order, viz:



The bill to enlarge the powers of married women over their estates, in certain cases, which was read the second time. Mr. Donnell moved an amendment to the same, whereupon, on motion by Mr. Houston, said bill and amendments were re-committed to the committee on the judiciary.

Mr. Taylor moved that the Senate do now adjourn ; which motion was lost, yeas 11, nays 23.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Bledsoe, Carmichael, Dobson, Humphrey, McDowell, Ramsay, Stranghan, Taylor, Turner, Williams and Worth.—11.

Those who voted in the negative are :

Messrs. Battle, Blount, Cunningham, Davis, Donnell, Donthitt, Edney, Flanner, Guyther, Houston, Lane, Lankford, Leach, McDonald, Miller, Mills, Person, Rienhardt, Speight, Steele, Walknp, Ward and Whitaker.—23.

So the Senate refused to adjourn.

A message was received from the House of Commons, proposing to go into the election of seven Councilors of State, to-morrow, at 12 o'clock, M. Not agreed to.

The bill to alter the times of holding the courts of pleas and quarter sessions for the county of Jones, was read the second time, amended and passed ; on motion by Mr. Ward, the rule was suspended, and said bill read the third time, passed and ordered to be engrossed.

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

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### WEDNESDAY, DECEMBER 22, 1858.

Mr. Person introduced a petition concerning the establishment of an election precinct in Northampton county ; which, on motion, was referred to the committee on propositions and grievances.

Mr. Martin, from the committee on military affairs, to which was referred the bill to incorporate the Orange Guards, re-

ported the same back to the Senate, and recommended its passage.

Mr. Donnell, from the committee on the judiciary, to which was referred the engrossed bill to authorize the courts of pleas and quarter sessions of Bertie county to impose and collect wharfage from all steamboats and other vessels landing or receiving passengers, produce or merchandise at the public wharf on the Chowan river, near Colerain, in said county, reported the same back to the Senate, and recommended its passage.

Whereupon, on motion by Mr. Donnell, said bill was read the third time, passed, and ordered to be enrolled.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to extend the corporate limits of the town of Newbern, and for the better regulation of the same, reported the same back to the Senate with amendments.

On motion by Mr. Mills,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of enacting a law to suppress the sale of adulterated spirituous liquors, and for the punishment of all persons who may engage in the business of vending or giving receipts for the manufacture of spirituous liquors containing unwholesome and poisonous ingredients of any kind whatever; and that they report by bill or otherwise.

On motion by Mr. Blount,

*Resolved*, That it be referred to the committee on Taw river improvement, to enquire and ascertain whether any, and what debts, have been contracted by the commissioners who were appointed to superintend the said work, or by any authorized agent of the State, and now remain unpaid; what are the several amounts of such debts, and to whom they are owing; and that they report by bill or otherwise.

Mr. Blount introduced the following resolutions, viz:

A resolution in favor of Gould Hoytt;

A resolution in favor of J. J. Cherry; and

A resolution in favor of Albritton & Cherry; which were severally read the first time and passed, and, on motion, referred to the committee on claims.



On motion by Mr. Carmichael,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of enacting a law providing for the execution of all judgments of courts rendered on convictions for crimes punished by death, under the laws of this State, within the walls of the public prisons, and in the presence of a certain number of persons; and that they report by bill or otherwise.

On motion by Mr. Thomas,

*Resolved*, That the joint select committee on Cherokee lands and western turnpikes, enquire into the expediency of making provisions for the settlement of the claims of Mark Coleman and other citizens of Macon county, for damages sustained by reason of their lands interfered with by reservations granted to the Cherokee Indians under the 8th article of the treaty of 1817, and 2nd article of the treaty of 1819; and that the committee be instructed to report by bill or otherwise.

Mr. Thomas introduced a bill to incorporate the Cheowe & Valley River Turnpike Company in Cherokee county; which was read the first time and passed, and, on motion, referred to the committee on Cherokee lands and Western Turnpikes.

Mr. Leach a bill for the better regulation of the Banks of this State; which was read the first time and passed, and, on motion, referred to the committee on banks and currency.

On motion by Mr. Houston, the Senate now took up the bill to amend the 17th section of the 119th chapter of the Revised Code, entitled "Wills and Testaments;" which was read the second time, and the amendments proposed by the committee agreed to. Further amendments were proposed by Messrs. Edney and Donnell, which were agreed to; and the bill passed its second reading as amended. On motion by Mr. Cunningham, the rule was suspended, and said bill read the third time, passed and ordered to be engrossed.

On motion by Mr. Martin,

*Ordered*, That a message be sent to the House of Commons, proposing to go into the election of seven Councilors of State to-day at 12 o'clock, M.

The bill to prevent fraudulent bidding at judicial sales;

The bill concerning magistrates in Onslow and other counties; and

The bill to authorise a majority of the acting justices of the peace of Cumberland county to appoint a special term, &c., were severally read the second time and passed.

On motion by Mr. Thomas, the Senate now took up from the table the bill to authorise the county courts to abolish or establish jury trials; which was read the second time and rejected, yeas 11, nays 21.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Boyd, Carmichael, Houston, Humphrey, Leach, Mills, Thomas, Turner, Walkup and Worth—11.

Those who voted in the negative are:

Messrs. Battle, Blount, Brown, Cunningham, Davidson, Dobson, Donnell, Donthitt, Edney, Flanner, Gorrell, Guyther, Lankford, Martin, McDowell, Miller, Ramsay, Reinhardt, Speight, Taylor and Whitaker—21.

A message was received from the House of Commons concurring in the proposition to go into the election for seven Councilors of State this day at 12 o'clock, M., and informing that the House branch of the committee to superintend said election consists of Messrs. Kirby and Ferebee.

The engrossed bill to require the clerks of the General Assembly to take an oath of office was read the second time; and, on motion by Mr. Donnell, indefinitely postponed, yeas 27, nays 6.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cunningham, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Lankford, Martin, Miller, Mills, Person, Ramsay, Reinhardt, Speight, Taylor, Thomas, Turner, Walkup, Whitaker and Williams—27.

Those who voted in the negative are:

Messrs. Gorrell, Houston, Humphrey, Leach, McDonald and Worth—6.

The bill to repeal an act entitled an act to lay off and



establish a public road in the counties of Davie and Davidson, and to establish a public ferry across the Yadkin river, was read the second time, and, on motion by Mr. Ramsay, recommitted to the committee on the judiciary.

A message was received from the House of Commons informing that Messrs. Lewis Thompson, Frederic Grist, W. T. Marsh, A. G. Foster, J. H. Prichard, Anderson Mitchell, W. M. Walton, Josiah T. Granberry, John A. Averitt, John L. Bridgers, Jesse A. Waugh, Pleasant M. Powell, William J. Yates, and Columbus Mills are in nomination for Councilors of State; and the hour agreed upon for going into said election having now arrived, a message was sent to the House of Commons informing that Messrs. Gorrell and Mills constitute the Senate branch of the committee 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. GRANBERRY.—Messrs. Speaker, Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Gnyther, Houston, Humphrey, Lankford, Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas and Whitaker.—22.

For Mr. AVERITT.—Messrs. Speaker, Ashe, Battle, Bledsoe, Boyd, Brown, Cnnningham, Davidson, Dobson, Edney, Guyther, Houston, Humphrey, Lankford Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas and Whitaker.—22.

For Mr. BRIDGERS.—Messrs. Speaker, Ashe, Battle, Bledsoe, Boyd, Brown, Cnnningham, Davidson, Dobson, Edney, Guyther, Houston, Humphrey, Lankford, Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas and Whitaker.—22.

For Mr. WAUGH.—Messrs. Speaker, Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Guyther, Houston, Humphrey, Lankford, Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas and Whitaker.—22.

For Mr. POWELL.—Messrs. Speaker, Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Gnyther, Houston, Humphrey, Lankford, Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas, and Whitaker.—22.

For Mr. YATES.—Messrs. Speaker, Ashe, Battle, Bledsoe,

Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Guyther, Houston, Humphrey, Lankford, Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas, and Whitaker.—22.

For Mr. MILLS.—Messrs. Speaker, Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dobson, Edney, Guyther, Houston, Humphrey, Lankford, Martin, Mills, Person, Reinhardt, Speight, Taylor, Thomas, and Whitaker.—22.

For Mr. THOMPSON.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Walkup, Worth, and Gorrell.—11.

For Mr. GRIST.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Walkup, Worth, and Gorrell.—11.

For Mr. MARSH.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Walkup, Worth, and Gorrell.—11.

For Mr. FOSTER.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Walkup, Worth, and Gorrell.—11.

For Mr. PRITCHARD.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Walkup, Worth, and Gorrell.—11.

For Mr. MITCHELL.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Worth, and Gorrell.—10.

For Mr. WALTON.—Messrs. Blount, Carmichael, Douthitt, Flanner, Leach, McDonald, Miller, Ramsay, Walkup, Worth and Gorrell.—11.

For Mr. V. BARRINGER.—Mr. Walkup—1.

Mr. Houston now moved that a message be sent to the House of Commons proposing to go forthwith into the election for thirteen trustees of the University; which, on motion by Mr. Cunningham, was ordered to be laid on the table.

On motion by Mr. Speight, the Senate adjourned until tomorrow morning 10 o'clock.



THURSDAY, DECEMBER 23, 1858.

Mr. Thomas presented a petition from sundry citizens of Cherokee county, praying the establishment of a new county, which, together with a resolution concerning the same subject, was referred to the committee on propositions and grievances.

Mr. Houston, from the committee on the judiciary, reported favorably the engrossed bill to make husbands liable for the debts of their deceased wives.

Mr. Houston, from the same committee, reported the engrossed bill to prevent horse stealing, with the recommendation that it do not pass.

Mr. Lankford, from the same committee, reported the engrossed resolution in favor of G. M. Albright, of Alamance county, and asked to be discharged from its further consideration.

The committee were discharged, and the resolution, on motion of Mr. Lankford, re-committed to the committee on claims.

Mr. Dobson, from the same committee, reported the bill concerning deeds of *feme covert*s, and recommended that it do not pass.

Mr. Dobson, from the same committee, reported the engrossed bill requiring the day of receiving and executing to be noted on justices process, with an amendment, recommending the passage of the bill as amended.

Mr. Gorrell, from the select committee appointed to superintend the election of seven Councilors of State, reported that the whole number of votes cast was 131: necessary to a choice 66; and that Josiah T. Granberry received 92 votes; John A. Averitt, 92 votes; John L. Bridgers, 93 votes; Jesse A. Waugh, 92 votes; William J. Yates, 92 votes; Columbus Mills, 92 votes; Pleasant M. Powell, 92 votes; Lewis Thompson, 39 votes; Frederick Grist, 39 votes; William T. Marsh, 39 votes; Alfred G. Foster, 38 votes; James H. Pritchett, 39 votes; Anderson Mitchell, 39 votes; W. M. Walton, 39 votes; V. M. Barringer, 1 vote; and W. J. Long, 1 vote.

That Messrs. Granberry, Averitt, Bridgers, Waugh, Yates, Mills and Powell, having received a majority of all the votes cast, were duly elected. Report concurred in.

Mr. Carmichael, from the committee on the judiciary, reported favorably the bill prescribing the duties of executors and administrators.

Mr. Carmichael, from the same committee, reported the bill to amend the 59th chapter of the Revised Code, entitled "Insolvent Debtors," and recommended that said bill do not pass.

Mr. Gorrell, from the same committee, reported unfavorably the bill concerning county courts.

Mr. Gorrell, from the same committee, reported the engrossed bill to prevent the felling of timber in the waters of Tuckaho and Trent rivers, with amendments.

Mr. Thomas introduced a resolution instructing the committee on propositions and grievances to enquire into the expediency of establishing a new county out of portions of Macon, Jackson and Cherokee. Resolution adopted.

Mr. McDonald introduced a bill to incorporate Carthage Lodge, No. 181, Ancient York Masons; which was read the first time, passed, and, on his motion, referred to the committee on corporations.

Mr. Edney moved to reconsider the vote by which the bill to require the clerks of the General Assembly to take an oath of office was indefinitely postponed on yesterday, which motion was agreed to, and the consideration of the bill, upon motion by Mr. Donnell, was postponed until the 3rd day of January next.

Mr. Bledsoe moved for and obtained leave of absence for the Senator from Duplin, from and after this day until Wednesday next.

On motion by Mr. Leach, leave of absence was granted to the Senator from Greene, for six days, from and after to-day.

Mr. Speight moved for and obtained leave of absence for the Senator from Johnston county from and after to-day until the 31st inst.

On motion by Mr. Leach, the Senate adjourned until tomorrow, 11 o'clock.



## FRIDAY, DECEMBER 24, 1858.

The Speaker took the chair at 11 o'clock. There being no quorum, the Speaker stating that he might necessarily be absent on to-morrow, appointed Mr. Edney, of Henderson, Speaker *pro tem.*, in that event.

The Senate then adjourned until 8 o'clock, to-morrow.

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## SATURDAY, DECEMBER 25, 1858.

The Speaker *pro tem.* took his seat at 8 o'clock, A. M. There being no quorum present, the Senate adjourned until 8 o'clock, A. M., on Monday next.

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## MONDAY, DECEMBER 27, 1858.

The Speaker *pro tem.* took the chair at 8 o'clock, A. M. There being no quorum present, the Senate adjourned till 7 o'clock, P. M., to-morrow.

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## TUESDAY, DECEMBER 28, 1858.

The Speaker took his seat at 7 o'clock, P. M. There being no quorum present, the Senate adjourned until to-morrow morning 10 o'clock.

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## WEDNESDAY, DECEMBER 29, 1858.

The Speaker took the chair at 10 o'clock, A. M. There being no quorum present the Senate adjourned till to-morrow 10 o'clock, A. M.

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THURSDAY, DECEMBER 30, 1858.

The Speaker took the chair according to adjournment, and no quorum being present, on motion by Mr. Edney, the Senate adjourned until to-morrow morning 10 o'clock.

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FRIDAY, DECEMBER 31, 1858.

The Speaker took the chair at 10 o'clock. There not being a quorum present, on motion of Mr. Edney, the Senate adjourned until to-morrow morning 10 o'clock.

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SATURDAY, JANUARY 1, 1859.

The Speaker took the chair according to adjournment; when,

On motion by Mr. Bledsoe, the Senate took a recess until one-quarter before 12 o'clock, A. M.

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*One-quarter before 12 o'clock.*

The Speaker laid before the Senate a communication stating that the committee appointed to wait on the Hon. John W. Ellis, and inform him of his election to the office of Governor of the State, and to ascertain when it will suit his convenience to appear before the two Houses of the General Assembly to take the oaths office, had performed the duty assigned them, and that he would appear before the two Houses for that purpose on this day at the hour of 12 o'clock, M.

Mr. Steele, 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 of this State asks 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 the Governor of the State, the Governor elect, and the Chief Justice of the Supreme Court, will occupy the place at the Clerk's table, the Governor on the left, and the Governor elect on the right of the Chief Justice; the remaining Judges of the Supreme Court, and the Ex-Governors of the State will occupy the seats directly in front of the Clerk's table, and the committee of arrangements in front of the Judges and Ex-Governors. The members of the Senate will occupy the front seats on the right of the Speaker's chair in the Commons hall, the residue of said seats on the right, and those on the left of the Speakers chair will be occupied by the members of the House of Commons; and after the Governor elect shall have taken and subscribed the oaths of office, and delivered his inaugural address in presence of both branches of the General Assembly, the Speaker of the Senate will announce that the Senators will retire to their chamber, and thereupon the Governor, Ex-Governors, 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.

Respectfully submitted.

WALTER L. STEELE,  
RICHARD S. DONNELL,  
BALIS M. EDNEY,  
*Committee on part of Senate.*

Received a message from the House of Commons announcing that they are now ready to receive the Senators in the Hall for the inauguration of 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 John W. Ellis as Governor of the State was concluded, they returned to the Senate chamber, and were called to order by the Speaker.

On motion by Mr. Humphrey, the Senate adjourned until Monday morning 10 o'clock.

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MONDAY, JANUARY 3, 1859.

The Speaker announced that the Senate branch of the committee on enrolled bills, for the present week, consists of Messrs. Bledsoe, Cowper, and Dillard, of which the House of Commons were informed by message.

Mr. Martin presented the memorial of sundry citizens of Stokes and Surry counties, praying the enactment of a law to open the Yadkin river for the free passage of fish; which, on motion, was referred to the committee on propositions and grievances.

Mr. Ramsay, a memorial from the citizens of Surry and Yadkin counties, praying an amendment to the bill now pending before the General Assembly, so as to provide for slopes over the dams on the Yadkin river; which, on motion, was referred to the committee on propositions and grievances.

Mr. Bledsoe introduced a resolution in favor of Dabney Cosby and Bennet Holland; which was read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Bledsoe introduced a bill to amend the charter and revive and consolidate the acts relating to the North-Carolina Mutual Insurance Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

The bill to prevent fraudulent bidding at judicial sales was read the third time, passed, and ordered to be engrossed.

The engrossed bill concerning magistrates in Onslow and other counties, was read the third time, amended on motion by Mr. Humphrey, by extending its provisions to the county of Carteret, passed its third reading as amended, and a message sent to the House of Commons, asking its concurrence in the Senate's amendment.

The engrossed bill to authorize a majority of the acting justices of Cumberland county to appoint a special term of



the court of pleas and quarter sessions was read the third time, passed, and ordered to be enrolled.

The bill concerning deeds of *feme covert*s, was read the second time and rejected.

On motion by Mr. Edney,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select committee of two on the part of the Senate and three on the part of the Commons, to examine the condition of the furniture in the executive mansion.

The bill to amend the seventh clause of the 23rd section of chapter 34, entitled "Revenue," was read the second time and, on motion by Mr. Steele, recommitted to the committee on finance.

The Senate now took up the bill to amend the charters of the North-Carolina, Atlantic & North-Carolina, and Western North-Carolina Railroad Companies; which was read the second time.

Mr. Thomas moved that the consideration of the bill be postponed until Wednesday next, and that it be made the special order for that day at the hour of 1 o'clock.

Mr. Houston moved to amend the motion of Mr. Thomas, by striking out *Wednesday*, and inserting *Monday*.

Mr. Humphrey moved that the bill be indefinitely postponed. Pending debate,

Mr. Douthitt moved that the Senate adjourn until to-morrow morning, 10 o'clock.

Mr. Humphrey moved to amend the motion of Mr. Douthitt, by substituting this evening, at 7 o'clock.

The motion to amend was lost; and the Senate adjourned until to-morrow morning at 10 o'clock.

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TUESDAY, JANUARY 4, 1859.

Mr. Cunningham introduced a memorial from the Roanoke Navigation Company; which, on motion, was referred to the committee on internal improvements.

Mr. Worth introduced the memorial of Ephraim Mauney,

proposing a lease of the North Carolina Railroad ; which, on motion, was referred to the committee on internal improvements.

Mr. Humphrey, from the committee on corporations, reported the bill to incorporate Carthage Lodge, No. 181, of Ancient York Masons, and recommended its passage.

Mr. Edney introduced a bill to authorize Thomas T. Patton to establish a turnpike road in the counties of Buncombe and Yancy ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Also, a bill to amend an act entitled "cattle and other stock;" which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Also, a bill to amend the charter of the Sulphur Springs & Paint Rock Turnpike Company ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Bledsoe introduced a bill to amend chapter 86th of the Revised Code, entitled "Poor;" which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

On motion by Mr. Guyther, the vote by which was passed on yesterday, the bill to authorize a majority of the acting justices of Cumberland county to appoint a special term of the court of pleas and quarter sessions, was reconsidered and ordered to be laid on the table.

Mr. Thomas introduced a bill to amend the charter of the Rich Mountain Turnpike Company ; which was read the first time and passed, and, on motion, referred to the committee on Cherokee lands and western turnpikes.

Also, a bill to amend the charter of the Charleston, Blue Ridge & Cattanoga Railroad Company ; which was read the first time, passed, and on motion, referred to the committee on internal improvements.

Received a message from the House of Commons concurring in the amendments of the Senate to the bill concerning magistrates in Onslow and other counties. Ordered that said bill be enrolled.



Also, a message informing that the House branch of the committee on enrolled bills for the present week consists of Messrs. Moore, of Martin, Lewis, Brummell, Sanders and Higgins.

A message was received from the House of Commons stating that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, viz:

A bill to open the Pedee and Yadkin rivers for the passage of fish; which was read the first time and passed, and, on motion by Mr. Douthitt, referred to the committee on propositions and grievances.

A bill to incorporate the Atlantic Mutnal Fire & Marine Insurance Company; which was read the first time and passed, and, on motion by Mr. Speight, referred to the committee on corporations; and,

A resolution in favor of H. H. Davidson, sheriff of Cherokee county; which was read the first time and passed, and, on motion by Mr. Steele, referred to the committee on propositions and grievances.

Received a message from the House of Commons, concurring in the proposition of the Senate to raise a joint select committee of two on the part of the Senate, and three on the part of the Commons, to examine the furniture of the executive mansion; and informing that the House branch of the committee consists of Messrs. Fleming, Benbury and Dancy.

Whereupon, the House of Commons were informed by message, that the committee on the part of the Senate consists of Messrs. Ramsay and Edney.

The Senate now resumed the consideration of the unfinished business of yesterday, viz: The bill to amend the charter of the North-Carolina, Atlantic & North-Carolina & Western North-Carolina Railroad Company.

The question being on the indefinite postponement of the bill, the same was determined in the affirmative, yeas 20, nays 19.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Battle, Bledsoe, Brown, Cunningham, Da-

vidson, Dillard, Edney, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Pitchford, Speight, Steele, Taylor and Whitaker—20.

Those who voted in the negative, are :

Messrs. Blount, Boyd, Cowper, Davis, Douthitt, Flanner, Gilmore, Gorrell, Guyther, Leach, McDonald, Miller, Mills, Ramsay, Reinhardt, Straughan, Turner, Walkup and Worth—19.

So the bill was indefinitely postponed.

The Senate now proceeded to the consideration of the special order, viz :

The bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coalfields. The substitute reported by the committee was read and adopted.

On motion by Mr. Bledsoe, the vote by which the foregoing substitute was adopted, was reconsidered; whereupon, said substitute was amended, on motion by Mr. Bledsoe, by adding the following to the 2nd section of the same, viz : " And for the better security of the payment of the interest upon said bonds until the completion of said road, the company shall deposit with the public treasurer good and sufficient bonds made by individual stockholders or persons interested in said road, amounting to fifty thousand dollars, to secure the payment of the interest as aforesaid; which said bonds shall be payable to the public treasurer, and shall be deemed due and payable at any time prior to the completion of said road, if the said company shall fail to pay the interest on the bonds given in exchange for the bonds of the State; which bonds shall, upon the payment of the interest to the completion of said road, be surrendered by the public treasurer to the said company."

The substitute as amended was adopted.

The question now recurred on the passage of the bill on its second reading as amended, and was determined in the affirmative—yeas 25, nays 14.

Mr. Guyther demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Bledsoe, Davidson, Davis, Edney, Flanner,



Gilmore, Gorrell, Guyther, Houston, Leach, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup and Worth.—25.

Those who voted in the negative are :

Messrs. Battle, Blount, Brown, Cowper, Cunningham, Dillard, Douthitt, Humphrey, Lane, Lankford, Martin, Taylor, Turner and Whitaker.—14.

The bill to amend the 59th chapter of the Revised Code entitled "Insolvent Debtors," was read the second time, and on motion of Mr. Straughan, ordered to be laid on the table.

The bill concerning county courts was read the second time and rejected—yeas 3, nays 37.

Mr. Brown demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Turner, Walkup and Worth.—3.

Those who voted in the negative are :

Messrs. Ashe, Battle, Bledsoe, Blount, Brown, Boyd, Cowper, Cunningham, Davidson, Davis, Dillard, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, McDowell, McKay, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas and Whitaker.—37. •

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

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### WEDNESDAY, JANUARY 5, 1859.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill, in which it asks the concurrence of the House of Commons, viz :

A bill to prevent fraudulent bidding at judicial sales.

Mr. Martin introduced a petition from the citizens of Forsyth and other counties for opening the Yadkin river for the passage of fish ; which, on motion, was referred to the committee on propositions and grievances.

Mr. Davidson presented the resignation of John Walker,

a justice of the peace for Mecklenburg county; which was read and accepted, and transmitted to the House of Commons.

Mr. Cherry presented a memorial concerning a lay day; which, on his motion, was referred to the committee on the fisheries.

Mr. Carmichael, the petition of sundry citizens of Wilkes county for the opening of the Yadkin river for the free passage of fish; which, on motion, was referred to the committee on propositions and grievances.

Mr. Cowper introduced a memorial praying a repeal of the act incorporating the town of Murfreesboro', &c.; which, on motion, was referred to the committee on corporations.

Mr. Lane, from the committee on propositions and grievances, reported the resolution concerning the establishment of an election precinct in Northampton county; which, on motion, was recommitted to the committee on propositions and grievances.

Mr. Lane, from the same committee, reported the resolution concerning the erection of a new county out of Jackson and other counties, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Lane, from the same committee, reported the resolution relating to the establishment of a new county out of a part of Cherokee and other counties, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Humphrey, from the committee on corporations, reported the bill to incorporate the Atlantic Mutual Fire and Marine Insurance Company, and recommended its passage.

Mr. Speight, from the same committee, reported the bill to incorporate the Cherokee County Turnpike Company, and recommended its passage.

On motion by Mr. Martin,

*Resolved*, That the committee on the judiciary be instructed to inquire whether any further legislation is required for the security of the rights and interests of widows and orphans, and that they report by bill or otherwise.

Mr. Martin presented a communication from Samuel M. Hughes, relative to the rights and interests of widows and



orphans ; which, on motion, was referred to the committee on the judiciary.

On motion by Mr. Houston,

*Resolved*, That the committee on the judiciary be required to inquire into the expediency of so changing the laws regulating elections in the town of Wilmington as to require that the said elections shall be held by the sheriff of New Hanover, and that the committee report by bill or otherwise.

Mr. Walkup introduced a resolution to loan Carolina Female College twelve thousand dollars out of the literary fund ; which was read the first time and passed, and, on motion, referred to the committee on education and the literary fund.

On motion by Mr. Gorrell,

*Resolved*, That the committee on the judiciary be instructed to enquire and report what disposition should be made of the second volume of the Revised Statutes, three hundred and twenty in number, now on deposit in the North Carolina bookstore, and that they report by bill or otherwise.

Mr. Edney introduced a bill to establish a turnpike road in the counties of Henderson and Polk ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. Cunningham introduced a bill to authorize the Roanoke Navigation Company to discontinue the use of their canal around the grand falls of the Roanoke river, and to make sale of their real estate, water power and other privileges between the towns of Gaston and Weldon in the State of North Carolina ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. Leach introduced a bill to increase the revenue from railroads ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements. Mr. Leach moved that said bill be printed, which motion was not agreed to.

Mr. Humphrey introduced a bill concerning county surveyors ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

On motion, by Mr. Worth, the memorial introduced by him on yesterday, concerning a lease of the North Carolina Railroad, was ordered to be printed.

A message was received from the House of Commons stating that they have passed, with an amendment, the engrossed bill from the Senate, to provide for a more speedy distribution of the laws, journals and documents of the General Assembly. The amendment was agreed to, and the House of Commons informed thereof by message.

Received a message from the House of Commons proposing that the two Houses go into the election of twelve trustees of the University at 12 o'clock to-morrow. The proposition was concurred in, and a message sent to the House of Commons informing that the Senate branch of the committee to superintend said election consists of Messrs. Williams and Walkup.

The Senate now proceeded to the consideration of the special order, viz: the bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company; the substitute reported by the committee being read, Mr. Davidson offered the following proviso as an amendment to the third section of the same, which was adopted, viz:

“*Provided*, That said railroad company in its discriminations on all rates of freights transported over said road, shall not charge more than fifty per centum per mile for all distances from ten to thirty miles, than the rates of charges may be per mile on the same freights per one hundred and fifty miles and over; nor more than thirty per centum per mile on all distances from thirty to sixty miles, than the rate per mile may be on one hundred and fifty miles and over; nor more than twenty per centum per mile on all distances from sixty to one hundred miles, than the rate per mile may be on one hundred and fifty miles and over; nor more than fifteen per centum per mile on all distances from one hundred and fifty miles, than the rate may be on one hundred and fifty miles and over, whether said freights are charged by the hundred pounds, per ton, per cubic foot, per car load, or otherwise; nor shall any discrimination be made in the transportation of freights in one direction over that of another.”



Mr. Lane offered the following amendment as an additional section to the same, which was adopted, viz :

“ *Be it further enacted*, That the bonds of the State hereby authorized to be issued to said company, shall not be sold by said company for less than their par value.”

On motion by Mr. Bledsoe, the substitute was further amended by adding the following proviso to the first section of the same, viz :

“ *Provided further*, That the said bonds shall not be issued unless the treasurer shall have the means of paying the interest on them without borrowing money to do so.”

Mr. Houston now moved that the substitute as amended be printed, and that the further consideration thereof be postponed and made the special order of the day for Monday next. The motion was agreed to.

Mr. Turner, from the committee on constitutional reform, reported the bill to amend the Constitution of the State of North-Carolina, with a recommendation that it do not pass.

On motion by Mr. Bledsoe, said bill was made the special order of the day for Tuesday next, at the hour of 11 o'clock.

On motion by Mr. Thomas, the Senate adjourned until tomorrow morning 10 o'clock.

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THURSDAY, JANUARY 6, 1859.

Mr. Lane, from the committee on propositions and grievances, reported the bill to amend the entry laws of this State, and recommended that it do not pass.

Mr. Lane, from the same committee, reported the resolution in favor of H. H. Davidson, sheriff of Cherokee county, and recommended its passage.

Mr. Lane, from the same committee, reported the resolution for the relief of Solomon M. Wray, sheriff of Yancy county, with an amendment.

Mr. Lane, from the same committee, reported the resolution for the relief of Jackson Stewart, former sheriff of Yancy county, and recommended its passage.

Mr. Lane, from the same committee, reported the bill to open the Pedee and Yadkin rivers, for the passage of fish, with an amendment.

Mr. Bledsoe, from the committee on finance, reported the bill to increase the sinking fund, with an amendment.

Mr. Edney, from the committee on internal improvements, reported back the bill to amend the charter of the Charlotte and Taylorsville Plankroad Company, with an amendment.

Mr. Edney, from the same committee, to which was referred the bill concerning the Wilmington & Weldon Railroad Company;

The bill to authorize Thomas T. Patton to establish a Turnpike road in the counties of Buncombe and Yancy;

The bill to incorporate the Tennessee Valley Turnpike Company;

The bill to incorporate the Black Mountain Turnpike Company;

The bill to authorize the construction of a toll bridge across the Yadkin river near Jonesville; and

The bill to establish a Turnpike road in the counties of Henderson and Polk, reported said bills back to the Senate and recommended their passage.

Mr. Davidson, from the committee on claims, to which was referred the resolution in favor of John Caldwell's executors; and the resolution in favor of G. M. Allbright, reported the same back to the Senate and recommended their passage.

Mr. McDowell, from the committee on education and the literary fund, reported favorably the bill to prevent the sale of intoxicating liquors at or near Davidson College.

Mr. Donnell, from the committee on the judiciary, reported favorably the bill to empower notaries to administer oaths in certain cases.

Mr. Houston, from the same committee, reported favorably the bill concerning county surveyors.

Mr. McKoy, from the same committee, to which was referred a resolution in relation to prison charges, reported the same back to the Senate and asked to be discharged from its further consideration. Discharged accordingly.



Mr. McKoy, from the same committee, reported back the bill to amend the 5th section of the 33d chapter of the Revised Code, and recommended that it do not pass.

Mr. Lankford, from the same committee, reported the bill to amend chapter 68 of the Revised Code, entitled "Marriages," and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Donnell, from the same committee, reported back the bill to discontinue the Morganton term of the Supreme Court, and recommended its passage.

Mr. Houston, from the same committee, reported back the bill to amend the 119th section of the 34th chapter of the Revised Code, with a recommendation that it do not pass.

Mr. Pitchford, introduced a resolution accompanied by a memorial, in favor of Geo. R. Sledge; which was read the first time and passed, and on motion, referred to the committee on claims.

Mr. Cunningham, introduced a bill accompanied by a memorial to authorize the construction of a common enclosure around the lands of certain persons, in the county of Person; which was read the first time and passed.

Received a message from the House of Commons, 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 the act of 1848-'9, chapter 146, relating to fishing in Pamlico and Tar rivers; which was read the first time and passed;

A bill to abolish jury trials in the county courts of Cherokee and Jackson; which was read the first time and passed, and on motion by Mr. Humphery, referred to the committee on the judiciary;

A bill to incorporate the New River Steamboat Navigation Company; which was read the first time and passed, and on motion by Mr. Lane, referred to the committee on internal improvements;

A resolution in favor of W. J. Brown; which was read the first time and passed, and on motion by Mr. Lane, referred to the committee on claims;

A bill to incorporate the Cape Fear and Ocean Steam Navigation Company ; which was read the first time and passed, and on motion by Mr. Lane, referred to the committee on corporations ;

A resolution in favor of Elias Barnes, late sheriff of Wilson county ; which was read the first time and passed, and on motion by Mr. Lane, referred to the committee on claims ;

A bill to incorporate the Potosi Mining & Manufacturing Company ; which was read the first time and passed, and on motion by Mr. Humphrey, referred to the committee on corporations ;

A bill to incorporate Lincoln Lodge, No. 137, of Ancient York Masons ; which was read the first time, passed, and on motion by Mr. Dillard, referred to the committee on corporations ;

A resolution in favor of R. L. Jones & Co. ; which was read the first time and passed, and on motion, referred to the committee on claims ;

A resolution in favor of A. B. Long, sheriff of Rutherford county ; which was read the first time and passed, and on motion by Mr. Humphrey, referred to the committee on claims ;

A resolution in favor of H. N. Brittain, of Haywood county ; which was read the first time, passed, and on motion, referred to the committee on Cherokee lands and western turnpikes ;

A resolution in favor of James Conolly ; which was read the first time, passed, and referred to the committee on claims ;

A bill to incorporate the trustees of the Kenansville Female Seminary ; which was read the first time, passed, and on motion, referred to the committee on corporations ;

A bill concerning courts of pleas and quarter sessions for the county of Duplin ; which was read the first time, passed, and on motion by Mr. Humphrey, referred to the committee on the judiciary ;

A bill concerning jurors summoned by special writ of *venire* in Carteret county ; which was read the first time, passed, and on motion by Mr. Ward, referred to the committee on the judiciary ;



A resolution in favor of Polly Pinner ; which was read the first time, passed, and on motion by Mr. Edney, referred to the committee on claims ;

A bill to amend an act entitled an act to incorporate the town of Lenoir, in Caldwell county ; which was read the first time, passed, and, on motion by Mr. Humphrey, referred to the committee on propositions and grievances ;

A bill to enable W. Pollock, late sheriff of Jones county, to collect arrears of taxes, which was read the first time, passed, and, on motion, referred to the committee on propositions and grievances ;

A private bill for the county of Franklin ; which was read the first time, passed, and on motion by Mr. Lankford, referred to the committee on the judiciary ;

A bill to incorporate Davenport Female College, in Caldwell county ; which was read the first time, passed, and on motion by Mr. Steele, referred to the committee on education and the literary fund ;

A bill to restore jury trials to the county courts of Lincoln county ; which was read the first time, passed, and on motion by Mr. Steele, referred to the committee on the judiciary ;

A bill to incorporate the educational association of North Carolina ; which was read the first time, passed, and on motion by Mr. Humphrey, referred to the committee on education and the literary fund ;

A resolution in favor of E. D. Nichols, of Johnston county ; which was read the first time, passed, and on motion by Mr. Cunningham, referred to the committee on claims ;

A bill for the relief of Emily Hooper, of Liberia ; which was read the first time, passed, and, on motion by Mr. Cunningham, referred to the committee on propositions and grievances ; and,

A bill to lay off and improve the road from Elkin Factory in Surry County, to Enock Vannoy's mill in Wilkes county ; which was read the first time, passed, and, on motion by Mr. Carmichael, referred to the committee on propositions and grievances.

Mr. Bledsoe introduced a bill to amend the Revised Code,

chapter 115, entitled "vice and immorality;" which was read first time, passed, and, on motion, referred to the committee on the judiciary.

Mr. Ward introduced a bill, accompanied by a memorial, to amend an act passed in 1825, concerning the town of Trenton in Jones county; which was read the first time, passed, and, on motion, referred to the committee on propositions and grievances.

Mr. Person introduced a bill to authorize the Petersburg & Roanoke Railroad Company to run a new road from Garysburg to Weldon; which was read the first time, passed, and on motion, referred to the committee on internal improvements.

Mr. Edney introduced a bill to extend the time for making payments on certain entries, &c.; which was read the first time, passed, and, on motion, referred to the committee on the judiciary.

Mr. Bledsoe moved to reconsider the vote by which, on yesterday, his amendment to the substitute for the bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad was adopted.

On motion by Mr. Ashe, the consideration of the said motion to reconsider was postponed until Monday next.

Mr. Blonnt introduced a bill to incorporate the Pitt county Female Institute; which was read the first time, passed, and, on motion, referred to the committee on corporations.

On motion by Mr. Edney, the bill to amend the charter of the Western North Carolina Railroad was now taken up, the consideration thereof postponed, and said bill made the special order of the day for Wednesday next.

A message was received from the House, transmitting a message from his excellency, Governor Ellis, accompanied with the report of Wm. Percival, State Architect, concerning the condition of the capitol, proposing to raise a joint select committee of two on the part of the Senate and three on the part of the Commons to consider the same. The proposition was concurred in, and the House of Commons informed that Messrs. Humphrey and Flanner constitute said committee on behalf of the Senate.



Received a message from the House of Commons, stating that the hour agreed upon by the two houses for going into the election for twelve trustees of the university had now arrived; that Messrs. Pritchard and Henry constitute the committee to superintend the said election on behalf of the Commons, and that the house would proceed to vote on the return of the messenger.

The same message stated that the following persons are in nomination, viz: James H. Foot, William Lander, R. Don Wilson, Joseph Cherry, Robert B. Watt, L. B. Carmichael, William J. Bingham, R. L. Tucker, L. N. B. Battle, W. T. Waddill, Samuel F. Phillips, William Johnson, John Smith, Ed. Chambers, Thomas McDowell, Thomas Bunting, W. W. Lenoir, R. L. Patterson, R. T. Hefflin, Charles Skinner, Wm. Hooper, Jesse G. Shepherd, Wm. K. Lane, James B. Gordon, B. F. Kittrell, N. W. Woodfin, R. M. Roseborough, R. F. Gilmore, C. F. Deems, Thomas E. Skinner, N. F. Reed, De Witt C. Stone, Major London, R. D. Hart, W. B. Mears, James H. Horner, J. J. Jackson, Francis Fries, M. W. Ransom, K. P. Battle, R. R. Bridgers, S. L. Love, Samuel J. Person, W. A. Wright, John A. Benbury, George Davis, A. M. Scales, William E. Hill, William Barringer, A. G. Foster, William P. Ward, S. H. Christian, James Banks, S. F. Siler, James H. Hill, T. R. Caldwell, A. G. Hubbard, John S. Dancy, W. N. H. Smith, D. T. Tayloe, E. G. Blount, D. D. Ferebee, David Outlaw, James H. Taylor, J. W. Ellis, P. C. Cameron, N. M. Roan, Charles Malloy, John Pool, G. H. Wilder, and S. W. Davis.

Mr. Humphrey nominated George Green; Mr. Ashe nominated E. W. Hall; Mr. Davidson nominated D. C. Caldwell; Mr. Leach nominated Willis Saunders; Mr. Houston nominated Thomas J. Person, and, on motion by Mr. Walkup, C. M. T. McCauley was added to the nomination.

The Senate, under the superintendence of Messrs. Williams and Walkup, then voted by ballot.

The engrossed bill to incorporate the Cherokee County Turnpike Company, and

The bill prescribing the duties of executors and administrators, were severally read the second time and passed.

The engrossed bill requiring the day of receiving and executing to be noted on justices' process was read the second time, the amendment reported by the committee agreed to, and the bill passed its second reading as amended.

The engrossed bill to prevent horse stealing was read the second time.

Mr. DeDonald moved to amend the same by striking out the words *shall suffer death*, and inserting the words *be cropped*. Not agreed to.

Mr. Leach moved the following amendment as an additional section to the bill, viz :

*Be it further enacted*, That the same penalty shall be applied to every person convicted for stealing an ox or an ass.

Mr. Worth moved that the bill and amendment be indefinitely postponed.

Mr. Davis moved that the same be laid on the table ; which motion was lost.

The question now recurred on the indefinite postponement of the bill, and was determined in the affirmative, yeas 42, nays 1.

Mr. Davis demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Miller, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Ward, Whitaker and Worth.—42.

Mr. McDonald voted in the negative.

The engrossed bill to prevent the felling of timber in the waters of Tuckaho and Trent rivers was read the second time ; the amendments reported by the committee agreed to, and the bill passed its second reading as amended.

On motion by Mr. Ward,

The rule was suspended, and said bill read the third time,



passed, and a message sent to the House of Commons, asking their concurrence in the amendment of the Senate.

The engrossed bill to make husbands liable for the debts of their deceased wives ; was read the second time and passed.

The Senate now took up for consideration the engrossed bill, to require the clerks of the General Assembly, to take an oath of office ; the same being on its second reading.

Mr. Donnell moved an amendment as a substitute for the bill, which was adopted ; and the bill passed its second reading as amended.

On motion by Mr. Martin,

The engrossed bill for opening the Pedee and Yadkin rivers for the passage of fish ; was now taken up and made the special order of the day for Wednesday next, at the hour of 12 o'clock, M.

On motion by Mr. Cunningham,

The Senate now took up the bill, to authorize the construction of a common enclosure around the lands of certain persons in the county of Person ; and the rule being suspended, said bill was read the second and third times, passed and ordered to be engrossed.

On motion, the rule was suspended, and the engrossed bill to require the clerks of the General Assembly to take on oath of office, taken up, read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment of the Senate.

On motion by Mr. Steele, the Senate adjourned until tomorrow morning, 10 o'clock.

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FRIDAY, JANUARY 7, 1859.

Mr. McDowell, from the committee on education and the literary fund, reported the bill to incorporate North-Carolina College, in Cabarrus county, and recommended its passage.

Mr. Dillard, from the committee on corporations, reported favorably the bill to amend the charter and revise and consolidate the acts relating to the North-Carolina Mutual Insurance Company.

Mr. Humphrey, from the same committee, reported the bill to incorporate Pollocksville Lodge, No. 175, of Free and Accepted Masons, in the town of Pollocksville, and recommended its passage.

Mr. Honston, from the committee on the judiciary, to which the subject was referred, reported a resolution authorizing the distribution of the second volume of the Revised Statutes.

Mr. Walkup, from the committee appointed to superintend the election of twelve trustees of the University, reported that the whole number of votes given was 159: necessary to a choice 80. That JOHN W. ELLIS and M. W. RANSOM, having each received a majority of the votes cast, are duly elected; and that there is no election as to any other person voted for. Report concurred in.

Mr. Edney, from the joint select committee appointed to examine the furniture in the executive mansion, submitted a report in relation thereto.

Whereupon, on motion by Mr. Houston, said report was referred to the committee on public grounds and buildings, with instructions to report a resolution to carry out the suggestions of the committee.

Mr. Blount introduced a resolution in favor Wm. Whitehead; which was read the first time and passed, and on motion, referred to the committee on claims.

Mr. Davidson, a bill to authorize E. C. Greer, sheriff of Mecklenburg county, to collect taxes for 1854-'55; which was read the first time and passed, and on motion, referred to the committee on propositions and grievances.

Mr. Miller, a bill to authorize the county courts of Caldwell county to sell the unsold lots in the town of Lenoir; which was read the first time and passed.

Mr. Leach, a bill regulating the election of trustees of the University; which was read the first time and passed, and, on motion by Mr. Houston, referred to the committee on education and the literary fund.

Mr. Humphrery, a bill to secure bridges from damage from vessels and other craft; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.



Mr. Bledsoe introduced a bill to amend the charter of Normal College; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Leach, a bill in favor of the comptroller; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Walkup, a bill to incorporate Pleasant Grove Camp Ground, in Union county; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Received a message from the House of Commons stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Portis Gold Mining Company, in the county of Franklin; which was read the first time and passed, and, on motion by Mr. Humphrey, referred to the committee on corporations;

A bill to incorporate Shoal Creek Academy; which was read the first time and passed, and, on motion by Mr. Humphrey, referred to the committee on corporations;

A bill to incorporate the North-Carolina Military Institute; which was read the first time and passed, and, on motion by Mr. Martin, referred to the committee on military affairs;

A bill to extend the corporation of the Town of Kinston, and for other purposes; which was read the first time and passed, and, on motion by Mr. Speight, referred to the committee on corporations;

A bill to incorporate the Goldsboro' Mutual Insurance Company; which was read the first time and passed, and, on motion by Mr. Humphrey, referred to the committee on banks and currency;

A bill concerning the custody of minor children in certain cases; which was read the first time and passed, and, on motion by Mr. Dobson, referred to the committee on the judiciary;

A bill to amend the act incorporating the town of Kenansville, &c.; which was read the first time and passed, and, on

motion by Mr. Houston, referred to the committee on corporations ;

A bill to incorporate the Way-ye-Hutta Mining and Manufacturing Company ; which was read the first time and passed, and, on motion by Mr. Thomas, referred to the committee on the judiciary ;

A bill to open the Catawba river for the free passage of fish ; which was read the first time and passed, and, on motion by Mr. Martin, referred to the committee on propositions and grievances ;

A bill to prevent the felling of timber in the waters of second, third and fourth creeks and Withers' creek, in the county of Rowan ; which was read the first time and passed, and on motion by Mr. Ramsay, referred to the committee on propositions and grievances ;

A bill to amend an act incorporating Yanceyville Plank Road Company ; which was read the first time and passed, and, on motion by Mr. Humphrey, referred to the committee on internal improvements ;

A bill to incorporate the Southern Mining and Manufacturing Company ; which was read the first time and passed, and, on motion by Mr. Thomas, referred to the committee on corporations ;

A bill to amend an act incorporating Graham Institute ; which was read the first time and passed, and, on motion by Mr. Worth, referred to the committee on corporations ;

A bill to incorporate the Cowee Mining & Manufacturing Company ; which was read the first time and passed, and, on motion by Mr. Dillard, referred to the committee on corporations ; and,

A bill concerning common schools ; which was read the first time and passed, and on motion by Mr. Humphrey, referred to the committee on education and the literary fund. Mr. Lane moved that said bill be printed ; not agreed to.

A message was received from the House of Commons proposing to go forthwith into the election of ten trustees of the University ; on motion by Mr. Cunningham, ordered that said message be laid on the table.



The Speaker announced the special order, viz: the engrossed bill to lay off and establish a new county by the name of Alleghany; which was read the second time and passed—yeas 24, nays 20.

Mr. Pool demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Battle, Brown, Davidson, Davis, Dobson, Douthitt, Edney, Gilmore, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McDonald, McKoy, Mills, Ramsay, Reinhardt, Straughan, Thomas, Turner, Ward and Worth.—24.

Those who voted in the negative are:

Messrs. Blount, Carmichael, Cherry, Cowper, Cunningham, Dillard, Donnell, Flanner, Gorrell, Guyther, Leach, Miller, Person, Pitchford, Pool, Speight, Steele, Taylor, Williams and Walkup.—20.

Mr. Davis moved to reconsider the vote by which, on yesterday, the bill to prevent horse-stealing was indefinitely postponed; the motion was lost.

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

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#### SATURDAY, JANUARY 8, 1859.

Mr. Martin, introduced a memorial from sundry citizens of Surry county, in favor of opening the Yadkin for the passage of fish; which on his motion was ordered to be laid on the table.

Mr. Humphrey, from the committee on corporations, reported favorably the bill to extend the corporation of the town of Kinston, and for other purposes.

Mr. Douthitt, from the committee on propositions and grievances, reported favorably the bill to prevent the felling of timber in the waters of second, third, fourth, and Withers' creeks, in the county of Rowan.

Mr. Gorrell, from the committee on the judiciary, reported the bill to amend the Revised Code, chapter 115, entitled vice and immorality, with an amendment.

Mr. Gorrell, from the same committee, reported the bill to extend the time for payment of entries, &c., with an amendment.

Mr. Gorrell, from the same committee, to which was referred the private bill for the county of Franklin, reported the same back to the Senate, with an amendment.

Mr. Gorrell, from the same committee, reported favorably the bill to restore jury trials in the county courts of Lincoln county.

Mr. Dillard, from the committee on the fisheries, to which was referred a memorial concerning lay days, reported the same back to the Senate, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Cowper, from the committee on finance, reported the bill to amend the 7th clause of the 23d section of chapter 34, entitled revenue; and recommended that it do not pass.

Mr. Miller, from the committee on propositions and grievances, reported the bill to open the Catawba river for the free passage of fish, and recommended its passage.

Mr. Miller, from the same committee, reported the bill to amend an act, entitled an act to incorporate the town of Lenoir in Caldwell county, with amendments.

Mr. McDonald, from the same committee reported the bill to authorize E. C. Greer to collect arrears of taxes, &c., with an amendment.

Mr. Davidson, from the committee on claims, reported favorably the resolution in favor of George R. Sledge; and

The resolution in favor of J. J. James.

Mr. McDonald, from the committee on propositions and grievances, reported the bill to enable Wm. Pollock, to collect arrears of taxes, and recommended its passage.

Mr. Lane, from the same committee, reported the bill for the relief of Emily Hooper; and the bill to amend an act passed in 1825, concerning the town of Trenton, and recommended their passage.

Mr. Davis, from the same committee, reported favorably the bill to lay off and improve the road from the Elkin Factory, in Surry county, to Enoch Vannoy's, in Wilkes county.



Mr. Walkup, from the committee on military affairs, reported the bill to incorporate the North-Carolina Military Institute, with an amendment.

Mr. Davidson, from the same committee, reported the bill to revive and amend the militia system of North-Carolina, and recommended that it do not pass.

Mr. Brown, from the committee on banks and currency, reported the bill to incorporate the Warrenton Savings Bank, with amendments.

Received a message from the House of Commons, stating that the House branch of the committee on repairs of the capitol consists of Messrs. Ransom, Morehead and Love.

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 consider the report of the board of internal improvements, in which they ask the Senate's concurrence.

The Senate refused to concur in the proposition, and the House of Commons were informed thereof.

On motion by Mr. Bledsoe, leave was granted to withdraw the bill to increase the sinking fund, and the committee discharged from its further consideration.

Mr. Leach introduced the following resolutions, viz :

*Resolved*, That the purpose for which the public lands was ceded to Congress by the States of Massachusetts, New York, Virginia, North Carolina and Georgia has been accomplished by the payment of the debt incurred by the revolutionary war, and that any disposition made of said lands, after the payment of said debt, without the consent of the States, is a clear and palpable violation of the deeds of cession, and gross injustice to the States.

*Resolved*, That all the public lands heretofore, or now in the possession of the general government, have been acquired either by conquest, purchase or discovery ; and that said lands, or the proceeds thereof, after the paying the debts of the general government due at the time the lands were ceded, is the common property of all the States, held in trust by the general government, and should be disposed of among the several States according to federal population and representation.

*Resolved*, That Congress has the constitutional right under article 4th, section 3rd, clause 2nd, to dispose of the public lands, or the proceeds thereof, in such manner as will not conflict with the deeds of cession, and that the disposition of the public lands, by Congress, since the payment of the public debt, is a clear and palpable violation, both of the deeds of cession, and the sixth article of the constitution.

*Resolved*, That fifteen States and Territories of this Union have received one hundred and sixty-five millions, seven hundred and forty-one thousand, one hundred and twenty-five acres, (165,741,125); and that North Carolina has sustained a loss of sixty-five millions, fifty-two thousand nine hundred and fifty-seven acres, (65,052,957); and that said lands were granted to said States and Territories by Congress for schools and universities, deaf and dumb asylums, internal improvements, individuals and companies, seats of government, public buildings, salines granted to States, reserved grants for individuals and companies, swamp lands granted to States, and grants to railroads.

*Resolved*, That the rights of North-Carolina, and the embarrassed condition of her treasury, demand that Congress shall make an appropriation either of land or money, equal in value or amount to that appropriated to other States, to enable her to develop her resources, and to relieve her citizens from a burthensome tax incurred by unwise legislation.

*Resolved*, That our Senators be instructed, and our Representatives earnestly requested, to use every effort to induce Congress to take such measures as will secure to North-Carolina her just and equitable right in the public lands.

Said resolutions being read,

Mr. Leach moved that they be printed and made the special order of the day for Tuesday next.

Mr. Bledsoe moved that the resolutions be laid on the table. The motion prevailed—yeas 27, nays 14.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Edney, Gilmore, Guyther, Humphrey,



Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward and Williams—27.

Those who voted in the negative, are :

Messrs. Blount, Cherry, Cowper, Davis, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Straughan, Walkup and Worth—14.

So the resolutions were laid on the table.

Mr. Davis introduced a resolution in favor of C. N. White, of Cabarrns ; which was read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Ramsay asked for and obtained leave to make a personal explanation.

Mr. Pitchford introduced a bill, accompanied by a memorial, to prevent more effectually the trading in liquor with slaves and free negroes ; which was read first time and passed, and, on motion, referred to the committee on the judiciary, and ordered to be printed.

Mr. Edney, from the committee on military affairs, to which was referred a resolution to enquire into the propriety of abolishing the militia system of the State, reported a bill to amend the present militia laws, and establish a uniform volunteer system ; which was read the first time and passed, and, on motion, ordered to be printed.

On motion by Mr. Martin,

*Ordered*, That a message be sent to the House of Commons proposing to rescind the joint order for going into the appointment of justices to-day at 3 o'clock, and that the two Houses go into the appointment to-day at one-fourth after 12 o'clock.

On motion by Mr. Lane, the engrossed bill concerning common schools was now taken up and ordered to be printed.

On motion by Mr. Reinhardt, the rule was suspended, and the Senate took up the bill to restore jury trials to the county courts of Lincoln county ; which was read the second and third times, passed, and ordered to be enrolled.

On motion by Mr. Speight, the rule was suspended and the Senate took up the engrossed bill to extend the corporation of the town of Kinston and for other purposes ; which was

read the second and third times, passed, and ordered to be enrolled.

Received a message from the House of Commons stating that they have passed the engrossed resolutions concerning the Executive mansion, in which they ask the concurrence of the Senate; which were read the first time and passed.

Mr. Edney moved that the resolutions be referred to the committee on public grounds and buildings; not agreed to.

Mr. Leach moved to lay the resolutions on the table; which motion was determined in the negative—yeas 1, nays 42.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative are:

Mr. Leach.—1.

Those who voted in the negative are:

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Gnyther, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Ramsay, Reinhardt, Speigth, Steele, Straughan, Taylor, Thomas, Walkup, Ward, Whitaker, Williams and Worth.—42.

On motion by Mr. Bledsoe, the rule was suspended and said resolutions read the second time.

Mr. McDonald moved to amend the same by striking out the latter clause of the second resolution, viz; and that he draw on the public treasurer for an amount sufficient to cover the same.

Pending the consideration of said amendment, a message was received from the House of Commons, proposing to go forthwith into the appointment of justices; on motion by Mr. Bledsoe, ordered that the message be laid on the table.

The question now recurred on the amendments of Mr. McDonald to the resolutions concerning the executive mansion; which was not agreed to.

Mr. Leach now moved to amend the resolutions by striking out the words: "Lighted with gas and unappropriated sum," not agreed to.

The resolutions now passed their second reading. Under



a further suspension of the rule the resolutions were read the third time and passed and ordered to be enrolled.

On motion by Mr. Houston, the Senate now took up from the table the message from the House of Commons, proposing to go forthwith into the appointment of justices of the peace, and concurred therein.

Whereupon Mr. McDonald was called to the chair.

Received a message from the House of Commons transmitting recommendations for justices of the peace for sundry counties; which were read and concurred in.

Mr. Gorrell moved that all the recommendations from the House be passed upon at once. Not agreed to.

A message was received from the House of Commons informing that they had accepted the recommendation of certain persons as justices of the peace for the county of Camden, and asking the concurrence of the Senate.

On motion by Mr. Williams,

*Ordered*, That the same be laid on the table.

The recommendation from the House of Commons appointing certain justices of the peace for the county of Mecklenburg was read, and, on motion by Mr. Davidson, ordered to be laid on the table. Whereupon,

Mr. Davidson presented a recommendation for the appointment of certain justices of the peace for said county; which was read and accepted, and ordered to be transmitted to the House of Commons.

The recommendation from the House of Commons for the appointment of justices of the peace for the county of Nash being read,

Mr. Edney moved to lay the same on the table.

Mr. Turner moved to amend the recommendation by striking out the name of "Lancaster," which motion

Mr. McDonald, who occupied the chair temporarily, decided to be not in order; from which decision

Mr. Turner appealed, when the question, shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—yeas 27, nays 6.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Lankford, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Ward, Whitaker and Williams—27.

Those who voted in the negative, are :

Messrs. Cowper, Leach, Miller, Taylor, Turner and Walkup—6.

So the Speaker was sustained.

The question now recurred on the motion of Mr. Edney to lay on the table, which was determined in the affirmative—yeas 26, nays 7.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Blount, Boyd, Brown, Cunningham, Davis, Davidson, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Steele, Straughan, Taylor, Walkup, Ward, Whitaker and Williams.—26.

Those who voted in the negative, are :

Messrs. Bledsoe, Cowper, Lankford, Leach, Ramsay, Speight and Turner.—7.

So the motion to lay on the table prevailed.

Mr. Person, now moved to adjourn ; not agreed to.

The recommendation for the county of Orange being read ; Mr. Cunningham moved to add to the same, the name of William A. Graham, which motion was agreed to.

Mr. Miller moved an adjournment ; not agreed to.

Mr. Turner moved for a call of the House. The Speaker ruled the motion out of order ; there being a quorum present, from which decision, Mr. Turner appealed, and the question being put : shall the decision of the chair stand as the judgment of the Senate ? The same was determined in the affirmative, yeas 26, nays 5.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, David.



son, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Lankford, Leach, McKoy, Mills, Person, Pool, Ramsay, Reinhardt, Speight, Straughan, Ward, Whitaker and Williams.—26.

Those who voted in the negative are :

Messrs. Blount, Cowper, Miller, Turner and Walkup.—5.  
So the Speaker was sustained.

Mr. Miller moved that the Senate adjourn until Monday, 10 o'clock.

The motion was lost, yeas 4, nays 27.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Davidson, Gilmore, Miller and Walkup.—4.

Those who voted in the negative are :

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Cowper, Cunningham, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Lankford, Leach, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Straughan, Ward, Whitaker and Williams.—27.

So the Senate refused to adjourn.

Mr. Miller now moved to reconsider the vote by which the name of Wm. A. Graham was reinstated on the list of justices for Orange county.

The Speaker decided the motion to be not in order; from which decision, Mr. Miller appealed, and the chair was sustained.

Mr. Pool, moved to reconsider the vote by which the name of William A. Graham was added to the list of justices for Orange county.

Mr. Cowper moved to amend the motion of Mr. Pool, by striking out *add*, and inserting *reinstated*. The Speaker decided the motion not in order, from which decision Mr. Cowper appealed, and the question being put, shall the decision of the chair stand as the judgment of the Senate? the same was determined in the affirmative, yeas 29, nays 3.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Cunning-

ham, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Lankford, Leach, McDowell, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Ward, Whitaker and Williams.—29.

Those who voted in the negative are :

Messrs. Cowper, Miller and Turner.—3.

So the Speaker was sustained.

The question now recurred on Mr. Pool's motion to reconsider, and was determined in the affirmative—yeas 20, nays 14.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Davis, Donnell, Douthitt, Flanner, Guyther, Humphrey, Lankford, McDowell, McKoy, Mills, Pool, Reinhardt, Speight, Straughan, Walkup and Ward.—20.

Those who voted in the negative are :

Messrs. Blount, Cowper, Cunningham, Davidson, Dobson, Edney, Leach, Miller, Person, Pitchford, Steele, Turner, Whitaker and Williams.—14.

So the vote was reconsidered.

Mr. Miller moved that the Senate do now adjourn till Monday morning, 10 o'clock ; not agreed to—yeas 4, nays 28.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Blount, Miller, Turner and Walkup.—4.

Those who voted in the negative are :

Messrs. Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, McDowell, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steel, Straughan, Ward, Whitaker and Williams.—28.

So the Senate refused to adjourn.

Mr. Edney moved that the name of Wm. A. Graham be now added to the list of justices for Orange county.

Mr. Turner moved that the whole matter be indefinitely postponed ; which motion was lost—yeas 9, nays 26.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :



Messrs. Battle, Cowper, Flanner, Leach, Miller, Pool, Turner, Walkup and Worth.—9.

Those who voted in the negative are :

Messrs. Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Guyther, Humphrey, Lankford, McDowell, McKoy, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Ward, Whitaker and Williams.—26.

Mr. Cowper moved that the consideration of the subject be postponed until the 4th of March next; which motion was lost—yeas 9, nays 28.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Cowper, Flanner, Leach, Miller, Pool, Turner, Walkup and Worth.—9.

Those who voted in the negative are :

Messrs. Bledsoe, Blount, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Guyther, Humphrey, Lankford, McDowell, McKoy, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Ward, Whitaker and Williams.—28.

Mr. Miller moved to adjourn till Monday 10 o'clock. Not agreed to.

The question now recurred on the motion of Mr. Edney, to add to the list the name of Wm. A. Graham, and was determined in the affirmative—yeas 31, nays 3.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, McDowell, McKoy, Mills, Person, Pool, Reinhardt, Speight, Steele, Straughan, Walkup, Ward, Whitaker, Williams, and Worth.—31.

Those who voted in the negative, are :

Messrs. Leach, Miller, and Turner.—3.

Mr. Edney moved that the Senate do now concur in the recommendation.

Mr. Turner moved to amend the motion of Mr. Edney, by striking out the name of R. J. Ashe.

The Speaker decided the motion to be not in order, from which decision Mr. Turner appealed.

The question being put—Shall the decision of the chair stand as the judgment of the Senate?—the same was determined in the affirmative—yeas 18, nays 16.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Boyd, Cunningham, Davidson, Dillard, Dobson, Douthitt, Edney, Guyther, Humphrey, Lankford, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, and Williams.—18.

Those who voted in the negative, are :

Messrs. Battle, Blount, Cowper, Davis, Donnell, Flanner, Leach, McDowell, Miller, Pool, Ramsay, Straughan, Turner, Walkup, Whitaker, and Worth.—16.

So the Speaker was sustained.

Mr. Turner now moved to strike from the list the name of Owen Long. The Speaker decided the motion to be not in order—the same question being once decided. Mr. Turner appealed. The question, Shall the decision of the chair be the judgment of the Senate? was determined in the affirmative—yeas 22, nays 12.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Douthitt, Edney, Guyther, Humphrey, Lankford, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Whitaker, and Williams.—22.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Davis, Donnell, Flanner, Leach, Miller, Pool, Ramsay, Turner, Walkup, and Worth.—12.

So the Speaker was sustained.

Mr. Turner moved to strike out the name of *Atwater*. The Speaker decided the motion to be out of order. Mr. Turner appealed. The question, Shall the decision of the chair stand



as the judgment of the Senate? was determined in the affirmative—yeas 21, nays 9.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Douthitt, Edney, Guyther, Humphrey, Lankford, McKoy, Mills, Person, Pitchford, Reinhardt, Steele, Whitaker, and Williams.—21.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Davis, Donnell, Flanner, Leach, Miller, Turner and Walkup—9.

The recommendation as amended was now concurred in, and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

Mr. Cherry moved an adjournment ; not agreed to—yeas 9, nays 27.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Cherry, Davis, Douthitt, Leach, Person, Pitchford, Ramsay and Worth—9.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Humphrey, Lankford, McDowell, McKoy, Miller, Mills, Reinhardt, Speight, Steele, Straughan, Walkup, Ward, Whitaker and Williams—27.

Mr. Flanner now moved that the Senate adjourn till Monday morning, 10 o'clock ; not agreed to—yeas 4, nays 28.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Flanner, Miller and Walkup—4.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Guyther, Humphrey, Lankford, McDowell, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Straughan, Taylor, Turner, Whitaker and Williams—28.

The Speaker having resumed the chair,

The recommendation of justices from the House of Commons for Tyrrell county was read, and, on motion by Mr. Guyther, ordered to be laid on the table.

The recommendation of justices of the peace from the Commons for Union county being read,

Mr. Turner moved to amend the same by striking out the name of J. T. Marshall.

Mr. Bledsoe moved to amend the motion of Mr. Turner, by striking out all the names on the list.

Mr. Cowper moved that the recommendation be postponed indefinitely.

Mr. Edney moved to lay the same on the table, which motion was lost—yeas 9, nays 24.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cowper, Davis, Edney, Leach, Miller, Pitchford, Turner and Walkup—9.

Those who voted in the negative, are :

Messrs. Bledsoe, Blount, Brown, Boyd, Cunningham, Davidson, Dillard, Dobson, Donnell, Flanner, Guyther, Humphrey, Lankford, Martin, McDonald, McDowell, McKoy, Mills, Reinhardt, Speight, Straughan, Taylor, Whitaker and Williams—24.

The question now recurred on the motion of Mr. Cowper to postpone the same indefinitely. Not agreed to—yeas 4, nays 28.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Leach, Miller and Turner—4.

Those who voted in the negative, are :

Messrs. Bledsoe, Blount, Boyd, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Humphrey, Lankford, Martin, McDonald, McDowell, McKoy, Mills, Pitchford, Pool, Reinhardt, Speight, Straughan, Taylor, Walkup, Whitaker and Williams—28.

Mr. Miller moved that the Senate adjourn until Monday morning 10 o'clock. The motion was lost—yeas 5, nays 28.

Mr. Cunningham demanded the yeas and nays.



Those who voted in the affirmative, are :

Messrs. Blount, Miller, Pool, Turner and Walkup—5.

Those who voted in the negative, are :

Messrs. Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Mills, Pitchford, Reinhardt, Straughan, Speight, Taylor, Whitaker and Williams—28.

The motion now recurred on the motion of Mr. Bledsoe to amend the motion by striking out all the names on the list.

The question was determined in the negative—yeas 1, nays 32.

Mr. Turner demanded the yeas and nays.

Mr. Leach voted in the affirmative.

Those who voted in the negative, are :

Messrs. Bledsoe, Blount, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Humphrey, Lankford, Martin, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Pool, Reinhardt, Speight, Straughan, Taylor, Turner, Walkup, Whitaker and Williams—32.

On motion by Mr. Edney, the Senate concurred in the recommendation from Union—yeas 24, nays 10.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Boyd, Brown, Davidson, Dillard, Dobson, Donnell, Douthitt, Edney, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Mills, Reinhardt, Speight, Straughan, Taylor, Whitaker and Williams—24.

Those who voted in the negative, are :

Messrs. Cowper, Cunningham, Davis, Flanner, McDowell, Miller, Pitchford, Pool, Turner and Walkup—10.

Mr. Donnell moved to reconsider the vote just taken by which the Senate concurred in the recommendation for Union county.

Mr. Turner moved an adjournment until Monday 10 o'clock. The motion was lost—yeas 8, nays 27.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Blount, Cowper, Dillard, Flanner, Leach, McDonald, Taylor and Turner.—8.

Those who voted in the negative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Guyther, Humphrey, Lankford, Martin, McDowell, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Straughan, Walkup, Whitaker and Williams.—27.

The question now recurred on the motion of Mr. Donnell, to reconsider the vote by which the recommendation from Union was concurred in; and was determined in the affirmative, yeas 24, nays 10.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Blount, Boyd, Cowper, Cunningham, Davidson, Davis, Dillard, Donnell, Douthitt, Flanner, Leach, McDonald, McDowell, McKoy, Miller, Person, Reinhardt, Speight, Straughan, Taylor, Turner, Walkup and Whitaker—24.

Those who voted in the negative are :

Messrs. Bledsoe, Brown, Edney, Guyther, Humphrey, Lankford, Martin, Mills, Pitchford and Williams.—10.

Mr. Cowper, moved that the Senate do now adjourn until 10 o'clock, on Monday next; which motion was lost, yeas 8, nays 26.

Mr. Cowper demanded the yeas and nays:

Those who voted in the affirmative are :

Messrs. Blount, Cowper, Davis, Flanner, Leach, McDonald, Turner and Walkup.—8.

Those who voted in the negative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Donnell, Douthitt, Edney, Guyther, Humphrey, Lankford, Martin, McDowell, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Straughan, Taylor, Whitaker and Williams.—26.

The question now recurred on concurring in the recommendation of justices for Union county.



Mr. Cunningham moved to lay the recommendation on the table, which motion prevailed, yeas 27, nays 9.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Boyd, Cowper, Cunningham, Davis, Dillard, Donnel, Douthitt, Flanner, Humphrey, Leach, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Turner, Whitaker and Worth.—27.

Those who voted in the negative are :

Messrs. Bledsoe, Brown, Davidson, Dobson, Edney, Guyther, Lankford, Martin and Ward.—9.

Mr. Turner contended that by the adoption of the foregoing motion all the recommendations were laid on the table.

The Speaker decided that the recommendations for Union, being under consideration, the motion applied only to that county ; from which decision Mr. Turner appealed, and demanded the yeas and nays.

The question, shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative, yeas 36, nays 1.

Those who voted in the affirmative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Steele, Speight, Straughan, Taylor, Ward, Whitaker, Williams and Worth.—36.

Mr. Turner voted in the negative.

So the Speaker was sustained.

Mr. Turner now moved that the Senate adjourn until Monday, 10 o'clock ; the motion was disagreed to—yeas 5, nays 31.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Davis, Douthitt, Flanner, Turner and Walkup.—5.

Those who voted in the negative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Dillard, Dobson, Donnell, Edney, Guyther, Humphrey,

Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Whitaker, Williams and Worth—31.

The recommendation from Greene county being read, the Senate concurred therein—yeas 34, nays 1.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Walkup, Whitaker, Williams and Worth.—34.

Mr. Turner voted in the negative.

Mr. Cowper moved that the Senate adjourn until Monday, 10 o'clock ; the motion was lost—yeas 3, nays 30.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Cowper, Turner and Walkup.—3.

Those who voted in the negative are :

Messrs. Battle, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steel, Straughan, Whitaker and Williams.—30.

The recommendation of justices for Surry county being read, Mr. Dobson moved to amend the same by adding the name of R. E. Reeves ; the motion prevailed—yeas 28, nays none.

Mr. Turner demanded the yeas and nays :

Those who voted in the affirmative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Douthitt, Edney, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Walkup, Whitaker and Williams.—28.

No one voting in the negative.



So the name of R. E. Reeves was added to the recommendation.

The question being on concurring in the recommendation from Surry, Mr. Turner called for a division, and moved that the question be taken on the names in the list separately. The motion was disagreed to—yeas 3, nays 31.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Taylor, and Turner.—3.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Walkup, Whitaker, and Williams.—31.

Mr. Turner moved to strike out the name of *Bledsoe* from the recommendations.

Mr. Cunningham moved to amend the amendment, by striking out all the names on the list.

Mr. Turner moved further to amend by striking out the name of *Lewis*; which motion the Speaker decided to be not in order. Mr. Turner appealed; and the question, Shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—yeas 31, nays 2.

Mr. Turner called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Walkup, Whitaker, and Worth.—31.

Those who voted in the negative, are :

Messrs. Miller and Turner—2.

So the Speaker was sustained.

Mr. Douthitt moved that the Senate adjourn; not agreed to—yeas 5, nays 28.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Davis, Douthitt, Turner and Walkup—5.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Whitaker and Williams—28.

The question now recurred on the motion of Mr. Cunningham, to strike out all the names on the list. The motion was lost—yeas 1, nays 31.

Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Whitaker and Williams—31.

Mr. Turner moved to lay the recommendations for Surry on the table. The motion was lost—yeas 2, nays 31.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper and Turner—2.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Whitaker and Williams—31.

The recommendations for Surry county were now concurred in as amended, and the concurrence of the House asked in the amendment of the Senate.

The recommendations for Carteret being read, Mr. Turner moved that they be indefinitely postponed.

The motion was disagreed to—yeas 1, nays 30.



Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Whitaker and Williams—30.

Mr. Turner now moved that the recommendations for Carteret county be postponed until Monday next. Not agreed to—yeas 3, nays 29.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Leach, Miller and Turner—3.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, McDonald, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Whitaker, and Williams.—29.

Mr. Turner now moved to strike out the name of Biggs.

Mr. Steele moved to amend the motion of Mr. Turner, by striking out all the names in the list. Not agreed to.—yeas 1, nays 27.

Mr. Turner demanded the yeas and nays.

Mr. McDonald voted in the affirmative.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Flanner, Guyther, Humphrey, Lankford, Leach, McKoy, Miller, Mills, Person, Pool, Reinhardt, Steele, Straughan, Taylor, Turner, Whitaker, and Williams.—27.

Mr. Turner moved to adjourn till Monday 10 o'clock. Not agreed to—yeas 1, nays 30.

Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Donnell, Douthitt, Edney,

Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Whitaker, and Williams.—30.

The recommendations of Carteret were now concurred in.

The recommendations for Robeson being read,

Mr. Steele moved that the same be laid on the table. Carried—yeas 30, nays 1.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Turner, Whitaker and Williams—30.

Mr. Cowper voted in the negative.

Mr. Turner moved to reconsider the vote just taken, by which the recommendations for Robeson county were laid on the table. Not agreed to—yeas 3, nays 25.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Leach, McDonald and Turner—3.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Whitaker and Williams—25.

The nominations for the county of Edgecombe being read,

Mr. Turner moved that they be indefinitely postponed.

Not carried—yeas 1, nays 28.

Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Walkup, Whitaker and Williams.—28.



Mr. Turner now moved to lay the recommendations on the table; not agreed to—yeas 1, nays 30.

Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative are:

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Walkup, Whitaker and Williams.—30.

Mr. Turner moved an adjournment; not agreed to—yeas 1, nays 29.

Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative are:

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Miller, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Whitaker and Williams.—29.

Mr. Turner now moved to postpone the recommendations for Edgecombe till the 20th instant. Not agreed to, yeas 1, nays 28.

Mr. Turner demanded the yeas and nays.

Mr. Turner voted in the affirmative.

Those who voted in the negative, are:

Messrs. Bledsoe, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Miller, Mills, Person, Pool, Reinhardt, Speight, Steele, Straughan, Whitaker and Williams.—28.

Mr. Turner moved that the same be postponed until the 10th instant.

Mr. Donnell moved to amend by substituting Monday at 11 o'clock.

Mr. Guyther now moved that the Senate adjourn. Not agreed to—yeas 6, nays 23.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Bledsoe, Douthitt, Guyther, Martin, McDonald and Turner—6.

Those who voted in the negative are :

Messrs. Battle, Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Edney, Humphrey, Leach, McKoy, Miller, Mills, Person, Reinhardt, Speight, Steele, Taylor, Whitaker and Williams—23.

The question now recurred on the amendment of Mr. Donnell to the amendment of Mr. Turner ; and was determined in the negative—yeas 9, nays 22.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Dobson, Douthitt, Guyther, Pitchford, Pool, Reinhardt, Steele and Straughan—9.

Those who voted in the negative, are :

Messrs. Boyd, Brown, Cowper, Cunningham, Davidson, Davis, Dillard, Donnell, Edney, Flanner, Humphrey, Lankford, Martin, McDonald, Miller, Mills, Person, Speight, Turner, Walkup, Whitaker and Williams—22.

Mr. Turner moved that the Senate adjourn until Monday morning, 10 o'clock ; not agreed to—yeas 13, nays 20.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Davis, Dobson, Douthitt, Humphrey, McDonald, Pitchford, Pool, Reinhardt, Speight, Straughan, Turner and Whitaker—13.

Those who voted in the negative, are :

Messrs. Boyd, Brown, Cowper, Cunningham, Davidson, Dillard, Donnell, Edney, Flanner, Guyther, Lankford, Leach, Martin, McKoy, Miller, Mills, Person, Taylor, Walkup and Williams—20.

On motion by Mr. Humphrey, the further consideration of the recommendations of justices of the peace for Edgecombe county was postponed until Monday next at the hour of half past 3 o'clock—yeas 20, nays 9.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :



Messrs. Battle, Bledsoe, Cunningham, Davidson, Davis, Dillard, Dobson, Flanner, Guyther, Humphrey, Lankford, McKoy, Person, Pool, Speight, Straughan, Taylor, Turner, Whitaker and Williams—20.

Those who voted in the negative, are :

Messrs. Boyd, Donnell, Douthitt, Edney, Martin, McDonald, Miller, Mills and Walkup—9.

Mr. Martin moved that the Senate do now adjourn until Monday next at 12 o'clock, M.

Mr. Turner moved to amend by striking out 12 and inserting half-past 10 o'clock.

And the question being taken on the longest time, the Senate adjourned until Monday next at 12 o'clock, M., yeas 26, nays 5.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Battle, Boyd, Brown, Cunningham, Davidson, Davis, Dillard, Dobson, Donnell, Douthitt, Flanner, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McKoy, Mills, Person, Pool, Speight, Straughan, Taylor, Whitaker and Williams—26.

Those who voted in the negative, are :

Messrs. Cowper, Edney, Miller, Turner and Walkup—5.

#### MONDAY, JANUARY 10, 1859.

Mr. Cunningham moved that the reading of the Journal of Saturday last, be dispensed with ; objection being made, the Speaker ordered the Journal to be read, and after the Journal was read ;

Mr. Cowper moved that the Journal of yesterday be so amended as to read as follows, viz :

“The Senator from Hertford moved to reinstate the name of Governor Graham ; which motion prevailed.”

Mr. Pool moved to amend the motion by striking out all after the word *motion*, and inserting *was ruled out of order*.

Mr. Ashe moved that the motion and amendment thereto

be laid upon the table; which motion prevailed, yeas 24, nays 14.

Mr. Pool demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Battle, Brown, Cunningham, Davidson, Dillard, Dobson, Donnell, Edney, Guyther, Humphrey, Houston, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Ramsay, Reinhardt, Speight, Taylor, Ward and Whitaker.—24.

Those who voted in the negative, are:

Messrs. Blount, Cherry, Cowper, Davis, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Pool, Straughan, Turner and Walkup.—14.

On motion by Mr. Cunningham,

Leave of absence was granted to the Senator from Chowan, from and after to-day, until Wednesday next, on account of the sickness of his family.

The Speaker announced that the committee on enrolled bills, on the part of the Senate, for the present week, consists of Messrs. Brown, Donnell and Guyther, of which the House of Commons were informed by message.

Received a message from the House of Commons, transmitting the report of the committee on the Insane Asylum, proposing to print the same;

Concurred in, and the House of Commons informed thereof by message.

Also a message informing that the House branch of the committee on enrolled bills, for the present week, consists of Messrs. Faison, Speer, Gardner, Thornburg and Mordecai.

Mr. Cunningham moved that the Senate take a recess until half after 3 o'clock, this evening. The motion was agreed to; yeas 24, nays 15.

The yeas and nays being called,

Those who voted in the affirmative, are:

Messrs. Ashe, Blount, Boyd, Cunningham, Davidson, Dillard, Dobson, Gorrell, Guyther, Humphrey, Lankford, Leach, Martin, McDowell, Mills, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Ward and Whitaker.—24.

Those who voted in the negative, are:



Messrs. Battle, Cherry, Cowper, Davis, Donnell, Douthitt, Edney, Flanner, Houston, McDonald, McKoy, Miller, Ramsay, Turner and Walkup.—15.

—

*Half-past 3 o'clock.*

Mr. Houston introduced the following resolution, which lies over one day for consideration, viz:

*Resolved*, That the following rule be adopted by the Senate of the State of North-Carolina, as rule 29 of the same, viz:

The rules for the government of the Senate may at any time be suspended, on motion of a Senator and the concurrence of a majority of the Senators present.

Messrs. Leach and Turner severally indicated their intention to amend the above resolution.

The Speaker announced the arrival of the hour for the consideration of the special order, viz: the recommendation of the House of Commons for the appointment of justices of the peace for the county of Edgecombe, which was concurred in.

The recommendations of sundry other justices of the peace from the House of Commons were now severally read and concurred in.

The recommendation from the House of Commons for justices of the peace for Alexander county was amended, by changing the name of John White to Jonas P. White, and the Commons informed thereof by message.

Mr. Houston moved that the remaining lists of justices from the House of Commons be postponed and made the special order of the day for Saturday next, at 12 o'clock, M. Not agreed to.

Several recommendations were now concurred in.

On motion by Mr. Donnell, the recommendation from the county of Tyrrell was now taken up and concurred in.

By permission of the Senate, Messrs. Turner, Cowper, Houston, Leach, and Walkup, severally made personal explanations.

Sundry recommendations of justices of the peace were now presented, approved of, and sent to the House of Commons for concurrence.

Mr. Bledsoe moved that the Senate adjourn until to-morrow morning 10 o'clock. Not agreed to.

The yeas and nays being demanded,

Those who voted in the affirmative, are:

Messrs. Battle, Bledsoe, Brown, Dillard, Douthitt, Guyther, Houston, Humphrey, Lankford, Martin, Pitchford, Speight, Steele, Ward and Whitaker.—15.

Those who voted in the negative, are:

Messrs. Blount, Boyd, Cowper, Cunningham, Davis, Dobson, Donnell, Edney, Flanner, Gorrell, Leach, McDonald, Miller, Mills, Pool, Ramsay, Straughan, Turner, Walkup and Worth.—20.

Mr. Turner now moved to take up from the table the recommendation from the House of Commons for the appointment of justices for Nash county. Not agreed to.

Mr. Martin now moved that the Senate adjourn until to-morrow morning, 10 o'clock.

The yeas and nays being demanded by Mr. Leach, the vote stood yeas 18, nays 18.

Those who voted in the affirmative, are:

Messrs. Battle, Bledsoe, Brown, Cherry, Cowper, Dillard, Douthitt, Edney, Guyther, Humphrey, Lankford, Martin, Mills, Pitchford, Ramsay, Speight, Ward and Whitaker—18.

Those who voted in the negative, are:

Messrs. Blount, Boyd, Cunningham, Davis, Dobson, Donnell, Flanner, Gorrell, Houston, Leach, McDonald, Miller, Reinhardt, Straughan, Taylor, Turner, Walkup and Worth—18.

There being a tie, the Speaker voted in the affirmative, and the motion prevailed.

So the Senate adjourned until to-morrow morning, 10 o'clock.



TUESDAY, JANUARY 11, 1859.

Mr. Boyd, from the committee on finance, reported unfavorably the bill to create the office of State engineer.

Whereupon, on motion by Mr. Bledsoe, the bill was re-committed to the committee on internal improvements.

Mr. Lankford, from the committee on the judiciary, reported the bill to protect judicial sales, and recommended its passage.

Mr. Edney, from the committee on internal improvements, reported favorably the bill to authorize the Roanoke Navigation Company to discontinue the use of their canal around the grand falls of the Roanoke river; and which,

On motion by Mr. Cunningham, was made the special order of the day for Friday next, at the hour of 11 o'clock.

Mr. Davidson presented a recommendation for justices for Mecklenburg county; which was read, approved, and sent to the House of Commons for concurrence.

Mr. Ramsay introduced a preamble and resolutions, authorizing the Governor to receive in behalf of the State, a flag tendered by Lieutenant Guthrie, a native of N. C.; said by him to have been captured from a Chinese fort in 1856, in an engagement between the American and English naval forces on the one side, and four barrier Chinese forts on the other; which was read, and, on motion, referred to the committee on military affairs.

Mr. Worth introduced a resolution in favor of B. F. Steed and Howgil Julian; which was read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Martin introduced a bill with memorials to authorize Wm. F. Randleman to establish a public ferry on the Yadkin river, in the counties of Forsyth and Yadkin; which was read the first time and passed, and, on motion, referred to the committee on propositions and grievances.

Mr. Ward, a bill to authorize a company to drain Hunter's creek and for other purposes; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. Edney, a bill to regulate the retailing of spirituous liquors in the county of Henderson; which was read the first time and passed, and, on motion, referred to the committee on education and the literary fund.

Also, a bill with a memorial to regulate the retailing of spirituous liquors in the county of Buncombe; which was read the first time, passed, and, on motion, referred to the committee on education and the literary fund.

Also, a bill and memorial concerning the traffic in spirituous liquors in the town of Asheville; which was read the first time, passed, and referred to the committee on education and the literary fund.

Mr. Ward, a bill explanatory of the acts incorporating the town of Trenton; which was read the first time, passed, and referred to the committee on propositions and grievances.

Whereupon the bill to amend an act passed in 1825, concerning the town of Trenton, in Jones county, was taken up and recommitted to the same committee.

Mr. Donnell introduced a bill authorizing the president and directors of the literary fund to appoint an agent to supervise the swamp lands belonging to said fund; which was read the first time and passed, and, on motion referred to the committee on education and the literary fund.

Mr. Houston, a bill to empower the trustees of J. D. Abernathy, late sheriff of Duplin county, to collect arrears of taxes; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Houston, from the committee on the judiciary, reported the following bills and recommended their passage, viz:

The bill to incorporate the Wa-ye-Hutta Mining and Manufacturing Company;

The bill concerning courts of pleas and quarter sessions for the county of Duplin; and

The bill concerning the custody of minor children, in certain cases.

Received a message from the House of Commons, transmitting sundry recommendations for justices of the peace, which were read and concurred in.



The Speaker announced the special order, viz :

The bill to amend an act entitled an act to incorporate the Western North-Carolina Railroad Company, and the amendatory acts, when, on motion by Mr. Edney, the consideration thereof was postponed, and the bill made the special order of the day for to-morrow at the hour of 11 o'clock.

On motion by Mr. McDowell, the Senate now proceeded to the consideration of the bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coalfields; which was read the third time.

Mr. Cowper offered the following amendment as an additional section to the bill, viz :

SEC. 1. *Be it further enacted*, That in order to meet the principal of the bonds issued under this act, when the same shall become due, there shall be annually levied upon bonds now subject to taxation, a tax of one-fourth of one per cent. upon the valuation thereof, and upon every taxable poll a tax of two cents, to be collected by the several sheriffs and paid over to the public treasurer, in the same manner as other similar taxes now are.

SEC. 2. *Be it further enacted*, That the taxes thus received by the public treasurer shall be forthwith paid over to the commissioners of the sinking fund, to be by them invested and managed as other portions of the sinking fund.

SEC. 3. *Be it further enacted*, That the moneys and securities in which they may be invested shall be kept as a separate and distinct fund, and the said fund, as far as may be necessary, is hereby pledged to the redemption of the principal of the debt incurred under this act.

Mr. Bledsoe moved to amend the amendment of Mr. Cowper as follows, viz: Strike out the word *land* and insert one-eighth of one per cent. upon the cash value of all the taxable property in the State, except slaves, subject to capitation tax, and any excess, after providing for the payment of bonds, shall be paid over to the commissioners of sinking fund for the payment of the debt of the State.

Which said amendment to the amendment was rejected—yeas 1, nays 42.

Mr. Cowper demanded the yeas and nays.

Mr. Bledsoe voted in the affirmative.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Whitaker and Worth—42.

The question now recurred on the adoption of the amendment offered by Mr. Cowper, and was determined in the negative—yeas 7, nays 37.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Lane, Leach, Martin, Miller, Taylor and Whitaker—7.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Blount, Boyd, Brown, Cherry, Cunningham, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lankford, McDonald, McDowell, McKoy, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Turner, Walkup, Ward and Worth—37.

Mr. Pitchford offered the following amendment as an additional section to the bill, viz :

*Be it further enacted*, That in the payment of any interest which may accrue on the bonds of the State before the completion of the road, the president of said road shall be required to make oath that no part of said amount of interest has been derived from the sale of the bonds of the State.

Which amendment was adopted.

Mr. Ashe now offered the following amendment as an additional section to the bill, which was adopted, viz :

*Be it further enacted*, That the 22d section of the charter of said company be amended so as to read as follows : That said company shall have power to construct branches to said road, or to connect with any other railroad that may be con-



structed: *Provided*, That no such branch shall cross any railroad now in existence or in progress of construction, except the Wilmington & Weldon road; and any contract that may be entered into with any other railroad company by the president and directors of said company, after the consent of a majority of the stockholders first obtained, shall be binding on said company, and this act shall be in force from and after its ratification.

Mr. Lane now moved the following amendment as an additional section to the bill, viz:

*Be it further enacted*, That if the said Western Railroad should be hereafter extended westward, that it shall in no event intersect the North-Carolina Railroad above Morrisville on said North-Carolina Railroad.

Mr. Douthitt moved to amend the amendment of Mr. Lane by striking out the word "*Morrisville*" and inserting "*Lexington*."

Which amendment to the amendment was disagreed to—yeas 11, nays 30.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Boyd, Cunningham, Davidson, Dobson, Douthitt, Gorrell, Humphrey, Martin, McDonald, Miller and Turner—11.

Those who voted in the negative, are:

Messrs. Ashe, Battle, Bledsoe, Blount, Brown, Cherry, Davis, Donnell, Edney, Flanner, Gilmore, Guyther, Houston, Lane, Lankford, Leach, McDowell, McKoy, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Whitaker and Worth—30.

The question now recurred on the amendment of Mr. Lane, and was determined in the negative—yeas 16, nays 27.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Bledsoe, Blount, Cowper, Cunningham, Flanner, Guyther, Lane, Lankford, Leach, Miller, Pitchford, Pool, Speight, Taylor and Whitaker.—16.

Those who voted in the negative, are:

Messrs. Ashe, Boyd, Brown, Davidson, Davis, Dobson, Donnell, Douthitt, Edney, Gilmore, Gorrell, Houston, Humphrey, Martin, McDonald, McDowell, McKoy, Mills, Ramsay, Reinhardt, Steele, Straughan, Thomas, Turner, Walkup, Ward and Worth.—27.

The question now recurred on the passage of the bill the third time as amended, and the vote was as follows, viz:

Yeas 22, nays 21.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bledsoe, Cherry, Davidson, Davis, Dobson, Edney, Gilmore, Gorrell, Houston, McDonald, McDowell, McKoy, Mills, Ramsay, Reinhardt, Steele, Straughan, Thomas, Walkup, Ward and Worth.—22.

Those who voted in the negative, are:

Messrs. Battle, Blount, Brown, Cowper, Cunningham, Donnell, Douthitt, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, Miller, Pitchford, Pool, Speight, Taylor, Turner and Whitaker.—21.

There being twenty-two in the affirmative, and twenty-one in the negative, the Speaker voted in the negative, and the bill was rejected.

Mr. Bledsoe moved that the Senate do now take up the bill to alter the Constitution of the State of North-Carolina:

Before any question was taken thereon, on motion by Mr. Ramsay, the Senate adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, JANUARY 12, 1859.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the trustees of the Kenansville Female Seminary;

The bill to incorporate Pleasant Grove Camp Ground, in Union county;

The bill to amend an act, entitled an act to incorporate the Trustees of Graham Institute, &c.; reported the said bills back to the Senate, and recommended their passage.



Mr. McDowell, from the committee on education and the Literary Fund, reported the bill to incorporate Davenport Female College, in Caldwell county; and recommended its passage.

Mr. Humphrey introduced the following resolution, which by consent of the Senate is laid over one day, for consideration, viz:

*Resolved*, That from and after Saturday next, the 15th instant, the Senate shall meet at 10 o'clock, and take a recess from half past one, until 3 o'clock.

Mr. Leach introduced the following resolution, which was read, and, on motion, referred to the committee on finance, viz:

*Resolved*, That the treasurer of North-Carolina be instructed not to pay out any money on any appropriation or order, unless the amount be specified, and that the purpose or purposes for which said money is paid shall be reported to the General Assembly by him.

On motion by Mr. Donnell,

*Resolved*, That his excellency, the governor, be requested to furnish to the Senate a statement of the sales made by the literary board of swamp lands since 1st August, 1855, and that he furnish the Senate with information as to the number and extent of surveys made by their agent and surveyor.

On motion by Mr. McDowell, the report of the commissioners on the literary fund was now taken up and referred to the committee on education and the literary fund.

On motion by Mr. Thomas,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the existing laws, with regard to the issue of license to retail spirituous liquors or intoxicating drinks of any kind, in any incorporated town, or village, or school district, without the recommendation of a majority of the qualified voters of such incorporated town, or village, or school district, and that they report a bill for that purpose.

Mr. Thomas, from the committee on Cherokee lands and western turnpikes, by consent of the Senate, reported favor-

ably the bill to amend the charter of the Rich Mountain Turnpike Company.

Mr. Thomas, from the same committee, reported with an amendment the bill to amend the charter of the Jonathan's Creek and Tennessee Mountain Turnpike Company.

Mr. Thomas, from the committee on internal improvements, reported with an amendment the bill to amend the charter of the Charleston, Blue Ridge & Chatanooga Railroad Company.

Mr. Pool introduced a bill to amend the act incorporating Elizabeth City; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Humphrey, a bill to incorporate the Raleigh Gaslight Company; which was read the first time, passed, and referred to the committee on corporations.

Mr. Gorrell, a bill to incorporate Jamestown, in the county of Guilford; which was read the first time, passed, and referred to the committee on corporations.

Mr. Edney, a bill for the protection of laborers and mechanics; which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Miller now moved to reconsider the vote by which was rejected the bill to aid in the construction and equipment of the Western railroad, from Fayetteville to the Coalfields. The motion prevailed—yeas 27, nays 13.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Boyd, Brown, Cherry, Davis, Dobson, Edney, Gilmore, Gorrell, Houston, Leach, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Steele, Straughan, Thomas, Turner, Walknp, Ward and Worth—27.

Those who voted in the negative, are :

Messrs. Battle, Cowper, Cunningham, Donnell, Douthitt, Guyther, Humphrey, Lane, Lankford, Martin, Pool, Speight and Whitaker—13.

So the bill was reconsidered; and, on motion, the reconsid-



eration thereof was postponed and made the special order of the day for Wednesday next.

On motion, Mr. Turner was permitted to make a personal explanation.

The Senate now proceeded to the consideration of the unfinished business of yesterday, viz: The bill to alter the constitution; which was read the first time.

Mr. Gorrell moved the following amendment to the bill, viz: Strike out all after the enacting clause and insert the following, to-wit:

That a free and open convention of the people of the State of North-Carolina be and the same is hereby called to meet in the City of Raleigh on the 3d Monday of November, A. D., 1859, which Convention, when assembled and organized, shall have full power to alter, amend, reform and remodel the present Constitution of this State in manner as shall be best calculated to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and posterity.

Pending the consideration of the bill and amendment,

On motion by Mr. Mills, the Senate adjourned until tomorrow morning 10 o'clock.

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#### THURSDAY, JANUARY 13, 1859.

Mr. Humphrey introduced two memorials concerning the sale of spirituous liquors at or near Richlands, in Onslow county; which, on motion, were referred to the committee on propositions and grievances.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate Shoal Creek Academy;

The bill to incorporate the Pitt county Female Institute; and

The bill to amend the act incorporating the town of Kenansville, and to provide for the better government of said

town; reported said bills back to the Senate and recommended their passage.

Mr. Speight, from the same committee, reported the bill to incorporate the Potosi Mining and Manufacturing Company;

The bill to incorporate the Cowee Mining and Manufacturing Company; and

The bill to incorporate the Southern Mining and Manufacturing Company, and recommended their passage.

Mr. Houston, from the committee on the judiciary, reported the bill concerning jurors summoned by writ of special *venire* in Carteret county, and recommended that it do pass.

Mr. Lankford, from the same committee, reported the bill to amend an act entitled an act "Cattle and other stock," and recommended that it do not pass.

Mr. Humphrey introduced a bill to incorporate the Newbern Gaslight Company; which was read the first time and passed.

Mr. Gorrell, a bill to incorporate the Phoenix Mining Company, in the county of Guilford; which was read the first time, passed, and, on motion, referred to the committee on corporations.

Mr. Straughan, a bill for the protection of the interests of the State of North-Carolina in the Cape Fear & Deep River Navigation Company, and for the surrender of said interests; which was read the first time and passed, and, on motion, referred to the committee on internal improvements, and ordered to be printed.

Mr. Dobson, a bill, accompanied by a memorial, to alter the county line between the counties of Ashe and Surry; which was read the first time and passed, and, on motion, referred to the committee on propositions and grievances.

Mr. Lane, a bill for the management of insolvent estates; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Brown, from the committee on banks and currency, reported, with amendments, the bill to charter the Bank of North-Carolina; which, on motion by Mr. Bledsoe, was made



the special order of the day for Thursday next, at 11 o'clock.

On motion by Mr. Houston,

*Resolved*, That the committee of finance be authorized and instructed to investigate the policy of issuing North-Carolina State bonds, payable in New York; and that they report the result of their investigation to the General Assembly.

The Speaker now announced the unfinished business of yesterday, viz: The bill to alter the Constitution of North-Carolina.

On motion by Mr. Gorrell, the consideration of the bill was postponed, and made the special order of the day for Tuesday next, at the hour of 11 o'clock.

On motion by Mr. Edney, the Senate now took up for consideration, the bill to amend the charter of the Western North-Carolina Railroad.

The question being on the adoption of the substitute reported for the bill,

Mr. Thomas moved the following as an amendment to the 2nd section of said substitute, viz: Strike out "at or near Paint Rock," and insert "to such point as they may deem best for the interest of the State, not to exceed the appropriation of 1854-'55.

Pending the consideration of said bill and amendment;

Messrs. Turner, Houston, Biedsoe and Cowper, were permitted to make personal explanations; whereupon,

On motion by Mr. Cherry, the Senate adjourned until tomorrow morning, 10 o'clock.

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#### FRIDAY, JANUARY 14, 1859.

Mr. Humphery, from the committee on corporations, reported back to the Senate, the bill to incorporate the Cape Fear and Ocean Steamboat Company;

The bill to incorporate the Portis Mining Company;

The bill to incorporate the Raleigh Gaslight Company; and recommended their passage.

Mr. Martin, from the committee on military affairs, to which

was referred the resolution to authorize the acceptance of a Flag, from Julius J. Guthrie, reported the same back to the Senate, and recommended its passage.

Mr. Dobson, from the committee on the judiciary, reported unfavorably, the bill to provide a freehold for the poor.

Mr. Dobson, from the same committee, to which was referred the resolution in regard to the sale of adulterated spirits ;

The resolution relating to the elections in the town of Wilmington ;

The resolution for amending the existing laws in relation to the issue of license to retail spirituous liquors ; reported said resolutions back to the Senate, and asked to be discharged from their further consideration ; discharged accordingly.

Mr. Houston, from the committee on the judiciary, reported the bill to abolish jury trials in the county courts of Cherokee and Jackson ; with amendments.

Mr. Gorrell, from the same committee, reported the bill to repeal an act, entitled an act to lay off and establish a public road in the counties of Davie and Davidson ; and asked to be discharged from its further consideration ; discharged accordingly.

Mr. Brown, from the committee on banks and currency, reported, with amendments, the bill to establish the Bank of Commerce ; whereupon,

On motion by Mr. Lane, said bill was made the special order of the day for Tuesday next, at the hour of 12 o'clock, M.

Mr. Houston, from the committee on the judiciary, to which was referred the bill in favor of comptroller, reported the same back to the Senate, and recommended that it be recommitted to the committee on finance ; recommitted accordingly.

Mr. Ramsay, from the joint committee on the deaf and dumb and blind asylum, submitted a detailed report on the subject ; which was read, and, on motion by Mr. Gorrell, ordered to be printed.

On motion by Mr. McDowell,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law



as to require persons entering land to take an oath that such land is vacant, or that it is entered for the purpose of removing a cloud in his title to the same.

Mr. Humphrey now called up the following resolution heretofore introduced by him, viz:

*Resolved*, That from and after Saturday next, the 15th inst., the Senate shall meet at 10 o'clock, and take a recess from half-past one until three o'clock.

Mr. Edney moved to amend the resolution by meeting at ten o'clock and sit till three. Not agreed to.

Mr. Miller moved to amend by striking out *ten* and inserting *nine*. Not agreed to.

Mr. Ramsay moved to amend as follows, viz: Strike out *three* and insert *seven*.

Mr. Edney moved that the resolution and amendment be laid on the table. The motion prevailed—yeas 24, nays 14.

Mr. Humphrey demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Cherry, Cowper, Davis, Donnell, Edney, Flanner, Gorrell, Houston, Martin, McDonald, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan and Taylor—24.

Those who voted in the negative, are:

Messrs. Cunningham, Dobson, Douthitt, Humphrey, Lane, Leach, McDowell, McKoy, Miller, Mills, Person, Turner, Whitaker and Williams—14.

Mr. Boyd introduced a resolution, accompanied by a memorial, to pay the legal representatives of B. F. Witty, dec., the amount due him as teacher for school district No. 19 for Rockingham county; which was read the first time and passed, and, on motion, referred to the committee on education and the literary fund.

Mr. Humphrey introduced a bill to prohibit the sale of spirituous liquors within two miles of Richlands Academy; which was read the first time and passed, and, on motion, referred to the committee on propositions and grievances.

Mr. Ramsay introduced a bill to enlarge and improve the buildings of the deaf and dumb and blind asylum; which

was read the first time and passed, and ordered to be printed.

The Speaker now announced the unfinished business of yesterday, viz: The bill to amend the charter of the Western North-Carolina Railroad.

The question being on the amendment of Mr. Thomas to the substitute reported by the committee, pending the consideration of the same,

On motion by Mr. Thomas, the Senate adjourned until tomorrow morning, 10 o'clock.

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SATURDAY, JANUARY 15, 1859.

The Speaker laid before the Senate the resignation of Quentin Busbee, Assistant Clerk of the Senate.

On motion by Mr. Humphrey, the Senate postponed the election of Assistant Clerk of the Senate, and agreed to go into said election this day at 12 o'clock, M.

On motion by Mr. Boyd, a message was sent to the House of Commons, stating that it appears on examination of the act to provide for a more speedy distribution of the laws and journals of the General Assembly, which has been enrolled and signed by the Speakers, an amendment was made in the House of Commons and concurred in by the Senate, by striking out the word "*thirty*" and inserting "*fifty*," which amendment appears on the engrossed bill as adopted by the House and concurred in by the Senate; and it appears that the amendment has been omitted in the enrolled bill. The Senate herewith returns the said enrolled bill to the House of Commons, and asks that it may again be referred to the joint committee on enrolled bills, and after being properly corrected and enrolled, be returned to the House of Commons and Senate to receive its proper ratification.

Received a message from the House of Commons, transmitting a message from his Excellency, the Governor, in obedience to a resolution of the Senate, in relation to the sales of the swamp lands; which,

On motion by Mr. Donnell, was referred, with accompany-



ing documents, to the committee on education and the literary fund.

Mr. Person introduced a petition in favor of Wm. Skull; which was referred to the committee on the judiciary.

Mr. Speight, from the committee on corporations, reported the bill to incorporate Jamestown, in the county of Guilford; and,

The bill to amend the act of incorporation of Elizabeth City, and recommended their passage.

Mr. Lankford, from the committee on the judiciary, reported the bill to prevent the emancipation of slaves by will and testament, and recommended that it do not pass.

Mr. Lane, from the committee on propositions and grievances, reported the bill to alter the county line between the counties of Ashe and Surry; and,

The bill to prohibit the sale of spirituous liquors within two miles of Richlands Academy, and recommended their passage.

Mr. Humphery, from the same committee, reported the bill to incorporate the Phenix Mining Company, in the county of Guilford; and recommended its passage.

Mr. Humphrey, from the same committee, reported, with amendments, the bill to amend the charter of Normal College.

Mr. Edney, from the committee on Internal Improvements, reported unfavorably the bill as to State engineer.

Mr. McDowell, from the committee on education and the literary fund, reported favorably the resolution to pay the legal representatives of B. F. Whitty, deceased, the amount due him, as teacher for school district, No. 19, for Rockingham county.

Mr. Edney, from the committee on internal improvements, reported the bill to increase the revenue on railroads; and recommended that it do not pass.

Mr. Edney, from the same committee, reported favorably, the bill to amend an act incorporating the Yanceyville Plankroad Company.

Mr. Thomas, from the same committee, reported favorably the bill to authorize the Petersburg and Roanoke Railroad Company, to run a new road from Garysburg to Weldon;

The bill to authorize a company to drain Hunter's creek lake, and for other purposes.

Mr. Miller introduced a bill, accompanied by a memorial, for the restoration of jury trials in the county courts of Polk county; which was read the first time, passed, and, on motion, referred to the committee on propositions and grievances.

Mr. Person, a bill to legitimate and alter the name of James W. Boon of Northampton county, which was read the first time and passed; and on motion, referred to the committee on the judiciary.

Also, a bill to empower the courts of Northampton county to legitimate and alter the names of certain children, which was read the first time and passed; and on motion, referred to the committee on the judiciary.

Also, a bill for the establishing of an election precinct at Green Plains, in the county of Northampton, which was read the first time and passed; and on motion, referred to the committee on propositions and grievances.

Mr. Worth introduced the following resolution, which was adopted, and ordered to be sent to the House of Commons for concurrence, viz:

*Resolved*, That the joint select committee, appointed to inquire into the general management and financial condition of the North-Carolina Railroad, have power to send for persons and papers and examine witnesses on oath.

Mr. Cowper introduced a bill accompanied by a memorial to repeal an act of the General Assembly passed in 1840-'41, providing for the better government and regulation of the town of Murfreesboro', in Hertford county; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. McDonald, a bill to incorporate McLendon's Creek Navigation Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Received a message from the House of Commons, stating that the House of Commons have passed the accompanying resolution, proposing an adjournment of the two Houses of



the General Assembly, in which they ask the concurrence of the Senate, viz :

*Resolved*, The Senate concurring, that the two Houses of the General Assembly adjourn *sine die* on the 10th of February next.

On motion by Mr. Humphrey,

*Ordered*, That the resolution be laid on the table.

A message was received from the House of Commons, stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, to wit :

A resolution in favor of L. S. Webb and others, trustees of G. L. Moore ; which was read the first time and passed, and, on motion by Mr. Steele, referred to the committee on claims ;

A resolution concerning the valley of Deep river ; which was read, and, on motion by Mr. McDowell, ordered to be laid on the table.

A bill providing for the election of clerks and masters in equity by the people ; which was read the first time and passed, and, on motion by Mr. Edney, referred to the committee on the judiciary ; and

A bill to improve the public road from Wilkesboro' to Jefferson, by way of Phillips' gap ; which was read the first time and passed, and, on motion by Mr. Dobson, referred to the committee on internal improvements.

Mr. Edney introduced a bill to incorporate the Transmontane college, in the county of Madison ; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Leach introduced the following resolution, viz :

*Resolved by this General Assembly*, That they will not adjourn *sine die* until the bills and resolutions introduced and reported by the respective committees of this General Assembly be acted on ; and to facilitate and expedite this desirable object,

*Resolved, furthermore*, That no new bill or resolution shall be introduced after the 18th instant.

On motion by Mr. McDowell,

*Ordered*, That said resolution be laid upon the table.

The bill to incorporate the Christian Gold Mining Company was read the second time; the substitute reported for the bill amended on motion by Mr. McDonald, and adopted; and the bill passed its second reading as amended. Under a suspension of the rule the bill was read the third time, passed, and ordered to be engrossed.

The bill to prevent the sale of intoxicating liquors at or near Davidson College, and for other purposes, under a suspension of the rule, was read the second and third times, passed, and ordered to be engrossed.

Under a further suspension of the rule, the bill to incorporate the Jones County Male and Female Seminary, in the county of Jones, was read the second and third times, passed, and ordered to be engrossed.

Messrs. Leach, Cowper, Turner and Bledsoe, by permission of the Senate, severally made personal explanations.

The hour having now arrived for going into the election for assistant clerk of the Senate,

Mr. Humphrey nominated JOHN W. ALSPAUGH.

And, on motion of Mr. Gorrell, the name of H. W. HUSTED was added to the nomination.

The Senate then voted as follows, viz:

For Mr. ALSPAUGH—Messrs. Speaker, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dobson, Douthitt, Edney, Gilmore, Guyther, Humphrey, Lane, Lankford, Martin, McDowell, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Thomas, Whitaker and Williams—26.

For Mr. HUSTED—Messrs. Blount, Cherry, Cowper, Davis, Donnell, Gorrell, Leach, McDonald, Miller, Pool, Straughan, Turner and Walkup—13.

Mr. Alspaugh having received a majority of the whole number of votes given, was declared duly elected assistant clerk of the Senate.

The bill to incorporate Pollocksville Lodge, No. 175, of Free and Accepted Masons, under a suspension of the rule, was read the second and third times, passed, and ordered to be engrossed.



The engrossed bill to enlarge the powers of the commissioners of the town of Tarboro' so as to authorize them to organize and keep up a more efficient fire engine company in said town;

The engrossed bill to incorporate the North-Carolina College in Cabarrus county;

The engrossed bill to incorporate the town of Mount Pleasant, in Cabarrus county; and

The engrossed bill to incorporate the Orange Guards, were severally read the second time and passed.

The rule being suspended, said bills were severally read the third time, passed, and ordered to be enrolled.

The bill to incorporate Carthage Lodge, No. 181, of Ancient York Masons, was read the second time and passed.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

On motion by Mr. Cunningham,

*Ordered*, That a message be sent to the House of Commons, proposing to go into the election for ten trustees of the university on Tuesday next at one-quarter before 11 o'clock.

On motion by Mr. McDowell,

*Ordered*, That a message be sent to the House of Commons, informing that JOHN W. ALSPAUGH has been duly elected Assistant Clerk of the Senate, in place of Quentin Busbee, resigned.

The bill to extend the corporate limits of the town of Newbern, and for the better regulation of the same, was read the second time, the amendments proposed by the committee agreed to, and the bill passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The bill to amend the charter and revise and consolidate the acts relating to the North-Carolina Insurance Company, under a suspension of the rule, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to incorporate Davenport Female College was read the second time and passed.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

A message was received from the House of Commons, informing that they do not concur in the proposition of the Senate to go into the election of ten trustees of the university on Tuesday next at one-quarter before 11 o'clock.

Received a message from the House of Commons, proposing to go forthwith into the election of ten trustees of the university.

On motion, ordered that the message be laid on the table.

The engrossed private bill for the county of Franklin was read the second time, the amendment proposed by the committee, viz., alter the title of the bill so as to make it read, "A bill authorizing and empowering the justices of the court of Franklin county to sell certain public lands belonging to said county," was agreed to, and the bill passed its second reading as amended.

The rule being suspended, the bill was read a third time and passed, and a message sent to the House of Commons asking the concurrence of the House in the Senate's amendment.

The engrossed bill to amend an act entitled an act to incorporate the Trustees of Graham Institute, so as to convert it into Graham College, was read the second time and passed.

The rule being suspended, said bill was read the third time, passed, and ordered to be enrolled.

The bill to incorporate Pitt County Female Institute, was read the second time and passed.

Under a suspension of the rule, said bill was read the third time, passed, and ordered to be engrossed.

The engrossed bill to amend an act entitled an act to incorporate the town of Lenoir, in Caldwell county, was read the second time, and the amendment proposed by the committee disagreed to.

Mr. Miller moved a substitute for the first and second sections of the bill, and further to amend the same, in the third section, by striking out *town*, and inserting *corporation*,



which amendments were severally agreed to, and the bill passed its second reading as amended.

The rule being suspended, said bill was read the third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

On motion by Mr. Bledsoe, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, JANUARY 17, 1859.

The Speaker announced that the Senate branch of the committee on enrolled bills for the present week, consists of Messrs. Douthitt, Edney and Humphrey; of which the House of Commons was informed by message.

Mr. Donnell, from the committee on the judiciary, to which was referred the bill to enlarge the powers of married women over their estates in certain cases, reported a substitute for the same.

Mr. Pool, from the committee on internal improvements, to which was referred the bill to authorize a subscription to the capital stock of the Albemarle and Chesapeake Canal Company, reported a substitute for the same; whereupon,

On motion by Mr. McDowell, ordered that said bill and substitute be printed.

Mr. Miller introduced a bill to amend an act entitled an act to incorporate the Western North-Carolina Railroad Company, and the act amendatory thereto, entitled an act to amend an act entitled an act to incorporate the Western North-Carolina Railroad Company, which was read the first time and passed; and, on motion, referred to the committee on internal improvements.

Received a message from the House of Commons, informing that their branch of the committee on enrolled bills for the present week, consists of Messrs. Gatling, Morgan, Sherrill, Costner and Craven.

Mr. Edney introduced a bill to amend an act authorizing the making of a turnpike road in the county of Henderson;

which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. Battle, a bill to incorporate the Montgomery Mining Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Bledsoe introduced a resolution in favor of W. Watson; which was read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Leach moved to take up from the table the resolution introduced by him on Saturday last, concerning the adjournment of the General Assembly, and the introduction of bills and resolutions.

The motion was disagreed to.

Mr. Williams presented a recommendation for justices of the peace for Camden county.

Mr. Pool moved to lay the same on the table. Not agreed to;

Whereupon, on motion by Mr. Pool, the consideration of said recommendation was postponed until Friday next at 11 o'clock.

Mr. Basnight presented a recommendation for justices of the peace for the county of Hyde; which was agreed to and sent to the House of Commons for their concurrence.

The Speaker now announced the unfinished business of yesterday, viz: the bill to amend the charter of the Western North-Carolina railroad.

The question being on the amendment of Mr. Thomas, proposed to the substitute reported by the committee,

The amendment was adopted—yeas 22, nays 19.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bledsoe, Blount, Cherry, Cunningham, Davis, Dobson, Gilmore, Lane, Leach, McDonald, McDowell, Mills, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Walkup and Worth.—22.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Brown, Carmichael, Cowper, Donnell, Douthitt, Edney, Gorrell, Guyther, Humphrey,



Lankford, Martin, Miller, Person, Pitchford, Turner, Whitaker and Williams.—19.

Mr. Bledsoe moved further to amend the substitute, by adding the following to the 5th section, viz: "and when the amendments to the charter of the said company shall have been accepted by the individual stockholders, it shall be deemed a full, complete, and satisfactory performance of the pledges of the State, to aid in the construction of the Western North-Carolina railroad from Salisbury to the Tennessee line."

Mr. Ashe moved that the Senate take a recess until 7 o'clock, P. M.

Mr. Edney moved that the Senate adjourn until to-morrow morning 10 o'clock.

And the question being first taken on the motion of Mr. Edney, the same was disagreed to.

The question was then taken on Mr. Ashe's motion, and disagreed to.

The amendment to the substitute offered by Mr. Bledsoe was now rejected.

The question now recurred on the adoption of the substitute as amended, and was determined in the negative—yeas 7, nays 29.

Mr. Edney demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Boyd, Edney, Gilmore, Humphrey, Reinhardt, Straughan and Thomas—7.

Those who voted in the negative are:

Messrs. Basnight, Battle, Blount, Brown, Cherry, Cowper, Cunningham, Davis, Dobson, Donnell, Douthitt, Gorrell, Guyther, Lane, Lankford, Leach, McDonald, McDowell, Miller, Mills, Person, Pitchford, Pool, Speight, Taylor, Turner, Walkup, Whitaker and Williams—29.

Mr. Douthitt moved an adjournment. Not agreed to.

The question now recurred on the passage of the bill its second reading, and was determined in the negative—yeas 1, nays 31.

Mr. Edney voted in the affirmative.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Brown, Cherry, Cowper, Cunningham, Davis, Dobson, Donnell, Douthitt, Gorrell, Guyther, Humphrey, Lane, Lankford, Leach, McDonald, McDowell, Miller, Mills, Person, Pitchford, Pool, Speight, Straughan, Taylor, Turner, Walkup, Whitaker and Williams—31.

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

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TUESDAY, JANUARY 18, 1859.

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 prevent the sale of intoxicating liquors at or near Davidson College, and for other purposes ;

A bill to incorporate Carthage Lodge, No. 181, of Ancient York Masons ;

A bill to incorporate the Pitt County Female Institute ;

A bill to incorporate Pollocksville Lodge, No. 175, of Free and Accepted Masons, in the town of Pollocksville, Jones county ;

A bill to incorporate the Jones County Male and Female Seminary, in the county of Jones ;

A bill to incorporate the Christian Gold Mining Company ; and,

A bill to amend the charter and revise and consolidate the acts relating to the North-Carolina Mutual Insurance Company.

Received a message from the House of Commons, stating that they concur in the amendments of the Senate

To the bill to prevent the felling of timber in the waters of Tuckahoe and Trent rivers ;

To the bill for the county of Franklin ; and,

The bill to require the clerks of the General Assembly to take an oath of office.

Ordered that said bills be enrolled.



Mr. Edney, from the committee on internal improvements, reported favorably the bill to improve the public road from Wilkesboro' to Jefferson, by way of Phillips' gap ; and,

The bill to amend an act authorizing the making a turnpike road in the county of Henderson.

Mr. Lane, from the committee on propositions and grievances, reported favorably the bill to establish an election precinct at Green Plains, in the county of Northampton ; and,

The bill for the restoration of jury trials in the county courts of Polk county.

Mr. Ashe introduced a bill to incorporate the Dawson Steamboat Company ; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Pool introduced a bill to amend the 29th section of the 45th chapter of the Revised Code ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Lane, a bill concerning mortgages and deeds of trust ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. McDonald, a bill to punish thieves ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Lane introduced a resolution in favor of Elisha Holland, which was read the first time and passed ; and on motion, referred to the committee on claims.

Mr. Lane, a resolution in favor of Ebenezer Combs, which was read the first time and passed ; and, on motion, referred to the committee on claims.

Mr. Pitchford, a resolution, accompanied by a memorial, in favor of W. J. W. Crowder, which was read the first time and passed, and, on motion, referred to the committee on claims.

The bill to increase the Sinking Fund, was read the second time, and the amendments reported by the committee, agreed to.

On motion by Mr. Ashe,

The vote just taken, by which the amendments of the committee were agreed to, was reconsidered.

On motion by Mr. Edney,

The bill to amend the present militia laws, and to establish a uniform volunteer system throughout the State, was now taken up, and made the special order of the day, for Thursday next, at 11 o'clock.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz :

The bill to alter the Constitution of North-Carolina.

The question being on the amendment offered by Mr. Gorrell, pending debate,

The Speaker announced the arrival of the hour for considering the bill to establish the Bank of Commerce, when, on motion by Mr. Humphrey, the consideration thereof was postponed, and the bill made the special order of the day for to-morrow, at the hour of 12 o'clock, M.

The Senate now resumed the consideration of the bill to alter the Constitution of North-Carolina.

The question being on the amendment of Mr. Gorrell,

The amendment was rejected—yeas 12, nays 28.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Davis, Douthitt, Edney, Gorrell, McDonald, Miller, Mills, Ramsay, Straughan, Turner, Walkup and Worth.—12.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Brown, Boyd, Cherry, Cowper, Cunningham, Dobson, Donnell, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Taylor, Whitaker and Williams—29.

Mr. Ramsay now moved to amend the second section of the bill, so as read after the words "Be it further enacted:"

"That the colored inhabitants of this State, except Indians not taxed by this Constitution, shall be subject to a tax upon the *ad valorem* principle; *Provided*, The General Assembly, in its discretion, shall not see proper to tax them upon the *per capita* principle, in which latter case they shall not be



taxed more than white persons subject to a capitation tax; *And provided further*, That nothing herein contained shall prevent exemptions of taxable polls as heretofore provided by law in cases of bodily infirmity." And further, amend enacting clause by inserting after the word "that," these words, to wit: "clause 2, section —, article 4 of amended constitution, &c."

The amendment was rejected—yeas 7, nays 33.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Davis, Gorrell, McDonald, Miller, Ramsay, Walkup and Worth—7.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Blount, Brown, Cherry, Cowper, Cunningham, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Taylor, Turner, Whitaker and Williams—33.

The question now recurred on the passage of the bill its first reading, and resulted as follows—yeas 10, nays 31.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Bledsoe, Douthitt, Edney, Gorrell, McDonald, Miller, Straughan, Turner, Walkup and Worth—10.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Davis, Dobson, Donnell, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Taylor, Thomas, Whitaker and Williams—31.

The constitutional majority of three-fifths of the whole Senate not voting in the affirmative, the Speaker announced that the bill was rejected.

On motion by Mr. Cunningham, the Senate now took up the bill to authorise the Roanoke Navigation Company to discontinue the use of their canal around the grand falls of the Roanoke river, and to make sale of their real estate,

water power and other privileges, between the towns of Gaston & Weldon in the State of North-Carolina; which was read the second time, amended on motion by Mr. Person, and passed its second reading as amended.

Under a suspension of the rule, said bill was read the third time, amended on motion by Mr. Cunningham, passed its third reading as amended, and was ordered to be engrossed.

A message was received from the House of Commons concurring in the amendments of the Senate to the engrossed bill to amend an act entitled an act to incorporate the town of Lenoir, in Caldwell county. Ordered that said bill be enrolled.

Also, a message stating that the House of Commons concurs in the proposition of the Senate, to empower the joint committee on the North-Carolina Railroad to send for persons and papers.

Also, a message stating that the House of Commons concurs in the amendments proposed by the Senate to the lists of magistrates, from the counties of Orange, Surry and Alexander.

The engrossed bill to authorize a majority of the acting justices of the peace of Cumberland county to appoint a special term of the court of pleas and quarter sessions for said county, was read the third time, amended by extending its provisions to the counties of Duplin and Craven, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The bill prescribing the duties of Executors and Administrators, was read the third time and passed; and ordered to be engrossed.

The engrossed bill, to incorporate the Cherokee County Turnpike Company, was read the third time.

Mr. Speight moved to amend the 8th section of the bill, by striking out the following words, to-wit: which, with the road and bridges, shall be free from taxation.

Mr. Thomas moved to lay the bill on the table; not agreed to.

On motion by Mr. Thomas,

The further consideration of the bill and amendment was postponed until Saturday next.



The engrossed bill requiring the day of receiving and executing to be noted on justices' process, was read the third time and passed; and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

The engrossed bill to make husbands liable for the debts of their deceased wives was read the third time, passed, and ordered to be enrolled.

On motion by Mr. Edney the Senate adjourned until tomorrow morning, 10 o'clock.

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WEDNESDAY, JANUARY 19, 1859.

Mr. Martin presented sundry certificates in relation to the establishment of Payne's ferry, in Forsyth county; which, on motion, were referred to the committee on propositions and grievances.

Mr. Pool, from the committee on the library, reported a resolution in relation to the library; which was read the first time and passed.

Mr. Humphrey, from the committee on corporations, reported the bill to incorporate Lincoln Lodge No. 137 of Ancient York Masons, and recommended its passage.

Mr. Ward, from the committee on internal improvements, reported favorably the bill to incorporate the New River Steamboat Navigation Company.

Mr. Brown, from the committee on banks and currency, reported the bill to incorporate the Bank of Lexington with amendments;

On motion by Mr. Douthitt, the consideration of the bill was postponed and made the special order of the day for tomorrow at half-past 1 o'clock.

Mr. Donnell, from the committee on the judiciary, reported with amendments the bill to increase the library of the Senate, and for other purposes.

Mr. Humphrey introduced a bill to incorporate the North State Copper and Gold Mining Company; which was read

the first time and passed, and, on motion, referred to the committee on corporations.

Also, a bill to incorporate the Guilford Copper and Gold Mining Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Humphrey introduced a bill to incorporate the Copper Hill Mining Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

On motion by Mr. Ramsay, Mr. Carmichael was excused from serving on the committee on the Atlantic Railroad Company.

Mr. Donnell, from the committee on the library, reported a resolution appropriating the north-west room in the gallery of the Senate chamber to the use of the books in the Governor's office; which was read the first time and; passed the rule being suspended, said resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Pool now called up the resolution in relation to the library; which, under a suspension of the rules, was read the second and third times, passed and ordered, to be engrossed.

On motion by Mr. Cherry, the Senate took up the bill to authorize a subscription to the capital stock of the Albemarle and Chesapeake Canal Company; which was made the special order of the day for Friday next, at the hour of 12 o'clock, M.

Mr. Worth introduced a resolution in favor of Common Schools in Randolph county; which was read the first time and passed, and, on motion, referred to the committee on claims.

The Speaker now announced the special order, viz: The bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coalfields; which was read the third time, passed, and ordered to be engrossed—yeas 22, nays 19.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bledsoe, Boyd, Cherry, Davis, Dobson, Edney, Gilmore, Gorrell, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Steele, Straughan, Thomas, Walkup and Worth.—22.



Those who voted in the negative are :

Messrs. Basnight, Battle, Blount, Brown, Cowper, Cunningham, Donnell, Douthitt, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, Person, Turner, Whitaker and Williams.—19.

The bill to alter the county line between the counties of Ashe and Surry was read the second time and passed.

The engrossed bill concerning jurors summoned by special writ of venire, in Carteret county, was read the second time and passed ; on motion by Mr. Ward, the rule was suspended, said bill read the third time, amended by extending its provisions to the county of Jones, passed its third reading as amended, and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

The bill to prohibit the sale of spirituous liquors within two miles of Richlands Academy was read the second time and passed ; on motion by Mr. Lane, the rule was suspended and said bill read the third time, passed, and ordered to be engrossed.

On motion by Mr. Steele, the bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company was now taken up, the consideration thereof postponed, and the bill made the special order of the day for Monday next, at half-past 11 o'clock.

The resolution to authorize the acceptance of a flag from Julius J. Guthrie was read and unanimously passed, and ordered to be engrossed.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bill, in which it asks the concurrence of that body, viz :

The bill to authorize the Roanoke Navigation Company to discontinue the use of their canal around the grand falls of Roanoke river, and to make sale of their real estate, water-power and other privileges, between the towns of Gaston and Weldon, in the State of North-Carolina.

The bill to amend an act entitled "Cattle and other stock," was read the second time and rejected.

The bill to authorize a company to drain Hunter's Creek

Lake, and for other purposes, was read the second time and passed.

On motion by Mr. Speight the rule was suspended, and said bill was read the third time, passed, and ordered to be engrossed.

The hour of 12 o'clock having now arrived, the Speaker announced the special order, viz:

The bill to establish the Bank of Commerce; which was read the second time, the amendment proposed by the committee agreed to, and the bill passed its second reading as amended.

The bill to create the office of State engineer was now taken up, and, on motion by Mr. McDowell, re-committed to the committee on internal improvements.

The bill to amend the 119th section of the 34th chapter of the Revised Code, was read the second time and passed.

The bill to enlarge the powers of married women over their estates in certain cases, was read the second time, the substitute reported by the committee agreed to, and the bill passed its second reading as amended.

The bill concerning pilots at Ocracoke and Hatteras inlets was read the second time.

Mr. Flanner moved to amend the bill as follows, to come in after the 3rd section, viz: If a branch pilot shall go off to any vessel *bound* in either of said inlets, and offer to pilot her over the bar, the master or commander of such vessel, if he refuse to take such pilot, shall pay the pilot, if not previously furnished with one, half the sum that is allowed by law for conducting such vessel in, to be recovered as the law directs.

The amendment was rejected, and the bill passed its second reading.

The bill to empower notaries to administer oaths in certain cases, was read the second time and passed.

The bill to amend the charter of the Charlotte & Taylorsville Plankroad Company was read the second time, the amendments reported by the committee agreed to, and the bill passed its second reading as amended.



The bill to amend the entry laws in this State was read the second time and rejected.

The engrossed bill to protect purchasers under judicial sales was read the second time and passed.

The bill to amend chapter 68, of the Revised Code, entitled marriages, was read the second time and rejected.

The bill to authorize the construction of a toll bridge across the Yadkin river, near Jonesville, was read the second time, amended on motion by Mr. Donnell, by striking out *heirs* and inserting *successors*, and passed its second reading as amended.

The bill concerning county surveyors, was read the second time and rejected.

The bill to open the Pedee and Yadkin rivers, for the passage of fish, was now taken up.

Mr. Ramsay moved to refer the bill to the committee on the judiciary; not agreed to.

Whereupon said bill was ordered to be placed on file.

The bill to incorporate the Tennessee Valley Turnpike Company was read the second time and passed.

The bill to incorporate the Jonathan's Creek and Tennessee Mountain Turnpike Company was read the second time and the amendments reported by the committee agreed to;

On motion by Mr. Speight,

The third section of the bill was amended by striking out the following words, viz: "which, with the shares of stock shall be free from taxation."

Mr. Blount, now moved further to amend the bill by striking out the second section thereof.

Pending the consideration of which,

On motion by Mr. Speight the Senate adjourned until tomorrow morning, 10 o'clock.

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THURSDAY, JANUARY 20, 1859.

Mr. McDowell, from the committee on education and the

literary fund, reported favorably the bill concerning the traffic of spirituous liquors in the town of Asheville.

Mr. McDowell, from the same committee, reported, with amendments, the bill to regulate the retailing of spirituous liquors in the counties of Buncombe and Haywood.

Mr. Humphrey, from the committee on corporations, to which was referred the bill to incorporate the Dawson Steam Boat Company ;

The bill to incorporate McLendon's Creek Navigation Company ; and

The bill to incorporate the Montgomery Mining Company, reported the same back to the Senate and recommended their passage.

Mr. McDonald, from the committee on propositions and grievances, reported, with amendments, the bill to amend an act, entitled "an act supplemental to an act to establish a new county by the name of Harnett."

Mr. Gorrell, from the committee on internal improvements, to which was referred the memorial of Ephraim Mauney, reported the same back to the Senate and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Gorrell, from the committee on the judiciary, reported back the bill to create and establish courts of common pleas, and for other purposes, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Pool, from the same committee, reported the bill to repeal so much of the 8th section of the 81st chapter of the Revised Code as relates to Tyrrell county, and recommended that it do not pass.

Mr. Pool, from the same committee, reported the bill to amend the 29th section of the 45th chapter of the Revised Code, with amendments.

Mr. Lankford, from the same committee, to which was referred the resolution in favor of widows and orphans, reported that no further legislation on the subject is required.

Mr. Speight, from the committee on corporations, reported the bill to repeal an act of the General Assembly passed in



1840-'41 providing for the better government and regulation of the town of Murfreesboro' in Hertford county; and

The bill to incorporate the Transmontane College in the county of Madison, and recommended their passage.

Mr. Battle, from the committee on claims, to which was referred the resolution in favor of Ebenezer Combs;

The resolution in favor of C. N. White, of Cabarrus;

The resolution in favor of Elisha Holland;

The resolution in favor of E. D. Nichols, and

The resolution in favor of W. J. W. Crowder, reported said resolutions back to the Senate and recommended their passage.

Mr. Dobson, from the committee on the judiciary, reported the bill to amend the charter of the Sulphur Springs and Paint Rock Turnpike Company, and the bill to amend chapter 86 of the Revised Code, entitled "Poor," and recommended that they do not pass.

Mr. McDowell introduced a bill concerning Pilotage, which was read the first time and passed.

Mr. Worth, a bill to amend the Revised Code in relation to cart-ways, which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Straughan, a bill to prevent the sale of spirituous liquors within two miles of the Mount Vernon Male and Female Academy, which was read the first time and passed, and, on motion, referred to the committee on education and the literary fund.

Mr. Bledsoe, a resolution in favor of the Superintendent of Public Buildings, which, on motion, was referred to the committee on public grounds and buildings.

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 that body, viz:

A bill prescribing the duties of executors and administrators;

A bill to prohibit the sale of spirituous liquors, within two miles of Richlands Academy;

A bill to authorize the construction of a common enclosure

around the lands of certain person in the county of Person ;

A bill to extend the corporate limits of the town of Newbern, and for the better regulation of the same ; and,

A resolution in relation to the library.

Mr. Lane introduced a bill to extend the charter of the Bank of the State of North-Carolina, which was read the first time and passed ; and, on motion, made the special order of the day for Tuesday next, at the hour of 12 o'clock, M.

Mr. Thomas introduced the following resolution, viz :

*Resolved*, That our Senators and Representatives, in Congress, be requested to use their influence in favor of sustaining, as far as authorized by the Constitution, the President of the United States, in his recommendation in favor of constructing a Railroad from the Valley of the Mississippi to the Pacific Ocean.

On motion, ordered that the resolution be laid on the table.

Mr. Basnight introduced a bill concerning sheriffs, which was read the first time and passed ; and, on motion, referred to the committee on the judiciary.

Mr. Leach now called up the bill to increase the revenue from Railroads, which was read the second time ;

Mr. Leach proposed the following as additional sections to the bill, viz :

*Be it further enacted*, That the President and Directors of said Railroads shall be exempt from the provision of the preceding section of this bill : *Provided*, This section shall not authorize said President and Directors to travel on any Railroad free of charge, except those over which they have control.

*Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be repealed.

Mr. Lane moved that the bill and amendment be indefinitely postponed ; not agreed to—yeas 12, nays 22.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Lane, McDowell, Mills, Ramsay, Speight, Steele, Taylor, Whitaker and Williams—12.

Those who voted in the negative, are :



Messrs. Basnight, Blount, Boyd, Brown, Cherry, Cunningham, Davis, Douthitt, Edney, Flanner, Gorrell, Guyther, Lankford, Leach, McDonald, Miller, Pitchford, Pool, Reinhardt, Turner, Ward and Worth—22.

On motion by Mr. Leach,

The bill and amendment were laid upon the table.

The Speaker now announced the arrival of the hour for taking up the special order of the day ;

Whereupon the Senate proceeded to consider the bill to charter the Bank of North-Carolina ; the same being on its second reading.

Mr. Steele moved to amend the bill by adding the following proviso to the 16th section thereof, viz: *Provided*, That all the notes issued by the bank by this act created, shall be made payable and demandable at the principal bank in the city of Raleigh.

Pending the consideration of the bill and amendment,

The following message was received from the House of Commons, viz :

MR. SPEAKER :—The House of Commons respectfully asks the Senate to give leave to Messrs. Dobson and Martin to appear before the committee on privileges and elections, at the clerk's room, in the Commons Hall, on Friday evening, the 21st inst., at 4 o'clock, should they choose to do so, provided said Senators shall not be requested to divulge confidential communications.

Mr. Cunningham moved that the message be laid on the table ; not agreed to—yeas 15, nays 25.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Battle, Brown, Cunningham, Edney, Gilmore, Guyther, Lane, McDowell, Mills, Person, Steele, Taylor, Whitaker and Williams.—15.

Those who voted in the negative are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Cherry, Cowper, Davis, Donnell, Douthitt, Flanner, Gorrell, Humphrey, Lankford, Leach, McDonald, McDowell, Miller, Pitchford, Pool,

Ramsay, Reinhardt, Speight, Straughan, Turner, Ward and Worth.—25.

On motion by Mr. Bledsoe, the message was now concurred in, and

The following message sent to the House of Commons, viz :

MR. SPEAKER:—The Senate have concurred in your message asking leave for Messrs. Martin and Dobson, members of the Senate, to attend the committee of privileges and elections of the House of Commons, on Friday evening, the 21st inst., if they choose to do so.

Received a message from the House of Commons proposing to go forthwith into the election of ten trustees of the University of North Carolina.

The Senate refused to concur in the proposition, and the House of Commons were informed thereof by message.

The Senate now resumed the consideration of the bill to charter the bank of North Carolina.

The question being on Mr. Steele's amendment to the 15th section of the bill,

Mr. Gorrell moved to amend the amendment of Mr. Steele, as follows : insert after the word "created," "over the denomination of five dollars ; *and, provided further,* That one-fifth, and no more, of all the issues of said bank shall be in five dollar bills, which shall be issued at the different branches in proportion to the amount of capital at said branches.

The amendment to the amendment was rejected.

Mr. Leach moved the following amendment to the amendment of Mr. Steele, which was rejected, viz :

"That said bank and its branches be required to redeem the bills of said bank or its branches without regard to the place where they are issued."

The question now recurred on the adoption of the amendment offered by Mr. Steele, and was determined in the negative—yeas 10, nays 27.

Mr. Steele demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cunningham, Davis, Donnell, Gorrell, Leach, Martin, McDonald, Pitchford, Steele and Turner.—10.



Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Blount, Brown, Cherry, Cowper, Dobson, Douthitt, Edney, Flanner, Guyther, Humphrey, Lane, Lankford, Miller, Mills, Person, Pool, Ramsay, Reinhardt, Speight, Straughan, Taylor, Ward, Whitaker, Williams and Worth.—27.

Mr. Steele now moved to amend the 15th section of the bill by adding the following proviso, viz :

“ *Provided*, That the issues of said bank, payable at the principal bank or branches, shall be in proportion to the capital employed at said bank or branches.”

The amendment was adopted.

Mr. Ramsay moved further to amend section 15th by inserting after the eracting clause and immediately before the the word “ that,” the following :

“ That a branch shall be established in the town of Salsisbury,” which amendment was agreed to.

Mr. Lane moved further to amend the 15th section by adding Goldsboro’. Agreed to.

Mr. Cunningham moved further to amend by adding Roxboro’. Agreed to.

Mr. Guyther moved to amend by adding Williamston. The amendment was agreed to.

Mr. Ward moved further to amend by adding the town of Beaufort. Agreed to.

Mr. Brown moved to amend further by adding Milton. The amendment was adopted.

Mr. Leach now moved still further to amend by adding Smithfield. Not agreed to.

Pending the consideration of the bill,

On motion by Mr. Ashe, the Senate adjourned until tomorrow morning 10 o’clock.

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FRIDAY, JANUARY 21, 1859.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and reso-

lutions, in which they ask the concurrence of the House, viz :

A bill to authorize a company to drain Hunter's Creek Lake, and for other purposes ;

A resolution authorizing the Governor of the State to receive a flag tendered to the State of North-Carolina by Lieutenant Guthrie ;

A resolution appropriating the north-west room in the gallery of the Senate chamber to the use of the Governor, &c. ; and,

A bill to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coalfields.

Mr. Brown, from the committee on banks and currency, reported the bill to incorporate the Goldsboro' Mutual Insurance Company with amendments.

Mr. Brown, from the same committee, reported the bill for the better regulation of the banks of this State, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Humphrey, from the committee on corporations, reported, with amendments, the following bills, viz :

The bill to incorporate the Guilford Copper & Gold Mining Company ;

The bill to incorporate the North State Copper and Gold Mining Company ; and,

The bill to incorporate the Copper Hill Mining Company.

Mr. McDowell, from the committee on education and the literary fund, reported favorably the bill authorizing the president and directors of the literary fund to appoint an agent to supervise the swamp lands belonging to said fund ; and,

The bill to prevent the sale of spirituous liquors within two miles of the Mount Vernon Male and Female Seminary.

Mr. Pool, from the committee on internal improvements, to which was referred the bill for the protection of the interest of the State of North-Carolina in the Cape Fear & Deep River Navigation Company, or for the surrender of said interest, made a detailed report thereon, and recommended a substitute for the bill.

On motion by Mr. Humphrey,



*Ordered*, That said report and substitute be printed.

On motion by Mr. Pool, the consideration of the bill was postponed, and made the special order of the day for Wednesday next, at the hour of 11 o'clock.

Mr. Martin, from the joint select committee on the Yadkin Navigation Company, submitted a report in relation thereto; which, on motion, was ordered to be printed.

Mr. Flanner introduced a bill to incorporate the Newbern & Baltimore Steamship Company; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. Thomas introduced a bill to incorporate the Miners and Planters' Bank of Murphy, Cherokee county; which was read the first time and passed, and, on motion, referred to the committee on banks and currency.

The Speaker announced that Mr. Donnell has been appointed on the joint select committee on the North-Carolina and Atlantic Railroad Company, in place of Mr. Carmichael, excused.

On motion by Mr. Cunningham, the Hon. Calvin Graves was invited, by unanimous consent, to take a seat in the Senate chamber.

Mr. Donnell introduced a bill to subject *choses in action* to the payment of debts; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Blount introduced a bill to amend an act, entitled an act to incorporate the Greenville and Raleigh Plankroad Company; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Received a message from the House of Commons stating that they have passed the accompanying resolution, in which they ask the concurrence of the Senate, viz:

*Resolved*, (the Senate concurring,) That the joint select committee, appointed to enquire into the general management and financial condition and prospects of the Atlantic and North-Carolina Railroad Company, have power to send for persons and papers, and examine witnesses on oath.

The resolution was concurred in and a message sent to the House of Commons informing thereof.

Messrs. Guyther, Miller, Cowper and Turner were permitted to make personal explanations.

Received a message from the House of Commons transmitting a message from his Excellency, the Governor, accompanied by the report of Capt. Wilkes, concerning the mineral lands on Deep river, with a proposition to print twenty copies of said message and report for each member and officer of the two Houses. Concurred in, and the House of Commons informed thereof by message.

A message was received from the House of Commons concurring in the amendments of the Senate to the following engrossed bills, viz:

A bill concerning jurors summoned by a special writ of *venire* in Carteret county;

A bill requiring the day of executing to be noted on justices' process; and

A bill to authorize a majority of the acting justices of Cumberland county to appoint a special term, &c.

*Ordered*, That said bills be enrolled.

The Senate now resumed the consideration of the unfinished business of yesterday, viz: The bill to charter the bank of North-Carolina.

Mr. Steele moved the following amendment, to come in as section 17, as an additional section, viz.:

*"Be it further enacted*, That if said bank shall have any demand upon any individual or corporation, it shall be lawful for such individual or corporation upon whom the demand is made, to pay and discharge the same with the notes of the bank, without regard to the point at which they may be made payable and demandable; and a tender of such notes in payment of said demand shall be good and available in law: *Provided*, That the corporation on whom the demand is made shall, in payment, first use the notes of the bank or branch making the demand, which it may have on hand at the time, before it shall be entitled to use those payable at any other branch or bank."



The amendment was adopted.

On motion by Mr. Bledsoe, the 19th section of the bill was amended by striking out *June* and *December* and inserting *May* and *November*, in the third line thereof.

Said section was further amended by the recommendation of the committee, as follows :

“In line 5, after the word ‘bank,’ add ‘shall publish the same in two newspapers in the State, one of which shall be in the city of Raleigh.’”

The amendments proposed by the committee, viz. :—“In section 20, line 5, strike out the words ‘two hundred thousand dollars,’ and insert the words ‘two hundred and fifty thousand dollars;’ and, in lines 6 and 7, strike out ‘two hundred thousand dollars,’ and insert ‘two hundred and fifty thousand dollars,’”—were severally agreed to.

Mr. Cowper moved to amend the bill as follows, viz. : “In section 37, line 3, strike out ‘\$3,’ and insert ‘\$5.’”

The amendment was agreed to—yeas 23, nays 17.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Donnell, Guyther, Lankford, Leach, McDowell, Mills, Pitchford, Pool, Speight, Taylor, Thomas, Turner, Ward, Whitaker and Williams—23.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Davis, Dobson, Edney, Flanner, Gorrell, Lane, Martin, McDonald, Miller, Ramsay, Reinhardt, Steele, Straughan, Walkup and Worth—17.

On motion by Mr. Steele, the bill was further amended by striking out the proviso to the 37th section.

Mr. Pitchford moved to amend the bill by inserting the following, after the word *taxation*, in the 9th line thereof, viz. :—“That each share owned by individuals shall be subject to an annual tax of ———, which shall be reserved out of the profits of individual stock, as they accrue, by the cashier of the principal bank, and paid to the public treasurer on or before the first day of October in each and every year, which tax may be increased or diminished at any time as the legis-

lature may think the necessities of the State or the desire to equalize taxation may require.

The amendment was adopted.

Mr. Pitchford now moved to strike out the first proviso to the 46th section. Not agreed to.

The question now recurred on the passage of the bill its second reading, and was determined in the negative—yeas 18, nays 19.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Cherry, Cunningham, Davis, Dobson, Flanner, Edney, Guyther, Martin, Miller, Ramsay, Speight, Steele, Straughan, Thomas, Ward and Worth—18.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Boyd, Brown, Cowper, Donnell, Gorrell, Lane, Lankford, Leach, McDonald, McDowell, Mills, Pitchford, Pool, Taylor, Turner, Walkup and Whitaker.—19.

On motion by Mr. Edney, the Senate adjourned until tomorrow morning 10 o'clock.

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SATURDAY, JANUARY 22, 1859.

Mr. Martin introduced a memorial and other papers from the county of Forsyth, in relation to the establishment of a ferry across the Yadkin river, &c.; which, on motion, was referred to the committee on propositions and grievances.

Mr. Humphrey, from the committee on corporations, reported the bill to incorporate the Newbern and Baltimore Steamship Company, and recommended its passage.

Mr. Cunningham, from the committee on education and the literary fund, reported the bill to incorporate the educational association of North-Carolina and recommended its passage.

Mr. McDowell, from the same committee, to which was referred the bill concerning common schools, reported the same back to the Senate and recommended its passage.



Mr. Humphrey introduced a bill concerning the town of Wilmington ; which was read the first time and passed.

Mr. McDowell, a bill assenting to the purchase by the United States of a certain parcel of land on the Cape Fear river as a site for a pest house ; which was read the first time and passed.

Mr. Humphrey, a bill concerning the New River Navigation Company ; which was read the first time and passed.

Mr. Edney, a bill to amend the charter of the Greenville & French Broad Railroad Company ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. Bledsoe, a bill to authorize the sale of bonds of the State for certain purposes ; which was read the first time and passed.

Mr. Gilmore introduced a bill to repeal the 33rd section of the constitution of this State in relation to the appointment of justices of the peace ; which was placed on file.

Mr. Mills introduced the following resolution, which lies over for consideration, viz :

*Resolved*, That the Senate convene at 7 o'clock, P. M., from Monday next, and shall hold night sessions from and after that time.

On motion by Mr. Edney, the Senate now took up the bill to amend the present militia laws and establish a uniform volunteer system ; which was made the special order of the day for Thursday next at the hour of 11 o'clock, A. M.

✓ The bill to amend the charter of Normal College was read the second time, and the amendments proposed by the committee agreed to ; on motion by Mr. Worth, the bill was further amended, as follows, viz : in 8th section, insert after the word "second" the word "fourth," and passed its second reading as amended ; under a suspension of the rule, the bill was now read the 3rd time, passed, and ordered to be engrossed.

The bill to incorporate the Raleigh Gaslight Company ;

The bill to incorporate the Newbern Gaslight Company ; and,

The bill to incorporate Jamestown, in the county of Guil-

ford, were severally read the second time and passed; under a suspension of the rule, said bills were severally read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Southern Mining and Manufacturing Company was read the second time and passed.

The engrossed bill to incorporate the Atlantic Mutual Fire and Marine Insurance Company was read the second time and passed; under a suspension of the rule, said bill was read the third time, amended on motion by Mr. Cowper, by striking out, in the 8th section, all after the words "deposite note," in the fourth line, passed its third reading as amended, and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

The engrossed bill to incorporate the Cowee Mining and Manufacturing Company;

The engrossed bill to incorporate the trustees of the Kenansville Female Seminary, under a suspension of the rule, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the Potosi Mining and Manufacturing Company was read the second time and passed;

The engrossed bill to incorporate Lincoln Lodge, No. 137, of Ancient York Masons;

The engrossed bill to incorporate the Cape Fear and Ocean Steam Navigation Company;

The engrossed bill to incorporate Shoal Creek Academy;

The engrossed bill to incorporate the Wilmington Hotel Company;

The engrossed bill to incorporate the Portis Gold Mining Company, in the county of Franklin, were severally read the second time and passed.

The rule being suspended, said bills were severally read the third time, passed, and ordered to be enrolled.

The bill to incorporate the Phenix Mining Company in the county of Guilford;

The bill to incorporate the Transmontane College, in the county of Madison



The bill to incorporate the Dawson Steamboat Company, were severally read the second time and passed.

The rule being suspended, said bills were severally read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Warrenton Savings Bank, was read the second time; the amendments reported by the committee agreed to, and the bill passed its second reading as amended.

Under a suspension of the rule, the bill was read the third time, passed, and ordered to be engrossed.

The resolution in favor of W. J. W. Crowder, was read the second and third times, passed and ordered to be engrossed.

The bill to prevent the sale of spirituous liquors within two miles of the Mount Vernon Male and Female Seminary;

The bill to incorporate the Pleasant Grove Camp Ground, in Union county;

The bill to incorporate the McLendon's Creek Navigation Company;

The bill to incorporate the Newbern and Baltimore Steamship Company;

The bill concerning the town of Wilmington, were severally read the second time and passed.

The rule being suspended, said bills were read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate the Goldsboro' Mutual Insurance Company, was read the second time; the amendments reported by the committee agreed to, and the bill passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The bill to incorporate the Guilford Copper and Gold Mining Company was read the second time, the amendment reported by the committee agreed to, and the bill passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Copper Hill Mining Company,

was read the second time, the amendments reported by the committee agreed to, and the bill passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the North State Copper and Gold Mining Company, was read the second time, the amendments of the committee agreed to, and the bill passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Montgomery Mining Company, was read the second time and passed.

On motion by Mr. Cowper, the Senate now took up the bill to repeal an act of the General Assembly, passed in 1840-'41, providing for the better government and regulation of the town of Murfreesboro', in Hertford county; which, on motion, was re-committed to the committee on corporations.

The engrossed bill to amend the act incorporating the town of Kenansville, and to provide for the better government of said town, was read the second time and passed.

The rule being suspended, said bill was read the third time, passed, and ordered to be enrolled.

On motion by Mr. Leach, the vote by which the bill to charter the Bank of North-Carolina was rejected, was reconsidered.

Mr. McDowell now called up the bill concerning Pilotage; which was read the second time, amended on his motion, and passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

On motion by Mr. Donnell, the bill to discontinue the Morganton term of the supreme court, was now taken up and made the special order of the day for Thursday next, at the hour of 12 o'clock, M.

The engrossed bill to incorporate the North-Carolina Military Institute, was read the second time, the amendment pro-



posed by the committee disagreed to, and the bill passed its second reading.

The rule being suspended, the bill was read the third time, passed, and ordered to be enrolled.

On motion by Mr. Miller, the Senate took up the bill to authorize the county court of Caldwell county to sell the unsold lots in the town of Lenoir; which, under a suspension of the rule, was read the second and third times, passed, and ordered to be engrossed.

On motion by Mr. Dobson, the bill to alter the county line between the counties of Ashe and Surry, was taken up and read the second time and passed.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

On motion by Mr. Martin, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, JANUARY 24, 1859.

The Speaker announced that the committee on enrolled bills on the part of the Senate for the present week consists of Messrs. Houston, Lane and Leach, of which the House of Commons were informed by message.

✓ Mr. Cunningham, from the committee on education and the literary fund, reported the resolution to loan Carolina Female College twelve thousand dollars out of the literary fund, and recommended that it do not pass.

✓ Mr. McDowell, from the same committee, reported the resolution to enquire into the expediency of amending the common school laws, &c., and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Cherry introduced a bill to cede to the United States jurisdiction of the sites of light houses and beacons on the line of the Atlantic and Chesapeake Canal Company; which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Edney introduced a bill to authorise the making of a

Turnpike road in the counties of Buncombe and Madison ; which was read the first time and passed, and referred to the committee on internal improvements.

Received a message from the House of Commons stating that their branch of the committee on enrolled bills for the present week consists of Messrs. Shaw, Foy, Taylor, Simpson and Woodfin.

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 of Commons, viz :

A bill to incorporate the North State Copper and Gold Mining Company ;

A bill to incorporate the Copper Hill Mining Company ;

A bill to incorporate the Transmontane College in the county of Madison ; and

A bill to incorporate the Guilford Copper and Gold Mining Company.

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 concerning pilotage.

Mr. Battle, from the committee on claims, reported the resolution in favor of W. Watson ;

The resolution in favor of B. F. Stead, &c. ; and

The resolution in favor of L. S. Webb, &c., trustees of G. L. Moore, and recommended their passage.

Mr. Cunningham introduced the following resolution, viz :

*Resolved*, That a message be sent to the House of Commons proposing that the two Houses adjourn *sine die* on Tuesday the 8th of February next.

The resolution was adopted—yeas 31, nays 8.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Boyd, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Flanner, Guyther, Humphrey, Lane, Leach, McDonald, McDowell, Miller, Mills, Person, Pool, Reinhardt, Speight, Steele, Straughan,



Taylor, Walkup, Ward, Whitaker, Williams and Worth.—31.

Those who voted in the negative, are :

Messrs. Bledsoe, Dobson, Edney, Lankford, Martin, Pitchford, Ramsay and Thomas.—8.

*Ordered*, That a message be sent to the House of Commons, asking their concurrence in the adoption of the resolution by the Senate.

The Senate now proceeded to consider the following resolution, introduced on Saturday last, viz :

*Resolved*, That the Senate convene at 7 o'clock, P. M., from Monday next, and shall hold night sessions from and after that time.

Mr. Edney proposed to amend the resolution so as to require the Senate to meet daily at half-past 9 o'clock and sit till 3 o'clock, P. M. Not agreed to.

Mr. Martin moved to amend, by requiring the Senate to meet at half-past 9 o'clock, sit till half past 1 o'clock, P. M., take a recess until 3, P. M., and sit until 6, P. M. Not adopted.

Mr. Pool now moved to amend, by requiring the Senate to meet daily at 10 o'clock, A. M., and sit till 4, P. M.

On motion by Mr. Person,

*Ordered*, That the resolution and amendment be laid on the table.

The hour of half-past 11 o'clock having now arrived, the Speaker announced the special order, viz :

The bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company.

The question being on the motion to reconsider the vote by which the following proviso was added to the 1st section of the substitute reported by the committee, viz: *Provided further*, That the said bonds shall not be issued unless the Treasurer shall have the means of paying the interest on them without borrowing money to do so ; the motion to reconsider was carried, and the amendment disagreed to.

Mr. Leach moved to amend the 2nd section of the substitute by striking out the words "twenty-four months," and

inserting "six months"; the motion was lost and the substitute adopted.

The question now recurred on the passage of the bill on its second reading as amended, and was determined in the affirmative—yeas 23, nays 16.

Mr. Battle demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Carmichael, Cherry, Cowper, Davis, Dillard, Edney, Flanner, Houston, Lane, Martin, McDonald, McDowell, Mills, Pool, Reinhardt, Steele, Straughan, Thomas, Walkup, Whitaker, Williams and Worth.—23.

Those who voted in the negative are:

Messrs. Basnight, Battle, Bledsoe, Cunningham, Dobson, Douthitt, Gorrell, Guyther, Humphrey, Laukford, Leach, Miller, Person, Pitchford, Taylor and Ward.—16.

On motion by Mr. Person, the Senate now took up the bill to authorize the Petersburg & Roanoke Railroad Company to run a new road from Garysburg to Weldon; which was read the second time.

Mr. Person offered a substitute for the bill, which was adopted, and the bill passed its second reading as amended.

On motion by Mr. Cunningham, the rule was suspended, and said bill read the third time, passed, and ordered to be engrossed.

On motion by Mr. Humphrey, the bill concerning the New River Navigation Company was taken up and referred to the committee on internal improvements.

The bill to amend section 5th, chapter 23rd, of the Revised Code was read the second time.

Mr. Carmichael moved that the bill be indefinitely postponed; not carried—yeas 21, nays 22.

Mr. Carmichael demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Carmichael, Cherry, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Humphrey, Leach, McDonald, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Walkup, Ward, Whitaker and Worth.—21.

Those who voted in the negative, are:



Messrs. Ashe, Basnight, Battle, Bledsoc, Boyd, Cowper, Cunningham, Davis, Dillard, Gilmore, Guyther, Houston, Lane, Lankford, Martin, McDowell, Person, Speight, Steele, Straughan, Taylor and Williams.—22.

The question now recured on the passage of the bill on its second reading, and was determined in the negative—yeas 8, nays 29.

Mr. Carmichael demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Cunningham, Guyther, Houston, Lankford, Martin and Williams—8.

Those who voted in the negative, are :

Messrs. Basnight, Boyd, Carmichael, Cherry, Cowper, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Humphery, Lane, Leach, McDonald, Miller, Mills, Person, Pitchford, Pool, Ramsay, Speight, Straughan, Walkup, Ward, Whitaker and Worth—29.

A message was received from the House of Commons, with a message from his Excellency, the Governor, transmitting a report of Charles F. Fisher, President of the North-Carolina Railroad Company.

The engrossed bill concerning courts of pleas and quarter sessions for the county of Duplin, was read second and third times, passed and ordered to be enrolled.

The bill to prevent the emancipation of slaves by last will and testament, was read the second time and recommitted to the committee on judiciary.

The bill to increase the library of the Senate, and for other purposes, was read the second time, the amendment proposed by the committee agreed to, and the bill passed its second reading as amended.

The bill to create courts of common pleas in the State of North-Carolina and for other purposes, was read the second time, and, on motion by Mr. Battle, indefinitely postponed—yeas 22, nays 18.

Mr. Houston demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Cowper, Cunningham, Dillard,

Edney, Gorrell, Gnyther, Leach, Martin, McDonald, Miller, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Taylor, Ward, Whitaker and Williams—22.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Carmichael, Cherry, Davis, Dobson, Donnell, Douthitt, Flanner, Houston, Humphrey, Lane, Lankford, Mills, Steele, Straughan, Thomas and Walkup—18.

The bill for the better regulation of the banks of this State was read the second time and rejected.

The resolution to pay the legal representatives of B. F. Witty, deceased, the amount due him as teacher of school district, No. 19, in Rockingham county, was read the second and third times, passed, and ordered to be engrossed.

The resolution in relation to the distribution of the second volume of the Revised Statutes, was read the first, second and third times, and ordered to be engrossed.

The resolution in favor of C. N. White, of Cabarrus, was read the second and third times, passed and ordered to be engrossed.

The resolution for the relief of Jackson Stewart, former sheriff of the county of Yancy, was read the second time, and on motion ordered to be laid on the table.

The resolution for the relief of Solomon M. Wray, high sheriff of the county of Yancey, was read the second time. The following amendment reported by the committee being read, viz:

*“ Provided, however, That the said Solomon M. Wray, high sheriff of the county of Yancey, shall not be discharged from the payment of the penalty of one thousand dollars obtained against him, until he has accounted for and paid over to the treasurer or comptroller all monies due the State from Yancey county, for the year 1857, which he may have received or ought to have collected as double taxes, taxes imposed on unlisted property, on merchants, merchant tailors, jewelers, retailers by the small measure, tavern keepers, billiard tables, bowling alleys, stage players, apothecaries, and on any and all other subjects for which he ought to account, and shall have taken and subscribed the oath prescribed in the*



118th section of the 99th chapter of the Revised Code, for every sheriff on settling his accounts with the comptroller.”

Mr. Pool moved to amend the same as follows: strike out *until*, and insert *unless by the 1st of July, 1859*. Not carried.

Mr. Edney now moved to amend the amendment of the committee by adding the following to the same, viz :

“That S. M. Wray shall pay and discharge the whole sum for listed and unlisted taxes, due from the county of Yancey, for the year 1857, on the return of the *fi. fa.* now running against said sheriff, otherwise the penalty is to be collected.”

Mr. Cowper moved that the resolution and amendment be indefinitely postponed. Not carried—yeas 15, nays 22.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Cherry, Cowper, Cunningham, Dillard, Donnell, Flanner, Guyther, Humphrey, Leach, Miller, Ramsay, Taylor and Whitaker—15.

Those who voted in the negative, are :

Messrs. Bledsoe, Boyd, Carmichael, Dobson, Douthitt, Davis, Edney, Houston, Lane, Lankford, McDonald, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Ward and Williams—22.

Mr. Cherry moved an adjournment. Not agreed to.

The amendment of Mr. Edney was now agreed to, and the amendment as amended adopted.

The question now recurred on the passage of the resolution, as amended, its second reading, and determined in the affirmative—yeas 26, nays 9.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Carmichael, Davis, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Lane, Lankford, Martin, McDonald, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup and Williams—26.

Those who voted in the negative, are :

Messrs. Cowper, Cunningham, Donnell, Flanner, Leach, Miller, Ramsay, Taylor and Whitaker—9.

Mr. Thomas, from the committee on internal improvements, to which was referred the bill to amend an act, entitled an act to incorporate the Western North-Carolina Railroad Company, and the act amendatory thereof, entitled an act to amend an act, entitled an act to incorporate the Western North-Carolina Railroad Company, reported the same back to the Senate with a detailed report concerning the same.

On motion by Mr. Mills, the Senate adjourned until tomorrow morning 10 o'clock.

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TUESDAY, JANUARY 25, 1859.

Mr. Humphrey, from the committee on public grounds and buildings, reported unfavorably the resolution in favor of the superintendent of public buildings.

Mr. Edney, from the committee on internal improvements, reported the bill to authorize the making of a turnpike road in the counties of Buncombe and Madison, and recommended its passage.

Mr. Battle, from the committee on claims, reported favorably the resolution in favor of Edward Kidder, and the resolution in favor of Henry Vanglaln & H. Baker.

Mr. Pool introduced a resolution for heating the Senate Chamber and Commons Halls; which was read the first time and passed.

The rule being suspended, said resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Humphrey introduced the following resolution, which lies over one day for consideration, viz :

*Resolved*, That the Senate shall hereafter meet at half-past nine o'clock, and take a recess from two until seven o'clock.

The Senate now took up for consideration the resolution for the relief of Jackson Stewart, former sheriff of the county of Yancey, which was read the second time and passed—yeas 25, nays 14.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :



Messrs. Battle, Blount, Boyd, Davis, Dobson, Douthitt, Edney, Guyther, Houston, Lane, Leach, Martin, McDonald, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup and Ward—25.

Those who voted in the negative, are :

Messrs. Basnight, Cherry, Cowper, Cunningham, Dillard, Flanner, Humphrey, Lankford, McDowell, Miller, Taylor, Whitaker, Williams and Worth—14.

The bill to open the Pedee and Yadkin rivers for the passage of fish was read the second time, and the amendment proposed by the committee, viz: Amend 1st section by inserting: in each and every year after the 15th of June, was read and adopted.

Mr. Cowper offered the following amendment as an additional section to the bill, viz:

*Be it further enacted,* That all damages committed upon the property of private citizens by the passage of this act shall be paid by the several counties in which said damages may be sustained.

Mr. Pool moved that the bill and amendment be recommended to the committee on the judiciary. Not agreed to—yeas 15, nays 30.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Blount, Cherry, Cowper, Cunningham, Donnell, Flanner, Gorrell, Humphrey, Leach, McDonald, Pool, Ramsay, Walkup, Whitaker and Worth.—15.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Davis, Dillard, Dobson, Douthitt, Edney, Gilmore, Guyther, Houston, Lane, Lankford, Martin, McDowell, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Ward and Williams.—30.

The amendment of Mr. Cowper was now disagreed to.

Mr. Donnell moved to amend the bill as follows, viz: Strike out the proviso to the 1st section; not agreed to.

Mr. Miller moved to amend the first section of the bill as follows, viz: Strike out "Patterson's Factory" and insert

“the mouth of Buffaloe Creek”; the amendment was adopted.

Mr. McDonald moved that the 2d section be amended by striking out the last clause, viz: “being of at least an average depth of the river it passes through”; not agreed to—yeas 17, nays 25.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Cherry, Cowper, Cunningham, Davis, Donnell, Flanner, Gorrell, Humphrey, Leach, McDonald, Pitchford, Pool, Ramsay, Steele, Walkup and Whitaker—17.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Lane, Lankford, Martin, McDowell, Miller, Mills, Person, Reinhardt, Speight, Straughan, Thomas, Ward and Williams—25.

Mr. Donnell moved to amend the 3rd section of the bill by striking out the following words, viz: “For each and every four-and-twenty hours, he or she shall so continue to obstruct the passage as aforesaid.”

The amendment was rejected.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the affirmative—yeas 30, nays 13.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Basnight, Battle, Bledsoe, Boyd, Brown, Cherry, Davis, Dillard, Dobson, Douthitt, Edney, Gilmore, Guyther, Houston, Lane, Lankford, Martin, McDowell, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Straughan, Taylor, Thomas, Ward, Whitaker and Williams—30.

Those who voted in the negative, are:

Messrs. Blount, Cowper, Cunningham, Donnell, Flanner, Gorrell, Humphrey, Leach, McDonald, Pool, Ramsay, Steele and Walkup—13.

Mr. Pool now moved that the bill be re-committed to the committee on the judiciary. Not agreed to—yeas 16, nays 21.

Mr. Donnell demanded the yeas and nays.



Those who voted in the affirmative, are :

Messrs. Blount, Cherry, Cowper, Cunningham, Davis, Donnell, Flanner, Gorrell, Humphrey, Leach, McDonald, McDowell, Pitchford, Pool, Taylor and Walkup—16.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Boyd, Brown, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Lane, Lankford, Martin, Miller, Mills, Ramsay, Reinhardt, Steele, Straughan, Ward and Whitaker—21.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, in which it asks the concurrence of that body, viz :

A resolution to pay the legal representatives of B. F. Whitty, deceased, the amount due him as teacher for school district No. 19, for Rockingham county ;

A resolution in favor of C. N. White, of Cabarrus ;

A resolution authorizing the distribution of the 2nd volume of the Revised Statutes ;

A bill to incorporate the Phoenix Mining Company, in the county of Guilford ;

A bill to prevent the sale of spirituous liquors within two miles of the Mount Vernon Male and Female Seminary ;

A bill to authorize the county court of Caldwell county to sell the unsold lots in the town of Lenoir ;

A bill to alter the county line between the counties of Ashe and Surry ;

A bill to incorporate the Newbern Gaslight Company ;

A bill to incorporate the Dawson Steamboat Company ;

A bill to incorporate the Warrenton Savings Bank, in the town of Warrenton, North Carolina ;

A bill to amend the charter of Normal College ;

A bill to incorporate the Raleigh Gaslight Company ;

A bill to incorporate the Newbern and Baltimore Steamship Company ;

A bill to incorporate Pleasant Grove Camp Ground in Union county ;

A bill to incorporate the McLendon's Creek Navigation Company ;

A resolution in favor of W. J. W. Crowder; and,

A bill concerning the town of Wilmington.

Also, a message stating that the Senate had passed the following engrossed bill, in which it asks the concurrence of the House of Commons, viz:

A bill to authorize the Petersburg & Roanoke Railroad Company to run a new road from Garysburg to Weldon, &c.

A message was received from the House of Commons stating that they have passed the following resolutions concerning the Chesapeake & Albemarle Canal, in which they ask the concurrence of the Senate:

The joint select committee to whom was referred the duty of investigating the financial condition, as well as the progress of the work on the Chesapeake and Albemarle Canal, beg leave to introduce the following resolutions:

*Resolved*, That it is the opinion of the committee that in order to arrive at proper conclusions in regard to the affairs of the company and condition of the work, it is absolutely necessary for some of the members of the committee—say two on the part of the Senate, and three on the part of the House—to visit the canal and report on their return.

*Resolved further*, That the committee have authority to employ, if they deem it necessary, some competent engineer other than the one in the employment of the company, to measure the work so far as completed and to require of him a statement of the proper estimate of the work.

*Resolved further*, That the Speaker of this House appoint any three of said committee to visit said work and examine its condition, and also to investigate the accounts of the company and report thereupon to this House as early as possible.

The resolutions were concurred in.

On motion, Messrs. Ashe and McDowell were excused from serving on the committee, and Messrs. Dillard and Person were substituted in their place.

The Speaker now announced the special order, viz:

The bill to extend the charter of the Bank of the State of North Carolina, which was read the second time.

Pending the consideration of the bill,



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

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WEDNESDAY, JANUARY 26, 1859.

Mr. Houston introduced the memorial of the sureties of John D. Abernathy, deceased, late sheriff of Duplin county; which, on motion, was referred to the committee on the judiciary.

Mr. Brown, from the committee on banks and currency, reported the bill to incorporate the Miners' & Planters' Bank of Murphy, Cherokee county, and recommended its passage.

Mr. Brown, from the same committee reported the resolution concerning banks and currency, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Houston, from the committee on the judiciary, reported the bill to prevent the emancipation of slaves by will and testament;

The bill to permit free persons of African descent to choose their own masters and become slaves; and

The bill concerning free persons of color, and recommended that they do not pass.

Mr. Lankford, from the same committee, reported unfavorably the bill providing for the election of clerks & masters in equity by the people.

Mr. McKoy, from the same committee, reported the bill for the protection of laborers and mechanics, and recommended that it do not pass.

Mr. Gorrell, from the same committee, reported back the bill concerning mortgages and deeds of trust, and the bill to punish thieves, with a recommendation that they do not pass.

Mr. Gorrell, from the committee on internal improvements, reported back the bill concerning the New River Navigation Company, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Dobson, from the committee on the judiciary, reported

unfavorably the bill to amend the Revised Code in relation to cart ways.

Mr. Lane, from the committee on propositions and grievances, reported unfavorably the bill to authorize W. H. Randleman to establish a public ferry across the Yadkin river, in the counties of Forsyth and Yadkin.

*Ordered*, That the same be laid on the table.

Mr. Lane, from the same committee, to which was referred the bill concerning the town of Trenton, in Jones county, reported a substitute for the same.

Mr. Thomas, from the committee on Cherokee lands and western turnpikes, reported the bill to incorporate the Cheoe and Valley River Turnpike Company, and recommended its passage.

Mr. Thomas, from the committee on internal improvements, reported the bill to complete the charter of the Western North-Carolina railroad, accompanied by a detailed report in relation thereto.

Mr. Humphrey introduced a bill to extend the corporate limits of the Town of Swansboro; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. McDowell, a bill to revive an act passed at the session of 1854-'55, entitled an act to incorporate the Wilmington and Smithville Steam Boat Company; which was read the first time and passed.

Mr. Dobson, a bill to change the times of holding the county courts of Ashe county; which was read the first time and passed.

Received a message from the House of Commons, concurring in the amendments of the Senate to the engrossed bill to incorporate the Goldsboro' Mutual Insurance Company; and, to the engrossed bill to incorporate the Atlantic Mutual Fire and Marine Insurance Company.

*Ordered*, That said bills be enrolled.

Also a message stating that the House of Commons have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz :



A bill to charter the Rockingham Coal Field Railroad Company ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. McDonald introduced a bill to amend an act entitled an act to incorporate the Cheraw and Coal Field Railroad Company ; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

The Senate now proceeded to consider the following resolution, introduced on yesterday, by Mr. Humphrey, viz :

*Resolved*, That the Senate shall hereafter meet at half-past nine o'clock, and take a recess from two until seven o'clock.

Mr. Edney moved to lay the resolution on the table ; not carried—yeas 18, nays 22.

Mr. Humphrey demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Battle, Bledsoe, Blount, Davis, Edney, Houston, Lankford, Martin, McDonald, Pool, Reinhardt, Speight, Straughan, Taylor, Walkup, Ward and Whitaker—18.

Those who voted in the negative are :

Messrs. Basnight, Boyd, Brown, Cowper, Cunningham, Dobson, Douthitt, Flanner, Gorrell, Guyther, Humphrey, Lane, Leach, McDowell, Miller, Mills, Pitchford, Ramsay, Steele, Thomas, Turner and Williams—22.

Mr. Edney moved to amend the resolution, by requiring the Senate meet at nine and sit till four. Not carried.

Mr. Eney moved to amend the resolution by requiring the Senate to meet at half-past nine and sit till four.

On motion by Mr. Martin, ordered that the same be laid on the table—yeas 22, nays 18.

Mr. Humphrey demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Battle, Bledsoe, Cowper, Davis, Edney, Gilmore, Gorrell, Houston, Lane, Lankford, Leach, Martin, McKoy, Pool, Speight, Straughan, Taylor, Turner, Walkup, Ward and Whitaker—22.

Those who voted in the negative are :

Messrs. Basnight, Boyd, Brown, Blount, Cunningham, Dobson, Douthitt, Flanner, Guyther, Humphrey, McDonald, Me-

Dowell, Miller, Mills, Pitchford, Ramsay, Reinhardt and Steele—18.

Mr. McDowell gave notice of his intention to move on tomorrow for the holding of night sessions.

Mr. Humphrey now moved to take up from the table the message from the House of Commons, proposing to adjourn on the 10th February next. Not agreed to—yeas 19, nays 21.

Mr. Humphrey demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Battle, Blount, Brown, Cowper, Cunningham, Flanner, Guyther, Humphrey, McDowell, Miller, Mills, Pitchford, Pool, Reinhardt, Steele, Straughan and Williams—19.

Those who voted in the negative are :

Messrs. Ashe, Bledsoe, Boyd, Dobson, Douthitt, Edney, Gorrell, Houston, Lane, Lankford, Leach, Martin, McDonald, McKoy, Ramsay, Speight, Taylor, Thomas, Turner, Walkup and Whitaker—21.

Mr. Edney moved to take up the bill concerning entries of land. Not agreed to.

Mr. Thomas moved to take up the bill to amend the act entitled an act to incorporate the Western North-Carolina Railroad Company, &c., and that said bill be made the special order of the day for Friday next, at the hour of one o'clock.

The motion prevailed—yeas 25, nays 16.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Blount, Boyd, Brown, Cherry, Cunningham, Davis, Edney, Flanner, Gilmore, Gorrell, Houston, Lane, Lankford, Martin, McDonald, McKoy, Miller, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas and Turner—25.

Those who voted in the negative are :

Messrs. Basnight, Battle, Bledsoe, Cowper, Dobson, Douthitt, Guyther, Humphrey, Leach, McDowell, Mills, Pitchford, Pool, Ward, Whitaker and Williams—16.

The Senate now proceeded to the consideration of the special order, viz :

The bill for the protection of the interests of the State of



North-Carolina in the Cape Fear and Deep River Navigation Company, and for the surrender of said interest.

The bill was read the second time, and the substitute reported by the committee adopted.

Mr. Ramsay moved that the further consideration of the bill be postponed, and made the special order of the day for Monday next, at the hour of 11 o'clock, A. M. Not agreed to—yeas 14, nays 31.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Cherry, Cunningham, Davis, Dobson, Douthitt, Gorrell, Lankford, Mills, Pitchford, Ramsay and Whitaker—14.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Blount, Brown, Cowper, Donnell, Edney, Flanner, Gilmore, Guyther, Houston, Humphrey, Lane, Leach, Martin, McDonald, McDowell, McKoy, Miller, Pool, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Ward, Whitaker, Williams and Worth—31.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the negative—yeas 17, nays 26.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Cherry, Edney, Gilmore, Houston, Humphrey, McDonald, Mills, Pitchford, Pool, Speight, Straughan, Thomas, Ward, Whitaker and Worth—17.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Blount, Boyd, Brown, Cowper, Cunningham, Davis, Dobson, Donnell, Douthitt, Flanner, Guyther, Lane, Lankford, Leach, Martin, McDowell, McKoy, Miller, Ramsay, Reinhardt, Taylor, Turner, Walkup and Williams—26.

So the bill was rejected.

On motion by Mr. Lane, the Senate now proceeded to the consideration of the unfinished business of yesterday, viz : The bill to extend the charter of the Bank of North-Carolina ; which was read the second time.

On motion by Mr. Guyther, the 13th section of the original charter was amended by requiring the president to publish a statement of the condition of the bank in the months of June and November in each and every year, in two newspapers of the State, one of which shall be in the City of Raleigh.

Mr. Guyther moved further to amend the 31st section of the original charter by striking out *three* and inserting *five*.

Pending the consideration of which,

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

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THURSDAY, JANUARY 27, 1859.

Mr. Humphrey, from the committee on corporations, reported the bill to repeal an act of the General Assembly, passed in 1840-'41, providing for the better government and regulation of the town of Murfreesboro', and recommended that it do not pass.

Mr. Edney, from the committee on internal improvements, reported unfavorably the bill to amend an act to incorporate the Cheraw & Coalfield Railroad.

Mr. Edney, from the same committee, to which was referred the bill to incorporate the Rockingham Coalfields Railroad Company, reported the same back to the Senate and recommended its passage.

Mr. Boyd gave notice that on to-morrow he would move a suspension of the rule to make said bill the special order of the day.

Mr. Battle, from the committee on claims, reported back to the Senate the following resolutions, viz:

The resolution in favor of Polly Pinner;

The resolution in favor of W. J. Brown;

The resolution in favor of James Conolly; and,

The resolution in favor of R. S. Jones; and asked to be discharged from the further consideration of the same. Discharged accordingly.

On motion by Mr. McDowell, the bill to revive an act pas-



sed at the session of 1854-'55, entitled an act to incorporate the Wilmington & Smithville Steamboat Company, was now taken up and referred to the committee on corporations.

Mr. Ramsay moved to reconsider the vote by which was rejected the bill for the protection of the interests of the State of North-Carolina in the Cape Fear & Deep River Navigation Company, and for the surrender of said interests. The motion prevailed—yeas 32, nays 8.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Cherry, Cowper, Davis, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Houston, Humphrey, Lane, McDonald, McDowell, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward, Whitaker and Worth—32.

Those who voted in the negative, are :

Messrs. Battle, Cunningham, Guyther, Lankford, Leach, Martin, Taylor and Williams—8.

Mr. Ramsay moved to make the bill the special order of the day for Monday next at the hour of 11 o'clock. Not agreed to.

Mr. Thomas, from the committee on internal improvements, reported the bill to incorporate the North-Carolina Central, Atlantic & Pacific Railroad Company, accompanied by a detailed report thereon; which report, on his motion, was ordered to be printed.

The hour of 11 o'clock having arrived, the Speaker announced the special order, viz :

The bill to improve the organization of the militia system in North Carolina, which was read the second time.

Mr. Edney offered a substitute for the original bill, which, being read,

Mr. Edney moved to amend the substitute by striking out the proviso in the first section thereof; not agreed to.

Mr. Edney moved to amend the 9th section, sixth line, as follows: strike out "March," and insert "June"; agreed to.

Mr. Edney moved to add to the 14th section, after the word "Governor," the following, viz : "If there should be a surplus

of said tax fund remaining in the Treasury, it shall be distributed and added to the common school fund of each county according to their respective interests in said fund to be approved of by the Governor." ✓

Mr. Miller now moved an indefinite postponement of the substitute and amendment; the motion was lost—yeas 19, nays 20.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Basnight, Battle, Blount, Cowper, Cunningham, Dobson, Gorrell, Guyther, Humphrey, Leach, Martin, McDowell, McKoy, Miller, Taylor, Turner, Ward, Whitaker and Williams.—19.

Those who voted in the negative, are:

Messrs. Bledsoe, Brown, Cherry, Davis, Douthitt, Edney, Flanner, Gilmore, Houston, Lane, Lankford, McDonald, Mills, Pool, Ramsay, Reinhardt, Speight, Straughan, Walkup and Worth.—20.

The amendment of Mr. Edney to the 14th section was now rejected.

Mr. Edney moved to amend the 19th section as follows, viz: Strike out "Comptroller" and insert "Treasurer"; agreed to.

Mr. Edney moved to amend the 10th section as follows, viz: After the word "State," add "whose duty it shall be to pay over to the Treasurer all sums of money received under this act;" the amendment was agreed to.

Mr. Douthitt moved to amend the 7th section as follows: Strike out \$1.00 in the 9th line of said section and insert 50 cents; agreed to.

Mr. Ramsay moved to amend the 5th section as follows, viz: Strike out the 11th, 12th, 13th and 14th lines in said section; not agreed to.

Mr. Ramsay moved to amend the 22d section, as follows, viz: In 5th line of said section strike out "resignation" and insert "vacancy," and insert the word "resignation" after the word "promotion"; not agreed to.

Mr. Cunningham moved that the bill and amendments be postponed until the 4th day of July next; the motion prevailed—yeas 21, nays 16.



Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Brown, Cunningham, Dobson, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, Miller, Pool, Reinhardt, Speight, Taylor, Turner, Ward, Whitaker and Williams.—21.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Blount, Boyd, Cherry, Cowper, Davis, Douthitt, Edney, Gilmore, Houston, McDonald, Mills, Ramsay, Steele and Walkup.—16.

Mr. Humphrey introduced a bill for the better regulation of the town of Beaufort ; which was read the first time and passed, and, on motion, referred to the committee on corporations.

Mr. McKoy introduced a bill to repeal a portion of the 9th section of the 70th chapter of the Revised Code entitled " Militia " ; which was read the first time and passed.

Mr. Houston introduced the following resolutions, viz :

" Resolutions for the final settlement of the half pay to the officers of the revolutionary war, promised by resolves of the continental congress.

WHEREAS, the resolutions of the continental congress of the 21st of October, 1780, of January 7th, 1781, and of March 8th, 1785, promised half pay for life to the officers of the revolutionary army who should serve to the end of the war ; and whereas, the commutation certificates, issued after the war, in lieu of said half pay, were greatly depreciated in value, so that the pledged engagements of congress to said officers have not been fully discharged ; and whereas, the government is under the most solemn obligations to carry out the promises of the continental congress, and the national faith is pledged to the officers of the revolutionary army, for the half pay for life to which they are entitled ; Therefore, be it

*Resolved*, That our Senators in congress be instructed, and our Representatives be requested to advocate and aid the passage of any bill now before congress, or which may hereafter be introduced, providing for the final settlement and payment of the half pay promised by the contract of the

continental congress, and due by every consideration of good faith, honor and justice, to those brave men who fought our battles and shed their blood in defence of our country's rights and independence.

*Resolved*, That his excellency, the governor, cause these resolutions to be transmitted to the president of the Senate and the speaker of the House of Representatives of the United States for the consideration of those bodies respectively, and also a copy to each of the Senators and Representatives in Congress from this State."

On motion by Mr. Houston,

*Ordered*, That the resolutions be laid on the table and printed.

In obedience to notice given on yesterday, Mr. McDowell introduced the following resolution, viz :

*Resolved*, That the Senate convene at half-past 9 o'clock, and sit until 2 o'clock, then take a recess until 7; and this order shall take effect from and after to-day.

Mr. Ramsay moved to amend the resolution by striking out from and after to-day. The amendment was agreed to.

Mr. Edney moved to amend the resolution by meeting at half-past nine and sit till four. Not agreed to.

Mr. Speight moved to amend by striking out all after the word, *Resolved*, and insert the following as a substitute, viz :

That from and after Saturday next, the Senate shall meet at 10 o'clock, A. M., and sit till 2 o'clock, P. M., then take a recess until 3, P. M., and sit at its option.

*2d. Resolved*, That from and after that day no new bill shall be introduced in the Senate, unless it be by a concurrence of two thirds of the same; and no member shall be allowed to speak more than twice upon any question, neither of which shall exceed fifteen minutes in length, except by the unanimous consent of the Senate.

Mr. Pool moved to amend the substitute by striking out the second resolution thereof. The motion prevailed.

Mr. Pool moved to amend the substitute further, by adding to the same the words, *except on Saturdays*.

The amendment was agreed to.



The substitute as amended was now adopted.

Mr. Ramsay gave notice that on to-morrow he should move to amend the resolution just adopted, by introducing night sessions, instead of afternoon sessions.

Received a message from the House of Commons, stating that they have passed the following engrossed bill in which they ask the concurrence of the Senate, viz :

A bill to establish the Bank of Salisbury ; which was read the first time and passed, and, on motion, referred to the committee on banks and currency.

The bill to amend the charter of the Wilmington and Charlotte and Rutherford Railroad Company was read the third time.

Mr. Leach moved to amend the 3d. section in the 7th line, by inserting after the word "operation" the words "commencing on the bank of the Cape Fear at or near Wilmington."

The amendment was adopted, and the bill passed its third reading as amended—yeas 22, nays 14.

Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Cherry, Davis, Edney, Flanner, Gilmore, Houston, Lane, Leach, Martin, McDoneld, McDowell, McKoy, Mills, Pool, Reinhardt, Steele, Straughan, Thomas, Walkup, Whitaker and Worth—22.

Those who voted in the negative are :

Messrs. Battle, Bledsoe, Blount, Brown, Cunningham, Dobson, Douthitt, Gorrell, Guyther, Lankford, Miller, Speight, Turner and Williams—14.

*Ordered*, That the bill be engrossed.

In the above vote, Mr. Ramsay paired off with Mr. Davidson.

The engrossed bill to amend the 119th section of the 34th chapter of the Revised Code, was read the third time, passed, and ordered to be enrolled.

The bill to establish the Bank of Commerce, was read the third time.

Mr. Lane moved to amend the bill in the 16th section, by

striking out all after the word *dollars* in the fourth line thereof. The amendment was adopted.

The question now recurred on the passage of the bill on its third reading as amended, and was determined in the affirmative—yeas 25, nays 9.

Mr. Whitaker demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Blount, Boyd, Cherry, Davis, Douthitt, Edney, Flanuer, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Leach, McDonald, Miller, Mills, Ramsay, Reinhardt, Steele, Straughan, Thomas, Walkup and Ward—25.

Those who voted in the negative are :

Messrs. Battle, Cowper, Cunningham, Dobson, Lankford, McDowell, Speight, Turner and Whitaker—9.

Ordered that the bill be engrossed.

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

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FRIDAY, JANUARY 28, 1859.

Mr. Brown, from the committee on banks and currency, reported back the bill to establish the bank of Salisbury, and recommended its passage.

Mr. Speight, from the committee on corporations, reported the following bills and recommended their passage, viz :

The bill to extend the corporate limits of the town of Swansboro' ;

The bill for the regulation of the town of Beaufort ; and

The bill to revive an act passed at the session of 1854-'55, entitled an act to incorporate the Wilmington and Smithville Steamboat Company.

Mr. McKoy, from the committee on the judiciary, reported the bill to empower the courts of Northampton county to legitimate and alter the names of certain children, and recommend that it do not pass.

Mr. Dobson, from the same committee, reported unfavorably the bill for the management of insolvent estates ; and the



bill to amend an act entitled an act to incorporate the Greenville & Raleigh Plankroad company.

Mr. Gorrell, from the committee on internal improvements, to which was referred the bill to amend the charter of the Greenville & French Broad Railroad Company, made a detailed report thereon ; which, on motion by Mr. Ramsay, was ordered to be printed.

Mr. Houston, from the committee on the judiciary, reported favorably the bill for the relief of the sureties of J. D. Abernathy, deceased.

Mr. Houston, from the same committee, reported back the resolution relating to the publication of the public laws, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. McKoy, from the same committee, to which was referred the bill concerning sheriffs, reported the same back to the Senate, with a recommendation that it do not pass.

Mr. Houston, from the same committee, reported favorably the bill to cede to the United States' jurisdiction over the sites of light-houses and beacons on the line of the Albemarle and Chesapeake Canal.

Mr. Pool, from the same committee, to which was referred the bill to prevent more effectually the trading in liquors with slaves and free negroes, reported a substitute for the same, and recommended its passage.

Mr. Battle, from the committee on claims, reported the resolution in favor of Dabney Cosby & B. Holland, with an amendment as to Cosby, and asked to be discharged from the consideration of the same as to Holland. Discharged accordingly.

Mr. Battle, from the same committee, reported the resolution in favor of Elias Barnes, and recommended that it do not pass.

Mr. Ramsay gave notice that on Monday next he should move to amend the rules of the Senate, so as to provide for holding night sessions.

Mr. Walkup introduced resolutions to authorize the Gov-

ernor to appoint a military commission ; which were read the first time and passed.

The bill to enlarge the powers of married women over their estates in certain cases, was read the third time, passed, and ordered to be engrossed.

The resolution for the relief of Solomon M. Wray, high sheriff of the county of Yancey, was read the third time and passed—yeas 22, nays 13.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Blount, Boyd, Davis, Dobson, Douthitt, Edney, Gilmore, Gnyther, Houston, Lane, Martin, McDonald, Mills, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup and Ward—22.

Those who voted in the negative, are :

Messrs. Basnight, Cherry, Cowper, Cunningham, Flanner, Gorrell, Leach, Miller, Pool, Taylor, Turner, Whitaker and Worth—13.

On motion by Mr. Cuingham, the Senate now proceeded to the consideration of the bill to charter the Bank of North-Carolina. The same being on its second reading,

Mr. Cunningham moved to amend section 15th, by inserting "Oxford." Not agreed to.

Mr. Davis moved to amend said section by inserting "Concord." Not carried.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the affirmative—yeas 24, nays 14.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Bledsoe, Blount, Cherry, Cunningham, Dobson, Douthitt, Edney, Flanner, Gilmore, Guyther, Houston, Lane, Leach, Martin, Miller, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward and Williams—24.

Those who voted in the negative, are :

Messrs. Battle, Boyd, Brown, Cowper, Davis, Gorrell, McDonald, McKoy, Mills, Pool, Taylor, Turner, Whitaker and Worth—14.



The engrossed bill to lay off and establish a new county by the name of Alleghany, was read the third time and passed—yeas 24, nays 16.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Cherry, Davis, Dobson, Douthitt, Edney, Gilmore, Houston, Lane, Martin, McDowell, Miller, Mills, Ramsay, Reinhardt, Straughan, Thomas, Turner, Walkup, Ward and Worth—24.

Those who voted in the negative, are :

Messrs. Basnight, Blount, Cowper, Cunningham, Flanner, Gorrell, Guyther, Leach, McDonald, McKoy, Pool, Speight, Steele, Taylor, Whitaker and Williams—16.

*Ordered*, That the bill be enrolled.

On motion by Mr. Douthitt, the Senate now took up the bill to incorporate the Bank of Lexington; which was read the second time and the amendments of the committee agreed to, and, on motion, further amended in the 1st section and 27th line of the same, by inserting the name of John Carter.

On motion by Mr. Gorrell, the bill was further amended in the second line of the 1st section, by striking out “or their equivalent.”

On motion by Mr. Speight, the bill was further amended by striking out \$3.00 and inserting \$5.00 in the second line of the 10th section.

On motion by Mr. Leach, the bill was further amended by striking out all after the 21st line in the 10th section.

On motion by Mr. Lane, the bill was further amended in section 11th, line 5th, by striking out “or their equivalent.”

Mr. Leach moved to amend the bill as follows, viz: In the 13th section, strike out the words “that this shall not be construed into a right of inspecting the accounts of any private individual with the bank, except the directors;” the amendment was rejected.

Mr. Steele moved the following as a substitute for the 15th section :

*Be it further enacted*, That the president or cashier of said bank shall annually pay into the treasury of the State fifteen

cents on each share of said capital and stock which may have been subscribed and paid in, and the first payment of said tax shall be made twelve months after the bank shall have commenced operations, which tax may be increased at any time not exceeding fifty cents per share, as the General Assembly may direct, or the exigences of the State require in equalizing taxation: *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from taxing dividends due private stockholders or corporations in said bank.

The substitute was adopted.

The question now recurred on the passage of the bill on its second reading as amended, and was determined in the affirmative—yeas 22, nays 17.

Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Boyd, Cherry, Davis, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Lane, Leach, Martin, McDonald, Miller, Pool, Ramsay, Reinhardt, Straughan, Thomas and Walkup.—22.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Brown, Cowper, Cunningham, Houston, McDowell, McKoy, Mills, Speight, Steele, Taylor, Ward, Whitaker, Williams and Worth—17.

Mr. Ramsay gave notice that he should, on to-morrow, move a suspension of the rule to make the bill to establish the Salisbury Bank a special order of the day.

Mr. Thomas gave notice of his intention on to-morrow, to move a suspension of the rule to make the bill to incorporate the Miners and Planters' Bank, of Murphy, the special order for some future day.

Mr. Dobson moved to reconsider the vote, by which was rejected on yesterday, the bill to improve the organization of the militia system in North Carolina.

Mr. McDowell moved to lay the motion to reconsider on the table. Not agreed to—yeas 16, nays 21.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Blount, Brown, Cunningham, Flanner,



Gnyther, Martin, McDowell, McKoy, Miller, Reinhardt, Speight, Taylor, Thomas, Ward and Williams—16.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Boyd, Cherry, Cowper, Davis, Dobson, Douthitt, Edney, Gilmore, Gorrell, Houston, Lane, Leach, McDonald, Mills, Pool, Ramsay, Straughan, Walkup and Whitaker—21.

The question now recurred on the motion to reconsider and was determined in the affirmative—yeas 21, nays 16.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Boyd, Cherry, Cowper, Davis, Dobson, Douthitt, Edney, Gilmore, Gorrell, Lane, McDonald, Mills, Pool, Ramsay, Speight, Straughan, Thomas, Walkup and Whitaker—21.

Those who voted in the negative, are :

Messrs. Basnight, Blount, Brown, Cunningham, Flanner, Guyther, Houston, Leach, Martin, McDowell, McKoy, Miller, Reinhardt, Taylor, Ward and Williams—16.

The hour of 10 o'clock having now arrived, the Speaker announced the special order, viz :

The bill to amend the act entitled an act to incorporate the Western North-Carolina Railroad Company, and the act amendatory thereof, &c., which was read the second time.

Mr. Edney moved to amend the bill as follows, viz :

In second section, 17th line, after the word *road*, add : or at any eligible point on the west side of the Catawba river, as the Board of Directors of said company may determine, east of Morganton, and extend thence towards Asheville, crossing the Blue Ridge at the Reedy Patch Gap, instead of the Swanannoa Gap, as now prescribed in the charter of said company, adopting as much as practicable, the line of the Wilmington, Charlotte and Rutherford Railroad Company, and shall be so let out, &c., &c., as in printed bill. And if the adopted line shall be the same, or any portion of the line of the Wilmington, Charlotte and Rutherford Railroad Company, then the latter company may surrender to the Western North-Carolina Railroad Company the whole or a portion of

its right of way, its contracts, its work finished and unfinished, and the stock of individuals and counties may be transferred to said Western North-Carolina Railroad Company, upon such terms as may be agreed upon by and between the Boards of Directors of the two companies, and the stock so transferred shall be deemed and taken as stock subscribed to the Western North-Carolina Railroad Company, under this act.

The amendment was rejected—yeas 5, nays 31.

Mr. Edney demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Edney, Gilmore, McDowell, McKoy and Walkup.

—5.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Blount, Brown, Cowper, Cunningham, Davis, Dobson, Douthitt, Flanner, Gorrell, Guyther, Houston, Lane, Leach, McDonald, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Taylor, Thomas, Turner, Ward, Whitaker, Williams and Worth.—31.

Mr. Edney moved further to amend the bill as follows, viz : strike out the words *an unexpended* in the second line of the fourth section, and insert *any surplus or balance* ; strike out the words *completed, equipped, and put in full operation*, in the third and fourth lines, and insert *let to contract to solvent contractors, which said lettings and contracts shall be certified by the president and directory of said company to the governor and approved of by the board of internal improvements*. The amendment was rejected.

The question now recurred on the passage of the bill its second reading, and was determined in the affirmative—yeas 24, nays 16.

Mr. Mills demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Boyd, Cherry, Davis, Dobson, Edney, Gilmore, Gorrell, Houston, Leach, McDonald, McKoy, Miller, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Ward and Worth.—24.

Those who voted in the negative, are :



Messrs. Basnight, Battle, Blount, Brown, Cowper, Cunningham, Douthitt, Flanner, Guyther, Lane, McDowell, Mills, Taylor, Turner, Whitaker and Williams.—16.

On motion by Mr. Ward, the Senate adjourned until tomorrow morning 10 o'clock.

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SATURDAY, JANUARY 29, 1859.

Mr. Lankford, from the committee on the judiciary, reported unfavorably the bill to legitimate and alter the name of James W. Boone, of Northampton county.

Mr. Lankford, from the same committee, reported back the resolution concerning entries of land, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Battle, from the committee on claims, reported the resolution in favor of common schools in Randolph county, and recommended its passage.

Mr. Gilmore introduced a bill to incorporate the Fayetteville Gaslight Company; which was read the first time and passed.

Mr. Reinhardt, a bill relating to the time of holding the courts of pleas and quarter sessions of Catawba, Lincoln and Gaston; which was read the first time and passed.

Mr. Houston, a bill to validate the subscription of Burke county to the Western North-Carolina Railroad Company; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Dobson, a bill to incorporate the Linnville Falls Turnpike Company; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Received a message from the House of Commons, informing that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Chatham Railroad Company;

which was read the first time and passed, and, on motion by Mr. Straughan, referred to the committee on internal improvements;

A resolution in favor of John Word, of Caswell; which was read the first time, passed, and referred to the committee on claims;

A bill to extend the time for perfecting titles to land heretofore entered; which was read the first time, passed, and referred to the committee on the judiciary;

A bill to extend the term of Rowan superior court to two weeks; which was read the first time and passed;

A bill to amend an act entitled an act to charter the Wilmington & Manchester Railroad Company; which was read the first time and passed, and, on motion by Mr. McDowell, referred to the committee on internal improvements;

A bill granting to the superior court of Burke county original and exclusive jurisdiction of all criminal causes, &c.; which was read the first time and passed, and, on motion by Mr. Houston, referred to the committee on the judiciary; and

A bill for the restoration of jury trials in Gaston county; which was read the first time and passed.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bills and resolution, in which they ask the concurrence of that body, viz:

A bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company;

A bill to incorporate Jamestown, in the county of Guilford;

A resolution for heating the Senate chamber and Commons hall; and,

A bill to establish the bank of Commerce.

Received a message from the House of Commons informing that it has passed the following engrossed bills in which it asks the concurrence of the Senate, viz:

A bill to amend an act to incorporate the town of Salem, Forsyth county; which was read the first time and passed, and, on motion by Mr. Gorrell, referred to the committee on the judiciary;

A bill to incorporate the town of Winston, in the county of



Forsyth; which was read the first time and passed, and on motion by Mr. Martin, referred to the committee on corporations;

A bill to amend an act to incorporate the Fayetteville & Western Plankroad Company; which was read the first time and passed, and, on motion by Mr. Steele, referred to the committee on internal improvements;

A bill to change the time of holding the courts of pleas and quarter sessions for Forsyth county; which was read the first time and passed; and

A bill to incorporate the Salem Mutual Insurance Company; which was read the first time and passed, and, on motion by Mr. Steele, referred to the committee on corporations.

A message was received from the House of Commons informing that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, viz:

A bill to lay off and establish a new county by the name of Lillington; which was read the first time and passed, and on motion by Mr. McDowell, referred to the committee on propositions and grievances;

A resolution concerning the State Geologist; which was read the first time and passed, and, on motion by Mr. McDowell, referred to the committee on the geological survey;

A bill to amend the charter of the town of Goldsboro'; which was read the first time and passed, and, on motion by Mr. McDowell, referred to the committee on propositions and grievances; and,

A bill to establish a freehold homestead; which was read first time and passed.

Mr. Cowper moved that said bill be referred to the committee on the judiciary; not carried—yeas 12, nays 21.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Boyd, Cowper, Cunningham, Davis, Dobson, Lankford, Leach, Martin, Mills, Straughan and Worth.—12.

Those who voted in the negative, are:

Messrs. Basnight, Blount, Cherry, Douthitt, Edney, Gil-

more, Gorrell, Guyther, Houston, Lane, McDonald, McDowell, McKoy, Miller, Ramsay, Reinhardt, Speight, Turner, Ward, Whitaker and Williams.—21.

On motion by Mr. McDowell,

*Resolved*, That the committee on public buildings be instructed to enquire into the expediency of enclosing the porticoes of the capitol with suitable railing.

Mr. Pool, from the committee on the judiciary, reported a bill to facilitate the collection of taxes on real estate; which was read the first time and passed.

The bill to amend the several acts of the General Assembly concerning the town of Trenton, in Jones county, was read the second time, the substitute reported by the committee adopted, and the bill passed its second reading as amended.

Said bill was now read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Educational Association of North-Carolina, was read the second time and passed. ✓

The bill to extend the corporate limits of the town of Swansboro', was read the second and third times, passed, and ordered to be engrossed.

The bill to repeal an act of the General Assembly, passed in 1840-'41, providing for the better government and regulation of the town of Murfreesboro', in Hertford county, was read the second time and rejected.

The bill to incorporate the Montgomery Mining Company, was read the second time and passed.

Said bill was read the third time, amended on motion by Mr. McDowell, by requiring one of the directors to be a resident citizen of this State.

On motion by Mr. Cowper, the bill was further amended by striking out 99 and inserting 33; passed its third reading as amended, and was ordered to be engrossed.

On motion by Mr. Basnight, the Senate now took up the bill concerning pilots at Ocracoke and Hatteras inlets; which was read the third time, passed and ordered to be engrossed.

On motion by Mr. Worth, the Senate proceeded to consider the resolution in favor of common schools, in Randolph ✓



county; which was read the second and third times, passed, and ordered to be engrossed.

The resolution in favor of B. F. Steed & H. Julian;

The resolution in favor of Edward Kidder;

The resolution in favor of George R. Sledge;

The resolution in favor of Henry Vanglahan & H. Baker;

The resolution in favor of W. Watson;

The resolution in favor of Ebenezer Combs; and,

The resolution in favor of J. J. James; were severally read the second and third times, passed, and ordered to be engrossed.

The resolution in favor of D. Cosby & B. Holland was read the second time, the amendment proposed by the committee, viz: Strike out \$40 as the allowance for Cosby and insert \$16.55, was agreed to.

Mr. Leach moved further to amend the resolution, by striking out so much of the same as relates to B. Holland, which motion prevailed, and the resolution passed its second reading as amended.

The rule being suspended, said resolution was read the third time, passed and ordered to be engrossed.

The engrossed resolution in favor of John Caldwell's executors;

The engrossed resolution in favor of G. M. Albright;

The engrossed resolution in favor of Elias Barnes;

The engrossed resolution in favor of E. D. Nichols;

The engrossed resolution in favor of L. S. Webb, &c., trustees of G. L. Moore; and,

The engrossed resolution in favor of H. H. Davidson, were severally read the second and third times, passed and ordered to be enrolled.

The bill to empower the surities of J. D. Abernathy, deceased, to collect arrears of taxes, was read the second and third times, passed; and ordered to be engrossed.

On motion,

The resolution in favor of James Connolly;

The resolution in favor of A. B. Long;

The resolution in favor of R. L. Jones;

The resolution in favor of Polly Pinner ;  
The resolution in favor of W. J. Brown ; and,  
The resolution in favor of H. M. Brittain ; were severally  
recommitted to the committee on claims.

On motion by Mr. Pool, the Senate now took up the bill to amend the 29th section, of the 45th chapter of the Revised Code ; which was read the second time, the amendment of the committee adopted, and the bill passed its second reading as amended ; the rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

On motion by Mr. Cherry, the Senate now took up the bill to cede to the United States, jurisdiction over the sites of Light Houses and Beacons on the line of the Albemarle and Chesapeake Canal ; which was read the second and third times, passed, and ordered to be engrossed.

The resolution for the relief of Jackson Stewart was read the third time.

Mr. Cowper moved that the same be indefinitely postponed.

The motion was disagreed to, and the resolution passed its third reading and was ordered to be engrossed.

The engrossed bill to authorize the construction of a toll bridge across the Yadkin river near Jonesville was read the the third time and passed, and a message sent to the House of Commons, asking their concurrence in the Senate's amendment.

The engrossed bill to abolish jury trials in the county courts of Cherokee and Jackson was read the second time, the amendments proposed by the committee agreed to, and the bill passed its second reading as amended. The rule being suspended, said bill was read the third time and passed, and a message sent to the House of Commons asking their concurrence to the amendments of the Senate.

The bill for the restoration of jury trials in the county courts of Polk county was read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act, supplemental to an act, to establish a new county by the name of Harnett was read the second time, the amendments reported by the



committee agreed to, and the bill passed its second reading as amended.

The engrossed bill to extend the term of Rowan superior courts, to two weeks, was read the second time and passed.

The bill to revive an act passed at the session of 1854-'55, entitled an act to incorporate the Wilmington and Smithville Steam Boat, Company was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill for the relief of Emily Hooper, of Liberia, was read the second and third times, passed, and ordered to be enrolled.

Mr. Walkup moved that the bill to improve the organization of the Militia, in this State, be printed. Not agreed to.

On motion by Mr. Speight, the Senate adjourned until Monday morning 10 o'clock.

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MONDAY, JANUARY 31, 1859.

Mr. Houston, from the committee on the judiciary, reported back to the Senate a resolution in regard to capital punishment, and asked to be discharged from its further consideration. Discharged accordingly.

The Speaker announced that the Senate branch of the committee on enrolled bills for the present week consists of Messrs. Ramsay, McDowell and McKoy, of which the House of Commons was informed by message.

Received a message from the House of Commons stating that the House branch of the committee on enrolled bills for the present week consists of Messrs. Martin, Drake, Walker and Clapp.

Received a message from the House of Commons transmitting a recommendation for justices of the peace for Tyrrell county; which, on motion by Mr. Basnight, was ordered to be laid on the table.

Also, a recommendation for a justice of the peace for Stokes county; which, on motion by Mr. Martin, was ordered to be laid on the table.

Also, a recommendation for justices of the peace for Caldwell county; which, on motion by Mr. Miller, was ordered to be laid on the table.

Also, a recommendation for a justice of the peace for Yadkin county; which, on motion by Mr. Turner, was ordered to be laid on the table.

Also, a recommendation for justices of the peace for Alexander county; which was read, and, on motion by Mr. Turner, ordered to be laid on the table.

Also, a recommendation for justices of the peace for the county of Wayne; which, on motion by Mr. Lane, was ordered to be laid on the table.

Mr. Houston moved that the Senate do now take up from the table the recommendation from the House of Commons for justices of the peace for Union county. The motion prevailed.

Mr. Turner moved to strike from the list the name of Wm. H. Simpson.

Mr. Leach moved to lay the recommendation on the table. Not agreed to—yeas 12, nays 24.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Cunningham, Lane, Leach, McDowell, McKoy, Mills, Pitchford, Ramsay, Speight, Steele, Straughan and Ward—12.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Brown, Cherry, Cowper, Davis, Dobson, Douthitt, Edney, Gilmore, Guyther, Houston, Lankford, Martin, McDonald, Miller, Pool, Reinhardt, Turner, Walkup and Williams—24.

The question now recurred on the motion of Mr. Turner to strike out from the list the name of William H. Simpson, which motion prevailed—yeas 20, nays 10.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Cherry, Cowper, Cunningham, Davis, Douthitt, Gilmore, Lane, Leach, McDonald, McDowell, Miller,



Mills, Pitchford, Pool, Ramsay, Speight, Turner, Walkup and Ward—20.

Those who voted in the negative, are :

Messrs. Bledsoe, Brown, Dobson, Guyther, Houston, Lankford, Martin, Reinhardt and Williams—10.

Mr. Houston moved that the recommendation be laid on the table. Agreed to—yeas 19, nays 18.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Bledsoe, Brown, Cunningham, Dobson, Edney, Houston, Lane, Lankford, Martin, McDowell, Mills, Pitchford, Reinhardt, Speight, Steele, Ward and Williams—19.

Those who voted in the negative, are :

Messrs. Battle, Blount, Cherry, Cowper, Davis, Douthitt, Gilmore, Gorrell, Guyther, Leach, McDonald, McKoy, Miller, Pool, Ramsay, Straughan, Turner and Walkup—18.

Mr. Bledsoe moved that the Senate do now take up from the table the recommendation from the House of Commons for justices of the peace for the county of Nash.

Mr. Cunningham moved to lay the motion of Mr. Bledsoe on the table ; which motion prevailed—yeas 20, nays 15.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Blount, Cowper, Cunningham, Dobson, Gilmore, Gorrell, Lane, Lankford, Martin, McDowell, Miller, Mills, Pool, Reinhardt, Speight, Steele, Walkup and Ward—20.

Those who voted in the negative, are :

Messrs. Bledsoe, Cherry, Davis, Douthitt, Edney, Guyther, Houston, Leach, McDonald, McKoy, Pitchford, Ramsay, Straughan, Turner and Williams—15.

Mr. McDowell introduced a bill to amend chapter 100, of the Revised Code, entitled "Rivers and Creeks"; which was read the first time and passed, and, on motion, referred to the committee on internal improvements.

Mr. Turner introduced a bill concerning a convention to

amend the constitution of the State ; which was read the first time.

Mr. Cherry moved that the bill be referred to the committee on constitutional reform, and printed.

Mr. Steele moved that the bill be laid on the table. The motion prevailed—yeas 24, nays 14.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Cowper, Cunningham, Dobson, Guyther, Houston, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Pool, Reinhardt, Speight, Steele, Ward, Whitaker and Williams—24.

Those who voted in the negative, are :

Messrs. Cherry, Davis, Douthitt, Edney, Gilmore, Gorrell, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walk-up and Worth—14.

Mr. Gorrell introduced a bill to amend section 1st, chapter 5th, of the Revised Code ; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

Mr. Leach, a bill to charter the State improvement and relief bank of North-Carolina ; which was read the first time and passed, and, on motion, referred to the committee on banks and currency.

Mr. Gilmore, a bill concerning the bank of Clarendon, at Fayetteville, and the bank of Wilmington ; which was read the first time and passed.

Mr. McKoy, a bill to amend the 1st and 2nd sections of the 89th chapter of the Revised Code, entitled "Public Arms ;" which was read the first time and passed.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, in which it asks the concurrence of that body, to-wit :

A bill to repeal an act entitled an act to abolish jury trials in the county courts of Polk county ;

A bill to incorporate the Montgomery Mining Company ;

A resolution for the relief of Solomon M. Wray ;

A resolution in favor of George R. Sledge ;



- A resolution in favor of B. F. Stead, &c. ;
- A resolution in favor of Ebenezer Combs ;
- A resolution in favor of Edward Kidder ;
- A resolution in favor of W. Watson ;
- A resolution in favor of J. J. James ;
- A resolution in favor of Henry Vanglahan, &c. ;
- A resolution in favor of common schools of Randolph county ; and,
- A resolution in favor of Dabney Cosby.

Mr. Ward introduced a resolution in regard to a dredge boat on New river, which was read the first time and passed, and, on motion by Mr. Cunningham, referred to the committee on internal improvements.

The bill to increase the sinking fund was read the second time.

Pending the consideration of the bill, the Senate took a recess until 3 o'clock.

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*Three o'clock, P. M.*

The Senate resumed the consideration of the unfinished business of the morning, viz :

The bill to increase the sinking fund, the same being on its second reading.

Mr. Edney moved that the bill be indefinitely postponed.

Mr. Bledsoe moved to lay the bill on the table. The motion prevailed—yeas 20, nays 19.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Boyd, Brown, Cherry, Cunningham, Houston, Lane, Lankford, McDowell, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Ward, Whitaker and Williams.—20.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Cowper, Davis, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Leach, Martin, McDonald, Miller, Pool, Ramsay, Turner and Walkup.—19.

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

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TUESDAY FEBRUARY 1, 1859.

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 that body, viz :

A bill to extend the corporate limits of the town of Swansboro' ;

A bill to revive an act, passed at the session of 1854-'55, entitled an act to incorporate the Wilmington and Smithville Steamboat Company ;

A bill to authorize and empower the sureties of John D. Abernathy, deceased, late sheriff of Duplin county, to collect arrears of taxes in said county ;

A bill to cede to the United States jurisdiction over the sites of light houses and beacons on the line of the Albemarle & Chesapeake canal ;

A bill concerning the town of Trenton, in Jones county ;

A bill to amend the 29th section of the 45th chapter of the Revised Code ;

A resolution for the relief of Jackson Stewart, former sheriff of the county of Yancey ;

A bill to enlarge the powers of married women over their estates, in certain cases ; and

A bill concerning pilots at Ocracoke and Hatteras inlets.

Mr. Houston, from the committee on the judiciary, reported favorably the bill granting to the superior courts of Burke county original and exclusive jurisdiction for all criminal causes and State prosecutions, where the intervention of a jury is necessary.

Mr. Pool gave notice that on to-morrow he would move a suspension of the rule, to take up the bill for consideration.

Mr. Dobson, from the same committee, reported favorably



the bill to extend the time for perfecting titles to land heretofore entered.

Mr. Edney gave notice that he would move for a suspension of the rule to take up said bill for consideration on tomorrow.

Mr. Edney, from the committee on internal improvements, to which was referred the resolution in regard to a Dredge boat, reported the same back to the Senate, and recommended its passage.

Mr. Houston, from the committee on the judiciary to which was referred the resolution in favor of John Word, reported the same back to the Senate and ask to be discharged from its further consideration. Discharged accordingly.

*Ordered,* That said resolution be referred to the committee on claims.

Mr. Houston, from the same committee, to which was referred the bill to validate the subscription of Burke county to the Western North-Carolina Railroad, reported the same back to the Senate and recommended its passage.

Mr. McKoy, from the same committee, reported the bill to amend chapter 100 of the Revised Code, entitled "Rivers and Creeks," and recommended its passage.

Mr. McDowell introduced a bill for the better regulation of the town of Smithville; which was read the first time and passed, and referred to the committee on corporations.

Mr. Lane introduced a resolution in favor of Elisha Holland; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion by Mr. Thomas, the Senate took up the bill to incorporate the Potosi Mining Company;

The bill to incorporate the Way-ye-Hutta Mining Company; and,

The bill to incorporate the Southeren Mining company; which said bills on his motion, were referred to the committee on the judiciary.

The bill to complete the charter of the Western North-Carolina Railroad, was read the second time and passed.

The bill to repeal the 13th, 14th, 15th and 16th sections of

the 2d chapter of the Revised Code ; was read the third time, and, on motion by Mr. Cowper, indefinitely postponed,—yeas 24, nays 16.

Mr. Battle demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Boyd, Cherry, Cowper, Davis, Douthitt, Edney, Flanner, Gilmore, Gorrell, Houston, Lane, McDonald, McDowell, McKoy, Miller, Mills, Pool, Ramsay, Speight, Straughan, Turner and Worth.—24

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Brown, Cunningham, Dillard, Dobson, Guyther, Lankford, Leach, Martin, Pitchford, Steele, Ward, Whitaker and Williams—16.

The engrossed bill to repeal so much of the 8th section of the 81st chapter of the Revised Code as relates to Tyrrell county, was read the second time and rejected.

The bill to repeal an act, entitled an act to lay off and establish a public road in the counties of Davie and Davidson, and to establish a public ferry across the Yadkin river, was read the second time and passed.

Mr. Straughan gave notice that on to-morrow he would move a suspension of the rule to take up for consideration the bill for the protection of the interest of the State of North Carolina in the Cape Fear and Deep River Navigation Company, or for the surrender of said interest.

The bill to empower notaries to administer oaths in certain cases was read the third time, passed and ordered to be engrossed.

The bill to prevent the emancipation of slaves by will and testament was read the second time.

Mr. Edney moved to amend the bill as follows, viz: Strike out all after the enacting clause and insert: That any slave or slaves, hereafter liberated by last will and testament, shall be moved from the State within ninety days from the probate of said will, at the expense of the estate of the testator, and if not so removed, said slaves shall become assets in the hands of the executor, and subject to distribution under the present law.



The amendment was rejected—yeas 9, nays 30.

Mr. Cherry demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cunningham, Edney, Gilmore, Martin, Pool, Ramsay, Straughan, Taylor and Worth—9.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Blount, Boyd, Brown, Cherry, Cowper, Davis, Dillard, Dobson, Douthitt, Flanner, Guyther, Houston, Lane, Lankford, Leach, McDonald, McKoy, Miller, Mills, Pitchford, Reinhardt, Speight, Steele, Turner, Ward, Whitaker and Williams—30.

Mr. Houston moved the following as an additional section to the bill, which was adopted, viz :

*Be it further enacted*, That no deed of trust or limitation or conveyance in trust of slaves, to take effect after the death of the owner, for the emancipation of slaves, shall be deemed valid in law for that purpose.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the affirmative—yeas 28, nays 13.

Mr. Cherry demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cherry, Cowper, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Lankford, Leach, Martin, McKoy, Miller, Mills, Pitchford, Reinhardt, Speight, Steele, Ward, Whitaker and Williams—28.

Those who voted in the negative, are :

Messrs. Cunningham, Davis, Flanner, Gilmore, Gorrell, Lane, McDonald, Pool, Ramsay, Straughan, Taylor, Walkup and Worth—13.

The engrossed bill to incorporate the Cherokee Turnpike Company was read the third time, amended on motion by Mr. Leach, in the 8th section, 2nd line, by striking out the words “ which, with the roads and bridges, shall be free from taxation,” and passed its third reading as amended, and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

The Senate now took a recess until 3 o'clock, P. M.

*Three o'clock, P. M.*

Mr. Douthitt gave notice that on to-morrow he would move to suspend the rule for the consideration of the bill to incorporate the Lexington Bank.

Mr. Ramsay gave notice that he would make a similar motion for the consideration of the bill to establish a bank at Salisbury.

Mr. Bledsoe gave notice that he would make a similar motion for the consideration of the bill to establish the Bank of North Carolina.

Mr. Thomas gave notice that on to-morrow he should make a similar motion for the consideration of the bill to charter the Miners and Planters' Bank, &c.

The bill to complete the charter of the Western North Carolina Railroad was read the third time.

Mr. McDonald moved to amend the bill as follows, viz: Strike out "required" and insert "authorized and permitted." Not agreed to—yeas 17, nays 21.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Bledsoe, Blount, Cowper, Cunningham, Davis, Dillard, Edney, Flanner, Gorrell, Guyther, Lane, McDonald, Pitchford, Taylor and Turner—17.

Those who voted in the negative, are :

Messrs. Ashe, Brown, Cherry, Dobson, Douthitt, Houston, Lankford, Leach, Martin, McDowell, McKoy, Miller, Mills, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward and Whitaker—21.

On motion by Mr. Thomas, the bill was amended in the 2d section thereof, by adding the following proviso to the same, viz: "*Provided*, That if the company should, upon examination of the route to Ducktown, determine that the route is impracticable, they shall not be required to survey it."

The bill was further amended, on motion by Mr. Thomas, passed its third reading as amended, and was ordered to be engrossed.

The engrossed bill to open the Pedee and Yadkin rivers for the passage of fish, was read the third time.

Mr. Turner moved to amend by striking out that portion of the bill requiring the owners of dams to leave open 100, 60,



and 30 feet in the main channel for the passage of fish, and allow them to construct slopes, rising not more than one foot in three, and that they be required to have the slopes completed by the first day of August next.

The amendment was rejected—yeas 13, nays 23.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Cherry, Cowper, Cunningham, Davis, Flanner, Leach, McDonald, Miller, Ramsay, Taylor, Turner and Walkup—13.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Bledsoc, Boyd, Brown, Dillard, Dobson, Doullitt, Edney, Gilmore, Guyther, Houston, Lane, Lankford, Martin, Mills, Pitchford, Reinhardt, Speight, Straughan, Ward, Whitaker and Williams—23.

Mr. McDonald moved to amend the bill by striking out the latter clause of the second section, viz : “ Being of at least an average depth of the river it passes through.” Not adopted.

The bill now passed its third reading, and a message was sent to the House of Commons asking their concurrence in the amendments of the Senate.

On motion by Mr. Edney, the Senate adjourned until tomorrow morning 10 o'clock.

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WEDNESDAY, FEBRUARY 2, 1859.

Mr. Lane, from the committee on propositions and grievances, to which was referred the bill to lay off and establish a new county by the name of Lillington, reported the same back to the Senate and recommended its passage.

Mr. Edney, from the committee on internal improvements, reported the bill to amend an act entitled an act to charter the Wilmington & Manchester Railroad Company, with a recommendation that it do pass.

Mr. Pool, from the committee on the judiciary, to which was referred the bill to amend section 1st of chapter 5 of the Revised Code, reported a substitute for the same.

Mr. Dillard, from the select committee appointed to examine the condition of the Albemarle & Chesapeake canal, submitted a detailed report thereon.

On motion by Mr. Cherry,

*Ordered*, That the report be sent to the House of Commons, with a proposition to print the same.

Mr. Mills introduced a bill to amend an act, passed at the session of 1848-'49, entitled an act to authorize the erection of a male and female academy in the town of Shelby, Cleveland county; which was read the first time and passed.

Mr. Boyd introduced a bill to incorporate the Madison Savings Bank, in the town of Madison, N. C.; which was read the first time and passed.

Mr. McKoy, from the committee on the judiciary, to which was referred the bill to alter and amend the 114th chapter of the Revised Code, entitled "Usury," reported a substitute for the same.

Received a message from the House of Commons, stating that it has passed the following engrossed bills, in which it asks the concurrence of the Senate, viz:

A bill to amend the charter of the Farmers' Bank of North-Carolina; which was read the first time and passed, and, on motion, referred to the committee on banks and currency;

A bill to declare portions of the Uwharrie river a sufficient stream for a lawful fence; which was read the first time and passed; and

A bill to prevent making obstructions in Swift creek, in the county of Edgecombe; which was read the first time and passed.

Mr. Lane gave notice that on to-morrow he should move to suspend the rule, to take up for consideration the bill to extend the charter of the State Bank of North-Carolina.

In compliance with notice given on yesterday, the rule was suspended, and the Senate, on motion by Mr. Pool, now took up the engrossed bill granting to the superior courts of Burke county original and exclusive jurisdiction of all criminal causes and State prosecutions; which was read the second time and passed.



On motion by Mr. Edney, the rule was suspended, and the bill to extend the time of payment of certain entries and taking grants for the same, was read the second time and passed.

The rule being suspended, the engrossed bill to extend the time for perfecting titles to land heretofore entered was read the second time.

Mr. Leach moved the following proviso to the bill, which was rejected, viz: "*Provided*, The entry money on said land has been paid." The bill now passed its second reading.

In compliance with notice given, the rule was now suspended, and the Senate took up the bill for the protection of the interest of the State of North Carolina in the Cape Fear and Deep River Navigation Company, or for the surrender of said interest; which was read the second time.

On motion by Mr. Straughan, the following amendments were proposed to the bill and agreed to, viz:

In section 1st, line 23rd, after the word "commission," add, "provided the amount thus to be expended for said improvement shall not exceed \$100,000 in any one year." In section 3d, strike out the words, "the capital stock of said company is hereby increased to \$2,000,000." In section 5th, line 16th, after the words, "the State therein," add, "provided the sum bid shall not exceed \$600,000; and, provided further, that the proceeds of such sales shall be applied in the first place to the payment of the debts due by said company."

On motion by Mr. Lane, the bill was further amended by adding the following to the amendment of Mr. Straughan to the first section, viz: "and said amount of \$100,000 shall cease after January 1st, 1861, unless the same shall be extended by a future legislature."

The question now recurred on the passage of the bill on its second reading as amended, and was determined in the negative—yeas 17, nays 26.

Mr. Cowper demanded the yeas and nays:

Those who voted in the affirmative, are:

Messrs. Ashe, Cherry, Douthitt, Edney, Gilmore, Houston,

McDowell, McDonald, Pitchford, Pool, Ramsay, Speight, Straughan, Thomas, Ward, Whitaker and Worth—17.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Brown, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Flanner, Gorrell, Guyther, Lane, Lankford, Leach, Martin, McKoy, Miller, Mills, Reinhardt, Steele, Taylor, Turner, Walkup and Williams—26.

On motion by Mr. Douthitt, the rule was suspended, and the bill to incorporate the Bank of Lexington now taken up, read the third time and passed—yeas 25, nays 17.

Mr. Ashe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Blount, Boyd, Carmichael, Cherry, Davis, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Lane, Leach, Martin, McDonald, Miller, Pool, Reinhardt, Ramsay, Straughan, Thomas, Walkup and Ward.—25.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Brown, Cowper, Cunningham, Dillard, Lankford, McDowell, McKoy, Pitchford, Speight, Steele, Taylor, Turner, Whitaker, Williams and Worth.—17.

*Ordered*, That said bill be engrossed.

A message was received from the House of Commons, concurring in the amendments proposed by the Senate to the engrossed bill, to open the Pedee and Yadkin river for the passage of fish, and to the engrossed bill to incorporate the Cherokee county Turnpike Company.

*Ordered*, That said bills be enrolled.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill, in which it asks the concurrence of that body, viz :

A bill to complete the charter of the Western North-Carolina Railroad.

On motion by Mr. Ramsay, the rule was suspended, and the bill to establish the Bank of Salisbury taken up, and read the second time and passed—yeas 27, nays 12.

Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative, are :



Messrs. Basnight, Bledsoe, Blount, Boyd, Carmichael, Cherry, Davis, Dobson, Douthitt, Edney, Gorrell, Guyther, Houston, Lane, Leach, Martin, McDonald, McKoy, Miller, Pool, Ramsay, Reinhardt, Steele, Straughan, Thomas, Ward and Walkup.—27.

Those who voted in the negative, are :

Messrs. Battle, Cowper, Cunningham, Dillard, Lankford, McDowell, Pitchford, Speight, Taylor, Turner, Whitaker and Williams—12.

Mr. Houston gave notice, that on to-morrow he would move a suspension of the rule, to consider the resolutions offered by him on Friday last in relation to the half pay to officers of the revolutionary war.

On motion by Mr. Bledsoe, the rule was suspended, and the bill to charter the Bank of North-Carolina taken up, and read the third time.

Mr. Cherry moved to amend the bill by striking out so much of the same as provides for the location of branches at certain places designated.

Mr. Turner moved that the bill be indefinitely postponed.

Pending the consideration thereof, the Senate took a recess until 3 o'clock, P. M.

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*Three o'clock, P. M.*

The Senate resumed the consideration of the unfinished business of the morning, viz: The bill to charter the Bank of North-Carolina.

The pending question being on the indefinite postponement of the bill, and the question recurring thereon, the same was determined in the negative—yeas 11, nays 34.

Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Battle, Cowper, McDowell, Miller, Pitchford, Pool, Taylor, Turner, Walkup and Whitaker—11.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Brown, Carmichael,

Cherry, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Lane, Lankford, Leach, Martin, McDonald, McKoy, Mills, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward, Williams and Worth—34.

The question now recurred on the motion of Mr. Cherry to amend the bill by striking out so much of the same as provides for the location of branches at certain places designated, and was determined in the affirmative—yeas 22, nays 20.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Blount, Boyd, Cherry, Cowper, Dobson, Douthitt, Flanner, Gorrell, Lankford, McDonald, McDowell, Mills, Pool, Speight, Steele, Turner, Walkup, Ward, Whitaker and Worth—22.

Those who voted in the negative, are:

Messrs. Battle, Brown, Carmichael, Cunningham, Davis, Dillard, Edney, Gilmore, Guyther, Houston, Lane, Leach, Martin, McKoy, Miller, Pitchford, Ramsay, Reinhardt, Taylor and Williams—20.

Mr. Edney moved to amend the 15th section, by inserting after the word "branches," at Hendersonville, in the county of Henderson.

The amendment was rejected.

Mr. Leach moved to amend by adding the following proviso to the 40th section of the bill, viz:

*Provided*, That said bank shall pay into the treasury twenty-five per cent. on the amount of notes in circulation at the time of suspension.

Mr. Houston moved to amend the amendment of Mr. Leach, by striking out "twenty-five" and inserting "fifteen." Not agreed to.

Mr. Basnight moved to amend Mr. Leach's amendment as follows: "If said bank do suspend, she shall be liable to 100 per cent. for all notes out standing at the time of her suspension." Not carried.

The question now recurred on the amendment offered by



Mr. Leach, and was determined in the negative—yeas 20, nays 23.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Brown, Cowper, Cunningham, Davis, Dillard, Dobson, Guyther, Leach, McDonald, McDowell, Miller, Mills, Pitchford, Pool, Taylor, Turner, Whitaker and Williams—20.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Cherry, Douthitt, Edney, Flanner, Gilmore, Gorrell, Houston, Lankford, Martin, McKoy, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Ward and Worth—23.

On motion by Mr. Lane, the blank in the 46th section was filled up by inserting 30 cents.

On motion by Mr. Bledsoe, the blanks in the 3rd section were severally filled up.

On motion by Mr. Taylor, the vote by which was rejected the motion of Mr. Edney to amend the 15th section by inserting after the word *branches*, at *Hendersonville*, in the county of *Henderson*, was reconsidered and the amendment adopted.

Mr. McDonald moved to amend the 15th section by providing for the establishment of a branch at Carthage. Not adopted.

After the adoption of sundry amendments offered by Mr. Bledsoe, Mr. Bledsoe proposed the following as an additional section, which was adopted, viz :

*Be it further enacted*, That this act shall be in force from and after its ratification.

Mr. Cowper moved the following as an additional section, to come in before the last section of the bill, viz :

*Be it further enacted*, That if said bank, or any of its branches, shall suspend specie payment and not resume within thirty days, it shall forfeit its charter and be compelled to close up its affairs, and it shall be the duty of the attorney general of the State to take such legal steps as may be necessary to carry into effect the provisions of this section.

The amendment was adopted—yeas 26, nays 18.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Brown, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Guyther, Houston, Lane, Lankford, Leach, McDowell, Miller, Mills, Pitchford, Pool, Taylor, Turner, Walkup, Ward, Whitaker, Williams and Worth—26.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Blount, Cherry, Douthitt, Edney, Flanner, Gilmore, Gorrell, Martin, McDonald, McKoy, Ramsay, Reinhardt, Speight, Steele, Straughan and Thomas—18.

The question now recurred on the passage of the bill its third reading as amended, and was determined in the negative—yeas 20, nays 25.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Carmichael, Cherry, Dillard, Dobson, Edney, Flanner, Gilmore, Houston, Martin, McKoy, Miller, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward and Williams—20.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Cowper, Cunningham, Davis, Douthitt, Gorrell, Guyther, Lane, Lankford, Leach, McDonald, McDowell, Mills, Pitchford, Pool, Taylor, Turner, Walkup, Whitaker and Worth—25.

Mr. Thomas gave notice that he should, on to-morrow, move a suspension of the rule to take up for consideration the bill to charter the Miners and Planter's Bank, &c.

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

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THURSDAY, FEBRUARY 3, 1859.

Mr. Carmichael presented the petition of sundry citizens of Wilkes county, to discontinue a public road leading from



Hunting creek to the county line of Yadkin county; which, on motion, was referred to the committee on propositions and grievances.

Also, the petition of sundry citizens of Wilkes county, for the appointment of commissioners to lay off a public road from Wilkesboro' to Statesville; which was referred to the committee on propositions and grievances.

Mr. Speight, from the committee on corporations, reported the bill to incorporate the Salem Mutual Insurance Company, and recommended its passage.

Mr. Lankford, from the committee on the judiciary, reported favorably the bill to amend an act to incorporate the town of Salem, Forsyth county.

Mr. Houston, from the same committee, reported with amendments the following bills, viz:

The bill to incorporate the Potosi Mining and Manufacturing Company;

The bill to incorporate the Way-ye-Hutta Mining and Manufacturing Company; and

The bill to incorporate the Southern Mining and Manufacturing Company.

Mr. Edney, from the committee on internal improvements, reported the bill to incorporate the Linville Falls turnpike, with amendments.

Mr. Edney, from the same committee, reported the bill to amend an act to incorporate the Fayetteville Plankroad Company, and recommended its passage.

Received a message from the House of Commons, concurring in the amendments of the Senate to the engrossed bill to authorize the construction of a toll bridge across the Yadkin river, &c.; and

The engrossed bill to abolish jury trials in the county courts of Cherokee and Jackson.

*Ordered,* That said bills be enrolled.

Mr. Houston introduced a bill for the relief of the Cape Fear and Deep River Navigation Company, and to protect the interest of the State therein; which was read the first time and passed; whereupon,

The Senate resolved itself into a committee of the whole, Mr. McDowell in the chair, to take into consideration the said bill, and after some time spent therein, the Speaker resumed the chair, and the Chairman reported that the committee had, according to order, had the matter referred to them under consideration, but had come to no conclusion thereon, and asked leave to sit again this day at 3 P. M., which was granted by the Senate.

Received a message from the House of Commons, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz :

A bill entitled "Revenue"; and

A bill supplemental to an act to lay off and establish the county of Alleghany.

The bill entitled "Revenue" was read the first time and passed.

Mr. Edney moved that said bill be printed.

Mr. Cowper moved that the number of copies to be printed be limited to fifty. Not agreed to.

Mr. Edney's motion to print was now adopted.

On motion by Mr. Ashe, the bill was made the special order of the day for Monday next, and the consideration of the same ordered to be continued from day to day until the same is finally disposed of.

The Senate now took a recess until 3 o'clock, P. M.

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*Three o'clock, P. M.*

The Senate, according to order, resolved itself into a committee of the whole, Mr. McDowell in the chair, to take into consideration the bill for the relief of the Cape Fear and Deep River Navigation Company, and to protect the interest of the State therein, and after some time spent thereon, the Speaker resumed the chair, and Mr. McDowell reported that the committee had, according to order, had the matter referred to them under consideration, and directed him to report said



bill back to the Senate, with an amendment, as a substitute for the same.

Mr. Gorrell moved a reconsideration of the vote by which, on yesterday, was rejected the bill for the protection of the interest of North Carolina in the Cape Fear and Deep River Navigation Company or for the surrender of said interest. The motion to reconsider prevailed.

On motion by Mr. Speight, the Senate adjourned until tomorrow morning, 10 o'clock.

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FRIDAY, FEBRUARY 4, 1859.

Mr. Battle, from the committee on claims, reported the following resolutions without amendments, viz:

The resolution in favor of James Conolly;

The resolution in favor of Wm. J. Brown; and,

The resolution in favor of Polly Pinner.

Mr. Brown, from the committee on banks and currency, reported favorably the bill to amend the charter of the Farmers' Bank of North-Carolina.

Received a message from the House of Commons, stating that they have passed the following engrossed bills from the Senate, with amendments, in which they ask the concurrence of the Senate, viz:

The engrossed bill to prohibit the sale of spirituous liquors within two miles of Richlands Academy; and,

The engrossed bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company.

The amendments were concurred in, and the House of Commons informed thereof by message.

A message was received from the House of Commons, transmitting the report of the joint select committee on the Western North-Carolina Railroad Company and accompanying documents, &c., with a proposition to print the same.

The proposition was concurred in, and the Commons informed thereof.

The engrossed bill, supplemental to an act to lay off and

establish the county of Alleghany, was read the first time and passed.

Mr. Houston, from the committee on the judiciary, to which was referred the bill to amend an act entitled an act to open the land office, &c., and to limit the boundary of the Cherokee Indians and to secure to them a home, made a detailed report thereon.

Mr. Lane, from the committee on propositions and grievances, reported, with amendments, the bill to amend an act to amend an act entitled an act to incorporate the town of Goldsboro', &c.

Mr. Battle, from the committee on claims, to which was referred the resolution in favor of H. N. Brittain ;

The resolution in favor of R. L. Jones ; and,

The resolution in favor of A. B. Long, reported the same back to the Senate, and recommended their passage.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolution, in which it asks their concurrence, viz : A resolution in favor of Elisha Holland.

On motion by Mr. Lane, the rule was suspended, and the bill to extend the charter of the bank of the State of North-Carolina taken up and read the second time.

The question pending being, on the motion of Mr. Guyther, to amend the 31st section of the original charter, by striking out \$3 and inserting \$5, the amendment was adopted—yeas 24, nays 16.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cowper, Cunningham, Dillard, Guyther, Houston, Humphrey, Lankford, Mills, Pitchford, Reinhardt, Speight, Taylor, Turner, Ward, Whitaker and Williams.—24.

Those who voted in the negative are :

Messrs. Cherry, Davis, Dobson, Douthitt, Edney, Flanner, Lane, Leach, Martin, McDonald, Miller, Ramsay, Steele, Straughan, Walkup and Worth—16.

Mr. Ashe moved a reconsideration of the vote just taken



by which the amendment of Mr. Guyther was adopted. The motion was lost.

Mr. Houston moved the following as an additional section to the bill, viz:

*Be it further enacted*, That whenever the bank suspends specie payment and fails to resume the same within the space of sixty days, then, and in that case, the charter thereof shall be deemed to be forfeited, and the assets and effects thereof shall be surrendered or assigned in trust for the benefit of the State and the relief of such persons as may hold the issues of said bank; and it shall be the duty of the Attorney General of the State to take such legal steps as may be necessary to carry into effect the provisions of this section.

The amendment was agreed to—yeas 26, nays 17.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Basnight, Bledsoe, Boyd, Brown, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Gilmore, Guyther, Houston, Humphrey, Lankford, Leach, McDowell, Miller, Mills, Pitchford, Speight, Turner, Walkup, Ward, Whitaker and Williams—26.

Those who voted in the negative, are:

Messrs. Ashe, Battle, Blount, Cherry, Douthitt, Edney, Flanner, Gorrell, Lane, Martin, McDonald, Pool, Ramsay, Reinhardt, Steele, Straughan and Taylor—17.

Mr. Bledsoe offered the following as an additional section to the bill, viz:

*Be it further enacted*, That nothing contained in said charter shall exempt the property, stock, dividend and banking franchise of said bank from taxation, as the exigencies of the State may require and the General Assembly deem proper.

Mr. Lane moved to amend the amendment of Mr. Bledsoe by striking out all after the word "taxation," and insert, "as may be imposed upon the other banks of this State." The amendment to the amendment was adopted—yeas 24, nays 17.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Blount, Brown, Cherry, Cowper, Cunningham, Dobson, Douthitt, Edney, Flanner, Lane, Martin, McDonald, McDowell, Mills, Ramsay, Straughan, Taylor, Turner, Walkup, Ward and Whitaker—24.

Those who voted in the negative, are :

Messrs. Bledsoe, Boyd, Carmichael, Davis, Dillard, Gorrell, Guyther, Houston, Humphrey, Lankford, Leach, Miller, Pitchford, Reinhardt, Speight, Steele and Williams—17.

The amendment of Mr. Bledsoe, was now adopted as amended.

Mr. Steele moved the following as an additional section, viz :

*Be it further enacted*, That if said bank hath any demands upon any person or corporation, it shall be lawful for such person or corporation upon whom the demand is made, to pay and discharge the same with the notes of said bank, without regard to the place at which they may be made payable and demandable, and the tender of such notes shall be good and available in law : *Provided*, The person or corporation shall in payment of the demand made, first use the notes of the bank or branch of the bank making the demand, which they may have on hand at the time the demand is made.

The amendment was adopted—yeas 32, nays 10.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Ashe, Basnight, Bledsoe, Blount, Boyd, Brown, Carmichael, Cunningham, Davis, Dillard, Flanner, Gorrell, Guyther, Houston, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Thomas, Turner, Williams and Ward—32.

Those who voted in the negative are :

Messrs. Cherry, Cowper, Dobson, Douthitt, Edney, Lane, Taylor, Walkup, Whitaker and Worth—10.

Mr. Steele offered the following as an additional section to the bill, which was adopted, viz :

*Be it further enacted*, That the notes issued by said bank, payable either at the principal bank or at branches, shall be



in proportion to the capital employed at said bank or branch bank.

Mr. Edney moved the following as an additional section, viz :

*Be it further enacted*, That a branch shall be established at Hendersonville in the county of Henderson.

The amendment was rejected.

Mr. Speight now moved the following amendment, viz :

*Be it further enacted*, That the individual stockholders shall be responsible for double the amount of stock which they may severally own, for the redemption of the notes of said bank and the payment of its liabilities.

The amendment was adopted.

Mr. Bledsoe moved to amend the bill as follows, viz : strike out "six" and insert "thirty."

Mr. Pitchford moved to amend the amendment of Mr. Bledsoe, by striking out "thirty" and inserting "four."

Mr. Steele called for a division of the question, and moved that the vote be first taken on striking out; and the question being taken thereon, the same was determined in the negative—yeas 6, nays 38.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Edney, Gilmore, Leach, Pitchford and Speight—6.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, Miller, Mills, Pool, Ramsay, Reinhardt, Steele, Straughan, Taylor, Turner, Walkup, Ward, Whitaker, Williams and Worth—38.

So the Senate refused to strike out.

Mr. Bledsoe moved to amend the bill as follows, viz :

*Be it further enacted*, That the General Assembly may, during the present or any subsequent session, increase the capital stock of said bank to an amount not exceeding three millions of dollars, and the State shall have the privilege of subscribing one million of dollars of said increased stock, and

paying the same in such funds as the Legislature may prescribe for the use of such interests of the State as the Legislature making the subscription may designate.

Pending the consideration of the amendment, the Senate took a recess until 3 o'clock, P. M.

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*Three o'clock, P. M.*

The Senate resumed the consideration of unfinished business of the morning, viz:

The bill to extend the charter of the State Bank of North-Carolina,

The pending question being on the amendment offered by Mr. Bledsoe.

The amendment was rejected—yeas 5, nays 37.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Gilmore, Leach, Speight and Steele—5.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Lane, Lankford, Martin, McDonald, McDowell, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Straughan, Taylor, Turner, Walkup, Ward, Whitaker and Williams—37.

Mr. Worth now offered a substitute for the bill, and moved to strike out all after the enacting clause and insert said substitute in lieu thereof.

The substitute being read,

Mr. Lane called for a division of the question, and moved that the vote be first taken on striking out; and the question being taken thereon, the same was determined in the affirmative—yeas 23, nays 19.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Brown, Cunningham, Davis, Douthitt, Flanner, Gilmore, Gorrell, Guyther, Houston, Leach,



McDonald, McDowell, Miller, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker and Worth—23.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Boyd, Carmichael, Cherry, Cowper, Dillard, Dobson, Edney, Lane, Lankford, Martin, Mills, Pitchford, Ramsay, Reinhardt, Turner and Williams.—19.

Mr. Edney moved to lay the substitute on the table. Not carried—yeas 10, nays 31.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Boyd, Carmichael, Cowper, Edney, Gilmore, Lankford, Pitchford and Speight.—10.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Brown, Cherry, Cunningham, Davis, Dillard, Dobson, Douthitt, Flanner, Gorrell, Guyther, Houston, Lane, Leach, Martin, McDonald, McDowell, Miller, Mills, Ramsay, Reinhardt, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth.—31.

Mr. Bledsoe, proposed the following as an additional section to the bill, to come in after the 6th section to the same, viz :

“*Be it further enacted*, That if the said bank or any of its branches, shall at any time suspend specie payment, it shall thereby forfeit its charter, and it shall be the duty of the attorney general to take such legal steps as may be necessary to carry into effect the provisions of this section.”

The amendment was rejected—yeas 3, nays 40.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Guyther and McDowell.—3.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan,

Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—40.

Mr. Cowper now moved the following amendment as an additional section, viz :

“*Be it further enacted*, That if said bank or any of its branches, shall at any time suspend specie payment, and shall not resume the same within ninety days thereafter, and continue paying specie for ninety days, it shall forfeit all the privileges and immunities conferred by this charter, and shall go into liquidation ; and it shall be the duty of the attorney general of the State, for the time being, to institute such legal proceedings as may be necessary to carry into effect the provisions of this section.”

Mr. Bledsoe moved that the bill and amendments be referred to the committee on banks and currency. Not carried—yeas 4, nays 38.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Humphry and Leach—4.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Lane, Lankford, Martin, McDonald, McDowell, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Turner, Walkup, Ward, Whitaker, Williams, and Worth—38.

The question now recurred on the amendment of Mr. Cowper, and was determined in the affirmative—yeas 26, nays 16.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Bledsoe, Boyd, Brown, Cowper, Carmichael, Cunningham, Dillard, Dobson, Guyther, Houston, Humphrey, Lankford, Leach, McDowell, Miller, Mills, Pool, Pitchford, Reinhardt, Speight, Turner, Ward, Whitaker and Williams—26.

Those who voted in the negative, are :

Messrs. Ashe, Cherry, Davis, Douthitt, Edney, Flanner,



Gorrell, Lane, Martin, McDonald, Ramsay, Steele, Straughan, Taylor, Walkup and Worth.—16.

Mr. Edney moved an adjournment. Not carried—yeas 12, nays 30.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Cherry, Cowper, Douthitt, Edney, Leach, Pitchford, Pool, Speight, Steele, Whitaker and Williams—12.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Carmichael, Cunningham, Davis, Dillard, Dobson, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, McDonald, McDowell, Miller, Mills, Ramsay, Reinhardt, Straughan, Taylor, Turner, Walkup, Ward and Worth—30.

Mr. Miller moved the following amendment as an additional section, viz :

*Be it further enacted*, That if said bank shall at any time suspend specie payment, it shall not be lawful for it to discount any note during such suspension, and if it does discount any note, said note shall not be collectable and may be avoided upon plea of the defendant.

The amendment was disagreed to.

The question now recurred on the adoption of the substitute offered by Mr. Worth as amended, and was determined in the affirmative—yeas 35, nays 9.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Blount, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Leach, Martin, McDonald, Miller, Mills, Pool, Reinhardt, Ramsay, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth—35.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Boyd, Carmichael, Lankford, McDowell, Pitchford, Speight and Turner—9.

Mr. Ashe gave notice that he would move, on to-morrow, to suspend the rule for the consideration of the bill concerning the Cape Fear and Deep River Navigation Company.

Mr. Ward made a similar motion for the consideration of the resolutions concerning a dredge boat; and,

Mr. Ramsay a similar motion respecting the Salisbury Bank.

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

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SATURDAY, FEBRUARY 5, 1859.

Mr. Whitaker presented the memorial of the Roanoke Literary Society; which was read and placed on file.

Mr. Humphrey, from the committee on corporations, reported, favorably the bill for the better regulation of Smithville.

Mr. Humphrey, from the same committee, reported back the bill to incorporate the town of Winston, and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Cunningham, from the joint select committee on the New River Navigation Company, made a detailed report thereon, which, on motion, was ordered to be printed.

Mr. Lane, from the joint select committee on the Tar river improvement, submitted a report in relation thereto, when Mr. Lane moved that the report be printed: which motion prevailed—yeas 25, nays 14.

Mr. Houston demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Boyd, Cherry, Cowper, Davis, Dillard, Douthitt, Edney, Flanner, Gorrell, Lane, Leach, McDonald, Miller, Mills, Pitchford, Pool, Ramsay, Speight, Straughan, Taylor, Turner, Ward and Worth—25.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Carmichael, Cunningham, Dobson, Guyther, Houston, Humphrey, Lankford, Martin, Reinhardt, Steele, Whitaker and Williams—14.

The Speaker laid before the Senate a communication from his Excellency, the Governor, transmitting the report of B.



Turner, the State's agent and superintendent of the Western Turnpike.

Received a message from the House of Commons, stating that they have passed, with an amendment, the engrossed resolution from the Senate concerning the distribution of the Revised Code, in which they ask the Senate's concurrence.

The amendment was agreed to, and the House of Commons informed thereof by message.

A message was received from the House of Commons, proposing to raise a joint select committee of two on the part of the Senate, and three on the part of the Commons, to examine the graves of deceased members of the General Assembly, and report whether said graves need any repairs. Concurred in.

Received a message from the House of Commons, stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, viz :

A bill to provide for the support and maintenance of the Insane Asylum, &c. ;

A bill to further regulate the inspection of flour in this State ;

A bill to incorporate the Holsey Mining and Smelting Company ;

A bill to amend the act of incorporation of the town of Edenton ;

A bill to incorporate Tyon Coco Swamp Canal Company ;

A bill to incorporate Rutherford Academy, in Burke county ;

A bill to incorporate the town of High Point, in Guilford county ;

A bill to incorporate the Edenton Literary Association, in the town of Edenton ;

A bill for the relief of Walter A. Winbourne, late sheriff of Guilford county ; and,

A bill to settle the dividing line between the counties of Wayne and Wilson ; which said bills were severally read the first time and passed.

Also, a bill to provide for the removal of the county seat of Watauga ; which was read the first time and passed, and, on

motion by Mr. Dobson, referred to the committee on propositions and grievances.

Also, a resolution concerning the publication of the documentary history of North-Carolina; which was read the first time and passed;

Also a resolution in favor of John J. Johnson; and,

A resolution in favor of Norwood, Parker & Co.; which two last resolutions were severally read the first time and passed, and, on motion, referred to the committee on claims.

Mr. Martin introduced resolutions in favor of opening the Pedee river for the passage of fish, and moved that they be referred to the committee on the judiciary.

Mr. Turner moved that the resolutions be laid on the table. Not agreed to—yeas 15, nays 26.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Brown, Cunningham, Flanner, Houston, Humphrey, Leach, McDowell, Miller, Mills, Pitchford, Pool, Speight, Turner and Whitaker.—15.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Bledsoe, Boyd, Carmichael, Cherry, Cowper, Davis, Dillard, Dobson, Douthitt, Edney, Gorrell, Guyther, Lane, Lankford, Martin, McDonald, Ramsay, Reinhardt, Steele, Straughan, Taylor, Walkup, Ward and Williams.—26.

Mr. Turner moved that the resolutions be indefinitely postponed. The motion prevailed—yeas 26, nays 11.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Bledsoe, Blount, Brown, Carmichael, Cowper, Cunningham, Dillard, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Leach, McDowell, Miller, Mills, Pitchford, Reinhardt, Speight, Straughan, Turner, Ward and Williams.—26.

Those who voted in the negative, are:

Messrs. Basnight, Boyd, Cherry, Davis, Dobson, Douthitt, Martin, McDonald, Ramsay, Steele and Walkup.—11.



Sundry recommendations for justices of the peace were received from the House of Commons and concurred in.

The recommendation for justices of the peace for Yadkin county was received from the House of Commons, and, on motion by Mr. Turner, laid on the table.

On motion by Mr. Battle, the recommendation for justices of the peace for the county of Nash, was now taken up.

Mr. Turner moved to strike from the list the name of Andrew J. Cook. The motion prevailed—yeas 26, nays 8.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Blount, Boyd, Carmichael, Cowper, Cunningham, Davis, Dobson, Douthitt, Edney, Flanner, Leach, McDonald, McDowell, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Straughan, Turner, Ward, Whitaker and Williams—26.

Those who voted in the negative, are :

Messrs. Dillard, Guyther, Houston, Humphrey, Lane, Lankford, Speight and Steele.—8.

The list as amended was concurred in.

The bill for the better regulation of the town of Beaufort was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend an act to incorporate the town of Salem, Forsyth county, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act to amend an act, entitled an act to incorporate the town of Goldsboro', in the county of Wayne, to extend the limits thereof, and for other purposes, was read the second time ; the amendment reported by the committee agreed to, and the bill passed its second reading as amended ; the rule being suspended, said bill was read the third time, passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the town of Winston, in the county of Forsyth, was read the second time.

Mr. Martin moved to strike out the 5th section of the bill and insert the following in lieu thereof, viz :

That the county court of Forsyth county shall not grant a license to any person to retail spirituous liquors by a measure less than a quart in said town, unless a majority of magistrates of said county are present at the time of granting such license.

Mr. Humphrey called for a division of the question, and moved that the vote be first taken on striking out; and the question being taken thereon, the same was determined in the negative.

The question now recurred on the passage of the bill its second reading, and was determined in the affirmative—yeas 30, nays 6.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Boyd, Brown, Carmichael, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Humphrey, Lankford, Leach, McDonald, McDowell, Miller, Pool, Ramsay, Reinhardt, Straughan, Thomas, Whitaker and Williams—30.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Houston, Martin, Mills and Turner—6.

Under a suspension of the rule said bill was now read the third time, passed and ordered to be enrolled.

On motion by Mr. McDowell, the Senate took a recess until 3 o'clock, P. M.

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*Three o'clock, P. M.*

The bill to amend the act of incorporation of the town of Elizabeth City was read the second and third times, passed and ordered to be engrossed.

The engrossed bill to incorporate the Tyon Coco Swamp Canal Company ;

The engrossed bill to incorporate the Edenton Literary Association, in the town of Edenton ;



The engrossed bill to amend the act of incorporation of the town of Edenton ;

The engrossed bill to incorporate the town of High Point, in Guilford County ; and,

The engrossed bill to incorporate Rutherford Academy, in Burke county, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Potosi Mining and Manufacturing Company was read the second time, the amendments proposed by the committee agreed to, and said bill passed its second reading as amended ; under a suspension of the rule, said bill was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the Way-ye-hutta Mining and Manufacturing Company was read the second time, the amendments of the committee agreed to, and the bill passed its second reading as amended ; said bill was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the Southern Mining and Manufacturing Company was read the second time, the amendments of the committee agreed to, and the bill passed its second reading as amended ; said bill was now read the third time, amended on motion by Mr. Speight, by inserting after the words " bank notes," " or certificates of deposit," in fifth line of third section, and passed its third reading as amended, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the Holsey Mining and Smelting Company was read the second time, amended by striking out " ninety-nine " and inserting " sixty," and passed its second reading as amended ; said bill was read the third time, passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

On motion by Mr. Ward, the rule was suspended, and the Senate took up for consideration the resolution in regard to a

dredge boat on New River ; which was read the second and third times, passed, and ordered to be engrossed.

Mr. Edney moved an adjournment. Not carried.

On motion by Mr. Pool, the rule was suspended, and the Senate now proceeded to the consideration of the bill for the protection of the interest of the State of North-Carolina in the Cape Fear & Deep River Navigation Company, or for the surrender of said interest.

The question being on the passage of the bill its second reading as amended, Mr. Gorrell offered an amendment as a substitute for the bill, and moved to strike out all after the enacting clause, and insert said substitute in lieu thereof.

Pending the consideration of which said bill and amendment,

On motion by Mr. Edney, the Senate adjourned until Monday morning 10 o'clock.

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MONDAY, FEBRUARY 7, 1859.

The Speaker announced that the Senate branch of the committee on enrolled bills for the present week consists of Messrs. McDonald, Person and Pitchford, of which the House of Commons was informed by message.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, in which it asks the concurrence of that body, viz :

A bill to incorporate the Bank of Lexington ;

A bill to empower notaries to administer oaths in certain cases ;

A resolution in favor of E. D. Davis ;

A bill to amend the act of incorporation of the town of Elizabeth City ; and,

A bill for the better regulation of the town of Beaufort.

Mr. Donnell, from the committee on the judiciary, reported the bill to amend chapter 78 of the Revised Code, entitled "Official Bonds, and for other purposes," and asked to be dis-



charged from its further consideration. Discharged accordingly.

On motion by Mr. Humphrey,

*Resolved*, That a message be sent to the House of Commons, instructing the clerks to admit no person in their rooms except members and officers of the two Houses, and that the Speakers be required to enforce the rule.

Mr. Humphrey introduced the following resolution, viz :

*Resolved*, That from and after to-day the Senate shall meet at 9½ o'clock.

Mr. Ward introduced the following resolutions, viz :

*Resolved*, That from and after to-day the Senate shall be required to meet as follows :

Half-after nine o'clock, A. M., sit until two o'clock, P. M., meet again at three o'clock, P. M., sit until six P. M., meet at seven P. M. and sit at the pleasure of the Senate.

*Resolved further*, That no member shall be allowed to speak more than fifteen minutes at any one time without leave of the Senate, and not more than twice upon any one subject. Said resolutions lie over one day for consideration.

On motion by Mr. Boyd,

*Resolved*, That a message be sent to the House of Commons proposing to raise two committees on enrolled bills, instead of one as now required.

Mr. Ward, from the joint select committee on the Neuse River Navigation Company, made a detailed report thereon ; which, on motion by Mr. Speight, was ordered to be printed.

Mr. Battle, from the committee on claims reported favorably the resolution in favor of Norwood, Parker & Co., and the resolution in favor of John J. Johnson.

Mr. Donnell introduced a bill to amend the 9th section of the 93d chapter of the Revised Code, entitled public printing ; which was read the first time and passed.

Mr. Mills, a bill to empower the sureties of E. L. Allen, a recent Sheriff of Polk county, to collect arrears of taxes ; which was read the first time and passed, and referred to the committee on propositions and grievances.

The engrossed bill to protect purchasers under judicial sales ; and,

The engrossed bill to incorporate the Tennessee Vally Turnpike Company ; were severally read the third time, passed, and ordered to be enrolled.

The bill to repeal an act, entitled an act, to lay off and establish a public road in the counties of Davie and Davidson, and to establish a public Ferry across the Yadkin river, was read the third time, passed, and ordered to be engrossed.

Mr. Cherry gave notice that on to-morrow he should move to suspend the rule, to consider the bill in relation to the Chesapeake and Albemarle Canal.

Mr. Boyd made a similar motion as to the bill to incorporate the Rockingham Coalfields Railroad ; and,

Mr. Bledsoe made a similar motion, to consider the bill concerning the sale of State bonds.

Received a message from the House of Commons, informing that the House branch of the committee on enrolled bills for the present week consists of, Messrs. Moore, of Chatham, Ferebee, Hill, of Stokes, and Scales.

Also that they concur in the proposition of the Senate, to appoint an additional committee on enrolled bills, and that Messrs. Dancy, Benbury, McKay, Sparrow and Jones, of Orange, constitute said committee on the part of the Commons.

Whereupon, Messrs. Speight and Reinhardt were appointed an additional committee on the part of the Senate.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz :

The bill entitled Revenue.

Said bill being on its second reading,

Mr. Houston gave notice that he should, on to-morrow, move to change the special order for the consideration of this bill so as to consider the same only from 11 o'clock, A. M., until 2 o'clock, P. M., on each and every day.

Mr. Ramsay moved that the consideration of the bill be now postponed until to-morrow 11 o'clock. The motion was lost.



Mr. Pool moved to postpone the consideration of the bill until 3 o'clock. Not carried.

The Senate now proceeded to the consideration of said bill.

Mr. Leach moved to amend the bill as follows, viz: In section 4th, line 4th, strike out the word "contiguous." Not agreed to.

Mr. Pool moved to amend the same as follows, viz: In section 4th, line 8th, after the word "each" insert the words "of the said," and strike out the word "tract," in said line, and insert the word "tracts." The amendment was disagreed to.

Mr. Donnell moved to amend said 4th section in 8th line thereof as follows, viz: Strike out "bodies" and insert "body." The amendment was agreed to.

Mr. Edney moved to amend the bill by striking out the 8th section thereof. The motion prevailed.

Mr. McDowell moved to amend the 9th section in the 4th and 5th lines by striking out the words "affidavits and oaths," and inserting "affidavit and oath." The amendment was agreed to.

Mr. Edney moved to amend the 10th section as follows, viz: Strike out all after the word "required," in second line, to the word "they," in the 5th line. Not adopted.

Mr. Edney moved to strike out the 13th section of the bill. Not agreed to.

Mr. Edney moved to amend the 16th section by striking out all in the 14th line thereof after the word "right." Not agreed to.

Mr. Worth moved to amend the bill as follows, viz: In section 28th, first paragraph, strike out "twenty" and insert "fifteen."

Pending the consideration of the motion to amend,

The Senate took a recess until 3 o'clock, P. M.

*Three o'clock, P. M.*

The Senate now resumed the consideration of the unfinished business of the morning, viz: the bill entitled "Revenue."

The pending question being, on the motion of Mr. Worth, to amend the bill in the 28th section 1st paragraph, by striking out *twenty* and inserting *fifteen*, as the tax on real estate,

Mr. Cunningham called for a division of the question; which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 19, nays 22.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Bledsoe, Blount, Boyd, Davis, Donnell, Douthitt, Edney, Flanner, Gorrell, Martin, McDonald, McDowell, Miller, Ramsay, Straughan, Turner, Walkup and Worth—19.

Those who voted in the negative, are:

Messrs. Brown, Cherry, Cowper, Cunningham, Dillard, Dobson, Guyther, Houston, Humphrey, Lankford, Leach, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker and Williams.—22.

So the Senate refused to strike out.

Mr. Cherry moved to amend the bill as follows, viz: in section 28, 2nd paragraph, strike out *eighty* and insert *sixty-six*.

Mr. Cunningham called for a division of the question, which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 21, nays 22.

Mr. Donnell demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Blount, Boyd, Cherry, Cunningham, Davis, Donnell, Flanner, Houston, Humphrey, Martin, McDonald, McDowell, McKoy, Person, Pool, Straughan, Taylor, Turner, Ward and Williams.—21.

Those who voted in the negative, are:

Messrs. Bledsoe, Brown, Cowper, Dillard, Dobson, Douthitt, Edney, Gilmore, Gorrell, Guyther, Lankford, Leach, Miller,



Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Walkup, Whitaker and Worth.—22.

So the Senate refused to strike out.

Mr. Person moved to amend the bill as follows, viz: in section 28, 3rd paragraph, strike out *fifteen* and insert *ten*.

Mr. Douthitt moved to amend the amendment by striking out *ten* and inserting *five*.

Mr. Ward called for a division of the question, which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 15, nays 28.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Boyd, Cherry, Donnell, Douthitt, Gilmore, Gorrell, Houston, Martin, McDonald, Mills, Person, Pool, Ramsay and Turner—15.

Those who voted in the negative, are :

Messrs. Bledsoe, Blount, Brown, Cowper, Cunningham, Davis, Dillard, Dobson, Edney, Flanner, Guyther, Humphrey, Lankford, Leach, McDonald, McKoy, Miller, Pitchford, Reinhardt, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth—28.

So the Senate refused to strike out.

Mr. Lankford moved to amend the bill as follows, viz: In section 28th and 3rd paragraph, add "on every public race-track, \$100, to be listed by the owner or any one of the owners or agent."

Mr. Ramsay moved to amend the amendment as follows, viz: "Provided no tract used for agricultural fairs shall be taxed," which said amendment to the amendment was adopted.

Mr. Donnell moved to amend the amendment, as follows, viz: Strike out \$100 and insert \$25. The amendment to the amendment was adopted.

Mr. Speight moved further to amend the amendment, as follows, viz: and \$25 for every cock pit. The amendment to the amendment was adopted—yeas 28, nays 12.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lankford, Leach, McDonald, McDowell, McKoy, Mills, Person, Ramsay, Reinhardt, Speight, Straughan, Taylor, Walkup and Worth.—28.

Those who voted in the negative, are :

Messrs. Battle, Boyd, Brown, Cherry, Cowper, Martin, Miller, Pitchford, Steele, Turner, Ward and Whitaker—12.

The question now recurred on the adoption of the amendment of Mr. Lankford as amended, and was determined in the affirmative—yeas 28, nays 15.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Blount, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Flanner, Gilmore, Gorrell, Guyther, Humphrey, Lankford, Leach, McDonald, McDowell, McKoy, Mills, Person, Pool, Ramsay, Reinhardt, Straughan, Walkup, Ward, Williams and Worth.—28.

Those who voted in the negative, are :

Messrs. Battle, Brown, Cherry, Cowper, Edney, Houston, Martin, Miller, Pitchford, Speight, Steele, Taylor, Thomas, Turner and Whitaker—15.

Mr. Edney moved that the Senate adjourn until to-morrow morning, 10 o'clock. Not agreed to—yeas 10, nays 35.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Donnell, Edney, Gilmore, Gorrell, Martin, Pool, Taylor, Turner and Worth—10.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Flanner, Guyther, Houston, Humphrey, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Walkup, Ward, Whitaker and Williams—35.

Mr. McDowell moved to amend the bill as follows, viz : In 28th section, 5th paragraph, after the word tax in the 4th line, add the following, viz : “ *Provided*, Said amount shall not exceed twenty dollars.”



The amendment was lost.

Mr. Edney now moved that the Senate adjourn until to-morrow 10 o'clock. Not carried—yeas 5, nays 37.

The yeas and nays being demanded,

Those who voted in the affirmative, are :

Messrs. Gilmore, Martin, Ramsay, Steele and Taylor—5.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blonnt, Boyd, Brown, Cherry, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Mills, Person, Pitchford, Reinhardt, Speight, Straughan, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—37.

Mr. McDonald moved further to amend the bill as follows, viz: In 28th section and 8th line of the 6th paragraph, strike out "four" and insert "six."

Pending the consideration of which said amendment,

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

## TUESDAY, FEBRUARY 8, 1859.

Mr. McDonald, from the committee on propositions and grievances, reported, with amendments, the bill to empower the sureties of E. L. Allen, a recent sheriff of Polk county, to collect arrears of taxes.

Mr. Humphrey, from the committee on public buildings and grounds, reported a resolution concerning the capitol; which was read the first time and passed.

Mr. Worth, from the joint select committee on the North-Carolina Railroad, made a detailed report thereon.

Mr. Humphrey moved that the reading of the report be dispensed with, and that the same be printed.

Mr. Pool moved the printing of twenty extra copies for each member. The motion was lost.

Mr. McDonald moved the printing of ten extra copies for each member.

Mr. Bledsoe moved to lay the motion on the table. Not carried—yeas 17, nays 25.

The yeas and nays being demanded,

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Brown, Cunningham, Dillard, Dobson, Gilmore, Guyther, Humphrey, Lankford, Martin, McDowell, McKoy, Speight, Thomas, Whitaker and Williams—17.

Those who voted in the negative, are :

Messrs. Blount, Boyd, Cherry, Cowper, Davis, Donnell, Douthitt, Edney, Flanner, Houston, Leach, McDonald, Miller, Mills, Person, Pool, Ramsay, Reinhardt, Steele, Straughan, Taylor, Turner, Walkup, Ward and Worth—25.

The motion of Mr. McDonald was now disagreed to.

Mr. Turner moved the printing of five extra copies for each member. Not agreed to—yeas 17, nays 27.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Cherry, Cowper, Davis, Donnell, Douthitt, Flanner, Leach, McDonald, Miller, Person, Pool, Ramsay, Straughan, Turner, Walkup and Worth—17.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Williams—27.

Mr. Leach moved to print one copy for each member.

Mr. Ward moved to lay the motion on the table. Not carried—yeas 21, nays 23.

Mr. Edney demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Bledsoe, Brown, Cunningham, Dillard, Dobson, Gilmore, Guyther, Houston, Lankford, Martin, McDowell, McKoy, Pitchford, Reinhardt, Speight, Steele, Thomas, Ward, Whitaker and Williams.—21.

Those who voted in the negative, are :

Messrs. Battle, Blount, Boyd, Cherry, Cowper, Davis, Don-



nell, Douthitt, Edney, Flanner, Humphrey, Leach, McDonald, Miller, Mills, Person, Pool, Ramsay, Straughan, Taylor, Turner, Walkup and Worth.—23.

Mr. Thomas moved to postpone the further consideration of the subject until to-morrow at the afternoon session.

The Speaker announced that by a special order of the Senate the revenue bill must now be taken up.

Mr. Edney moved that the Senate continue in the business now under consideration, as the hour of 11 o'clock, when the revenue bill should have been called up, had been passed by some twenty minutes.

The chair ruled that the revenue bill was still the order and should now be taken up, from which decision Mr. Edney appealed. The question, Shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—yeas 30, nays 5.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Bledsoe, Boyd, Brown, Cherry, Cunningham, Davis, Dillard, Dobson, Flanner, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Williams.—30.

Those who voted in the negative, are :

Messrs. Douthitt, Edney, McDonald, Miller and Turner—5.

So the Speaker was sustained.

The Senate now proceeded to the consideration of the special order, viz: the bill entitled "Revenue,"

The pending question being, on the motion of Mr. McDonald, to amend the 28th section, 6th paragraph, in line 8th, by striking out *four* and inserting *six*,

Mr. Douthitt moved to amend the amendment, by striking out *six* and inserting *five*.

Mr. Steele called for a division of the question; which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 11, nays 27.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Boyd, Davis, Donnell, Douthitt, Edney, Leach, McDonald, Miller, Straughan, Turner and Walkup.—11.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Brown, Cowper, Cunningham, Dillard, Dobson, Flanner, Guyther, Houston, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker, Williams and Worth—27.

So the Senate refused to strike out.

Mr. Cowper moved to amend as follows, viz: In section 28th, 6th paragraph and 5th line, strike out "or of any other State or government."

Also, in line 7 and 8, strike out "wherever they may reside." Not agreed to.

Mr. Miller moved to amend as follows, to wit: In section 28th, 6th paragraph, in 7th line, strike out "account." The motion was lost—yeas 8, nays 28.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cherry, Douthitt, Edney, Leach, Miller, Ramsay and Walkup—8.

Those who voted in the negative, are :

Messrs. Bledsoe, Boyd, Brown, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Flanner, Guyther, Houston, Humphrey, Lankford, Martin, McDonald, McKoy, Mills, Person, Pitchford, Pool, Reinhardt, Speight, Steele, Straughan, Ward, Williams and Worth—28.

Mr. Walkup moved to amend as follows, viz: In 28th section, 5th line of 7th paragraph, strike out "four" and insert "five."

Mr. Steele called for a division of the question, which was ordered, and the question being taken thereon, the same was determined in the negative—yeas 9, nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative, are :

Messrs. Bledsoe, Boyd, Douthitt, Edney, Leach, McDonald, McDowell, Miller and Walkup—9.

Those who voted in the negative, are :



Messrs. Battle, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Flanner, Gnyther, Houston, Humphrey, Lankford, Martin, McKoy, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Ward, Whitaker, Williams and Worth—29.

So the Senate refused to strike out.

Mr. Cherry moved to amend as follows, viz: In the 28th section, 7th paragraph, lines 3 and 4, strike out "for capital invested in steam vessels of twenty tons burden and upwards." The amendment was rejected—yeas 6, nays 29.

Mr. Donnell demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Cherry, Dillard, Donnell, Flanner, Pool and Walkup—6.

Those who voted in the negative, are:

Messrs. Boyd, Brown, Cowper, Cunningham, Davis, Dobson, Douthitt, Edney, Gilmore, Guyther, Houston, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Turner, Ward, Whitaker, Williams and Worth—29.

Mr. Steele moved to amend the bill as follows, viz: In 28th section of paragraph 9th, in line 5th, strike out "ten" and insert "one."

Mr. Cunningham called for a division of the question, which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 16, nays 21.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Cherry, Cowper, Davis, Donnell, Flanner, Houston, Humphrey, Martin, McDonald, McDowell, Miller, Mills, Steele, Turner and Worth—16.

Those who voted in the negative, are:

Messrs. Boyd, Brown, Cunningham, Dillard, Dobson, Douthitt, Edney, Gilmore, Guyther, Lankford, Leach, McKoy, Pitchford, Ramsay, Reinhardt, Speight, Straughan, Walkup, Ward, Whitaker and Williams—21.

So the Senate refused to strike out.

Mr. Edney moved to amend the bill as follows, viz: That any person who makes profits by note-shaving shall forfeit the amount made, and it shall be added to, and become a part of, the common school fund of the county in which said shaving takes place. The amendment was rejected.

Mr. Houston moved to amend as follows, viz: "In the 4th line of paragraph 10th, section 28th, strike out "purchases" and insert profits. The amendment was rejected—yeas 9, nays 29.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Basnight, Battle, Boyd, Cherry, Cowper, Cunningham, Houston, Taylor and Turner—9.

Those who voted in the negative, are:

Messrs. Bledsoe, Brown, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gilmore, Guyther, Humphrey, Lankford, Leach, Martin, McDonald, McDowell, Millis, Pitchford, Ramsay, Speight, Steele, Straughan, Walkup, Whitaker, Williams and Worth—27.

Mr. Ramsay moved to strike out the 11th paragraph in the 28th section. Not carried.

Mr. Douthitt moved to amend the bill as follows, viz: In the 28th section, 14th paragraph, in line 3rd, strike out "\$1.50" and insert "one per cent on their entire value." Not agreed to.

Mr. Ramsay moved to amend as follows, viz: In section 28, 15th paragraph in third line, strike out \$1,25, and insert \$5,00. Not agreed to.

Mr. Douthitt moved to add to the 15th paragraph of 28th section as follows, viz: On all gold headed canes \$1,00, and on all silver headed canes 50 cents. The amendment was adopted.

Mr. Cunningham moved to amend said paragraph as follows: after the word "cents" in the third line, insert and every "gong" \$10. Not carried.

Mr. Edney moved to amend said 15th paragraph after the word cents as follows: except such as shall be worn openly and not concealed. Not carried.

Mr. Donnell moved to amend the 16th paragraph as fol-



lows: after the word "Gospel" insert "and the Judges of the Supreme and Superior courts."

The amendment was adopted.

Mr. Houston moved to amend said 16th paragraph as follows, viz: strike out in the third line thereof, the words "Commission Merchants."

Mr. Donnell moved to amend the amendment by striking out the words "factors and produce brokers." The amendment to the amendment was rejected.

And the amendment of Mr. Houston, was disagreed to.

The Senate now took a recess until 3 o'clock, P. M.

—

*Three o'clock, P. M.*

Mr. Edney gave notice that on to-morrow he should move to change the present order for considering the Revenue bill.

Mr. Bledsoe gave notice that on to-morrow he should move to suspend the rule for the consideration of the bill respecting the sale of State bonds.

Mr. Cherry gave notice of a similar motion for taking up the bill concerning the Albemarle and Chesapeake Canal.

Mr. Guyther gave notice that he would make a similar motion for considering the homestead bill.

Mr. Thomas gave notice of his intention to make a similar motion for the consideration of the bill in relation to the western extension.

The Senate now resumed the consideration of the unfinished business of the morning, viz: the bill entitled "Revenue."

Mr. Bledsoe moved to amend the bill as follows, viz: In section 28, paragraph 16, and line 6th, strike out "individuals, salary and wages" in the 8th line, and \$500 in the 9th line, and insert \$1000. Not adopted.

Mr. Cherry moved to reconsider the vote by which was inserted after the word "Gospel," in the 6th line of the 16th paragraph, "judges of the supreme and superior courts." Not carried—yeas 14, nays 16.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Cherry, Davis, Dobson, Douthitt, Gilmore, Guyther, Lankford, McKoy, Mills, Straughan, Speight and Whitaker—14.

Those who voted in the negative, are :

Messrs. Boyd, Cunningham, Dillard, Donnell, Edney, Flanner, Gorrell, Humphrey, Martin, McDonald, McDowell, Reinhardt, Steele, Turner, Walkup and Williams—16.

Mr. Donnell moved to strike out the 17th paragraph of the 28th section, and insert the following substitute, viz :

Every resident of this State who sells spirituons liquors, wines, or cordials, ten per cent. on the amount of his sales, whether made on his own account, or on account of others : *Provided*, When once sold no subsequent seller shall be taxed on his sale.

Mr. Guyther moved to amend the amendment as follows, viz : Strike out "sales" and insert "purchases." Not agreed to.

Mr. Walkup moved to amend the 28th section as follows, viz : Strike out all to the word purchases, in the 4th line of 17th paragraph, and insert the following, viz :

Every resident of this State who sells spirituons liquors, wines or cordials, not made within this State, ten per cent. on the amount of his sales, whether made on his own account or on account of others : *Provided*, When once sold no subsequent seller shall be taxed on his sales.

The amendment to the amendment was rejected, and the amendment of Mr. Donnell disagreed to.

Mr. Humphrey moved to amend the 28th section as follows, viz : In 3rd line of the 17th paragraph strike out "ten" and insert "five."

Mr. Ramsay called for a division of the question ; which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 16, nays 25.

Mr. Cherry demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cherry, Cowper, Cunningham, Davis, Dil-



lard, Donnell, Edney, Gilmore, Guyther, Humphrey, Pool, Turner, Walkup, Ward and Williams—16.

Those who voted in the negative, are :

Messrs. Bledsoe, Boyd, Brown, Dobson, Douthitt, Flanner, Gorrell, Lane, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straghan, Taylor, Whitaker and Worth—25.

So the Senate refused to strike out.

Mr. Ramsay moved to amend paragraph 17, line 3, after the word *sale* insert *except for mechanical or medicinal purposes*. Not agreed to.

Mr. Steele moved to strike out the 18th paragraph. The motion was lost.

Mr. Pool moved to strike out the 36th section.

Mr. Walkup moved to amend said section, by inserting in the 4th line, after the word *house*, the words *subject to taxation*. The amendment was agreed to.

Mr. McDonald moved to amend, by striking out *on the 1st day of July*, in the 2d line of 36th section. Not agreed to.

Mr. Gilmore moved to amend, by striking out in 3rd line, after the word *family*, *or his employment*. Not adopted.

The question now recurred on the motion of Mr. Pool, to strike out the 36th section, and was disagreed to.

Mr. Edney offered the following proviso to the 36th section, viz:

“*Provided*, The free negro is insolvent and cannot pay the capitation tax, that he shall be sold, upon one month’s notice, for said tax.” Not agreed to.

On motion by Mr. Steele, section 42 was amended by inserting the word *time* after the word *same*, in the 12th line.

Mr. Walkup moved an adjournment. Not carried.

In section 83, paragraph 9, Mr. Cherry moved to amend by striking out \$25 and inserting \$10, as the tax on private billiard tables. Not agreed to.

Mr. Person moved to amend as follows, viz: in section 83, paragraph 10, strike out \$10 and insert \$5, as the tax on private bowling alleys. Disagreed to.

On motion by Mr. Turner, the 83rd section, 11th paragraph was amended, by striking out the words *or place*.

Mr. Flanner moved the following amendment, to come in after the words *malt liquors*, in 12th paragraph, line 2nd, section 83, viz: *and every such retailer shall be required to obtain license under the same restrictions as retailers of spirituous liquors in chapter 79 Revised Code*. The amendment was adopted.

Mr. Edney moved to amend the bill as follows, viz: in 83rd section, 20th paragraph, strike out the words *for males*. Not agreed to.

Mr. Miller moved to amend by striking out all after the word "dollars" in second line of the 23rd paragraph, section 83. Not agreed to.

Mr. Edney moved to amend the bill, as follows, viz: In the 83rd section, 5th line of 24th paragraph, after the word "character," insert "which said proof shall be made by resident witnesses touching said character." Not agreed to.

Mr. Ramsay moved to amend the bill as follows, viz: In 83rd section, paragraph 26 and line 2nd, strike out the words "telling fortunes." The amendment was adopted.

Mr. Steele moved to strike out "every" and insert "any," in 2nd line of 27th paragraph, section 83. Agreed to.

On motion by Mr. Turner, the Senate adjourned until to-morrow morning, 10 o'clock—yeas 24, nays 13.

The yeas and nays being demanded,

Those who voted in the affirmative, are:

Messrs. Bledsoe, Cherry, Cowper, Davis, Dobson, Douthitt, Edney, Gilmore, Gorrell, Lankford, Leach, Martin, Miller, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Taylor, Turner, Walkup, Ward and Whitaker—24.

Those who voted in the negative, are:

Messrs. Battle, Boyd, Brown, Cunningham, Donnell, Flanner, Humphrey, Lane, McDowell, Mills, Person, Reinhardt and Thomas—13.



WEDNESDAY, FEBRUARY 9, 1859.

The Speaker laid before the Senate a communication from Charles F. Fisher, asking permission to read the report of the joint select committee on the North Carolina Railroad Company. The same being read,

Mr. Bledsoe introduced the following resolution, viz :

*Resolved*, That Charles F. Fisher be allowed to read the report made by the committee appointed to investigate the affairs of the North Carolina Railroad Company.

Mr. Lankford moved to lay the resolution on the table.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz : the bill entitled " Revenue."

And the question recurring on the passage of the bill on its second reading, the same was determined in the affirmative—yeas 31, nays 13.

Mr. Edney demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Cherry, Cunningham, Dillard, Dobson, Douthitt, Gilmore, Gnyther, Honston, Lane, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward, Whitaker, Williams and Worth—31.

Those who voted in the negative, are :

Messrs. Battle, Cowper, Davis, Donnell, Edney, Flanner, Gorrell, Humphrey, McDonald, Miller, Person, Turner and Walkup—13.

Mr. Bledsoe now asked leave to enter on the Journal his protest against the principles and details of the bill just passed.

The Speaker decided that having recorded his vote in favor of the bill, he had no right to protest against his own act.

Mr. Bledsoe appealed from the decision of the chair, but afterwards withdrew it.

Mr. Bledsoe now asked permission of the Senate to enter his protest on the Journal.

The Senate refused—yeas 8, nays 30.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Boyd, Brown, Dobson, Gilmore, Martin and Miller—8.

Those who voted in negative, are :

Messrs. Battle, Cherry, Cowper, Cunningham, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Gorrell, Houston, Humphrey, Lane, Lankford, Leach, McDonald, McDowell, Person, Pitchford, Ramsay, Speight, Steele, Straughan, Taylor, Turner, Walkup, Ward, Williams and Worth—30.

Mr. Bledsoe now offered a protest against the action of the Senate in refusing to allow him to enter upon the Journal his protest against the principles and details of the revenue bill.

The chair decided that the said protest could not go upon the Journal.

Mr. Bledsoe appealed from the decision of the chair. The question, Shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—yeas 35, nays 3.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Person, Pitchford, Reinhardt, Steele, Straughan, Taylor, Turner, Walkup, Ward, Whitaker, Williams and Worth—35.

Those who voted in the negative, are :

Messrs. Houston, Ramsay and Speight—3.

So the Speaker was sustained.

Mr. Bledsoe now presented a protest against the action of the Senate in sustaining the chair in its decision against his right to enter his protest on the Journal.

Mr. Houston moved that the same be laid on the table. Not agreed to—yeas 13, nays 25.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Brown, Dobson, Houston, Lankford,



Martin, Mills, Speight, Steele, Straughan, Taylor, Ward, and Whitaker—13.

Those who voted in the negative, are:

Messrs. Battle, Bledsoe, Cherry, Cowper, Cunningham, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Leach, McDonald, McDowell, Miller, Person, Reinhardt, Turner, Walkup, Williams and Worth—25.

The question now recurred on the right of Mr. Bledsoe to enter his protest on the journal, and was decided in the negative—yeas 12, nays 27.

Mr. Ashe demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bledsoe, Brown, Gilmore, Houston, Martin, McKoy, Reinhardt, Speight, Taylor, Ward and Williams—12.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, Leach, McDonald, Mills, Person, Ramsay, Straughan, Turner, Walkup, Whitaker and Worth—27.

Mr. Houston moved to rescind the present order for considering the revenue bill, and that hereafter said bill be made the special order for each and every day from 11 o'clock, A. M., until 2 o'clock, P. M., until the same is finally disposed of. The motion was agreed to.

On motion by Mr. Brown, the Senate now proceeded to consider the report of the joint select committee on the North-Carolina Railroad Company.

Whereupon, on motion by Mr. Humphrey, ordered, that said report be transmitted to the House of Commons with a proposition to print the same.

The bill to authorise a subscription to the capital stock of the Chesapeake and Albemarle Canal Company, was read the second time. Pending the consideration of the same,

The Senate took a recess until 3 o'clock, P. M.

*Three o'clock, P. M.*

On motion by Mr. Walkup, leave of absence was granted to Mr. Davidson from and after Saturday next for the residue of the session.

The Senate now resumed the consideration of the unfinished business of the morning, viz :

The bill to authorize a subscription to the capital stock of the Chesapeake and Albemarle Canal Company. The question being on the adoption of the amendment proposed to the bill, the amendment was rejected.

Mr. Cherry now moved to strike out all after the enacting clause and insert an amendment offered by him as a substitute in lieu of the original bill. The substitute was adopted.

The question now recurred on the passage of the bill on its second reading as amended, and was determined in the affirmative—yeas 19, nays 17.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Cherry, Dillard, Flanner, Gilmore, Guyther, Houston, McDonald, Miller, Mills, Person, Ramsay, Speight, Straughan, Thomas, Whitaker, Williams and Worth.—19.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Brown, Cunningham, Donnell, Dobson, Douthitt, Edney Lane, Lankford, Leach, McDowell, McKoy, Pitchford, Reinhardt, Taylor and Ward.—17.

The bill to alter and amend the 114th chapter of the Revised Code, entitled "usury," was read the second time, amendments agreed to, and rejected—yeas 18, nays 23.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Brown, Cunningham, Houston, Lankford, Leach, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Thomas, Ward, Whitaker and Williams—18.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Bledsoe, Boyd, Cherry, Cowper, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner,



Gorrell, Guyther, Lane, Martin, McDonald, Miller, Ramsay, Straughan, Walkup and Worth.—23.

Mr. Pitchford gave notice that he should move, on to-morrow, to suspend the rule to take up the bill concerning the insane asylum.

The bill to incorporate the Black Mountain Turnpike Company was read the second time and passed.

The bill entitled a bill to amend chapter 78, of the Revised Code, entitled "official bonds," and for other purposes, was read the second time and rejected.

The bill to authorize Thomas T. Patton to establish a turnpike road in the counties of Buncombe and Yancey was read the second time.

Mr. Turner moved to strike out "black mountain" and insert "Mount Mitchell."

The amendment was rejected—yeas 8, nays 31.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Davis, Donnell, Flanner, McDonald, Miller, Turner, Walkup and Worth—8.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Boyd, Brown, Cowper, Cunningham, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Lane, Lankford, Leach, Martin, McDowell, McKoy, Mills, Pitchford, Ramsay, Reinhardt, Speight, Straughan, Steele, Taylor, Thomas, Ward, Whitaker and Williams—31.

The bill now passed its second reading.

Mr. Straughan gave notice that on to-morrow he should move to suspend the rule to take up the Deep river bill.

The bill to amend the charter of the Sulphur Springs and Paint Rock Turnpike Company, was read the second time and passed.

The bill to amend chapter 86 of the Revised Code, entitled "Poor," was read the second time and rejected.

Mr. Miller gave notice that on to-morrow he should move to suspend the rule to take up the bill giving to the superior courts jurisdiction of certain offences, &c., in Burke county.

The bill to amend the 115th chapter of the Revised Code,

entitled "Vice and Immorality," was read the second time, and, on motion by Mr. Mills, indefinitely postponed—yeas 27, nays 13.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Boyd, Brown, Cherry, Cunningham, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Lane, Lankford, Martin, McKoy, Mills, Pitchford, Speight, Taylor, Thomas, Turner, Walkup, Whitaker and Worth—27.

Those who voted in the negative, are :

Messrs. Bledsoe, Douthitt, Gorrell, Houston, Leach, McDonald, McDowell, Miller, Ramsay, Reinhardt, Straughan, Steele and Ward—13.

Mr. Cherry gave notice that on to-morrow he should move a suspension of the rule to consider the bill authorising a subscription to the capital stock of the Chesapeake & Albemarle Canal Company.

Mr. Thomas gave notice of a similar motion in relation to taking up the bill concerning the Western Extension.

The following bills were severally read the 2nd time and passed, viz :

The bill to amend the charter of the Rich Mountain turnpike ;

The bill to amend an act incorporating the Yanceyville Plankroad Company ;

The bill to prevent the felling of timber in the waters of Second, Third, Fourth and Withers' creeks in the county of Rowan ; and

The bill to establish a turnpike road in the counties of Henderson and Polk.

The bill concerning common schools was read the second time, and the amendments reported by the committee agreed to.

Mr. Houston moved to strike out the 6th section of the bill. Not agreed to.

The bill now passed its second reading as amended.

The bill to secure bridges from damages from vessels and



other craft was read the second time, amended on motion by Mr. Donnell, and passed its second reading as amended.

The bill concerning the custody of minor children, in certain cases, was read the second time and passed.

The bill to authorize E. C. Grier, sheriff of Mecklenburg county, to collect arrears of taxes for 1854-'55, was read the second time, the amendments reported by the committee agreed to, and the bill passed its second reading as amended.

The bill to enable William Pollock, late sheriff of Jones county, to collect arrears of taxes, was read the second time and passed.

The bill to amend the 7th clause of the 23rd section of chapter 34, entitled "Revenue," passed by the General Assembly of 1856-'57, was read the second time, and, on motion, ordered to be laid on the table.

The bill to lay off and improve a road from Elkin factory to Enoch Vannoy's mill, in Wilkes county, was read the second time and passed.

The bill for the management of insolvent estates was read the second time and rejected—yeas 11, nays 23.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cherry, Cunningham, Davis, Dillard, Douthitt, Lane, Leach, Martin, Mills, Person and Ward.—11.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Boyd, Dobson, Donnell, Edney, Flanner, Gorrell, Guyther, Houston, Lankford, McDonald, McKoy, Miller, Ramsay, Reinhardt, Speight, Steele, Taylor, Turner, Whitaker, Williams, and Worth.—23.

Mr. Ramsay gave notice that on to-morrow he should move to suspend the rule to consider the bill to establish a bank at Salisbury.

The bill to legitimate and alter the name of James W. Boon, of Northampton county, was read the second time, and, on motion, ordered to be laid on the table.

The bill to empower the courts of Northampton county to alter the name of certain children, was taken up, and, on motion, laid on the table.

The bill to amend an act entitled an act to incorporate the Greenville & Raleigh Plankroad Company, was taken up, and, on motion by Mr. McKoy, ordered to be laid on the table.

The bill to establish an election precinct at Green Plains, in the county of Northampton, was read the second time and passed—yeas 19, nays 14.

Mr. Donnell demanded the yeas and nays.

Those who voted in the affirmative are :

Messrs. Basnight, Battle, Bledsoe, Cowper, Cunningham, Dillard, Dobson, Douthitt, Guyther, Houston, Lane, Lankford, Martin, McKoy, Mills, Person, Taylor, Ward and Williams—19.

Those who voted in the negative are :

Messrs. Davis, Donnell, Edney, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup, Whitaker and Worth—14.

The bill authorizing the president and directors of the literary fund to appoint an agent to supervise the swamp lands belonging to said fund, was read the second time and passed.

The bill to change the time of holding the courts of pleas and quarter sessions for Forsythe county, was read the second time and passed.

On motion by Mr. Steele, the Senate adjourned until tomorrow morning 10 o'clock.

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#### THURSDAY, FEBRUARY 10, 1859.

Mr. Houston, from the joint select committee to which was referred a memorial concerning the erection of a monument in Philadelphia Square, commemorative of the signers of the declaration of independence, made a report thereon accompanied by a bill to aid in the construction of the independence monument at Philadelphia; which was read the first time and passed.

On motion by Mr. Ashe, ordered, that said bill and report be printed.



Mr. Turner, from the committee on constitutional reform, to which was referred the memorial of certain Jewish citizens of Mecklenburg county, reported the same back to the Senate and asked to be discharged from its further consideration. Discharged accordingly.

Mr. Turner, from the joint select committee on the Wilmington, Charlotte and Rutherford Railroad Company, made a report thereon.

Mr. Turner introduced the following resolutions, viz :

*Resolved*, That while the United States would in no event consent to the transfer of the island of Cuba from Spain to any other European power ; and while by reasonable negotiation with the consent of Spain, it would be desirable to acquire it ; its acquisition by force, except in the event of a just war, would be disgraceful to the civilization of the present age.

*Resolved*, That it would create a dangerous precedent to place thirty millions of dollars, or any other large amount of money at the disposal of the President of the United States, under pretence of negotiating for the purchase of said island, when it is well known that any such negotiation is declined by Spain as offensive to her national rights and integrity ; and that it is especially inexpedient to appropriate moneys for this alleged object, when the revenues are greatly inadequate to the common and constant demands on the treasury, and large additions have been, and are likely to be made to the public debt from the deficiency of the revenue in a time of profound peace.

Mr. Martin moved that said resolutions be laid on the table. The motion prevailed—yeas 28, nays 15.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cherry, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker, and Williams.—28.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Davis, Donnell, Douthitt, Flanner,

Gorrell, Leach, McDonald, Miller, Ramsay, Straughan, Turner, Walkup and Worth—15.

On motion by Mr. Ramsay,

*Ordered*, That a message be sent to the House of Commons proposing to raise a joint select committee of two on the part of the Senate and three on the part of the House to examine the business before the General Assembly and report the condition of the same, and indicate on what day the General Assembly can adjourn without detriment to the public interests.

Mr. Steele introduced the following resolution, viz :

*Resolved*, That from and after Tuesday the Senate will meet at 9½ o'clock, A. M., and take a recess from 3, P. M., until 7, P. M.

Mr. Houston moved to lay the resolution on the table.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz :

The bill entitled "Revenue."

Said bill being on its third reading,

Mr. Douthitt moved to amend the bill as follows, viz : In 28th section, 1st paragraph, strike out "20" and insert "18."

Mr. Gorrell moved to amend the amendment by striking out "18" and inserting "15."

Mr. Steele called for a division of the question ; which was ordered—yeas 35, nays 7.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Dillard, Dobson, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Miller, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Taylor, Thomas, Turner, Ward, Whitaker and Williams—35.

Those who voted in the negative, are :

Messrs. Davis, Donnell, Douthitt, McDonald, Straughan, Walkup and Worth—7.

The question now recurred on striking out, and was determined in the negative—yeas 18, nays 23.



Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Blount, Boyd, Davis, Donnell, Douthitt, Edney, Gorrell, Leach, Martin, McDonald, Miller, Mills, Ramsay, Straughan, Turner, Walkup and Worth—18.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Brown, Cherry, Cowper, Cunningham, Dillard, Dobson, Flanner, Guyther, Humphrey, Lane, Lankford, McKoy, Person, Pitchford, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker and Williams—23.

Mr. Blount moved to amend as follows, viz: In section 28, paragraph 2d, strike out "80" and insert "70."

Mr. Donnell moved to amend the amendment by striking out "70" and inserting "66."

Mr. Steele, called for a division of the question, which was ordered, and the question being taken on striking out, the same was determined in the negative—yeas 18, nays 23.

Mr. Donnell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Blount, Boyd, Cherry, Cunningham, Davis, Donnell, Edney, Flanner, Gorrell, Guyther, Humphrey, Martin, McDonald, Person, Straughan and Turner—18.

Those who voted in the negative, are :

Messrs. Ashe, Brown, Cowper, Dillard, Dobson, Douthitt, Lane, Lankford, Leach, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight Steele, Taylor, Walkup, Ward, Whitaker, Williams and Worth—23.

Mr. Taylor moved to amend by striking out so much as relates to race tracks and cockpits. The amendment was agreed to—yeas 22, nays 17.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Boyd, Cherry, Cowper, Cunningham, Dobson, Edney, Flanner, Guyther, Humphrey, McKoy, Miller, Pitchford, Speight, Steele, Taylor, Thomas, Turner, Whitaker and Williams—22.

Those who voted in the negative, are :

Messrs. Blount, Davis, Donnell, Douthitt, Gorrell, Lane, Lankford, Leach, Martin, McDonald, Mills, Ramsay, Reinhardt, Straughan, Walkup, Ward and Worth—17.

Mr. Walkup moved to amend as follows, viz: In section 28, paragraph 6, in line 8, strike out "four" and insert "five."

Mr. Steele called for a division of the question, which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 10, nays 28.

Those who voted in the affirmative, are:

Messrs. Blount, Boyd, Davis, Donnell, Edney, Gorrell, McDonald, Straughan, Turner and Walkup—10.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Brown, Cherry, Cowper, Cunningham, Dillard, Dobson, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Mills, Person, Pitchford, Ramsay, Speight, Steele, Taylor, Ward, Whitaker, Williams and Worth—28.

Mr. Walkup moved to strike out "four" and insert "five," in section 28 and paragraph 7.

Mr. Steele called for a division of the question, which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 11, nays 26.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Boyd, Davis, Donnell, Edney, Gorrell, McDonald, Miller, Straughan, Turner and Walkup—11.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Brown, Cherry, Cowper, Cunningham, Dillard, Dobson, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Pitchford, Ramsay, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker, Williams and Worth—26.

Mr. Cherry moved to strike out the word "ten" in section 28, paragraph 9th, line 5th. Not adopted.

Mr. Ramsay moved to amend as follows: In the 3rd line of the 14th paragraph of section 28, strike out \$2.50 and insert \$1.50. Not agreed to.

Mr. Cherry moved to strike out the tax on gold-headed



canes and silver-headed canes in paragraph 15th. Not agreed to.

Mr. Lane moved to strike out the 15th paragraph. Not agreed to—yeas 3, nays 30.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Brown, Lane and Whitaker—3.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Boyd, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Guyther, Lankford, Leach, Martin, McKoy, Miller, Mills, Person, Ramsay, Reinhardt, Speight, Straughan, Taylor, Turner, Walkup, Ward, Williams and Worth—30.

Mr. Bledsoe moved to strike out the 16th paragraph of the 28th section. Not agreed to—yeas 4, nays 30.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Bledsoe, Edney, Lane, and Leach.—4.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Flanner, Gorrell, Guyther, Humphrey, Lankford, Martin, McDonald, McKoy, Miller, Ramsay, Reinhardt, Speight, Straughan, Taylor, Ward, Whitaker and Williams—30.

Mr. Ward moved to amend the 17th paragraph of the 28th section, as follows, viz: Strike out "ten" and insert "five."

Mr. Humphrey moved to strike out the 17th section.

Mr. Ashe called for a division of the question, and the question being taken on striking out, the same was determined in the negative—yeas 6, nays 28.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Cherry, Humphrey, Taylor, Turner, and Williams.—6.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Blount, Boyd, Cowper, Cunningham, Davis, Dillard, Dobson, Edney, Flanner, Gorrell, Guyther, Lane, Lankford, Leach, Martin, McKoy, Miller, Person,

Ramsay, Reinhardt, Speight, Steele, Straughan, Walkup, Ward and Whitaker.—28.

Mr. Edney moved to amend as follows, viz: in line 3d, 17th paragraph and 28th section, before the word *ten* add *twice*.

The Speaker decided the motion to be not in order, as the Senate had, by a vote just taken, refused to strike out said 17th paragraph.

Mr. Edney appealed, and the question, Shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—yeas 34, nays 2.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Mills, Person, Pitchford, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth.—34.

Those who voted in the negative, are:

Messrs. Edney and Turner.—2.

So the Speaker was sustained.

The consideration of the bill was now temporarily suspended, to receive a message from the House of Commons, concurring in the proposition of the Senate to raise a joint committee of two on the part of the Senate, and three on the part of the House, to examine the business before the General Assembly and report the condition of the same, and indicate on what day the General Assembly can adjourn; and informing that the House branch of said committee consists of Messrs. Fries, Smith, and Moore of Chatham; whereupon, Messrs. Cowper and McKoy were appointed the committee on behalf of the Senate.

A message was also received from the House of Commons, transmitting a minority report upon the North-Carolina railroad, and asking that the same be printed with the report on said road ordered to be printed by the two Houses on yesterday. Concurred in, and the Commons informed thereof.

Also, a message informing that the House of Commons



has passed the engrossed resolutions providing for a commission to examine into the management and prospects of the Atlantic & North-Carolina Railroad Company, with a proposition to print the same with the accompanying report. The proposition was concurred in, and the Commons informed thereof by message.

Also, a message from the House of Commons proposing to go into the election of ten trustees of the University to-morrow, at 11 o'clock.

Mr. Lane moved to lay the message on the table. Not agreed to—yeas 17, nays 24.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cherry, Cowper, Edney, Guyther, Humphrey, Lane, Leach, Miller, Mills, Person, Ramsay, Steele, Straughan, Turner, Walkup, Ward and Whitaker—17.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Flanner, Gorrell, Lankford, Martin, McDonald, McKoy, Pitchford, Reinhardt, Taylor, Williams and Worth—24.

The question was now taken on concurring in the proposition from the House of Commons, and was determined in the negative—yeas 14, nays 26.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Bledsoe, Brown, Cunningham, Dillard, Dobson, Donnell, Douthitt, Lankford, Martin, Pitchford, Reinhardt and Taylor—14.

Those who voted in the negative, are :

Messrs. Blount, Boyd, Cherry, Cowper, Davis, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Leach, McDonald, Miller, Mills, Person, Ramsay, Speight, Steele, Straughan, Turner, Walkup, Ward, Whitaker, Williams and Worth—26.

The Senate now resumed the consideration of the bill entitled "Revenue."

Mr. Guyther moved to amend the bill as follows, viz: In the 83rd section, first line of the 24th paragraph, insert after

word "merchandise," "by land or water." The amendment was adopted.

Mr. Worth moved to amend further as follows, viz: In the 83rd section, 25th paragraph, line 2nd, strike out "or who sells riding vehicles." The amendment was adopted,

The Senate now took a recess until 3 o'clock, P. M.

—

*Three o'clock, P. M.*

Mr. Boyd gave notice that on to-morrow he should move to suspend the rule to consider the bill concerning the Rockingham Coalfields Railroad.

The bill concerning sheriffs, was read the second time and rejected.

The bill to amend the act of 1848-'49, chapter 146, relating to fishing in Pamlico and Tar Rivers, was read the second time and rejected.

The bill to discontinue the Morganton term of the Supreme court, was read the second time and rejected.

The bill to open the Catawba river for the free passage of fish, was read the second time.

Mr. Turner moved to amend the same by striking out the word "dam" wherever it occurs. Not agreed to, and the bill passed its second reading.

The resolution in favor of H. N. Brittain, of Haywood county, was read the second time and passed.

On motion by Mr. Bledsoe, the bill for the protection of the interests of the State of North-Carolina in the Cape Fear and Deep River Navigation Company, &c., was now taken up and made the special order for to-morrow at 3½ o'clock.

The bill to enlarge and improve the buildings of the Deaf and Dumb and Blind Asylum, was read the second time.

Mr Leach moved to amend the bill as follows, viz: In 2d section 1st line, strike out "twenty" and insert "ten." Agreed to.

Mr. Ramsay moved further to amend as follows, viz: Strike out "twelve" and insert "ten." Agreed to.



The bill now passed its second reading as amended—yeas 24, nays 18.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Cherry, Cowper, Davis, Donnell, Douthitt, Edney, Flanner, Humphrey, Lane, Leach, McDonald, McDowell, McKoy, Person, Pitchford, Ramsay, Speight, Thomas, Turner, Ward, Whitaker and Worth—24.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Boyd, Brown, Cunningham, Dillard, Dobson, Guyther, Houston, Lankford, Martin, Mills, Miller, Steele, Straughan, Taylor and Williams—18.

The bill providing for the election of clerks and masters in equity by the people, was read the second time.

Mr. Cherry moved to lay the bill on the table. Not carried—yeas 16, nays 23.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cherry, Cowper, Donnell, Edney, Flanner, Gorrell, Humphrey, McDonald, McDowell, Speight, Steele, Taylor, Turner, Walkup, Whitaker and Worth—16.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Guyther, Houston, Lane, Lankford, Martin, Miller, Mills, Person, Ramsay, Ward and Williams—23.

Mr. Donnell moved the following amendments, to come in at the end of 6th section, viz : “ And when it shall happen that the office of county solicitor, in any county in this State, at any other time than the first term of the county court, which shall happen after any election for county solicitors, the county court of the county in which such vacancy shall occur shall fill said vacancy by appointment until the next regular election.”

Add “ county solicitor ” after clerk and master in equity wherever it shall occur, except in 6th and 7th sections.

Strike out “ office ” and insert “ officers ” wherever it occurs in the bill.

The amendment was adopted—yeas 23, nays 17.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Blount, Cherry, Cowper, Cunningham, Dillard, Donnell, Douthitt, Edney, Flanner, Gorrell, Humphrey, Leach, McDonald, Person, Ramsay, Straughan, Taylor, Turner, Walkup, Whitaker, Williams and Worth—23.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Boyd, Brown, Davis, Dobson, Guyther, Houston, Lane, Lankford, Martin, McDowell, Miller, Pitchford, Speight, Steele and Ward—17.

Mr. Turner moved to amend as follows, viz: "And also to elect Wardens of the Poor."

Mr. Ashe moved to lay the bill and amendment on the table. The motion prevailed—yeas 22, nays 21.

Mr. Brown demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Dobson, Donnell, Edney, Flanner, Gorrell, Humphrey, Lane, Leach, McDonald, McDowell, McKoy, Mills, Person, Pitchford, Speight, Steele, Taylor, Walkup, Ward, Whitaker and Worth—22.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cherry, Cowper, Cunningham, Davis, Dillard, Douthitt, Guyther, Houston, Lankford, Martin, Miller, Ramsay, Straughan, Turner and Williams—21.

Mr. Cherry gave notice that on to morrow he would move to take up the bill concerning the Chesapeake & Albemarle Canal Company.

Mr. Ramsay, that he should move to take up the Salisbury bank bill.

Mr. Gorrell, that he should move to consider the bill concerning the Farmer's Bank.

Mr. Houston moved that the report of the committee on the judiciary concerning the Cherokee Indians be printed.

Mr. Turner moved, as an amendment, that the bill concerning a convention be also printed.



The amendment of Mr. Turner was adopted ; and the motion of Mr. Houston, as amended, agreed to.

Mr. Walkup moved that the Senate do now adjourn until to-morrow morning 10 o'clock. Not agreed to—yeas 7, nays 28.

Mr. Donnell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Pitchford, Ramsay, Steele, Taylor, Walkup, Whitaker and Worth—7.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Blount, Boyd, Brown, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flauner, Guyther, Houston, Lane, Lankford, Leach, McDonald, McDowell, Miller, Mills, Person, Reinhardt, Straughan, Turner and Ward—28.

Mr. Leach gave notice that on to-morrow he should move a suspension of the rule to take up the bill to incorporate the medical society of North-Carolina, and for other purposes.

The bill concerning the Wilmington & Weldon Railroad Company, was read the second time and passed.

The bill to amend an act authorizing the making a turnpike road in the county of Henderson, was read the second time and passed.

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

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#### FRIDAY, FEBRUARY 11, 1859.

Mr. Lane, from the committee on propositions and grievances, reported favorably the bill to provide for the removal of the county site of Watauga.

Mr. Whitaker introduced a bill to amend an act of incorporation obtained by the Roanoke literary society under the provision of the Revised Code, chapter 26 ; which was read the first time and passed.

Mr. Donnell, a bill concerning the appointment of receiv-

ers by courts of equity; which was read the first time and passed.

Mr. Turner, a bill concerning State bonds; which was read the first time and passed.

A message was received from the House of Commons, stating that it has passed the following engrossed bills and resolutions, in which it asks the concurrence of the Senate, viz :

A bill to provide for limited partnerships ;

A bill to construct a railroad from Warsaw to Kenansville, in Duplin county ;

A bill concerning public mills ;

A resolution in favor of John H. Jones, of Cherokee county ;

A bill concerning land marks ;

A bill to incorporate the town of Gold Hill ;

A resolution requiring the secretary of state to have printed and distributed copies of the act entitled " Revenue ; and

A resolution in favor of Paul Froneburger ; which were severally read the first time and passed ;

A resolution in favor of Martha Spears ; which was read the first time and passed, and referred to the committee on claims ;

A bill to alter the lines between Burke and Caldwell counties ; which was read the first time and passed ;

A bill for the encouragement of the Fayetteville Light Infantry Company ; which was read the first time and passed ;

A bill to authorize the county courts of Anson, Union and Richmond counties to require a bond from the sheriffs ; which was read the first time and passed ; and

A resolution in favor of Esley Staley, sheriff of Wilkes county ; which was read the first time and passed, and on motion, referred to the committee on claims ;

A bill to authorize and require the county courts of certain counties to tax articles of property, not now authorized to be taxed for county purposes ; which was read the first time and passed.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill and



resolutions, in which it asks the concurrence of that body, viz :

A bill to repeal an act entitled an act to lay off and establish a public road in the counties of Davie and Davidson, and to establish a public ferry across the Yadkin river ; and,

Resolutions in regard to a dredge boat on New River.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz : the bill entitled " Revenue."

Mr. Lane moved to amend the bill, as follows, viz : In 88th section, 24th paragraph in 16th and 17th lines, strike out " horses and mules."

Mr. Houston moved to amend the amendment of Mr. Lane, as follows : In the 24th paragraph of the 83rd section, after the word " manufacture," strike out " except horses, mules, spirituous liquors or cordials and riding vehicles, which are not exempt." The amendment of Mr. Houston to the amendment of Mr. Lane was adopted.

Mr. Ramsay moved to amend said 24th paragraph in the 16th line, by inserting " religious books printed in other States." Not carried.

Mr. Martin moved to amend, as follows, viz : In 83rd section, 25th paragraph, in 2nd and 3rd lines, strike out " or who sells spirituous liquors, wines or cordials in quantities from one quart to one barrel."

Mr. Ward moved to amend the amendment, as follows, viz : strike out " barrel" and insert " gallon."

Mr. Turner called for a division of the question, which was ordered, and the question being taken on striking out, the same was determined in the negative—yeas 16, nays 26.

Those who voted in the affirmative, are :

Messrs. Battle, Boyd, Cherry, Davis, Dillard, Dobson, Douthitt, Gnyther, Houston, Martin, McDowell, Miller, Mills, Turner, Ward, and Williams—16.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Bledsoe, Blount, Brown, Carmichael, Cowper, Cunningham, Donnell, Edney, Flanner, Humphrey, Lane, Lankford, Leach, McDonald, McKoy, Per-

son, Pitchford, Ramsay, Speight, Steele, Straughan, Taylor, Walkup, and Whitaker—26.

So the Senate refused to strike out.

Mr. Martin now moved to amend by adding the following to the 25th paragraph, after the word "licence," in the 5th line thereof, viz: "*Provided*, That any person shall be permitted to sell any spirituous liquors, wines or cordials made from the products of his own farm, without paying the tax aforesaid." The amendment was adopted—yeas 31, nays 11.

Mr. Humphrey demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cherry, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Gorrell, Guyther, Houston, Lane, Martin, McDowell, Miller, Mills, Person, Ramsay, Steele, Straughan, Taylor, Ward, Williams and Worth—31.

Those who voted in the negative, are:

Messrs. Cowper, Donnell, Flanner, Humphrey, Lankford, Leach, McDonald, McKoy, Pitchford, Speight, and Whitaker—11.

On motion by Mr. Leach, the 83rd section was amended by adding the following to the 27th paragraph, viz: "The sheriff or deputy to return said tax on oath."

Mr. Straughan moved to amend section 94th by striking out the 9th paragraph thereof.

The result of the vote on this motion was—yeas 20, nays 20.

The yeas and nays being demanded,

Those who voted in the affirmative, are:

Messrs. Basnight, Battle, Carmichael, Cunningham, Davis, Dillard, Douthitt, Edney, Gorrell, Humphrey, Lane, McDowell, Miller, Person, Ramsay, Steele, Straughan, Taylor, Turner and Williams—20.

Those who voted in the negative, are:

Messrs. Ashe, Blount, Boyd, Brown, Cowper, Dobson, Donnell, Flanner, Guyther, Houston, Lankford, Leach, Martin, McDonald, McKoy, Pitchford, Reinhardt, Speight, Ward and Whitaker—20.



There being a tie, the Speaker voted in the negative, and the motion was lost.

Mr. Cowper moved the following as an additional paragraph to section 94, viz:

“In each case in any court of equity, or in law in which pleas are entered, or in which it is necessary to summon a jury, and against each defendant in an indictment, who is convicted, submits, or pleads guilty, *one dollar* shall be taxed and collected as other costs; and when a cause is taken to another court by appeal, or otherwise, a like sum shall be taxed and collected for each court to which it is taken. The clerk of the court that makes a final disposition of the case, shall receive the tax for the several courts. The clerk of the supreme court shall pay the tax collected by him to the treasurer, in the same manner and under the same regulations prescribed for the tax collected on attorney’s license; other clerks shall account for, and pay this tax as directed in the next section.”

The amendment was rejected—yeas 7, nays 34.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Carmichael, Cowper, Leach, McDowell, Speight, Taylor and Thomas—7.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cherry, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, Miller, Person, Pitchford, Ramsay, Steele, Straughan, Turner, Ward, Whitaker and Williams—34.

Mr. Ashe moved to reconsider the vote by which the Senate refused to strike out the 5th paragraph in the 94th section. The motion prevailed.

Mr. McDowell moved to amend the 5th paragraph by striking out in the 1st line “every marriage license one dollar.”

Mr. Turner moved to amend the amendment as follows, viz: Strike out the whole of the 5th paragraph. The Senate agreed to strike out.

Mr. Bledsoe moved to add the following as paragraph 6:

*Be it further enacted,* That it shall be the duty of the president and directors of each of the railroads, navigation and turnpike companies in this State to reserve and pay to the public treasurer, on or before the 1st day of October in each and every year, one per cent. upon their total receipts, to be paid by him to the order of the commissioners of the sinking fund; and if the president and directors of any railroad, navigation or turnpike company shall fail or refuse to reserve and pay over to the public treasurer the amount above named, the company so failing shall forfeit and pay double that sum, and it shall be the duty of the attorney general to take such legal steps as may be necessary to enforce the provisions of this section.

The amendment was rejected—yeas 8, nays 32.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Dillard, Humphrey, McDonald, Turner, Whitaker and Williams—8.

Those who voted in the negative, are :

Messrs. Basnight, Blount, Boyd, Brown, Carmichael, Cowper, Cunningham, Davis, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Lane, Lankford, Leach, Martin, McDowell, McKoy, Miller, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas and Ward—32.

On motion of Mr. Ashe the following amendment was adopted, viz :

That any foreign broker or brokers not a resident of the State shall pay to the cashier of the bank from which he draws any exchange or specie, one-quarter per cent. on all such sums drawn, to be accounted for to the state treasurer by the said cashier on oath.

Mr. Donnell offered the following as a substitute for the 115th section; which was adopted, viz :

All laws imposing taxes, the subjects of which are revised in this act, or imposing taxes upon subjects other than those revised in this act, are hereby repealed: *Provided,* That this repeal shall not be construed to extend to the taxes listed, or



which ought to have been listed, or which may be due for the year 1858, or for any year previous thereto.

The Senate now took a recess until 3 o'clock, P. M.

—  
*Three o'clock, P. M.*

The hour of 3½ o'clock having now arrived, the Speaker announced the special order, viz: the bill for the protection of the interest of the State of North-Carolina, in the Cape Fear and Deep River Navigation Company, or for the surrender of said interest.

The question being on the adoption of the substitute, offered by Mr. Gorrell,

Mr. Gorrell moved to amend the substitute as follows, strike out "one hundred thousand dollars" and insert "fifty thousand dollars." Not agreed to.

The question now recurred on the adoption of the substitute of Mr. Gorrell; the same was rejected—yeas 7, nays 28.

Mr. Gorrell, demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Carmichael, Cherry, Gorrell, McDonald, Miller, Ramsay and Walkup—7.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Blount, Brown, Cunningham, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, Mills, Pitchford, Pool, Speight, Straughan, Taylor, Turner, Williams and Worth—28.

The question now recurred on the amendment reported by the committee of the whole, (being Mr. Pool's bill as amended) the same was rejected—yeas 16, nays 21.

Mr. Basnight demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Blount, Cherry, Edney, Gorrell, Humphrey, Lane, Lankford, McDonald, McDowell, Pool, Ramsay, Speight, Straughan, Walkup and Worth—16.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Brown, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Flanner, Guyther, Leach, Martin, McKoy, Miller, Milis, Pitchford, Turner and Williams—21.

In the above vote Mr. Bledsoe paired off with Mr. Gilmore.

The question now being on the passage of the bill introduced by Mr. Houston,

Mr. Ashe offered a substitute for the same.

On motion by Mr. McDowell, said substitute was amended as follows, viz: In 23d line, first section, after the word "commissions" add "provided the said expenditure for completing the work shall not exceed \$50,000 a year, and that shall continue only two years from the ratification of this act, unless renewed by the next Legislature."

The question now recurred on the adoption of the substitute of Mr. Ashe, as amended, and was determined in the affirmative—yeas 24, nays 17.

Those who voted in the affirmative, are:

Messrs. Ashe, Blount, Brown, Carmichael, Cherry, Cunningham, Donnell, Edney, Flanner, Gorrell, Houston, Humphrey, Lane, Lankford, McDonald, McDowell, Mills, Pool, Ramsay, Speight, Straughan, Thomas, Whitaker and Worth.—24.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Cowper, Davis, Dillard, Dobson, Douthitt, Guyther, Leach, Martin, McKoy, Miller, Pitchford, Taylor, Turner, Walkup and Williams—17.

The question now recurred on the passage of the bill on its second reading as amended, and was determined in the negative—yeas 15, nays 24.

Those who voted in the affirmative, are:

Messrs. Ashe, Cherry, Edney, Houston, McDonald, McDowell, Mills, Pool, Ramsay, Speight, Straughan, Thomas, Walkup, Whitaker and Worth—15.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Blount, Brown, Carmichael, Cowper, Davis, Dillard, Dobson, Donnell, Douthitt, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Miller, Pitchford, Taylor, Turner and Williams—24.



Messrs. Bledsoe and Cunningham having paired off, did not vote.

Mr. Carmichael now moved to reconsider the vote just taken by which the bill was rejected.

Mr. Basnight moved to lay the motion to reconsider on the table. Not agreed to—yeas 8, nays 35.

Mr. Guyther demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Cunningham, Dillard, Douthitt, Guyther, Martin, and Williams—8.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Brown, Carmichael, Cherry, Davis, Dobson, Donnell, Edney, Flanner, Gorrell, Houston, Humphrey, Lane, McDonald, McDowell, Miller, Mills, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Williams and Worth—35.

The motion to reconsider was now agreed to.

Mr. Ashe now moved a substitute for the bill, providing for the protection of the interests of the State.

Mr. Pitchford offered an amendment as a substitute for the amendment proposed by Mr. Ashe.

Mr. Leach moved the following amendment as a proviso to the substitute offered by Mr. Pitchford, viz: "*Provided moreover*, That a committee be appointed by the Governor to credit and allow such claims as may be presented for payment." Not agreed to.

The amendment of Mr. Pitchford, offered as an amendment to the substitute of Mr. Ashe, was agreed to, and the substitute adopted as amended.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the affirmative—yeas 23, nays 16.

Those who voted in the affirmative, are :

Messrs. Ashe, Brown, Carmichael, Cherry, Davis, Edney, Gorrell, Houston, Humphrey, Lane, Leach, McDonald, McDowell, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Thomas, Walkup, Whitaker and Worth.—23.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Cowper, Cunningham, Dillard, Dobson, Donnell, Douthitt, Guyther, Lankford, Martin, McKoy, Taylor, Turner and Williams.—16.

Mr. Houston moved that said bill be made the special order of the day for Monday next, at 11 o'clock.

On motion of Mr. Cherry, the Senate now took up the bill to authorize a subscription to the capital stock of the Chesapeake & Albemarle Canal Company; which was read the third time and passed—yeas 22, nays 20.

Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Carmichael, Cherry, Cowper, Davis, Dillard, Flanner, Guyther, Houston, McDonald, Miller, Person, Pool, Ramsay, Speight, Steele, Straughan, Thomas, Whitaker, Williams and Worth—22.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Blount, Brown, Cunningham, Dobson, Donnell, Douthitt, Edney, Gorrell, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Pitchford, Taylor and Turner—20.

On motion by Mr. McDowell, the Senate took a recess until 7½ o'clock.

—

*Half-past seven o'clock.*

On motion by Mr. Ramsay, the engrossed bill to establish the Bank of Salisbury, was now taken up, read the third time, passed, and ordered to be enrolled.

The bill concerning mortgages and deeds of trust, was read the second time, and, on motion by Mr. Turner, ordered to be laid on the table—yeas 27, nays 16.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Blount, Brown, Cherry, Cowper, Cunningham, Dobson, Donnell, Edney, Flanner, Gorrell, Guyther, Houston, Lankford, McDowell, Miller, Ramsay, Reinhardt,



Speight, Steele, Taylor, Thomas, Turner, Ward, Whitaker, Williams and Worth—27.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Boyd, Davis, Dillard, Douthitt, Humphrey, Lane, Leach, Martin, McDonald, McKoy, Mills, Person, Pitchford, and Waikup—16.

On motion by Mr. Cherry, the bill to improve the public road from Wilkesboro' to Jefferson, by way of Phillip's Gap, was now taken up, read the second time and passed—yeas 22, nays 20.

Mr. Martin demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Boyd, Brown, Carmichael, Cherry, Cowper, Dobson, Douthitt, Edney, Gorrell, Leach, McDonald, McDowell, Miller, Mills, Person, Ramsay, Reinhardt, Steele, Thomas and Whitaker—22.

Those who voted in the negative, are :

Messrs. Battle, Blount, Cunningham, Davis, Dillard, Donnell, Flanner, Guyther, Houston, Humphrey, Lane, Martin, McKoy, Pitchford, Speight, Taylor, Turner, Ward, Williams and Worth—20.

The bill supplemental to an act to lay off and establish the county of Alleghany, was read the second time and passed.

The bill to amend the Revised Code in relation to cart-ways, was read the second time and rejected.

The bill to incorporate the Miners and Planter's Bank was now taken up, on motion by Mr. Thomas, read the second time and passed.

The bill to amend an act entitled an act to amend the charter of the Wilmington and Manchester Railroad, was read the second time and passed.

The bill assenting to the purchase, by the United States, of a certain parcel of land on the Cape Fear river as a site for a pest-house, was read the second time and passed.

Mr. Gorrell moved a suspension of the rule to take up the bill to amend the charter of the Farmer's bank; the question on which said proposition resulted as follows, viz: yeas 32, nays 9.

Mr. Guyther demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Blount, Boyd, Carmichael, Cunningham, Cherry, Davis, Dillard, Dobson, Douthitt, Edney, Flauner, Gorrell, Houston, Humphrey, Lane, Leach, McDonald, McDowell, Miller, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Walkup and Ward—32.

Those who voted in the negative, are :

Messrs. Battle, Cowper, Guyther, Lankford, Martin, Turner, Whitaker, Williams and Worth—9.

Two-thirds of the Senators present voting in the affirmative, the motion prevailed.

The bill was now taken up, read the second time and passed.

A message was received from the House of Commons concurring in the amendments of the Senate to the following bills, viz :

A bill to incorporate the Southern Mining and Manufacturing Company ;

A bill to amend an act, entitled an act to incorporate the town of Goldsboro', &c. ;

A bill to incorporate the Halsey Mining and Manufacturing Company ; and

A bill to incorporate the Way-ye-Hutta Mining and Manufacturing Company.

*Ordered,* That said bills be enrolled.

A message was received from the House of Commons asking the concurrence of the Senate in the amendments of the Commons to the engrossed bill to amend an act, entitled an act to incorporate the Western North-Carolina Railroad Company, passed at the session of 1854-'55, and also an act amendatory thereof, passed at the session of 1856-'57.

The amendments were concurred in, and the House of Commons informed thereof.

On motion the Senate adjourned until to-morrow morning 10 o'clock.



SATURDAY, FEBRUARY 12, 1859.

Mr. Battle, from the committee on claims, reported the resolution in favor of the trustees of Polk county, with a substitute for the same.

The engrossed bill to prevent the sale of spirituous liquors to free persons of color ;

The engrossed bill authorizing the public treasurer to issue bonds of the State ;

The engrossed bill to incorporate the Baltimore and Montgomery Mining Company ;

The engrossed bill to incorporate the Medical Society of the State of North Carolina, and for the establishment of a board of Medical Examiners ;

— The engrossed bill for the relief of common school district, No. 27, in Orange county, and No 20, in Wake county ;

The engrossed bill to appoint a special magistrate for the town of Beaufort, in Carteret county ;

The engrossed bill to provide more effectually against aiding slaves to escape from the State ;

The engrossed bill for the hiring out of free negroes in certain cases ;

The engrossed bill to limit the powers of constables for the counties of Cherokee and Robeson ;

The engrossed bill to authorize the Fayetteville & Albemarle Plankroad Company to establish a public ferry on the Pedee river, in the counties of Montgomery and Stanly ;

The engrossed bills concerning the powers of the county courts ;

The engrossed bill to increase the pay of witnesses in Lenoir county ;

The engrossed bill to authorize the joinder of certain counts in actions at law ;

The engrossed bill to incorporate the Jonesville Male and Female High Schools, in the county of Yadkin ;

The engrossed bill to increase the authority of the commissioners of the town of Tarboro' ;

The engrossed bill to authorize St. Paul's Church, Beaufort, to purchase lands for a cemetery ;

The engrossed bill to amend an act incorporating Catawba College ;

The engrossed bill to change the time of holding one of the terms of the Supreme Court at the city of Raleigh ;

The engrossed bill to incorporate the Alamance Gold Mining and Manufacturing Company ;

The engrossed bill to amend an act, entitled an act, to establish a superior court for the county of Harnett ;

The engrossed bill to incorporate the town of Lillington in the county of New Hanover ;

The engrossed bill for the better security of titles to land and other property ;

The engrossed bill to establish a public road in the county of Madison ; and,

The engrossed resolution of instruction to treasurer concerning appropriations and the revenue, were severally read the first time and passed.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz : The bill entitled "Revenue."

Mr. Battle moved to strike out all after the 26th section and insert in lieu thereof, an amendment offered by him as a substitute.

The consideration of the bill was temporarily suspended, to receive a message from the House of Commons proposing to go into the election of ten trustees of the university to-day at 12 o'clock.

On motion by Mr. Leach, said message was laid on the table—yeas 25, nays 19.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Carmichael, Cowper, Davis, Dillard, Edney, Flanner, Guyther, Humphrey, Lane, Leach, McKoy, Miller, Mills, Person, Ramsay, Reinhardt, Steele, Straughan, Turner, Walkup, Ward, Whitaker, Williams and Worth—25.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown,



Cunningham, Dobson, Donnell, Douthitt, Houston, Lankford, Martin, McDonald, McDowell, Pitchford, Speight, Taylor and Thomas—19.

The Senate now resumed the consideration of the bill entitled "revenue."

The question being on the amendment proposed by Mr. Battle,

Mr. Cunningham called for a division of the question, which was ordered, and the question being first taken on striking out, the same was determined in the negative—yeas 6, nays 35.

Those who voted in the affirmative, are:

Messrs. Battle, Davis, Edney, McDonald, Miller and Turner—6.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Blount, Boyd, Brown, Carmichael, Cowper, Cunningham, Dillard, Dobson, Donnell, Douthitt, Flanner, Guyther, Houston, Lane, Lankford, Leach, Martin, McDowell, McKoy, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Walkup, Ward, Whitaker and Williams—35.

So the Senate refused to strike out.

Mr. Donnell moved to amend the 115th section of the bill by inserting, after the words "extended to," as follows, viz: "the provision of any law so far as they relate to."

The amendment was adopted.

The question now recurred on the passage of the bill its third reading, as amended, and was determined in the affirmative—yeas 31, nays 12.

Mr. Battle demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Carmichael, Cowper, Cunningham, Dillard, Dobson, Guyther, Houston, Lane, Lankford, Leach, Martin, McDowell, McKoy, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Straughan, Steele, Taylor, Thomas, Ward, Whitaker and Williams—31.

Those who voted in the negative, are:

Messrs. Battle, Blount, Davis, Donnell, Douthitt, Edney, Flanner, McDonald, Miller, Turner, Walkup and Worth—12.

So the bill passed its third reading as amended, and a message was sent to the House of Commons asking their concurrence in the amendments of the Senate.

A message was received from the House of Commons transmitting a message from his Excellency, the Governor, with accompanying documents concerning the mortgage of the Atlantic and North-Carolina Railroad Company, with a proposition to print the same; which was concurred in.

The same message proposed to raise a joint select committee of two on the part of the House and one on the part of the Senate to consider said message and documents, and report whether any action is necessary on the part of the General Assembly. Concurred in, and the House of Commons informed that Mr. Lane is appointed the committee on the part of the Senate.

Mr. Houston moved that a message be sent to the House of Commons proposing that the two Houses go into the election for ten Trustees of the University this day at half-past one o'clock.

Mr. Person moved to lay the motion on the table; which was lost—yeas 20, nays 21.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Carmichael, Cowper, Davis, Douthitt, Dobson, Edney, Flanner, Humphrey, Leach, McDonald, Miller, Person, Ramsay, Steele, Straughan, Turner, Walkup, Whitaker and Worth—20.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Brown, Cunningham, Dillard, Donnell, Gnyther, Houston, Lane, Lankford, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Taylor, Ward and Williams—21.

Mr. Bledsoe now moved to amend the motion of Mr. Houston, by substituting Monday next at 11 o'clock, A. M.

Mr. Miller moved to amend the amendment of Mr. Bledsoe, by inserting Saturday next at 11, A. M.

The amendment to the amendment was rejected—yeas 11, nays 29.



Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Carmichael, Cowper, Davis, Flanner, Gorrell, Leach, McDonald, Miller, Turner and Walkup—11.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Brown, Cunningham, Dillard, Dobson, Donnell, Douthitt, Edney, Guyther, Houston, Humphrey, Lankford, Martin, McKoy, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Ward, Whitaker and Williams—29.

The amendment of Mr. Bledsoe was now agreed to, and a message ordered to be sent accordingly.

The engrossed bill to incorporate the Salem Mutual Insurance Company, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act incorporating Catawba College;

The engrossed bill to incorporate the town of Lillington, in the county of New Hanover;

The engrossed bill to incorporate the Baltimore & Montgomery Mining Company;

The engrossed bill to incorporate the Alamance Gold Mining & Manufacturing Company; and,

The engrossed bill to incorporate Gold Hill, in the county of Rowan, were severally read the second and third times, passed, and ordered to be enrolled.

By permission of the Senate,

Mr. Ashe introduced a bill to incorporate the Kittrell Mineral Spring Company; which was read the first time and passed.

The engrossed bill for the encouragement of the Fayetteville Light Infantry Company, was read the second and third times, passed, and ordered to be enrolled.

The Senate now took a recess until 3 o'clock.

*Three o'clock, P. M.*

The bill to incorporate the Kittrell Mineral Spring Company, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill supplemental to an act to lay off and establish the county of Alleghany, was read the third time, passed, and ordered to be enrolled.

The bill to increase the library of the Senate was read the third time, amended on motion by Mr. Donnell, and passed its third reading as amended, and was ordered to be engrossed.

The engrossed bill to amend an act supplemental to an act to establish a new county by the name of Harnett, was read the third time, passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The engrossed bill to extend the time of perfecting titles to lands heretofore entered, was read the third time, passed, and ordered to be enrolled.

The engrossed bill granting to the Superior Courts of Burke County original and exclusive jurisdiction of all criminal causes and State prosecutions where the intervention of a jury is necessary, was read the third time and passed—yeas 25, nays 5.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Blount, Boyd, Carmichael, Cowper, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Leach, Martin, McDonald, Miller, Ramsay, Straughan, Turner, Walkup, Whitaker, Williams and Worth—25.

Those who voted in the negative are :

Messrs. Bledsoe, Humphrey, Lankford, Speight and Ward—5.

*Ordered*, That said bill be enrolled.

The engrossed bill to extend the term of Rowan Superior Court to two weeks was read the third time.

Mr. Bledsoe moved the following as an additional section, viz :



*Bt it further enacted,* That the county court of Wake may continue for two weeks successively, whenever the business of the court shall, in the opinion of the majority of the Court, require it. Not agreed to.

Mr. Cowper moved to add the following proviso to the bill, in the first section, viz: "*Provided further,* That the expense of said extra court shall be paid out of the county treasury of said county." Not carried.

The bill now passed its third reading and was ordered to be enrolled.

The engrossed bill to incorporate the Jonesville Male and Female High School in the county of Yadkin, was read the third time.

Mr. McDonald moved to amend by striking out the word "forever." Not agreed to.

The bill now passed its third reading and was ordered to be enrolled.

The bill to secure bridges from damage from vessels and other craft, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Black Mountain Turnpike Company, was read the third time, passed, and ordered to be enrolled.

The bill to extend the time of payment of certain entries and taking grants for the same, was read third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Educational Association of North-Carolina, was read the third time; and, on motion by Mr. Speight, ordered to be laid on the table.

Received a message from the House of Commons stating that it has passed the engrossed bill from the Senate, to authorise the Petersburg and Roanoke Railroad Company to run a new road from Garysburg to Weldon and for other purposes, with an amendment, in which it asks the Senate's concurrence. The amendment was agreed to and the House of Commons informed thereof by message.

Received a message from the House of Commons concur-

ring in the amendment of the Senate to the bill to incorporate the Potosi Mining and Manufacturing Company.

*Ordered*, That said bill be enrolled.

The engrossed bill to lay off and improve the road from the Elkin Factory in Surry county, to Enoch Vannoy's mill in Wilkes county, was read the third time, passed, and ordered to be enrolled.

The engrossed bill concerning the custody of minor children in certain cases, was read the third time, passed, and ordered to be enrolled.

The bill to amend the charter of the Sulphur Springs and Paint Rock Turnpike Company, was read the third time, amended, passed, and ordered to be engrossed.

Mr. Cowper, from the joint select committee appointed to enquire into the amount of business before the two Houses, and to indicate a day of adjournment, reported that they had discharged their duty, and believed the General Assembly could adjourn without detriment to the public interest, on Thursday the 17th instant at 7 o'clock, A. M.

*Ordered*, that said report be transmitted to the House of Commons.

On motion by Mr. Cowper ;

*Ordered*, That a message be sent to the House of Commons proposing to adjourn *sine die* on Thursday next at 7 o'clock, A. M.

The bill to establish a Turnpike road in the counties of Henderson and Polk was read the third time, passed and ordered to be engrossed.

The engrossed bill to prevent the felling of timber in the waters of Second, Third, Fourth and Withers' creek in the county of Rowan, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act incorporating the Yanceyville Plankroad Company was read the third time, passed, and ordered to be enrolled.

The bill to authorize Thomas T. Patton to establish a Turnpike road in the counties of Buncombe and Yancey was read the third time.



Mr. Turner moved to amend the bill as follows, viz: Strike out "black mountain," wherever it occurs and insert "Clingman."

The amendment was rejected—yeas none, nays 39.

Mr. Edney demanded the yeas and nays.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Humphrey, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Mills, Pitchford, Ramsay, Reinhardt, Speight, Stranghan, Steele, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—39.

Mr. Miller moved to strike out the preamble. Not carried.

The bill now passed its third reading and was ordered to be engrossed.

The engrossed bill to amend an act, entitled an act to charter the Wilmington and Manchester Railroad Company, was read the third time, passed, and ordered to be enrolled.

The bill assenting to the purchase by the United States of a certain parcel of land on the Cape Fear river as a site for a Pest House, was read the third time, passed, and ordered to be engrossed.

The bill to enlarge and improve the buildings of the deaf and dumb and blind asylum, was read the third time, passed, and ordered to be engrossed.

The bill concerning the Wilmington and Weldon Railroad was read the third time.

Mr. Lankford moved to amend by adding the following proviso, viz: *Provided*, That the said Wilmington and Weldon Railroad Company shall not purchase stock in any Railroad by which purchase the interest of the Raleigh & Gaston Railroad Company shall be injured.

The amendment was adopted, and the question recurring on the passage of the bill, the same was determined in the negative—yeas 18, nays 21.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bledsoe, Carmichael, Dillard, Edney, Flan-

ner, Humphrey, McDonald, McDowell, McKoy, Mills, Reinhardt, Speight, Steele, Straughan, Thomas, Ward and Whitaker—18.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Boyd, Cowper, Cunningham, Davis, Dobson, Donnell, Douthitt, Guyther, Lankford, Leach, Martin, Miller, Pitchford, Taylor, Turner, Walkup, Williams and Worth—21.

The engrossed bill concerning common schools, was read the third time, passed, and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

The bill to amend the charter of the Rich Mountain Turnpike, was read the third time, passed, and ordered to be engrossed.

The bill authorizing the president and directors of the literary fund to appoint an agent to supervise the swamp lands belonging to said fund, was read the third time and passed—yeas 26, nays 12.

Mr. Guyther demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Blount, Boyd, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Leach, McDonald, McDowell, Miller, Mills, Ramsay, Straughan, Taylor, Turner, Walkup, Whitaker, Williams and Worth—26.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Bledsoe, Brown, Guyther, Humphrey, Lankford, Martin, McKoy, Pitchford, Speight and Ward—12.

Mr. Dobson moved that the Senate do now take a recess until 7 o'clock, P. M. Not carried.

The bill to authorize E. C. Grier, sheriff of Mecklenburg county, to collect arrearages of taxes for 1854-'55, was read the third time.

Mr. Turner moved that the bill be laid on the table. Not agreed to—yeas 14, nays 25.

Mr. Walkup demanded the yeas and nays.



Those who voted in the affirmative, are :

Messrs. Basnight, Cowper, Dillard, Dobson, Donnell, Flanner, Humphrey, Leach, Mills, Pitchford, Speight, Turner, Williams and Worth—14.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Blount, Brown, Carmichael, Cunningham, Davis, Douthitt, Edney, Guyther, Lankford, Martin, McDonald, McKoy, Miller, Ramsay, Reinhardt, Steele, Straughan, Taylor, Thomas, Walkup, Ward and Whitaker—25.

The bill was now put on its second reading and rejected.

Mr. Battle now moved to reconsider the vote by which was rejected the bill concerning the Wilmington & Weldon Railroad.

Mr. Donnell moved to lay the motion to reconsider on the table—not agreed to—yeas 16, nays 21.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Boyd, Carmichael, Cunningham, Dobson, Donnell, Douthitt, Guyther, Lankford, Leach, Martin, Miller, Pitchford, Taylor, Walker and Worth—16.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Davis, Dillard, Edney, Flanner, Houston, McDonald, McKoy, Mills, Ramsay, Reinhardt, Speight, Steele, Straughan, Turner, Ward, Whitaker and Williams—21.

The motion to reconsider was now agreed to.

The question recurred on the passage of the bill on its third reading, and was determined in the affirmative—yeas 23, nays 15.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Brown, Davis, Dillard, Edney, Flanner, Humphrey, McDonald, McKoy, Miller, Mills, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward Whitaker and Williams—23.

Those who voted in the negative, are :

Messrs. Blount, Boyd, Cunningham, Dobson, Donnell, Douth-

itt, Guyther, Lankford, Leach, Martin, Pitchford, Taylor, Turner, Walkup and Worth—15.

*Ordered*, That said bill be engrossed.

The bill to enable William Pollock, late sheriff of Jones county, to collect arrears of taxes, was read the third time, and on motion by Mr. Speight, indefinitely postponed—yeas 21, nays 16.

Mr. Ward demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Blount, Cowper, Cunningham, Dillard, Dobson, Donnell, Flanner, Lankford, Leach, Martin, Miller, Mills, Pitchford, Speight, Taylor, Turner, Walkup Whitaker, Williams and Worth—21.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Boyd, Brown, Carmichael, Davis, Douthitt, Edney, Guyther, Humphrey, McDonald, McKoy, Ramsay, Straughan, Thomas and Ward—16.

Mr. Humphrey moved to take a recess until 7 o'clock, P. M. Not agreed to.

The engrossed bill to change the time of holding the courts of pleas and quarter sessions for Forsyth county; and

The engrossed resolution in favor of H. N. Brittain, of Haywood, were severally read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend the acts passed at the sessions of 1850-'51-'54-'56 and 1857, entitled an act to incorporate the Tuckasegee and Keowee Turnpike Road Company, was read the third time, passed, and ordered to be enrolled.

The bill to prevent the emancipation of slaves by will and testament, was read the third time.

Mr. Turner moved to lay the bill on the table. The motion was lost.

The question now recurred on the passage of the bill its third reading, and was determined in the affirmative—yeas 20, nays 15.

Mr. Pitchford demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Blount, Cowper, Dillard,



Dobson, Edney, Guyther, Humphrey, Lankford, Martin, McKoy, Miller, Pitchford, Speight, Ward, Whitaker and Williams—20.

Those who voted in the negative, are :

Messrs. Boyd, Carmichael, Cunningham, Davis, Donnell, Douthitt, Flanner, Leach, McDonald, Ramsay, Reinhardt, Taylor, Thomas, Walkup and Worth—15.

*Ordered*, That the bill be engrossed.

Mr. Boyd gave notice that on Monday next he should move a suspension of the rule to take up and consider the bill to incorporate the Rockingham Coalfields Railroad Company.

Mr. Pitchford gave notice of his intention to make a similar motion to consider the Insane Asylum bill; and

Mr. Thomas gave notice of his intention to make a similar motion respecting the bill for the Western Extension.

The engrossed bill to revive the charter of a company to construct a road from Beaufort harbor to Fayetteville, passed at the session of 1854-'55;

The bill to incorporate the Beaufort Steam Ferry Boat Company;

The engrossed bill to incorporate a Turnpike Company from Morganton to the Cranberry forge;

The engrossed bill to incorporate the Lizzardale Copper Company;

The engrossed bill to incorporate the Cambridge Copper Company;

The engrossed bill to prevent the adulteration or the sale of adulterated alcoholic liquors;

The engrossed resolution in favor of James F. Jenkins;

The engrossed resolution in favor of R. J. Mitchell;

The engrossed resolution in favor of Wm. Thompson;

The engrossed resolution in favor of James B. Harding;

The engrossed resolution in favor of Lotty M. Bray;

The engrossed resolution in favor of John Wilson;

The engrossed resolution in favor of Wm. Green;

The engrossed resolution in favor of Shepherd D. Mercer;

The engrossed resolution in favor of H. Brown;

- The engrossed resolution in favor of Joseph N. Long ;  
The engrossed resolution in favor of W. L. Pomeroy ;  
The engrossed bill to alter the 92d regiment of North-Carolina Militia ;  
The engrossed resolution in favor of Drury King ;  
The engrossed resolution in favor of Margaret Gardner ;  
The engrossed resolution in favor of E. D. Davis ;  
The engrossed bill to incorporate the Washington Gaslight Company ;  
The engrossed bill to incorporate the Trustees of Calvin's Creek Academy, in the county of New Hanover ;  
The engrossed bill to incorporate University Lodge, No. 7, in the town of Edenton ;  
The engrossed resolution in favor of Wm. A. Walton ;  
The engrossed bill to amend the charter of the town of Salisbury ;  
The engrossed bill to appoint a special magistrate for the county of Rowan ;  
The engrossed bill to amend the charter of the town of Charlotte ;  
The engrossed bill to incorporate the Western North-Carolina Agricultural Society ;  
The engrossed bill to incorporate the Wilson Female Seminary ;  
The engrossed bill to incorporate the town of Webster, in the county of Jackson ;  
The engrossed bill to lay off and establish two roads ;  
The engrossed bill to incorporate the Knap of Reeds Masonic Classical School ;  
The engrossed bill to change the No. 107 Regiment for Watauga county to No. 95 ;  
The engrossed bill to incorporate the trustees of Reynoldson Male Institute in the county of Gates ;  
The engrossed bill for the protection and regulation of Seamen in the port of Wilmington ;  
The engrossed bill to incorporate the old Topsail Steam Boat and Navigation Company ;



The engrossed bill to incorporate the Uwharrie Lodge No. 58 in the county of Randolph;

The engrossed bill to incorporate Savannah Mining and Manufacturing Company;

The engrossed resolution in favor of C. P. Mendenhall and R. W. Mills;

The engrossed bill to regulate the appointment of guagers of Spirits of Turpentine in the town Wilmington;

The engrossed bill to amend the charter of the town of Charlotte, N. C.;

The engrossed bill for the better opening of the public road from Salisbury, N. C., to the mouth of the New River in Ashe county, N. C.;

The engrossed bill to incorporate the Green Monument Association;

The engrossed bill to pay jurors in Jackson county;

The engrossed bill concerning Haw River in Alamance county;

The engrossed bill to incorporate the town of Leicester, in the county of Buncombe;

The engrossed bill to incorporate the Mechanics' and Farmers' Institute, located in the town of Asheville;

The engrossed bill to incorporate Mars Hill College, in the county of Madison;

The engrossed bill to incorporate the Howard Relief Fire Engine Company in the town of Wilmington;

The engrossed bill to incorporate the Hillsboro' Savings Institution;

The engrossed bill to incorporate the Sapna Coal and Iron Company;

The engrossed bill to prevent the felling of timber in the waters of the south fork of the Catawba river, in the counties of Catawba, Lincoln and Gaston;

The engrossed bill to amend an act entitled an act to incorporate the bank of Wilmington, N. C.;

The engrossed bill to amend an act entitled an act to appoint commissioners to lay off and improve the public road

leading from Brown's Ford, on the Yadkin, in Wilkes county, passed at the session of 1854-'55 ;

The engrossed bill concerning pilots and pilotage in Beaufort Harbor and the waters adjacent thereto ;

The engrossed bill to incorporate the Fayetteville branch of the Wilmington & Weldon Railroad ;

The engrossed bill to incorporate the Washington & Leaksville Railroad Company ;

The engrossed bill in favor of certain entries of Cherokee lands ;

The engrossed bill to repeal portions of sections 2d, 5th and 10th of an act passed at the last session of the General Assembly, entitled an act to incorporate the North-Carolina and Virginia Railroad Company ;

The engrossed bill to authorize and enable any person to convey property in trust by deed or will ;

The engrossed bill to exempt members of the fire department in the town of Washington from jury duty ;

The engrossed resolution in favor of W. Woolley ;

The engrossed bill to incorporate Carolina City Steam Navigation Company ;

The engrossed bill to incorporate Bascomb College, in the county of Buncombe ;

The engrossed resolution in favor of Jesse W. Dixon ;

The engrossed bill declaring the Yadkin river a navigable stream, &c. ;

The engrossed bill to revive the acts heretofore past incorporating the town of Lumberton ;

The engrossed resolution in favor of Benjamin Justice ;

The engrossed resolution in favor of Calvin Evans ;

The engrossed resolution in favor of Jacob Evans, of Cherokee county, and of Edmund McNabb, of the same county ;

The engrossed bill to incorporate the Beaufort and Hyde Steamboat Company ;

The engrossed bill to facilitate the detection and prevent the circulation of counterfeit bank bills or notes ; were severally read the first time and passed.

On motion by Mr. Worth,



*Ordered,* That all the bills and resolutions which passed their first reading to-day making appropriations for money, be referred to the committee on claims.

The engrossed bill to extend the corporate limits of the town of Williamston and for other purposes, was read the first time, passed, and, on motion, referred to the committee on corporations.

On motion by Mr. Worth, leave of absence was granted for Mr. Gorrell from and after to-day, until Thursday next.

On motion by Mr. Edney, the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, FEBRUARY 14, 1859.

The Speaker announced that the Senate branch of the committee on enrolled bills for the present week consists of Messrs. Lankford, Whitaker and Turner, Taylor, Walkup and Ward; of which the House of Commons was informed by message.

Mr. Ward introduced a resolution in regard to Neuse River Navigation Company; which was read the first time and passed.

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

The bill to incorporate the Trustees of Mars Hill Academy, in the county of Duplin;

The bill more effectually to punish usury in certain cases;

The bill for the better regulation of Elizabethtown, in the county of Bladen;

The bill to authorize the incorporation of companies for agricultural or grazing purposes;

The resolution in favor of Joshua K. Hall;

The bill to incorporate the N. C. Coal & Iron Oil Company;

The resolution for the relief of the sureties of G. H. Holland;

The resolution in favor of the reporter of the decisions of the supreme court;

The resolution in favor of Col. Alex. Watson;

The resolution to pay the legal representatives of Henry Powell, deceased, the amount due him as a teacher in school district in Davie county;

The bill to incorporate the Coal Mining Company; and,

The bill to charter the Stewart Gold Mining Company.

Mr. Turner introduced the following resolution, viz:

*Resolved*, That if a bill which has passed the Congress of the United States shall become a law, distributing among the several States a portion of the public lands for the use of agricultural colleges of the respective States, then it shall be proper for the Governor, and he is hereby authorized and instructed to receive for, and in the name of the State of North-Carolina, such portion as may be allowed as the share of said State.

The resolution being read, Mr. Turner called for the yeas and nays on its adoption.

Mr. Ashe moved to lay the resolution on the table.

Mr. Turner insisted that his motion, to take the yeas and nays on the passage of the resolution, was the first in order.

The Speaker decided that the motion to lay on the table had precedence.

From this decision, Mr. Turner appealed.

The question, Shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—yeas 32, nays 8.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Brown, Cunningham, Dillard, Dobson, Donnell, Edney, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McCoy, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Ward, Whitaker, Williams and Worth—32.

Those who voted in negative, are:

Messrs. Cowper, Davis, Flanner, Leach, McDonald, Miller, Turner and Walkup—8.

The question now recurred on the motion to lay the resolu-



tion on the table, and was determined in the affirmative—yeas 27, nays 16.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker and Williams—27.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Davis, Donnell, Douthitt, Elanner, Gorrell, Leach, McDonald, Miller, Pool, Ramsay, Straughan, Turner, Walkup and Worth—16.

Mr. Turner introduced the following resolution, viz ;

*Resolved* by the Senate and House of Commons of the State of North-Carolina, in General Assembly convened, That the expulsion or exclusion of Senator Douglass as chairman of the committee upon Territories, was an act of petty and party tyranny, which must, upon reflection, cause more mortification to those Senators who rejected him, than it can to the distinguished Senator rejected.

Mr. Edney moved to lay the resolution on the table, which motion prevailed—yeas 27, nays 15.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker and Williams—27.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Davis, Donnell, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Pool, Straughan, Turner, Walkup and Worth—15.

Received a message from the House of Commons, informing that the House branch of the committee on enrolled bills for the present week consists of Messrs. Costner, Simpson,

McKoy, Henry, Fries, Hargrove, Norwood, Smith, Purdie and Williams.

Mr. Gorrell introduced a bill to provide for *feme covert* lunatics abandoned by their husbands; which was read the first time and passed, and, on motion, referred to the committee on the judiciary.

The engrossed bill providing for the appointment of collectors for the counties of Robeson, Bladen and Craven, was read first time and passed.

Mr. McDonald introduced the following resolution to increase the sinking fund:

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to obtain for North-Carolina an equitable portion of the proceeds of the sales of the public lands, and that the same be placed in the sinking fund to pay the debts of the State.

Which, on motion by Mr. Brown, was laid on the table—yeas 26, nays 15.

Mr. McDonald called for the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Taylor, Ward, Whitaker and Williams—24.

Those who voted in the negative, are:

Messrs. Battle, Blount, Cowper, Davis, Donnell, Douthitt, Flanner, Leach, McDonald, Pool, Ramsay, Straughan, Walkup and Worth—14.

Received a message from the House of Commons concurring in the proposition of the Senate to go into the election of ten Trustees of the University this day at 11 o'clock, A. M., and that Messrs. Haywood and Smith form the House branch of the committee to superintend said election; whereupon,

A message was sent to the House of Commons informing that Messrs. Martin and Taylor were the committee on the

x Hargrove



part of the Senate, and that the Senate would proceed to vote upon the return of the messenger.

A message was received from the House of Commons informing that the following gentlemen were in nomination, viz: Messrs. Paul C. Cameron, A. M. Scales, William Lander, DeWitt C. Stone, J. J. Jackson, R. D. Hart, R. R. Bridgers, Thos. D. McDowell, R. S. Patterson, J. M. Taylor, Chas. Malloy, L. F. N. Reid, Ed. Chambers, and R. S. Tucker.

Mr. McDonald nominated T. J. Person.

The Senate proceeded to vote by ballot under the superintendence of Messrs. Martin and Taylor.

On motion by Mr. Williams the list of justices from Camden was now taken up.

Mr. Turner moved to strike out the name of John H. Mitchell; which motion was lost—yeas 6, nays 24.

Mr. Turner called for the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Cowper, Davis, McDonald, Miller, Turner and Worth—6.

Those who voted in the negative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, McDowell, Mills, Pitchford, Reinhardt, Speight, Steele, Ward, Whitaker and Williams—24.

The question now being on concurring in said recommendations, they were agreed to—yeas 25, nays 14.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Ward, Whitaker, and Williams.—25.

Those who voted in the negative, are:

Messrs. Cowper, Davis, Donnell, Douthitt, Gorrell, Leach, McDonald, Miller, Pool, Ramsay, Straughan, Turner, Walk-up and Worth.—14.

The list for Craven county being now taken up, Mr. Tur-

ner moved to lay the same on the table ; which motion was lost.

The question being on concurring in said recommendations, they were agreed to—yeas 21, nays 14.

Mr. Flanner called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, McKoy, Mills, Pitchford, Reinhardt, Speight, Ward, Whitaker and Williams—21.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Donnell, Douthitt, Flanner, Leach, McDonald, Miller, Pool, Ramsay, Straughan, Turner and Worth—14.

The list for Onslow county being now taken up, Mr. Humphrey moved to amend the same by adding the name of Bryan Sutherland. Agreed to ; and the recommendation, as amended, was concurred in.

Mr. Boyd moved that the bill to incorporate the Rockingham and Coalfield Railroad Company be now taken up and considered. Not agreed to.

Mr. Pitchford moved to take up the bill concerning the Lunatic Asylum. Not agreed to.

Mr. Thomas moved to take up the bill concerning the Western Extension, and make it the order for half-past three o'clock, P. M. Not agreed to.

The engrossed bill for the restoration of jury trials in Gaston county, was read the second and third times, passed, and ordered to be enrolled.

A message was sent to the House of Commons asking their concurrence in the following engrossed bills, to wit :

A bill to amend the charter of the Sulphur Springs and Paint Rock Turnpike Company ;

A bill to repeal section 20th, 21st and 22nd of the 66th chapter of the Revised Code ;

A bill to authorise a subscription to the capital stock of the Albemarle and Chesapeake Canal Company ;



A bill to increase the Libraries of the Senate and House of Commons and for other purposes ;

A bill assenting to the purchase by the United States, of a certain parcel of land on the Cape Fear River, as a site for a Pest House ;

A bill to prevent the emancipation of slaves by will and testament ;

A bill to extend the time of payment of certain entries ; and,

A bill to enlarge and improve the buildings of the Deaf and Dumb and Blind Asylum.

The bill for protecting the interest of the State, in the Cape Fear and Deep River Navigation Company, and for other purposes, was taken up and read the third time.

Mr. Pitchford offered a substitute for said bill, which was read.

Mr. Bledsoe moved to amend said substitute by inserting in lieu thereof one offered by himself.

Mr. Humphrey moved to postpone the further consideration of the bill and proposed amendments, till 7 o'clock, P. M. Agreed to.

The engrossed bill to settle the dividing lines between the counties of Wayne and Wilson was read the second time.

Mr. Leach moved to lay the same on the table ; which motion was lost,—yeas 8, nays 25.

Mr. Leach called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Davis, Donnell, Douthitt, Lane, Leach, Mills, Turner and Walkup—8.

Those who voted in the negative, are ;

Messrs. Ashe, Basnight, Bledsoe, Blount, Cunningham, Dillard, Dobson, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lankford, McDonald, Miller, Pitchford, Pool, Ramsay, Reinhardt, Speight, Straughan, Whitaker, Williams and Worth—25.

The question now being put upon the passage of the said bill on its second reading, was decided in the affirmative—aye 27, nays 5.

Mr. Lane called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Cunningham, Dillard, Dobson, Donnell, Edney, Flanner, Gorrell, Guythe, Humphrey, Lankford, McDowell, McKoy, Miller, Pitchford, Pool, Ramsay, Speight, Straughan, Walkup, Whitaker, Williams and Worth—27.

Those who voted in the negative, are :

Messrs. Davis, Douthitt, Lane, Leach and McDonald—5.

The bill to repeal a portion of the 9th section of the 70th chapter of the Revised Code, entitled "Militia;" and the bill to facilitate the collection of taxes on real estate, were severally read the second and third times, passed, and ordered to be engrossed.

The bill authorizing the sale of bonds by the State for certain purposes, was read the second time, and, on motion by Mr. Bledsoe, amended.

Mr. Leach moved further to amend said bill by adding the following proviso: *Provided*, That said bonds shall not run for a period longer than ten years; which amendment was rejected—yeas 8, nays 31.

Mr. Leach called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Douthitt, Leach, Miller, Pool, Ramsay, Turner and Whitaker—8.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Bledsoe, Blount, Cunningham, Cowper, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, McDonald, McDowell, McKoy, Mills, Pitchford, Reinhardt, Speight, Steele, Straughan, Walkup, Ward, Williams and Worth—31.

Mr. Bledsoe moved further to amend said bill by adding the following proviso: *Provided*, That nothing herein contained shall prevent the treasurer from selling said bonds on the most advantageous terms, or exchange them for any other bonds which may fall due within the next two years.

Pending the consideration of which, the Senate took a recess until 3 o'clock, P. M.



*Three o'clock, P. M.*

The Senate resumed the consideration of the unfinished business of the morning, viz: The bill to authorize the sale of bonds of the State for certain purposes;

The question being on the amendment offered by Mr. Bledsoe. The amendment was adopted—yeas 25, nays 10.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bledsoe, Blount, Boyd, Brown, Cowper, Dillard, Dobson, Donnell, Edney, Guyther, Houston, Lane, Lankford, Martin, McDowell, Mills, Pitchford, Ramsay, Reinhardt, Speight, Straughan, Taylor, Thomas and Williams—25.

Those who voted in the negative, are:

Messrs. Basnight, Battle, Cunningham, Davis, Douthitt, Gorrell, Leach, Miller, Turner and Walkup—10.

Mr. Turner now offered a substitute for the bill; which was read and rejected—yeas 6, nays 34.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Leach, McDonald, Miller, Turner and Walkup—6.

Those who voted in the negative, are:

Messrs. Ashe, Bledsoe, Blount, Boyd, Brown, Cunningham, Cowper, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Guyther, Humphrey, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Thomas, Ward, Whitaker, Williams and Worth—34.

Mr. Turner offered the following amendment to the last section, viz: "That one-fifth of said bonds shall be in sums of one or two hundred dollars." Agreed to—yeas 26, nays 12.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Bledsoe, Blount, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Flanner, Guyther, Lankford, Leach, McDonald, McDowell, McKoy, Miller, Mills, Pitch-

ford, Pool, Ramsay, Steele, Straughan, Taylor, Walkup and Ward—26.

Those who voted in the negative, are :

Messrs. Ashe, Boyd, Brown, Donnell, Edney, Humphrey, Martin, Person, Reinhardt, Whitaker and Williams—12.

The bill now passed its second reading as amended.

The rule being suspended, said bill was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Rockingham Coalfield Railroad Company, was read the second time.

Mr. Leach moved the following as an additional section, viz :

*Be it further enacted*, That if said railroad company should apply to any future legislature for an appropriation to complete or equip said railroad, such application shall be construed into a forfeiture of said charter.

The amendment was rejected.

Mr. Ashe moved several amendments to the bill, which were adopted.

Mr. Ashe moved an additional section, prohibiting said road from running within twenty miles of the North-Carolina Railroad.

Mr. Whitaker moved to amend the amendment by striking out "twenty" and inserting "twenty-five."

The amendment to the amendment was lost.

The amendment of Mr. Ashe was now adopted.

The bill now passed its second reading as amended.

The rule being suspended, said bill was read the third time and passed—yeas 23, nays 17.

Mr. Battle demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Boyd, Davis, Dobson, Donnell, Douthitt, Edney, Gorrell, Leach, Martin, McDonald, McDowell, Miller, Mills, Ramsay, Reinhardt, Straughan, Taylor, Thomas, Walkup, Whitaker and Worth—23

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Blount, Brown, Cowper, Cunningham, Dillard, Flanner, Guyther, Humphrey, Lane, Lankford, McKoy, Person, Pitchford, Speight and Williams—17.

So the bill passed its third reading.



On motion by Mr. Donnell, the title of the bill was amended so as to read as follows, viz: "A bill to incorporate the Dan River Railroad Company."

Whereupon, it was ordered that a message be sent to the House of Commons asking their concurrence in the amendments of the Senate.

Mr. Humphrey gave notice that on to-morrow he should introduce a resolution to limit the time of speaking.

Mr. Martin, from the committee appointed to superintend the election of ten trustees of the University, reported that the whole number of votes cast in both Houses was 96—necessary to a choice, 49; of which number, Paul C. Cameron received 81 votes; Thos. D. McDowell, 77; Alfred M. Scales, 77; William Lander, 78; J. J. Jackson, 74; DeWitt C. Stone, 72; Robert D. Hart, 72; Robert R. Bridgers, 72; Rufus S. Patterson, 66; Joseph M. Taylor, 62; and that there were sundry scattering votes. That Paul C. Cameron, Thomas D. McDowell, Alfred M. Scales, William Lander, J. J. Jackson, DeWitt C. Stone, Robert D. Hart, Robert R. Bridgers, Rufus L. Patterson and Joseph M. Taylor having each received a majority of all the votes cast, are duly elected.

Mr. Turner moved that the concurrence in said report be postponed until to-morrow. Not agreed to—yeas 14, nays 22.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Cowper, Davis, Donnell, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Pool, Ramsay, Turner and Walkup—14.

Those who voted in the negative, are:

Messrs. Ashe, Battle, Bledsoe, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Pitchford, Reinhardt, Speight, Taylor, Thomas, Whitaker and Williams—22.

Mr. Pool introduced the following resolution, viz:

*Resolved*, That the committee on the election of trustees of the University be authorized to withdraw, and instructed to report whether a majority of each House voted at the election.

The resolution was rejected—yeas 15, nays 23.

Mr. Donnell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Davis, Donnell, Douthitt, Flanner, Gorrill, McDonald, Miller, Pool, Ramsay, Straughan, Turner, Walkup and Worth—15.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Pitchford, Reinhardt, Speight, Taylor, Thomas, Whitaker and Williams—23.

The report was now concurred in.

On motion by Mr. Humphrey, the Senate took a recess until 7 o'clock.

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*Seven o'clock, P. M.*

The bill to change the time of holding county courts of Ashe county was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution in favor of A. B. Long was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of R. L. Jones was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act to incorporate the Fayetteville and Western Plankroad Company was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of John Word was read the second time and rejected, and, on motion by Mr. Humphrey, reconsidered and referred to the committee on claims.

Received a message from the House of Commons concurring in the proposition to adjourn the two Houses of the General Assembly, *sine die*, on Thursday the 17th inst., at 7 o'clock, A. M.

The Senate resumed the consideration of the unfinished business of the morning, viz: The bill for the protection of the interest of North-Carolina in the Cape Fear and Deep



River Navigation Company, &c. But pending the consideration of the same, a message was received from the House of Commons proposing to appoint a joint select committee of ten on the part of the House, and five on the part of the Senate to take into consideration all matters before the two Houses concerning the Deep River Improvements. Concurréd in.

Mr. Brown moved that the vote concurring in the above message be reconsidered. Not carried.

Whereupon, Messrs. Straughan, Brown, Pool, Pitchford and Thomas, were appointed the Senate branch of said committee on the subject and the House informed thereof by message.

Received a message from the House of Commons disagreeing to the proposed amendments by the Senate to the bill entitled Revenue.

On motion by Mr. Ashe;

*Ordered*, That a message be sent to the House of Commons insisting on the amendments of the Senate to the bill entitled Revenue.

The bill to authorize the making of a Turnpike Road in the counties of Buncombe and Madison, was read the second and third times, passed, and ordered to be engrossed.

The bill to validate the subscription of Burke county to the Western N. C. Railroad, was read the second time.

Mr. Miller moved to lay the bill on the table. Not agreed to—yeas 17, nays 23.

Mr. Leach demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Blount, Carmichael, Cowper, Davis, Douthitt, Donnell, Flanner, Gorrell, Leach, McDonald, Miller, Mills, Pool, Ramsay, Turner, Walkup and Worth—17.

Those who voted in the negative, are:

Messrs. Ashe, Battle, Bledsoe, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Pitchford, Reinhardt, Speight, Steele, Thomas, Ward, Whitaker and Williams—23.

The bill now passed its second reading.

The engrossed bill to establish a freehold homestead was read the second time.

Mr. Donnell moved to amend the bill as follows, viz: After the word "town," insert "not more than," and after the word "acres," in same line, insert "not of a greater value than \$500." The amendment was adopted—yeas 32, nays 4.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Battle, Bledsoe, Blount, Cowper, Cunningham, Davis, Dillard, Donnell, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKoy, Miller, Mills, Person, Ramsay, Speight, Steele, Walkup, Ward, Whitaker, Williams and Worth—32.

Those who voted in the negative, are:

Messrs. Carmichael, Dobson, Douthitt and Leach—4.

The question now recurred on the passage of the bill on its second reading, as amended, and was determined in the affirmative—yeas 26, nays 16.

Mr. Mills demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Battle, Bledsoe, Blount, Carmichael, Donnell, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, McDonald, McDowell, McKoy, Miller, Person, Pitchford, Pool, Ramsay, Thomas, Turner, Walkup, Ward, Whitaker and Williams—26.

Those who voted in the negative, are:

Messrs. Brown, Cowper, Cunningham, Dillard, Dobson, Douthitt, Lane, Lankford, Leach, Martin, Mills, Reinhardt, Speight, Steele, Taylor and Worth—16.

Received a message from the House of Commons, informing that the House branch of the joint select committee on Deep River, &c., consists of Messrs. Morehead, Moore, of Chatham, Sparrow, Bridgers, Flemming, Bryant, of New Hanover, Fagg, Smith and Norwood.

The engrossed bill to provide for the maintenance of insane



asylum, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The bill to prevent more effectually the trading in liquor with slaves and free negroes, was read the second time, and the substitute reported by the committee adopted—yeas 40, nays 3.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Blount, Boyd, Carmichael, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Miller, Mills, Person, Pool, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Walkup, Ward, Whitaker, Williams and Worth—40.

Those who voted in the negative, are :

Messrs. Houston, Humphrey and Lane—3.

The question now recurred on the passage of the bill its second reading as amended, and was determined in the affirmative—yeas 39, nays 4.

Mr. Houston demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Carmichael, Cowper, Cunningham, Davis, Dillard, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Lane, Lankford, Leach, Martin, McDonald, McKoy, Miller, Mills, Person, Pitchford, Pool, Ramsay, Reinhardt, Speight, Steele, Straughan, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—39.

Those who voted in the negative, are :

Messrs. Battle, Dobson, Houston and Humphrey—4.

The said bill was now read the third time, passed, and ordered to be engrossed.

The engrossed bill to authorize the county courts of Anson, Union and Richmond counties to require a bond from the sheriff for the collection of taxes for railroad purposes, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution of instruction to the treasurer,

concerning appropriations and the Revenue, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to establish a public road in the county of Madison;

The engrossed bill for the better security of titles to land, and other property, were severally read the second and third times, passed, and ordered to be enrolled.

On motion by Mr. Edney, the Senate proceeded to consider bills introduced in the Senate.

The resolution in favor of the trustee of Polk county was read the second time; the amendment reported by the committee agreed to, and passed the second reading as amended. Said resolution was read the third time, passed, and ordered to be engrossed.

The bill relating to the time of holding the courts of pleas and quarter sessions in Lincoln, Wake and Catawba, was read the third time, passed, and ordered to be engrossed.

The bill for the protection of laborers and mechanics was read the second time and laid on the table.

The resolution relating to the public laws was read the second time, and, on motion, laid on the table.

On motion by Mr. Pitchford,

*Ordered*, That a message be sent to the House of Commons proposing to go into the election to-morrow at 12 o'clock of nine directors of the insane asylum.

The bill to incorporate the Madison savings bank, in the town of Madison, was read the second time.

Mr. Gorrell moved to amend by inserting certificate of deposite after "notes." Agreed to, and the bill passed its second reading as amended. The said bill was read the third time, passed, and ordered to be engrossed.

The bill to amend section 1st, chapter 5th, of the Revised Code, was read the second time; the substitute reported by the committee adopted, and the bill passed its second reading as amended. The bill was now read the third time, passed, and ordered to be engrossed.

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



TUESDAY, FEBRUARY 15, 1859.

Reports from committees were presented by Messrs. Thomas, Battle, Humphrey, McDowell, Houston and Gorrell.

Mr. Brown, from the joint select committee, to whom was referred the subject of the Cape Fear and Deep River Navigation Company, reported a bill with amendments; whereupon, said bill was made the special order for to-day, at 11 o'clock.

Mr. Miller introduced a bill to provide for laying off and constructing a road from Wilkesboro' to Statesville; which was referred to the committee on internal improvements.

Mr. Worth, from the committee on finance, to which was referred a resolution concerning the sale of coupon bonds, submitted a detailed report thereon, which, on motion by Mr. Houston, was ordered to be printed.

Mr. Martin introduced a resolution in favor of the door-keepers; which was read the first time and passed.

Mr. Ashe introduced a resolution in favor of the joint committee appointed to examine the Chesapeake & Albemarle Canal Company; which was read the first time and passed.

Mr. Ashe moved a reconsideration of the vote by which the Dan River Railroad bill was passed on yesterday; which motion prevailed; whereupon, said bill was amended and passed its third reading, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

Mr. Turner introduced a bill concerning public lands, which was read the first time and passed.

Mr. Turner called for the yeas and nays on the passage of the bill on its first reading, which the Speaker decided to be not in order.

In compliance with notice given on yesterday, Mr. Humphrey introduced the following resolution, viz:

*Resolved*, That no member be allowed to speak more than five minutes on any question, or more than two minutes on an amendment.

Mr. Turner moved to lay the resolution on the table. Not agreed to.

Mr. Turner moved to amend the resolution as follows, viz : That the Speaker determine how long any member shall speak.

Mr. Turner moved to lay the amendment on the table. Agreed to—yeas 25, nays 15.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Blount, Boyd, Cowper, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Leach, McDonald, Miller, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Taylor, Walkup, Ward and Worth—25.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Brown, Donnell, Guyther, Humphrey, Houston, Lane, Martin, McDowell, McKoy, Mills, Person, Turner and Williams—15.

The bill to establish a freehold homestead was read the third time, amended on motion by Mr. Guyther, and passed its third reading—yeas 26, nays 12.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Brown, Davis, Dillard, Donnell, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, McDonald, McDowell, McKoy, Miller, Person, Pitchford, Pool, Ramsay, Thomas, Turner, Walkup, Ward and Williams—26.

Those who voted in the negative, are :

Messrs. Blount, Cowper, Cunningham, Dobson, Douthitt, Leach, Martin, Mills, Speight, Steele, Taylor and Worth—12.

The bill to establish an election precinct at Green Plains, in Northampton, was read the third time.

Mr. Turner moved to lay the bill on the table. The motion was lost—yeas 12, nays 29.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Cowper, Davis, Donnell, Flanner, Gorrell, McDonald, Miller, Pool, Turner, Walkup and Worth—12.



Those who voted in the negative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Humphrey, Lane, Leach, Martin, McDowell, McKoy, Mills, Person, Pitchford, Ramsay, Reinhardt, Speight, Steele, Straughan, Ward and Williams—29.

The hour of 11 o'clock having now arrived, the Speaker announced the special order, viz :

The bill for the protection of the interest of the State of North-Carolina in the Cape Fear & Deep River Navigation Company, &c., was read the third time and the amendments reported by the committee agreed to.

The bill was further amended, on motion by Mr. Brown.

The question now recurred on the passage of the bill its third reading as amended, and was determined in the affirmative—yeas 21, nays 20.

Mr. Douthitt demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Boyd, Brown, Davis, Edney, Gorrell, Houston, Humphrey, McDonald, McDowell, Mills, Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Thomas, Ward, Whitaker and Worth—21.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Blount, Cowper, Cunningham, Dillard, Donnell, Douthitt, Flanner, Guyther, Lane, Lankford, Leach, Martin, McKoy, Miller, Person, Taylor, Turner and Williams—20.

Mr. Bledsoe paired off with Mr. Gilmore.

Received a message from the House of Commons proposing to raise a committee of conference, five on the part of each House, to consider the difference between the two Houses, arising out of the amendments of the Senate, proposed by the Senate to the bill, entitled "Revenue," and to report a plan of adjustment; concurred in, and the Commons informed the Senate branch of the committee consists of Messrs. Ashe, Cowper, Brown, Ramsay and Steele.

The bill to amend an act, entitled an act to incorporate the

Western N. C. Railroad Company was read the third time and rejected—yeas 15, nays 24.

Mr. Mills demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Boyd, Douthitt, Edney, Gorrell, Houston, McDonald, Miller, Pool, Ramsay, Reinhardt, Speight, Thomas, Whitaker and Worth—15.

Those who voted in negative, are:

Messrs. Battle, Blount, Brown, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Flanner, Guyther, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Mills, Person, Steele, Taylor, Turner and Walkup—24.

The engrossed bill to amend the charter of the Farmer's Bank of North-Carolina, was read the third time, amended on motion by Mr. Pool, and passed its third reading as amended, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The bill to amend the charter of the Charlotte and Taylorsville plank road Company, was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Miners and Planters' Bank at Murphy, Cherokee county, was read the third time, passed, and ordered to be engrossed.

Mr. McDowell moved to suspend the rule requiring all bills to lie over one day before being sent to the engrossing clerks.

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 Kittrell Mineral Springs Company;

A bill altering the time of holding the courts of pleas and quarter sessions in the counties of Catawba, Lincoln and Gaston;

A bill to secure bridges from damage by vessels and other craft, and for protecting the buoys, stakes and beacons in the navigation of this State;

A bill to amend the charter of the Rich Mountain Turnpike;

A bill concerning the Wilmington & Weldon Railroad;



A bill to establish a turnpike road in the counties of Henderson and Polk; and,

A bill to authorize Thomas T. Patton to establish a turnpike road in the counties of Buncombe and Yaucey.

Also, a message asking the concurrence of the Commons in the following engrossed bill which has been passed by the Senate, viz:

A bill protecting the interests of the State of North-Carolina in the Deep River and Cape Fear Navigation Company.

The bill to amend the act of 1783, relating to the Cherokee Indians, &c., was read the third time. The substitute reported by the committee was read.

Mr. Miller moved to lay the bill on the table. The result of the vote is as follows—yeas 21, nays 21.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Basnight, Blount, Cowper, Dillard, Donnell, Edney, Flanner, Gorrell, Guyther, Humphrey, Leach, Martin, Miller, Person, Pool, Taylor, Walkup, Whitaker, Williams and Worth—21.

Those who voted in the negative, are:

Messrs. Ashe, Bledsoe, Boyd, Cunningham, Davis, Dobson, Houston, Lane, Lankford, McDonald, McDowell, McKoy, Mills, Pitchford, Ramsay, Reinhardt, Speight, Steele, Thomas, Turner and Ward—21.

The Speaker voted in the negative, and the motion was lost.

Mr. Thomas moved to amend the substitute by striking out Wilmington and Elizabeth City. The amendment was agreed to, and the substitute adopted as amended.

The question was now taken on the passage of the bill on its third reading as amended, and was determined in the negative—yeas 15, nays 24.

Mr. Battle demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Brown, Dillard, Dobson, Houston, Lane, Lankford, McDowell, McKoy, Pitchford, Reinhardt, Speight, Straughan, Thomas and Ward—15.

Those who voted in the negative, are :

Messrs. Battle, Blount, Cowper, Cunningham, Davis, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Humphrey, Leach, Martin, McDonald, Miller, Person, Pool, Ramsay, Taylor, Turner, Walkup, Whitaker and Worth—24.

Received a message from the House of Commons informing that the House branch of the committee of conference on the Revenue bill consists of Messrs. Fries, Costner, Smith, Morehead and Ransom.

Also, that the House branch of the committee on the Atlantic and N. Carolina Railroad mortgage consists of Messrs. Flemming and McKoy.

Also, a message concurring in the proposition to go into the election to-day at 12 o'clock for nine directors of the insane asylum, and informing that Messrs. Dancy and Benburry constitute the House branch of the committee to superintend said election. Whereupon,

The Commons were informed that Messrs. Guyther and Douthitt constitute the committee to superintend the election on the part of the Senate, and that the following persons are in nomination: John A. Taylor, Chas. E. Skinner, M. A. Bledsoe, Wm. R. Cox, Wm. H. Harrison, J. B. Cherry, W. L. Steele, D. L. Tayloe and S. E. Williams. Whereupon,

The Senate, under the superintendence of Messrs. Guyther and Douthitt, voted by ballot.

A message was received from the House of Commons concurring in the amendments of the Senate proposed to the following engrossed bills from the House, viz:

A bill to incorporate the Rockingham Coalfields Railroad Company;

A bill concerning Common Schools; and

A bill to amend an act, entitled an act supplemental to an act to establish a new county by the name of Harnett;

Also, the House concurs in the amendment to the list of magistrates for Onslow.

*Ordered*, That said bills be enrolled.

Mr. Douthitt, from the committee appointed to superintend the election for nine directors of the insane asylum, reported



that Wm. H. Harrison, Jos. B. Cherry, D. L. Tayloe, Charles Skinner, John A. Taylor, Moses A. Bledsoe, W. R. Cox, W. L. Steele and S. E. Williams, have received a majority of the votes given, and are duly elected. Report concurred in.

The engrossed bill to improve the public road from Wilkesboro' to Jefferson, by way of Phillip's gap, was read the third time, passed, and ordered to be enrolled.

The bill to validate the subscription of Burke county to the Western North-Carolina Railroad, was read the third time and rejected—yeas 14, nays 22.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Brown, Cunningham, Dillard, Dobson, Guyther, Houston, Lankford, McKoy, Pitchford, Reinhardt, Speight, Ward and Whitaker—14.

Those who voted in the negative, are :

Messrs. Battle, Blount, Cowper, Davis, Donnell, Douthitt, Edney, Flanner, Gorrell, Lane, Leach, Martin, McDonald, Miller, Person, Pool, Ramsay, Straughan, Taylor, Turner, Walkup and Worth—22.

The Senate now took a recess until 3 o'clock, P. M.

—

*Three o'clock, P. M.*

The bill to amend an act authorizing the making a turnpike road in the county of Henderson was read the third time, passed, and ordered to be engrossed.

The bill to amend the 1st and 2d sections of the 89th chapter of the Revised Code, entitled "Public Arms," was read the third time, passed, and ordered to be engrossed.

The engrossed bill to settle the dividing line between the counties of Wayne and Wilson, was read third time.

Mr. Lane moved to amend the bill as follows, viz :

"*Provided*, That the law shall not go into operation until the majority of the voters living within the limits of the proposed change of the line of said counties of Wayne and Wilson shall express their assent thereto."

The amendment was adopted—yeas 16, nays 10.

Those who voted in the affirmative, are :

Messrs. Boyd, Davis, Dobson, Douthitt, Guyther, Houston, Lane, Leach, Martin, McDonald, Mills, Person, Reinhardt, Walkup, Whitaker and Worth—16.

Those who voted in the negative, are :

Messrs. Blount, Cunningham, Dillard, Edney, Speight, Straughan, Taylor, Turner and Williams—10.

The question was now taken on the passage of the bill its third reading as amended, and was determined in the affirmative—yeas 15, nays 11.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Bledsoe, Blount, Cunningham, Dillard, Dobson, Edney, Guyther, McKoy, Person, Pitchford, Straughan, Taylor, Whitaker and Williams—15.

Those who voted in the negative, are :

Messrs. Davis, Douthitt, Flanner, Lane, Martin, McDonald, Mills, Speight, Turner, Walkup and Worth—11.

So the bill passed its third reading as amended, and a message sent to the House of Commons asking their concurrence in the amendment of the Senate.

The bill to establish an election precinct at Green Plains, in the county of Northampton, was read the third time.

Mr. Turner moved to lay the bill on the table. The motion was lost—yeas 10, nays 24.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Davis, Flanner, Gorrell, Leach, McDonald, Miller, Pool, Turner and Worth—10.

Those who voted in the negative, are :

Messrs. Basnight, Bledsoe, Boyd, Cunningham, Dillard, Dobson, Douthitt, Edney, Gnyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Reinhardt, Speight, Straughan, Whitaker and Williams—24.

Mr. Miller moved the following as an additional section, viz :



*Be it further enacted,* That the sheriff shall appoint inspectors to hold elections at this precinct.

Mr. Turner moved to lay the amendment on the table. Not agreed to—yeas 9, nays 15.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Blount, Davis, Flanner, Gorrell, McDonald, Miller, Pool, Turner, and Worth—9.

Those who voted in the negative, are :

Messrs. Bledsoe, Cunningham, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDowell, Mills, Person, Pitchford, Reinhardt, Speight, Whitaker and Williams—21.

The bill now passed its third reading, and was ordered to be engrossed.

The bill to amend the present militia laws and establish a uniform volunteer system, was read the second time.

Mr. Edney offered an amendment to the bill.

On motion by Mr. Martin, the bill and amendment were ordered to be laid on the table.

The engrossed bill to amend an act entitled an act to establish a superior court for the county of Harnett, was read the second and third times, passed, and ordered to enrolled.

The bill to punish thieves, was read the second time, and, on motion by Mr. Miller, was laid on the table.

The bill to amend an act to incorporate the Cheraw and Coalfield Railroad, was read the second time, and laid on the table.

The resolution concerning the Capitol, was read the second time and passed ; then read the third time.

Mr. Turner moved to amend as follows, viz : "That the Governor be authorized to remove the statue of Washington and place the same in the rotunda of the Capitol, if he shall deem it a more suitable place." Rejected.

The resolution then passed its third reading, and was ordered to be engrossed.

Received a message from the House of Commons, stating

that they have passed, with amendments, the bill from the Senate to amend section 17th, chapter 119th, of the Revised Code, entitled "Wills and Testaments," in which they asked the concurrence of the Senate.

The amendments were agreed to, and the House of Commons informed thereof.

Mr. Steele submitted the following report, viz :

The committee of conference appointed by the two houses upon the subject of disagreement in regard to the Revenue bill, begs leave to report : That after a careful consideration of the matter referred, it has been deemed best to recommend that the Senate recede from its third, eighth, the latter clause of the twelfth, and that part of the thirteenth amendment that struck out the fifth paragraph of schedule C, and that the House concur in the remainder of the Senate's amendments.

[Signed by the Committee.]

The report was concurred in and ordered to be sent to the House of Commons for their concurrence.

The resolution to authorize the Governor to appoint a military commission was read the second time, and, on motion by Mr. Edney, laid on the table.

The bill to amend chapter 100, of the Revised Code, entitled "Rivers and Creeks," was read the second and third times, passed, and ordered to be engrossed.

The bill to empower the sureties of E. L. Allen, recent Sheriff of Polk, to collect arrears of taxes, was read the second time.

Mr. Miller moved to lay the bill on the table. Not carried.

Mr. Basnight moved that the bill be indefinitely postponed. The motion was lost—yeas 9, nays 30.

Mr. Basnight demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Blount, Cowper, Cunningham, Flanner, Leach, Turner, Walkup and Worth—9.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Davis, Dobson, Donnell, Douthitt, Edney, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McKoy, Miller, Mills,



Pitchford, Pool, Ramsay, Speight, Steele, Straughan, Taylor, Ward, Whitaker and Williams—30.

The bill now passed its second reading.

The bill to amend the 9th section of the 93rd chapter of the Revised Code, entitled "public printing," was read the second and third times, passed, and ordered to be engrossed.

The bill to regulate the sale of spirituous liquors in the town of Asheville was read the second and third times, passed, and ordered to be engrossed.

The bill to regulate the retailing of spirituous liquors in the counties of Buncombe and Henderson was read the second and third times, passed, and ordered to be engrossed.

The resolution authorizing and requiring the principal clerks of the two Houses to have the journals bound in separate volumes was read the second and third time, passed, and ordered to be engrossed.

The bill concerning the appointment of receivers by courts of equity, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to change the No. 107 regiment for Watauga county, to No. 95, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to lay off and establish a new county by the name of Lillington, was read the second time, amended, on motion by Mr. Houston, and passed its second reading as amended—yeas 31, nays 7.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Basnight, Battle, Bledsoe, Blount, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Donnell, Edney, Flanner, Guyther, Houston, Lane, Lankford, Leach, Martin, McDonald, McDowell, McKoy, Mills, Person, Speight, Straughan, Turner, Ward and Williams—31.

Those who voted in the negative, are:

Messrs. Gorrell, Miller, Ramsay, Taylor, Walkup Whitaker and Worth—7.

The engrossed bill to lay off two roads, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend the charter of the town of Charlotte, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to appoint a special magistrate for the county of Rowan, was read the second and third times, passed and ordered to be enrolled.

Mr. McKoy gave notice that on to-morrow he should move to take up the bill for establishing the county of Lillington.

The engrossed bill to prevent making obstructions in Swift creek in the county of Edgecombe, was read the second and third times, passed, and ordered to be enrolled.

On motion by Mr. Houston the Senate now took a recess until 7 o'clock.

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*Seven o'clock, P. M.*

Mr. Bledsoe moved to take up the bill to increase the sinking fund and place it in the file. Agreed to.

The engrossed bill to change the time of holding one of the terms of the supreme court at the city of Raleigh, was read the second and third times, passed, and ordered to be enrolled.

Mr. Gorrell moved to reconsider the vote by which was passed the bill to authorize the public treasurer to sell State bonds for certain purposes. Agreed to.

The bill was now amended, on motion by Mr. Brown, and passed its third reading as amended, and ordered to be engrossed.

The engrossed bill to provide more effectually against slaves escaping from the State, was read the second time and passed.

The engrossed bill to limit the powers of constables in the counties of Cherokee and Robeson ;

The engrossed bill to authorize the Fayetteville & Albemarle Plankroad Company to establish a public ferry on the Pedee river, in the counties of Montgomery and Stanley ;

The engrossed bill concerning the powers of county courts ;  
The engrossed bill providing for the hiring out of free negroes in certain cases ;



The engrossed bill to increase the pay of witnesses in Lenoir county ;

The engrossed bill to authorize the joinder of certain counts in actions at law ;

The engrossed bill to authorize St. Paul's Church, Beaufort, to purchase lands for a cemetery ;

The engrossed bill to incorporate the Beaufort & Hyde Steamboat Company ; and,

The engrossed bill to incorporate the Lower Little River & Crane's Creek Navigation Company, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill declaring the Yadkin river a navigable stream, was read the second time and passed.

The engrossed bill to exempt members of the fire department in the town of Washington from jury duty, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to authorize and enable any person to convey property in trust by deed or will, was read the second time and laid on the table.

The resolution in favor of C. P. Mendenhall, &c., was read the second time and rejected.

The engrossed bill to incorporate Bascom College, in the county of Buncombe, was read the second and third times, passed, and ordered to be enrolled.

Mr. Lane moved to reconsider the vote by which was passed the resolution in favor of C. P. Mendenhall, &c. Agreed to, and the resolution passed its second reading.

The bill to provide for *feme covert* lunatics abandoned by their husbands, was read the second and third times, passed, and ordered to be engrossed.

Mr. Pool, from the committee on internal improvements, reported, with amendments, the bill to incorporate the Chatham Railroad Company.

The bill to amend the charter of the Greenville and French Broad Railroad Company, was read the second time.

Mr. Gorrell moved to amend the bill as follows, viz : Strike out 1st section and change 2d section into 1st section, section

2d into 3d, 3d into 4th, and 4th into 5th. The amendment was adopted—yeas 33, nays 6.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Cowper, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKoy, Mills, Person, Ramsay, Speight, Straughan, Taylor, Thomas, Walkup, Whitaker, Williams and Worth—33.

Those who voted in the negative, are :

Messrs. Brown, Leach, Miller, Pitchford, Steele and Turner—6.

Mr. Cowper moved the following as an additional section, viz :

*Bt it further enacted*, That this act shall not take effect until it is accepted by the Western North-Carolina Railroad Company, and the said acceptance is certified to the Governor of the State ; and upon said acceptance being so certified thereafter no part of the \$4,000,000 heretofore authorized to be subscribed to the construction of the Western extension of the North-Carolina Railroad on the part of the State, shall be so subscribed except so much as may be necessary to construct the same to the town of Morganton.

Not adopted.

The question now recurred on the passage of the bill its second reading, and was determined in the affirmative—yeas 30, nays 10.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Donnell, Douthitt, Edney, Gorrell, Guyther, Houston, Humphrey, Lankford, Martin, McDonald, McDowell, McKoy, Mills, Person, Pool, Ramsay, Speight, Steele, Straughan, Whitaker and Worth—30.

Those who voted in the negative, are :

Messrs. Battle, Cowper, Flanner, Lane, Leach, Miller, Taylor, Turner, Ward and Williams—10.



Received a message from the House of Commons stating that they agree to the amendments proposed by the Senate to the bill entitled "revenue," in complinace with the report of the committee on conference ;

*Ordered,* That the bill be enrolled.

The engrossed bill to repeal portions of section 2d, 5th and 10th of an act passed at the last session of the General Assembly, entitled "an act to incorporate the North-Carolina and Virginia Railroad Company," was read the second time, passed, and referred to the committee on the judiciary.

The engrossed bill in favor of certain entries of Cherokee Lands ;

The bill concerning Pilots and Pilotage in Beaufort Harbor and the waters adjacent thereto ;

The engrossed bill to incorporate the Washington and Leakesville Railroad Company ; were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Fayetteville branch of the Wilmington and Weldon Railroad, was read the second time and passed.

Mr. Ashe gave notice that on to-morrow he should move a suspension of the rule to consider this bill.

The engrossed bill to facilitate the detection and prevent the circulation of counterfeit bank bills or notes, was read the second time and laid on the table.

The engrossed bill to prevent persons from obstructing the passage of fish up Town Fork in the county of Stokes, was read the first time and passed ; said bill was read the second time.

Mr. Miller moved to lay the bill on the table. The motion prevailed.

The engrossed bill to amend an act, entitled an act to appoint commissioners to lay off and improve the public road leading from Brown's ford on the Yadkin in Wilkes county, passed at the session of 1854-'55 ;

The engrossed bill to prevent the felling of timber in the waters of the south fork of the Catawba river in the counties of Catawba, Lincoln and Gaston ;

The engrossed bill to incorporate the Sapona Coal and Iron Company, were severally read the second and third times, passed, and ordered to be enrolled.

The bill to incorporate the Hillsboro' Savings Institute was read the second time, amended on motion by Mr. Cowper, by inserting *certificate of deposit* after the word *note*, in the 4th section, and passed as amended. Said bill was read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the Beaufort Steam Ferry Boat Company; and

The engrossed resolution concerning the publication of the Documentary History of North-Carolina were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the Mechanics' and Farmers' Institute in the town of Asheville was read the second and times, passed and ordered to be enrolled.

Received a message from the House of Commons, disagreeing to the amendment of the Senate to the bill for running the dividing line between the counties of Wayne and Wilson.

Mr. Lane moved that the Senate insist on its amendment, and the question being taken thereon the same was determined in the negative—yeas 14, nays 16.

Mr. Lane demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Davis, Douthitt, Gorrell, Guyther, Lane, Leach, McDonald, McKoy, Mills, Person, Pool, Speight, Turner and Worth—14.

Those who voted in the negative are :

Messrs. Basnight, Battle, Blount, Cowper, Cunningham, Dillard, Dobson, Edney, Flanner, Humphrey, Miller, Pitchford, Ramsay, Straughan, Taylor and Williams—16.

The engrossed bill to incorporate Mars Hill College, in the county of Madison;

The engrossed bill to incorporate the town of Leicester, in the county of Buncombe;



The engrossed bill concerning Haw River, in Alamance county;

The engrossed bill to pay jurors in Jackson county; and

The engrossed bill to incorporate the Green Monument Association were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill for the better opening of the public road from Salisbury, N. C., to the mouth of New river, in Ashe county, N. C., was read the second time.

Mr. Guyther moved to amend, by striking out the 4th section. The motion prevailed.

On motion by Mr. Dobson,

*Ordered*, That the bill be laid on the table.

The engrossed bill to regulate the appointment of gaugers of spirits of turpentine in the town of Wilmington was read the second time and laid on the table.

The engrossed bill to incorporate the trustees of Reynoldson Male Institute, in the county of Gates, was read the second and third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Savannah Mining and Manufacturing Company was read the second time.

Mr. Miller moved to lay the bill on the table, which motion was lost—yeas none, nays 28.

Mr. Basnight demanded the yeas and nays.

Those who voted in the negative, are:

Messrs. Ashe, Battle, Blount, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Donnell, Edney, Flanner, Gorrell, Guyther, Honston, Humphrey, Lane, Lankford, Leach, McDonald, McKoy, Mills, Pitchford, Ramsay, Stranghan, Thomas, Whitaker and Williams—28.

The bill now passed its second and third reading and was ordered to be enrolled.

The bill for the protection and regulation of seamen in the port of Wilmington was read the second time and passed.

Said bill was read the third time and postponed.

The bill to amend the charter of the Greenville & French Broad Railroad Company was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate Old Topsail Steamboat & Navigation Company was read the second time and passed—yeas 27, nays none.

Mr. Ashe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Blount, Brown, Cunningham, Davis, Dobson, Donnell, Edney, Houston, Humphrey, Lane, Lankford, Leach, McDonald, McKoy, Miller, Mills, Pitchford, Ramsay, Speight, Straughan, Turner, Whitaker and Williams—27.

The bill was now read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Howard Relief Fire Engine Company, in the town of Wilmington; and,

The engrossed bill to incorporate Unanimity Lodge, in the town of Edenton, were severally read the second and third times, passed, and ordered to be enrolled.

The bill to incorporate the Medical Society of the State of North Carolina, and for the establishment of a Medical Board of Examiners, was read the second time and passed.

The engrossed resolution in favor of John Word, of Caswell county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of R. J. Mitchell, of Granville county, was read the second and third times, passed, and ordered to be enrolled.

On motion by Mr. Speight, the Senate adjourned until tomorrow morning, 9 o'clock.

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WEDNESDAY, FEBRUARY 16, 1859.

Mr. Turner introduced the following resolutions, and called the yeas and nays on their adoption, viz :

*Resolved*, That as Senators representing the freemen of North-Carolina, we heartily subscribe to the 15th section of the declaration of rights, which says that the freedom of the



press is one of the greatest bulwarks of liberty, and therefore ought never to be restrained.

*Resolved further*, That the freedom of the press should not be abused, nor the press itself prostituted by the improper use thereof.

*Resolved*, That the press was improperly used for the publication of the address signed "*Many Eastern Democrats*," appealing to members of this legislature to legislate for the good of the party, instead of the good of the country.

Mr. Bledsoe moved to lay the resolutions on the table. Agreed to—yeas 25, nays 7.

Mr. Turner called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Boyd, Brown, Dillard, Dobson, Guyther, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Speight, Steele, Taylor, Ward, Whitaker, Williams and Worth—25.

Those who voted in the negative, are :

Messrs. Cowper, Flanner, Leach, McDonald, Miller, Ramsay and Turner—7.

Received a message from the House of Commons, transmitting the report of the joint select committee on the Wilmington & Weldon Railroad, with a proposition to print the same. Concurred in.

On motion by Mr. Battle, the vote by which the bill to incorporate the Savannah Mining Company was passed, was reconsidered.

The engrossed resolution in favor of John Word, of Caswell county, was read the third time, passed, and ordered to be enrolled.

The following engrossed resolutions were read the second and third times, passed, and ordered to be enrolled, viz :

A resolution in favor of Jas. N. Long ;

A resolution in favor of James F. Jenkins ;

A resolution in favor of Calvin Evans ;

A resolution in favor of Wm. A. Watson ;

A resolution in favor of Drury King ; and,

A resolution in favor of John Wilson.

The resolution in favor of Margaret Gardner, was read the second time and passed—yeas 24, nays 11.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Basnight, Battle, Bledsoe, Brown, Cowper, Cunningham, Dillard, Dobson, Douthitt, Edney, Flanner, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Miller, Speight, Turner, Ward, Whitaker and Williams—24.

Those who voted in the negative, are :

Messrs. Davis, McDonald, McDowell, Mills, Pitchford, Ramsay, Steele, Stranghan, Taylor, Walkup and Worth—11.

The resolution was now read the third time, passed, and ordered to be enrolled.

The engrossed resolution in favor of Jesse W. Dixon was read the second time and laid on the table.

The engrossed resolution in favor of Benj. Justice was read the second time and passed.

On motion by Mr. McDowell,

*Ordered*, That a message be sent to the House of Commons proposing to rescind the 5th joint rule, requiring all bills to be engrossed.

The Speaker laid before the Senate a communication from the President of the North-Carolina Railroad.

Mr. Turner objected to its reception as being not in order.

Received a message from the House of Commons agreeing to the amendment proposed by the Senate to a bill to amend the charter of the Farmer's Bank of North-Carolina.

*Ordered*, That said bill be enrolled.

The engrossed resolution concerning the North-Carolina & Atlantic Railroad was read the first time and passed. Said resolution was read the second time.

Mr. Worth moved to amend by appointing a like commission for the North-Carolina Railroad. Agreed to.

Mr. Bledsoe moved to amend by striking out four and inserting five. Adopted.

Mr. Ashe moved to amend by providing that the appointees shall not be members of the Legislature. The amendment was rejected—yeas 13, nays 20.



Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Dillard, Dobson, Edney, Guyther, Humphrey, Martin, McDowell, McKoy, Speight, Steele, Taylor, and Williams—13.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Cowper, Cunningham, Douthitt, Davis, Flanner, Gorrell, Lane, Lankford, Leach, McDonald, Miller, Pitchford, Ramsay, Turner, Walkup, Ward, Whitaker and Worth—20.

The resolutions were now read the second time and passed.

The engrossed bill to incorporate the Uwharrie Lodge, No. 58, in the county of Randolph, was read the second and third times, passed, and ordered to be enrolled.

The bill to complete and amend the acts of 1854-'55 and 1856-'57, in relation to the North-Carolina Railroad, was read the second time and rejected—yeas 8, nays 24.

Mr. Mills called the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Bledsoe, Houston, McDonald, Ramsay, Speight, Straughan and Thomas—8.

Those who voted in the negative, are :

Messrs. Battle, Cunningham, Davis, Dillard, Douthitt, Dobson, Edney, Flanner, Gorrell, Guyther, Lankford, Leach, McDowell, McKoy, Miller, Mills, Person, Steele, Turner, Walkup, Ward, Whitaker, Williams and Worth—24.

Received a message from the House of Commons, proposing amendments to the engrossed bill from the Senate to establish the Bank of Commerce. Amendments agreed to, and the House of Commons informed thereof by message.

Also proposing amendments to the engrossed bill from the Senate to incorporate the Bank of Lexington. Amendments agreed to, and the House of Commons informed thereof.

Also proposing amendments to the engrossed bill to amend the charter of the Bank of Cape Fear. Amendments agreed to, and the House of Commons informed thereof by message.

The resolutions for the final settlement of half pay to offi-

cers of the revolutionary war, promised by the continental congress, were now taken up and read.

Mr. McDonald moved to amend by adding as follows, viz:  
*Resolved*, That our Senators in congress be instructed, and our representatives requested to use all honorable means to secure the passage of a law giving a pension to the officers and soldiers of the war of 1812.

The amendment was rejected, and the original resolutions were adopted.

The engrossed bill to amend the charter of the town of Charlotte, N. C., was read the second time.

Mr. Cunningham moved to lay the bill on the table. Not carried—yeas 10, nays 26.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Cunningham, Dillard, Houston, Lane, Lankford, McKoy, Pitchford, Steele and Williams—10.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Blount, Boyd, Davis, Dobson, Douthitt, Edney, Flanner, Guyther, Humphrey, Leach, Martin, McDonald, McDowell, Miller, Mills, Person, Pool, Ramsay, Straughan, Taylor, Walkup, Ward and Worth—26.

The bill now passed its second reading.

The bill to repeal portions of sections 2, 5 and 10 of an act passed at the last session entitled "A bill to incorporate the North-Carolina and Virginia Railroad Company" was read the second time and laid on the table.

The resolution in favor of the superintendent of public buildings was read the second time and rejected.

The bill to amend an act entitled an act to incorporate the Bank of Wilmington, N. C., was read the second time and passed.

The engrossed bill to alter the 92 regiment of North-Carolina Militia;

The engrossed bill to prevent the adulteration and the sale of adulterated alcoholic liquors;

The engrossed bill for the better regulation of Elizabethtown in the county of Bladen;



The engrossed bill to revive the charter of a Company to construct a Railroad from Beaufort Harbor to Fayetteville;

The engrossed bill to authorize the incorporation of companies for agricultural purposes; were severally read the second and third times, passed, and ordered to be enrolled.

The bill more effectually to punish *usury* in certain cases, was read the second time, amended and passed.

The resolution in regard to the Neuse River Navigation Company, was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution in favor of the reporter of the decisions of the Supreme Court, was read the second and third times, passed, and ordered to be enrolled.

The resolution for the relief of the sureties of G. H. Holland, was read the second time and passed.

The engrossed bill to incorporate the Coal Mining Company, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to appoint a tax collector in the counties of Robeson, Bladen and Craven, was read the second time, amended and passed; the bill was now read the third time and passed, and ordered that a message be sent to the House of Commons asking their concurrence in the Senate's amendment.

The engrossed bill to extend the corporate limits of the Town of Williamston and for other purposes, was read the second and third times, amended and passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The bill to incorporate the Washington Gas Light Company, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution to pay the legal representatives of Henry Powell deceased, the amount due him as teacher in school district in Davie county;

The engrossed bill to further regulate the inspection of flour in this State;

The engrossed bill to incorporate Carolina City Steam

Navigation Company, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill for the relief of Walter A. Winborne, late Sheriff of Guilford, was read the second time, passed, and laid on the table.

The bill to provide for limited partnerships was read the second time and passed.

The bill to construct a railroad from Warsaw to Kenansville, in Duplin county, was read the second time and passed.

The engrossed bill to authorize and require the county courts of certain counties to tax articles of property not now authorized to be taxed for county purposes, was read the second time, and, on motion, laid on the table—yeas 23, nays 11.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McKoy, Pitchford, Speight, Steele, Taylor, Ward, Whitaker and Williams—23.

Those who voted in the negative, are :

Messrs. Davis, Douthitt, Gorrell, Leach, McDonald, Mills, Miller, Reinhardt, Turner, Walkup and Worth—11.

The engrossed bill to prevent the sale of spirituous liquors to free persons of color ;

The engrossed bill for the relief of common school district, No. 27, in Orange, and No. 20, in Wake county ;

The engrossed bill to appoint a special magistrate for the town of Beaufort, in Carteret county, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of William Thompson was read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of the door-keepers was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution in favor of the clerks of the House of Commons was read the first time ; under a suspension of the rule, said resolution was read the second time.

Mr. Martin moved to amend by striking out “\$200,” and



inserting "\$150," as the allowance for the principal clerk of the Commons. Agreed to.

Mr. Martin moved further to amend by allowing \$150 to the principal clerk of the Senate. The resolution now passed its second reading, as amended—yeas 18, nays 17.

Mr. Gorrell demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Boyd, Brown, Dillard, Dobson, Edney, Guyther, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Person, Pitchford, Pool, Speight, Ward and Williams—18.

Those who voted in the negative, are :

Messrs. Cowper, Cunningham, Davis, Douthitt, Flanner, Gorrell, Leach, McDonald, Miller, Ramsay, Steele, Straughan, Taylor, Turner, Walkup, Whitaker and Worth—17

The engrossed bill to authorize the Public Treasurer to issue bonds of the State was read the second time, and, on motion by Mr. Bledsoe, laid on the table—yeas 31, nays 3.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Humphrey, Lane, Leach, Lankford, Martin, McKoy, Mills, Person, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth—31.

Those who voted in the negative, are :

Messrs. McDonald, Miller and Ramsay—3.

The engrossed bill to incorporate a Turnpike Company from Morganton to the Cranberry forge, was read the second time.

Mr. Thomas moved to strike out the 6th section of the bill; which motion was lost—yeas 15, nays 19.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Brown, Cunningham, Dillard, Dobson, Guyther, Humphrey, Lane, Lankford, Martin, Speight, Taylor, Thomas and Williams—15.

Those who voted in the negative, are :

Messrs. Cowper, Davis, Edney, Flanner, Gorrell, Houston,

Leach, McDowell, McKoy, Miller, Mills, Pool, Ramsay, Steele, Straughan, Turner, Walkup, Whitaker and Worth—19.

The bill was amended, on motion by Mr. Thomas, and passed the second time as amended.

The said bill was now read the third time, passed, and a message ordered to be sent to the House of Commons asking the concurrence in the amendments of the Senate.

The engrossed resolution concerning Hawks' history of North-Carolina was read the second time.

Mr. Bledsoe moved to lay the same on the table.

The motion prevailed—yeas 26, nays 12.

Mr. Ashe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Mills, Person, Pitchford, Speight, Taylor, Ward and Williams—26.

Those who voted in the negative, are :

Messrs. Davis, Flanner, Gorrell, McDonald, Miller, Pool, Ramsay, Steele, Straughan, Turner, Walkup and Worth—12.

Mr. Edney moved to reconsider the vote just taken.

Mr. Cunningham moved to lay the motion on the table; which was carried—yeas 24, nays 14.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Dillard, Dobson, Douthitt, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Speight, Steele, Ward and Williams—24.

Those who voted in the negative, are :

Messrs. Davis, Edney, Flanner, Gorrell, Leach, McDonald, Miller, Pool, Ramsay, Straughan, Turner, Walkup, Whitaker and Worth—14.

Mr. Lane gave notice that he should, at 3 o'clock, move to take up the bill from the House of Commons to establish the Bank of North-Carolina.



The bill to incorporate the Linnville Turnpike Company was read the second time.

The Senate now took a recess until 3 o'clock, P. M.

—

*Three o'clock, P. M.*

A message was received from the House of Commons, informing that they have passed the engrossed bill to establish the Bank of North-Carolina, in which they ask the concurrence of the Senate.

The bill was read the first time and passed.

On motion by Mr. Lane, the rule was suspended, and said bill was read the second time.

Mr. Cowper moved to amend the bill by striking out the 46th section, which was not agreed to—yeas 10, nays 27.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Davis, McDonald, Pool, Ramsay, Taylor, Turner, Walkup, Whitaker and Worth—10.

Those who voted in the negative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Edney, Flanner, Gilmore, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDowell, McKoy, Miller, Person, Pitchford, Speight, Steele, Straughan, Thomas and Williams—27.

Mr. Cowper moved to amend the 46th section as follows, viz : “ *Provided*, the stockholders shall think proper.” Not adopted.

Mr. Pool moved to amend the bill by striking out the first proviso in the 47th section.

The motion was lost—yeas 13, nays 27.

Mr. Pool called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Cunningham, Davis, Leach, McDonald, McDowell, Miller, Pitchford, Pool, Straughan, Taylor, Turner and Worth—13.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Dillard, Dobson, Douthitt, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Martin, McKoy, Mills, Person, Ramsay, Speight, Steele, Thomas, Walkup, Ward, Whitaker and Williams—27.

Mr. Pool moved the following as an additional section :

*Be it further enacted*, That the officers in the said bank shall not hold any office or place in any other bank in or out of the State.

The amendment was rejected—yeas 8, nays 32.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Cunningham, Leach, McDonald, Miller, Pool, Ramsay and Turner—8.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Speight, Steele, Straughan, Taylor, Thomas, Walkup, Ward, Whitaker and Williams—32.

Mr. Cowper moved to strike out \$200,000 and insert \$300,000. The amendment was lost—yeas 4, nays 30.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cowper, McDonald and Turner—4.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Ramsay, Speight, Steele, Straughan, Thomas, Walkup, Ward, Whitaker, Williams and Worth—30.

Mr. Cowper moved to amend the bill as follows: strike out all after the enacting clause and insert "That the charter of the Bank of the State of North-Carolina shall be so amended as that it shall not expire until the 1st day of January, 1862, and the said charter is hereby extended until the said date."

Mr. Steele called for a division of the question, and the



vote being first taken thereon the same was determined in the negative—yeas 6, nays 31.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Flanner, Miller, Pool, Ramsay and Turner—6.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McDonald, McKoy, Mills, Person, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker and Worth—31.

Mr. Cowper offered the following as an additional section, viz :

*Be it further enacted*, That the next General Assembly shall have power to amend this charter in any particular which it may deem expedient.

The amendment was rejected—yeas 7, nays 33.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, Davis, Leach, McDonald, Miller, Pool and Turner—7.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Ramsay, Speight, Steele, Straughan, Taylor, Walkup, Ward, Whitaker, Williams and Worth—33.

The question now recurred on the passage of the bill, and was determined in the affirmative—yeas 25, nays 14.

The yeas and nays being demanded,

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Davis, Dillard, Douthitt, Edney, Gilmore, Gorrell, Guyther, Houston, Lane, Leach, Martin, McDonald, Mills, Person, Ramsay, Steele, Straughan, Taylor, Thomas, Walkup, Williams and Worth—25.

Those who voted in the negative, are :

Messrs. Ashe, Brown, Cowper, Cunningham, Dobson, Lankford, McKoy, Miller, Pitchford, Pool, Speight, Turner, Ward and Whitaker—14.

So the bill passed its second reading as amended.

Under a suspension of the rule, the bill was now read the third time and passed—yeas 28, nays 13.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Basnight, Battle, Bledsoe, Boyd, Davis, Dillard, Douthitt, Edney, Flanner, Gilmore, Gorrell, Guyther, Houston, Lane, Leach, Martin, McDonald, Mills, Person, Ramsay, Steele, Straughan, Taylor, Thomas, Walkup, Ward, Williams and Worth—28.

Those who voted in the negative, are :

Messrs. Ashe, Brown, Cowper, Cunningham, Dobson, Humphrey, McDowell, McKoy, Miller, Pitchford, Pool, Speight and Turner—13.

So the bill passed its third reading, and was ordered to be enrolled.

Received a message from the House of Commons stating that they have passed the accompanying resolution concerning engrossed bills, in which they ask the concurrence of the Senate, viz :

*Resolved*, That for the remainder of the Session all engrossed bills from either House, passed by the other, without amendment, may be ratified by the Speakers without enrollment.

On motion by Mr. Lankford, the resolution was amended as follows, viz :

*Provided*, Said bills shall be examined and certified by the enrolling committee.

The resolution was adopted as amended, and the concurrence of the Commons asked in the amendment of the Senate.

The engrossed bill to incorporate the Knap of Reeds Masonic Classical School, was read the second and third times, passed, and ordered to be enrolled. ✓

The bill for the better regulation of the town of Smithville,



in Brunswick county, was read the second and third time, passed, and ordered to be engrossed.

The bill declaring the Yadkin river a navigable stream was read the third time and laid on the table.

The engrossed bill concerning public mills was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution requiring the Secretary of State to have printed and distributed copies of an act entitled "Revenue," was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill concerning land marks was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to alter the line between Burke and Caldwell was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend the charter of the town of Salisbury was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to charter the Stewart Gold Mining Company was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Coal and Iron Oil Company was read the second and third times, passed, and ordered to be enrolled.

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

The bill to incorporate the Cambridge Copper Company ;  
and

The bill to incorporate the Lizzardale Copper Company.

The Senate now took a recess until 7 o'clock, P. M.

—

*Seven o'clock, P. M.*

Received a message from the House of Commons concurring in the amendments of the Senate to a bill to incorporate a Turnpike Company from Morganton to Cranberry :

*Ordered,* That said bill be enrolled.

The engrossed bill to incorporate the Wilson Female Seminary ;

The engrossed bill to incorporate the town of Webster, in the county of Jackson ;

The engrossed bill to incorporate the North-Carolina Agricultural Society ;

The engrossed bill to declare portions of the Uwharrie a sufficient stream for a lawful fence ; were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Chatham Railroad Company, was read the second time and passed.

The engrossed bill to incorporate the Fayetteville branch of the Wilmington and Weldon Railroad, was read the third time.

Mr. Turner moved to strike out the 14th section of the bill.

Mr. Miller moved to lay the motion on the table. Not agreed to.

The motion now recurred on Mr. Turner's motion and was determined in the affirmative—yeas 28, nays 9.

Mr. Ward demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Dillard, Douthitt, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, Leach, Martin, Miller, Mills, Pitchford, Pool, Ramsay, Straughan, Taylor, Turner, Ward, Whitaker, Williams and Worth—28.

Those who voted in the negative, are :

Messrs. Ashe, Dobson, Edney, Gilmore, McDonald, McDowell, McKoy, Steele and Walkup—9.

The bill now passed its third reading and a message was sent to the House of Commons asking their concurrence in the Senate's amendment.

Received a message from the House of Commons concurring in the amendments of the Senate to the engrossed bill to incorporate the Hillsboro' Savings Institute.

*Ordered*, That the bill be enrolled.

Also a message informing that the House of Commons has passed the engrossed bill to change the time of holding the



county courts of Ashe county, with amendments, in which they ask the concurrence of the Senate.

The amendments were agreed to and the Commons informed thereof by message.

The bill to incorporate the Cheoe and Vally River Turnpike Company, was read the second and third times, passed, and ordered to be engrossed.

The bill to amend the charter of the Charleston, Blue Ridge and Chattanooga Railroad Company, was read the second time and passed.

Received a message from the House of Commons, concurring in the amendment of the Senate to strike out the 14th section of the bill to incorporate the Fayetteville Branch of the Wilmington & Weldon Railroad Company.

*Ordered,* That said bill be enrolled.

Mr. Houston moved to print the communication of the President of the North-Carolina railroad, addressed to the Speaker of the Senate, which motion was entertained.

Mr. Turner moved to amend the motion of Mr. Houston, by proposing to print the resolutions introduced by him concerning the island of Cuba.

Mr. Miller moved to lay the motion to print on the table. Not agreed to—yeas 15, nays 22.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Battle, Cowper, Davis, Douthitt, Edney, Flanner, Gorrell, Leach, McDonald, Miller, Pitchford, Ramsay, Straughan, Walkup and Whitaker—15.

Those who voted in the negative, are:

Messrs. Ashe, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Speight, Steele, Taylor, Thomas, Turner, Ward and Williams—22.

Mr. Pitchford moved that the whole subject be indefinitely postponed.

Mr. Pool moved that the communication be read; which was ordered, and after the reading of the same had commenced, and before it had been finished,

Mr. Edney moved to lay the document on the table. Not agreed to—yeas 15, nays 22.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cowper, Davis, Douthitt, Edney, Flanner, Gorrell, Leach, McDonald, Miller, Mills, Pool, Ramsay, Straughan and Walkup—15.

Those who voted in the negative, are :

Messrs. Ashe, Basnight, Bledsoe, Boyd, Brown, Cunningham, Dillard, Dobson, Guyther, Houston, Lane, Lankford, Martin, McKoy, Person, Pitchford, Speight, Steele, Taylor, Ward, Whitaker and Williams—22.

Mr. Turner moved an adjournment. Not agreed to—yeas 3, nays 30.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Mills, Pool and Turner—3.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Guyther, Houston, Lane, Leach, Martin, McDonald, Miller, Person, Pitchford, Ramsay, Speight, Steele, Taylor, Walkup, Ward, Whitaker, Williams and Worth—30.

Mr. Pool moved to dispense with the further reading of the document. Not agreed to—yeas 17, nays 19.

Mr. Bledsoe demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cowper, Cunningham, Davis, Douthitt, Edney, Flanner, Gorrell, McDonald, Miller, Mills, Pitchford, Pool, Ramsay, Straughan, Turner and Walkup—17.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Boyd, Brown, Dillard, Dobson, Guyther, Houston, Lane, Lankford, Martin, McKoy, Person, Speight, Steele, Taylor, Ward, Whitaker and Williams—19.

Mr. Cowper moved to adjourn till 2 o'clock.

Mr. Turner moved to amend the motion by substituting half-after two.



The question being first taken on the longest time, the motion was lost—yeas 5, nays 32.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Cowper, McDonald, Miller, Turner and Walkup—5.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Leach, Martin, McKoy, Person, Pitchford, Ramsay, Speight, Straughan, Taylor, Thomas, Ward, Whitaker, Williams and Worth—32.

The question now recurred on the motion of Mr. Cowper to adjourn until 2 o'clock. The motion was lost—yeas 5, nays 32.

Those who voted in the affirmative, are :

Messrs. Cowper, McDonald, Miller, Turner and Walkup—5.

Those who voted in the negative, are :

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Person, Pitchford, Ramsay, Speight, Steele, Straughan, Taylor, Thomas, Ward, Williams and Worth—32.

M. Ashe asked leave to withdraw the document, and the question for leave to withdraw the same being put, it was determined in the affirmative—yeas 31, nays 7.

Those who voted in the affirmative, are :

Messrs. Ashe, Battle, Boyd, Brown, Carmichael, Cunningham, Davis, Dillard, Dobson, Douthitt, Edney, Gorrell, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDowell, McKoy, Mills, Person, Pitchford, Speight, Steele, Straughan, Thomas, Walkup, Ward, Whitaker and Williams—31.

Those who voted in the negative, are :

Messrs. Cowper, Flanner, Leach, McDonald, Pool, Turner and Worth—7.

Mr. Worth rose for a personal explanation.

Mr. Houston objected on the ground that he could only do

it by unanimous consent, and the Speaker so ruled; from which decision Mr. Turner appealed.

The question being put, shall the decision of the chair stand as the judgment of the Senate, was determined in the affirmative—yeas 24, nays 7.

Those who voted in the affirmative, are:

Messrs. Ashe, Battle, Bledsoe, Boyd, Brown Cunningham, Dillard, Dobson, Edney, Guyther, Houston, Humphrey, Lane, Lankford, McDowell, McKoy, Mills, Person, Pitchford, Steele, Speight, Taylor, Whitaker and Williams—24.

Those who voted in the negative, are:

Messrs. Davis, Gorrell, Leach, Miller, Ramsay, Turner and Worth—7.

Mr. Turner asked leave to offer a resolution which was ruled out of order.

The engrossed resolution in favor of Polly Pinner;

The engrossed resolution in favor of W. J. Brown;

The engrossed resolution in favor of James Conolly; were severally read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of John J. Johnston was read the second time and passed; said resolution was read the third time.

Mr. Miller moved to lay the same on the table; the motion was lost—yeas 4, nays 24.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Davis, Miller, Turner, and Walkup—4.

Those who voted in the negative, are:

Messrs. Battle, Bledsoe, Boyd, Brown, Cowper, Cunningham, Dillard, Dobson, Douthitt, Edney, Houston, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Pitchford, Speight, Steele, Straughan, Thomas, Whitaker and Williams—24.

The resolution now passed its third reading and was ordered to be enrolled.

The engrossed resolution in favor of Wm. Green; and,

The engrossed resolution in favor of Joshua R. Hall, were severally read the second and third times, passed, and ordered to be enrolled.



The engrossed resolution in favor of Paul Froneberger was read the second time.

Mr. Walkup moved to lay the same on the table. Not carried—yeas 10, nays 26.

Mr. Walkup demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Cowper, Cunningham, Dobson, Flanner, Gorrell, McKoy, Speight, Steele, Walkup and Worth—10.

Those who voted in the negative, are:

Messrs. Battle, Bledsoe, Boyd, Brown, Davis, Douthitt, Dillard, Edney, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, Miller, Mills, Person, Ramsay, Straughan, Taylor, Thomas, Turner, Whitaker and Williams—26.

The bill now passed its second reading.

The engrossed resolution in favor of W. H. & R. S. Tucker;

The engrossed resolution in favor of Martha Spears;

The engrossed resolution in favor of Jacob Evans;

The engrossed resolution in favor of Esley Staly;

The engrossed resolution in favor of H. Brown;

The engrossed resolution in favor of E. D. Davis;

The engrossed resolution in favor of H. D. Turner;

The engrossed resolution in favor of W. Wooley;

The engrossed resolution in favor of Shepherd D. Mercy;

and,  
The engrossed resolution in favor of Alex. Watson; were severally read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of John H. Jones, was read the second time.

Mr. Battle moved to lay the resolution on the table. Not carried.

The resolution now passed its second reading.

The resolution was read the third time, amended, and rejected—yeas 9, nays 17.

Those who voted in the affirmative, are:

Messrs. Bledsoe, Davis, Dobson, Douthitt, Edney, Lane, Speight, Thomas and Walkup—9.

Those who voted in the negative, are :

Messrs. Battle, Cowper, Cunningham, Dillard, Flanner, Guyther, Humphrey, Lankford, Martin, McDonald, McKoy, Miller, Person, Taylor, Ward, Williams and Worth—17.

The resolution in favor of James B. Harding, was read the second time and laid on the table.

The engrossed resolution in favor of W. L. Pomery, and

The engrossed resolution in favor of Norwood, Parker & Co., were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of the clerks of the two House, was read the third time.

Mr. Dobson moved to amend the same by allowing the assistant clerk of the Senate \$50. The amendment was adopted—yeas 19, nays 9.

Those who voted in the affirmative, are :

Messrs. Battle, Boyd, Brown, Cowper, Cunningham, Dillard, Dobson, Edney, Houston, Humphrey, Lane, Leach, Martin, Mills, Person, Pitchford, Speight, Ward and Williams—19.

Those who voted in the negative, are :

Messrs. Davis, Douthitt, Flanner, Lankford, Miller, Turner, Walkup, Whitaker and Worth—9.

The question now recurred on the adoption of the resolution as amended, and was determined in the affirmative—yeas 19, nays 11.

Those who voted in the affirmative, are :

Messrs. Battle, Boyd, Brown, Cowper, Dillard, Dobson, Edney, Houston, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Pitchford, Speight, Ward, Whitaker and Williams—19.

Those who voted in the negative, are :

Messrs. Cunningham, Davis, Douthitt, Flanner, Leach, McDonald, Miller, Straughan, Taylor, Walkup and Worth—11.

The said resolution having passed its third reading as amended,

*Ordered,* That a message be sent to the House of Com-



mons, asking their concurrence in the amendments of the Senate.

Received a message from the House of Commons concurring in the amendments of the Senate to the resolution in favor of the clerks of the two Houses.

*Ordered*, That the same be enrolled.

The engrossed bill to open the Catawba river for the free passage of fish was read the second time.

Mr. Turner moved to lay the bill on the table.

The motion was lost, and the bill passed its second reading. Said bill was read the third time.

Mr. Turner moved the indefinite postponement of the bill. The motion was lost—yeas 8, nays 24.

Mr. Turner demanded the yeas and nays.

Those who voted in the affirmative, are :

Messrs. Battle, Cowper, Davis, Flanner, Gorrell, McDonald, Turner and Worth—8.

Those who voted in the negative, are :

Messrs. Ashe, Bledsoe, Boyd, Cunningham, Dillard, Douthitt, Dobson, Edney, Gilmore, Guyther, Houston, Humphrey, Lankford, Martin, McDowell, McKoy, Miller, Mills, Person, Speight, Straughan, Thomas, Whitaker and Williams—24.

The bill now passed its third reading and was ordered to be enrolled.

The engrossed bill to lay off and establish a new county by the name of Lillington was read the third time and passed—yeas 22, nays 10.

Those who voted in the affirmative, are :

Messrs. Battle, Boyd, Brown, Davis, Dillard, Dobson, Douthitt, Flanner, Gilmore, Gorrell, Guyther, Houston, Lane, Lankford, Leach, McDowell, McKoy, Mills, Speight, Thomas, Turner and Walkup—22.

Those who voted in the negative, are :

Messrs. Ashe, Cowper, Cunningham, Edney, Humphrey, Miller, Pitchford, Taylor, Whitaker and Williams—10.

*Ordered*, That a message be sent to the House of Commons, asking their concurrence in the Senate's amendment.

Received a message from the House of Commons informing

that they have passed the engrossed bill from the Senate to establish the Miners' and Planters' Bank of Murphey, with amendments, in which they ask the concurrence of the Senate.

The amendments were agreed to, and the bill ordered to be enrolled.

Mr. Taylor moved an adjournment. Not carried—yeas 11, nays 20.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Brown, Dobson, Flanner, Guyther, Houston, Humphrey, Lane, Martin, Pitchford and Speight—11.

Those who voted in the negative, are :

Messrs. Battle, Boyd, Cowper, Cunningham, Davis, Dillard, Douthitt, Edney, Gorrell, Leach, Lankford, McDonald, Miller, Ramsay, Straughan, Turner, Walkup, Whitaker, Williams and Worth—20.

The engrossed resolution in favor of Paul Froneberger was read the third time, passed, and ordered to be enrolled.

Mr. Bledsoe moved an adjournment. Not carried—yeas 12, nays 19.

Those who voted in the affirmative, are :

Messrs. Bledsoe, Boyd, Brown, Dillard, Dobson, Guyther, Lane, Lankford, Martin, Pitchford, Ramsay and Speight—12.

Those who voted in the negative, are :

Messrs. Basnight, Battle, Cowper, Cunningham, Davis, Douthitt, Edney, Gorrell, Houston, Leach, McDonald, McKoy, Miller, Straughan, Turner, Walkup, Whitaker, Williams and Worth—19.

The resolutions to provide for a commission to examine into the management and prospects of the Atlantic & North-Carolina and the North-Carolina Railroad Companies were read the second time and passed. The resolutions were read the third time.

Mr. Gorrell moved to strike out so much of the bill as relates to the North-Carolina Railroad. Agreed to.

Mr. Gorrell moved further to amend by striking out five and inserting four. Agreed to.

The resolutions now passed the third time, and were ordered to be enrolled.



The engrossed bill to incorporate the Medical Society of the State of North-Carolina, and for the establishment of a Medicial Board of Examiners, was read the third time, passed, and ordered to be enrolled.

On motion by Mr. Cowper, the Senate adjourned until tomorrow morning 6 o'clock—yeas 23, nays 9.

Those who voted in the affirmative, are:

Messrs. Basnight, Bledsoe, Boyd, Brown, Cowper, Dillard, Dobson, Flanner, Guyther, Houston, Humphrey, Lane, Lankford, Martin, McKoy, Mills, Pitchford, Ramsay, Speight, Straughan, Thomas, Whitaker and Williams—23.

Those who voted in the negative, are:

Messrs. Battle, Cunningham, Davis, Edney, Gorrell, McDonald, Miller, Walkup and Worth—9.

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THURSDAY, FEBRUARY 17, 1859.

*Six o'clock, A. M.*

Mr. Edney moved that a message be sent the House of Commons proposing to rescind the joint order, for the adjournment of the two Houses to day at 7 o'clock, A. M., and that the two Houses adjourn *sine die*, at 2 o'clock, P. M. The motion was disagreed to.

A message was received from the House of Commons concurring in the amendments of the Senate to the engrossed bill to lay off and establish a new county by the name of Lillington.

*Ordered*, That said bill be enrolled.

Mr. Houston moved that a message be sent to the House of Commons proposing to rescind the joint order to adjourn this day at 7 o'clock, and that the two Houses adjourn *sine die*, at 12 o'clock, M.

The proposition was agreed to—yeas 17, nays 16.

Those who voted in the affirmative, are:

Messrs. Ashe, Davis, Donnell, Douthitt, Edney, Gilmore, Gorrell, Houston, Leach, McDonald, McDowell, Mills, Pitchford, Straughan, Thomas, Walkup and Whitaker—17.

Those who voted in the negative, are :

Messrs. Basnight, Boyd, Cowper, Flanner, Guyther, Lane, Lankford, Martin, Miller, Ramsay, Speight, Steele, Taylor, Ward, Williams and Worth—16.

Received a message from the House of Commons, stating that the hour agreed upon for the adjournment of the two Houses having now arrived, the House of Commons would adjourn *sine die* on the return of the messenger.

Mr. Donnell then presented the following resolution, which was read and unanimously adopted :

*Resolved*, That the thanks of the Senate are due and are hereby tendered to the Hon. Henry T. Clark, for the able, faithful, and impartial manner in which he has presided over the deliberations of the Senate, and discharged the duties of the chair, during the present session.

Whereupon the Speaker made his acknowledgments to the Senate, and adjourned the same without day.

HENRY T. CLARK,  
*Speaker of the Senate.*

By order,  
JOHN HILL, *Clerk.*



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