



**LIBRARY**

OF THE

**University of North Carolina.**

Endowed by the Dialectic and Philanthropic  
Societies.

CALL NO.

C 328.1 - N87  
Senate  
1871-1872



UNIVERSITY OF N.C. AT CHAPEL HILL



00033990593

FOR USE ONLY IN  
THE NORTH CAROLINA COLLECTION

---











1841

GENERAL ASSEMBLY

OF THE STATE OF NORTH CAROLINA

1841

W. H. RAYMOND, PRINTER

JOURNAL  
OF THE  
SENATE  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF NORTH CAROLINA,  
AT ITS  
SESSION OF 1871-'72.

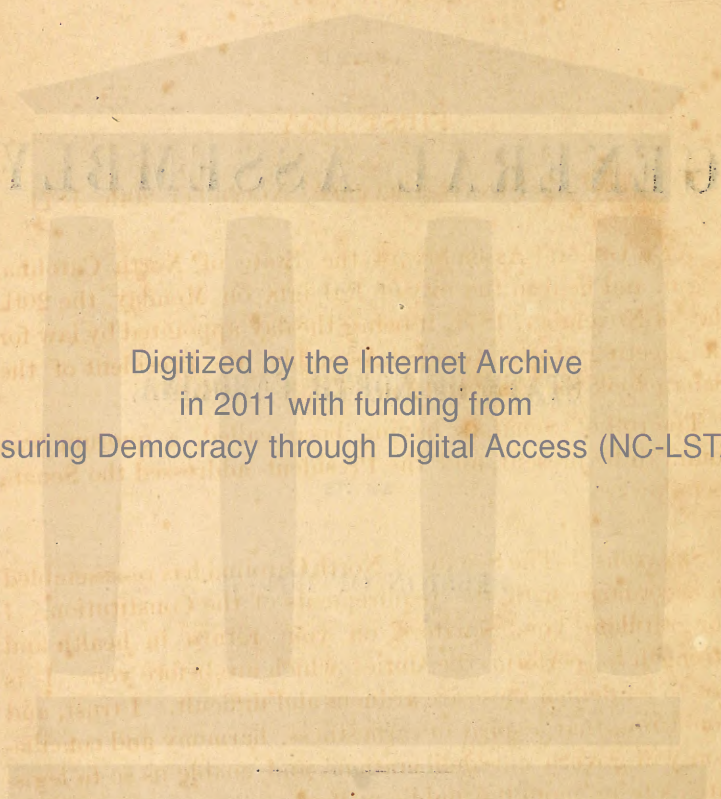


RALEIGH:  
THEO. N. RAMSAY, STATE PRINTER AND BINDER.  
1872.



JOURNAL

SENATE JOURNAL



Digitized by the Internet Archive  
in 2011 with funding from  
Ensuring Democracy through Digital Access (NC-LSTA)

# SENATE JOURNAL.

SESSION 1871-72.

---

FIRST DAY.

SENATE CHAMBER, November 20th, 1871.

At a General Assembly of the State of North Carolina, begun and held in the city of Raleigh, on Monday, the 20th day of November, 1871, it being the day appointed by law for the meeting of the General Assembly, the President of the Senate took the chair at 12 m.

The roll of Senators having been called, a quorum was found to be present, and the President addressed the Senate as follows :

SENATORS :—The Senate of North Carolina has re-assembled in accordance with the requirements of the Constitution. I congratulate you, Senators, on your return in health and strength to perform the duties which are before you. It is not to be denied these are arduous and difficult. I trust, and doubt not, that a spirit of earnestness, harmony and conciliation will govern our deliberations, and enable us so to legislate as to promote the public welfare.

On motion of Mr. Latham, a message was ordered to be sent to the House of Representatives announcing that the Senate had met and was ready to proceed to business.

Mr. Roblins, of Rowan, introduced a bill to be entitled an act to alter the Constitution of North Carolina, which was

2122



read and passed first time and ordered to be printed and made special order for 11 a. m., to-morrow.

On motion of Mr. Robbins, of Rowan, it was ordered that a message be sent to the House of Representatives proposing to raise a Joint Select Committee on Constitutional Reform, to consist of six members on the part of the Senate and nine on the part of the House of Representatives.

The Senate then adjourned.

---

## SECOND DAY.

SENATE CHAMBER, November 21st, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Merrimon : a bill to be entitled an act to fix the *per diem* and mileage of the officers and members of the General Assembly. To committee on propositions and grievances ;

A bill to be entitled an act for the relief of the people of the State. To committee on propositions and grievances.

By Mr. Beasley : a bill to be entitled an act to authorize the Commissioners of Bertie county to issue bonds. To committee on propositions and grievances.

By Mr. Edwards : a bill to be entitled an act concerning the probate of deeds and the privy examination of married women beyond the limits of the State. To committee on judiciary ;

A bill to be entitled an act concerning the jurisdiction of the Superior Courts. To committee on judiciary.

By Mr. Dargan : a bill to be entitled an act to provide for

the collection of arrears of taxes. To committee on propositions and grievances.

By Mr. Lehman: a bill to be entitled an act proposing amendments to the Constitution of North Carolina. Order to be printed and made special order for 11 a. m., to-day;

A bill to be entitled an act supplemental and amendatory of an act to amend the charter of the city of Newbern and of the Newbern Academy, ratified 6th April, 1871. To committee on corporations;

A bill to be entitled an act to authorize the commissioners Craven county to levy a special tax. To committee on education.

By Mr. Olds: a bill to be entitled an act in relation to Salaries and Fees. To committee on propositions and grievances.

By Mr. Graham, of Alamance: a bill to be entitled an act to change the time of holding the Superior Courts of Alamance county. To committee on judiciary.

By Mr. Linney: a bill to be entitled an act to promote the agricultural interest of the country. To committee on judiciary.

A message was received from the House of Representatives, proposing to raise a Joint Committee to wait upon his Excellency the Governor, and inform him of the readiness of the General Assembly to receive any communication he may wish to make. The proposition was concurred in, and Messrs. Lehman and Latham were designated as Senate branch of said committee.

A message was received from the House of Representatives concurring in the proposition of the Senate to raise a Joint Select Committee on Constitutional Reform, and announcing Messrs. Johnston, of Buncombe, Gregory, Hargrove, Sparrow, Stanford, Luckey, Phillips, Broadfoot and Guyther as House Branch of said Committee.

The Chair thereupon designated Messrs. Robbins, of Rowan,



Gilmer, Merrimon, Murphy, Lehman and Olds as Senate branch of said committee.

Mr. Lehman, in behalf of the committee to wait upon the Governor, reported that his Excellency would communicate with the General Assembly by message in writing, to be sent to the House of Representatives at 11 a. m., to-day.

On motion of Mr. Lehman, the Senate then took a recess for one hour.

At the expiration of the recess the Senate was called to order by the chair.

On motion of Mr. Robbins, of Rowan, S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina, and S. B. 8, a bill to be entitled an act proposing amendments to the Constitution of North Carolina, were referred to committee on constitutional reform.

The Senate then adjourned.

---

### THIRD DAY.

SENATE CHAMBER, November 22d, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was received from the House of Representatives transmitting the message of his Excellency, the Governor, and proposing to print five copies thereof for the use of each member of the General Assembly and fifty copies for the use of each department of the State Government.

On motion of Mr. Worth, the reading of the message was dispensed with.

On motion of Mr. Lehman, the proposition to print the message of the Governor was concurred in.

The following resolutions were, by consent, introduced, read and adopted :

By Mr. Merrimon: resolution calling on the Governor for the report of the Commission created by an act entitled an act to provide for the completion of the Western Division of the Western North Carolina Railroad;

By Mr. Worth: resolution calling on the Governor for any information he may have in regard to the leasing of the North Carolina Railroad;

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Hawkins: a bill to be entitled an act to authorize the Petersburg Railroad Company to erect and keep up, a bridge across the Roanoke River. To committee on internal improvements;

By Mr. Hyman: a bill to be entitled an act to allow the Commissioners of Warren County to levy a special tax. To committee on propositions and grievances;

By Mr. Cook: a bill to be entitled an act to amend section 7, chapter 42, of the Revised Code of North Carolina. To committee on propositions and grievances, and

A bill to be entitled an act to allow enterers of vacant lands further time to obtain grants from the State. To committee on propositions and grievances.

By Mr. Lehman: a bill to be entitled an act to incorporate the Excelsior Bucket and Axe Company, No. 4, of the city of Newbern. To committee on corporations.

Mr. Robbins, of Davidson, at his own request, was excused from further service on Committee on Enrolled Bills, and the Chair thereupon designated Mr. Troy as a member of said committee in his stead.

The Senate then adjourned.



## FOURTH DAY.

SENATE CHAMBER, November 23d, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Graham, of Orange, presented a petition from H. P. C. Wilson, a citizen of Maryland, proposing a compromise in relation to certain bonds of the State, held by petitioner. The petition was read and referred to committee on finance.

Reports from standing committees were then submitted as follows:

From the Committee on Judiciary:

S. B. 5, a bill to be entitled an act concerning the jurisdiction of the Superior Courts;

S. B. 6, a bill to be entitled an act concerning the jurisdiction of the Superior Courts;

S. B. 13, a bill to be entitled an act to change the time of holding the Superior Courts of Alamance county; with recommendation that they do pass.

From Committee on Corporations:

S. B. 18, a bill to be entitled an act to allow enterers of vacant lands further time to obtain grants from the State, with recommendation that it do pass.

S. B. 11, a bill to be entitled an act for the relief of the people of the State, and to extend the time within which sheriffs and tax collectors are now required by law to settle their taxes, recommending that it be laid on the table.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Whiteside: a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, and for other purposes. To committee on corporations;

By Mr. Graham, of Orange: a bill to be entitled an act to amend the law of evidence. To committee on judiciary;

By Mr. Olds: a bill to be entitled an act in relation to the inspection of fish. To committee on proposition and grievances;

By Mr. Cook: a bill to be entitled an act to define the crime of arson. To committee on judiciary;

By Mr. Merrimon: a bill to be entitled an act to require the Commission appointed by an act entitled an act to provide for the completion of the Western Division of Western North Carolina Railroad, ratified the 24th March, 1870, to make reports to the Governor of the State, and for other purposes. Placed on the calendar, and made special order for 11 a. m., to-morrow;

By Mr. Edwards: a bill to be entitled an act to amend the charter of the Raleigh and Gaston Railroad Company. To committee on internal improvements, and

A bill to be entitled an act to amend the charter of the Chatham Railroad Company. To Committee on internal improvements;

By M. Flemming: a bill to be entitled an act to amend an act to create a Mechanics and Laborer's lien law. To committee on judiciary;

By Mr. Linney: A bill to be entitled an act to allow a mortgage deposit in lieu of personal security or a money deposit. To committee on judiciary.

A message was received from his Excellency, the Governor, in response to a resolution of inquiry concerning report of Commission appointed by an act to provide for the completion of the Western Division of the Western North Carolina Railroad. The message was read and laid on the table.

Mr. Gilmer introduced the following resolution:

*Resolved*, That the Finance Committee be instructed to ascertain and report at as early a day as practicable an accurate and detailed statement of the public debt, and its accrued interest to the 1st day of July, 1871, showing the date of issue



of bonds, under what authority issued and the purposes for which issued, in classes; the amount of unfunded interest and the sum necessary to be raised and expended by the State in the event of a payment of the interest which falls due on the first days of January, April and October, 1872, and whether and how the same are secured otherwise than by the faith of the State.

*Resolved*, That for the carrying into effect the purposes herein expressed, it shall be competent for the said Finance Committee to employ an experienced clerk, at a *per diem* not exceeding \$4 when actually engaged.

Mr. Jones moved to amend by striking out all relating to the employment of a clerk.

Mr. Edwards moved the previous question and the Senate ordered the main question to be put.

The question first recurring on the amendment, it prevailed and the resolution was adopted.

Mr. Hyman offered a resolution requiring the clerk to call the roll of the Senate every morning and to enter the names of the absent Senators upon the journal, which was read and laid on the table.

Mr. Merrimon offered the following resolution :

WHEREAS his Excellency, the Governor, in his message, among other things, in reference to the Constitution and salaries and fees, says :

“ The Constitution is not to blame for the high salaries and fees paid State and County officers,” \* \* \* “ and there is nothing in said instrument which fixes salaries and fees.”

*Now therefore resolved*, That the Judiciary Committee be instructed to enquire whether under the Constitution the salary of the Governor may be reduced to the sum of \$3,000 *per annum*, the salary of the Treasurer to \$2,000 *per annum* and the salaries of the several Judges of the Supreme and

Superior Courts to \$1,950 *per annum*, and report by bill or otherwise.

The resolution was read and adopted.

Mr. Hyman offered a resolution in regard to the printing of the roll of the Senate and Joint Standing Committees.

Mr. Graham, of Orange, moved an amendment in the nature of a substitute, as follows :

*Resolved*, That the President of the Senate appoint all Standing Committees ; but the committees of last session shall serve until new appointments are announced.

The amendment prevailed and the resolution was adopted.

Mr. Robbins, of Davidson, offered a resolution making temporary provision for stationery, which, under a suspension of the rules, was read and adopted.

A message was received from his Excellency, the Governor, in response to a resolution of inquiry concerning the leasing of the North Carolina Railroad.

The message was read and, on motion of Mr. Love, referred to the Committee on Internal Improvements, with instructions to make further inquiry through the instrumentality of the Senate, if necessary, and to report by bill or otherwise.

The Senate then adjourned.

---

## FIFTH DAY.

SENATE CHAMBER, November 24th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Prayer by the Rev. L. S. Burkehead.



Leave of absence was granted to Mr. Moore from Monday morning until Wednesday evening.

Reports from standing committees were then submitted as follows:

From the Committee on Judiciary :

By Mr. Dargan : S. B. 4, a bill to be entitled an act concerning the probate of deeds and the privy examination of married women beyond the limits of the State of North Carolina, with a recommendation that it do pass.

From the Committee on Corporations :

By Mr. Morehead : S. B. 9, a bill to be entitled an act supplemental and amendatory of an act to amend the charter of the city of Newbern and of Newbern Academy, ratified 6th April, 1871, recommending its passage ;

S. B. 19, a bill to be entitled an act to incorporate the Excelsior Bucket and Axe Company, No. 4, of the city of Newbern, with amendment.

From the Committee on Propositions and Grievances :

By Mr. Love : S. B. 3, a bill to be entitled an act to authorize the Commissioners of Burke county to issue bonds, with recommendation that it do pass.

From the Committee on Internal Improvements :

By Mr. Robbins, of Rowan : S. B. 15, a bill to be entitled an act to authorize the Petersburg Railroad Company to erect and keep up a bridge across the Roanoke river, with amendment ;

S. B. 25, a bill to be entitled an act to amend the charter of the Raleigh and Gaston Railroad Company, recommending its passage.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Robbins, of Davidson : a bill to be entitled an act to amend title 19, chapter 2, section 429, of the Code of Civil Procedure. To committee on judiciary ;

By Mr. Flemming: A bill to be entitled an act to construct a Turnpike road between Marion and Burnsville. To committee on internal improvements.

On motion of Mr. Robbins, of Rowan, permission was granted to Dr. Hawkins, President of the Chatham Railroad Company, to place a coal grate in one of the fireplaces in the Senate chamber, and to burn Chatham coal therein.

On motion of Mr. Gilmer, it was ordered that a message be sent to the House of Representatives proposing to raise a Joint Select Committee of two on the part of the Senate and three on the part of the House on Immigration, and to refer so much of the Governor's message, as relates to that subject to said Committee when raised.

A message was received from his Excellency, the Governor, transmitting report of the Commission appointed under an act to provide for the completion of the Western Division of the Western North Carolina Railroad.

The report was read and ordered to be printed.

At 11 a. m., S. B 27, a bill to be entitled an act to require the Commission appointed by an act entitled an act to provide for the completion of the Western Division of the Western North Carolina Railroad, to make report to the Governor, &c., the special order for ten p. m., was read second time.

Mr. Robbins, of Rowan, moved to postpone the further consideration of the bill until 11 a. m., on Friday next, and to make it the special order for that hour.

The yeas and nays were ordered, on demand of Mr. Merri-  
mon, and the motion did not prevail. Yeas 20; Noes 22.

*Affirmative*—Messrs. Beasley, Brogden, Council, Cowles, Currie, Eppes, Flemming, Flythe, Gilmer, Hawkins, King, Lehman, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—20.

*Negative*—Messrs. Adams, Albright, Battle, Brown, Cook, Crowell, Dargan, Edwards, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Limney, Love, Mauney, Me-



Clammy, Merrimon, Morehead, Speed, Waddell and Whiteside—22.

Mr. Love moved to amend by striking out in section 3, the word "Buncombe" and inserting in lieu thereof the word "Haywood."

The amendment prevailed and the bill passed second time.

Bills were acted on under a suspension of the rules as follows :

S. B. 15, a bill to be entitled an act to authorize the Petersburg Railroad Company to erect and keep up a bridge across the Roanoke river. Read second time.

The amendment offered by the Committee on Internal Improvements prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 42 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—42.

*Negative*—None.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 3, a bill to be entitled an act to authorize the Commissioners of Bertie county to issue bonds. Read and passed second time. Yeas 37 ; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Mauney, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—37.

*Negative*—Messrs. Love and Norment—2.

A message was received from the House of Representatives transmitting House resolution 4, a resolution to raise Joint Select Committee to investigate charges made in certain public prints against parties contracting with the State for the public printing, and asking the concurrence of the Senate therein.

The resolution was read, and the question recurring, under a suspension of the rules, on its adoption, the yeas and nays were ordered, on demand of Mr. Robbins, of Rowan, and the resolution was adopted. Yeas 42; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—42.

*Negative*—None.

The chair thereupon designated Messrs. Worth and Hawkins as Senate branch of said committee.

S. R. 26, a resolution making temporary provision for stationery. Read and passed second and third times. Yeas 42; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—42.

*Negative*—None.

The Senate then adjourned.



## SIXTH DAY.

SENATE CHAMBER, November 25th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Price offered a paper as a memorial from certain citizens of New Hanover county.

Mr. Latham desired to know before the paper was allowed to be read, whether it was respectful to the Senate and its members.

Mr. Price was not prepared to say what the Senate would consider respectful and what not respectful.

Mr. Latham, thereupon, objected to the reading of the memorial.

The chair decided that under the 10th of the Rules of Order it was necessary for every memorial or petition to have endorsed upon it a statement of its contents, and thereupon,

On motion of Mr. Lehman, directed the paper to be returned to the Senator from the New Hanover for the purpose of making the required statement.

Reports from Standing Committees were then submitted as follows:

From Committee on Judiciary:

By Mr. Dargan: S. B. 22, a bill to be entitled an act to amend the law of Evidence, recommending its passage;

By Mr. Graham, of Orange: S. B. 21, a bill to be entitled an act to allow a mortgage deposit in lieu of personal security, or a money deposit, recommending its passage.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Merrimon: a bill to be entitled an act to commute, compound and adjust the public debt. To committee on finance, and ordered to be printed;

By Mr. Gilmer: a bill to be entitled an act to incorporate

the Altamahaw Coal Company. To committee on corporations;

By Mr. Worth: a bill to be entitled an act for exchanging the stocks of the State, for bonds with which such stocks were obtained and for other purposes. Ordered to be printed and referred to committee on finance with leave to print amendments;

By message from the House of Representatives: a bill to be entitled an act to authorize the Commissioners of Perquimans county to issue bonds. Placed on the calendar.

On motion of Mr. Flemming, the Committee on Education were instructed to confer with the Superintendent of Public Instruction, and report some plan for the improvement of the condition of the University, and for the advancement of the cause of education generally in the State.

Leave of absence from to-morrow untill Thursday was granted to Mr. Cowles, to enable him to serve as State Director at the meeting of the stockholders of the Western North Carolina Railroad Company.

A message was received from his Excellency, the Governor, transmitting a communication from Commodore M. F. Maury, LL. D., in relation to a plan for an international and general system of meteorological observation and crop reports. Referred to the committee on agriculture.

Bills on third reading were acted on as follows:

S. B. 3, a bill to be entitled an act to authorize the Commissioners of Bertie county to issue bonds. Read and passed third time. Yeas 34; Nays 2.

*Affirmative*—Messrs. Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—34.



*Negative*—Messrs. Love and Norment.

S. B. 27, a bill to be entitled an act to require the Commissioners, appointed by an act entitled an act to provide for the completion of the Western Division of the Western North Carolina Railroad, ratified 24th of March, 1870, to report to the Governor, and for other purposes. Read and passed third time. Yeas 25; Nays 6.

*Affirmative*—Messrs. Albright, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Skinner, Waddell and Whiteside—25.

*Negative*—Messrs. Beasley, Flemming, Robbins of Davidson, Robbins of Rowan and Worth—5.

Leave of absence was granted to Mr. Skinner until Friday next, to Mr. Gilmer for four days of next week, and to Mr. Adams for one week.

Bills on second reading were acted on as follows;

S. B. 4, a bill to be entitled an act concerning the probate of deeds and the private examination of married women beyond the limits of the State. Read and passed second time;

S. B. 5, a bill to be entitled an act concerning the jurisdiction of the Superior Courts. Read second time and laid on the table;

S. B. 6, a bill to be entitled an act concerning the jurisdiction of the Superior Courts. Read and passed second time;

S. B. 9, a bill to be entitled an act supplemental to and amendatory of an act to amend the charter of the city of Newbern and Newbern Academy. Read and passed second time;

S. B. 11, a bill to be entitled an act for the relief of the people of the State, and to extend the time within which sheriffs and tax collectors are now required to settle their taxes. Read second time and laid on the table;

S. B. 13, a bill to be entitled an act to change the time of

holding the Superior Courts of Alamance county. Read and passed second time ;

S. B. 18, a bill to be entitled an act to allow enterers of vacant land further time to obtain grants from the State. The bill was read second time.

Mr. Flemming moved to amend by adding to section 1 the following: "Reserving the rights of junior enterers when grants are taken out."

The amendment prevailed and the bill, on motion of Mr. King, was laid on the table.

S. B. 19, a bill to be entitled an act to incorporate the Excelsior Bucket and Axe Company, No. 4, of the city of Newbern. The bill was read second time.

The amendment offered by the Committee on Corporations prevailed, and the bill passed second time.

S. B. 25, a bill to be entitled an act to amend the charter of the Raleigh and Gaston Railroad Company. Read and passed second time.

S. B. 21, a bill to allow a mortgage deposit in lieu of personal security or a money deposit. The bill was read second time.

Mr. Linney moved to amend by striking out the word "bond," wherever it occurs in said bill, and inserting the word "undertaking" in lieu thereof.

Pending the consideration of the amendment, the bill was made special order for 11 a. m., 28th November, 1871.

Mr. Graham, of Orange, on behalf of the Committee on Judiciary, submitted the following report in response to a resolution offered by Mr. Merrimon on 23d November :

#### RESOLUTION.

WHEREAS, His Excellency, the Governor, in his message, among other things, in reference to the Constitution and salaries and fees, says :

"The Constitution is not to blame for the high salaries and



fees paid to various State and County Officers" \* \* and "there is nothing in said instrument which fixes salaries and fees." \* \*

*Now, Therefore Resolved,* That the Judiciary Committee be instructed to enquire whether under the Constitution the salary of the Governor may be reduced to the sum of three thousand dollars per annum, the salary of the Treasurer to two thousand dollars per annum, and the salaries of the several Judges of the Supreme and Superior Courts to one thousand nine hundred and fifty dollars per annum, and report by bill or otherwise, November 23d, 1871.

#### REPORT.

Judiciary Committee of Senate, November 24, 1871.

The committee report that section 1, article 2, of the Constitution—"Executive Department"—provides that "the officers mentioned in this article shall, at stated periods, receive for their services a compensation, to be established by law, which shall neither be increased or diminished during the time for which they shall have been elected;" and also section 23 of article 4, "The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the Judges shall not be diminished during their continuance in office." The salaries of the officers mentioned in this resolution were fixed by the Legislature of 1868-'69, and cannot be reduced by the present Legislature. The Constitution *is* to blame for the continuance of the high salaries paid to the officers named in the resolution, and there *is* something in the said instrument which, in the opinion of the committee, prevents the reduction of such salaries during the term of the present incumbents.

The committee asked to be discharged from the further consideration of the subject.

The committee was discharged from the further consideration of the subject.

The Senate then adjourned.

---

### SEVENTH DAY.

SENATE CHAMBER, November 27th, 1871.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Prayer by the Rev. Dr. R. S. Mason.

Mr. Price presented as a memorial from certain citizens of New Hanover County a paper writing and made a statement of its contents.

When a part of the paper had been read by the Clerk, Mr. Robbins, of Davidson, objected to the further reading thereof.

Mr. Merrimon raised the point of order that objection not having been taken to the reading of the paper when presented by the Senator from New Hanover, it was not now in order to do so.

The Chair decided the point of order to be not well taken, and that objection having been made, the question now before the Senate was whether the paper writing should be received.

After considerable discussion, the question recurring on its reception, the yeas and nays were ordered, on demand of Mr. Price, and the paper writing was rejected. Yeas 15; Nays 22.

*Affirmative*—Messrs. Albright, Brogden, Cook, Eppes, Flythe, Hyman, King, Lehman, Linney, Love, McCotter, Norment, Olds, Price and Worth—15.

*Negative*—Messrs. Allen, Battle, Beasley, Brown, Council, Currie, Dargan, Edwards, Flemming, Graham of Alamance, Graham of Orange, Latham, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Waddell—22.



Mr. Worth presented a memorial from Swift Island Manufacturing Company, which was read and referred to committee on propositions and grievances.

Leave of absence was granted to Mr. Lehman for next week, to Mr. King from Thursday until Monday, and to Messrs. Merriam and Flemming from Wednesday until Monday.

A message was received from the House of Representatives transmitting report of Librarian with proposition to print three copies thereof for the use of each member of the General Assembly.

The proposition to print was concurred in.

Reports from standing committees were then submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Love : S. B. 2, a bill to be entitled an act to fix the *per diem* and mileage of the officers and members of the General Assembly, with recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed off as follows :

By Mr. Graham, of Alamance: A bill to be entitled an act to allow the transfer of certain causes pending in the late courts of equity. To committee on judiciary.

By Mr. Edwards: A bill to be entitled an act concerning joint contracts. To committee on judiciary ;

A bill to be entitled an act in regard to costs in cases of contested wills. To committee on judiciary.

By Mr. Crowell: A bill to be entitled an act to authorize the Commissioners of Lincoln county to issue bonds. To committee on propositions and grievances.

By Mr. Love: A bill to be entitled an act for collecting taxes in Jackson county. To committee on propositions and grievances.

By Mr. Battle: Resolution authorizing the Governor to offer a reward for the arrest of Luke Johnson. Laid over under the rules.

By Mr. Speed : Resolution in favor of John L. Wood, Sheriff of Pasquotank county. Laid over under the rules.

By message from House of Representatives : H. B. 1. a bill to be entitled an act to amend an act to incorporate the Flat Swamp, Lock's Creek and Evans' Creek Canal Company of the county of Cumberland. To committee on corporations.

H. B. 3 : A bill to be entitled an act to amend an act to change the time of holding the Superior Courts of New Hanover county. To committee on judiciary.

H. R. 11 : Resolution concerning the money received by the Public Treasurer under Revenue Act of 1871. To committee on finance.

Bills on third reading were acted on as follows :

S. B. 9, a bill to be entitled an act to incorporate the Excelsior Bucket and Axe Company No. 4, of the city of Newbern. Read and passed third time. Yeas 37 ; Ayes 0.

*Affirmative*—Messrs. Albright, Battle, Beasley, Brogden, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—37.

*Negative*—None.

S. B. 4, a bill to be entitled an act concerning the probate of deeds and the private examination of married women beyond the limits of the State of North Carolina. Read and passed third time. Yeas 37 ; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—37.

*Negative*—None.



S. B. 6, a bill to be entitled an act concerning jurisdiction of Superior Courts. Read and passed third time. Yeas 35; Nays 1.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flémming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Speed, Waddell and Worth—35.

*Negative*—Linney—1.

S. B. 9, a bill to be entitled an act supplemental and amendatory of an act to amend the charter of the City of Newbern and Newbern Academy. Read and passed third time. Yeas 38; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—38.

*Negative*—None.

S. B. 13, a bill to be entitled an act to change the time of holding the Superior Courts of Alamance county. Read and passed third time. Yeas 38; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—38.

*Negative*—None.

S. B. 25, a bill to be entitled an act to amend the Charter of

the Raleigh and Gaston Railroad Company. Read and passed third time. Yeas 37; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Manney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—37.

*Negative*—None.

Mr. Robbins, of Rowan, introduced the following resolutions:

WHEREAS, It is declared through the press of this State that citizens of North Carolina have been seized by federal troops or officials and carried beyond the borders of the State and imprisoned without a hearing, in violation of the dignity of North Carolina and the personal liberties of her people, therefore,

*Resolved*, That the Governor be requested to furnish the Senate with any information he may have upon the subject, and also what steps he has taken to enquire into the facts and to vindicate the dignity of the State.

*Resolved*, That the President of the Senate transmit a copy of these resolutions to the executive office.

The question recurring on their adoption, the yeas and nays were ordered, on demand of Mr. Robbins, of Rowan, and the resolutions were adopted. Yeas 38; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Love, Manney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—38.

*Negative*—None.



S. B. 22, a bill to be entitled an act to amend the law of evidence.

The bill was read the second time.

The Senate then adjourned.

---

## EIGHTH DAY.

SENATE CHAMBER, November 28th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Prayer by the Rev. Dr. Atkinson.

Messrs. Edwards, Murphy and Robbins, of Rowan, asked and obtained leave to have their names recorded in the negative instead of in the affirmative on the vote by which the paper writing presented by Mr. Price as a memorial from certain citizens of New Hanover county was rejected on yesterday.

Mr. McClammy presented petition from certain citizens of New Hanover county. Referred to committee on finance.

Mr. Love presented petition from citizens of Macon and Cherokee counties. Referred to committee on propositions and grievances.

Reports from Standing Committees were then submitted as follows ;

From the Committee on Judiciary :

By Mr. Graham, of Orange : S. B. 29, a bill to be entitled an act to define the crime of arson, with recommendation that it do not pass ;

S. B. 40, a bill to be entitled an act in regard to costs in cases of contested wills ;

S. B. 41, a bill to be entitled an act to allow the transfer of certain causes pending in the late courts of equity, with amendment, and recommending that they do pass.

By Mr. Linney : S. B. 39, a bill to be entitled an act concerning joint contracts, recommending that it do pass.

By Mr. Allen : S. B. 44, a bill to be entitled an act to amend an act entitled an act to change the time of holding the Superior Courts of New Hanover county, recommending that it do pass.

By Mr. Lehman : S. B. 20, a bill to be entitled an act to create a mechanics and laborer's lien law, with recommendation that it do pass.

By Mr. Edwards : S. B. a bill to be entitled an act to amend title 19, chapter 2, section 429, of the Code of Civil Procedure, recommending its passage.

From the Committee on Finance :

By Mr. Graham, of Orange : S. R. 45, H. R. 11, resolution concerning the money received by the Public Treasurer under Revenue Act of 1871, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Flemming : a bill to be entitled an act to restore the credit of the State of North Carolina by reducing the debt of the State. To committee on finance.

By Mr. McCotter : a bill to be entitled an act to authorize G. B. McCotter, tax collector, to collect arrears of taxes. To committee on propositions and grievances.

By Mr. Norment : a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles or less of Ashpole Baptist Church. To committee on propositions and grievances.

By Mr. Merrimon : resolution in favor of sheriffs of Buncombe, Henderson and Transylvania counties. To committee on propositions and grievances.

By Mr. Speed : resolution in favor of W. E. Anderson. To committee on claims.

Mr. Merrimon introduced a joint resolution concerning adjournment, which was read and laid over under the rules.



Mr. Flemming introduced the following resolution :

*Resolved*, That the Senate will proceed to ballot for a United States Senator to day at 12 m.

Pending the consideration of the resolution the hour of 11 a. m. arrived, and

S. B. 21, a bill to be entitled an act to allow a mortgage deposit in lieu of personal security or a money deposit, the special order for that hour, was taken up.

The question recurring upon the amendment heretofore offered by Mr. Linney, the amendment prevailed.

Mr. Linney moved to amend by adding the following proviso to section 2. "*Provided*, That in all cases of a mortgage deposit under this act, the mortgagor shall retain the right or possession until three months after the final adjudication of costs against him." The amendment prevailed and the bill passed second time.

The consideration of the resolution offered by Mr. Flemming was resumed.

On motion of Mr. Morehead, the resolution was indefinitely postponed.

On motion of Mr. Edwards, S. B. 5, a bill to be entitled an act concerning the jurisdiction of the Superior Courts was ordered to be taken from the table and placed on the calendar.

On motion of Mr. Graham, of Orange, the rules were suspended, and S. R. 45, H. R. 11, resolution concerning the money received by the Public Treasurer, under the revenue act of 1871, was read and passed second and third times. Yeas 32; Nays 3.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Council, Crowell, Currie, Edwards, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Speed and Worth—32.

*Negative*—Messrs. Brogden, Eppes and Hyman—3.

The Senate then proceeded to the consideration of the unfinished business of yesterday to-wit:

S. B. 22, a bill to be entitled an act to amend the law of evidence.

Mr. Latham, moved to amend by inserting in section 2, after the figures "1866," the words "so far as it relates to criminal proceedings." The amendment prevailed.

The question then recurring on its passage, the yeas and nays were ordered, on demand of Mr. King, and the bill passed the second time. Yeas 16; Nays 15.

*Affirmative*—Messrs. Albright, Allen, Battle, Crowell, Graham of Alamance, Graham of Orange, Latham, Linney, Love, Mauney, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed and Worth—16.

*Negative*—Messrs. Beasley, Brogden, Cook, Council, Currie, Eppes, Flythe, Hyman, King, Lehman, McClammy, McCotter, Merrimon, Olds and Waddell—15.

The rules having been suspended the bill was put on its third reading.

Mr. King moved to postpone the further consideration of the bill until 11 a. m. to-morrow, and to make it special order for that hour.

The yeas and nays were ordered, on demand of Mr. King, and the motion prevailed. Yeas 18; Nays 12.

*Affirmative*—Messrs. Beasley, Brogden, Cook, Eppes, Flythe, Graham of Orange, Hyman, Jones, King, Latham, Lehman, McClammy, McCotter, Merrimon, Norment, Olds, Robbins of Rowan and Waddell—18.

*Negative*—Messrs. Albright, Allen, Battle, Council, Currie, Graham of Alamance, Linney, Love, Mauney, Murphy, Robbins of Davidson and Worth—12

Bills on second reading were acted on as follows:

S. B. 2, a bill to be entitled an act to fix the *per diem* and mileage of the officers and members of the General Assembly. The bill was read second time.



Mr. Allen moved the previous question, and the Senate ordered the main question to be put.

The question recurring on its passage, the yeas and nays were ordered, on demand of Mr. Brogden, and the bill did not pass second time. Yeas 17; Nays 18.

*Affirmative*—Messrs. Albright, Brogden, Cook, Currie, Edwards, Flythe, Graham of Alamance, King, Linney, Mauney, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Troy, Whiteside and Worth—17.

*Negative*—Messrs. Allen, Battle, Beasley, Council, Crowell, Eppes, Graham of Orange, Hyman, Jones, Latham, Lehman, Love, McClammy, McCotter, Murphy, Norment, Olds and Waddell—18.

The following bills, and resolutions, and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 3, a bill to be entitled an act to authorize the Commissioners of Bertie county to issue bonds ;

S. B. 15, a bill to be entitled an act to authorize the Petersburg Railroad Company to erect and keep up a bridge across the Roanoke river ;

S. R. 26, a resolution making temporary provision for stationery ;

S. B. 27, a bill to be entitled an act to require the Commission appointed by an act entitled an act to provide for the completion of the Western Division of the Western North Carolina Railroad to make report to the Governor of the State, and for other purposes.

The Senate then adjourned.

## NINTH DAY.

SENATE CHAMBER, November 29th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Troy asked and obtained leave to have his name recorded in the affirmative on the vote by which S. B. 2, a bill to be entitled an act to fix the *per diem* and mileage of the officers and members of the General Assembly was rejected on yesterday.

Mr. Hawkins presented the credentials of R. T. Long, Senator elect from the 28th Senatorial District, and asked that he be allowed to qualify.

Thereupon Mr. Long was duly qualified and took his seat.

Leave of absence was granted to Mr. Hyman for to-day, and the leave of absence heretofore granted to Mr. Moore was extended until Monday next.

Reports from Standing Committees were then submitted as follows :

From the Committee on Judiciary :

By Mr. Graham, of Orange: S. B. 14, a bill to be entitled an act to promote the agricultural interest of the country with amendment in the nature of a substitute.

On motion of Mr. Linney, the bill was made special order for 11, a. m., Friday, 1st December, 1871.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from House of Representatives: S. B. 3, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Shiloh Church, in Anson County. To committee on propositions and grievances.

H. R. 22, resolution asking the opinion of the Attorney General as to the power of the General Assembly to make a



new apportionment of Senators and Representatives. To committee on judiciary.

By Mr. Troy: a bill to be entitled an act to amend the Charter of the Western Railroad Company. To committee on internal improvements.

By Mr. Morehead: a bill to be entitled an act to incorporate the Border Railroad Company. To committee on internal improvements.

By Mr. McClammy: a bill to be entitled an act to consolidate the Planters' Railroad Company and the Wilmington and Onslow Railroad Company. To committee on internal improvements.

A bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and to extend its road to Tennessee line. To committee on internal improvements.

The following concurrent resolutions were introduced, read and laid over under the rules:

By Mr. Latham: resolution in favor of M. C. Brinckley.

By message from the House of Representatives: H. B. 23, resolution directing the Secretary of State not to allow the Auditor's report to be annexed to and published with the Public Laws of the State.

H. R. 17, resolution to appoint a Joint Select Committee to remodel the Senatorial, Judicial and Congressional Districts of the State.

A message was received for the House of Representatives transmitting the report of R. W. Lassiter, Secretary and Treasurer of the Board of Trustees of the University of North Carolina, with proposition to print the same.

On motion, the Senate dispensed with the reading of the report, and concurred in the proposition to print.

A message was received from the House of Representatives transmitting copy of amendments adopted by the House to S. R. 26, resolution making temporary provision for stationery.

On motion, the Senate concurred in the amendments and ordered the resolution to be enrolled for ratification.

Bills on third reading were acted on as follows :

S. B. 21, a bill to be entitled an act to allow mortgage deposit in lieu of personal security or money deposit. The bill was read third time.

Mr. Graham, of Alamance, moved to amend by inserting words "or bond," after word "undertaking" wherever it occurs in the bill.

The amendment prevailed, and the question recurring on its passage, the bill did not pass third time. Yeas 13 ; Nays 21.

*Affirmative*—Messrs. Albright, Battle, Council, Edwards, Graham of Alamance, Graham of Orange, Linney, Mauney, Morehead, Robbins of Davidson, Troy, Waddell and Worth—13.

*Negative*—Messrs. Allen, Beasley, Bellamy, Brogden, Cook, Currie, Eppes, Flemming, Flythe, Hawkins, Jones, King, Latham, Lehman, Long, McClammy, Norment, Olds, Robbins of Rowan, Skinner and Speed—21.

S. B. 22, a bill to be entitled an act to amend the law of Evidence. Read third time and passed. Yeas 24 ; Nays 9.

*Affirmative*—Messrs. Albright, Allen, Battle, Council, Crowell, Currie, Flemming, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Linney, Mauney, McClammy, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—21.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, King, Long, Olds and Price—9.

Mr. Graham, of Orange, moved to reconsider the vote by which S. R. 45, H. R. 11, resolution concerning the money received by the Public Treasurer under Revenue Act of 1871, was passed on third reading on yesterday.

The motion prevailed.

The question then recurring on the passage of the resolution, Mr. Graham, of Orange, moved to amend by striking out the figures "80" and "1869-'70," and inserting instead thereof respectively the figures "19" and "1870-'71."



The amendment prevailed and the resolution passed third time. Yeas 30 ; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Cook, Crowell, Currie, Edwards, Flemming, Flythe, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Long, Mauney, McClanmy, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy Waddell and Worth—30

*Negative*—Messrs. Brogden and Eppes—2.

The following bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 4, a bill to be entitled an act concerning the probate of deeds and the private examination of married women beyond the limits of the State ;

S. B. 6, a bill to be entitled an act concerning the jurisdiction of the Superior Courts ;

S. B. 9, a bill to be entitled an act supplemental and amendatory of an act to amend the charter of the city of Newbern and Newbern Academy ;

S. B. 13, a bill to be entitled an act to change the time of holding the Superior Courts of Alamance county ;

S. B. 19, a bill to be entitled an act to incorporate the Excelsior Bucket and Axe Company, No. 4, of the city of Newbern ;

S. B. 25, a bill to be entitled an act to amend the charter of the Raleigh & Gaston Railroad Company.

A message was received from the House of Representatives proposing that when the General Assembly adjourns to-day they will adjourn until Friday morning, 10 o'clock.

The rules were suspended and the Senate concurred in the resolution.

A message was received from his Excellency, the Governor, in response to resolution of enquiry introduced by Mr. Robbins, of Rowan, concerning in the alleged arrest and removal,

by Federal troops, of citizens of the State, to the State of South Carolina.

The message was read and Mr. Graham, of Orange, moved the following resolution thereto :

*Resolved*, That the message be referred to the Attorney General, with authority to employ such counsel as may be necessary, to apply to a Judge of Supreme Court of the United States for a writ of *habeas corpus* to test the legality of the imprisonment of the citizens named in this communication.

Mr. Olds, moved to postpone the further consideration of the resolution until 11 a. m., on Wednesday next, and make it the special order for that hour. The motion did not prevail.

After discussion Mr. Graham, of Orange, moved to amend by inserting after word "Resolved," the words "by the Senate, the House of Representatives concurring."

The amendment prevailed, and the resolution having thereby become a Joint Resolution, was laid over under the rules.

The Senate then adjourned until Friday morning, 10 o'clock.

---

## TENTH DAY.

SENATE CHAMBER, December 1st, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Latham, presented petition of Rev. C. H. Wiley. Referred to committee on claims with instructions.

Leave of absence was granted to Mr. Hawkins until Monday, to Mr. McClammy for next week, to Mr. Norment until Monday, to Mr. Skinner for next week, and to Mr. Speed until Friday.



Reports from Standing Committees were then submitted as follows:

From the Committee on Internal Improvements:

By Mr. Morehead: S. B. 59, a bill to be entitled an act to incorporate the Border Railroad Company, with recommendation that it do pass;

By Mr. Robbins, of Rowan: S. B. 54, a bill to be entitled an act to consolidate the Planters' Railroad Company with the Wilmington and Onslow Railroad Company, with recommendation that it do pass;

S. B. 28, a bill to be entitled an act to amend the charter of the Chatham Railroad Company, with recommendation that it do pass.

From the Committee on Finance:

By Mr. Jones: Petition of H. P. C. Wilson, with request to be discharged from the further consideration thereof. The committee was discharged;

By Mr. Graham, of Orange: S. B. 36, a bill to be entitled an act to commute, compound and adjust the public debt, with recommendation that it be considered with Senate bill 34;

S. B. —, a bill to be entitled an act to restore the credit of the State by a reduction of the debt of the State, with same recommendation;

S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, with amendment in the nature of a substitute;

Memorial of certain citizens of New Hanover, with request to be discharged from the further consideration thereof. The committee was discharged.

From the Committee on Agriculture:

By Mr. Murphy: Communication from Commodore Matthew F. Maury, with resolutions relating thereto.

From the Committee on Judiciary:

By Mr. Jones: S. R. 57, a resolution asking opinion of Attorney General as to the power of the General Assembly to

make a new apportionment of Senators and Representatives, with recommendation that it be placed on the calendar.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Love : a bill to be entitled an act in relation to County Officers. To committee on propositions and grievances ;

A bill to be entitled an act in relation to certain vacant lands. To committee on propositions and grievances ;

A bill to be entitled an act to erect a toll-gate between Franklin, North Carolina, and Clayton, Georgia. To committee on propositions and grievances.

By Mr. Barnett : a bill to be entitled an act to authorize Joseph Pointer, late sheriff of Person county, and John A. Barnett and others, sureties of John Barnett, deceased, late sheriff of said county, to collect arrears of taxes due for the years 1869 and 1870. Placed on calendar.

By Mr. Jones : a bill to be entitled an act to require the registration of deeds and the indexing of the books of registration. To committee on judiciary.

By Mr. Gilmer : a bill to be entitled an act to amend chapter 91, laws of 1870-'71. To committee on propositions and grievances.

By Mr. Edwards : a bill to be entitled an act for revising the public statute laws of the State. To committee on judiciary.

By message from the House of Representatives : H. B. 26, a bill to be entitled an act in relation to suits against railroad companies. To committee on judiciary ;

H. R. 30, a resolution concerning the tax lists of Harnett county. Placed on calendar ;

H. R. 2, resolution of instruction to the Public Treasurer. To committee on finance.

By Mr. Morehead : a bill to be entitled an act to authorize



the formation of railroad corporations and to regulate the same. To committee on internal improvements.

By Mr. Allen: a bill to be entitled an act to amend section 303, of the Code of Civil Procedure. To committee on judiciary.

By Mr. Love: resolution relating to the Commissioners of Jackson county. To committee on propositions and grievances.

Mr. Cook moved to reconsider the vote by which S. B. 21, a bill to be entitled an act to allow a mortgage deposit in lieu of personal security or a money deposit was rejected on Wednesday, and further moved to make the consideration of that motion the special order for 12 m., December 3d, 1871. The latter motion prevailed.

On motion of Mr. Latham, the rules were suspended and the Senate proceeded to consider S. R. 56, H. R. 19, resolution to appoint a joint select committee to remodel the Senatorial, Judicial and Congressional Districts of the State.

Mr. Latham moved to amend as follows: Strike out word "three" in line 2, and insert words "seven, one from each Congressional District" in lieu thereof. Strike out "five" in line 3, and insert "fourteen, two from each Congressional District."

The amendments prevailed and the resolution was adopted.

On motion, the amendments were ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Graham, of Orange, introduced a resolution in favor of certain witnesses in the late impeachment trial of Governor W. W. Holden, which was read and made special order for Friday next.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House to S. B. 27, a bill to be entitled an act concerning report of Commission on Western North Carolina Railroad, and asking the concurrence of the Senate therein.

On motion of Mr. Gilmer, the consideration of the question was postponed until 1 p. m., 6th December, 1871, and made special order for that hour.

A message was received from the House of Representatives announcing the concurrence of the House of Representatives in the proposition to raise a Joint Select Committee on Immigration, and further announcing Messrs. Crawford, Johnston, of Buncombe, and Darlen as House branch of said committee.

The Chair therupon announced Messrs. Gilmer and Speed as Senate branch of said committee.

Bills on second reading were acted on as follows:

S. B. 44, H. B. 3, a bill to be entitled an act to amend an act entitled an act to change the time of holding the Superior Courts of New Hanover county.

The bill was read second time.

Mr. McClammy moved to amend by adding the following proviso to come in at the end of third section:

*“ Provided, however, That this act shall not have the effect to prevent the holding of the term of the Superior Court of New Hanover county, commencing on the fourteenth Monday after the fourth Monday in August, 1871, or to impair in any way the authority of the said Superior Court at said term in the trial of criminal cases, or cases in which the State may be a party.”*

The rules were suspended and the bill was read and passed third time. Yeas 30; Nays none.

*Affirmative*— Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Eppes, Gilmer, Graham of Orange, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—30.

*Negative*—None.



At 11 a. m., S. B. 14, a bill to be entitled an act to promote the agricultural interest of the State, special order for that hour, was read second time.

The question recurring on the amendment in the nature of a substitute offered by the committee on judiciary,

Mr. Jones moved to re-commit the bill to the committee.

Mr. Robbins, of Rowan, moved that the bill be indefinitely postponed. The yeas and nays were ordered, on demand of Mr. Eppes, and the motion to postpone indefinitely prevailed. Yeas 25; Nays 8.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Brogden, Cook, Cowles, Crowell, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Latham, Long, Love, Mauney, McCotter, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—25.

*Negative*—Messrs. Allen, Battle, Brown, Graham of Orange, Jones, Linney, McClammy and Morehead—8.

Bills were acted on under a suspension of the rules as follows:

S. R. 60, resolution in favor of M. C. Brinckley, sheriff of Chowan county. Read and passed second and third times. Yeas 25; Nays 6.

*Affirmative*—Messrs. Albright, Battle, Beasley, Brogden, Brown, Council, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Jones, Latham, Linney, Long, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Skinner, Speed, Waddell and Worth—25.

*Negative*—Messrs. Cook, Crowell, Graham of Orange, Love, Robbins of Davidson, and Robbins of Rowan—6.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 5, a bill to be entitled an act concerning the jurisdiction of the Superior Courts. The bill was read second time.

Mr. Graham, of Orange, moved to amend as follows: insert in line 12, section 1, after word "court" the words "except on the ground of improper venire." The amendment prevailed

and the question recurring on its passage, the yeas and nays were ordered and the bill did not pass the second time. Yeas 9; Nays 22.

*Affirmative*—Messrs. Allen, Barnett, Brogden, Edwards, Eppes, Graham of Orange, Latham, Murphy and Speed—9.

*Negative*—Messrs. Albright, Battle, Beasley, Bellamy, Cook, Council, Cowles, Flythe, Gilmer, Graham of Alamance, Jones, Linney, Long, Love, Mauney, McClammy, McCotter, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—22.

S. R. —, H. R. 30, resolution concerning the tax lists in Harnett county. Read and passed second and third times. Yeas 32; Nays none.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—32.

*Negative*—None.

Ordered to be forthwith enrolled for ratification.

The Chair announced the

#### STANDING COMMITTEES

as follows :

*Propositions and Grievances*.—Messrs. Love, Speed, McCotter, Crowell, Brogden, Council and Waddell.

*Claims*.—Messrs. Latham, Flemming, Brogden, Currie, Troy, Norment and Hyman.

*Judiciary*.—Messrs. Jones, Graham of Orange, Allen, Dargan, Edwards, Lehman, Linney, Olds, Gilmer, Robbins of Rowan, and Graham of Alamance.

*Internal Improvements*.—Messrs. Robbins of Rowan, Merri-  
mon, Morehead, Hawkins, Skinner, McClammy and Graham  
of Alamance.



*Education.*—Messrs. Gilmer, Robbins of Davidson, Battle, Brown, Whiteside, Long and Price.

*Military Affairs.*—Messrs. Allen, Dargan, Bellamy, Albright, Cook, Adams and Hawkins.

*Privileges and Elections.*—Messrs. Speed, Cowles, King, Linney, Moore, Whiteside and Worth.

*Agriculture.*—Messrs. Murphy, Worth, Skinner, Flythe, McCotter, Albright and Eppes.

*Finance.*—Messrs. Graham of Orange, Jones, Latham, Cowles, Lehman, Mauney, Worth, Morehead, McClammy and King.

*Corporations.*—Messrs. Moore, Murphy, Morehead, Beasley, Waddell, Robbins of Davidson, and McClammy.

#### JOINT STANDING COMMITTEES.

*Enrolled Bills.*—Messrs. Albright, Brown and Barnett.

*Penal Institutions.*—Messrs. Troy, Allen and Olds.

*Insane Asylum.*—Messrs. Murphy, McCotter and Love.

*Deaf, Dumb and Blind Asylum.*—Messrs. Gilmer, Hawkins and Crowell.

*Public Buildings and Grounds.*—Messrs. Norment, Beasley and Cook.

*Literary.*—Messrs. Flemming, Bellamy and Linney.

*Public Printing.*—Messrs. Mauney, Brogden and Crowell.

*Roads, Rivers, Ferries and Bridges.*—Messrs. Murphy, Crowell and Bellamy.

Mr. Graham, of Orange, moved to raise a Senate Standing Committee on Penal Institutions. The motion prevailed.

The following bills, and resolutions, and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

S. B. 22, a bill to be entitled an act to amend the law of evidence.

The following bills and resolutions, reported as correctly en-

rolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

Resolution concerning moneys received by the Public Treasurer under the Revenue act of 1871 ;

Resolution making temporary provision for stationary ;

Resolution concerning the tax lists of Harnett county.

The Senate then adjourned.

---

### ELEVENTH DAY.

SENATE CHAMBER, December 2d, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Gilmer, presented a memorial from the commissioners and citizens of the town of Kenansville. Referred to committee on propositions and grievances.

Mr. McClammy, presented a memorial from certain citizens of New Hanover. Referred to committee on propositions and grievances.

Leave of absence was granted to Mr. Troy until Monday.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. McClammy : a bill to be entitled an act to confer the privilege of cumulative suffrage on the voters of Wilmington in all elections for Aldermen. To committee on privileges and elections.

By Mr. Flythe : a bill to be entitled an act to lay off and establish the line between the counties of Hertford and Northampton, and for other purposes. To committee on propositions and grievances.

By Mr. Robbins, of Davidson : a bill to be entitled an act to empower the County Commissioners of Randolph and Da-



vidson counties to lay off and establish the dividing line between said counties. Placed on calendar.

By Mr. Allen: a bill to be entitled an act to change the time of holding the Superior Courts in the several counties composing the 3rd Judicial District. To committee on judiciary.

By Mr. Gilmer: a bill to be entitled an act to amend chapter 63 of the private laws of 1870-'71. To committee on proposition and grievances.

A bill to be entitled an act to repeal chapter 257, laws of 1869-'70. Placed on calendar.

By Mr. Jones: a bill to be entitled an act to authorize the payment by the Treasurer of the costs in cases where the State appeals or sues out a writ of error to the Supreme Court of United States. To committee on judiciary.

By message from the House of Representatives: H. B. 40, a bill to be entitled an act to incorporate the Mount Pleasant Female Academy. Placed on calendar;

H. B. 44, a bill to be entitled an act to charter the Bank of Caswell.

The following resolutions were read and disposed of as follows:

S. R. 42, a resolution in favor of John L. Wood. Laid on the table;

S. R. 46, a resolution authorizing the Governor to offer a reward for the arrest of Luke Johnson. Passed second time;

S. R. 58, H. R. 23, a resolution directing the Secretary of State not to allow the Auditor's Report to be annexed to and published with the public laws of the State. Made special order for 12 m., 4th December, 1871.

S. R. 67, a resolution to authorize the Attorney General to sue out writ of *habeas corpus* for Allen Bettis.

Mr. Graham, of Orange, moved to amend by adding the following to the resolution: "Or any other citizen of the State arrested by a military force without legal authority."

The amendment prevailed.

Mr. Morehead moved the previous question and the Senate ordered the main question to be put.

The resolution was then passed second time.

The rules having been suspended, on motion of Mr. Graham, of Orange, the resolution was read third time.

Mr. Love moved to strike out the words "to employ such council as may be necessary." The motion prevailed.

The resolution was then passed third time. Yeas 26; Nays 1.

*Affirmative*—Messrs. Allen, Beasley, Brogden, Brown, Cowles, Crowell, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—26.

*Negative*—Mr. Eppes—1.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. R. 50, joint resolution on adjournment.

Mr. Robbins, of Davidson, moved to postpone the further consideration of the resolution for two weeks.

Mr. Graham, of Orange, moved to lay the resolution on the table.

The question recurring on this motion, the yeas and nays were ordered, on demand of Mr. Cowles, and the motion to lay on the table did not prevail. Yeas 14; Nays 16.

*Affirmative*—Messrs. Allen, Bellamy, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Latham, Long, McClammy, McCotter, Skinner, Speed and Worth—14.

*Negative*—Messrs. Albright, Beasley, Brogden, Brown, Council, Cowles, Crowell, Jones, Linney, Love, Mauney, Morehead, Murphy, Olds, Robbins of Davidson and Robbins of Rowan—16.

The question then recurring upon the motion to postpone, the yeas and nays were ordered, on demand of Mr. Cowles, and the motion prevailed. Yeas 16; Nays 15.



*Affirmative*—Messrs. Allen, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Long, Mauney, McClammy, Morehead Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—16.

*Negative*—Messrs. Albright, Beasley, Bellamy, Brogden, Brown, Council, Cowles, Crowell, Eppes, Jones, Latham, Linney, Love, McCotter and Murphy—15.

S. R. 57, H. R. 22, resolution asking the opinion of the Attorney General as to the power of the General Assembly to make a new apportionment of Senators and Representatives. Read and laid on the table.

S. R. 76, resolution in relation to the communication of Commodore Mathew F. Maury. Read and adopted.

Bills on second reading were acted on as follows :

S. B. 7, a bill to be entitled an act to provide for the collection of arrears of taxes. The bill was read second time.

The amendment, in the nature of a substitute offered by the committee on propositions and grievances, prevailed.

Mr. Brogden moved to insert after word "counties" (see section 1,) the words "towns and cities." The amendment prevailed and the bill passed second time.

S. B. 20, a bill to be entitled an act to amend an act to create a mechanics and laborer's lien law. Read and passed second time.

S. B. 24, a bill to be entitled an act to define arson. Read second time and laid on the table.

S. B. 30, a bill to be entitled an act to amend title 19, chapter 1, section 429, of the Code of Civil Procedure. Read and passed second time.

S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes.

S. B. 36, a bill to be entitled an act to commute, compound and adjust the public debt, and

S. B. 32, a bill to be entitled an act to restore the credit of the State, by reducing the debt of the State, were made special order for 11 a. m., on Wednesday.

S. B. 39, a bill to be entitled an act concerning joint contracts. Read and passed second time.

S. B. 40, a bill to be entitled an act in regard to costs in cases of contested wills. Read and passed second time.

S. B. 41, a bill to be entitled an act to allow the transfer of certain causes pending in the late Courts of Equity.

Mr. Graham, of Orange, moved to strike out in section 1 the words "upon the payment of a fee of one dollar to the Clerk of the Superior Court," and in section 2, by striking out words "and upon payment of said fee." The amendments prevailed and the bill passed second time.

S. B. 54, a bill to be entitled an act to consolidate the Planters' Railroad Company and the Wilmington and Onslow Railroad Company. Read and passed second time. Yeas 30; Nays 1.

*Affirmative*—Messrs. Albright, Allen, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—30.

*Negative*—Mr. Brogden—1.

S. B. 33, H. B. 2, a bill to be entitled an act to authorize the Commissioners of Perquimans county to issue bonds. Read and passed second time. Yeas 25; Nays 1.

*Affirmative*—Messrs. Albright, Beasley, Brogden, Brown, Council, Crowell, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Long, Love, McClammy, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Skinner and Speed—25.

*Negative*—Mr. Cowles—1.

S. B. 59, a bill to be entitled an act to incorporate the Border Railroad Company. The bill was read second time.

Mr. Morehead moved to amend by inserting an additional section to come in as section 9. The amendment prevailed, and the bill passed second time.



S. B. 71, a bill to be entitled an act authorizing Joseph Pointer and others to collect arrears of taxes. Read second time and laid on the table.

Mr. Eppes moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand of Mr. Worth, and the motion did not prevail. Yeas 3 ; Nays 26.

*Affirmative*—Messrs. Eppes, Skinner and Speed—3.

*Negative*—Messrs. Albright, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Long, Love, Mauney, McClammy, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Whiteside, and Worth—26.

S. B. — H. B. 44, a bill to be entitled an act to charter the Bank of Caswell. Read and passed second time.

The rules were suspended and the bill was read, and passed third time. Yeas 30 ; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Beasley, Bellamy, Brown, Cook, Council, Cowles, Crowell, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Whiteside and Worth—30.

*Negative*—Messrs. Brogden and Eppes.

S. B. — H. B. 40, a bill to be entitled an act to incorporate the Mount Pleasant Female Academy. Read and passed second time.

The rules were suspended and the bill was read and passed third time. Yeas 30 ; Nays 0.

*Affirmative*—Messrs. Albright, Allen, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Whiteside and Worth—30.

*Negative*—None.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives, as follows :

Amendments to H. R. 17, resolution to raise Joint Select Committee to remodel the Senatorial, Judicial and Congressional Districts of the State ;

Amendment to H. B. 3, a bill to be entitled an act to amend an act entitled an act to change the time of holding the Superior Courts of New Hanover county.

The Senate then adjourned.

---

## TWELFTH DAY.

SENATE CHAMBER, December 4th, 1871.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Prayer by the Rev. Dr. J. M. Atkinson.

Leave of absence heretofore granted to Messrs. Adams and Moore was extended until Thursday next.

Reports from standing committees were then submitted as follows:

From the Committee on Judiciary:

By Mr. Edwards : S. B. 81, a bill to be entitled an act to change the time of holding the Superior Courts in the several counties composing the 3d judicial district.

From the Committee on Corporations :

By Mr. Murphy : S. B. 43, H. B. 1, a bill to be entitled an act to amend an act to incorporate Flat Swamp, Lock's Creek and Evans' Creek Canal Company, of the county of Cumberland ;

S. B. 35, a bill to be entitled an act to incorporate the Altamahaw Coal Company :

S. B. 24, a bill to be entitled an act to repeal an act to ex-



tend the corporate limits of the town of Rutherfordton, and for other purposes.

From the Committee on Propositions and Grievances :

By Mr. Love : S. B. 82, a bill to be entitled an act to lay off and establish the line between the counties of Hertford and Northampton, and for other purposes ;

S. B. 63, a bill to be entitled an act in relation to County Officers ;

S. B. 75, a bill to be entitled an act in relation to certain vacant land ;

S. R. 51, a resolution in favor of the sheriffs of Buncombe, Henderson and Transylvania counties ;

S. B. 68, a bill to be entitled an act relating to the Commissioners of Jackson county ;

S. B. 48, a bill to be entitled an act to authorize G. B. McCotter, tax collector, to collect arrears of taxes ;

S. B. 72, a bill to be entitled an act to erect a tollgate between Franklin, North Carolina, and Clayton, Georgia ;

S. B. 37, a bill to be entitled an act for collecting arrears of taxes in Jackson county ;

S. B. 38, a bill to be entitled an act to authorize the Commissioners of Lincoln county to issue bonds ;

S. B. 47, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Ashpole Baptist Church ;

S. B. 61, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Shiloh church, in Anson county, with request to be discharged from the further consideration thereof. The committee was discharged ;

S. B. 69, a bill to be entitled an act to amend chapter 91, Laws of North Carolina, 1870-'71, with recommendation that it be returned to the introducer for the purpose of making it conform to the 38th Senate Rule of Order.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Flemming: a bill to be entitled an act to regulate the proceedings on writs of mandamus. To committee on judiciary.

By Mr. Robbins, of Davidson: a bill to be entitled an act to re-enact section 6, chapter 102, Revised Code. To committee on printing.

By Mr. Gilmer: a bill to be entitled an act to amend the charter of the North Western North Carolina Railroad Company and to provide for the cancellation of certain mortgages executed by said company. To committee on internal improvements.

A bill to be entitled an act to establish a Board of Immigration. To joint select committee on immigration.

By message from House of Representatives: H. B. 49, a bill to be entitled an act to incorporate the Wilson Building and Loan Association. To committee on corporations.

H. B. 62: a bill to be entitled an act to authorize John Hasty, Sheriff of Union County, to collect arrears of taxes. To committee on propositions and grievances.

H. B. 25: a bill to be entitled an act to extend the time of Sheriff of Alexander County to collect taxes and settle with County Treasurer. To committee on propositions and grievances.

H. B. 46: a bill to be entitled an act to authorize the commissioners to levy and collect a special tax for Hertford County. To committee on propositions and grievances.

H. B. 64, a bill to be entitled an act to amend the charter of the Reliance Bucket and Axe Fire Company of Newbern. To committee on corporations.

H. B. 57, a bill to be entitled an act to incorporate the Educational and Loan Association of North Carolina. To committee on corporations.

H. B. 55, a bill to be entitled an act to incorporate the Whitney Manufacturing Company of the county of Cumberland. To committee on corporations.

H. B. 15, a bill to be entitled an act to validate the revisal



of jury lists and for other purposes. To committee on judiciary.

H. B. 53, a bill to be entitled an act regulating the time of delivering complaints in civil actions. To committee on judiciary.

H. R. 24, resolution in favor of W. E. Piercy, Sheriff of Yancey county. Placed on calendar.

Mr. Love introduced the following resolution :

R. in regard to printing the public laws.

The rules were suspended and the resolution was read and adopted.

Bills on third reading were acted on as follows :

S. B. 7, a bill to be entitled an act for the general relief of sheriffs. The bill was read third time.

Mr. Gilmer moved to amend by inserting the words "one thousand eight hundred and sixty-eight" in section 1.

The yeas and nays were ordered, on demand Mr. Brogden, and the amendment did not prevail. Yeas 13 ; Nays 24.

*Affirmative*—Messrs. Barnett, Beasley, Brogden, Cook, Council, Crowell, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones and Long—13.

*Negative*—Messrs. Albright, Allen, Battle, Bellamy, Brown, Cowles, Currie, Dargan, Edwards, Flemming, Hyman, Linney, Love, Mauney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—24.

Mr. Mauney moved to amend by adding the following to section 1 :

*“Provided, That in cases where lands have changed hands, the arrears of taxes shall be collected from the grantor and not from the grantee, except where special contract to the contrary has been made by the said parties.”*

The amendment did not prevail.

The bill then passed third time. Yeas 31 ; Nays 5.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Linney, Long, Love, McCotter, Morehead, Murphy, Olds, Robbins of Rowan, Skinner, Speed and Whiteside—31.

*Negative*—Messrs. Allen, Battle, Edwards, Norment and Robbins of Davidson—5.

S. B. 20, a bill to be entitled an act to amend an act to create a mechanics and laborer's lien law. Read third time and made special order for 11 a. m., 7th December, 1871.

S. B. 30, a bill to be entitled an act to amend title 19, chapter 2, section 429, of the Code of Civil Procedure. Read third time and made special order for 12 m., 5th December, 1871.

S. B. 33, H. B. 2, a bill to be entitled an act to authorize the Commissioners of Perquimans county to issue bonds. Read and passed third time. Yeas 30; Nays 2.

*Affirmative*—Messrs. Albright, Barnett, Battle, Beasley, Brogden, Brown, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Linney, Long, Love, Mauney, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Waddell—30.

*Negative*—Messrs. Cook and Cowles—2.

S. B. 39: a bill to be entitled an act concerning joint contracts.

The bill was read third time.

Mr. Edwards moved to amend by inserting the following to come in as section 2:

Section 2. That this act shall apply to actions now pending in the several Superior Courts of the State.

The amendment did not prevail.

The bill then passed third time. Yeas 29; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brog-



den, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Long, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—29.

*Negative*—Messrs. Bellamy and Hyman—2.

S. B. 40: a bill to be entitled an act in regard to costs in cases of contested wills. The bill was read third time and rejected. Yeas 9; Nays 25.

*Affirmative*—Messrs. Allen, Battle, Cowles, Edwards, Graham of Orange, Jones, Love, Skinner and Speed—9.

*Negative*—Messrs. Albright, Bellamy, Beasley, Brogden, Brown, Cook, Council, Currie, Eppes, Flemming, Flythe, Gilmer, Hyman, Linney, Long, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Waddell and Whiteside—25.

Mr. Cook moved to reconsider the vote just taken, and to postpone the consideration of that motion until 11 a. m., 5th December, 1871, and to make it special order for that hour.

The question recurring upon the latter motion, the yeas and nays were ordered, on demand of Mr. Edwards, and the motion prevailed. Yeas 28; Nays 6.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Linney, Long, Love, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—28.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, McCotter and Olds—6.

S. B. 41, a bill to be entitled an act to allow the transfer of certain causes pending in the late Courts of Equity. Read and passed third time. Yeas 31; Nays 3.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Eppes, Flemming, Flythe, Gilmer, Graham of Ala.

mance, Graham of Orange, Hyman, Jones, Linney, Love, Mauney, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Waddell—31.

*Negative*—Messrs. Bellamy, Murphy and Whiteside—3.

S. R. 46, resolution to authorize the Governor to offer a reward for the arrest of Luke Johnson. The resolution was read third time.

Mr. Linney moved to amend by adding the following additional section :

“Section 2. That the Governor is hereby empowered to offer a reward, not to exceed the sum of five hundred dollars, for the arrest of any felon who is now or may hereafter be at large.”

On motion of Mr. Murphy, the resolution was referred to committee on judiciary.

S. B. 54, a bill to be entitled an act to consolidate the Planters' Railroad Company and the Wilmington and Onslow Railroad Company. Read and passed third time. Yeas 33; Nays none.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Linney, Long, Mauney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—33.

*Negative*—None.

S. B. 59, a bill to be entitled an act to incorporate the Border Railroad Company. Read and passed third time. Yeas 36; Nays none.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Linney, Long, Love, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—36.



*Negative*—None.

On motion of Mr. Flemming, the rules were suspended and S. R. —, H. R. 24, resolution in favor of W. E. Piercy, sheriff of Yancey county, was put on its several readings.

The resolution was read second time and the question recurring on its passage, the yeas and nays were ordered, and the resolution passed second time. Yeas 16; Nays 11.

*Affirmative*—Messrs. Albright, Barnett, Brogden, Cook, Cowles, Currie, Flemming, Hyman, Jones, Linney, Long, Morehead, Murphy, Olds, Skinner and Whiteside—16.

*Negative*—Messrs. Battle, Brown, Crowell, Edwards, Gilmer, Graham of Orange, Love, Mauney, McCotter, Robbins of Davidson and Waddell—11.

The resolution was then read and passed third time. Yeas 17; Nays 13.

*Affirmative*—Messrs. Albright, Beasley, Brogden, Cook, Cowles, Currie, Flemming, Hyman, Jones, Linney, Long, Morehead, Murphy, Olds, Skinner, Speed and Whiteside—17.

*Negative*—Messrs. Allen, Battle, Crowell, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Love, Mauney, McCotter, Norment, Robbins of Davidson and Waddell—13.

The hour for its consideration having arrived, the special order, S. R. 58, H. R. 23, resolution directing the Secretary of State not to allow the Auditor's report to be annexed to and published with the public laws of the State, was read the second time.

Mr. Love moved to amend by striking out all after the word "report" and inserting the words "or Constitution of the State to be published with the public laws as heretofore."

The amendment prevailed and the resolution passed second time.

The resolution was read third time.

Mr. Robbins, of Rowan, moved to amend the title of the resolution so that it will read as follows: "Resolution concerning the printing of certain documents." The amendment prevailed and the resolution passed third time. Yeas 33; Nays 0.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Linney, Long, Love, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Waddell and Whiteside—33.

*Negative*—None.

On motion of Mr. Edwards, the consideration of the motion of Mr. Cook to reconsider the vote by which S. B. 21, a bill to be entitled an act to allow a mortgage deposit, &c., was rejected, was made special order for 12 m., 8th December, 1871.

Bills on second reading were acted on, as follows:

S. B. 83: a bill to be entitled an act to empower the County Commissioners of Randolph and Davidson Counties to lay off and establish the dividing line between said counties. Read and passed second time.

S. B. 78: a bill to be entitled an act to repeal chapter 227, laws of 1869-'70. The bill was read second time and referred to the committee on judiciary.

A message was received from the House of Representatives transmitting the report of the Board of Directors of the Insane Asylum with a proposition to print two copies thereof for each member of the General Assembly, and to refer the report to joint committee on insane asylum. The message was concurred in.

A message was received from the House of Representatives transmitting amendments adopted by the House of Representatives to S. B. 15, a bill to be entitled an act to authorize the Petersburg Railroad Company to erect and keep up a bridge across Roanoke River, and asking the concurrence of the Senate therein.

On motion, the Senate concurred in the amendments.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:



An act to change the time of holding the Superior Courts for Alamance county ;

An act to amend the law of Evidence ;

An act concerning the probate of deeds and the private examination of married women beyond the limits of North Carolina ;

An act to amend an act to change the time of holding the Superior Courts of New Hanover county ;

An act concerning the jurisdiction of Superior Courts ;

An act to incorporate the Excelsior Bucket and Axe Fire Company, No. 4, of the city of Newbern ;

An act to amend the charter of the Raleigh and Gaston Railroad Company.

The following resolution, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to House of Representatives for concurrence :

S. R. 62, resolution to authorize the Attorney General to sue out writ of *habeas corpus* for Allen Bettis.

The Senate then adjourned.

---

### THIRTEENTH DAY.

SENATE CHAMBER, December 5th, 1871.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. R. S. Mason.

The Journal of yesterday was read.

Mr. Graham, of Orange, moved to re-consider the vote by which the Committee on Propositions and Grievances was discharged from the further consideration of

S. B. 61, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Shiloh church, in Anson county, and to re-commit the bill to same committee. The motion prevailed.

Reports from Stand Committees were then submitted as follows:

From the Committee on Judiciary :

By Mr. Edwards: S. B. 79, a bill to be entitled an act to authorize the payment by the Treasurer of the costs in cases where the State shall appeal or sue out a writ of error to the Supreme Court of the United States, with recommendation that it do pass

By Mr. Graham, of Alamance : S. B. 67, H. B. 26, a bill to be entitled an act in relation to suits against railroad companies, with amendment.

By Mr. Dargan : S. B. 64, a bill to be entitled an act to amend section 303 of the Code of Civil Procedure, with recommendation that it do pass.

From the Committee on Printing :

By Mr. Mauney : S. B. 89, a bill to be entitled an act to re-enact section 6, chapter 102, Revised Code, with amendment.

From the Committee on Finance :

By Mr. Latham : S. R. 66, H. R. 2, a resolution of instruction to the Public Treasurer, with recommendation that it do pass.

By Mr. Graham, of Orange : Report in response to resolution of instructions.

From the Committee on Internal Improvements :

By Mr. Morehead: S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations, and to regulate the same, with recommendation that it do pass. Ordered to be printed.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Gilmer : a bill to be entitled an act to incorporate the Jamestown Copper Company. To committee on corporations;

By Mr. Graham, of Alamance : a bill to be entitled an act concerning crimes and punishments. To committee on judiciary ;

By Mr. Flemming : resolution instructing Public Treasurer



to pay out funds belonging to the Sparta and Bakersville and Marion and Asheville Turnpike Company. Laid over under the rules.

By message from House of Representatives: H. B. 71, a bill to be entitled an act to authorize the city of Wilmington to fund the city debt and issue bonds. To committee on propositions and grievances;

H. R. 48, resolution in favor of Abner Tweed, sheriff of Madison county. To committee on propositions and grievances.

Bill upon third reading was acted on as follows:

S. B. 83, a bill to be entitled an act to empower the county Commissioners of Randolph and Davidson counties to lay off and establish the dividing line between said counties. Read and passed third time. Yeas 36; Nays 1.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Belamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Long, Linney, Mauney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—36.

*Negative*—Mr. Love—1.

Bills upon second reading were acted on as follows:

S. B. 35, a bill to be entitled an act to incorporate the Altamahaw Coal Company. Read and passed second time.

The rules having been suspended the bill was read and passed the third time. Yeas 37; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Long, Linney, Love, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—37.

*Negative*—None.

S. B. 24, a bill to be entitled and an act to repeal an act en-

titled an act to extend the corporate limits of the town of Rutherfordton and for other purposes. Read and passed second time.

The hour of 11 a. m. having arrived, S. B. 28, a bill to be entitled an act to amend the charter of the Chatham Railroad Company, it being special order for that hour, was taken up and read second time.

Mr. Gilmer moved to make the further consideration of the bill special order for 11 a. m. on Monday next. The motion did not prevail.

Mr. Edwards moved to strike out all after words "Public Treasurer" in line 4, section 5, down to and including word "currency" in line 8, and insert instead thereof the words "in the same manner and not otherwise as the said Chatham Railroad Company is now authorized by law to do;" also to strike out after the word "payment" in line 11, to and including word "State" in line 13, and to insert instead thereof the words "in the manner above prescribed." The amendment prevailed.

Mr. Gilmer moved to amend by adding to section 2, the following: *Provided, however*, That the privilege herein granted to change the line of the Chatham Railroad, shall not release said company from its obligation to build its road to the Gulf: *Provided, further*, That the said company may be so released upon their agreeing with the Western Railroad Company on such terms as shall enable the said Western Railroad Company to complete its line to the Gulf.

The question recurring upon the adoption of the amendment, the yeas and nays were ordered and the amendment did not prevail. Yeas 13; Nays 27.

*Affirmative*—Messrs. Albright, Battle, Bellamy, Brogden, Council, Cowles, Currie, Gilmer, King, Murphy, Troy, Waddell and Worth—13.

*Negative*—Messrs. Barnett, Beasley, Brown, Cook, Crowell, Edwards, Eppes, Flemming, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Long, Linney,



Love, Mauney, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Whiteside—27.

The bill then passed the second time.

Mr. Flemming moved to suspend the rules and put the bill upon its third reading.

Mr. King moved that the Senate do now adjourn.

Upon this question the yeas and nays were ordered and the motion did not prevail. Yeas 9; Nays 29.

*Affirmative*—Messrs. Allen, Brown, Gilmer, Jones, King, McCotter, Murphy, Troy and Worth—9.

*Negative*—Messrs. Albright, Barnett, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Long, Linney, Love, Mauney, Morehead, Norment, Olds, Robbins of Davidson, Skinner, Speed, Waddell and Whiteside—29.

The question recurring upon the motion of Mr. Flemming, the Senate refused to suspend the rules.

Mr. Graham, of Orange, moved that the bill be made special order for to-morrow morning at 10½ o'clock. The motion prevailed.

A message was received from the House of Representatives transmitting a message from his Excellency, the Governor, enclosing a communication from Charles Beckwith, of Hartford, Connecticut, in reference to certain bonds of the State held by him, which was read and, on motion, laid on the table.

A message was received from the House of Representatives transmitting report of the commission to investigate certain frauds and proposing to print ten copies of the same, with the testimony taken by the commission, for the use of each member of the General Assembly.

On motion, the reading of the report was dispensed with, and the proposition to print was concurred in.

The following bills, reported as correctly enrolled by the

Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to charter the Bank of Caswell ;

An act to incorporate the Mount Pleasant Female Seminary, in Cabarus county.

The Senate then adjourned.

---

#### FOURTEENTH DAY.

SENATE CHAMBER, December 6th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Flythe from to-day until Monday ; to Mr. Mauney, from to-morrow until Tuesday ; to Mr. Eppes, from Saturday until Monday week ; to Mr. Murphy, until Saturday ; and to Mr. Moore, until Monday.

Reports from Standing Committees were then submitted as follows :

From the Committee on Internal Improvements :

By Mr. Morehead : S. B. 31, a bill to be entitled an act to construct a turnpike road between Marion and Burnsville, with recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Jones : S. R. 46, a resolution authorizing the Governor to offer a reward for the arrest of Luke Johnson, with accompanying substitute.

By Mr. Graham, of Alamance : S. B. 93, H. B. 53, a bill to be entitled an act regulating the time of delivering complaints in civil actions.

S. B. 78, a bill to be entitled an act to repeal chapter 227, Laws of 1869-'70—with recommendation that they do pass.

From the Committee on Corporations :

By Mr. Murphy : S. B. 102, H. B. 56, a bill to be entitled



an act to incorporate the Whitney Manufacturing Company, of the county of Cumberland, with recommendation that it do pass.

From the Committee on Finance :

By Mr. Mauney : Minority report recommending that the substitute offered by the majority of the committee for S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes, be not adopted.

Mr. Flemming introduced a bill to be entitled an act concerning public highways, which was read and passed first time and referred to committee on rivers, roads, ferries, &c.

The unfinished business of yesterday being next in order, the Senate proceeded to the consideration of the motion to reconsider the vote by which S. B. 40, a bill to be entitled an act in regard to costs in cases of contested wills, was rejected on third reading.

Pending the consideration of the motion, the hour of 10 a. m. having arrived, the Chair announced the special order.

Mr. Edwards moved that its consideration be postponed until the unfinished business was disposed of.

The motion did not prevail.

The special order, S. B. 28, a bill to be entitled an act to amend the Charter of the Chatham Railroad Company, was taken up and read third time.

Mr. Troy moved to amend by inserting the following as section 7.

“ That it shall not be lawful for said Raleigh and Augusta Railroad Company to discriminate in its freight or passenger tariffs against the interest of citizens of North Carolina, but all freights from way stations shall be the same per mile as that charged upon through freights.”

After considerable discussion, Mr. Robbins, of Davidson,

moved the previous question, and the Senate ordered the main question to be put.

The question first recurring upon the amendment offered by Mr. Troy, the yeas and nays were ordered, on demand of Mr. Cook; and the amendment did not prevail. Yeas 18; Nays 22.

*Affirmative*—Messrs. Albright, Allen, Battle, Brogden, Brown, Cook, Council, Cowles, Gilmer, Graham of Alamance, King, Linney, Murphy, Price, Robbins of Davidson, Troy, Waddell and Worth—18.

*Negative*—Messrs. Beasley, Bellamy, Crowell, Dargan, Edwards, Eppes, Flemming, Flythe, Graham of Orange, Hawkins, Hyman, Jones, Latham, Long, Love, Mauney, McCotter, Morehead, Norment, Olds, Robbins of Rowan and Whiteside—22.

The bill then passed the third time. Yeas 31; Nays 7.

*Affirmative*—Messrs. Allen, Battle, Beasley, Bellamy, Brown, Council, Crowell, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Long, Linney, Love, Manney, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—31.

*Negative*—Messrs. Albright, Brogden, Cowles, King, Murphy, Price and Troy—7.

The hour of 11 a. m. having arrived, the Chair announced the special order for that hour.

Mr. Edwards, moved to postpone its consideration for the purpose of disposing of the unfinished business. The motion did not prevail.

S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes, it being special order, was taken up, read second time, and together with S. B. 36, S. B. 52, was made special order for 11 a. m. on Friday, 8th of December, 1871.

The consideration of the unfinished business of yesterday, the motion to reconsider the vote on S. B. 40, a bill to be en-



titled an act in regard to costs in cases of contested wills, was resumed.

Mr. Cook moved the previous question and the Senate ordered the main question to be put.

The question recurring upon the motion to reconsider and a quorum of the Senate not having voted thereon, the Chair declared the motion to be lost.

Bills upon third reading were acted on as follows :

S. B. 24, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Ruthertordton and for other purposes. Read and passed third time. Yeas 36 ; Nays 1.

*Affirmative*—Messrs. Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Long, Linney, Love, Mauney, McCotter, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—36.

*Negative*—Mr. Hyman—1.

S. B. 30, a bill to be entitled an act to amend title 19, chapter 1, section 429, of the Code of Civil Procedure. Read the third time.

Mr. Robbins, of Davidson, moved an amendment in the nature of a substitute for the bill. The amendment prevailed, and bill passed third time. Yeas 38 ; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Long, Linney, Love, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—38.

*Negative*—None.

S. R. 46 : a resolution authorizing the Governor to offer a reward for the arrest of Luke Johnson. Read third time.

The amendment, in the nature of a substitute, offered by the Committee on the Judiciary prevailed and the bill passed the third time. Yeas 39; Nays 1.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Long, Linney, Love, Manney, McCotter, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy, Whiteside and Worth—39.

*Negative*—Mr. Flemming—1.

Bills on second reading were acted on as follows:

S. B. 37: a bill to be entitled an act for collecting arrears of taxes in Jackson County. Read second time.

Mr. Robbins, of Davidson, moved to strike out words "one thousand, eight hundred and sixty-eight." The amendment prevailed and the bill passed the second time;

S. B. 27, a bill to be entitled an act to require the Commission appointed by an act to provide for the completion of the the Western Division of the Western North Carolina Railroad, ratified the 24th day of March, A. D. 1870, to make report to the Governor of the State, and for other purposes. Made special order for 1 o'clock p. m., to-morrow;

S. B. 43, H. B. 1, a bill to be entitled an act to amend an act to incorporate the Flat Swamp, Lock's Creek and Evans' Creek Canal Company, of the county of Cumberland. Read and passed second time;

S. B. 47, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles or less of Ashpole Baptist Church. Read second time and rejected;

S. B. 38, a bill to be entitled an act to authorize the Commissioners of Lincoln county to issue bonds. Read second time.

Mr. Crowell moved to amend the bill by adding to section 1, the following: *Provided*, the said bonds shall not be sold for less than their *par* value.



The amendment prevailed, and the bill passed the second time. Yeas 23 ; Nays 11.

*Affirmative*—Messrs. Albright, Battle, Beasley, Crowell, Currie, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Long, Love, Mauney, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Allen, Brogden, Cook, Cowles, Dargan, Eppes, Flemming, Linney, McCotter, Norment and Price—11.

S. B. 102, H. B. 56, a bill to be entitled an act to incorporate the Whitney Manufacturing Company, of the county of Cumberland. Read and passed second time.

The rules having been suspended, the bill was read and passed third time. Yeas 33 ; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Cook, Council, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Linney, Love, Mauney, McCotter, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—33.

*Negative*—None.

S. B. 89, a bill to be entitled an act to re-enact section 6, chapter 102, Revised Code. Read second time.

The amendment offered by Committee on Printing prevailed and the bill passed second time.

The rules having been suspended, the bill was read and passed the third time. Yeas 34 ; Nays none.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Linney, Love, Mauney, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—34.

*Negative*—None.

Ordered to be forthwith engrossed and transmitted to House of Representatives for concurrence.

Mr. Cook introduced a resolution of inquiry as to the lease of the North Carolina Railroad, which was read and laid over under the rules.

Mr. Latham moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand of Mr. Love, and the motion did not prevail. Yeas 7; Nays 28.

*Affirmative*—Messrs. Allen, Gilmer, Jones, King, Latham, Norment and Price—7.

*Negative*—Messrs. Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Linney, Love, McCotter, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—28.

S. B. 48, a bill to be entitled an act to authorize Geo. B. McCotter, tax collector of Pitt County, to collect arrears of taxes. Read second time and laid on table.

S. R. 51, resolution in favor of the sheriffs of Buncombe, Henderson and Transylvania Counties. Read second time and laid on the table;

The following bills and resolutions, reported as correctly enrolled by committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

A bill to be entitled an act to authorize the Commissioners of Perquimans County to issue bonds to fund and pay the county debt.

A bill to be entitled an act to authorize the Petesburg Railroad Company to erect a bridge across Roanoke River;

A resolution in favor of W. E. Piercy, Sheriff of Yancey County.

The following bills and resolutions reported as correctly engrossed by committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. 95, resolution in regard to printing the public laws;



S. B. 39, a bill to be entitled an act concerning joint contracts ;

S. B. 59, a bill to be entitled an act to incorporate the Border Railroad Company ;

Amendment to H. R. 23, S. R. 58, resolution concerning the printing of certain public documents ;

S. B. 7, a bill to be entitled an act for the general relief of sheriffs and tax collectors.

Mr. Cook introduced a resolution to raise two joint select committees for the purpose of re-districting the State. Read and laid over under the rules.

Bills upon second reading were further acted on as follows :

S. B. 63, a bill to be entitled an act in relation to county officers. Read and passed second time ;

S. B. 64, a bill to be entitled an act to amend section 303, of the Code of Civil Procedure. The bill was read second time.

The Senate then adjourned.

---

## FIFTEENTH DAY.

SENATE CHAMBER, December 7th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Albright, from Saturday morning until Wednesday, to Mr. Edwards, from Saturday to Tuesday, and to Mr. Murphy, until Monday.

At 11 a. m., S. B. 20, a bill to be entitled an act to amend an act to create a Mechanics and Laborer's Lien Law, special order for that hour, was taken up and made special order for 11 a. m., on Monday, 11th December, 1871.

Reports from standing committees were then submitted as follows :

From the Committee on Propositions and Grievances:

By Mr. Waddell: S. B. 98, H. B. 46, a bill to be entitled an act to authorize the Commissioners to levy and collect a special tax for Hertford county, with recommendation that it do pass;

S. B. 61, H. B. 3, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Shiloh Church, in Anson county;

S. B. 100, H. B. 48, a bill to be entitled an act for the relief of sheriffs and tax collectors;

S. B. 101, H. B. 62, a bill to be entitled an act to authorize John J. Hasty, sheriff of Union, to collect arrears of taxes;

S. R. 104, H. R. 48, resolution in favor of Abner Tweed, sheriff of Madison county, with recommendation that they do not pass.

From the Committee on Corporations:

By Mr. Morehead: S. B. 107, a bill to be entitled an act to incorporate the Jamestown Copper Company, with amendment;

By Mr. Robbins, of Davidson: S. B. 96, H. B. 57, a bill to be entitled an act to incorporate the Educational and Loan Association of North Carolina, with recommendation that it do pass.

From the Committee on Judiciary:

By Mr. Allen: S. B. 70, a bill to be entitled an act to require the registration of deeds and the indexing of the books of registration, with recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Morehead: S. B. 55, a bill to be entitled an act to amend the charter of the Western Railroad Company, with recommendation that it do pass.

From Joint Committee on Insane Asylum:

By Mr. Murphy: — Ordered to be printed and referred to committee on finance.

From the Committee on Rivers, Roads, Ferries, &c.:

By Mr. Murphy: S. B. 108, a bill to be entitled an act con.



cerning public highways, with recommendation that it do pass.

Mr. Morehead moved to re-consider the vote by which S. B. 89, a bill to be entitled an act to re-enact section 6, chapter 102, Revised Code, was passed third reading on yesterday.

The yeas and nays were ordered, on demand of Mr. King, and the motion to re-consider did not prevail. Yeas 10; Nays 30.

*Affirmative*—Messrs. Adams, Brown, Currie, Edwards, Flemming, Graham of Alamance, Graham of Orange, Jones, Morehead and Murphy—10.

*Negative*—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Eppes, Gilmer, Hawkins, Hyman, King, Latham, Long, Linney, Mauney, McCotter, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—30.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Flemming: a bill to be entitled an act for the relief of the Western North Carolina Railroad Company. To committee on internal improvements;

By Mr. Murphy: a bill to be entitled an act providing for the support of the Insane Asylum for the next fiscal year. To committee on finance;

By Mr. Jones: a bill to be entitled an act to amend section 1, chapter 272, of the laws of 1868-'69. Placed on calendar.

By Mr. Olds: a bill to be entitled an act relating to the fees of Superior Court Clerks. To committee on propositions and grievances.

By message from House of Representatives: H. B. 82, a bill to be entitled an act to amend chapter 178, laws of 1868-'69. To committee on judiciary;

H. B. 81, a bill to be entitled an act to amend chapter, 242, laws of 1870-'71. To committee on internal improvement.

Mr. Cowles introduced a resolution in regard to railroad fares and freights, which was read and adopted.

A message was received from his Excellency, the Governor, transmitting the annual report of the Superintendent of Public Works. Ordered to be printed.

The unfinished business of yesterday being next in order, the consideration of S. B. 64, a bill to be entitled an act to amend section 303, of the Code of Civil Procedure, was resumed.

Mr. Whiteside, moved to insert in section 1, line 9, after word "court" the following: "not to exceed in any case the sum of two hundred and fifty dollars," and also to strike out words "and damages." The amendment prevailed, and the bill passed the second time.

Bills on third reading were acted on as follows:

S. B. 37, a bill to be entitled an act for collecting arrears of taxes in Jackson county. Read and passed third time. Yeas 31; Nays 1.

*Affirmative*—Messrs. Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Long, Linney, Mauney, McCotter, Morehead, Murphy, Norment, Price, Robbins of Davidson, Waddell and Worth—31.

*Negative*—Mr. Troy—1.

S. B. 38, a bill to be entitled an act to authorize the Commissioners of Lincoln county to issue bonds. Read and passed third time. Yeas 18; Nays 9.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brown, Cook, Crowell, Currie, Dargan, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Mauney, Morehead and Waddell—18.

*Negative*—Messrs. Albright, Brogden, Cowles, Flemming, Long, Linney, McCotter, Norment and Troy—9.

S. B. 43, H. B. 1, a bill to be entitled an act to incorporate the Flat Swamp, Lock's Creek and Evans' Creek Canal Com.



pany in the county of Cumberland. Read and passed third time. Yeas 28 ; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Belamy, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Long, Linney, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Whiteside—28.

*Negative*—Messrs. Brogden and McCotter—2.

S. B. 63, a bill to be entitled an act in relation to county officers. Referred to committee on judiciary.

The following bills, resolutions and amendment, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 28, a bill to be entitled an act to amend the charter of the Chatham Railroad Company ;

S. B. 54, a bill to be entitled an act to consolidate the Planters' Railroad Company and the Wilmington and Onslow Railroad Company ;

S. B. 41, a bill to be entitled an act to allow the transfer of causes pending in the late courts of equity ;

S. R. 76, resolutions relating to communication of Commodore Mathew F. Maury.

Bills on second reading were acted on as follows :

S. B. 31, a bill to be entitled an act to construct a turnpike road between Marion and Burnsville. Read and passed second time ;

S. R. 66, H. R. 2, resolution of instruction to the Public Treasurer. Read and passed second time ;

S. B. 67, H. R. 26, a bill to be entitled an act in relation to suits against railroad companies. Read second time and laid on the table ;

S. R. 68, resolution relating to the Commissioners of Jackson County. Read second time and laid on the table ;

S. B. 72, a bill to be entitled an act to erect a toll-gate

Mr. Brogden moved to amend by adding the following to section 1 :

*Provided*, This act shall not apply to special terms where the Judge has already been appointed to hold them.

The amendment did not prevail and the bill passed the second time.

The rules having been suspended, the bill was read the third time.

Mr. King moved to strike out the words "or otherwise" in section 1. The motion prevailed, and the bill passed third time. Yeas 35 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Lathan, Long, Linney, Mauney, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—35.

*Negative*—None.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. R. 106, a resolution of instructions to the Treasurer. Read second time.

Mr. Cook moved to amend by inserting after the words "Marion and Asheville" the words "Hickory Station and Patterson;" and to amend further by inserting after the words "pro rata" the words "in proportion as set apart by the appropriating act."

The motion prevailed, and the resolution passed the second time.

S. R. 109, a resolution to raise Joint Select Committees, laid over under the rules on yesterday, was taken up, read and adopted.

S. B. 27, a bill to be entitled an act to require the commis-



between Franklin, North Carolina, and Clayton, Georgia. Read and passed second time ;

S. B. 75, a bill to be entitled an act in relation to certain vacant lands. Read and passed second time ;

S. B. 78, a bill to be entitled an act to repeal chapter 227, laws of 1869-'70. Read and passed second time ;

S. B. 79, a bill to be entitled an act to authorize the payment, by the treasurer, of the costs in cases where the State appeals or sues out a writ of error to the Supreme Court of the United States. Read and passed second time ;

S. B. 81, a bill to be entitled an act to change the time of holding the Superior Courts in the several counties composing the third judicial district. Read and passed second time ;

S. B. 82, a bill to be entitled an act to lay off and establish the line between the counties of Hertford and Northampton, and for other purposes. Read second time and rejected.

Mr. Bellamy moved to reconsider the vote just taken, and to make the consideration of that motion special order for 11, a. m., on Wednesday, 13th December, 1871. The latter motion prevailed ;

S. B. 98, H. B. 46, a bill to be entitled an act to authorize the Commissioners to levy and collect a special tax for Hertford County. Read second time and passed. Yeas 18 ; Nays 15.

*Affirmative*—Messrs. Beasley, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Long, Linney, Mauney, McCotter, Murphy, Price, Waddell and Worth—18.

*Negative*—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Eppes, Fleming, Hyman, Norment and Whiteside.—15.

S. B. 93, H. B. 53, a bill to be entitled an act regulating the time of delivering complaints in civil actions. Read second time and passed ;

S. B. 112, a bill to be entitled an act to amend section 1, chapter 272, laws of 1868-'69. Read second time.

sion, appointed by an act entitled an act to provide for the completion of the Western North Carolina Railroad, ratified the 24th March, 1870, to make report to the Governor of the State, and for other purposes, special order for to-day at 1 p. m., was made special order for 12 m., on Monday, 11th December, 1871.

The Senate then adjourned.

---

## SIXTEENTH DAY.

SENATE CHAMBER, December 8th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Robbins, of Rowan, presented memorial from State Council, Friends of Temperance. Referred to committee on proposition and grievances.

Leave of absence was granted to Mr. McCotter from to-morrow until Monday, and to Mr. Graham, of Alamance, for next week.

Reports from Standing Committees were then submitted as follows:

From the Committee on Corporations.

Mr. Morehead: S. B. 97, a bill to be entitled an act to amend the charter of the Reliance Bucket and Axe Fire Company, of Newbern, with amendment;

S. B. 91, H. B. 49, a bill to be entitled an act to incorporate the Wilson Building and Loan Association, with recommendation that they do pass.

From Joint Select Committee on Constitutional Reform.

By Mr. Robbins, of Rowan: S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina;

S. B. 8, a bill to be entitled an act proposing amendments to the Constitution of North Carolina, with amendment in the



nature of a substitute. The amendment was ordered to be printed.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Love : a bill to be entitled an act to insure the early printing of the laws. To committee on propositions and grievances ;

By Mr. Norment : a bill to be entitled an act for the relief of D. J. Clarke, sheriff of Bladen county. To committee on propositions and grievances ;

By Mr. Linney : a bill to be entitled an act to provide for the service of process issued from courts of Justices of the Peace in civil causes where one or more of the defendants reside out of the county in which the action is brought. To committee on judiciary ;

By Mr. Moore : a bill to be entitled an act to amend section 18, chapter 229, laws of 1869-'70, entitled an act raise revenue. To committee on finance ;

By Mr. Graham, of Orange : concurrent resolution in regard to the lease of the North Carolina Railroad. Placed on calendar.

On motion of Mr. Graham, of Orange, the rules were suspended and the Senate proceeded to consider the resolution. The resolution was read second time.

Mr. Graham, of Orange, moved the previous question and the Senate ordered the main question to be put. The question recurring on the passage of the resolution, the yeas and nays were ordered, on demand of Mr. Cook, and the resolution passed second time. Yeas 27 ; Nays 9.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Eppes, Graham of Orange, Hyman, Jones, Latham, Long, Love, Mauney, Merrimon, Norment, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Flemming, King, Lehman, Linney, McCotter, Moore, Morehead, Olds and Robbins of Davidson—9.

The resolution was then read and passed third time. Yeas 29; Nays 10.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Graham of Orange, Hawkins, Hyman, Jones, Latham, Love, Mauney, Merrimon, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Messrs. Flemming, Gilmer, King, Lehman, Linney, McCotter, Moore, Morehead, Olds and Robbins of Davidson—10.

The Senate then proceeded to the consideration of the special order, S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained and for other purposes, on its second reading.

On motion of Mr. Lehman, the bill was made special order for 10½ a. m., 12th December, 1871.

On motion, the rules were suspended and S. B. —, a bill to be entitled an act to insure the early printing of the laws, was read and passed second and third times. Yeas 37; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Love, Mauney, McCotter, Moore, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—37.

*Negative*—None.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

S. B. 24, a bill to be entitled an act to repeal an act to ex-



tend the corporate limits of the town of Rutherfordton, and for other purposes ;

S. B. 30, a bill to be entitled an act to amend title 19, chapter 2, section 429, of the Code of Civil Procedure ;

S. B. 35, a bill to be entitled an act to incorporate the Altamahaw Coal Company ;

S. B. 46, a bill to be entitled an act to amend section 4, chapter 35, Revised Code, relating to fugitives from justice ;

S. B. 83, a bill to be entitled an act to empower the County Commissioners of Randolph and Davidson counties to lay off and establish the dividing line between said counties ;

S. B. 89, a bill to be entitled an act to re-enact section 6, chapter 102, Revised Code ;

S. B. 112, a bill to be entitled an act to amend section 1, chapter 272, of the laws of 1868-'69.

Mr. Graham, of Orange, introduced the following resolution :

Resolution in regard to expenditures for Insane Asylum and Institution for the Deaf, Dumb and the Blind.

The resolution was read and adopted.

The following acts and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the Whitney Manufacturing Company, of the county of Cumberland ;

Resolution concerning the printing of certain public documents.

The Senate then adjourned.

## SEVENTEENTH DAY.

SENATE CHAMBER, December 9th, 1871.

The Senate met pursuant to adjournment. The Journal of yesterday was read.

On motion of Mr. Merrimon, the rules were suspended and the Senate concurred in the amendments adopted by the House of Representatives to S. B. 27, a bill to be entitled an act to require the commission appointed by an act entitled an act to provide for the completion of the Western Division of the Western North Carolina Railroad, ratified 24th March, 1870, to make report to the Governor and for other purposes.

Reports from standing committees were then submitted as follows:

From the Committee on Finance:

By Mr. Graham, of Orange: S. B. 116, a bill to be entitled an act to amend chapter 229, laws of 1869-'70, entitled an act to raise revenue;

S. B. 113, a bill to be entitled an act providing for the support of the Insane Asylum for the next fiscal year, with recommendation that they do pass.

From Committee on Internal Improvements:

By Mr. Robbins, of Rowan: S. B. 88, a bill to be entitled an act to amend the charter of the Northwestern North Carolina Railroad Company and to provide for the cancellation of certain mortgages, &c., with recommendation that it do pass.

The rules having been suspended, the Senate then proceeded to consider the motion of Mr. Cook to reconsider the vote by which S. B. 21, a bill to be entitled an act to allow a mortgage deposit, &c., was rejected. The question recurring on the motion, the yeas and nays were ordered, on demand of Mr. King, and the motion prevailed. Yeas 19; Nays 17.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Currie, Dargan, Graham of



Orange, Hawkins, Linney, Love, Merrimon, Moore, Troy, Waddell and Worth—19.

*Negative*—Messrs. Bellamy, Cowles, Crowell, Flemming, Gilmer, Graham of Alamance, Hyman, Jones, King, Latham, Lehman, Long, Morehead, Norment, Olds, Robbins of Rowan and Whiteside—17.

The question then recurring on its passage, the bill did not pass third time. Yeas 17; Nays 18.

*Affirmative*—Messrs. Adams, Allen, Battle, Brogden, Brown, Council, Currie, Dargan, Graham of Orange, Hawkins, Linney, Love, Merrimon, Moore, Troy, Waddell and Worth—17.

*Negative*—Messrs. Beasley, Bellamy, Cook, Cowles, Crowell, Flemming, Gilmer, Graham of Alamance, Hyman, Jones, King, Latham, Lehman, Morehead, Norment, Olds, Robbins of Rowan and Whiteside—18.

Mr. Love moved to reconsider the vote by which S. R. 120, resolution in regard to the lease of the North Carolina Railroad was passed on yesterday.

Mr. Graham, of Orange, moved to lay that motion on the table.

The yeas and nays were ordered and the motion to lay upon the table prevailed. Yeas 19; Nays 11.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Brogden, Cook, Council, Crowell, Dargan, Graham of Alamance, Graham of Orange, Jones, Latham, Merrimon, Norment, Robbins of Rowan, Troy, Waddell and Worth—19.

*Negative*—Messrs. Bellamy, Cowles, Gilmer, Hawkins, King, Lehman, Linney, Love, Moore, Morehead and Whiteside—11.

On motion of Mr. Graham, of Orange, S. R. 73, resolution in favor of certain witnesses in the impeachment trial of W. W. Holden, was read and adopted under a suspension of the rules.

The following named bills were introduced, read and passed

first time, and were referred or otherwise disposed of as follows :

By Mr. Love : a bill to be entitled an act to change the time of holding the Superior Courts in the 12th Judicial District. To committee on judiciary ;

By Mr. Norment : a bill to be entitled an act to incorporate the Wilmington Library Association. To committee on corporations ;

By Mr. Graham, of Orange : a bill to be entitled an act to incorporate the Bank of Hillsboro' ;

A bill to be entitled an act to incorporate a bank in the city of Newbern. To committee on corporations ;

By Mr. Gilmer : a bill to be entitled an act to promote immigration and to facilitate the settlement of the public lands. To joint select committee on immigration ;

By Message from the House of Representatives : H. R. 61, a resolution in favor of John D. Cameron. Laid over under the rules :

By Mr. Merrimon : a resolution in favor of John M. Cloud, Judge of the 8th Judicial District. Laid over under the rules.

A message was received from the House of Representatives transmitting copy of amendment adopted by the House to S. R. 62, resolution to authorize the Attorney General to sue out writ of *habeas corpus* for Allen Bettis.

On motion, the Senate concurred in the amendment.

Bills on third reading were acted on as follows :

S. B. 31, a bill to be entitled an act to construct a Turnpike Road between Marion and Burnsville. Read and passed third time. Yeas 31 ; Nays none.

*Affirmative*—Messrs. Adams, Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Long, Love, Merrimon, Moore, Morehead, Olds, Troy, Waddell, Whiteside, and Worth—31.

*Negative*—None.



S. B. 64, a bill to be entitled an act to amend section 303, of the Code of Civil Procedure. The bill was read third time.

Mr. Linney moved to amend by inserting after word "purpose" in section 1, the words "in any civil cause a special proceeding." The amendment prevailed and the bill passed third time. Yeas 26; Nays 3.

*Affirmative*—Messrs. Adams, Allen, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Lehman, Linney, Love, Merrimon, Norment, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Hyman, King and Long—3.

S. R. 66, resolution of instruction to the Public Treasurer. Read and passed third time. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Linney, Long, Love, Moore, Morehead, Norment, Olds, Troy, Waddell and Whiteside—27.

*Negative*—None.

S. B. 72, a bill to be entitled an act to erect a toll-gate between Franklin, North Carolina, and Clayton, Georgia. Read and passed third time. Yeas 25; Nays 2.

*Affirmative*—Messrs. Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Linney, Long, Love, Merrimon, Morehead, Norment, Troy, Whiteside and Worth—25.

*Negative*—Messrs. Jones and King—2.

S. B. 65, a bill to be entitled an act in relation to certain lands. Read and passed third time. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Allen, Beasley, Brogden, Brown, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Linney, Long, Love, Merrimon, Morehead, Norment, Troy, Waddell, Whiteside and Worth—27.

*Negative*—None.

S. B. 78, a bill to be entitled an act to repeal chapter 227, laws of 1869-'70. Read third time and made special order for 1 p. m., Monday, 11th December, 1871;

S. B. 79, a bill to be entitled an act to authorize the payment by the treasurer of the costs in cases where the State appeals or sues out a writ of error to the Supreme Court of the United States. Read and passed third time. Yeas 31; Nays none.

*Affirmative*—Messrs. Adams, Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Gilner, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Love, Merrimon, Moore, Morehead, Norment, Robbins of Rowan, Waddell, Whiteside and Worth—31.

*Negative*—None.

S. B. 81, a bill to be entitled an act to change the time of holding the Superior Courts in the several counties composing the third judicial district. The bill was read the third time.

Mr. Moore, moved to amend by striking out word "January" and inserting word "February" instead thereof.

The amendment prevailed and the bill, on motion of Mr. King, was made special order for 11 a. m., 12th December, 1871.

The rules having been suspended, S. B. 96, H. B. 57, a bill to be entitled an act to incorporate the Educational and Loan Association of North Carolina, was read and passed second and third time. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Linney, Long, Love, Merrimon, Moore, Morehead, Norment, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—27.

*Negative*—None.

The following bills and resolutions, reported as correctly en-



grossed by committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 37, a bill to be entitled an act for collecting arrears of taxes in Jackson County ;

S. B. 38, a bill to be entitled an act to authorize the Commissioners of Lincoln County to issue bonds ;

S. R. 109, resolution to raise joint committees ;

S. R. 120, resolution in regard to the lease of the North Carolina Railroad ;

S. B. 121, a bill entitled an act to insure the early printing of the laws.

The Senate then adjourned.

---

## EIGHTEENTH DAY.

SENATE CHAMBER, December 11th, 1871.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Prayer by the Rev. J. M. Atkinson.

Reports from Standing Committees were then submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Love : S. R. 99, H. R. 25, resolution to extend the time of the sheriff of Alexander county to collect taxes and settle with the county treasurer ;

S. B. 118, a bill to be entitled an act for the relief of D. J. Clark, sheriff of Bladen, with recommendation that they do not pass.

Memorial of State Council, Friends of Temperance, with request to be discharged from the further consideration thereof. Report concurred in ;

S. B. 17, a bill to be entitled an act to amend section 7, chapter 42, of the Revised Code of North Carolina, with amendment ;

Memorial of citizens of New Hanover, memorial of citizens of Kernersville, and memorial of members of Swift Island Manufacturing Company, asking to be discharged from the further consideration thereof. Report concurred in.

From the Committee on Corporations :

By Mr. Morehead : S. B. 122, a bill to be entitled an act to incorporate the Wilmington Library Association, with recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Allen : S. B. 63, a bill to be entitled an act in relation to county officers, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Love : a bill to be entitled an act to prevent the killing of deer recklessly. To committee on propositions and grievances.

By Mr. Allen : a bill to be entitled an act to amend the 32d section of the 35th chapter of the Revised Code of North Carolina. To committee on judiciary.

By Mr. Dargan : a bill to be entitled an act to authorize C. P. Clouse to erect a gate across a public highway. To committee on propositions and grievances.

By Mr. Merrimon : a bill to be entitled an act to ratify sales of real estate, for partition which have been irregularly made. To committee on judiciary.

By message from House of Representatives : H. B. 3, a bill to be entitled an act to incorporate Warren Lodge, No. 101, Free and Accepted Masons. To committee on corporations ;

H. B. 37, a bill to be entitled an act to incorporate St. Peter's Lodge, Council of Friends, of the city of Newbern. To committee on corporations ;

H. B. 72, a bill to be entitled an act to change the line between Hilton and Piney Creek Townships, in the county of Ashe, and the line between Clay and Green Townships, in the county of Guilford. To committee on propositions and grievances ;



H. B. 73, a bill to be entitled an act to amend the charter of the town of Beaufort. To committee on corporations ;

H. B. 84, a bill to be entitled an act to change the county line of Mitchell county and Yancey county. To committee on propositions and grievances ;

H. B. 91, a bill to be entitled an act for the relief of such persons as have suffered from the loss of records in Clay county. To committee on judiciary ;

H. B. 101, a bill to be entitled an act to incorporate the Wateree Steamboat and Transportation Company. To committee on corporations ;

H. B. 100, a bill to be entitled an act to incorporate the Wilmington and Atlantic Steamship Company. To committee on corporations ;

H. B. 103, a bill to be entitled an act to incorporate the College of Physicians and Surgeons of the city of Wilmington. To committee on corporations ;

Mr. Cook introduced a resolution calling on the Adjutant-General for information concerning moneys paid to officers and men of the 1st N. C. State Troops, employed in the late Holden-Kirk war.

Mr. Olds moved to amend by striking out word "war" wherever it occurs.

Mr. Graham, moved to lay the resolution on the table. The motion prevailed.

On motion of Mr. Love, S. B. 118, a bill to be entitled an act for the relief of D. J. Clark, sheriff of Bladen county, was recommitted to the committee on propositions and grievances.

Bills on third reading were acted on as follows :

S. B. 93, H. B. 53, a bill to be entitled an act regulating the time of delivering complaints in civil actions.

The bill was read third time.

Mr. Whiteside moved to strike out in line 6, section 1, the words "at the time of serving the summons."

The amendment prevailed and the question recurring on

its passage, the bill did not pass third time, Yeas 12 ; Nays 17.

*Affirmative*—Messrs. Battle, Beasley, Cowles, Crowell, Currie, Graham of Orange, Jones, Lehman, Norment, Robbins of Davidson, Robbins of Rowan and Worth—12.

*Negative*—Messrs. Brogden, Brown, Council, Dargan, Flemming, Gilmer, Hawkins, Hyman, King, Latham, Linney, Long, Love, Merrimon, Morehead, Waddell, Whiteside—17.

S. B. 98, H. B. 46, a bill to be entitled an act to authorize the commissioners to levy and collect a special tax for Hertford county. Made special order for 18th of December, 1871;

S. B. 20, a bill to be entitled an act to amend an act to create a mechanics and laborer's lien law. Read third time and rejected. Yeas 12 ; Nays 21.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Currie, Flemming, Gilmer, Hawkins, Hyman, Linney, Merrimon, Price and Waddell—12.

*Negative*—Messrs. Adams, Allen, Brown, Council, Cowles, Crowell, Dargan, Graham of Orange, Jones, King, Latham, Lehman, Long, Love, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Whiteside and Worth—21.

S. R. 106, resolution of instruction to the Treasurer. Read and passed third time. Yeas 22 ; Nays 4.

*Affirmative*—Messrs. Battle, Beasley, Bellamy, Cook, Cowles, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Jones, Latham, Linney, Long, Merrimon, Morehead, Robbins of Davidson, Waddell, Whiteside and Worth—22.

*Negative*—Messrs. Brogden, Hyman, King and Lehman—4.

Bills on second reading, were acted on as follows :

S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina. Made special order for 10 a. m., 15th December, 1871 ;

S. B. 61, H. B. 3, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Shiloh church. Read and passed second time. Yeas 15 ; Nays 13.

*Affirmative*—Messrs. Adams, Beasley, Bellamy, Dargan,



Flemming, Gilmer, Graham of Orange, Latham, Linney, Long, Merrimon, Morehead, Norment, Robbins of Davidson and Worth—15.

*Negative*—Messrs. Allen, Battle, Brogden, Cook, Council, Cowles, Hawkins, Hyman, Jones, King, Lehman, Love and Waddell—13.

S. B. 70, a bill to be entitled an act to require the registration of deeds and the indexing of the books of registration. The bill was read second time.

Mr. Jones moved to amend as follows: Strike out sections 1 and 4; in section 2 strike out the words "after the 1st day of October, 1872," and after the word "property" insert the words "executed after 1st day of February, 1872;" strike out in same section all after the word "instrument" down to the word "in."

The amendments prevailed, and the question recurring on its passage, the yeas and nays were ordered and the bill did not pass second time. Yeas 13; Nays 21.

*Affirmative*—Messrs. Allen, Currie, Dargan, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, Lehman, Love, Morehead, Robbins of Davidson and Robbins of Rowan—13.

*Negative*—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Flemming, King, Latham, Linney, Long, Merrimon, Norment, Olds, Waddell, Whiteside and Worth—21.

S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations, and to regulate the same. Read and passed second time;

S. B. 122, a bill to be entitled an act to incorporate the Wilmington Library Association. Read and passed second time.

The rules were suspended and the bill was read and passed third time. Yeas 28; Nays none.

*Affirmative*—Messrs. Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Long, Love, Norment, Olds, Rob-

bins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—28.

*Negative*—None.

S. B. 55, a bill to be entitled an act to amend the charter of the Western Railroad Company. Read and passed second time ;

S. R. 129, resolution in favor of John M. Cloud, Judge of 8th judicial district. Read and passed second time.

The rules were suspended and the resolution was read and passed third time. Yeas 31 ; Nays none.

*Affirmative*—Messrs. Adams, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Long, Love, Merrimon, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—31.

*Negative*—None.

S. R. 128, H. R. 161, resolution in favor of J. D. Cameron. Read and passed second time.

The rules were suspended and the resolution was read and passed third time. Yeas 28 ; Nays none.

*Affirmative*—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Long, Merrimon, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Waddell and Worth—28.

*Negative*—None.

Mr. Love introduced the following resolution :

*Resolved by the Senate*, That in addition to the usual morning sessions of the Senate there shall be an evening session on Monday, Wednesday and Friday of each week, commencing at 7½ o'clock.

*Resolved further*, That it is the sense of the Senate that bills relating to the public debt, constitutional reform, re-dis-



tricting the State and revenue shall have precedence over all others during morning sessions.

Mr. Gilmer moved to amend by inserting after the word "Senate" the words "from and after to-day."

The amendment prevailed, and the yeas and nays having been ordered, on demand of Mr. Morehead, the resolution was adopted. Yeas 25; Nays 6.

*Affirmative*—Messrs. Adams, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, King, Linney, Long, Love, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Beasley, Hyman, Jones, Lehman, Norment and Price—6.

The Senate then adjourned.

---

## NINETEENTH DAY.

SENATE CHAMBER, December 12th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted as follows:

From the Committee on Judiciary:

By Mr. Allen: S. B. —, a bill to be entitled an act to provide for the service of process issued from courts of Justices of the Peace in civil causes where one or more of the defendants reside out of the county in which action is brought, with amendments.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Moore : a bill to be entitled an act to allow the people of Newport Township, in Carteret county, to vote upon the repeal of section 2, chapter 64, private laws of 1870-'71. To committee on propositions and grievances.

By Mr. McClammy : a bill to be entitled an act to incorporate, in the city of Wilmington, the Cape Fear Towing and Atlantic Coast Wrecking Company of Wilmington, N. C. To committee on corporations.

By Mr. Brogden : a bill to be entitled an act to incorporate the Farmers and Mechanics' Association. To committee on corporations.

By Mr. Battle : a bill to be entitled an act in relation to public jails and keepers of the same. To committee on propositions and grievances.

By Mr. Robbins, of Rowan : a bill to be entitled an act to transfer certain cases undisposed of by the late county courts. To committee on judiciary.

By Mr. Bellamy : a bill to be entitled an act to incorporate the town of Whitaker's, in the counties of Edgecombe and Nash. To committee on corporations.

Bills on third reading were acted on as follows :

S. B. 55, a bill to be entitled an act to amend the Charter of the Western Railroad Company. Read and passed third time. Yeas 29 ; Nays 1.

*Affirmative*—Messrs. Allen, Battle, Beasley, Bellamy, Brown, Cook, Cowles, Dargan, Flythe, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Long, Love, Mauney, McClammy, Moore, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, White-side and Worth—29.

*Negative*—None.

At 10½ a. m., the Senate proceeded to consider the special order for that hour, S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes. After much discussion the further consideration of the bill was postponed



until 10½ a. m., 14th December, 1871, and made special order for that hour.

The Senate then adjourned.

---

TWENTIETH DAY.

SENATE CHAMBER, December 13th. 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Adams, for Thursday, Friday and Saturday; to Mr. Olds, for Thursday and Friday; to Mr. Bellamy, from to-day until Tuesday, and to Mr. Waddell, for Saturday.

Reports from standing committees were then submitted as follows:

From the committee on Propositions and Grievances:

By Mr. Love: S. B. 118, a bill to be entitled an act for the relief of D. J. Clark, Sheriff of Bladen County, with amendment in the nature of a substitute therefor.

From the Committee on Judiciary:

By Mr. Jones: S. B. 131, H. B. 91, a bill to be entitled an act for the relief of such persons as have suffered from loss of records in Clay county, with recommendation that it do pass;

S. B. 140, a bill to be entitled an act to amend the 32d section of 35th chapter of Revised Code of North Carolina, with amendment;

S. B. 94, H. B. 15, a bill to be entitled an act to validate the revisal of jury lists and for other purposes;

S. B. 141, a bill to be entitled an act to ratify sales of real estate for partition which have been irregularly made, with recommendation that they do not pass.

By Mr. Gilmer, for Mr. Graham, of Alamance: S. B. 114, H. B. 82, a bill to be entitled an act to amend chapter 178, laws of 1868-'69, with recommendation that it do pass.

By Mr. Jones : S. B. 126, a bill to be entitled an act to change the time of holding the Superior Courts in the 12th judicial district, asking to be discharged from the further consideration thereof. Report concurred in.

From the Committee on Internal Improvements :

By Mr. Robbins, of Rowan : S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and extend the road to the Tennessee line ;

S. B. 115, H. B. 81, a bill to be entitled an act to amend chapter 242, laws of 1870-'71, with recommendation that they do pass.

By Mr. Moore : S. B. 125, a bill to incorporate a bank in the city of Newbern.

From the Committee on Corporations :

S. B. 130, H. B. 73, a bill to be entitled an act to amend the charter of the town of Beaufort ;

S. B. 132, H. B. 37, a bill to be entitled an act to incorporate St. Peter's Lodge, Council of Friends, of the city of Newbern ;

S. B. 133, H. B. 3, bill to be entitled an act to incorporate Warren Lodge, No. 101, of Free and Accepted Masons ;

S. B. 135, H. B. 101, a bill to be entitled an act to incorporate the Wateree Steamboat and Transportation Company ;

S. B. 136, H. B. 103, a bill to be entitled an act to incorporate the College of Physicians and Surgeons of the city of Wilmington ;

S. B. 137, H. B. 100, a bill to be entitled an act to incorporate the Wilmington and Atlantic Steamboat Company ;

S. B. 142, a bill to be entitled an act to incorporate the Farmers and Mechanics' Association ;

S. B. 144, a bill to be entitled an act to incorporate, in the the Cape Fear Towing and Atlantic Coast Wrecking Company, of Wilmington, N. C. ;

S. B. 146, a bill to be entitled an act to incorporate the



town of Whitaker's in the counties of Edgecombe and Nash ; with recommendation that they do pass.

By Mr. Morehead : S. B. 123, a bill to be entitled an act to incorporate the Bank of Hillsboro', with recommendation that it do pass.

A message was received from the House of Representatives, transmitting a communication from his Excellency, the Governor, together with report of the Principal of the Institution for the Deaf and Dumb and Blind. Referred to committee on Deaf and Dumb and Blind Asylum.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Edwards : a bill to be entitled an act in relation to *tales* jurors for the county of Granville. Placed on the calendar.

By Mr. Love : a bill to be entitled an act to adjust and pay off the debt of the State. Placed on calendar and ordered to be printed.

By message from the House of Representatives : H. B. 102, a bill to be entitled an act to incorporate the Pioneer Steamboat and Transportation Company. To committee on corporations.

H. B. 95, a bill to be entitled an act to change an alley in the town of Shelby, Cleaveland county. To committee on corporations.

By Mr. Allen : a bill to be entitled an act in relation to White Oak Swamp, authorizing the Board of Education to sell at public auction the alternate sections thereof. To committee on education.

By Mr. Troy : a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company. To committee on internal improvements.

By Mr. Whiteside : a bill to be entitled an act to cure a defect in advertising certain sales of real estate. To committee on judiciary.

By Mr. Troy: a bill to be entitled an act to amend the charter of the Rockfish Manufacturing Company of Fayetteville. To committee on corporations.

By Mr. Brogden: a bill to be entitled an act to repeal an act concerning elections in this State, and for other purposes. To committee on privileges and elections.

By Mr. Cook: a bill to be entitled an act to reinstate and supply records of the former Courts of Pleas and Quarter Sessions. To committee on judiciary;

By Mr. Merrimon: a bill to be entitled an act to incorporate the Brevard and Waynesville Turnpike Company. To committee on corporations.

By Mr. Olds: a bill to be entitled an act to declare Neuse river a lawful tence. Placed on calendar.

By message from House of Representatives: H. B. 1, a bill to be entitled an act to amend the Code of Civil Procedure in relation to executions. To committee on judiciary;

H. R. 64, resolution in regard to public schools. Laid over under the rules.

By Mr. Flemming: a bill to be entitled an act to empower county commissioners to extend the time for the collection of county taxes. To committee on propositions and grievances.

Having disposed of the regular morning business the Senate proceeded to consider S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina, on its second reading. The question recurring on the amendment, in the nature of a substitute, offered by the joint select committee on constitutional reform, the amendment prevailed.

Mr. Murphy moved that the Senate do now adjourn. The yeas and nays were ordered, and the motion did not prevail. Yeas 2; Nays 42.

*Affirmative*—Messrs. Flemming and Murphy—2.

*Negative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Long, Love,



Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—42.

Mr. Graham, of Orange, moved to reconsider the vote by which the amendment, in the nature of a substitute, offered by the committee, was adopted.

The motion to reconsider prevailed, and the question recurring upon the amendment, Mr. Lehman offered an amendment thereto in the nature of a substitute, pending which, the bill was, on motion of Mr. Bobbins, of Davidson, made special order for 11 a. m., Friday, 15th December, 1871.

The Senate then proceeded to consider the motion to reconsider the vote by which S. B. 82, a bill to be entitled an act to lay off and establish the line between the counties of Hertford and Northampton, was rejected on 7th December.

The question recurring thereon, the motion to reconsider prevailed.

The question then recurring on its passage the second time, Mr. Graham, of Orange, moved to lay the bill on the table.

The question recurring thereon, the yeas and nays were ordered, on demand of Mr. Flythe, and the motion to lay upon the table prevailed. Yeas 20; Nays 17.

*Affirmative*—Messrs. Adams, Allen, Beasley, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Latham, Linney, Love, Mauney, Morehead, Skinner, Speed, Waddell and Worth—20.

*Negative*—Messrs. Albright, Battle, Bellamy, Brogden, Flythe, Hawkins, Hyman, Jones, King, Lehman, Long, McCotter, Merrimon, Moore, Norment, Troy and Whiteside—17.

Bills on third reading were acted on as follows :

S. B. 61, H. B. 3, a bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of Shiloh church, in Anson county. The bill was read third time.

Mr. Cowles moved to amend by adding the following proviso to section 2 :

*“ Provided, That this act shall not be in force unless public notice of the passage thereof shall be kept conspicuously posted at Shiloh church in said county.”*

Mr. Edwards moved the previous question, and the Senate ordered the main question to be put.

The question recurring first on the amendment, it did not prevail.

The question recurring next on its passage, the bill passed third time. Yeas 28; Nays 13.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brown, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Latham, Lehman, Long, Mauney, McClammy, Merrimon, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Battle, Bellamy, Brogden, Cook, Cowles, Edwards, Hyman, Jones, King, Linney, Love, McCotter and Speed—13.

A message was received from the House of Representatives proposing to go into an election for Keeper of the Capitol at 1½ p. m. to-day.

The proposition was concurred in and the hour having arrived, a message was sent to the House of Representatives announcing that the Senate would proceed to ballot on return of messenger, and that Messrs. Currie and Moore would superintend the ballot on the part of the Senate.

The messenger having returned, Mr. Robbins, of Rowan, nominated Patrick McGowan, Esq., of Wake, and Mr. King nominated Isaac Pyland, of Lenoir.

The Senate then proceeded to ballot as follows:

For Mr. McGowan.—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Love,



Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whiteside and Worth—39.

For Mr. Pyland.—Messrs. King, Long and Price—3.

On motion of Mr. Flemming, the rules were suspended and the Senate proceeded to consider S. R. 104, H. R. 48, resolution in favor of Abner Tweed, sheriff of Madison County, The question recurring on its passage, the resolution did not pass second time.

Mr. Moore, in behalf of the joint committee appointed to superintend the ballot for Keeper of the Capitol, reported that 135 votes had been cast, of which Patrick McGowan received 97, Isaac Pyland received 3, R. H. Furlow received 30 and Friday Jones received 5, and that Patrick McGowan, having received a majority of all the votes cast, was duly elected. The report was concurred in.

The following bills, and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 31, a bill to be entitled an act to construct a turnpike road between Marion and Burnsville ;

S. B. 64, a bill to be entitled an act to amend section 303 of the Code of Civil Procedure ;

S. B. 72, a bill to be entitled an act to erect a toll-gate between Franklin, North Carolina, and Clayton, Georgia ;

S. R. 127, a resolution in favor of John M. Cloud, Judge of the 8th Judicial District ;

S. B. 79, a bill to be entitled an act to authorize the payment by the Treasurer of the costs in cases where the State appeals or sues out a writ of error to the Supreme Court of the United States ;

S. R. 106, a resolution of instruction to the Treasurer ;

S. B. 75, a bill to be entitled an act in relation to certain vacant lands ;

S. B. 122, a bill to be entitled an act to incorporate the Wilmington Library Association.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend and re-enact an act to incorporate the Flat Swamp, Lock's Creek and Evans' Creek Canal Company, of Cumberland county ;

An act to require the commissioners appointed by act of the General Assembly of 24th March, 1870, to report to the Governor, and for other purposes ;

An act to empower the Commissioners of Randolph and Davidson counties to establish the dividing county line ;

An act to incorporate the Educational and Loan Association of North Carolina ;

An act concerning the Chatham Railroad Company, amendatory of certain acts and authorizing a change of name ;

Resolution to authorize the Attorney General to sue out writ of *habeas corpus* for Allen Bettis ;

Resolution in favor of J. D. Cameron ;

Resolution of instruction to the Public Treasurer ;

Resolution complimentary to Commodore Mathew F. Maury ;

Resolution to pay certain witnesses in the late Impeachment trial of W. W. Holden.

The Chair announced the Senate Branch of Joint Committee on redistricting the State as follows :

1st District—Mr. Latham ;

2d District—Mr. Allen ;

3d District—Mr. Long ;

4th District—Mr. Graham, of Orange ;

5th District—Mr. Barnett ;

6th District—Mr. Cowles ;

7th District—Mr. Love.

A message was received from the House of Representatives



transmitting a communication from his Excellency, the Governor, together with following resolutions :

“ A resolution in relation to refunding the tax on raw cotton collected during the years 1865, 1866 and 1867, under the revenue laws of the United States,” passed by the General Assembly of the State of Georgia.

“ Senate joint resolution directory to our delegation in Congress in regard to meteorological reports,” passed by the General Assembly of the State of Tennessee.

The message and accompanying papers were read and referred to the committee on propositions and grievances.

Mr. Gilmer introduced the following resolution :

“ *Resolved*, That the Finance Committee be and they are hereby instructed to report a statement of the current expenses of the State for the fiscal years ending 1st October, 1869, 1870 and 1871, and present the same in such shape and in sufficient detail to enable the Senate to see whether, and to what extent, if any, there has been economy and reduction of expenses in the different departments of the government, including the Department of Education.”

The resolution was read and adopted.

Mr. Edwards moved that when the Senate adjourn it will adjourn until to-morrow morning, 10 o'clock.

Mr. Love moved that the Senate do now adjourn.

The question recurring on the motion of Mr. Love, it did not prevail.

The question next recurring upon the motion of Mr. Edwards, the yeas and nays were ordered, on demand of Mr. Love, and the motion prevailed. Yeas 21 ; Nays 15.

*Affirmative*—Messrs. Beasley, Brown, Cook, Cowles, Dargan, Edwards, Flythe, Gilmer, Hyman, Latham, Lehman, Linney, Long, McCotter, Moore, Norment, Olds, Price, Skinner, Speed and Waddell—21.

*Negative*—Messrs. Albright, Battle, Brogden, Crowell,

Currie, Flemming, Graham of Orange, Love, Mauney, Mer-  
rison, Morehead, Robbins of Davidson, Robbins of Rowan  
and Troy—15.

The Senate then adjourned.

---

## TWENTY-FIRST DAY.

SENATE CHAMBER, December 14th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were then submitted as  
as follows:

From the Committee on Propositions and Grievances:

By Mr. Love: S. B. 138, a bill to be entitled an act to pre-  
vent the killing of deer recklessly, with recommendation that  
it do pass;

S. B. 10, a bill to be entitled an act in relation to salaries  
and fees; and

S. B. 110, a bill to be entitled an act in relation to the fees of  
Superior Court Clerks, with recommendation that they do  
not pass.

The following named bill was introduced, read and passed  
first time:

By Mr. Albright: a bill to be entitled an act to prevent the  
sale of spirituous liquors within two miles of Sylvan Academy.  
To committee on judiciary.

The Senate proceeded to the consideration of S. R. 149,  
H. R. 64, resolution in regard to public schools; and the reso-  
lution was adopted.

Bills on third reading were acted on as follows:

S. B. 81, a bill to be entitled an act to change the time of  
holding the Superior Courts in the several counties compos-



ing the 3rd Judicial District. Read and passed third time. Yeas 32; Nays 4.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Council, Cowles, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—32.

*Negative*—Messrs. Brogden, Flythe, King and Long—4.

At 10½ a. m., the Senate proceeded to consider the special order for that hour, to-wit:

S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained.

The question recurring on the amendment, in the nature of a substitute, offered by the Committee on Finance,

Mr. Love moved an amendment to the amendment in the nature of a substitute therefor, being the same in text as S. B. 160, introduced by himself on yesterday.

Pending the consideration thereof, on motion of Mr. Graham, of Orange, the bill was made special order for 10 a. m. to-morrow.

The following bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to prevent the sale of spirituous liquors within two miles of Shiloh church, in Anson county;

An act to insure the early printing of the laws.

Mr. Dargan moved to reconsider the vote by which S. R. 104, H. R. 48, resolution in favor of Abner Tweed, Sheriff of Madison county, was rejected; and further moved to make the consideration of that motion special order for 12 m. to-morrow.

The latter motion prevailed.

The Senate then adjourned.

## TWENTY-SECOND DAY.

SENATE CHAMBER, December 15th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Messrs. Hyman and Price for Saturday and Monday.

Reports from Standing Committees were then submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Love: S. B. 129, H. B. 72, a bill to be entitled an act to change the line between Helton and Piney Creek Townships, in the county of Ashe, and the line between Clay and Green Townships in the county of Guilford, with an amendment in the nature of a substitute therefor.

From the Committee on Corporations :

By Mr. Moore: a bill to be entitled an act to amend chapter 29, laws of 1870-'71, ratified 24th December, 1870, with recommendation that it do pass.

From the Committee on Penal Institutions :

By Mr. Troy: S. B. 119, a bill to be entitled an act in relation to convicts, with recommendation that it do pass.

From the Committee on Finance :

By Mr. Graham, of Orange: a report in response to resolution of instruction offered by Mr. Gilmer. Ordered to be printed, five copies for the use of each member of the General Assembly.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from the House of Representatives: H. B. 109, a bill to be entitled an act to incorporate the Beaufort Peabody Educational Association. Placed on calendar;

H. B. 142, a bill to be entitled an act to amend chapter 29,



laws of 1870-71, ratified 24th day of December, 1870. To committee on corporations;

H. R. 72, resolution instructing the Auditor to audit the accounts of certain witnesses and a messenger. Placed on calendar;

H. B. 184, a bill to be entitled an act to amend an act entitled an act to charter the Bank of Caswell. To committee on corporations.

The following bills were acted on, under a suspension of the rules, as follows :

S. B. 166, H. B. 109, a bill to be entitled an act to incorporate the Beaufort Peabody Educational Association. Read and passed second and third times. Yeas 23; Nays 7.

*Affirmative*—Messrs. Albright, Battle, Beasley, Brown, Crowell, Dargan, Flythe, Hawkins, Long, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Troy, Waddell and Worth—23.

*Negative*—Messrs. Allen, Brogden, Cowles, Graham of Orange, King, Latham and Skinner—7.

S. R. 167, H. R. 72, resolution instructing the Auditor to audit the account of certain witnesses and a messenger. Read second time and laid on the table.

The Senate then proceeded to the consideration of the special order, S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes.

By unanimous consent, Mr. Worth, the introducer, accepted the substitute offered by the Committee on Finance, and the question recurred upon the amendment, in the nature of a substitute, offered by Mr. Love.

Mr. Graham, of Orange, moved to perfect the original bill by further amending as follows:

In section 1, in lines 4 and 5, strike out the words "and other interests;" in line 7, strike out the words "or other evidence of debt;" in line 8, strike out the words "of the

same date;" in line 13, strike out the words "other property;" in line 14, after the word "value" insert the words "or for less than three bonds of same nominal value issued in aid of the Chatham Railroad, January 1st, 1863."

In section 2, line 12, after the word "bonds" insert the words "or State bonds."

In section 3, line 11, after the word "company" insert the words "*Provided*, that any person acquiring a share of State stock in said corporation, shall be entitled to all rights and privileges with the private stockholders in voting and in the election of Directors, whose number shall be determined by the stockholders of said company."

In section 5, line 2, after the word "proposals" insert the words "from holders of those bonds of the State for the redemption of which no State stock in any corporation is specifically pledged;" in line 2, after the word "two" insert the words "of said;" strike out all after the word "bond" in line 9, to word "coupon" in line 18, and insert the words "three bonds issued under authority of the General Assembly of 1865 and 1867, for one new bond, four bonds issued under funding act of August 20th, 1868, for one new bond."

Section 6, in line 2, strike out the words " $33\frac{1}{2}$ " and insert "20;" in line 6, strike out the words "on the 10th January, 1873, and every year thereafter," and insert the words "in the same manner as other State taxes."

Add to section 9 the following proviso :

*Provided*, The said tax shall not be collected until the question shall be submitted to a vote of the people of the State and approved by a majority of the votes cast upon the question, at an election to be held on the 1st Thursday in August 1872. Those voting for said tax shall vote "Compromise;" those against said tax shall vote "No Compromise."

Mr. Love moved to strike out words "compromise" and



“no compromise,” and insert instead thereof respectively the words “tax” and “no tax.”

Mr. Love moved the previous question and the Senate ordered the main question to be put.

The question recurring upon the amendment of Mr. Love to substitute the words “tax” and “no tax” for the words “compromise” and “no compromise,” the yeas and nays were ordered, on demand of Mr. Love, and the amendment did not prevail. Yeas 16; Nays 21.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Cook, Council, Currie, Flythe, King, Long, Lehman, Love, McCotter, Moore, Norment, Troy and Waddell—16.

*Negative*—Messrs. Allen, Brogden, Brown, Cowles, Crowell, Dargan, Edwards, Flemming, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Whiteside and Worth—21.

The question next recurring upon the amendment, in the nature of a proviso, to come in at end of section 9, the yeas and nays were ordered, on demand of Mr. Jones, and the amendment did not prevail. Yeas 17; Nays 21.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Flythe, Graham of Orange, Love, Mauney, McClammy, Merrimon, Norment and Worth—17.

*Negative*—Messrs. Allen, Brown, Dargan, Edwards, Flemming, Jones, King, Latham, Long, Lehman, Linney, McCotter, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Whiteside—21.

The question next recurring upon the other amendments moved by Mr. Graham, of Orange, they were adopted without division.

The question next recurring upon the adoption of the amendment, in the nature of a substitute, moved by Mr. Love for the original bill, the yeas and nays were ordered and the amendment did not prevail. Yeas 12; Nays 24.

*Affirmative*—Messrs. Barnett, Beasley, Cook, Council, Crowell, Currie, Flythe, King, Linney, Love, Norment and Waddell—12.

*Negative*—Messrs. Albright, Allen, Brogden, Brown, Cowles, Dargan, Edwards, Flemming, Graham of Orange, Jones, Latham, Long, Lehman, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Whiteside and Worth—24.

The question finally recurring upon the passage of the bill upon its second reading, the yeas and nays were ordered, on demand of Mr. Jones, and the bill did not pass. Yeas 9; Nays 29.

*Affirmative*—Messrs. Cook, Flemming, Gilmer, Graham of Orange, Jones, Latham, McClammy, Morehead and Skinner—9.

*Negative*—Messrs. Albright, Allen, Barnett, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flythe, King, Long, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—29.

Mr. Dargan moved to reconsider the vote just taken. The yeas and nays were ordered, on demand of Mr. Dargan, and the motion prevailed. Yeas 31; Nays 6.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, Jones, Latham, Long, Lehman, Linney, Mauney, McClammy, McCotter, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—31.

*Negative*—Messrs. Brogden, Brown, King, Love, Merrimon and Moore—6.

The question then recurring on the passage of the bill on its second reading, Mr. Worth moved to amend by striking out sections 5, 6, 7, 8 and 9.



Mr. Edwards offered an amendment in the nature of a substitute for the bill.

Mr. Graham, of Orange, moved the previous question, and the Senate ordered the main question to be put.

The question first recurring upon the amendment of Mr. Worth, it prevailed. The question next recurring upon the amendment of Mr. Edwards, it did not prevail.

The question finally recurring upon the passage of the bill on its second reading, the yeas and nays were ordered, on demand of Mr. Robbins, of Rowan, and the bill passed the second time. Yeas 32; Nays 4.

*Affirmative*—Messrs. Albright, Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, Jones, King, Latham, Linney, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—32.

*Negative*—Messrs. Dargan, Long, Love and Merrimon—4.

Mr. Cowles moved that when the Senate adjourns it will adjourn until 10, a. m., to-morrow.

The yeas and nays were ordered on demand of Mr. Cook, and the motion prevailed. Yeas 21; Nays 14.

*Affirmative*—Messrs. Barnett, Battle, Beasley, Brown, Cowles, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Jones, King, Latham, Long, McCotter, Merrimon, Moore, Murphy, Norment, Skinner and Worth—21.

*Negative*—Messrs. Albright, Brogden, Crowell, Currie, Flythe, Linney, Love, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan and Whiteside—14.

The following bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to House of Representatives for concurrence :

S. B. 55, a bill to be entitled an act to amend the charter of the Western Railroad Company.

Mr. Cowles introduced a joint resolution to print portions

of the census report for use of Senate and House of Representatives, which was read and adopted.

A message was received from the House of Representatives transmitting

H. R. 79, resolution in regard to public printing, which was read and considered under a suspension of the rules.

Mr. Edwards moved to amend by striking out the word "written."

The yeas and nays were ordered, on demand of Mr. Brogden, and the motion did not prevail. Yeas 2 ; Nays 34.

*Affirmative*—Messrs. Battle and Edwards—2.

*Negative*—Messrs. Albright, Allen, Barnett, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Flemming, Flythe, Gilmer, Jones, King, Latham, Long, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—34.

The question recurring upon the adoption of the resolution, the yeas and nays were ordered, on demand of Mr. Robbins, of Rowan, and the resolution was adopted. Yeas 38 ; Nays 1.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Flythe, Gilmer, Graham of Orange, Jones, King, Latham, Long, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—38.

*Negative*—Mr. Edwards—1.

Mr. Brogden introduced a joint resolution concerning the public printing, which was read and laid over under the rules.

The Senate then adjourned.



## TWENTY-THIRD DAY.

SENATE CHAMBER, December 16th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Hawkins until Thursdays next.

Reports from Standing Committees were then submitted as follows :

From the Committee on Internal Improvements :

By Mr. Robbins, of Rowan : S. B. 156, a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company, without recommendation.

From the Committee on Judiciary :

By Mr. Lehman : S. B. 163, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Sylvan Academy, with recommendation that it do pass.

By Mr. Linney : S. B. 152, a bill to be entitled an act to reinstate and supply records of the former Courts of Pleas and Quarter Sessions in the State, with recommendation that it do not pass.

By Mr. Gilmer : S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late county courts; and

S. B. 148, H. B. 1, a bill to be entitled an act to amend the Code of Civil Procedure in relation to executions, with amendment, and recommending that they do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Edwards : a bill to be entitled an act to change the time of holding Superior Courts in Granville and Nash counties. Placed on calendar ;

A bill to be entitled an act concerning executions. To committee on judiciary ;

A bill to be entitled an act to amend an act entitled an act to create a mechanics and laborer's lien law, ratified April 6th, 1869. To committee on judiciary.

By Mr. Graham, of Orange: a bill to be entitled an act in relation to the educational fund now in the treasury, and which shall hereafter be collected under the laws of 1868-'69 and 1869-'70. To committee on education.

By Message from House of Representatives: H. B. 112, a bill to be entitled an act to provide for the collection of taxes by the State and the several Counties of the State on property. To committee on finance.

Mr. Speed obtained leave to have his name recorded in the negative on the votes on S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and the various amendments thereto.

A message was received from his Excellency, the Governor, transmitting a communication from his Excellency, the Governor of Virginia, and accompanying resolutions of the General Assembly of Virginia, on the subject of the boundary lines between Virginia, Maryland, North Carolina and Tennessee, which were read and referred to committee on propositions and grievances.

On motion of Mr. Robbins, of Rowan, S. B. 1, a bill to be entitled an act to alter the constitution of North Carolina, was made special order for 11 a. m., Monday, 18th December, 1871.

A message was received from the House of Representatives transmitting joint resolution proposing to adjourn at 12 m., Saturday, 23d December, until 10 a. m., Tuesday, 26th December, 1871, and that no leave of absence be granted except on account of sickness.

On motion of Mr. Graham, of Orange, the rules were suspended, and the Senate proceed to consider the resolution.

Mr. Norment moved to strike out "26th December, 1871," and insert "16th January, 1872."



Mr. Cook moved to postpone, indefinitely, the further consideration of the resolution.

Mr. Worth moved the previous question and the Senate ordered the main question to be put.

The question first recurring upon the amendment of Mr. Norment, it did not prevail.

The question next recurring upon the adoption of the resolution, it was adopted.

Mr. Linney moved to reconsider the vote just taken and to lay that motion on the table.

The latter motion prevailed.

Mr. Cook introduced a joint resolution concerning adjournment, which was read.

Mr. Love moved to suspend the rules for the purpose of considering the resolution.

The yeas and nays were ordered and a majority of all the Senators not having voted therefor, the motion did not prevail and the resolution was laid over under the rules. Yeas 21 ; Nays 13.

*Affirmative*—Messrs. Albright, Barnett, Brogden, Brown, Cook, Cowles, Crowell, Flemming, Gilmer, Jones, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Whiteside and Worth—21.

*Negative*—Messrs. Allen, Battle, Beasley, Dargan, Flythe, Graham of Orange, King, Long, Lehman, McCotter, Norment, Olds and Skinner—13.

Mr. Brogden, moved to suspend the rules and take up S. R. 50, joint resolution concerning adjournment. The yeas and nays were ordered, on demand of Mr. Love, and a majority of all the senators not having voted therefor the motion did not prevail. Yeas 22 ; Nays 11.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Flemming, Gilmer, King, Lehman, Linney, Love, McClammy, McCotter,

Merrimon, Robbins of Davidson, Robbins of Rowan, Whiteside and Worth—22.

*Negative*—Messrs. Allen, Battle, Dargan, Graham of Orange, Jones, Long, Moore, Morehead, Norment, Olds and Skinner—11.

Mr. Cook introduced a resolution concerning a recess of the General Assembly.

Mr. Gilmer moved to lay the resolution on the table. The yeas and nays were ordered, on demand of Mr. Worth, and the motion to lay on the table prevailed. Yeas 22; Nays 11.

*Affirmative*—Messrs. Allen, Beasley, Brown, Dargan, Fleming, Flythe, Gilmer, Graham of Orange, Jones, King, Long, Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Morehead, Norment, Robbins of Davidson and Skinner—22.

*Negative*—Messrs. Albright, Brogden, Cook, Council, Cowles, Crowell, Merrimon, Olds, Robbins of Rowan, Whiteside and Worth—11.

Mr. Gilmer, moved to take from the table S. R. 167, H. R. 72, resolution instructing the Auditor to audit the account of certain witnesses and messenger.

Mr. Morehead, moved the previous question. The Senate ordered the main question to be put, and the motion prevailed.

Mr. Gilmer, moved to suspend the rules and put the resolution on the second and third readings. The motion prevailed.

The resolution was read the second time.

Mr. Worth moved to strike out all of the resolution save that part relating to the payment of the messenger.

The yeas and nays were ordered, on demand of Mr. Lehman, and the motion did not prevail. Yeas 7; Nays 27.

*Affirmative*—Messrs. Battle, Cowles, Lehman, Love, Mauney, Merrimon and Worth—7.

*Negative*—Messrs. Allen, Barnett, Beasley, Brogden, Brown, Cook, Council, Crowell, Dargan, Flemming, Flythe, Gilmer, Graham of Orange, Jones, King, Long, Linney, McClammy, McCotter, Moore, Morehead, Norment, Olds, Robbins of Davidson, Skinner, Speed and Whiteside—27.



The question then recurring upon the passage of the resolution the second time, the yeas and nays were ordered, on demand of Mr. Lehman, and the resolution passed second time. Yeas 27 ; Nays 7.

*Affirmative*—Messrs. Allen, Barnett, Beasley, Brogden, Brown, Council, Cowles, Crowell, Dargan, Flemming, Flythe, Gilmer, Graham of Orange, Jones, King, Long, Linney, McClammy, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Whiteside—27.

*Negative*—Messrs. Albright, Battle, Lehman, Love, Mauney, Merrimon and Worth—7.

The resolution was read the third time.

Mr. Cook moved to lay the resolution on the table.

Mr. Graham, of Orange, moved the previous question, and the Senate ordered the main question to be put.

The question recurring upon its passage, the resolution passed third time. Yeas 28 ; Nays 8.

*Affirmative*—Messrs. Allen, Barnett, Beasley, Brogden, Brown, Council, Cowles, Crowell, Dargan, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, Jones, King, Long, Linney, McClammy, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Whiteside—28.

*Negative*—Messrs. Albright, Battle, Cook, Lehman, Love, Mauney, Merrimon and Worth—8.

Bills on third reading were acted on as follows :

S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained and for other purposes. Read third time.

Mr. Brogden, moved to amend by prefixing, preamble and two additional sections.

Mr. Graham, of Orange, moved the previous question. The yeas and nays were ordered, and the Senate ordered the main question to be put. Yeas 24 ; Nays 9.

*Affirmative*—Messrs. Allen, Barnett, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards,

Flemming, Gilmer, Graham of Orange, Linney, Love, Mauney McClammy, Morehead, Norment, Robbins of Davidson, Robbins of Rowan and Worth—24.

*Negative*—Messrs. Brogden, King Long, Lehman, McCotter, Merrimon, Moore, Olds and Speed—9.

The question first recurring upon the amendment. The yeas and nays were ordered, on demand of Mr. Brogden, and the amendment did not prevail. Yeas 11; Nays 24.

*Affirmative*—Messrs. Barnett, Beasley, Brogden, Cowles, Flythe, King, Long, Lehman, McCotter, Moore and Olds—11.

*Negative*—Messrs. Allen, Battle, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Jones, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—24.

The question next recurring upon its passage, the bill passed the third time. Yeas 36; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, Jones, King, Long, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Whiteside and Worth—36.

*Negative*—Messrs. Brown and Speed—2.

S. B. 63, a bill to be entitled an act in relation to county officers. Made special order for 12 m., on Monday, December 18th, 1871.

S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations and to regulate the same. Made special order for 7½ p. m., Monday, December 18th, 1871.

The consideration of resolutions being in order, S. R. 169, resolution concerning the Public Printing, was taken up and read.

Mr. Mauney moved that it be laid on the table. The yeas



and nays were ordered, on demand of Mr. Brogden, and the motion did not prevail. Yeas 16; Nays 19.

*Affirmative*—Messrs. Council, Crowell, Currie, Edwards, Gilmer, Graham of Orange, Jones, Linney, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—16.

*Negative*—Messrs. Albright, Barnett, Beasley, Brogden, Brown, Cook, Cowles, Flemming, Flythe, King, Long, Lehman, Love, McCotter, Merrimon, Moore, Norment, Olds and Whiteside—19.

Mr. Brogden moved to refer the resolution to the Joint Select Committee on Printing, and the motion prevailed.

Mr. Moore moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand of Mr. Robbins of Davidson, and the question having been put, the clerk reported that eighteen Senators had voted in the affirmative and that eighteen Senators had voted in the negative, as follows:

*Affirmative*—Messrs. Allen, Barnett, Battle, Beasley, Cook, Council, Currie, Edwards, Flemming, Flythe, King, Long, Lehman, McCotter, Moore, Norment, Skinner and Speed—18.

*Negative*—Messrs. Albright, Brogden, Brown, Cowles, Crowell, Gilmer, Graham of Orange, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Whiteside and Worth—18.

Thereupon, the Chair voted in the negative and the motion to adjourn did not prevail.

Bills were acted on under suspension of the rules as follows:

S. B. 158, a bill to be entitled an act in relation of tales jurors for the county of Granville. Read and passed second and third times. Yeas 17; Nays 13.

*Affirmative*—Messrs. Allen, Battle, Brown, Cook, Council, Cowles, Dargan, Edwards, Gilmer, Graham of Orange, Jones, Love, Merrimon, Morehead, Norment, Skinner and Worth—17.

*Negative*—Messrs. Albright, Beasley, Brogden, Flemming, Flythe, King, Long, Lehman, Linney, Mauney, McCotter, Moore and Robbins of Davidson—13.

S. B. 172, a bill to be entitled an act to change the time of holding Superior Courts in Granville and Nash counties. Read and passed second and third times. Yeas 25; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Long, Linncy, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—25.

*Negative*—Graham of Orange and King—2.

S. B. 125, a bill to be entitled an act to incorporate a bank in the city of Newbern. Read second time.

Mr. Cook moved to amend by adding to section 1, the following proviso: *Provided*, That said bank shall not have power to charge a greater rate of interest than 8 per cent.

The yeas and nays were ordered, on demand of Mr. Cook, and the amendment prevailed. Yeas 21; Nays 11.

*Affirmative*—Messrs. Albright, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flythe, Gilmer, King, Long, Linney, Love, McCotter, Olds, Robbins of Davidson, Robbins of Rowan, Whiteside and Worth—21.

*Negative*—Messrs. Allen, Battle, Beasley, Graham of Orange, Lehman, Mauney, McClammy, Moore, Morehead, Norment and Skinner—11.

The bill as amended then passed second time.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

S. B. 81, a bill to be entitled an act to change the time of holding the Superior Courts in the several counties composing the 3d judicial district;

S. B. 158, a bill to be entitled an act in relation to tales jurors of the county of Granville;

S. B. 172, a bill to be entitled an act to change the time of holding the Superior Courts in Granville and Nash counties.

The following resolution, reported as correctly enrolled by



Committee on Enrolled Bills, was duly ratified and transmitted to the office of the Secretary of State :

Resolution in regard to public printing.

The Senate then adjourned.

---

## TWENTY-FOURTH DAY.

SENATE CHAMBER, December 18th. 1871.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Prayer by Rev. J. M. Atkinson, D. D.

Mr. Lehman presented petitions from various citizens praying the exemption of certain property used for manufacturing and mining purposes from taxation, which were referred to committee on judiciary, with instruction to report by bill or otherwise.

Mr. Lehman presented petition from councilmen of the city of Newbern to amend charter. Referred to judiciary committee, with instructions to report by bill or otherwise.

Leave of absence, from and after Wednesday until Monday week, was granted to Mr. Beasley.

Reports from Standing Committees were then submitted as follows :

From the Committee on Privileges and Elections :

By Mr. Skinner, for Mr. Speed : S. B. 77, a bill to be entitled an act to confer the privilege of cumulative suffrage on the voters of Wilmington in all elections for aldermen, and

S. B. 153, a bill to be entitled an act concerning elections in this State and for other purposes, with recommendation that they do not pass.

From the Committee on Corporations :

By Mr. Moore : S. B. 151, a bill to be entitled an act to incorporate the Brevard and Waynesville Turnpike Company ;

S. B. 154, a bill to be entitled an act to charter the Rockfish Manufacturing Company, of Fayetteville, with amendment ;

S. B. 161, a bill to be entitled an act to change an alley in the town of Shelby, Cleaveland County; and

S. B. 162, a bill to be entitled an act to incorporate the Pioneer Steamboat and Transportation Company, with recommendation that they do pass.

From the Committee on Propositions and Grievances:

By Mr. Love: S. B. 145, a bill to be entitled an act in relation to public jails and keepers of same, with amendment in the nature of a substitute;

S. B. 159, a bill to be entitled an act to empower county commissioners to extend time for the collection of county taxes, with amendment; and

S. B. 134, H. B. 84, a bill to be entitled an act to change the county line of Mitchell County and Yancey County, with recommendation that they do pass.

S. B. 143, a bill to be entitled an act to allow the people of Newport Township in Carteret County, to vote upon the repeal of section 2, chapter 64, private laws of 1870-'71;

S. B. 103, H. B. 71, a bill to be entitled an act to authorize the city of Wilmington to fund city debt and issue bonds; and

S. B. 80, a bill to be entitled an act to amend chapter 63, of the private laws of 1870-'71, with recommendation that they do not pass.

From the Committee on Insane Asylum:

By Mr. Murphy: report in response to resolution of enquiry in regard to expenditures, &c.

From the Committee on Finance:

By Mr. Graham, of Orange: S. B. 176, H. B. 112, a bill to be entitled an act to provide for the collection of taxes by the State and the several counties of the State, on property, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Skinner, for Mr. Speed: resolution in favor of Mason I. Wiggins. To committee on claims.



By Mr. McClammy : a bill to be entitled an act to annex a portion of New Hanover County to Sampson County. Placed on calendar.

By Mr. Lehman : a bill to be entitled an act to exempt from taxation certain property. To committee on judiciary.

By Committee on Propositions and Grievances :

A resolution in relation to refunding the tax on raw cotton by the United States. Placed on calendar ;

A resolution in regard to meteorological reports. Placed on calendar.

By Mr. Cowles : resolution in regard to recess of General Assembly. Laid over under the rules.

Consideration of resolutions and motions being in order,

S. R. 50, joint resolution on adjournment, was read.

Mr. Graham, of Orange, moved to lay the resolution on the table.

Upon this motion Mr. Brogden demanded the yeas and nays.

The Senate having refused to order the same, the resolution was laid on the table.

S. R. 104, H. R. 48, resolution in favor of Abner Tweed, Sheriff of Madison county, was taken up.

The question recurring upon the motion of Mr. Dargan to reconsider the vote by which the resolution was rejected on its second reading, the motion to reconsider did not prevail.

A communication was received from the Superintendent of Public Instruction in answer to resolutions of the Senate, which was read and referred to the committee on Education.

At 11 a. m., S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina, was taken up on its second reading, the question being upon the amendment offered by Mr. Lehman to the amendment, in the nature of a substitute, moved by the Committee on Constitutional Reform.

On motion of Mr. Lehman, the amendment to the amendment was perfected by the adoption of various amendments suggested by himself.

Mr. Graham, of Orange, moved the previous question, and the Senate ordered the main question to be put.

The question recurring first on the amendment, in the nature of a substitute, moved by Mr. Lehman, the yeas and nays were ordered, on demand of Mr. Moore, and the amendment did not prevail. Yeas 11; Nays 30.

*Affirmative*—Messrs. Barnett, Beasley, Brogden, Flythe, King, Long, Lehman, McCotter, Moore, Norment and Olds—11.

*Negative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Bobbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—30.

The question next recurring on the amendment, in the nature of a substitute, moved by the Committee on Constitutional Reform, the yeas and nays were ordered, on demand of Moore, and the amendment prevailed. Yeas 34; Nays 8.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—34.

*Negative*—Messrs. Beasley, Flythe, King, Long, Lehman, McCotter, Moore and Olds—8.

The question next recurring on the passage of the bill on its second reading, the yeas and nays were ordered, on demand of Mr. Robbins, of Rowan, and the bill passed its second time. Yeas 34; Nays 8.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney,



McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—34.

*Negative*—Messrs. Beasley, Flythe, King, Long, Lehman, McCotter, Moore and Olds—8.

On motion of Mr. Robbins, of Rowan, the bill was made special order for 11 a. m., to-morrow.

The following bill and resolution, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the Beaufort Peabody Educational Association ;

Resolution to pay certain witnesses and a messenger.

The following resolution, reported as correctly engrossed by Committee on Engrossed bills, was transmitted to House of Representatives for concurrence :

S. R. 171, resolution to print portions of census report for use of Senate and House of Representatives.

The Senate then adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M.

The Senate was called to order by the Chair.

Mr. Brogden, moved to reconsider the vote by which S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained passed on the third reading on Saturday, and to make the further consideration of the motion special order for 11 a. m., on Thursday.

Mr. Graham, of Orange, moved to lay the motion on the table. The yeas and nays were ordered, on demand of Mr. Brogden, and the motion prevailed. Yeas 21; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Cook, Council, Cowles, Currie, Edwards, Graham of Orange, Jones,

Latham, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Rowan, Skinner, Troy and Waddell—21.

*Negative*—Messrs. Barnett, Brogden, Eppes, Hyman, Long, McCotter, Merrimon, Moore and Price—9.

Mr. Merrimon, from Committee on Internal Improvements, reported favorably on S. B. 111, a bill to be entitled an act for the relief of the Western N. C. Railroad Company.

The special order, S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations and to regulate the same, was then taken up on its third reading.

Mr. Linney moved to postpone indefinitely the further consideration of the bill. The yeas and nays were ordered, on demand of Mr. Cowles, and the motion did not prevail. Yeas 7; Nays 26.

*Affirmative*—Messrs. Allen, Brogden, Cook, Flythe, Latham, Linney and Love—7.

*Negative*—Messrs. Adams, Albright, Barnett, Battle, Council, Cowles, Currie, Edwards, Flemming, Gilmer, Graham of Orange, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Price, Robbins of Davidson, Skinner, Waddell, Whiteside and Worth—26.

Mr. Love moved to postpone further consideration of the bill until 9th January, 1872. The motion did not prevail.

On motion of Mr. Morehead, the bill was ordered to be read and considered by sections. The first section was read.

Mr. Merrimon moved to amend by inserting after word "persons," in line 2, the words "being citizens and residents of this State."

Mr. Love moved to lay the amendment on the table. The motion did not prevail.

The question recurring upon the amendment it was lost, and the first section was ordered to stand as part of the bill.

Sections 2, 3, 4, 5, 6, 7, 8 and 9 were then read:

Mr. Robbins, of Rowan, moved to postpone the further consideration of the bill until 8th January, 1872. The motion did not prevail.



Mr. Whiteside moved to amend section 2, by inserting after word "association," in line six, the words "and 2 per cent. into the Treasury of the State." The amendment did not prevail, and the sections were ordered to stand as part of the bill.

Sections 10, 11 and 12 were then read and ordered to stand as part of the bill.

Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 were then read.

Mr. Edwards moved to amend section 18, by striking out, in line 20, word "by" and inserting words "having first given." The motion prevailed.

Mr. Gilmer, moved to amend same section as follows: In line 20 strike out word "appeal" and insert word "except." In line 21, strike out word "from" and insert word "to." Strike out word "appeal" wherever else it may occur in said section, and insert word "exception."

Mr. Linney moved to lay the amendments on the table.

The motion did not prevail.

Mr. Moore moved that the Senate do now adjourn.

The motion did not prevail.

The question recurring upon their adoption, the amendments prevailed.

Mr. Graham, of Orange, moved to make the bill special order for 7½ p. m., Wednesday, 20th December, 1871.

Mr. Love moved to postpone the bill until the 15th January, 1872.

The motion did not prevail, and the bill was made special order for 7½ p. m. Wednesday.

The Senate then adjourned.

## TWENTY-FIFTH DAY.

SENATE CHAMBER, December 19th, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Prayer by the Rev. Dr. R. S. Mason.

Mr. Lehman presented petitions of certain citizens of North Carolina, praying for the exemption from taxation of certain property used for manufacturing and mining purposes. Referred to committee on judiciary.

Leave of absence was granted to the Principal Clerk for three days.

Reports from Standing Committees were then submitted as follows :

From the Committee on Judiciary :

By Mr. Graham, of Orange : S. B. 173, a bill to be entitled an act concerning executions ;

S. B. 174, a bill to be entitled an act to amend an act to create a mechanic's and laborer's lien law, ratified 6th April, 1869, with recommendation that they do not pass.

From the Committee on Corporations :

S. B. 165, H. B. 184, a bill to be entitled an act to amend an act entitled an act to charter the Bank of Caswell, with recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Merrimon : a bill to be entitled an act to incorporate the Raleigh Fertilizing and Manufacturing Company. To committee on corporations.

By Mr. Norment : resolution authorizing the Governor to offer an additional reward for H. B. Lowery and others. Placed on calendar.

By Mr. Graham, of Alamance : a bill to be entitled an act



to provide accommodation for the Deaf and Dumb of the State. To committee on institution for deaf, dumb and blind.

By Mr. Morehead : a bill to be entitled an act to incorporate the Cape Fear Iron and Steel Company. To committee on corporations.

By Mr. Norment : resolution in regard to the Lovejoy Academy. Laid over under the rules.

By Mr. Worth : a bill to be entitled an act to provide for the revision of jury lists. To committee on judiciary.

By Mr. Graham, of Alamance : a bill to be entitled an act to amend section 8, chapter 44, Revised Code, entitled Evidence. Placed on calendar.

By Mr. Robbins, of Rowan : a bill to be entitled an act to legalize the acts of the Justices of the Peace of Rowan and other counties. Placed on calendar.

By Mr. McClammy : a bill to be entitled an act to establish a new county by the name of La Fayette. To committee on propositions and grievances ;

A bill to be entitled an act to establish, near the city of Wilmington, an Asylum for the Insane. To committee on insane asylum.

By Mr. Cowles : a bill to be entitled an act declaring the Yadkin river a lawful fence. To committee on propositions and grievances.

By Mr. Gilmer : a bill to be entitled an act to amend chapter 233, of the laws of 1870-'71. To committee on judiciary.

By Mr. Edwards : a bill to be entitled an act to prevent deputy or assistant clerks from practising as attorneys-at-law in the counties in which they act as deputy or assistant clerks. To committee on judiciary.

By Mr. Brown : a bill to be entitled an act supplemental to an act to charter the Bank of Caswell, ratified 5th December, 1871. Placed on calendar.

By message from House of Representatives : H. B. 202, a bill to be entitled an act to regulate the time of holding mu-

municipal elections in the town of Fayetteville. To committee on propositions and grievances;

H. B. 144, a bill to be entitled an act to incorporate the village of Excelsior, in Burke county. To committee on corporations.

The following bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to House of Representatives for concurrence:

S. B. 34, a bill to be entitled an act for exchange of stocks of the State for bonds with which such stocks were obtained, and for other purposes.

Mr. Moore, from Committee on Corporations, reported favorably on

S. B. —, a bill to be entitled an act to incorporate the Raleigh Fertilizing and Manufacturing Company;

S. B. 176, H. B. 112, a bill to be entitled an act to provide for the collection of taxes by the State and the several counties of the State on property, was made special order for 11 a. m., to-morrow, 20th December, 1871.

On motion of Mr. Norment, the Senate suspended the rules and proceeded to consider

S. R., resolution authorizing the Governor to offer an additional reward for H. B. Lowery and others, pending which the hour of 11 a. m. arrived and the chair announced

S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina, on its third reading, as the special order for that hour.

Mr. Moore moved that the bill be read and considered by paragraphs. The yeas and nays were ordered, and the motion prevailed. Yeas 23; Nays 22.

*Affirmative*—Messrs. Albright, Barnett, Beasley, Brogden, Cook, Currie, Eppes, Flythe, Gilmer, Hyman, King, Latham, Long, Lehman, Love, McCotter, Moore, Murphy, Norment, Olds, Price, Skinner and Worth—23.

*Negative*—Messrs. Adams, Allen, Battle, Brown, Council, Cowles, Crowell, Edwards, Flemming, Graham of Alamance,



Graham of Orange, Jones, Linney, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Whiteside—22.

The first paragraph was read, and the question recurring thereon, the yeas and nays were ordered, on demand of Mr. Moore, and the paragraph was ordered to stand as a part of the bill. Yeas 43; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Long, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—43.

*Negative*—Mr. Eppes—1.

Mr. Cook moved to reconsider the vote by which the bill was ordered to be read and considered by paragraphs.

Upon this motion the previous question was moved, and the yeas and nays having been ordered, on demand of Mr. Hyman, the main question was ordered to be put. Yeas 34; Nays 11.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—34.

*Negative*—Messrs. Barnett, Beasley, Brogden, Eppes, Flythe, Hyman, King, Long, Olds, Price and Whiteside—11.

The question recurring upon the motion to reconsider the vote to consider the bill by paragraphs, the yeas and nays were ordered, on demand of Mr. King, and the motion to reconsider prevailed. Yeas 27; Nays 17.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Edwards, Flemming,

Graham of Alamance, Graham of Orange, Jones, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Beasley, Brogden, Currie, Eppes, Flythe, Gilmer, Hyman, King, Latham, Long, Lehman, McCotter, Moore, Norment, Olds, Price and Skinner—17.

The question then recurring upon the motion of Mr. Moore, to consider the bill by paragraphs, the motion did not prevail.

The bill was then read third time.

Mr. Merrimon moved to strike out all after the words "as follows" down to and including the word "session," and insert the following: "The members of the General Assembly shall each receive three dollars *per diem* during the session of the same." The amendment did not prevail.

Mr. Brogden moved to amend by inserting the following: Amend section six of the fifth article by adding thereto at the end of said section the words, "or any other kind of personal property to the amount of three hundred dollars." The amendment prevailed.

Mr. Brogden moved to further amend by inserting the following: Amend section one of the sixth article by adding to said section the words, "and shall be entitled to vote at any election precinct or township in said county on the day of any election."

Upon this amendment the yeas and nays were ordered, on demand of Mr. Brogden, and the amendment did not prevail. Yeas 12 : Nays 28.

*Affirmative*—Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, King, Long, Lehman, McCotter, Moore, Olds and Price—12.

*Negative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Graham of Orange, Jones, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of



Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Whiteside—28.

Mr. Graham, of Orange, moved to insert the following at the end of the paragraph proposing to amend section 12, of 4th article: "The General Assembly may reduce or increase the number of districts, to take effect at the end of each judicial term."

The amendment prevailed.

Mr. Love moved to amend by inserting the following: In section 2, article 2, strike out the words "third" and "November" and insert instead thereof the words "first" and "January." The yeas and nays were ordered, and the motion did not prevail. Yeas 2; Nays 40.

*Affirmative*—Messrs. Love and Price—2.

*Negative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Long, Lehman, Linney, Mauney, McClammy, Merrimon, Moore, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—40.

Mr. Norment moved to strike out all that part of the bill proposing to add a new section relating to *per diem*. The yeas and nays were ordered, on demand of Mr. Norment, and the amendment did not prevail. Yeas 15; Nays 28.

*Affirmative*—Messrs. Barnett, Battle, Beasley, Brogden, Brown, Cowles, Currie, Edwards, Hyman, Moore, Norment, Olds, Price, Skinner and Speed—15.

*Negative*—Messrs. Adams, Albright, Allen, Cook, Council, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Long, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—28.

Mr. Troy moved to strike out all that part proposing to amend section 10 of article 11. The amendment did not prevail.

Mr. Price moved to strike out all after word "words" in line 125 down to line 147.

Mr. Robbins, of Rowan, moved the previous question, and the Senate ordered the main question to be put; and the question recurring first on the amendment offered by Mr. Price, the yeas and nays were ordered, and the amendment did not prevail. Yeas 13; Nays 29.

*Affirmative*—Messrs. Barnett, Beasley, Brogden, Eppes, Flythe, Hyman, King, Long, Lehman, McCotter, Moore, Olds and Price—13.

*Negative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—29.

The question then recurring upon its passage, the bill passed the third time. Yeas 33; Nays 12.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—33.

*Negative*—Messrs. Barnett, Beasley, Brogden, Eppes, Flythe, Hyman, Long, Lehman, McCotter, Moore, Olds and Price—12.

Mr. Robbins, of Rowan, moved to reconsider the vote just taken, and further moved to lay that motion on the table. The latter motion prevailed. The bill was then ordered to be forthwith engrossed and transmitted to House of Representative for concurrence.



Bills on second reading were acted on as follows, under a suspension of the rules :

S. B. —, a bill to be entitled an act supplemental to an act to charter the Bank of Caswell, ratified 5th December, 1871. Read and passed second and third times. Yeas 39 ; Nays 1.

*Affirmative*—Messrs. Adams, Allen, Barnett, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Long, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—39.

*Negative*—Mr. Brogden—1.

S. B. —, a bill to be entitled an act to legalize the acts of the Justices of the Peace of Rowan and other counties. Read and passed second and third times. Yeas 42 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, King, Latham, Long, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—42.

*Negative*—None.

A message was received from the House of Representatives transmitting H. R. 90, resolution in reference to a recess, which was read and, on motion of Mr. Linney, the rules were suspended and the Senate proceeded to consider the resolution.

Mr. Worth moved to lay the resolution on the table.

The yeas and nays were ordered, and the motion did not prevail. Yeas 16 ; Nays 23.

*Affirmative*—Messrs. Adams, Brogden, Gilmer, Graham of Alamance, Graham of Orange, Love, Mauney, Merrimon,

Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—16.

*Negative*—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flythe, Hyman, Jones, Latham, Long, Linney, McClammy, McCotter, Moore, Norment and Speed—23.

Mr. Merrimon moved to strike out section 1. The yeas and nays were ordered, and the motion did not prevail. Yeas 14; Nays 24.

*Affirmative*—Messrs. Brogden, Gilmer, Graham of Alamance, Graham of Orange, Love, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—14.

*Negative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flythe, Hyman, Jones, Latham, Long, Linney, McClammy, McCotter, Moore, Morehead, Norment and Speed—24.

Mr. Moore moved the previous question, and the Senate ordered the main question to be put.

The question recurring upon the concurrence of the Senate in the resolution of the House of Representatives the yeas and nays were ordered, on demand of Mr. Love, and the resolution was concurred in. Yeas 22; Nays 17.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Council, Cowles, Crowell, Currie, Edwards, Eppes, Flythe, Hyman, Jones, Latham, Long, Linney, McCotter, Moore, Norment and Speed—22.

*Negative*—Messrs. Brogden, Cook, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Love, Mauney, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—17.

The Senate then adjourned.



## TWENTY-SIXTH DAY.

SENATE CHAMBER, December 20th, 1871.

The Senate met pursuant to adjournment, Mr. Jones in the Chair.

The Journal of yesterday was read.

Mr. McClammy presented petition of certain citizens of New Hanover, praying that a new county may be formed out of said county. Referred to committee on propositions and grievances.

Mr. Norment presented a communication from Thomas B. Bailey, Esq., in reference to the Lovejoy Academy. Referred to the committee on propositions and grievances.

Reports from standing committees were then submitted as follows:

From the Committee on Judiciary:

By Mr. Allen: S. B. 155, a bill to be entitled an act to cure a defect in advertising sales of real estate.

From the Committee on Education:

By Mr. Robbins, of Davidson: S. B. 12, a bill to be entitled an act to authorize the Commissioners of Craven County to levy a special tax.

By Mr. Whiteside: S. B. 157, a bill in relation to White Oak Swamp, authorizing the Board of Education to sell at public auction the alternate sections thereof.

By Mr. Battle: resolution of reference to Committee on Board of Education.

By Mr. Gilmer: Report of Superintendent of Public Instruction in response to resolution of the Senate, asking to be discharged from the further consideration thereof.

From the Committee on Corporations:

By Mr. Murphy: S. B. 191, H. B. 202, a bill to be entitled an act to regulate the time of holding the municipal elections in the town of Fayetteville.

By Mr. Moore: S. B. 190, H. B. 144, a bill to be entitled an act to incorporate the village of Excelsior, in Burke County.

By Mr. Morehead: S. B. 197, a bill to be entitled an act to incorporate the Cape Fear Iron and Steel Company.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By message from House of Representatives: H. B. 168, a bill to be entitled an act to amend chapter 11, Code of Civil Procedure. To committee on judiciary.

H. B. 159, a bill to be entitled an act in favor of James I. Moore, Sheriff of Granville county, John M. Bateman, Sheriff of Washington county and F. J. Satchwell, Sheriff of Beaufort county. To committee on propositions and grievances.

H. B. 124, a bill to be entitled an act to authorize the Trustees of Mt. Gilead Meeting and School House, of Haywood county, to sell their property. To committee on propositions and grievances.

H. B. 63, a bill to be entitled an act to repeal certain portions of section 4, chapter 234, laws of 1869-'70. To committee on judiciary.

H. R. 92, resolution in favor of J. E. Eldridge, Sheriff of Bladen county. To committee on propositions and grievance.

By Mr. Gilmer: a bill to be entitled an act to consolidate the School Laws and to provide for a system of Public Instruction. To committee on education, and ordered to be printed.

By Mr. Barnett: a bill to be entitled an act to legitimate Sarah Mitchell, of Person county. Placed on calendar.

By message from House of Representatives: H. B. 94, a bill to be entitled an act to amend an act authorizing the Commissioners of Cleaveland county to issue bonds, ratified 3d April, 1871. To committee on propositions and grievances.

H. B. 136, a bill to be entitled an act to amend chapter 33, Private Laws of 1860-'61. To committee on propositions and grievances.



Bills were acted on under a suspension of the rules as follows :

S. B. 191, H. B. 202, a bill to be entitled an act to regulate the time of holding the municipal elections in the town of Fayetteville. Read and passed second and third times. Yeas 33 ; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Allen, Brown, Cook, Crowell, Currie, Edwards, Flemming, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Linney, Long, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—33.

*Negative*—Messrs. Brogden and Eppes—2.

S. B. 115, H. B. 81, a bill to be entitled an act to amend chapter 242, laws of 1870-'71. Read and passed second and third times. Yeas 35 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—35.

*Negative*—None.

S. B. 118, a bill to be entitled an act for the relief of D. J. Clark, sheriff of Bladen county. The bill was read the second time.

The amendment, in the nature of a substitute, prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 39 ; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Brown, Council, Cowles, Crowell, Edwards, Eppes, Flemming, Flythe, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Long, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price,

Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—39.

*Negative*—Messrs. Bellamy and Brogden—2.

S. B. 92, H. B. 64, a bill to be entitled an act to amend the charter of the Reliance Bucket and Axe Fire Company, of Newbern.

The bill was read second time, amended and passed.

The bill was then read and passed third time. Yeas 38 ;  
Nays 4.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Brogden, Brown, Cook, Council, Crowell, Currie, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—38.

*Negative*—Messrs. Bellamy, Cowles, Flythe and Long—4.

The amendment was ordered to be forthwith engrossed and the bill to be transmitted to the House of Representatives for concurrence.

S. B. 140, a bill to be entitled an act to amend the 32d section, 35th chapter, of the Revised Code of North Carolina.

The bill was read second time.

The amendments offered by the committee prevailed and the bill passed second time.

The bill was then read and passed third time. Yeas 30 ;  
Nays 11.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—30.

*Negative*—Messrs. Bellamy, Brogden, Eppes, Flythe, Graham of Alamance, Hyman, King, Long, McCotter, Moore and Price—11.



S. B. 164, H. B. 142, a bill to be entitled an act to amend chapter 29, laws of 1870-'71, ratified 24th December, 1870. Read and passed second and third times. Yeas 35; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Bellamy, Cook, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Linney, Long, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—35.

*Negative*—Messrs. Brogden, Flythe and King—3.

The hour for its consideration having arrived, the special order, S. B. 176, H. B. 112, a bill to be entitled an act to provide for the collection of taxes by the State and the several Counties of the State on property, was put on its second reading.

Mr. Graham, of Orange, moved that the bill be considered by sections. The motion prevailed.

Section 1 was read.

Mr. Morehead moved to amend by adding the following words thereto: "*Provided*, There may be a new valuation for Rockingham county."

The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the amendment did not prevail. Yeas 18; Nays 21.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Cowles, Currie, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Morehead, Murphy, Skinner, Speed and Worth—18.

*Negative*—Messrs. Albright, Barnett, Battle, Bellamy, Brogden, Crowell, Edwards, Eppes, Flythe, King, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Moore, Robbins of Davidson, Troy, Waddell and Whiteside—21.

Mr. Gilmer moved to amend by striking out the word "June" and inserting the word "April" in lieu thereof.

The amendment prevailed, and the section was agreed to.  
Section 2 was read.

Mr. Robbins of Rowan, moved to amend by inserting the word "and" between the words "rights" and "franchises" in line 4, and also by striking out the words "and assessments" in same line.

The amendments prevailed, and the section was agreed to.  
Section 3 was read.

Mr. Gilmer moved to amend by striking out the words "thirtieth" and "May" and inserting the words "fifteenth" and "March," respectively, in line 2.

The amendment prevailed, and the section was agreed to.

Sections 4 and 5 were severally read and agreed to.

Section 6 was read.

Mr. McClammy moved to amend by striking out the word "June," wherever it occurs in the section, and inserting the word "April" in lieu thereof.

The amendment prevailed, and the section was agreed to.

Section 7 was read.

Mr. Graham, of Orange, moved to amend by inserting the words "persons or" before the word "corporation."

The amendment prevailed.

Mr. Robbins, of Davidson, moved to amend by striking out the word "June" and inserting the word "April."

The amendment prevailed, and the section was agreed to.

Section 8 was read and agreed to.

Section 9 was read.

Mr. Graham, of Alamance, moved to amend by striking out the word "June" and inserting the word "April" in line 3.

The amendment prevailed.

Mr. Gilmer moved to amend by striking out word "June" and inserting word "April" in line 32; also, by striking out in line 32, subdivision 8, the word "year" and inserting the words "ten months" in lieu thereof. The amendment prevailed.

Mr. Graham, of Orange, moved to amend by inserting the



words "above two hundred dollars" after word "value" in line 9.

The amendment prevailed and the section was agreed to.

Section 10 was read and agreed to.

Section 11 was read.

Mr. McClammy moved to amend by inserting after words "Odd Fellows" the words "Knights of Pythias." The amendment prevailed.

Mr. Moore moved to amend by striking out word "two" in line 5, and of paragraph 5, and inserting in lieu thereof the word "three." The amendment did not prevail.

Mr. McClammy moved to amend by striking out in lines 21 and 23, paragraph 5, the word "three" and inserting word "one" in lieu thereof.

Mr. Graham, of Orange, moved a division of the question, and the question recurring first on the motion to strike out, the yeas and nays were ordered, on demand of Mr. Cowles, and the Senate refused to strike out. Yeas 13; Nays 30.

*Affirmative*—Messrs. Adams, Albright, Battle, Crowell, Edwards, Gilmer, Linney, Love, Merrimon, Moore, Olds, Waddell and Worth—13.

*Negative*—Messrs. Allen, Brogden, Brown, Cook, Council, Cowles, Currie, Eppes, Flemming, Flythe, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Long, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Whiteside—30.

The section was then agreed to.

Section 12 was read.

Mr. Cook moved to amend by striking out word "June" and inserting word "April." The amendment prevailed and the section was agreed to.

Section 13 was read.

Mr. Graham, of Orange, moved to amend by striking out word "April." The amendment prevailed and the section was agreed to.

Section 14 was read.

Mr. Flemming moved to amend by striking out words "15th of May" and inserting "1st Monday in March" in lieu thereof. The amendment did not prevail.

Mr. Robbins, of Rowan, moved to amend by striking out word "May" and inserting word "March." The amendment prevailed, and the section was agreed to.

Section 15 was read.

Mr. Flemming moved to amend by striking out word "July" and inserting word "May." The amendment prevailed and the section was agreed to.

Section 16 was read.

Mr. Graham, of Orange, moved to amend as follows: Strike out word "first" and insert word "third" in lieu thereof in line 3; strike out word "July" and insert word "May" in line 3; strike out word "October" and insert word "July" in line 19. The amendments prevailed and the section was agreed to.

Sections 17, 18, 19 and 20 were read and agreed to.

Section 21 was read.

It was moved to amend the section by striking out the word "August" and inserting the word "July" in lieu thereof in line 10.

The amendment prevailed and the section was agreed to.

Section 22 was read and agreed to.

Section 23 was read.

It was moved to amend by striking out the word "securities" and inserting the word "sureties" in lieu thereof in line 7.

The amendment prevailed and the section was agreed to.

Section 24 was read and agreed to.

Section 25 was read.

It was moved to amend by striking out the words "when falls or rises," in the caption.

The amendment prevailed.

Mr. Gilmer moved to amend by striking out after the word



“in,” in line 14, and inserting in lieu thereof, the following : “like manner if property shall have increased twenty-five per cent. over its assessed taxable value, the board of trustees shall alter the valuation upon proper proof.” The amendment did not prevail and the section was agreed to.

Section 26 was read.

Mr. Cook moved to amend by inserting the words “or tax collected” after the word sheriff, in line 10.

The amendment prevailed and the section was agreed to.

Section 27 was read.

Mr. Graham, of Orange, moved an amendment, in the nature of a substitute therefor.

The amendment prevailed and the section was agreed to.

Section 28 was read.

Mr. Gilmer moved to amend as follows: Strike out all after the word “thereof,” in line 22, down to the word “shall,” in line 23, and add to the subdivision the words “on or before the day of settlement of the sheriff with the Treasurer.”

The amendment prevailed.

Mr. Love moved to amend by striking out all after the word “county,” in line 43, subdivision 3, down to and including the word “newspaper,” in line 45, and inserting in lieu thereof the words “if there be one.”

The amendment prevailed and the section was agreed to.

Section 29 was read.

Mr. Love moved to amend by striking out the word “amount” and inserting the word “account.”

The amendment prevailed and the section was agreed to.

Sections 30 and 31 were severally read and agreed to.

Section 32 was read.

Mr. Graham, of Orange, moved to amend by striking out the word “five,” in line 11, and inserting in lieu thereof the word “one.”

The amendment prevailed and the section was agreed to.

Section 33 was read.

Mr. McClammy moved to amend by adding thereto the words " or assigns."

The amendment prevailed and the section was agreed to.

The remaining sections of the bill were then severally read and agreed to, and the bill was passed second time and made special order for 11 a. m., to-morrow.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to consolidate the Planters' Railroad Company and the Wilmington and Onslow Railroad Company ;

An act to authorize the Commissioners of Bertie county to issue bonds.

A message was received from the House of Representatives transmitting report of the Board of Public Charities with a proposition to print the same. On motion, the Senate concurred therein.

Mr. Latham moved to reconsider the vote by which the Senate on yesterday concurred in H. R. 60, resolution in reference to a recess, and further moved to postpone the consideration of the motion until 10½ a. m. to-morrow, and to make it special order for that hour.

Mr. Worth moved to lay the motion on the table. The question recurring thereon the yeas and nays were ordered, on demand of Mr. Worth, and the motion to lay upon the table prevailed. Yeas 17 ; Nays 13.

*Affirmative*—Messrs. Adams, Barnett, Brogden, Brown, Council, Crowell, Currie, Eppes, Flythe, Graham of Orange, Hyman, Long, McClammy, McCotter, Murphy, Norment and Worth—17.

*Negative*—Messrs. Cook, Flemming, Gilmer, Graham of Alamance, Jones, Latham, Mauney, Merrimon, Morehead, Robbins of Davidson, Skinner, Waddell and Whiteside—13.

Mr. Gilmer moved that when the Senate adjourn, it will adjourn until 10 o'clock to-morrow morning.

Mr. McClammy moved that the Senate do now adjourn



The latter motion prevailed and the Senate adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M.

The Senate met pursuant to adjournment, Mr. Jones in the chair.

The consideration of the special order, S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations and to regulate the same was postponed until 11 a. m., January 8th, 1872, and made special order for that hour, on motion of Mr. Morehead.

Reports from Standing Committees were then submitted as follows:

From Committee on Roads, Rivers, Ferries, &c. :

By Mr. Murphy: S. B. 108, a bill to be entitled an act concerning public highways.

Bills were acted on under a suspension of the rules as follows:

S. B. 184, a bill to be entitled an act to incorporate the Raleigh Fertilizing and Manufacturing Company. Read and passed second and third times. Yeas 35; Nays none.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Belamy, Cook, Council, Cowles, Currie, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Merrimoff, Moore, Morehead, Murphy, Norment, Price, Skinner, Speed, Troy, Waddell and Worth—35.

*Negative*—None.

S. B. 88, a bill to be entitled an act to amend the charter of the North Western North Carolina Railroad Company and to provide for the cancellation of certain mortgages executed by said company, and for other purposes. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Barnett, Brogden,

Cook, Cowles, Currie, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Whiteside and Worth—30.

*Negative*—None.

S. B. 130, H. B. 73, a bill to be entitled an act to amend the charter of the town of Beaufort. Read and passed second and third times. Yeas 19; Nays 10.

*Affirmative*—Messrs. Adams, Albright, Barnett, Cowles, Edwards, Gilmer, Jones, Latham, Linney, Mauney, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Speed, Troy, Whiteside and Worth—19.

*Negative*—Messrs. Brogden, Eppes, Graham of Alamance, Graham of Orange, Hyman, Lehman, Long, McClammy, Moore and Price—10.

S. B. 136, H. B. 103, a bill to be entitled an act to incorporate the College of Physicians and Surgeons of the city of Wilmington. Read and passed second and third times. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Albright, Barnett, Brogden, Cook, Cowles, Currie, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Moore, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—32.

*Negative*—None.

S. B. 103, H. B. 71, a bill to be entitled an act to authorize the City of Wilmington to fund the city debt and issue bonds. Read and passed second time. Yeas 36; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Cook, Council, Cowles, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment,



Price, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—36.

*Negative*—Mr. Love—1.

S. B. 119, a bill to be entitled an act in relation to convicts.

Read and passed the second time.

The bill was read the third time.

Mr. Worth moved that the bill be laid on the table. The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the motion did not prevail. Yeas 12; Nays 25.

*Affirmative*—Messrs. Adams, Battle, Bellamy, Cowles, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Morehead, Robbins of Davidson, Speed and Worth—12.

*Negative*—Messrs. Albright, Brown, Cook, Council, Edwards, Eppes, Flemming, Jones, King, Latham, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Price, Skinner, Troy and Waddell—25.

Mr. Graham, of Orange, moved to amend the bill by adding the following: "and that a tax of one cent on the \$100 value of property be levied to pay such expense." The amendment did not prevail.

The question recurring on the passage of the bill on its third reading, the clerk reported that twenty Senators had voted in affirmative and twenty Senators had voted in the negative as follows:

*Affirmative*—Messrs. Barnett, Cook, Council, Eppes, Flemming, King, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Norment, Price, Skinner, Troy and Waddell—20.

*Negative*—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Cowles, Currie, Edwards Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Morehead, Murphy, Robbins of Davidson, Speed and Worth—20.

The Chair thereupon voted in the negative and the bill was rejected.

S. B. 98, a bill to be entitled an act to authorize the com-

missioners to levy and collect a tax for Hertfort county. The bill was read third time.

Mr. Hyman moved to amend by adding the following proviso: *Provided*, That this act shall be submitted by the county commissioners of said county, to the qualified voters thereof at an election to be ordered by said commissioners, of which election at least thirty days notice shall be given, and if a majority of those voting on said question shall vote for said special tax, then this act shall be in full force, but if a majority shall vote against said special tax, then this act shall be void and of no effect. The yeas and nays were ordered, on demand of Mr. Hyman, and the amendment did not prevail. Yeas 17; Nays 20.

*Affirmative*—Messrs. Albright, Barnett, Bellamy, Brogden, Cowles, Currie, Eppes, Flythe, Hyman, King, Lehman, Long, Mauney, McCotter, Moore, Troy and Whiteside—17.

*Negative*—Messrs. Adams, Battle, Cook, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, McClammy, Merrimon, Morehead, Murphy, Robbins of Rowan, Skinner, Speed, Waddell and Worth—20.

The bill then passed third time. Yeas 24; Nays 12.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Cook, Cowles, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Skinner, Speed, Troy, Waddell and Worth—24.

*Negative*—Messrs. Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, Long, McCotter, Moore, Price and Robbins of Rowan—12.

Mr. Edwards moved to reconsider the vote by which S. B. 119, a bill to be entitled an act in relation to convicts, was rejected. The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the motion prevailed. Yeas 22; Nays 18.

*Affirmative*—Messrs. Adams, Barnett, Brogden, Cook, Edwards, Eppes, Flemming, King, Lehman, Linney, Long, Love,



Mauney, McCotter, Merrimon, Moore, Price, Robbins of Rowan, Skinner, Speed, Troy and Whiteside—22.

*Negative*—Messrs. Albright, Battle, Bellamy, Cowles, Currie, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, McClammy, Morehead, Murphy, Robbins of Davidson, Waddell and Worth—18.

The Chair thereupon announced that the bill would be placed upon the calendar of bills on third reading, that being, in the opinion of the Chair, the proper disposition to be made of the bill.

Mr. Linney rose to a point of order, to-wit: That the bill was now under consideration by the Senate on its third reading by virtue of the vote just taken on the motion to reconsider, and that the question now pending before the Senate was on the passage of the bill the third time.

The Chair decided the point of order to be not well taken.

From the decision of the Chair Mr. Linney appealed to that of the Senate, and the question, recurring thereon, the yeas and nays were ordered, on demand of Mr. Edwards, and the Senate refused to allow the decision of the Chair to stand as the decision of the Senate. Yeas 16; Nays 21.

*Affirmative*—Messrs. Battle, Bellamy, Brogden, Cowles, Flythe, Gilmer, Graham of Alamance, Hyman, Latham, Long, McClammy, Robbins of Davidson, Skinner, Speed and Worth—16.

*Negative*—Adams, Albright, Barnett Cook, Currie, Flemming, Graham of Orange, King, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Robbins of Rowan, Troy, Waddell and Whiteside—21.

Mr. Latham moved that the Senate do now adjourn.

The yeas and nays were ordered, and the motion did not prevail. Yeas 7; Nays 32.

*Affirmative*—Messrs. Bellamy, Currie, Flythe, Hyman, Long, Skinner and Speed—7.

*Negative*—Messrs. Adams, Albright, Barnett, Battle, Brogden, Cook, Cowles, Edwards, Eppes, Flemming, Gilmer, Gra-

ham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—32.

The question then recurring upon the passage of the bill, S. B. 119, a bill to be entitled an act in relation to convicts, Mr. Worth moved to amend by striking out in sections 1 and 2 the words "by the State Treasury," and inserting in lieu thereof, the words "out of any moneys received by the State from convict labor." The amendment did not prevail.

The question recurring upon its passage, the bill did not pass third time. Yeas 17; Nays 23.

*Affirmative*—Messrs. Barnett, Brogden, Cook, Flemming, King, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Robbins of Rowan, Skinner, Troy and Whiteside—17.

*Negative*—Messrs. Adams, Albright, Battle, Bellamy, Cowles, Currie, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Long, McClammy, Morehead, Price, Robbins of Davidson, Speed, Waddell and Whiteside—23.

Mr. Price introduced a resolution requiring the Clerk to have printed calendars of bills on their several readings laid on the desks of Senators. The resolution was not adopted.

The Senate then adjourned.

---

## TWENTY-SEVENTH DAY.

SENATE CHAMBER, December 21st, 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Lehman presented petitions from citizens of Elizabeth City. Referred to committee on judiciary.



Mr. Albright presented petitions from certain citizens of Chatham county. Referred to the committee on propositions and grievances, to be considered with H. B. 136, S. B. 207.

Reports from standing committees were then submitted as follows:

From the Committee on Education :

By Mr. Gilmer : S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands, with amendments.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Allen : a bill to be entitled an act to extend the corporate limits of the town of Kinston and for other purposes. To committee on propositions and grievances.

By Mr. Troy : a bill to be entitled an act to amend an act entitled an act to provide a cheap chattel mortgage. To committee on judiciary.

By Mr. Graham, of Orange : a bill to be entitled an act to repeal chapter 267, of the public laws of 1868-'69. To committee on judiciary.

By Mr. McClammy : a bill to be entitled an act to establish and enforce an agricultural lien. To committee on judiciary.

By Mr. McClammy : a bill to be entitled an act to incorporate the Wilmington Ship Canal Company. To committee on corporations.

By Mr. Norment : a bill to be entitled an act to protect the citizens of counties and corporations in their county and corporate subscription to railroad companies, and for other purposes. To committee on corporations.

By Mr. Brogden : a bill to be entitled an act to amend section 419, chapter 1, title 19, of the Code of Civil Procedure. To committee on judiciary.

By Mr. Gilmer : a bill to be entitled an act to incorporate the Guilford County Co-operative Association. Placed on the calendar.

By Mr. Cook: a resolution in favor of J. W. Hays, late sheriff of Wilkes County. To committee on propositions and grievances.

By Mr. Brown: a bill to be entitled an act to incorporate the Old North State Insurance Company. To committee on corporations.

By Mr. Norment: a resolution in relation to the public grounds. To committee on finance.

By Mr. Price: a resolution concerning the arrest of certain persons. Laid over under the rules.

By Mr. Worth: a bill to amend section 7, chapter 237, laws of 1868-'69, and for other purposes. To committee on judiciary.

By Mr. Cook: a bill to be entitled an act to charter the Upper Division of the Yadkin Railroad Company. To committee on internal improvements.

By message from House of Representatives: H. B. 141, a bill to be entitled an act to incorporate the Fayetteville Building and Loan Association. To committee on corporations.

H. B. 207, repealing chapter 104, public laws 1868-'69. To committee on judiciary.

H. B. 128, a bill to be entitled an act to re-enact the provisions of section 15, chapter 37 of the Revised Code. To committee on judiciary.

Mr. Jones introduced the following resolution: resolution in relation to the arrest of Charles B. Blanton and others, citizens of North Carolina, by soldiers of the United States, without warrant:

WHEREAS, It is currently reported that Charles B. Blanton, A. E. Warren and William Lowry, citizens of Cleaveland County, North Carolina, have been heretofore arrested by soldiers of the United States army, acting under the orders of certain officers of that army, without warrant of law, and that said citizens have been removed beyond the limits of this State and are imprisoned in the State of South Carolina; now, therefore be it



*Resolved by this Senate of North Carolina,* That his Excellency, the Governor, is requested to communicate to this body what information, if any, has come to him of the capture, removal and detention of the above named citizens.

The resolution was read, and the question recurring on its adoption, the yeas and nays were ordered, on demand of Mr. Robbins, of Rowan, and the resolution was adopted. Yeas 43; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Linney, Long, Love, Mauney, McClammy, McCotter, Merri-  
mon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—43.

*Negative*—None.

The hour arriving for its consideration, the special order, H. B. 112, S. B. 176, a bill to be entitled an act to provide for the collection of taxes by the State and the several Counties of the State on property, was read third time.

Mr. Gilmer moved the following amendment: Strike out in line 9 of section 1 the words "ten dollars" and insert "one dollar per day."

The amendment did not prevail.

Mr. McClammy moved to amend by adding the following to the 17th section:

"The complainant may appeal to the Superior Court from the decision of the Commissioners upon or involving any matter of legal liability, and if he shall give bond with sufficient surety conditional to perform the final judgment on his appeal, such appeal shall suspend the collection of the taxes appealed from until a decision thereon."

The question recurring thereon, the yeas and nays were

ordered, on demand of Mr. Cowles, and the amendment did not prevail. Yeas 16; Nays 21.

*Affirmative*—Messrs. Allen, Brogden, Brown, Cook, Council, Cowles, Currie, Flemming, Jones, Latham, Linney, McClammy, Murphy, Norment, Olds and Waddell—16.

*Negative*—Adams, Albright, Crowell, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Long, Mauney, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—21.

Mr. Graham, of Alamance, moved to amend as follows: In section 10, strike out after "the" in line 17, down to and including the word "respectively" in line 18, and insert the following words in lieu thereof, "amount and value of the property of such road, canal or works situate, lying or being in each county or township, respectively; and such proportion shall be assumed by the Treasurer, Auditor, or Governor, and returned to the County Commissioners of such county in which such part of said road, canal or works may be at the same time with the assessment herein before directed."

The amendment did not prevail.

Mr. Graham, of Orange, moved to amend as follows: In section 28, paragraph 3, by striking out all after the word "shall," in line 26, down to and including the word "levy" in line 31, and insert in lieu thereof the words "proceed to collect by sale of real estate, or any interest therein, belonging to the party charged, as in the case of executions issuing upon judgments." Strike out the words "of such levy and," in lines 31 and 32 of same section.

The amendment prevailed.

It was moved to amend section 35 by striking out the words "unless," &c., in line 5, down to and including the word "time," at end of line 7.

The amendment prevailed. The bill then passed third time. Yeas 41; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brog-



den, Brown, Cook, Council, Cowles, Crowell, Currie, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—41.

*Negative*—None.

Mr. Robbins, of Rowan, introduced a resolution extending the recess, and moved to suspend the rules for its consideration. The yeas and nays were ordered and the motion prevailed. Yeas 27; Nays 13.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Bellamy, Brown, Cook, Council, Cowles, Crowell, Currie, Flemming, Gilmer, Jones, King, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Waddell—27.

*Negative*—Messrs. Brogden, Eppes, Graham of Alamance, Graham of Orange, Hyman, Latham, Long, Love, Moore, Norment, Olds, Whiteside and Worth—13.

Mr. Price moved to lay the resolution on the table. The motion did not prevail.

Mr. Love move to amend by striking out "8th," and inserting "22d."

Mr. King moved the previous question. The yeas and nays were ordered, on demand of Mr. Cowles, and the Senate ordered the main question to be put. Yeas 27; Nays 13.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Gilmer, Graham of Alamance, Jones, King, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Waddell—27.

*Negative*—Messrs. Bellamy, Brogden, Eppes, Flythe, Graham of Orange, Hyman, Latham, Long, Murphy, Olds, Price, Whiteside and Worth—13.

The question recurring on the amendment offered by Mr.

Love, the yeas and nays were ordered, and the amendment did not prevail. Yeas 5 ; Nays 36.

*Affirmative*—Messrs. Adams, Council, Jones, Love and Speed—5.

*Negative*—Messrs. Albright, Allen, Battle, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Currie, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—36.

The question then recurring upon its adoption the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the resolution was not adopted. Yeas 17 ; Nays 25.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Currie, Jones, King, Linney, McClammy, McCotter, Robbins of Rowan, Speed and Troy—17.

*Negative*—Messrs. Bellamy, Brogden, Crowell, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Lehman, Long, Love, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Waddell, Whiteside and Worth—25.

Mr. McClammy introduced a resolution of instruction to the Committee on Penal Institutions. The resolution was read and adopted.

Bills were acted on under a suspension of the rules as follows :

S. B. 117, a bill to be entitled an act to provide for the service of process issued from courts of justices of the peace in civil causes, &c. The bill was read second time. The amendments moved by the committee prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 26 ; Nays 11.

*Affirmative*—Messrs. Allen, Battle, Brown, Council, Currie, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of



Orange, King, Latham, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Moore, Murphy, Norment, Robbins of Davidson, Troy, Waddell and Whiteside—26.

*Negative*—Messrs. Adams, Albright, Brogden, Cook, Eppes, Hyman, Merrimon, Robbins of Rowan, Skinner, Speed and Worth—11.

S. B. 138, a bill to be entitled an act to prevent the killing of deer recklessly. The bill was read second time.

Mr. Norment moved to amend by adding the following proviso: "*Provided*, That the county of Robeson shall not be considered as included in this act."

The amendment did not prevail and the bill passed second time. The bill was then read and passed third time. Yeas 21; Nays 10.

*Affirmative*—Messrs. Adams, Cook, Council, Cowles, Flemming, Gilmer, Graham of Alamance, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Bellamy, Brogden, Currie, Hyman, King, Latham, Long, Moore, Murphy and Norment—10.

Mr. Linney moved that when the Senate adjourns, it will adjourn to meet at 7½ p. m.

Mr. Love moved that the Senate do now adjourn. The yeas and nays were ordered, on demand of Mr. Merrimon, and the Senate refused to adjourn. Yeas 11; Nays 18.

*Affirmative*—Messrs. Bellamy, Flemming, Graham of Orange, Hyman, King, Long, Love, Moore, Norment, Price and Skinner—11.

*Negative*—Messrs. Adams, Albright, Brogden, Cook, Currie, Gilmer, Graham of Alamance, Latham, Linney, Mauney, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—18.

On motion of Mr. Love, the motion of Mr. Linney was laid on the table.

The following bills, reported as correctly engrossed by Com-

mittee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 118, a bill to be entitled an act for the relief of D. J. Clark, sheriff of Bladen county ;

S. B. 184, a bill to be entitled an act to incorporate the Raleigh Fertilizing and Manufacturing Company ;

S. B. 188, a bill to be entitled an act supplemental to an act to charter the Bank of Caswell, ratified the 5th day of December, 1871 ;

S. B. 189, a bill to be entitled an act to legalize the acts of the Justices of the Peace of Rowan and other counties ;

S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina ;

S. B. 88, a bill to be entitled an act to amend the charter of the North Western North Carolina Railroad Company, and to provide for the cancellation of certain mortgages executed by said company and for other purposes.

The following acts and resolution, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend chapter 29, laws of 1870-'71, entitled an act to authorize the construction of a turnpike road from Malone and Wilson's store, McDowell county, to Flat Creek in Buncombe county ;

An act to incorporate the Border Railroad Company ;

An act to regulate the time of holding municipal elections in the town of Fayetteville ;

An act to amend the charter of the Reliance Bucket and Fire Company of Newbern ;

An act to amend section 1, chapter 273, of the laws of 1868-'69, entitled an act to provide for holding special terms of the Superior Courts ;

An act for the general relief of sheriffs and tax collectors ;

Resolution in regard to a recess.

The Senate then adjourned.



## TWENTY-EIGHTH DAY.

SENATE CHAMBER, December 22d. 1871.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence [was granted to the Assistant Clerk, for Tuesday, 2d January, 1872.

Reports from Standing Committees were then submitted as follows:

From Committee on Judiciary :

By Mr. Graham, of Orange: S. B. 105, a bill to entitled an act to punish the obtaining of goods by false pretences, with recommendation that it do pass.

From the Committee on Education and Literary Fund :

By Mr. Gilmer: a bill to be entitled an act in relation to the educational fund now in the treasury and which shall hereafter be collected under the laws of 1868-'69, and of 1869-'70, with recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Jones: a bill to be entitled an act to exempt the members of certain fire companies in the city of Charlotte from public duties. Placed on calendar.

A bill to be entitled an act to provide for the levying and collecting of taxes in the city of Charlotte. Placed on calendar.

By Mr. Jones, from Judiciary Committee: a bill to be entitled an act to amend the charter of the City of Newbern. Placed on calendar.

By Mr. Love: a bill to be entitled an act to aid in the construction of the Western Division of the Western North Carolina Railroad. To committee on internal improvements.

By message from the House of Representatives: resolution in favor of the Public Library. Adopted under a suspension of the rules.

H. B. 254, a bill to be entitled an act to amend chapter 118 of the private laws of 1870-'71. To committee on corporations.

H. B. 180, a bill to be entitled an act to incorporate the Falls of Neuse Manufacturing Company. Placed on calendar.

H. B. 170, a bill to be entitled an act to extend the time of James Cansler, tax collector of Macon County, E. Everett, Sheriff of Swain County, Bland Wallace, Sheriff of Duplin, and J. B. Combs, tax collector of Tyrrell. To committee on propositions and grievances.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence, under a suspension of the rules :

S. B. 138, a bill to be entitled an act to prevent the killing of deer recklessly ;

S. B. 140, a bill to be entitled an act to amend the 32nd section of the 35th chapter of the Revised Code of North Carolina ;

S. B. 63, a bill to be entitled an act in relation to county officers.

Reports from Standing Committees were received, by consent, as follows :

From the Committee on Corporations :

By Mr. Moore: S. B. 229, H. B. 254, a bill to be entitled an act to amend chapter 118 of the private laws of 1870-'71 ;

By Mr. Murphy: S. B. 224, H. B. 141, a bill to be entitled an act to incorporate the Fayetteville Building and Loan Association, with recommendation that they do severally pass.

From the Committee on Judiciary :

By Mr. Jones: S. B. 228, a bill to be entitled an act to amend the charter of the city of Newbern, with recommendation that it do pass.

The following bills were acted on, under a suspension of the rules, as follows :



S. B. 63, a bill to be entitled an act in relation to County Officers. Read third time.

Mr. Love moved to add to section 4, as amended, the following: "*Provided*, That this bill shall only apply to the forty-third Senatorial District."

The amendment prevailed, and the bill passed third time. Yeas 24; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Cowles, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—24.

*Negative*—Messrs. Brogden, Hyman, King, Lehman, Long and Norment—6.

S. R. 99, H. R. 25, resolution to extend the time of the sheriff of Alexander county to collect taxes and settle with the county treasurer. Read and passed second and third times. Yeas 21; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Battle, Cowles, Crowell, Edwards, Flemming, Jones, Latham, Lehman, Linney, McClammy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—21.

*Negative*—Messrs. Bellamy, Gilmer, Graham of Alamance, Graham of Orange and Hyman—5.

S. B. 103, H. B. 71, a bill to be entitled an act to authorize the city of Wilmington to fund the city debt and issue bonds. Read and passed third time. Yeas 29; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Bellamy, Cowles, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—29.

*Negative*—Mr. Linney—1.

S. B. 108, a bill to be entitled an act concerning public highways. Read and passed second time.

S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company. Read second time and made special order for 10 a. m., Monday, 8th January, 1872.

S. B. 123, a bill to be entitled an act in relation to the Bank of Hillsboro. Read and passed second and third times. Yeas 26; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Battle, Cowles, Crowell, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Long, Love, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—26.

*Negative*—Messrs. Brogden, King and McCotter—3.

Ordered to be forthwith transmitted to the House of Representatives without engrossment.

S. B. 125, a bill to be entitled an act to incorporate a bank in the City of Newbern. Read third time.

Mr. Moore moved to strike out the proviso at end of section 1.

Upon this motion, Mr. King demanded the yeas and nays. The Senate refused to order the same, and the amendment prevailed. The bill then passed third time. Yeas 27; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Battle, Brown, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Lehman, Linney, Love, Mauney, McClammy, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Brogden, King, McCotter and Olds—4.

S. B. 142, a bill to be entitled an act to incorporate the Farmers and Mechanics' Association. Read and passed second and third times. Yeas 27; Nays none.

*Affirmative*—Messrs. Albright, Battle, Brogden, Brown, Cowles, Crowell, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Linney, Love,



Mauney, McClammy, Merrimon, Moore, Morehead, Norment, Olds, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—27.

*Negative*—None.

S. B. 161, II. B. 95, a bill to be entitled an act to change an alley in the town of Shelby, Cleaveland county. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Albright, Battle, Bellamy, Brogden, Brown, Cowles, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Long, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. 163, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Sylvan Academy. Read and passed second and third times. Yeas 30; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Brown, Cowles, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—30.

*Negative*—Mr. King—1.

S. B. 197, a bill to be entitled an act to incorporate the Cape Fear Iron and Steel Company. Read and passed second and third times. Yeas 28; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Bellamy, Cowles, Crowell, Eppes, Flemming, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—28.

*Negative*—None.

S. B. 205, H. B. 159, a bill to be entitled an act in favor of James I. Moore, sheriff of Granville county, John M. Bateman,

sheriff of Washington county, and F. J. Satchwell, sheriff of Beaufort county. Read the second time. The yeas and nays were ordered, on demand of Mr. Edwards, and the bill passed the second time. Yeas 21; Nays 12.

*Affirmative*—Messrs. Battle, Brogden, Brown, Edwards, Eppes, Flemming, King, Latham, Lehman, Linney, Long, Love, McClammy, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—21.

*Negative*—Messrs. Adams, Albright, Bellamy, Crowell, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Mauney, McCotter and Moore—12.

The bill was then read and passed the third time. Yeas 23; Nays 8.

*Affirmative*—Messrs. Albright, Battle, Brogden, Edwards, Eppes, Flemming, Jones, King, Latham, Lehman, Linney, Long, Love, McClammy, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—23.

*Negative*—Messrs. Bellamy, Crowell, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Mauney and Moore—8.

S. B. 214, a bill to be entitled an act to incorporate the Guilford County Co-operative Association. Read and passed second and third times. Yeas 27; Nays none.

*Affirmative*—Messrs. Albright, Battle, Brogden, Cowles, Crowell, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Waddell and Worth—27.

*Negative*—None.

S. B. 224, H. B. 141, a bill to be entitled an act to incorporate the Fayetteville Building and Loan Association. Read and passed second and third times. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Brogden, Cowles, Crowell, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Lehman, Lin-



ney, Long, Love, Mauney, McClammy, McCotter, Moore, Murphy, Norment, Olds, Price, Robbins of Davidson, Waddell, Whiteside and Worth—29.

*Negative*—None.

S. B. 228, a bill to be entitled an act to amend the charter of the City of Newbern. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Cowles, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. 229, H. B. 254, a bill to be entitled an act to amend chapter 118, of the private laws of 1870-'71. Read and passed second and third times. Yeas 31; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Brogden, Brown, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Hyman, Lehman, Linney, Long, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—31.

*Negative*—None.

S. B. 231, a bill to be entitled an act to exempt the members of certain fire companies of the city of Charlotte from public duties. Read and passed second and third times. Yeas 28; Nays 2.

*Affirmative*—Messrs. Albright, Bellamy, Brown, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Long, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Hyman and King—2.

A message was received from the House of Representatives

transmitting engrossed copy of amendments adopted by that body to S. B. 30, a bill to be entitled an act to re-enact section 15, chapter 37, of the Revised Code, and asking the concurrence of the Senate therein.

On motion of Mr. Robbins, of Davidson, the amendments were concurred in.

On motion of Mr. Robbins, of Rowan, the Joint Select Committee on Printing was instructed to make arrangements to secure the printing of the report of Messrs. Shipp, Batchelor and Martin in time to have the same laid upon the desks on the 2d January, 1872.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend an act entitled "an act to incorporate the Asheville and Virginia Railroad Company," being chapter 242, laws of 1870-'71 ;

An act to authorize the County Commissioners of Hertford to levy and collect a special tax :

An act to incorporate the College of Physicians and Surgeons of the city of Wilmington ;

An act supplemental to an act to charter the Bank of Caswell, ratified December 9th, 1871 ;

An act to amend the charter of the town of Beaufort, N. C. ;

An act for the relief of the Sheriff of Bladen county.

The Senate then adjourned.

---

## TWENTY-NINTH DAY.

SENATE CHAMBER, January 2nd, 1872.

The Senate was called to order by the President.

The Journal of the 22d December, 1871, was read.

On motion of Mr. Olds, a call of the Senate was ordered,



and the Clerk having called the roll, reported that only twenty Senators answered to their names.

Mr. Olds moved that further proceedings under the call be dispensed with.

The motion prevailed, and the Senate adjourned until tomorrow morning ten o'clock.

---

### THIRTIETH DAY.

SENATE CHAMBER, January 3d, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Dargan asked and obtained leave to have his name recorded in the affirmative on the vote by which S. B. 1, a bill to be entitled an act to alter the Constitution of North Carolina, was passed on the third reading.

On motion of Mr. Graham, of Orange, the chair was authorized to fill temporarily the place of Mr. Crowell on the Printing Committee, and the chair designated Mr. Graham, of Orange.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Dargan: a bill to be entitled an act to amend the Bastardy Act. To committee on judiciary.

By message from the House of Representatives: H. B. 186, a bill to be entitled an act to establish a new county by the name of Graham. To committee on propositions and grievances.

H. B. 192, a bill to be entitled an act to authorize the commissioners of Haywood county to sell a portion of the poor-house lands of said county. To committee on propositions and grievances.

H. B. 218, a bill to be entitled an act to incorporate the Warrenton and Shocco Turnpike Company. To committee on corporations.

Bills on third reading were acted on as follows :

S. B. 78, a bill to be entitled an act to repeal chapter 227, laws of 1869-'70. Read third time.

Mr. Gilmer moved to add the following words to section 2: "Nor to change in any particular the present mode of taking depositions of non-resident witnesses in actions or proceedings before justices of the peace."

The amendment prevailed and the bill passed the third time. Yeas 25 ; Nays none.

*Affirmative*—Messrs. Albright, Allen, Brogden, Brown, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, King, Latham, Linney, Long, Mauney, McCotter, Merrimon, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell; Whiteside and Worth—25.

*Negative*—None.

S. B. 108, a bill to be entitled an act concerning public highways. Read third time and laid on the table.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the Raleigh Fertilizing and Manufacturing Company ;

An act to incorporate the Bank of Hillsboro' ;

An act concerning joint contracts ;

An act to amend the charter of the Northwestern North Carolina Railroad Company and for other purposes.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 125, a bill to be entitled an act to incorporate a bank in the city of Newbern ;

S. B. 163, a bill to be entitled an act to prevent the sale of spiritous liquors within two miles of Sylvan Academy ;



S. B. 197, a bill to be entitled an act to incorporate the Cape Fear Iron and Steel Company ;

S. B. 214, a bill to be entitled an act to incorporate the Guilford County Co-operative Association ;

S. B. 228, a bill to be entitled an act to amend the charter of the city of Newbern ;

S. B. 231, a bill to be entitled an act to exempt the members of certain fire companies of the city of Charlotte from public duties.

Bills on second reading were acted on as follows :

S. B. 10, a bill to be entitled an act in relation to salaries and fees. Laid on table.

S. B. 12, a bill to be entitled an act to authorize the Commissioners of Craven County to levy a special tax. Made special order for 12 m., Thursday, 4th January, 1872.

S. B. 17, a bill to be entitled an act to amend section 7, chapter 42, of the Revised Code of North Carolina. Made special order for 12 m., 6th January, 1872.

S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte & Rutherford Railroad Company to complete its road and extend its road to the Tennessee line. Made special order for 12 m., 5th January, 1872.

S. B. 77, a bill to be entitled an act to confer the privilege of cumulative suffrage on the voters of Wilmington in all elections for aldermen. Read second time and further consideration thereof postponed until the 8th January, 1872.

S. B. 91, H. B. 49, a bill to be entitled an act to incorporate the Wilson Building and Loan Association. Read and passed second time.

S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands. Made special order for 11 a. m., 5th January, 1872.

S. B. 233, H. B. 180, a bill to be entitled an act to incorporate the Falls of Neuse River Manufacturing Company. Read and passed second time. The rules having been suspended the bill was read the second time. The question recurring

upon the passage of the bill, the Clerk having called the roll reported that there was not a quorum of Senators voting. Thereupon a call of the Senate was ordered, and the Clerk having called the roll, reported the following Senators as having answered to their names:

Messrs. Albright, Allen, Brogden, Brown, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, King, Latham, Linney, Long, Mauney, McCotter, Merrimon, Olds, Bobbins of Davidson, Robbins of Rowan, Skinner, Waddell, Warren and Worth—26.

There being a quorum present and the bill having been again read, was passed the third time. Yeas 14; Nays 12.

*Affirmative*—Messrs. Albright, Currie, Gilmer, Graham of Orange, Hawkins, Long, Mauney, McCotter, Merrimon, Olds, Robbins of Davidson, Waddell, Warren and Worth—14.

*Negative*—Messrs. Allen, Brogden, Brown, Cowles, Dargan, Edwards, Flemming, King, Latham, Linney, Robbins of Rowan, and Skinner—12.

S. B. 80, a bill to be entitled an act to amend chapter 63 of the private laws of 1870-71. Read and passed second time. The rules having been suspended, the bill was read third time.

Mr. Gilmer moved to strike out word "January" and insert "February." The amendment prevailed, and the bill passed the third time. Yeas 16; Nays 10.

*Affirmative*—Messrs. Albright, Brown, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Mauney, McCotter, Merrimon, Robbins of Davidson, Robbins of Rowan, Waddell, Warren, Whiteside and Worth—16.

*Negative*—Messrs. Allen, Brogden, Cowles, Edwards, Hawkins, King, Linney, Long, Price and Skinner—10.

S. B. 159, a bill to be entitled an act to empower County Commissioners to extend time for the collection of county taxes. Read second time. The amendments offered by the Committee on Propositions and Grievances prevailed and the bill passed second time.

The rules having been suspended, the bill was read the third



time. The question recurring upon the passage of the bill, and the Clerk having called the roll, reported that there was not a quorum of Senators voting, thereupon a call of the Senate was ordered. The Clerk having called the roll, reported that the following Senators had answered to their names :

Messrs. Albright, Allen, Brogden, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, King, Latham, Linney, Long, Mauney, McCotter, Merrimon, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Warren, Whiteside and Worth—26.

There being a quorum present, and the bill having been again read, was passed third time. Yeas 16; Nays 10.

*Affirmative*—Messrs. Albright, Cowles, Dargan, Edwards, Flemming, Hawkins, King, Latham, Linney, Long, McCotter, Merrimon, Price, Robbins of Rowan, Waddell and Whiteside—16.

*Negative*—Messrs. Allen, Brogden, Brown, Currie, Gilmer, Graham of Orange, Mauney, Robbins of Davidson, Skinner and Worth—10.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House to S. R. 120, resolution in regard to the lease of the North Carolina Railroad, and asking the concurrence of the Senate therein.

Mr. Worth moved to amend the amendment so that the proposed committee shall consist of three members on the part of the Senate and four on the part of the House of Representatives. The question recurring upon the amendment to the amendment, on demand of Mr. Worth, the yeas and nays were ordered. The Clerk having called the roll, reported that there was not a quorum voting, and thereupon the Senate adjourned until 7½ p. m.

SENATE CHAMBER, 7½ p. m.

The Senate was called to order, Mr. Latham in the chair.  
Bills on second reading were acted on as follows :

S. R. 183, resolution in regard to meteorological reports.  
Read second time and rejected.

S. B. 94, H. B. 15, a bill to be entitled an act to validate the revisal of jury lists and for other purposes. Read second time.

Mr. Robbins, of Rowan, moved to amend by striking out the words in line 3, section 1, "or may hereafter fail," and insert the word "failer." The amendment prevailed.

Mr. Graham, of Orange, moved to insert after the word "time, in line 4, section 2, the words "or in the manner," and to insert after the word "time," in line 6, section 2, the words "and in the proper manner." The amendments prevailed and the bill passed the second time.

S. B. 100, a bill to be entitled an act for the relief of sheriffs and tax collector. Read second time and laid on the table.

S. B. 101, H. B. 62, a bill to be entitled an act to authorize John J. Hasty, sheriff of Union, to collect arrears of taxes. Read second time and laid on the table.

S. B. 105, a bill to be entitled an act to punish the obtaining of goods under false pretences. Read second time and passed.

S. B. 107, a bill to be entitled an act to incorporate the Jamestown Copper Company. Read second time. The amendments moved by Committee on Corporations were rejected and the bill passed the second time.

S. B. 110, a bill to be entitled an act relating to the fees of Superior Court Clerks. Read second time and made special order for 12 m., 15th January, 1872.

S. B. 113, a bill to be entitled an act providing for the support of the Insane Asylum for the next fiscal year. Read second time and pending the consideration thereof,

The Senate adjourned.



## THIRTY-FIRST DAY.

SENATE CHAMBER, January 4th, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Jones from yesterday until Monday next.

Reports from Standing Committees were then submitted as follows :

From the Committee on Judiciary :

By Mr. Graham, of Orange, asking to be discharged from the further consideration of sundry petitions to exempt certain property from taxation used for manufacturing and mining purposes, on the ground that the Legislature have no power to make the exemptions prayed for. The committee was discharged.

From the Committee on Printing :

By Mr. Mauney, concerning contract for public printing.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Warren : A bill to be entitled an act to provide for the draining of Mattamuskeet Lake. Placed on calendar.

By message from the House of Representatives: House bill 133, a bill to be entitled an act to establish and lay out a turnpike in the counties of Camden and Currituck. To committee on propositions and grievances.

House bill 170, a bill to be entitled an act to extend the time of James Cansler, tax collector of Macon county; E. Everett, Sheriff of Swain; Bland Wallace, Sheriff of Duplin county, and J. B. Combs, tax collector of Tyrrell county, in making settlement with the county treasurer. To committee on propositions and grievances.

House bill 171, a bill to be entitled an act to incorporate

the Charlotte and Taylorsville Railroad Company. Placed on calendar.

House bill 127, a bill to be entitled an act to raise revenue. To committee on finance.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House, to Senate Bill 81, a bill to be entitled an act to charge the time for holding the Superior Courts in the several counties composing the 3rd Judicial District, and asking the concurrence of the Senate therein.

The amendments were concurred in.

Bills on third reading were acted on as follows :

Senate bill 91, House bill 49, a bill to be entitled an act to incorporate the Wilson Building and Loan Association. Read and passed third time. Yeas, 26 ; Nays, 4.

*Affirmative*—Messrs. Albright, Brogden, Brown, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Long, McClammy, McCotter, Merrimon, Norment, Olds, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Allen, Bellamy, Cowles and Linney—4.

S. B. 94, H. B. 15, a bill to be entitled an act to validate the revisal of jury lists and for other purposes. Read third time and passed. Yeas 20 ; Nays 11.

*Affirmative*—Messrs. Albright, Allen, Cowles, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Mauney, McClammy, Merrimon, Norment, Robbins of Davidson, Skinner, Troy, Waddell and Worth—20.

*Negative*—Messrs. Bellamy, Brogden, Dargan, Eppes, Hawkins, Hyman, King, Long, McCotter, Moore and Olds—11.

S. B. 105, a bill to be entitled an act to punish the obtaining of goods under false pretences. Read and passed third time. Yeas 29 ; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Brogden, Brown, Cowles, Currie, Dargan, Eppes, Flemming, Gilmer, Graham



of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Norment, Robbins of Davidson, Troy, Waddell and Worth—29.

*Negative*—Messrs. Bellamy and Edwards—2.

S. B. 107, a bill to be entitled an act to incorporate the Jamestown Copper Company. Read third time and passed. Yeas 29; Nays none.

*Affirmative*—Messrs. Albright, Brogden, Brown, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—29.

*Negative*—None.

The Senate, on motion of Mr. Worth, proceeded to the consideration of the report submitted by the Committee on Public Printing, concerning the contract for the public printing.

The question recurring upon the reception of the report, the yeas and nays were ordered, on demand of Mr. Brogden, and the Senate refused to receive the report. Yeas 9; Nays 24.

*Affirmative*—Messrs. Brown, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Linney, Skinner, Troy and Worth—9.

*Negative*—Messrs. Albright, Allen, Brogden, Cowles, Currie, Dargan, Eppes, Flemming, Hawkins, Hyman, King, Latham, Lehman, Long, McClammy, McCotter, Merrimon, Moore, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Waddell and Whiteside—24.

On motion of Mr. Lehman, S. B. 12, a bill to be entitled an act to authorize the Commissioners of Craven County to levy a special tax, special order for 12 m. to-day, was made special order for 7½ p. m. 8th January, 1872.

The Committee on Engrossed Bills reported as correctly engrossed S. B. 142, a bill to be entitled an act to incorporate

the Farmers and Mechanics' Association, which was transmitted to the House of Representatives for concurrence.

The Senate then proceeded to the consideration of the unfinished business of yesterday morning, S. R. —, H. R. —, resolution concerning the lease of the North Carolina Railroad. The question recurring upon the amendment of Mr. Worth to the amendment adopted by the House of Representatives, the yeas and nays were ordered, and the amendment to the amendment prevailed. Yeas 17; Nays 10.

*Affirmative*—Messrs. Allen, Bellamy, Cowles, Currie, Dargan, Graham of Alamance, Graham of Orange, Hawkins, Latham, Long, Mauney, McClammy, Norment, Skinner, Troy, Waddell and Worth—17.

*Negative*—Messrs. Albright, Brogden, Flemming, Gilmer, Hyman, King, Lehman, Linney, McCotter, Robbins of Davidson—10.

The question recurring upon the amendment of the House of Representatives as amended, the yeas and nays were ordered, on demand of Mr. Allen, and the amendment prevailed. Yeas, 21; NsA, 9.

*Affirmative*—Messrs. Albright, Bellamy, Currie, Dargan, Edwards, Flemming, Gilmer, Hawkins, Hyman, King, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Olds, Robbins of Davidson, Skinner, Waddell and Worth—21

*Negative*—Messrs. Allen, Brogden, Cowles, Graham of Alamance, Graham of Orange, Latham, McClammy, Norment and Troy—9.

The Senate then proceeded to the consideration of the unfinished business of last night, Senate bill 113, a bill to be entitled an act providing for the support of the Insane Asylum, for the next fiscal year, on its second reading.

On motion of Mr. Graham, of Orange, the bill was referred to Committee on Insane Asylum with instructions.

On motion of Mr. Graham, of Orange, the report of the Committee on Insane Asylum, in reference to resolution of enquiry, offered by himself, was ordered to be printed.

On motion of Mr. Norment the rules were suspended and



the Senate proceeded to consider Senate resolution 196, a resolution authorizing the Governor to offer an additional reward for H. B. Lowrey and others on its second reading.

Mr. Price moved to amend by inserting the following as an additional resolution.

*Resolved, further,* That the Governor be and he is hereby authorized to offer a reward of \$5,000 for the arrest of each of the murderers of Menas Herring, murdered in Sampson county; \$5,000 for each of murderers of John W. Stephens \$5,000 for each of the murderers of Wyat Outlaw.

The question recurring on the amendment, the yeas and nays were ordered, on demand of Mr. Price, and the amendment was rejected. Yeas, 6; Nays 24.

*Affirmative*—Messrs Brogden, Epps, Lehman, Moore, Olds, and Price—6.

*Negative*—Messrs. Albright, Allen, Brown, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Linney, Mauney, McClammy, Merrimon, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—24.

Mr. Price moved to lay the resolution on the table.

Mr. Edwards moved the previous question, and the Senate ordered the main question to be put.

The question recurring upon the passage of the resolution the second time, the chair having taken the sense of the Senate, by the sound, declared the resolution to have been lost.

Mr. Graham of Orange, rose to the following point of order to wit: that the resolution contained a provision pledging the faith of the State to the payment of money, upon the performance of certain conditions, and therefore came under that clause of the Constitution requiring the yeas and nays to be taken upon the second reading.

The Chair decided that the provision contained in the resolution, was not such as to bring the resolution under the-

clause of the Constitution referred to, according to the decisions heretofore had in the Senate, and that the point of order was therefore not well taken.

From the decision of the chair Mr. Graham appealed to that of the Senate. The question recurring upon the appeal, the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the Senate refused to allow the decision of the chair to stand as the decision of the Senate. Yeas, 10; Nays, 18.

*Affirmative*—Messrs. Bellamy, Dargan, Flemming, Gilmer, Merrimon, Moore, Price, Skinner, Troy and Whiteside—10.

*Negative*—Messrs. Albright, Brogden, Brown, Cowles, Currie, Edwards, Eppes, Graham of Orange, Hawkins, King, Lehman, Linney, Mauney, McClammy, Norment, Robbins of Davidson, Waddell and Worth—18.

The question then recurring, under the ruling of the Senate, upon the passage of the resolution a second time, the resolution did not pass. Yeas, 11; Nays, 21.

*Affirmative*—Messrs. Allen, Currie, Dargan, Edwards, Flemming, Graham of Orange, McClammy, Norment, Skinner, Waddell and Worth—11.

*Negative*—Messrs. Albright, Bellamy, Brogden, Brown, Cowles, Eppes, Gilmer, Graham of Alamance, King, Latham, Lehman, Linney, Mauney, McCotter, Merrimon, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy and Whiteside—21.

Resolutions were then acted on as follows :

Senate resolution concerning adjournment. Laid on the table.

Senate resolution 181, resolution in regard to recess. Laid on the table.

Senate resolution 221, resolution concerning the arrest of certain parties. Laid on the table.

Mr. Dargan introduced a resolution to rescind the resolution providing for night sessions of the Senate, which was read. Pending the consideration hereof, the Senate adjourned.



## THIRTY-SECOND DAY.

SENATE CHAMBER, January 5th, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The Journal of yesterday was read.

Mr. McClammy presented memorial of certain citizens of New Hanover County praying for the establishment of a new county to be called La Fayette, which was referred to committee on propositions and grievances.

Reports from standing committees were then submitted as follows :

From the Committee on Judiciary :

By Mr. Dargan, S. B. 226, H. B. 207, a bill to be entitled an act repealing chapter 104, public laws 1868-'69 ;

S. B. 206, H. B. 168, a bill to be entitled an act to amend chapter 11 of the Code of Civil Procedure, with recommendation that they do pass.

By Mr. Linney : S. B. 223, a bill to be entitled an act to amend section 7, chapter 237, of the laws of 1868-'69, and for other purposes, recommending its passage ;

S. B. 210, a bill to be entitled an act to establish and enforce an agricultural lien, with recommendation that it do not pass.

By Mr. Graham, of Alamance : S. B. 215, a bill to be entitled an act to amend section 419, chapter 1, title 19, of the Code of Civil Procedure, recommending its passage ;

S. B. 203, H. B. 63, a bill to be entitled an act to repeal certain portions of section 4, chapter 234, laws of 1869-'70, asking to be discharged from the further consideration thereof. The committee was discharged ;

S. B. 225, H. B. 128, a bill to be entitled an act to re-enact the provisions of section 15, chapter 27 of the Revised Code, recommending that the bill do not pass.

From Committee on Corporations :

By Mr. Moore : S. B. 236, H. B. 218, a bill to be entitled

an act to incorporate the Warrenton and Shocco Turnpike Company ;

S. B. 218, a bill to be entitled an act to incorporate the Wilmington Ship Canal Company, recommending their passage.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from the House of Representatives : H. B. 25, a bill to be entitled an act to incorporate the Newbern Educational Association. To committee on corporations ;

H. B. 83, a bill to be entitled an act to charter the town of Dallas. To committee on corporations ;

H. B. 106, a bill to be entitled an act to incorporate the Dawson Bank. To committee on corporations ;

H. B. 114, a bill to be entitled an act to prevent the felling of trees in New River, in Ashe county. To committee on propositions and grievances ;

H. B. 148, a bill to be entitled an act to incorporate the Catawba and Lincoln Mining and Manufacturing Company of North Carolina. To committee on corporations ;

H. B. 155, a bill to be entitled an act to incorporate the Willard's Bank of Wilmington. To committee on corporations ;

H. B. 160, a bill to be entitled an act to amend chapter 6, private laws of 1870-'71. To committee on propositions and grievances ;

H. B. 173, a bill to be entitled an act to incorporate the Murphy Mills Manufacturing Company, in the county of Cumberland. To committee on corporations ;

H. B. 181, a bill to be entitled an act to require certain officers to submit estimates of expenses for each current year and to carry into effect the design of section 3, article 14, of the Constitution. To committee on finance ;

H. B. 185, a bill to be entitled an act to amend the charter of the town of Edenton, in the county of Chowan. Placed on calendar ;

H. B. 188, a bill to be entitled an act to incorporate the



Victor Fire Company, No. 1, of the city of Raleigh. To committee on corporations;

H. B. 205, a bill to be entitled an act to incorporate a Literary and Dramatic Association, in the town of Fayetteville. To committee on corporations;

H. B. 219, a bill to be entitled an act to incorporate the Brothers Manufacturing Company, of Cumberland county. To committee on corporations;

H. B. 232, a bill to be entitled an act to amend an act entitled an act to incorporate the Beaver Creek Manufacturing Company, in the county of Cumberland. To committee on corporations;

H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, chapter 139, laws of 1870-'71. To committee on judiciary.

By Mr. Merrimon: a bill to be entitled an act to amend an act to incorporate the Raleigh Fertilizing and Manufacturing Company, ratified 3d January, A. D. 1872. Placed on calendar.

By Mr. McClammy: a bill to be entitled an act to incorporate the Bank of New Hanover. To committee on corporations.

By Mr. Robbins, of Rowan: a bill to be entitled an act to facilitate the capture of the outlaws in Robson county. To committee on propositions and grievances.

By Mr. Cook: a bill to be entitled an act concerning Constables. To committee on judiciary.

The Senate then proceeded to the consideration of the unfinished business of yesterday, resolution rescinding the order for night sessions of the Senate. Mr. Troy moved to indefinitely postpone the resolution.

The question recurring thereon, the yeas and nays were ordered, on demand of Mr. Albright, and the motion prevailed. Yeas 18; Nays 15.

*Affirmative*—Messrs. Albright, Brogden, Cook, Cowles, Gilmer, Graham of Alamance, Graham of Orange, Linney,

Mauney, McClammy, Merrimon, Moore, Murphy, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—18.

*Negative*—Messrs. Allen, Bellamy, Currie, Dargan, Edwards, Eppes, Flemming, Hyman, King, Latham, Long, McCotter, Norment, Price and Skinner—15.

Bills on second reading were acted on as follows :

S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte & Rutherford Railroad Company to complete and extend its road to the Tennessee line. Read second time. The amendments moved by the Committee on Internal Improvements prevailed, and the bill passed second time.

S. B. 114, H. B. 82, a bill to be entitled an act to amend chapter 178, laws of 1868-'69. Read and passed second time.

S. B. 116, a bill to be entitled an act to amend section 18, chapter 229, laws of 1869-'70, entitled an act to raise revenue. Laid on the table.

S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public land. Read second time. The amendments moved by the Committee on Immigration prevailed, and the bill passed second time, and was ordered to be printed, and made special order for 12 M., January 8, 1872.

S. B. 132, H. B. 37, a bill to be entitled an act to incorporate St. Peter's Lodge, Council of Friends, of the city of Newbern. Read and passed second time.

S. B. 133, H. B. 3, a bill to be entitled an act to incorporate Warren Lodge, No. 101, of Free and Accepted Masons. Read and passed second time.

S. B. 134, H. B. 84, a bill to be entitled an act to change the county line of Mitchell county and Yancey county. Read and passed second time.

S. B. 134, H. B. 101, a bill to be entitled an act to incorporate the Wateree Steamboat and Transportation Company. Read and passed second time.

S. B. 137, H. B. 100, a bill to be entitled an act to incor-



porate the Wilmington and Atlantic Steamship Company. Read and passed second time.

Mr. Flemming moved to rescind the order of the Senate making S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company special order for 10 o'clock A. M., January 8, 1872. The question recurring thereon, the yeas and nays were ordered, on motion of Mr. King, and the motion prevailed. Yeas 21; Nays 10.

*Affirmative*—Messrs. Albright, Allen, Bellamy, Brown, Cook, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Linney, Mauney, McClammy, Merrimon, Murphy, Troy, Whiteside and Worth—21.

*Negative*—Messrs. Brogden, Dargan, King, Lehman, Long, McCotter, Moore, Norment, Olds and Waddell—10.

The bill was then made special order for 12 M., January 6th, 1872.

Bills were acted on under a suspension of the rules as follows:

S. B. 129, H. B. 72, a bill to be entitled an act to change the line between Hilton and Piney Creek Townships in the County of Ashe, and the line between Clay and Greene Townships in the County of Guilford. Read second time. The amendment, in the nature of a substitute, moved by the Committee on Propositions and Grievances prevailed, and the bill passed the second time. The bill was read the third time. The question recurring on its passage, the Clerk having called the roll reported that there was not a quorum of Senators voting. Thereupon a call of the Senate having been ordered, and the Clerk having called the roll, reported that the following Senators had answered to their names:

Messrs. Albright, Bellamy, Brogden, Brown, Cook, Cowles, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Price, Robbins of Davidson, Rob-

bins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—34.

There being a quorum of Senators present, the bill was read and passed the third time. Yeas 31; Nays 3.

*Affirmative*—Messrs. Albright, Allen, Brogden, Brown, Cook, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—31.

*Negative*—Messrs. Bellamy, Eppes and Hyman—3.

S. B. 141, a bill to be entitled an act to ratify sales of real estate, for partition, which have been irregularly made. Read

t e.

Mr. Dargan moved to lay the bill on the table.

The yeas and having been ordered the motion did not prevail. Yeas 15; Nays 18.

*Affirmative*—Messrs. Allen, Bellamy, Brogden, Brown, Cook, Cowles, Dargan, Eppes, Gilmer, Hyman, Mauney, Moore, Robbins of Davidson, Robbins of Rowan and Troy—15.

*Negative*—Messrs. Albright, Currie, Edwards, Flemming, Graham of Alamance, Graham of Orange, King, Latham, Linney, Long, McClammy, McCotter, Merrimon, Murphy, Norment, Skinner, Waddell, Whiteside and Worth—18.

The question then recurring on the passage of the bill, the yeas and nays were ordered, on motion of Mr. Graham, of Orange, and the bill passed second time. Yeas 18; Nays 15.

*Affirmative*—Messrs. Allen, Cook, Edwards, Flemming, Graham of Orange, King, Latham, Lehman, Linney, Long, Merrimon, Moore, Murphy, Norment, Skinner, Waddell, Whiteside and Worth—18.

*Negative*—Bellamy, Brogden, Brown, Cowles, Currie, Dargan, Eppes, Gilmer, Graham of Alamance, Hyman, Mauney, McClammy, Robbins of Davidson, Robbins of Rowan, and Troy—15.

S. B. 146, a bill to be entitled an act to incorporate the town



of Whitakers in the Counties of Edgecombe and Nash. Read second time.

Mr. Merrimon moved to strike out all after the word "State" in line 5, section 7, to word "and" in line 8. The amendment prevailed, and the bill passed second time. The bill was read third time.

Mr. Troy moved to strike out in section 4 word "thirty" and insert word "ninety." The amendment prevailed and the bill passed third time. Yeas 29; Nays none.

*Affirmative*—Messrs. Albright, Allen, Bellamy, Brogden, Brown, Cook, Cowles, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—29.

*Negative*—None.

S. B. 259, H. B. 185, a bill to be entitled an act to amend the charter of the town of Edenton, in the County of Chowan. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Albright, Bellamy, Brogden, Brown, Cook, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—30.

*Negative*—None.

S. B. 190, H. B. 144, a bill to be entitled an act to incorporate the village of Excelsior, in Burke county. Read second time.

The amendment moved by the Committee on Corporations prevailed, and the bill passed second and third times. Yeas 24; Nays 3.

*Affirmative*—Messrs. Albright, Brogden, Brown, Cook, Currie, Dargan, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Linney, Mauney,

McClammy, Moore, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Cowles, King and Skinner—3.

S. B. 254, a bill to be entitled an act to amend an act to incorporate the Raleigh Fertilizing and Manufacturing Company, ratified 3d January, 1872. Read and passed second and third times. Yeas 29; Nays none.

*Affirmative*—Messrs. Albright, Brogden, Cook, Cowles, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Linney, Long, Mauney, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—29.

*Negative*—None.

Mr. Brown moved to reconsider the the vote by which S. R. 196, resolution authorizing the Governor to offer an additional reward for Henry B. Lowrey and others, was rejected on its second reading on yesterday.

Mr. Price moved to lay the motion on the table.

Mr. Graham, of Orange, moved the previous question, and the Senate ordered the main question to be put.

The question then recurring upon the motion to reconsider the yeas and nays were ordered, on demand of Mr. King, and the motion did not prevail. Yeas 16; Nays 17.

*Affirmative*—Messrs. Brown, Cook, Cowles, Currie, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Mauney, Murphy, Norment, Skinner, Waddell and Worth—16.

*Negative*—Messrs. Albright, Bellamy, Brogden, Eppes, Hyman, King, Latham, Lehman, Long, McCotter, Moore, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy, and Whiteside—17.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :



S. B. 80, a bill to be entitled an act to amend chap. 63, of the Private Laws of 1870-'71 ;

S. B. 73, a bill to be entitled an act to repeal chap. 227, laws of 1869-'70 ;

S. B. 159, a bill to be entitled an act to empower County Commissioners to extend time for the collection of County taxes ;

S. B. 254, a bill to be entitled an act to amend an act to incorporate the Raleigh Fertilizing and Manufacturing Company, ratified 3d January, 1872 ;

Mr. Flemming moved that when the Senate adjourns it will adjourn until to-morrow ten o'clock. The motion prevailed.

A message was received from His Excellency, the Governor, transmitting report of N. W. Woodfin, Esq., which, on motion of Mr. Cowles, was ordered to be printed.

A message was received from the House of Representatives, transmitting engrossed copy of amendment, adopted by that body, to S. R. 106, H. R. 76, resolution of instruction to the Treasurer, and asking concurrence of Senate therein. amendment was concurred in.

A message was received from His Excellency, the Governor, in response to a resolution of the Senate, asking information concerning the arrest of Charles Blanton and others by soldiers of the U. S. Army, without warrant of law, which was read, and on motion, laid on the table.

A message was received from the House of Representatives informing the Senate that the House of Representatives had refused to concur in the amendments adopted by the Senate to S. B. 176, H. B. 112, a bill to be entitled an act to provide for the collection of taxes by the State and several counties in the State on property.

On motion it was ordered that a message be sent informing the House of Representatives that the Senate insist upon its amendments and propose to raise a Joint Committee of conference in relation thereto.

A message was received from the House of Representatives

transmitting engrossed copy of amendments to S. B. 24, H. B. 129, a bill to be entitled an act to repeal an act to extend the corporate limits of the town of Rutherfordton, and for other purposes, and asking concurrence of the Senate therein.

On motion of Mr. Whiteside, the Senate refused to concur therein.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act to change an alley in the town of Shelby;

An act to incorporate the Fayetteville Building and Loan Association;

An act to amend chapter 118, private laws of 1870-'71;

An act to re-enact the provisions of section 15, chapter 37, of the Revised Code;

An act to authorize the city of Wilmington to fund the city debt and issue bonds;

Resolution extending the time of H. W. Mays, Sheriff of Alexander county, to settle with County Treasurer;

An act to amend section 4, chapter 35, Revised Code, in relation to fugitives from justice;

An act to incorporate the Altamahaw Coal Company;

An act to allow the transfer of certain causes pending in the late Courts of Equity in this State;

An act to amend section 303 of the Code of Civil Procedure;

An act to incorporate the Falls of Nense Manufacturing Company;

An act to authorize the payment by the Treasurer of costs in cases where the State appeals or sues out writs of error to the Supreme Court of the United States.

The Senate then adjourned.



## THIRTY-THIRD DAY.

SENATE CHAMBER, January 6th, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The Journal of yesterday was read.

Leave of absence from to-day until Thursday next was granted to Messrs. Cowles and McCotter.

Reports from standing committees were then submitted as follows:

From the Committee on Judiciary:

By Mr. Allen: S. B. 192, a bill to be entitled an act to prevent deputy or assistant clerks from practicing as attorneys at law in the counties in which they act as deputy or assistant clerks;

S. B. 211, a bill to be entitled an act to repeal chapter 269 of the Public Laws of 1868-'69;

S. B. 239, a bill to be entitled an act to amend the Bastardy Act, recommending their passage.

By Mr. Lehman: S. B. 90, a bill to be entitled an act to regulate the proceedings on writs of *mandamus*, with recommendation that it do not pass;

S. B. 193, a bill to be entitled an act to amend chapter 233 of the laws of 1870-'71;

S. B. 199, a bill to be entitled an act to provide for the revision of jury lists, with recommendation that they do pass.

By Mr. Graham, of Alamance: S. B. 212, a bill to be entitled an act to amend an act entitled an act to provide a cheap chattel mortgage, recommending that it do not pass.

By Mr. Murphy: S. B. 216, a bill to be entitled an act to protect the citizens of counties and corporations, and for other purposes, recommending that it do not pass;

S. B. 219, a bill to be entitled an act to incorporate the Old

North State Insurance Company, recommending its passage.

From Committee on Propositions and Grievances :

By Mr. Graham, of Alamance, for Mr. Love : S. B. 208, H. B. 94, a bill to be entitled an act authorizing the Commissioners of Cleaveland County to issue bonds, ratified April 3, 1871, with recommendation that it do pass.

From the Committee on Finance :

By Mr. Graham, of Orange : S. B. 251, H. B. 127, a bill to be entitled an act to raise revenue ;

S. B. 258, H. B. 181, a bill to be entitled an act to require certain officers to submit estimates of expenses for each current year, and to carry into effect the design of Section 3, Article XIV of the Constitution, recommending their passage.

From Committee on Internal Improvements :

By Mr. Robbins, of Rowan : S. B. 222, a bill to be entitled an act to charter the Upper Division of the Yadkin Railroad Company, recommending its passage.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Allen : a bill to be entitled an act to repeal 3d section of an act entitled an act to extend the corporate limits of the town of Kinston and for other purposes, passed in 1866. To committee on propositions and grievances.

By Mr. Graham, of Alamance : a bill to be entitled an act to cure certain defects in the probate of deeds and privy examination of *femes covert* and for other purposes. To committee on judiciary.

By Mr. Cook : a bill to be entitled an act concerning fines. To committee on education.

By Mr. Worth : a bill to be entitled an act to amend chapter 262, public laws of 1870-'71. Placed on calendar.

By Mr. Flemming : a bill to be entitled an act to regulate insurance companies in the State of North Carolina. To committee on judiciary.



By message from House of Representatives: H. B. 295, a bill to be entitled an act to make Reedy Fork a lawful fence. To committee on propositions and grievances;

H. R. 101, resolution in favor of delinquent sheriffs. To committee on propositions and grievances.

Bills on third reading were acted on as follows:

S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and extend its road to Tennessee Line. Read and passed third time. Yeas 25; Nays 9.

*Affirmative*—Messrs. Allen, Battle, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Hawkins, Hyman, Latham, Linney, Long, Mauney, McClammy, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Albright, Bellamy, Brogden, Gilmer, Graham of Alamance, Graham of Orange, King, Lehman and McCotter—9.

S. B. 114, H. B. 82, a bill to be entitled an act to amend chapter 178, laws of 1868-'69. Read and passed third time. Yeas 24; Nays 7.

*Affirmative*—Messrs. Albright, Brown, Cook, Cowles, Currie, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Linney, Long, Mauney, McClammy, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—24.

*Negative*—Beasley, Bellamy, Brogden, Hawkins, Hyman, King McCotter | 7.

S. B. 132, H. B. 37, a bill to be entitled an act to incorporate St. Peter's Lodge, Council of Friends, of the city of Newbern. Read and passed third time. Yeas 32; Nays none.

*Affirmative*—Messrs. Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Linney, Long, Mauney, McClam-

my, McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—32.

*Negative*—None

S. B. 133, H. B. 3, a bill to be entitled an act to incorporate Warren Lodge, No. 101, of Free and Accepted Masons. Read and passed third time. Yeas 29; Nays none.

*Affirmative*—Messrs. Albright, Allen, Beasley, Bellamy, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—29.

Nays—none.

S. B. 134, H. B. 84, a bill to be entitled an act to change the county line of Mitchell County and Yancey County. Read and passed third time. Yeas 30; Nays none.

*Affirmative*—Messrs. Albright, Allen, Beasley, Bellamy, Brogden, Brown, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Murphy, Olds, Robbins of Rowan, Skinner, Troy, Waddell and Worth—30.

*Negative*—None.

S. B. 135, H. B. 101, a bill to be entitled an act to incorporate the Wateree Steamboat and Transportation Company. Read and passed third time. Yeas 30; Nays none.

*Affirmative*—Messrs. Albright, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Orange, Hawkins, Latham, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—30.

*Negative*—None.

S. B. 137, H. B. 100, a bill to be entitled an act to incorpor-



ate the Wilmington and Atlantic Steamboat Company. Read and passed third time. Yeas 33; Nays none.

*Affirmative*—Messrs. Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Long, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—33.

*Negative*—None.

S. B. 141, a bill to be entitled an act to ratify sales of real estate, for partition, which have been irregularly made. Read third time.

Mr. Robbins, of Rowan, moved to amend by adding the following to section 1: *Provided*, That it shall not be lawful hereafter for clerks of Superior Courts to act as Commissioners for the sale of land, under order of sale, made by said clerks. The amendment prevailed, and the bill passed the third time. Yeas 18; Nays 13.

*Affirmative*—Messrs. Cook, Cowles, Crowell, Currie, Flemming, Gilmer, Graham of Orange, King Latham Lehman, Linney, Long, Merrimon, Skinner, Troy, Waddell, Whiteside and Worth—18.

*Negative*—Messrs. Albright, Beasley, Bellamy, Brogden, Brown, Dargan, Eppes, Hawkins, Hyman, Manney, McClammy, Murphy and Robbins of Davidson—13.

Bills on second reading were acted on as follows:

S. B. 143, a bill to be entitled an act to allow the people of Newport Township, in Carteret county, to vote upon the repeal of section 2, chapter 69, private laws of 1870-'71. Laid on the table;

S. B. 144, a bill to be entitled an act to incorporate in the city of Wilmington the Cape Fear Towing and Atlantic Coast Wrecking Company, of Wilmington, N. C. Read and passed second time:

S. B. 145, a bill in relation to public jails and keepers of the same. Read second time;

The amendment, in the nature of a substitute, moved by the Committee on Propositions and Grievances, prevailed, and the further consideration of the bill was postponed until 10th January, 1872.

S. B. 250, H. B. 171, a bill to be entitled an act to incorporate the Charlotte and Taylorsville Railroad Company. Read and passed second time.

S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late county courts. Read second time.

Pending the consideration of the bill, the hour of 12 m. arrived and the Senate proceeded to the consideration of S. B. 17, a bill to be entitled an act to amend section 7, chapter 42, of the Revised Code of North Carolina. The bill was read the second time. The amendment moved by the Committee on Propositions and Grievances prevailed, and the question recurring on its passage, the bill did not pass.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

S. B. 107, a bill to be entitled an act to incorporate the Jamestown Copper Company;

S. B. 105, a bill to be entitled an act to punish the obtaining of goods by false pretences.

The following acts and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to change the time of holding the Superior Courts in the counties composing the 3d Judicial District;

An act to change the time of holding the courts in the counties of Granville and Nash;

An act to amend an act to incorporate the Raleigh Fertilizing and Manufacturing Company, ratified 3d January, 1872;

An act to incorporate the Wilson Building and Loan Association;



Resolution in regard to the lease of the North Carolina Railroad;

Resolution in favor of Hon. John M. Cloud, Judge of the 8th Judicial District.

The Senate then proceeded to the consideration of the next special order, S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company, on its second reading. The bill was read and made special order for 12 m., 11th January, 1872.

A message was received from the House of Representatives transmitting engrossed copy of amendment adopted by that body to S. B. 37, a bill to be entitled an act for collecting arrears of taxes in Jackson County, and asking the concurrence of the Senate therein. On motion the Senate concurred in the amendment.

On motion of Mr. Norment, S. B. 216, a bill to be entitled an act to protect the citizens of counties and corporations, and other purposes, was ordered to be printed.

The Senate then adjourned.

---

### THIRTY-FOURTH DAY.

SENATE CHAMBER, January 8th, 1872.

The Senate met pursuant to adjournment. Mr. Latham in the Chair.

Prayer by the Rev. Dr. Atkinson.

The Journal of Saturday was read.

Leave of absence was granted to Mr. Morehead until Wednesday, and to Mr. McClammy indefinitely on account of sickness in his family.

Reports from Standing Committees were then Submitted as follows:

From the Committee on Corporations :

H. B. 173, S. B. 246, a bill to be entitled an act to incorporate the Murphy Mills Manufacturing Company, in the county of Cumberland ;

H. B. 188, S. B. 256, a bill to be entitled an act to incorporate the Victor Fire Company, No. 1, of the city of Raleigh;

H. B. 219, S. B. 243, a bill to be entitled an act to incorporate the "Brothers Manufacturing Company," of Cumberland county ;

H. B. 25, S. B. 255, a bill to be entitled an act to incorporate the Newbern Educational Association ;

H. B. 148, S. B. 245, a bill to be entitled an act to incorporate the Catawba and Lincoln Mining and Manufacturing Company of North Carolina ;

H. B. 232, S. B. 248, a bill to be entitled an act to amend an act entitled an act to incorporate the Beaver Creek Manufacturing Company, in the county of Cumberland ;

S. B. 262, a bill to be entitled an act to incorporate the Bank of New Hanover ;

H. B. 155, S. B. 260, a bill to be entitled an act to incorporate the Willards Bank, of Wilmington ;

H. B. 106, S. B. 244, a bill to be entitled an act to incorporate the Dawson Bank ;

H. B. 205, S. B. 240, a bill to be entitled an act to incorporate a Literary and Dramatic Association in the town of Fayetteville, with recommendation that they do pass.

From Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 16, a bill to be entitled an act to allow the Commissioners of Warren county to levy a special tax, with recommendation that it do pass.

From Committee on Education :

By Mr. Gilmer : S. B. 264, a bill to be entitled an act concerning fines, with the recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :



By Mr. Graham, of Orange : a bill to be entitled an act to propose an amendment to the Constitution of the State, in relation to the public debt. To finance committee.

By Mr. Lehman : a bill to be entitled an act to prevent cruelty to animals. To committee on the judiciary.

By Mr. Skinner : a bill to be entitled an act to amend section 3, of chapter 169, of session 1868-'69. To committee on the judiciary.

By message from the House of Representatives : H. B. 92, a bill to be entitled an act to protect Commissioners of Counties from imprisonment. To committee on judiciary.

By Mr. Cowles : a bill to be entitled an act to amend an act entitled an act to pay the expenses of idiots and lunatics incurred by counties in certain cases. To committee on finance.

By Mr. Skinner : a bill to be entitled an act supplemental to an act entitled an act to incorporate the Elizabeth City Railroad Company. Placed on calendar.

By Mr. Murphy : a bill to be entitled an act supplementary to an act in relation to the Lunatic Asylum, ratified 9th March, 1869, being chapter 67 of the laws of 1868-'69. Placed on calendar.

Mr. Merrimon introduced a joint resolution on adjournment, which was read and laid over under the rules.

The Senate then proceeded to take up the unfinished business of Saturday, S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late County Courts on its second reading, and its consideration was postponed until 9th January, 1872.

Mr. Flemming introduced a resolution to raise a committee to enquire into and report to the next General Assembly, such terms of compromise of the State debt as may seem practicable, which was read.

Mr. Worth moved to lay the resolution on the table. The yeas and nays having been ordered, on demand of Mr Robbins, of Davidson, the motion did not prevail. Yeas 12; Nays 20.

*Affirmative*—Messrs. Adams, Cook, Cowles, Currie, Dargan, Graham of Orange, King, Linney, Long, Olds, Skinner and Worth—12.

*Negative*—Messrs. Battle, Beasley, Bellamy, Brogden, Brown, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Hawkins, Latham, Lehman, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan and Whiteside—20.

On motion of Mr. Robbins, of Rowan, the resolution was referred to select committee of three.

Bills on third reading were acted on as follows:

S. B. 144, a bill to be entitled an act to incorporate in the city of Wilmington, the Cape Fear Towing and Atlantic Coast Wrecking Company of Wilmington. Read third time and passed. Yeas 26; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battie, Beasley, Brogden, Cook, Cowles, Dargan, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Hawkins, King, Latham, Lehman, Linney, Long, Merrimon, Norment, Robbins of Davidson, Skinner, Waddell, Whiteside and Worth—26.

*Negative*—None.

S. B. 250, H. B. 171, a bill to be entitled an act to incorporate the Charlotte and Taylorsville Railroad Company. Read third time.

Mr. Linney moved to amend by inserting the word "nine" before the word "hundred," in last line of section 8. The amendment prevailed and the bill passed third time. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Dargan, Edwards, Gilmer, Graham of Alamance, Hawkins, Hyman, Latham, Linney, Long, Mauney, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—29.

*Negative*—None.

A message was received from the House of Representatives.



transmitting engrossed copy of amendment, adopted by that body to S. B. 55, a bill to be entitled an act to amend the charter of the Western Railroad Company, and asking the concurrence of the Senate therein.

On motion the amendment was concurred in.

The following bills were acted on under a suspension of the rules as follows :

S. B. 219, a bill to be entitled an act to incorporate the Old North State Insurance Company. Read and passed second and third times. Yeas 31 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Graham of Alamance, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Mauney, Merrimon, Murphy, Norment, Robbins of Davidson, Skinner, Waddell, Whiteside and Worth—31.

*Negative*—None.

S. B. 278, a bill to be entitled an act supplementary to an act in relation to the Lunatic Asylum, ratified 9th March, 1869, being chapter 67 of the laws of 1868-'69. Read and passed second and third times. Yeas 30 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. —, a bill to be entitled an act to incorporate the Elizabeth City and Norfolk Railroad Company. Read and passed second and third times. Yeas 28 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Cook, Cowles, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Hawkins, King, Latham, Lehman, Linney, Long, Mauney, Merrimon, Murphy, Nor-

ment, Robbins of Davidson, Skinner, Waddell, Whiteside and Worth—28.

*Negative*—None.

H. B. 1, S. B. 148, a bill to be entitled an act to amend the Code of Civil Procedure in relation to executions and other final process. Read second time.

The amendments of the committee were adopted.

Mr. Edwards moved to amend by striking out the ratifying clause.

The amendment prevailed, and the bill passed its second reading.

The bill was read the third time.

Mr. Graham, of Alamance, moved to amend by striking out “&c.,” wherever it occurs, and inserting instead “or other final process.”

The amendment prevailed, and the bill passed third time. Yeas 25 ; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Lehman, Linney, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Bellamy, Brown, Cook, Cowles, Crowell, Eppes, Hawkins, King and Long—9.

S. B. 193, a bill to be entitled an act to amend chapter 233 of the laws of 1870-'71. Read second time.

Mr. Gilmer moved to amend by inserting after the word “infants,” wherever the same may occur, the words “idiots, lunatics or persons *non compos mentis*.” The amendment prevailed, and the bill passed the second time.

The bill was then read and passed third time. Yeas 30 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange,



Hyman, King, Latham, Lehman, Linney, Long, Mauney, Merrimon, Murphy, Olds, Robbins of Davidson, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. 154, a bill to be entitled an act to amend the charter of the Rockfish Manufacturing Company, of Fayetteville, was read second time, and the further consideration thereof postponed until January 11, 1872.

The following bills, on second reading, were read second time and passed :

S. B. 253, a bill to be entitled an act to provide for the draining of Mattamuskeet Lake ;

S. B. 162, H. B. 102, a bill to be entitled an act to incorporate the Pioneer Steamboat and Transportation Company ;

S. B. 150, a bill to be entitled an act to declare Neuse river a lawful fence ;

S. B. 151, a bill to be entitled an act to incorporate the Brevard and Waynesville Turnpike Company ;

S. B. 223, a bill to be entitled an act to amend section 2, of chapter 237 of the laws of 1868-'69, and for other purposes ;

S. B. 195, a bill to be entitled an act to amend section 8, of chapter 44 of the Revised Code, entitled " Evidence ;"

S. R. 182, resolution in relation to refunding the tax on raw cotton by the United States ;

S. B. 206, H. B. 168, a bill to be entitled an act to amend Chapter XI of the Code of Civil Procedure ;

S. B. 208, H. B. 94, a bill to be entitled an act to amend an act authorizing the Commissioners of Cleaveland county to issue bonds, ratified, 3d April, 1871. Read and passed second time. Yeas 21 ; Nays 6.

*Affirmative*—Messrs. Adams, Battle, Beasley, Cook, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Lehman, Linney, Mauney, Murphy, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Albright, Bellamy, Cowles, Eppes, King and Long—6.

At 12 m., S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands, the special order for that hour, was taken up and made special order for 11 a. m., 10th January, 1872.

S. B. 90, a bill to be entitled an act to regulate the proceedings in writs of *mandamus*, was then read second time and recommitted to the committee on on judiciary, with instructions to report by bill or otherwise.

The following bills were read the second time and laid on the table :

S. B. 152, a bill to be entitled an act to reinstate and supply records of the former Courts of Pleas and Quarter Sessions in the State ;

S. B. 155, a bill to be entitled an act to cure a defect in advertising certain sales of real estate ;

S. B. 157, a bill to be entitled an act in relation to White Oak Swamp, authorizing the Board of Education to sell at public auction the alternate sections thereof ;

S. B. 173, a bill to be entitled an act concerning executions ;

S. B. 174, a bill to be entitled an act to amend an act to create a Mechanics' and Laborers' lien law, ratified 6th April, 1869 ;

S. B. 177, a bill to be entitled an act in relation to the educational fund now in the treasury, and which shall hereafter be collected under the laws of 1868-'69 and of 1869-'70.

S. B. 153, a bill to be entitled an act to repeal an act concerning elections in this State, and for other purposes was read second time.

Mr. Robbins, of Davidson, moved to lay on the table. Mr. King demanded the previous question, and the motion being put, the Senate refused to order the main question.

The question recurring upon the motion to lay the bill on the table, the yeas and nays were ordered, on motion of Mr. Brogden, and the motion prevailed. Yeas 23 ; Nays 9.

*Affirmative*—Messrs. Albright, Battle, Brown, Cook, Cowles, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Ala-



mance, Graham of Orange, Latham, Linney, Mauney, Merri-  
mon, Murphy, Robbins of Davidson, Robbins of Rowan, Wad-  
dell, Whiteside and Worth—23.

*Negative*—Messrs. Beasley, Brogden, Eppes, Hawkins,  
Hyman, King, Lehman, Long and Olds—9.

The following amendments, reported as correctly engrossed  
by Committee on Engrossed Bills, were transmitted to House  
of Representatives for concurrence :

Engrossed amendment to, H. B. 72, S. B. 129, a bill to be  
entitled an act to amend section 15, of chapter 20, of the Acts  
of the Special Session of 1868, and S. B. 129, as a substitute for  
H. B. 72, entitled an act to incorporate the town of Whitakers  
in the counties of Edgecombe and Nash ;

And engrossed copy of the Senate amendments to H. B. 15,  
S. B. 94, a bill to be entitled an act to validate the revisal of  
jury lists, and for other purposes.

On motion of Mr Albright, the Chair was authorized to  
place two additional members upon the Committee on Enrolled  
Bills, and Messrs. Waddell and King were appointed.

Mr. Edwards moved that when the Senate adjourns, it will  
adjourn until to-morrow morning 10 o'clock. The motion  
prevailed.

The Senate then adjourned.

---

### THIRTY-FIFTH DAY.

SENATE CHAMBER, January 9th, 1872.

The Senate met pursuant to adjournment. Mr. Latham in  
the chair.

Prayer by the Rev. Dr. R. S. Mason.

The Journal of yesterday was read.

Mr. Adams presented petitions of citizens of Forsythe resid-

ing along the waters of Middle Fork Creek in said county. Referred to committee on propositions and grievances.

Mr. Robbins, of Davidson, presented petition of citizens residing along the waters of Muddy Creek, in Davidson. Referred to committee on propositions and grievances.

Reports from Standing Committees were then submitted as follows :

From the Committee on Education :

By Mr. Gilmer : S. B. 198, a bill to be entitled an act to consolidate the School Laws, and to provide for a system of Public Instruction with amendment, in nature of a substitute, which was ordered to be printed and made special order for 12 m., 11th January, 1872.

From Committee on Corporations :

By Mr. Murphy : S. B. 241, H. B. 83, a bill to be entitled an act to charter the town of Dallas, recommending its passage.

From the Committee on Judiciary :

By Mr. Dargan : S. B. 256, H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, chapter 139, laws of 1870-'71, recommending its passage.

By Mr. Lehman : S. B. 263, a bill to be entitled an act concerning constables, recommending its passage.

By Mr. Graham, of Orange : S. B. 268, a bill to be entitled an act to regulate insurance companies in the State of North Carolina, recommending that in case any legislation be deemed expedient at this time, the General Reciprocity act passed at the Insurance Convention, be adopted.

From the Committee on Finance :

By Mr. Worth : S. B. 275, a bill to be entitled an act to pay the expenses of idiots and lunatics incurred by counties in certain cases, recommending its passage.

By Mr. Graham, of Orange : S. B. 263, H. B. 63, a bill to be entitled an act to repeal certain portions of section 4, chapter 234, laws of 1869-'70, recommending that it do not pass.

The following named bills were introduced, read and passed



first time, and were referred or otherwise disposed of as follows;

By Mr. Merrimon: a bill to be entitled an act to prescribe the mode of procedure in actions against counties. To committee on judiciary.

By Mr. Worth: a bill to be entitled an act to promote the mining interests of the State. To committee on propositions and grievances.

By Mr. Adams: a bill to be entitled an act to authorize the Commissioners of Stokes County to issue bonds. To committee on propositions and grievances.

By Mr. Flemming: a bill to be entitled an act to incorporate the Catawba Vale and Fair View Turnpike Company. To committee on propositions and grievances.

By message from House of Representatives: H. R. 106, resolution in favor of W. H. Battle and D. G. Fowle. To committee on claims.

H. B. 166, a bill to be entitled an act to establish the dividing line between the counties of Wayne and Greene. To committee on propositions and grievances.

H. B. 198, a bill to be entitled an act to legalize the acts of the County Court of Alleghany at the April term, 1868. To committee on judiciary.

Mr. Gilmer introduced a concurrent resolution in favor of W. H. Hamilton, which was read and laid over under the rules.

Mr. Worth introduced the following resolution:

*Resolved*, That the President of the Deaf and Dumb and Blind Asylum be contracted with for the printing of two hundred skeleton maps of the State, and that he be authorized to draw on the treasury for forty dollars to pay for the same, which was read and passed.

The Chair announced as the Senate branch of the Committee to make investigation concerning the leasing of the North Carolina Railroad, Messrs. Graham, of Orange, Gilmer and

Worth; and as select committee of three to whom was referred the resolution of Mr. Flemming concerning State debt, Messrs. Flemming, Robbins, of Rowan, and Beasley.

A message was received from the House of Representatives transmitting report of President of Senate and Speaker of House of Representatives in referrence to their action in appointing railroad proxies and directors, with a proposition to print the same, which was concurred in.

Bills were acted on under a suspension of the rules as follows :

S. B. 262, a bill to be entitled an act to incorporate the Bank of New Hanover. Read and passed second and third times. Yeas 31; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brown, Cook, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Lehman, Linney, Long, Merrimon, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—31.

*Negative*—Messrs. Brogden and King—2.

S. B. 244, H. B. 106, a bill to be entitled an act to incorporate the "Dawson Bank. The bill was read second time.

Mr. Graham, of Orange, moved to amend by striking out words "Dawson Bank," and inserting intead thereof the words "Cape Fear Bank," and also to strike out the name of Isaac B. Granger, and insert instead the names of James Sprunt and James Anderson.

The amendments prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 26; Nays 1.

*Affirmative*—Messrs. Adams, Battle Beasley, Brown, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkings, Hyman, Latham, Lehman, Linney, Long, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Mr. Brogden—1.



S. B. 16, a bill to be entitled an act to allow the Commissioners of Warren county to levy a special tax. Read and passed second time. Yeas 15; Nays 13.

*Affirmative*—Messrs. Albright, Beasley, Dargan, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Waddell and Worth—15.

*Negative*—Messrs. Adams, Allen, Battle, Brogden, Cook, Edwards, Flemming, Long, Merrimon, Norment, Robbins of Davidson, Skinner and Troy—13.

The consideration of the special order, S. B. 251, H. B. 127, a bill to be entitled an act to raise Revenue, on its second reading, having been postponed until 11 a. m., the Senate proceeded at that hour to consider the bill.

On motion of Mr. Graham, of Orange, it was ordered that the bill be read and considered by sections.

The first section was read and agreed to.

The second section was read.

Mr. Graham, of Orange, moved to amend by striking out "seventy-five cents" and inserting "fifty cents."

Mr. Merrimon moved to insert "forty-five cents."

A division of the question was called for, and the question recurring upon the motion to strike out, the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the motion to strike out prevailed. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Crowell, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Orange, Hawkins, King, Latham, Linney, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—30.

*Negative*—None.

On motion of Mr. Robbins, of Rowan, the further consideration of this section was postponed until the remaining sections of the bill shall have been acted on.

The third section was read and agreed to.

Section 1, class 1, was read.

Mr. Flemming moved to strike out "seventeen cents" and insert "twelve and a half cents."

Mr. Robbins, of Rowan, moved to strike out "seventeen cents" and insert "fifteen cents."

Mr. Graham, of Orange, moved to strike out "seventeen cents," and insert sixteen and two-third cents.

A division of the question was called for, and the question recurring on the motion to strike out, it prevailed. The question then recurring on the motion to insert sixteen and two-third cents, the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the motion did not prevail. Yeas 14; Nays 19.

*Affirmative*—Messrs. Allen, Battle, Brown, Dargan, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Murphy, Skinner and Worth—14.

*Negative*—Messrs. Adams, Albright, Beasley Bellamy, Brogden, Cook, Crowell, Flemming, King, Linney, Long, Mauney, Merrimon, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy and Waddell—19.

The question then recurring upon the motion to insert fifteen cents, the yeas and nays were ordered on demand of Mr. Graham, of Orange, and the motion prevailed. Yeas 25; Nays 12.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Cook, Crowell, Currie, Eppes, King, Latham, Linney, Long, Mauney, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Bellamy, Brogden, Dargan, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman and Olds—12.

Mr. Robbins, of Davidson, moved to strike out the proviso in the section. The motion prevailed, and the section, as amended, was agreed to.

Section 2, class 1, was read.



Mr. Flemming moved to strike out "ten cents" and insert "two cents."

Mr. Robbins, of Davidson, moved to strike out "ten cents" and insert "eight cents."

A division of the question was called for, and the question recurring upon the motion to strike out, the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the Senate refused to strike out. Yeas 15; Nays 21.

*Affirmative*—Messrs Adams, Albright, Beasley, Brown, Cook, Crowell, Edwards, Flemming, Hawkins, Linney, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Whiteside—15.

*Negative*—Messrs. Allen, Battle, Brogden, Currie, Dargan, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham Lehman, Long Mauney, Murphy, Norment, Olds, Skinner and Worth—21.

The section was then agreed to.

Section 3, chapter I, was read and agreed to.

Mr. Murphy moved to insert an additional section, to come in as section 4, chapter I: A special tax of four cents shall be levied in addition to the ordinary tax provided for in this act, on all taxable property to be expended for the erection of additional buildings, for the reception and treatment of the Insane of the State. Pending the consideration thereof, the bill was made special order for 11 A. M. to-morrow.

The following bills, and resolutions, and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

S. B. 53, a bill to be entitled an act to enable the Wilmington Charlotte & Rutherford Railroad Company, to complete its road and extend its road to Tennessee line;

S. B. 141, a bill to be entitled an act to ratify sales of real estate, for partition, which have been irregularly made;

Engrossed amendment to H. B. 171, a bill to be entitled an act to incorporate the Charlotte and Fayetteville Railroad Company.

A message was received from the House of Representatives informing the Senate that the House of Representatives had concurred in the proposition to raise a Committee of Conference in relation to the bill to be entitled an act to provide for the collection of taxes by the State and the several counties on property, and that Messrs. Ashe, Guyther, McAllister, Stanford and Morris, had been appointed to constitute the House branch of said committee.

The Chair designated Messrs. Graham, of Orange, and Lehman, to constitute Senate branch of said Committee.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend an act of proceedings in criminal cases, laws of 1868-'69 ;

An act to incorporate St. Peter's Lodge, Council of Friends, No. 1, of Newbern, N. C. ;

An act to change the line between the counties of Mitchell and Yancey ;

An act to incorporate the Wateree Steamboat and Transportation Company ;

An act to amend the charter of the town of Edenton, in the county of Chowan ;

An act to incorporate Warren Lodge, No. 101, of Free and Accepted Masons, in the town of Kenansville ;

An act to incorporate the Wilmington and Atlantic Steamship Company ;

Resolution of instruction to the Treasurer ;

An act for the collection of arrears of taxes in the county of Jackson ;

An act to prohibit the sale of spirituous liquors within two miles of Sylvan Academy and Cane Creek Church ;

An act to incorporate the Wilmington Library Association ;

An act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, and for other purposes ;



An act to erect a toll-gate between Franklin, North Carolina, and Clayton, Georgia.

The Senate then adjourned.

---

### THIRTY-SIXTH DAY.

SENATE CHAMBER, January 10th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Graham, of Alamance, for to-morrow.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Speed: a bill to be entitled an act to authorize the Commissioners of Pasquotank to issue bonds, and for other purposes. To committee on propositions and grievances.

By Mr. Latham: a bill to be entitled an act concerning marriages, marriage settlements and the contracts of married women. To committee on judiciary, and ordered to be printed.

By Mr. Flemming from select committee concerning compromise of State debt: a bill to be entitled an act appointing a commission to ascertain and report upon what terms the debt of North Carolina can be compromised. Placed on calendar.

On motion of Mr. Edwards the rules were suspended, and the Senate proceeded to consider S. B. 16, a bill to be entitled an act to allow the Commissioners of Warren County to levy a special tax. The bill was read the third time.

Mr. Latham moved to re-commit the bill to the committee on propositions and grievances. The motion did not prevail.

Mr. Linney moved to amend by inserting at end of section 2, the following:

*Provided*, That this act shall be of no validity until the same shall have been submitted and ratified by a majority of the qualified voters of said county, and *provided further*, that in levying this tax the constitutional equation between property and the poll shall be observed."

Mr. Troy moved to lay the amendment on the table.

The hour of 11 a. m. having arrived, the Chair announced the special order for that hour.

Mr. Troy moved that the consideration thereof be postponed for one hour. The yeas and nays having been ordered, on demand of Mr. Graham, of Orange, the motion did not prevail. Yeas 15; Nays 18.

*Affirmative*—Messrs. Albright, Battle, Beasley, Cook, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Gilmer, Linney, Troy, Waddell and Whiteside—15.

*Negative*—Messrs. Barnett, Brogden, Brown, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Long, Mauney, Norment, Price, Robbins of Davidson, Robbins of Rowan, Speed and Worth—18.

The special order, S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands, was then read by its title and its further consideration postponed until the Senate shall have matured its action on S. B. 251, H. B. 127, a bill to be entitled an act to raise revenue, on its second reading.

S. B. 251, H. B. 127, a bill to be entitled an act to raise revenue, it being also special order for 11 a. m. was then taken up, the question being upon the amendment moved by Mr. Murphy, to come in as section 4, class 1. The question recurring thereon, the amendment prevailed.

Section 1, class 2, was then read and agreed to.

Section 2, class 2, was then read.

Mr. Robbins, of Davidson, moved to amend by striking out all after the word "collaterals" where it last occurs, to the word "under," and inserting the following: "whether such



collaterals belong to the first or second class above mentioned." The amendment prevailed, and the section was agreed to.

Schedule B, sections 1, 2, 3 and 4 were severally read and agreed to.

Section 5 was read.

Mr. Graham, of Orange, moved to strike out words "and also exclusively for charitable objects," and insert the words "and where one-half of the gross receipts are given to charitable objects." The amendment prevailed, and the section was agreed to.

Section 6 was read.

Mr. Allen moved to strike out all after word "otherwise" to word "monthly" and insert the words "five hundred dollars and five per cent. on gross receipts to be paid to the State." The amendment prevailed, and the section was agreed to.

Sections 7, 8 and 9 were severally read and agreed to.

Section 10 was read.

Mr. Graham, of Orange, moved to amend by adding to the section the following: "and every agent who offers liquors for sale shall pay this tax on the value of all liquors of every description sold by him." The amendment prevailed, and the section was agreed to.

Sections 11 and 12 were severally read and agreed to.

Section 13 was read.

Mr. Olds moved to amend by adding to the section the following: "where the gross receipts amount to five hundred dollars per annum." The amendment did not prevail.

Mr. Gilmer moved to strike out the section.

The yeas and nays were ordered, on demand of Mr. Gilmer, and the Senate refused to strike out.

*Affirmative*—Messrs. Beasley, Bellamy, Cook, Flemming, Gilmer, Graham of Orange, Hyman, Jones, Lehman, Linney, Long, Murphy and Worth—13.

*Negative*—Messrs. Adams, Altright, Allen, Barnett, Battle, Brogden, Brown, Crowell, Currie, Flythe, Graham of Ala-

mance, King, Latham, Mauney, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whiteside—22.

Section 14 was read.

Mr. King moved to strike out the word "nett" and insert the word "gross." The amendment prevailed, and the section was agreed to.

Sections 15 and 16 were severally read and agreed to.

Section 17 was read.

Mr. Graham, of Orange, moved to amend by adding the following to the section: "Nor to persons who keep a warehouse for the sale of cotton, who shall pay a license tax of fifty dollars." The amendment prevailed, and the section was agreed to.

Section 18 was read and agreed to.

Section 19 was read.

Mr. Linney moved to strike out the word "two" and insert the word "one."

Mr. Cook moved to strike out the word "one" and insert the word "five."

A division of the question was called for, and the Senate refused to strike out the word "two."

Mr. Cook moved to strike out the section, and insert the following: "Every livery stable keeper shall pay a tax of one per cent. on his gross receipts, to be collected by the Sheriff of the county quarterly."

Mr. Graham, of Orange, called for a division of the question.

Mr. Graham, of Alamance, moved the previous question, and the Senate ordered the main question to be put, and the question recurring thereon, the Senate refused to strike out.

Sections 20 and 21 were read and agreed to.

Section 22 was read.

Mr. Olds moved to strike out "five" and insert "ten."

A division of the question having been called for, the Senate refused to strike out, and the section was agreed to.

Section 23 was read.



Mr. Olds moved to strike out "fifty" and insert "five hundred." A division of the question having been called for the Senate refused to strike out, and the section was agreed to.

Section 24 was read and agreed to.

Section 25 was read.

Mr. Gilmer moved to strike out "five per cent," and insert "two and a half per cent." A division of the question having been called for, the Senate refused to strike out "five per cent."

Mr. Graham, of Alamance, moved to postpone the further consideration of the bill and make it special order for 11 A. M. to-morrow. The motion prevailed.

On motion of Mr. Gilmer the rules were suspended and S. R. 287, resolution in favor of William H. Hamilton, was read and passed second and third times. Yeas 26; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Crowell, Currie, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Lehman, Long, Mauney, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Flythe, King, Latham and Linney—4.

The Chair appointed Mr. Gilmer to constitute Senate branch of Joint Select Committee on contingent expenses of the General Assembly.

The following bills and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 219, a bill to be entitled an act to incorporate the Old North State Insurance Company ;

S. B. 262, a bill to be entitled an act to incorporate the Bank of New Hanover ;

S. B. 278, a bill to be entitled an act supplementary to an act in relation to the Lunatic Asylum, ratified 9th day of March, 1869, being chapter 67 of the laws of 1868-'69 ;

S. B. 279, a bill to be entitled an act supplemental to an act

to incorporate the Elizabeth City and Norfolk Railroad Company ;

Amendment to H. B. 72, S. B. 129, a bill to be entitled an act to change the line between Hilton and Piney Creek Townships in the county of Ashe, and the line between Clay and Greene Townships in the county of Guilford, changing the title of the bill to read as follows : "a bill to be entitled an act to amend section 15, chapter 20, of the acts of the special session of 1868 ;"

Amendment to H. B. 144, S. B. 190, a bill to be entitled an act to incorporate the village of Excelsior, in Burke County, asking the concurrence of the House of Representatives therein.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend the charter of the Western Railroad Company ;

An act to amend the 32nd section of the 35th chapter of the Revised Code ;

An act to incorporate the Farmers and Mechanics' Association.

Mr. Graham, of Orange, moved that when the Senate adjourned, it will adjourn until 10 a. m. to-morrow. The motion prevailed.

On motion, the Senate adjourned.

---

### THIRTY-SEVENTH DAY.

SENATE CHAMBER, January 11th, 1872.

The Senate met pursuant to adjournment. .

The Journal of yesterday was read.

Leave of absence was granted to Mr. Hawkins until Monday.



Reports from Standing Committees were then submitted as follows :

From the Committee on Claims :

By Mr. Latham : S. R. 49, resolution in favor of W. E. Anderson ;

S. R. 178, resolution in favor M. L. Wiggins ;

S. R. 286, H. R. 106, resolution in favor W. H. Battle and D. G. Fowle, with recommendation that they do pass ;

S. R. resolution in favor Guilford Christmas, assistant door keeper ; Robert Hendly and others, pages of Senate, recommending that it do not pass.

From the Committee on the Insane Asylum :

By Mr. Murphy : S. B. 113, a bill to be entitled an act providing for the support of the Insane Asylum for the next fiscal year, with amendment in the nature of a substitute therefor.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Lehman : a bill to be entitled an act to incorporate the Neuse River Ferry Company of N. C. To committee on corporations.

By Mr. Flemming : a bill to be entitled an act for the protection of County Commissioners. To committee on judiciary.

By Mr. Latham : a bill to be entitled an act to incorporate Atlantic Lodge, No. 294. Placed on calendar.

By Mr. Graham, of Orange : a bill to be entitled an act in regard to delinquent Sheriffs and Tax Collectors, and to validate certain acts of the State Treasurer. Placed on calendar.

By Mr. Jones : a bill to be entled an act to incorporate the Thompson Institute.

By Mr. Speed : a bill to be entitled an act to incorporate the Hollywood Cemetery. Placed on calendar.

By message from House of Representatives: H. R. 42, resolution in favor of Thomas H. Adams. To committee on claims.

H. B. 126, a bill to be entitled an act in relation to *mandamus*. To committee on judiciary.

By Mr. Latham, from Select Committee: a bill to be entitled an act concerning representation in the House of Representatives. Place on calendar, ordered to be printed and made special order for 11 a. m., 16th January, 1872.

The Senate proceeded to the consideration of the unfinished business of yesterday, S. B. 16, a bill to be entitled an act to allow the Commissioners of Warren County to levy a special tax.

The question recurred on the motion of Mr. Troy to lay the amendment of Mr. Linney on the table. The motion prevailed.

Mr. Graham, of Orange, introduced a resolution asking an additional report from the Auditor of State, which was read and adopted.

Bills on third reading were acted on as follows:

S. B. 150, a bill to be entitled an act to declare Neuse River a lawful fence. Read third time and rejected. Yeas 4; Nays 24.

*Affirmative*—Messrs. Edwards, Flemming, Troy and Worth—4.

*Negative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Bellamy, Cook, Currie, Eppes, Gilmer, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Mauney, Merrimon, Morehead, Norment, Skinner, Waddell and Whiteside—24.

S. B. 151, a bill to be entitled an act to incorporate the Breward and Waynesville Turnpike Company. Read and passed third time. Yeas 29; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Beasley, Brogden, Brown, Crowell, Currie, Edwards, Eppes, Flemming, Graham of Orange, Hawkins, Jones, Latham, Lehman, Linney, Mauney, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Messrs. Flythe and King—2.



S. B. 162, H. B. 102, a bill to be entitled an act to incorporate the Pioneer Steamboat and Transportation Company. Read and passed third time. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Beasley, Brogden, Brown, Cook, Crowell, Currie, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—29.

*Negative*—None.

S. B. 195, a bill to be entitled an act to amend section 8 of chapter 44 of the Revised Code, entitled "Evidence." Read and passed third time. Yeas 32; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Cook, Crowell, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Long, Mauney, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—32.

*Negative*—Mr. King—1.

S. B. 208, a bill to be entitled an act to amend an act authorizing the Commissioners of Cleaveland county to issue bonds, ratified April 3rd, 1871. Read and passed third time. Yeas 25; Nays 4.

*Affirmative*—Messrs. Adams, Battle, Beasley, Cook, Crowell, Currie, Edwards, Eppes, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Long, Mauney, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Waddell and Worth—25.

*Negative*—Messrs. Albright, Bellamy, Brown and Flythe—4.

At 11 a. m., S. B. 251, H. R. 127, a bill to be entitled an act to raise revenue, the question being upon the motion to agree to section 25, and it was agreed to.

Section 26 was read and agreed to.

Section 27 was read.

On motion, the word "from" was inserted before the word

“Treasurer” where the word first occurs, and the section was agreed to.

Sections 28, 29, 30 and 31 were severally read and agreed to.

Section 32 was read.

The word “recovered” was substituted for the word “recorded,” and the section was agreed to.

Section 33 was read and agreed to.

Schedule C, sections 1, 2 and 3 were severally read and agreed to.

Section 4 was read.

Mr. Graham, of Orange, moved to strike out all after the word “dollar” where the same first occurs. The motion prevailed.

Mr. Brogden moved an amendmend, in the nature of a substitute, for the section :

“SEC. 4. On each marriage license fifty cents, and on each marriage contract, mortgage deed, and deed in trust to secure creditors, when the amount secured exceeds three hundred dollars, there shall be a tax of one dollar. The tax on marriage licenses shall be paid to the Register of Deeds when he issues the license, and the tax on deeds to the Judge of Probate of the county in which the instrument is admitted to registration, but if in two or more counties, then in the county in which it is first registered. It shall be the duty of the Judge of Probate and Register of Deeds to render annually to the Sheriff, during the second week in the month of September, sworn statements, in detail, of the taxes received by them respectively, under this section, and at the same time pay him the moneys thus received, less five per cent. commissions; and thereupon the Sheriff shall file the statement of the Judge of Probate with the Register of Deeds, and that of the latter with Clerk of the Superior Court.”

The amendment prevailed, and the section was agreed to.

Section 5 was read and agreed to.

Section 6 was read.



Mr. Battle moved to amend by striking out all after the word "shall" in line 5, and substituting in lieu thereof the following, to-wit: "Apply such fine, penalty or forfeiture to the payment of the cost of holding courts and maintaining prisoners in his county; and if there be an excess over and above the amount necessary for this purpose, he shall annually forward such excess, at the same time other taxes are paid over, to the Treasurer of the Board of Education for the benefit of the fund for common schools."

The yeas and nays were ordered, on motion of Mr. Graham, of Orange, and the amendment did not prevail. Yeas 14; Nays 22.

*Affirmative*—Messrs. Adams, Allen, Battle, Brogden, Edwards, Flythe, Hawkins, Latham, Lehman, Merrimon, Morehead, Norment, Price and Waddell—14.

*Negative*—Messrs. Albright, Barnett, Beasley, Bellamy, Brown, Cook, Crowell, Eppes, Flemming, Gilmer, Graham of Orange, Hyman, Jones, King, Linney, Mauney, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Whiteside and Worth—22.

Sections 7 and 8 were then severally read and agreed to.

Mr. Graham, of Orange, offered the following as an additional section, to come in as section 9: All laws requiring taxes to be levied by the County Commissioners on the first Monday in February of each year, are hereby repealed. The amendment prevailed.

The last section of the bill was then read and agreed to.

Mr. Graham, of Orange, moved to reconsider the vote by which the additional section, offered by Mr. Murphy, to come in as section 4, class 1, was adopted on yesterday. The motion prevailed. The question then recurring on the motion to agree to the proposed section, the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the section was not agreed to. Yeas 8; Nays 22.

*Affirmative*—Messrs. Allen, Barnett, Flemming, Gilmer, Graham of Orange, Hawkins, Lehman and Speed—8.

*Negative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Crowell, Edwards, Eppes, King, Latham, Linney, Mauney, Merrimon, Morehead, Norment, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—22.

Mr. Robbins, of Rowan, moved to reconsider the vote by which the words "fifteen cents" were inserted in the first blank in section 1, class 1, on yesterday. The motion prevailed.

Mr. Graham, of Orange, moved to fill the blank with words "sixteen and two-third cents," and the question recurring thereon, the motion prevailed.

Mr. Robbins, of Rowan, moved to fill the blank in the first section of the bill with the words "one dollar and five cents." The motion prevailed.

Mr. Graham, of Orange, moved to amend section 1, class 1, by inserting the words "and one-third" between the word "eight" and the word "cents." The motion prevailed and the bill as amended passed the second time. Yeas 24; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Brown, Cook, Crowell, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, Latham, Lehman, Linney, Mauney, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Battle, Beasley, Brogden, Edwards, Eppes, Flythe, King, Merrimon and Olds—9.

The bill was then made special order for 11 a. m. to-morrow.

S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company, was made special order for 11 a. m., 15th January, 1872.

S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands, was made special order for 12 m., 12th January, 1872.

Bills were acted on under a suspension of the rules as follows :

S. B. 131, H. B. 90, a bill to be entitled an act for the relief of such persons as have suffered from loss of records in Clay



county. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Barnett, Beasley, Brogden, Brown, Cook, Crowell, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, King, Latham, Lehman, Linney, Long, Mauney, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell Whiteside and Worth—30.

*Negative*—None.

S. B. 209, a bill to be entitled an act to legitimate Sarah Jane Mitchell, of Person. Read second time and passed. Read third time and indefinitely postponed.

S. B. 295, a bill to be entitled an act in regard to delinquent Sheriffs and Tax Collectors, and to validate certain acts of the State Treasurer. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, King, Lehman, Mauney, Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. 298, a bill to be entitled an act to incorporate the Hollywood Cemetery. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brogden, Crowell, Currie, Flemming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Long, Mauney, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. 299, a bill to be entitled an act to incorporate the Thompson Institute. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Cook, Crowell, Currie, Flemming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Long, Mauney, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—30.

*Negative*—None.

The following bill, reported as correctly enrolled by Committee on Enrolled Bills, was duly ratified and transmitted to the office of Secretary of State:

An act to incorporate the Charlotte and Taylorsville Railroad Company.

The Senate then adjourned.

---

### THIRTY-EIGHTH DAY.

SENATE CHAMBER, January 12th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Currie, from to-morrow until Thursday; to Mr. Hyman, for to-day and to-morrow and to Messrs. Allen and Waddell for to-morrow.

Messrs. Cowles and McClammy asked and obtained leave to have their names recorded in the affirmative on the vote by which H. B. 127, S. B. 251, a bill to be entitled an act to raise revenue, was passed on second reading on yesterday.

Mr. Cowles also obtained leave to record his vote in the negative on the amendment proposed by Mr. Murphy, as section 4, chapter I, in said bill.

Messrs. Murphy and McClammy also obtained leave to record their names in the affirmative on the said amendment.

Reports from standing committees were then submitted as follows:



From the Committee on Judiciary :

By Mr. Linney : S. B. 272, H. B. 198, a bill to be entitled an act to legalize the acts of the County Court of Alleghany at the April Term 1868, recommending its passage ;

S. B. 272, a bill to be entitled an act to amend section 3, of act of 1868-'69, recommending that it do not pass.

By Mr. Allen : S. B. 271, a bill to be entitled an act to prevent cruelty animals, with amendment.

From Committee on Corporations :

By Mr. Murphy : S. B. 290, a bill to be entitled an act to incorporate Neuse River Ferry Company of North Carolina, recommending its passage.

From Committee on Propositions and Grievances :

By Mr. Waddell, for Mr. Love : S. B. 207, H. B. 136, a bill to be entitled an act to amend chapter 53, private laws 1860-'61, with recommendation that it do not pass.

A message was received from his Excellency, the Governor, transmitting a communication from the Governor of Virginia, concerning the boundary line between the State of Virginia and the States of Maryland, North Carolina and Tennessee, which was read and referred to the committee on propositions and grievances.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Merrimon : a bill to be entitled an act to amend an act to incorporate the Greenville and French Broad Railroad Company. Placed on calendar.

By Mr. McClammy : a bill to be entitled an act to incorporate the Wilmington and Charlotte Railway Building Company. To committee on corporations.

A bill to be entitled an act to authorize the County Commissioners of Brunswick county to issue bonds. To committee on propositions and grievances.

By Mr. Price : a bill to be entitled an act to incorporate

Free Love Lodge, G. U. O. O. F., of Wilmington. To committee on corporations.

By Mr. Murphy: a bill to be entitled an act to change Sampson county from the 4th to the 5th judicial district. To committee on judiciary.

By Mr. Battle: a bill to be entitled an act to incorporate the town of Battleboro'. To committee on corporations.

Mr. Cook introduced a resolution calling on the Adjutant General for certain information, which was read and adopted.

Bills on third reading were acted on as follows:

S. B. 206, H. B. 168, a bill to be entitled an act to amend chapter 11, of the Code of Civil Procedure. Read and passed third time. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Currie, Flythe, Graham of Orange, Jones, Latham, Lehman, Linney, Long, Mauney, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—30.

*Negative*—None.

S. B. 223, a bill to be entitled an act to amend section 7, chapter 237, of the laws of 1868-'69, and for other purposes. Read and passed third time. Yeas 29; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Currie, Eppes, Flemming, Flythe, Gilmer, Graham of Orange, Jones, Latham, Linney, Long, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—29.

*Negative*—Messrs. King, Lehman and Norment—3.

S. B. 253, a bill to be entitled an act to provide for the draining of Mattamuskeet Lake. Read and passed third time. Yeas 35; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Gra-



ham of Orange, Jones, King, Latham, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—35.

*Negative*—None.

At 11 a. m. S. B. 251, H. B. 127, a bill to be entitled an act to raise revenue, it being special order for that hour, was taken up and read third time.

Mr. Eppes moved to amend by adding the following to come in after section 2 :

Sec. 3. A special tax of one-eighth of one per cent. shall be levied and collected on all the taxable property of the State in addition to other taxes to be collected as other taxes by the sheriffs or tax collectors of the several counties of the State and paid over to the County Treasurer of each county for the support of free public schools.

The amendment did not prevail.

Mr. Cook moved to amend by striking out word "gross" in section 13, and inserting word "nett." The yeas and nays were ordered, on demand of Mr. Cook, and the amendment prevailed. Yeas 20; Nays 11.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Cook, Flemming, Gilmer, Graham of Orange, Jones, Latham, Linney, Long, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—20.

*Negative*—Messrs. Bellamy, Brogden, Brown, Cowles, Crowell, Currie, Eppes, King, Mauney, Price and Speed—11.

Mr. Cook moved to strike out the word "gross" in section 14, and insert the word "nett."

A division of the question was called for, and the question recurring on the motion to strike out, the yeas and nays were ordered, on demand of Mr. Cook, and the motion to strike out prevailed. Yeas 23; Nays 12.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle,

Beasley, Cook, Crowell, Currie, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Linney, Long, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Bellamy, Brogden, Brown, Cowles, Eppes, Flythe, King, Latham, Lehman, Merrimon, Olds and Speed—12.

The question then recurring on the motion to insert the word "nett," the motion prevailed.

Mr. Graham, of Orange, moved to insert after the word "act" in line 2, section 8, schedule C, the words "or imposing other rates of taxation." The amendment prevailed.

Mr. Robbins, of Rowan, moved to strike out after the word "officers" in line 16, in section 3, schedule C, the words "collecting the same, and to insert the word "said" before the word "officers" in the line above mentioned. The amendment prevailed.

The bill then passed third time. Yeas 33; Nays 7.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brown, Cook, Cowles, Crowell, Currie, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Long, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—33.

*Negative*—Messrs. Bellamy, Brogden, Edwards, Eppes, King, Merrimon and Price—7.

The consideration of bills on third reading was then resumed, and S. B. 74, a bill to be entitled an act to authorize the formation of Railroad Corporations and to regulate the same, was taken up under the order to consider the bill by sections.

Sections 28, 29, 30, 31, 32, 33, 34, 35 and 36, were severally read and agreed to.

The hour of 12 m. having arrived, the Senate proceeded to the consideration of S. B. 124, a bill to be entitled an act to promote immigration and to facilitate the settlement of the



public lands, it being special for that hour. The bill was read third time.

The amendment moved by the Committee on Education, as amended at the suggestion of Mr. Robbins, of Davidson, prevailed.

Mr. Olds moved to amend by inserting words "in New York City," after word "resident" in section 1. The amendment prevailed.

Mr. Olds moved to amend by adding following to section 5: *Provided* an affidavit by said Commissioner accompany all drafts thus made as to the immediate and real necessity for the same. The amendment did not prevail.

Mr. Merrimon moved to insert the name of E. J. Aston as Associate Commissioner.

Mr. Flemming moved to insert the name of J. B. Rankin, as Associate Commissioner.

Mr. Morehead called the previous question. The Senate sustained the call. The question recurring first on the motion of Mr. Flemming. The motion did not prevail. The question next recurring on the motion of Mr. Merrimon, the yeas and nays were ordered, and the motion did not prevail. Yeas 9; Nays 21.

*Affirmative*—Messrs. Bellamy, Brogden, Cook, Cowles, Eppes, Mauney, McClammy, Merrimon and Whiteside—9.

*Negative*—Messrs. Albright, Allen, Battle, Brown, Flemming, Gilmer, Graham of Orange, Jones, Latham, Lehman, Linney, Long, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—21.

The question then recurring on its passage the third time, the bill did not pass. Yeas 17; Nays 20.

*Affirmative*—Messrs. Allen, Battle, Brown, Currie, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, McClammy, Morehead, Murphy, Robbins of Rowan, Skinner, Speed, Troy and Worth—17.

*Negative*—Messrs. Adams, Albright, Bellamy, Brogden, Cook, Cowles, Crowell, Eppes, Flythe, King, Latham, Leh-

man, Linney, Long, Mauney, Merrimon, Price, Robbins of Davidson, Waddell and Whiteside—20.

Mr. Graham, of Orange, moved that when the Senate adjourns it will adjourn until to-morrow morning 10 o'clock. The motion prevailed.

Bills were acted on under a suspension of the rules as follows :

S. B. 300, a bill to be entitled an act to amend an act to incorporate the Greenville and French Broad Railroad Company. Read and passed second and third times. Yeas 31; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Beasley, Cook, Cowles, Crowell, Currie, Flemming, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—31.

*Negative*—Mr. Brogden.

S. B. 154, a bill to be entitled an act to amend the charter of the Rockfish Manufacturing Company of Fayetteville. Read the second time. The amendments offered by the Committee on Corporations were rejected and the bill passed the second time.

The bill was read third time.

Mr. Troy moved to amend by inserting after word "miles" in line 3, section 10, the words "of the present location." The amendment prevailed, and the bill passed third time. Yeas 23; Nays 8.

*Affirmative*—Messrs. Albright, Beasley, Brown, Currie, Flythe, Gilmer, Graham of Orange, Jones, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—23.

*Negative*—Messrs. Allen, Bellamy, Brogden, Cowles, Eppes, King, Latham and Skinner—8.

The following bills, and resolutions, and amendments, reported as correctly engrossed by Committee on Engrossed



S. B. 144, a bill to be entitled an act to incorporate, in the City of Wilmington, the Cape Fear Towing and Atlantic Coast Wrecking Company of Wilmington, North Carolina;

Amendments to S. B. 148, H. B. 1, a bill to be entitled an act to amend the Code of Civil Procedure in relation to executions and other final process;

S. B. 193, a bill to be entitled an act to amend chapter 233 of the laws of 1870-'71 ;

S. R. 287, resolution in favor of W. H. Hamilton ;

S. B. 300, a bill to be entitled an act to amend an act to incorporate the Greenville and French Broad Railroad Company.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State :

An act to incorporate the Bank of New Hanover ;

An act to amend an act authorizing the Commissioners of Cleveland County to issue bonds ;

An act to incorporate the Pioneer Steamboat and Transportation Company.

The Senate adjourned.

---

### THIRTY-NINTH DAY.

SENATE CHAMBER, January 13th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Flemming for to-day.

Mr. Moore asked and obtained leave to have his name recorded in the negative, on the vote by which the Revenue Bill was passed.

Reports from Standing Committees were then submitted as follows :

From Committee on Judiciary :

By Mr. Jones : an amendment, in the nature of a substitute, for Senate Bills 90, 274, 282, 293 and 296, for the protection of County Commissioners in proceedings in *mandamus*;

S. B. 301, a bill to be entitled an act to change Sampson County from 4th to 5th Judicial District, recommending its passage.

From the Committee on Claims :

By Mr. Latham : a report asking to be discharged from the further consideration of the petition of C. H. Wiley, and that the same be referred to Committee on Judiciary. The report was concurred in.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Cook : a bill to be entitled an act to repeal chapter 274 of the laws of 1870-'71. Placed on Calendar.

By Mr. Olds : a bill to be entitled an act concerning insane convicts. To committee on propositions and grievances.

By Mr. Troy : a bill to be entitled an act concerning land grants. To committee on propositions and grievances ;

A bill to be entitled an act to prevent the sale of liquor within two miles of Cokesbury Church in the County of Cumberland. To committee on propositions and grievances.

By Mr. Morehead : a bill to be entitled an act to charter the Bank of Reidsville. To committee on corporations ;

A bill to be entitled an act in relation to the Commissioners of Stokes and Rockingham Counties. Placed on calendar.

By Mr. Adams : a bill to be entitled an act to incorporate the Yadkin and Dan River Railroad. Placed on calendar.

By Mr. Robbins, of Rowan : a bill to be entitled an act concerning the custody of weights and measures. Placed on calendar.

By message from House of Representatives : H. B. 38, a bill to be entitled an act to incorporate Rocky Mount College. Placed on calendar ;



H. B. 316, a bill to be entitled an act to incorporate the Raleigh Female Seminary. To committee on corporations ;

H. B. 222, a bill to be entitled an act to incorporate the town of Boone, in Watauga county. To committee on corporations ;

H. B. 150, a bill to be entitled an act to provide for the laying off and constructing a public highway in the counties of Burke and Mitchell. To committee on roads, ferries and bridges.

By Mr. Speed : a bill to be entitled an act to authorize the Secretary of State to issue a patent to L. Cahoon. To committee on propositions and grievances.

Mr. Brogden introduced a resolution authorizing the Governor to employ counsel to assist in the prosecution of certain persons charged with murder, which was read and laid over under the rules.

A communication from the Auditor of the State was received, read and laid on the table.

Mr. Troy introduced a resolution concerning the Penitentiary, which was read.

Mr. Latham moved to amend as follows: Strike out the first section and insert the following: That a committee of one on the part of the Senate and two on the part of the House be appointed to enquire and report whether the work on the Penitentiary has been properly executed and whether the material used is in accordance with the contract made for the erection of said building, and if not properly done, what parties are responsible, and by whom the brick were furnished, and by whom received. In section 2 strike out "chairman of said directors" and insert "the said committee," and in 4th line, strike out "board" and insert "committee." Strike out section 3.

Mr. Gilmer moved to amend the amendment by striking out all from the beginning to and including the word "appointed," and insert the following: "That the Senate Standing Committee on Penal Institutions be instructed."

The question recurring on the amendment to the amendment, the yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the amendment to the amendment prevailed. Yeas 26 ; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Crowell, Edwards, Eppes, Flythe, Gilmer, Graham of Orange, King, Linney, Long, McClammy, Merrimon, Moore, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—26.

*Negative*—Messrs. Allen, Cowles, Graham of Alamance, Latham, Lehman, Mauney, Speed, Troy and Whiteside—9.

The amendment of Mr. Latham, as amended, was then adopted, and the question recurring on the resolution of Mr. Troy, as amended, the resolution was adopted.

The unfinished business of yesterday being next in order, the Senate proceeded to the consideration of S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations and to regulate same, on the third reading.

The remaining sections of the bill were read, and the bill passed the third time. Yeas 23 ; Nays 5.

*Affirmative*—Messrs. Albright, Battle, Beasley, Brown, Cook, Cowles, Crowell, Edwards, Gilmer, Graham of Orange, Latham Linney, Long, McClammy, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Troy, Whiteside and Worth—23.

*Negative*—Messrs. Bellamy, Brogden, Flythe, King and Murphy—5.

A message was received from the House of Representatives transmitting the report of the Committee of Conference on H. B. —, a bill to be entitled an act to provide for the collection of taxes by the State and the several Counties of the State on property, and informing the Senate that the House of Representative had concurred therein. On motion the Senate concurred in the report, and the bill was ordered to be enrolled for ratification.



Mr. Gilmer introduced a resolution in favor of Lewis Tickell, which was read and passed. Yeas 28; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brogden, Brown, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Moore, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—28.

*Negative*—Messrs. Bellamy, Cowles, Murphy, Price and Whiteside—5.

Bills were acted on under a suspension of the rules as follows:

S. R. 49, resolution in favor of W. E. Anderson. Read and passed second and third times. Yeas 17; Nays 9.

*Affirmative*—Messrs. Brogden, Cook, Cowles, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Latham, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—17.

*Negative*—Messrs. Beasley, Bellamy, Flythe, King, Lehman, Linney, Long, Moore and Whiteside—9.

S. B. 113, a bill to be entitled an act providing for the support of the Insane Asylum for the next fiscal year. The bill was read the second time.

The amendment, in the nature of a substitute, offered by the Committee on Insane Asylum, prevailed, and the bill passed second and third times. Yeas 26; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brogden, Brown, Crowell, Edwards, Eppes, Graham of Alamance, Graham of Orange, Latham, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Whiteside and Worth—26.

*Negative*—Messrs. Cook and Cowles—2.

Mr. Robbins, of Davidson, moved to reconsider the vote by which S. B. 124, a bill to be entitled an act to promote immigration and to facilitate the settlement of the public lands, was

rejected on yesterday, and to make the consideration of that motion special order for 11 a. m., 15th January, 1872.

S. B. 179, a bill to be entitled an act to annex a portion of New Hanover county to Sampson county. Read second time.

Mr. Price moved to add the following: "*Provided*, This act shall have no effect until ratified by the people of New Hanover county."

The amendment did not prevail, and the bill passed second and third times. Yeas 25; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Cowles, Crowell, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Mauney McClammy, Morehead, Murphy Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—25.

*Negative*—Messrs. Bellamy, Brogden, King, Lehman, Olds and Price—6.

S. B. 200, H. B. 155, a bill to be entitled an act to incorporate the "Willard's Bank, of Wilmington." Read second time.

Mr. Morehead moved to strike out the words "the Willard's Bank" and insert the "the Bank of the State." The amendment prevailed and the bill passed the second and third times. Yeas 24; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Cowles, Crowell, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Robbins, of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—24.

*Negative*—Messrs. Brogden, Eppes and King—3.

S. B. 301, a bill to be entitled an act to change Sampson County from the 4th to the 5th Judicial District. Read and passed second and third times. Yeas 31; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Cook, Cowles, Crowell, Eppes, Flythe, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Long, Mauney, McClammy, Merrimon, Moore, Morehead,



Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—31.

*Negative*—Mr. Price—1.

S. B. 307, a bill to be entitled an act concerning the custody of Weights and Measures. Read and passed second and third times. Yeas 26; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Cowles, Crowell, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—26.

*Negative*—Messrs. Brogden, King, Long, Moore and Price.—5.

S. B. 308, a bill to be entitled an act to incorporate Rocky Mount College. Read and passed second and third times. Yeas 28; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Long, Mauney, McClammy, Moore, Morehead, Olds, Robbins of Davidson, Skinner, Whiteside and Worth—28.

*Negative*—None.

S. B. 311, a bill to be entitled an act supplementary to an act to amend the charter of the Northwestern North Carolina Railroad Company, and for other purposes. Read and passed second and third times. Yeas 26; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cowles, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Whiteside and Worth—26.

*Negative*—None.

Bills on second reading were acted on as follows :

S. B. 192, a bill to be entitled an act to prevent deputy or assistant clerks from practising as attorneys at law in the counties in which they act as deputy or assistant clerks. Read and passed second time.

S. B. 156, a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company. Made special order for 12 m., January 17th, 1872.

S. B. 77, a bill to be entitled an act to confer the privilege of cumulative suffrage on the voters of Wilmington in all elections for aldermen. Laid on the table.

S. B. 199, a bill to be entitled an act to provide for the revisal of jury lists. Read and passed second time.

S. B. 12, a bill to be entitled an act to authorize the Commissioners of Craven County to levy a special tax. Laid on the table.

S. B. 245, H. B. 148, a bill to be entitled an act to incorporate the Catawba and Lincoln Mining and Manufacturing Company of North Carolina. Read and passed second time.

S. R. 178, resolution in favor of M. L. Wiggins. Read and passed second time.

S. B. 165, H. B. 184, a bill to be entitled an act to amend an act entitled an act to charter the Bank of Caswell. Laid on the table.

S. B. 160, a bill to be entitled an act to adjust and pay off the entire debt of the State. Laid on the table.

S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction. Made special order for 12 m., 16th January, 1872.

S. B. 145, a bill to be entitled an act in relation to public jails and keepers of the same. Read and passed second time. Yeas 25; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Crowell, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Linney, Long, Mauney, Morehead, Murphy, Robbins of Rowan, Skinner, Troy and Worth—25.



The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. R. 182, a resolution in relation to refunding the tax on raw cotton by the United States ;

S. B. 311, a bill to be entitled an act supplementary to an act to amend the charter of the North Western North Carolina Railroad Company, and for other purposes ;

S. B. 295, a bill to be entitled an act in regard to delinquent sheriffs and tax collectors, and to validate certain acts of the State Treasurer ;

S. B. 151, a bill to be entitled an act to incorporate the Brevard & Waynesville Turnpike Company ;

S. B. 298, a bill to be entitled an act to incorporate the Hollywood Cemetery ;

S. B. 195, a bill to be entitled an act to amend section 8, of chapter 44, of the Revised Code, entitled Evidence ;

Amendment to H. B. —, a bill to be entitled an act to incorporate the Dawson Bank ;

S. B. 301, a bill to be entitled an act to change the county of Sampson from the 4th to the 5th judicial district ;

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State ;

An act supplementary to an act in relation to the Lunatic Asylum, being chapter 67, laws of 1868-'69 ;

An act to amend section 15, chapter 20, of the acts of the special session of 1868 ;

An act for the relief of such persons as have suffered from loss of records in Clay county ;

An act to incorporate the village of Excelsior, in the county of Burke ;

An act to authorize the Commissioners of Lincoln county to issue bonds.

The Senate then adjourned.

## FORTIETH DAY.

SENATE CHAMBER, January 15th, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Atkinson.

The Journal of Saturday was read.

Reports from Standing Committees were then submitted as follows :

From Committee on Corporations :

By Mr. Moore : S. B. 305, a bill to be entitled an act to incorporate the town of Battleboro' ;

S. B. 304, a bill to be entitled an act to incorporate the Wilmington and Charlotte Railway Building Company ;

S. B. 302, a bill to be entitled an act to incorporate Free Love Lodge G. U. O. O. F. of Wilmington, recommending that they do pass.

By Mr. Morehead : S. B. 314, a bill to be entitled an act to charter the Bank of Reidsville, recommending its passage.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Cook : a bill to be entitled an act to lay off, alter and establish a public road from Statesville to Wilkesboro'. To committee on roads, bridges, ferries, &c ;

A bill to be entitled an act to confirm the sale of certain lands sold by the County Commissioners, of Wilkes County, belonging to certain deceased paupers of said County. To committee on propositions and grievances.

A bill to be entitled an act to amend chapter 157, section 10, of the laws of 1868-'69. To committee on finance ;

A bill to be entitled an act to amend chapter 201, public laws of 1863-'69. To committee on judiciary.

By Mr. Edwards : a bill to be entitled an act to amend 88th chapter of the Revised Code. To committee on judiciary ;

A bill to be entitled an act to incorporate the People's Build-



ing and Loan Association of Oxford. To committee on corporations ;

A bill to be entitled an act authorizing the Treasurer to return money improperly collected as taxes. To committee on finance.

By Mr. Brown : a bill to be entitled an act in regard to digesting the laws of this State. To committee on judiciary.

By Mr. Murphy : resolution infavor of Charles H. Abrams. To committee on claims.

By Mr. Olds : a bill to be entitled an act amending an act relating to protecting the City of Raleigh from accident by fire. Placed on calendar.

The consideration of resolutions being next in order, S. R. 317, resolution to authorize the Governor to employ counsel to assist in the prosecution of certain persons charged with murder, was read second time.

Mr. Graham, of Orange, moved to lay the resolution on the table. The yeas and nays were ordered, and the motion to lay upon the table prevailed. Yeas 23 ; Nays 9.

*Affirmative*—Messrs. Adams, Battle, Cook, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Lathan, Linney, Mauney, Merrimon, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, King, Long, Moore and Olds—9.

Mr. Brogden introduced a resolution concerning stationery for the use of members of the General Assembly, which was read and laid over under the rules.

Bills on third reading were acted on as follows :

S. B. 145, a bill to be entitled an act in relation to public jails and keepers of the same. Read third time.

The title of the bill was amended so as to read as follows :  
 “ A bill to be entitled an act to authorize the Commissioners of Nash county to levy a special tax for the purpose of erecting a wall around the jail and a dwelling for the keeper within the same.”

The bill was then passed third time. Yeas 23; Nays 5.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brogden, Cook, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—23.

*Negative*—Messrs. Bellamy, King, Long, Mauney and Norment—5.

S. R. 178, resolution in favor of Mason L. Wiggins, of Halifax. Read and passed third time. Yeas 24; Nays 4.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brogden, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Long, Mauney, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Waddell—24.

*Negative*—Messrs. Bellamy, King, Norment and Whiteside—4.

S. B. 192, a bill to be entitled an act to prevent deputy or assistant clerks from practising as attorneys-at-law in the counties in which they act as deputy or assistant clerks. Read the third time.

Mr. Mauney moved to lay the bill on the table.

The question recurring thereon, the yeas and nays were ordered, on demand of Mr. King, and the motion did not prevail. Yeas 15; Nays 17.

*Affirmative*—Messrs. Battle, Bellamy, Brogden, Cowles, Crowell, Eppes, Flythe, Long, Mauney, Moore, Morehead, Murphy, Norment, Robbins of Davidson and Robbins of Rowan—15.

*Negative*—Messrs. Beasley, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Merrimon, Price, Skinner, Waddell, Whiteside and Worth—17.

Mr. Robbins, of Rowan, moved to amend the bill so as to make its provisions apply to clerks of courts and not to their deputies or assistants. The amendment did not prevail.



Mr. Robbins, of Rowan, moved to amend by adding the following to section 1: "*Provided*, This act shall not apply to the counties of Stanly and Rowan." The amendment prevailed. The bill passed third time. Yeas 22; Nays 12.

*Affirmative*—Messrs. Adams, Barnett, Battle, Brown, Crowell, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Linney, Merrimon, Norment, Robbins of Davidson, Skinner, Speed, Waddell, Whiteside and Worth—22.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Cowles, Eppes, Long, Mauney, Moore, Murphy, Price and Robbins of Rowan—11.

S. B. 199, a bill to be entitled an act to provide for the revision of jury lists. Read and passed third time. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Linney, Long, Mauney, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Whiteside and Worth—27.

*Negative*—None.

S. B. 245, H. B. 148, a bill to be entitled an act to incorporate the Catawba and Lincoln Mining and Manufacturing Company of North Carolina. Read and passed third time. Yeas 26; Nays none.

*Affirmative*—Messrs. Adams, Barnett, Battle, Beasley, Bellamy, Cook, Cowles, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Long, Mauney, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Whiteside—26.

*Negative*—None.

Bills were acted on under a suspension of the rules as follows:

S. R. 286, H. R. 106, resolution in favor of W. H. Battle

and D. G. Fowle. Read and passed second and third times. Yeas 17; Nays 10.

*Affirmative*—Messrs. Adams, Battle, Crowell, Edwards, Flemming Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Mauney, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—17.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Cook, Cowles, King, Linney, Long, Merrimon and Moore—10.

S. B. 290, a bill to be entitled an act to incorporate Neuse River Ferry Company of North Carolina. Read and passed second and third times. Yeas 35; Nays none.

*Affirmative*—Messrs. Adams, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Long, Mauney, Merrimon, Moore, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—35.

*Negative*—None.

S. B. 324, a bill to be entitled an act amending an act relating to protecting the City of Raleigh from fire. Read and passed second and third times. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Barnett, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Eppes, Flythe, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Long, Manney, Merrimon, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—29.

*Negative*—None.

At 12 m., the special order for that hour, S. B. 110, a bill to be entitled an act relating to the fees of Superior Court Clerks, was taken up and read second time.

Mr. Cowles moved to postpone indefinitely the further consideration of the bill. The motion did not prevail.

Mr. Cook moved to lay the bill on the table.

The yeas and nays were ordered, and the motion did not prevail. Yeas 16; Nays 20.



*Affirmative*—Messrs. Adams, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Flemming, King, Linney, Mauney, Merrimon, Robbins of Davidson, Robbins of Rowan and Whiteside—16.

*Negative*—Messrs. Barnett, Battle, Beasley, Bellamy, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Long, Moore, Morehead, Murphy, Norment, Olds, Skinner, Speed, Waddell and Worth—20.

Mr. Moore moved to amend by inserting the following as an additional section :

SEC. —. That the County Register be allowed twenty-five cents for each search in his office, and ten cents each for enrolling the orders of the Commissioners.

The amendment did not prevail.

The question recurring on the passage of the bill, on its second reading, the yeas and nays were ordered, on demand of Mr. Cowles, and the bill passed second time. Yeas 19; Nays 17.

*Affirmative*—Messrs. Barnett, Battle, Beasley, Bellamy, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Long, Moore, Morehead, Murphy, Olds, Skinner, Speed and Worth—19.

*Negative*—Messrs. Adams, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Flemming, King, Linney, Mauney, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan, Waddell and Whiteside—17.

Mr. Olds introduced a resolution concerning the Cherokee Indians, which was read and adopted.

The following bills and resolution, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. R. 49, resolution in favor of W. E. Anderson ;

S. B. 253, a bill to be entitled an act to provide for the draining of Mattamuskeet Lake ;

S. B. 154, a bill to be entitled an act to amend the charter of the Rockfish Manufacturing Company of Fayetteville.

Bills on second reading were acted on as follows :

S. B. 90, a bill to be entitled an act to regulate the proceedings in writs of *mandamus*.

The amendment, in the nature of a substitute, offered by the Committee on the Judiciary, prevailed and the bill passed the second time.

A message was received from the House of Representatives transmitting amendments adopted by the House of Representatives to the amendments adopted by the Senate to H. B. 106, and asking the concurrence of the Senate therein.

On motion, the Senate concurred in the amendments and ordered the bill to be enrolled for ratification, and the House of Representatives was informed thereof by message.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend an act to incorporate the Greenville and French Broad Railroad Company ;

An act to amend chapter 11, of Code of Civil Procedure ;

An act supplementary to an act entitled an act to amend the charter of the Northwestern North Carolina Railroad Company and for other purposes.

Mr. Norment moved that when the Senate adjourns, it will adjourn until 10 o'clock, to-morrow. The motion prevailed.

A communication was received from the Adjutant General transmitting certain information in reference to resolution of inquiry.

On motion, two hundred copies were ordered to be printed.

On motion of Mr. Robbins, of Davidson, the consideration of the motion to reconsider the vote on S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands, was made special order for to-morrow, at 11 a. m.

The Senate then adjourned.



## FORTY-FIRST DAY.

SENATE CHAMBER, January 16th, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. R. S. Mason.

The Journal of yesterday was read.

Mr. King presented a petition of citizens of Lenoir Institute asking the repeal of the law prohibiting the sale of spirituous at that place. Referred to committee on propositions and grievances.

Leave of absence was granted to Mr. Edwards from to-day until Monday, and to the Principal Clerk for three days.

Reports from Standing Committees were then submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Waddell: S. B. 249, H. B. 133, a bill to be entitled an act to establish and lay out a turnpike in the counties of Camden and Currituck;

S. B. 257, H. B. 114, a bill to be entitled an act to prevent the felling of trees in New River, in Ashe County;

S. B. 284, H. B. 166, a bill to be entitled an act to establish the dividing line between the counties of Wayne and Greene, recommending their passage.

From the Committee on Corporations:

By Mr. Moore: S. B. 309, H. B. 222, a bill to incorporate the town of Boone, in Watauga County, recommending its passage;

S. B. 315, H. B. 316, a bill to be entitled an act to incorporate the Raleigh Female Seminary, with amendment.

From the Committee on Roads, Ferries and Bridges, &c.:

By Mr. Murphy: S. B. 310, H. B. 150, a bill to be entitled an act to provide for the laying off and constructing a public highway in the counties of Burke and Mitchell, recommending that it do pass.

From the Committee on Deaf, Dumb and Blind Asylum:

By Mr. Gilmer: report concerning the affairs of said Institution, which was read and ordered to be printed.

Mr. Brogden introduced a resolution concerning the equal rights and privileges of members of the Senate of North Carolina, which was read.

Mr. Morehead moved to lay the resolution on the table. The yeas and nays were ordered, on demand of Mr. Brogden, and the motion to lay on the table prevailed. Yeas 31; Nays 10.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Cowles, Crowell, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—31.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, Long, McCotter, Moore and Price—10.

Mr. Moore introduced a resolution of inquiry into the conduct of Joseph J. Robeson, principal door-keeper of the Senate of North Carolina, which was read.

Mr. Robbins moved to strike out the preamble to the resolution and insert the following: "Whereas charges are made by common rumor against the principal door-keeper of the Senate for having misappropriated some of the public property in his keeping, together with other misconduct, on or about the 14th day of January, 1872, therefore be it." The amendment prevailed and the resolution was adopted.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Flemming: a bill to be entitled an act for the regulation and better protection of the Public Libraries. To committee on library;

By Mr. McClammy: resolution relating to Cape Fear Harbor. Placed on calendar;



Resolution in favor of W. H. High, J. Q. DeCarteret and J. M. McGowan. Laid over under the rules.

By Mr. Barnett: a bill to be entitled an act in relation to the boundary line between the States of North Carolina and Virginia. To committee on propositions and grievances.

By Mr. Cowles: Joint resolution proposing an adjournment *sine die*. Laid over under the rules.

By message from House of Representatives: H. B. 147, a bill to be entitled an act to incorporate the Oak City Savings Bank of Raleigh. To committee on corporations;

H. B. 151, a bill to be entitled an act to incorporate the Wilmington Mutual Insurance Company. To committee on corporations;

H. B. 302, a bill to be entitled an act to aid in the completion of the Western Division of the Western North Carolina Railroad Company. Placed on calendar.

Bills were acted on, under a suspension of the rules, as follows:

S. B. 249, H. B. 133, a bill to be entitled an act to establish and lay out a turnpike in the counties of Camden and Currituck. Read and passed second and third times. Yeas 31; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Cook, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—31.

*Negative*—Mr. Brogden—1.

S. B. 320, a bill to be entitled an act in relation to the Commissioners of Stokes and Rockingham counties. Read and passed second and third times. Yeas 27; Nays 8.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brown, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Long, Mauney, McClammy, Moore, Morehead, Murphy, Robbins of

Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Bellamy, Brogden, Cowles, Eppes, King, Linney, McCotter and Norment—8.

The hour for its consideration having arrived S. B. 297, a bill to be entitled an act concerning representation in the House of Representatives, it being special order, was read second time.

Mr. Lehman moved to insert the following as an additional section :

Sec. —. That in all the counties of the State, at any election in which there shall be two or more members of the House of Representatives to be elected, each qualified voter at such election may cast as many votes for one candidate as there are representatives to be then elected in said county, or may distribute the same or equal parts thereof among the candidates as he shall see fit, and the candidate highest in votes shall be declared elected.

The question recurring on its adoption, the yeas and nays were ordered, on demand of Mr. Lehman, and the amendment did not prevail. Yeas 3; Nays 34.

*Affirmative*—Messrs. Bellamy, Lehman and McCotter—3.

*Negative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Linney, Long, Mauney, McClammy, Merri-  
mon, Moore, Morehead, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—34.

The bill then passed second time, and the rules having been suspended, was read and passed third time. Yeas 27; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook; Cowles, Crowell, Flemming, Gilmer, Graham



of Alamaunce, Graham of Orange, Latham, Linney, Long, Mauney, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Barnett, Beasley, Broglen, Eppes, King, Lehman, McCotter, Moore and Price—9.

➤ On motion of Mr. Robbins, of Davidson, the consideration of the motion to reconsider the vote on S. B. 124, a bill to be entitled an act to promote immigration and to facilitate the settlement of the public lands, was made special order for 11 a. m. to-morrow.

The following bills and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 113, a bill to be entitled an act providing for the support of the Insane Asylum for the next fiscal year ;

S. B. 179, a bill to be entitled an act to annex a portion of New Hanover county to Sampson county ;

S. B. 307, a bill to be entitled an act concerning the custody of weights and measures ;

S. B. 74, a bill to be entitled an act to authorize the formation of railroad corporations and to regulate the same ;

Amendment to H. B. 155, a bill to be entitled an act to incorporate the Willard's Bank of Wilmington.

The hour for its consideration having arrived S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction, it being special order, was taken up on its second reading.

The question recurring on the adoption of the amendment, in the nature of a substitute, offered by the Committee on Education and Literary Fund, the amendment was ordered to be read and considered by sections.

The sections from the 1st to the 13th inclusive, were severally read and agreed to.

Section 14 was read.

Mr. Moore moved to strike out the words " county exam-

iner" and insert the words "school committee." The amendment did not prevail.

The section was then agreed to.

Sections 15, 16 and 17 were then severally read and agreed to.

Section 18 was read.

Mr. Price moved to add the following to the section: "And said committee shall receive a compensation for their services of two dollars *per diem* when actually employed." The amendment did not prevail.

Mr. Edwards moved to insert after the word "another," in line 4, the words "of their number." The amendment prevailed and the section was agreed to.

Section 19 was read and agreed to.

Section 20 was read.

Mr. Price moved to strike out the section.

The motion did not prevail, and the section was agreed to.

Section 21 was read and agreed to.

Section 22 was read.

Mr. Edwards moved to add to the section the following:

"*And provided further*, That any person aggrieved by the action of said Commissioners may appeal to the Superior Court of the county in which said land is situated, upon giving bond to secure said Commissioners against such costs as they may incur on account of said appeal not being prosecuted with effect."

The amendment prevailed, and the section was agreed to.

Section 23 was read and agreed to.

Section 24 was read.

Mr. Robbins, of Rowan, moved to add to the section the following: "Subject to the restrictions contained in section 20."

The amendment prevailed, and the section was agreed to.

Section 25 was read.

Mr. Cowles moved to add the following to the section:

"*Provided*, That if the citizens of any school district fail to



co-operate in sustaining a school as provided for in this section, the school district shall be entitled to its proportion of the public school fund, and may have a school taught for such length of time as the money received may be adequate to."

Mr. Price moved to strike out the section.

Mr. Worth moved to amend the amendment by adding thereto the following :

" *Provided*, That the school district shall first levy a tax equal to the amount collected from the State fund, which shall be used together for paying the teacher."

The question recurring upon its adoption, the yeas and nays were ordered, and, on motion of Mr. Graham, of Orange, the further consideration of the bill was made special order for 11 a. m. to-morrow.

The Senate then adjourned.

---

#### FORTY-SECOND DAY.

SENATE CHAMBER, January 17th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted as follows :

From the Committee on Corporations :

By Mr. Moore : S. B. 329, a bill to be entitled an act to incorporate the People's Building and Loan Association of Oxford, with recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Gilmer : S. B. 265, a bill to be entitled an act to cure certain defects in the probate of deeds and privy examination of *femes covert*, and for other purposes, with recommendation that it do pass.

From Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 281, a bill to be entitled an act to authorize the Commissioners of Stokes County to issue bonds, with recommendation that it do pass.

From Committee on Roads, Rivers, Ferries, &c.:

By Mr. Murphy : S. B. 327, a bill to be entitled an act to lay off, alter and establish, a public road from Statesville to Wilkesboro', with recommendation that it do pass.

From the Committee on Finance :

By Mr. McClammy : S. B. 273, a bill to be entitled an act to propose an amendment to the Constitution of the State relative to the public debt, with recommendation that it do pass.

From the Committee on Public Library :

By Mr. Flemming : S. B. 342, a bill to be entitled an act for the regulation and better protection of the Public Libraries, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Murphy : a resolution appointing George W. Walker member of the Board of Public Charities. Placed on the calendar ;

By Mr. McClammy : a bill to be entitled an act to incorporate Sylvan Lodge, No. 178, Free and Accepted Masons. Placed on calendar ;

By Mr. King : a bill to be entitled an act to repeal an act chapter 44, private acts, extra session 1861. To committee on propositions and grievances.

By Mr. Olds : a bill to be entitled an act to incorporate Hook and Ladder Company, No. 1, of the City of Raleigh. To committee on corporations.

By Mr. Cowles : a bill to be entitled an act to create a finance committee in the several counties of the State. To committee on finance.

By Mr. Murphy : a resolution in favor of Thomas B. Bailey. To committee on propositions and grievances.



By Mr. Whiteside : a bill to be entitled an act making it the duty of the Attorney General to report the decisions of the Supreme Court of the State. To committee on judiciary.

By Mr. Dargan : a bill to be entitled an act to allow the Commissioners of Anson County to levy a special tax. Placed on calendar.

By Mr. Cook : a bill to be entitled an act to allow insolvents to take the oath of insolvency in twenty days. To committee on judiciary.

By Mr. Flemming : a bill to be entitled an act to incorporate the Old Fort and Taw River Turnpike Company. To committee on corporations.

By Mr. Albright : a resolution allowing the enrolling clerk to employ assistance. Placed on calendar.

By message from the House of Representatives : H. B. 104, a bill to be entitled an act to repeal section 11, chapter 185, acts of 1868-'69. To committee on propositions and grievances ;

H. B. 189, a bill to be entitled an act to allow the Commissioners of Robeson county to adjust and pay off the indebtedness of said county. To committee on propositions and grievances ;

H. B. 301, a bill to be entitled an act to amend an act entitled an act to restore and reinstate records of the several courts in the State, destroyed by fire and otherwise, during the late war. To committee on judiciary ;

H. B. 304, a bill to be entitled an act to incorporate the Wilson Collegiate Institute. To committee on corporations ;

H. B. 323, a bill to be entitled an act to incorporate the town of Catawba Vale, in the county of McDowell. To committee on corporations ;

H. B. 200, a bill to be entitled an act to incorporate the Murphy and Tennessee Turnpike Company. To committee on corporations

H. B. 266, a bill to be entitled an act to incorporate Prospect Lodge, No. 311, of Free and Accepted Masons, of the county of Rowan. To committee on corporations ;

H. B. 338, a bill to be entitled an act for the relief of A. E. Wells, of Buncombe county. To committee on propositions and grievances ;

H. B. 314, a bill to be entitled an act to amend the charter of the Caldwell and Watauga Turnpike Company. To committee on corporations ;

H. B. 110, a bill to be entitled an act to enable the Commissioners of Burke and other counties to consolidate the debts of their respective counties. To committee on propositions and grievances ;

H. B. 227, a bill to be entitled an act to prevent the sale of spirituous liquors within the corporate limits of the town of Magnolia, in Duplin County. To committee on propositions and grievances ;

H. B. 335, a bill to be entitled an act to repeal an act to incorporate the North Carolina Beneficial Association, ratified the 28th day of March 1870. To committee on corporations.

H. R. 99, a resolution in favor of Daniel Latta. Laid over under the rules ;

H. R. 97, a resolution of instruction to the Public Treasurer to pay J. S. Summersett, John Pitillo and Archer Holt, fifty eight dollars each as commutation for arms lost in the army. To committee on claims.

Bills were acted on under suspension of the rules as follows:

S. B. 329, a bill to be entitled an act to incorporate the People's Building and Loan Association of Oxford. Read and passed second and third times. Yeas 39 ; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Currie, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—39.

*Negative*—None.

S. B. 285, H. B. 198, a bill to be entitled an act to legalize



Brogden, Cook, Cowles, Crowell, Edwards, Eppes, King, Latham, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Norment, Price, Waddell and Whiteside—22.

Mr. Cook moved to amend as follows: insert after word "Alleghany" in the title, the words "and other counties in the State held in the months of April, May and June, 1868." The amendment prevailed.

Mr. Graham, of Alamance, moved to amend by inserting after the figures "1861" in the preamble, the words "and in other counties of this State during the months of April, May and June, 1868." The amendment prevailed, and the bill passed second time. The bill was then read and passed third time. Yeas 34; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Edwards, Eppes, Femming, Gilmer, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—34.

*Negative*—None.

At 11 a. m. the Senate proceeded to consider the special order to wit: the motion to reconsider the vote by which S. B. 124, a bill to be entitled an act to promote immigration and facilitate the settlement of the public lands, failed to pass its third reading.

The question recurring on the motion to reconsider the yeas and nays were ordered, on demand of Mr. Merrimon. The Clerk called the roll of Senators and reported that twenty-two Senators had voted in the affirmative, and twenty-two in the negative as follows:

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Currie, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, McClammy, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—22.

*Negative*—Messrs. Albright, Barnett, Beasley, Bellamy,

Thereupon the Chair voted in the affirmative, and the motion to reconsider prevailed.

The question recurring on the passage of the bill on its third reading, Mr. Gilmer moved the previous question.

The yeas and nays were ordered; on demand of Mr. Merrimon, and the Senate ordered the main question to be put. Yeas 28; Nays 16.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brown, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Linney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell and Worth—28.

*Negative*—Messrs. Barnett, Brogden, Cook, Cowles, Eppes, King, Lehman, Long, Mauney, McCotter, Merrimon, Moore, Murphy, Price, Skinner and Whiteside—16.

The bill then passed the third time. Yeas 24; Nays 23.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Currie, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, McClammy, Moore, Morehead, Murphy Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Warren and Worth—24.

*Negative*—Messrs. Albright, Barnett, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Edwards, Eppes, Flythe, Hyman, King, Latham, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Price, Waddell and Whiteside—23.

Mr. Moore moved that when the Senate adjourns, it will adjourn to meet to-morrow at 10 a. m. The motion prevailed.

A message was received from the House of Representatives announcing that the House had refused to concur in the Senate amendments to H. B. 127, S. B. 251, to raise revenue.

On motion of Mr. Graham, of Orange, it was ordered that a message be sent to the House of Representatives announcing that the Senate insists upon its amendments, and asks for a Committee of Conference.

The following bills and resolutions, reported as correctly



engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. R. 178, resolution in favor of M. L. Wiggins, of Halifax ;

S. B. 234, a bill to be entitled an act amending an act to protect the city of Raleigh from accident by fire ;

S. B. 199, a bill to be entitled an act to provide for the revision of jury lists ;

S. B. 192, a bill to be entitled an act to prevent Deputy or Assistant Clerks from practising as attorneys-at-law in the counties in which they act as Deputy or Assistant Clerks ;

S. B. 145, a bill to be entitled an act to authorize the Commissioners of Nash county to levy a special tax for the purpose of erecting a wall around the jail and a dwelling for the keeper within the same.

The following bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to provide for the collection of taxes by the State and the several Counties of the State on property, polls and income.

An act to incorporate the Cape Fear Iron and Steel Company.  
The Senate then adjourned.

---

#### FORTY-THIRD DAY.

SENATE CHAMBER, January 18th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted as follows :

From Committee on Corporations :

By Mr. Moore : S. B. 337, H. B. 151, a bill to be entitled an act to incorporate the Wilmington Mutual Insurance Company ;

S. B. 338, H. B. 147, a bill to be entitled an act to incorporate

the Oak City Savings Bank of Raleigh, recommending their passage.

By Mr. Murphy : S. B. 366, a bill to be entitled an act to incorporate the Old Fort and Tow River Turnpike Company, recommending its passage ;

From Committee on Judiciary :

By Mr. Jones : S. B. 288, a bill to be entitled an act concerning marriages, marriage settlements and the contracts of married women, with amendments ;

S. B. 353, H. B. 310, a bill to be entitled an act to amend an act entitled an act to restore and re-instate records of the several courts in the State, destroyed by fire or otherwise during the late war, recommending its passage.

By Mr. Graham : S. B. 325, a bill to be entitled an act in regard to digesting the laws of the State, recommending that it do not pass.

By Mr. Linney : S. R. 323, resolution concerning the Cherokee Indians, recommending that the Senate take no action thereon.

From Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 261, a bill to be entitled an act to facilitate the capture of the outlaws in Robeson county ;

S. B. 352, H. B. 189, a bill to be entitled an act to allow the Commissioners of Robeson county to adjust and pay off the indebtedness of said county ;

S. R. 270, H. R. 101, resolution in favor of delinquent Sheriffs ;

S. B. 237, H. B. 192, a bill to be entitled an act to authorize the Commissioners of Haywood county to sell a portion of the poorhouse lands of said county ;

S. B. 266, a bill to be entitled an act to repeal 3d section of an act entitled an act to extend the corporate limits of the town of Kinston, and for other purposes passed, in 1866.

S. B. 289, a bill to be entitled an act to authorize the Commissioners of Pasquotank to issue bond and for other purposes ;



S. B. 421, a bill to be entitled an act concerning land grants ;  
S. B. 303, a bill to be entitled an act authorizing the County Commissioners of Brunswick County to issue bonds ;

S. B. 347, a bill to be entitled an act to repeal chapter 44, private acts, extra session, 1861 ;

S. B. 269, H. B. 295, a bill to be entitled an act to make Reedy Fork a lawful fence, recommending that they do pass ;  
also,

S. B. 312, a bill to be entitled an act to prevent the sale of liquors within two miles of Cokesbury Church, in Cumberland County ;

S. B. 351, H. B. 104, a bill to be entitled an act to repeal section 11, chapter 185, acts of 1868-'69, recommending that they do not pass.

From the Committee on Finance :

By Mr. Worth : S. B. 345, a bill to be entitled an act to create a finance committee in the several counties of the State, recommending its passage.

Mr. Moore, from the Select Committee to examine into the conduct of (Jos. J. Robeson, Doorkeeper of the Senate, submitted a report, which was read.

On motion, the consideration of the report was made special order for 11 a. m., to-morrow.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Dargan : a bill to be entitled an act to prohibit trading after night. To committee on judiciary.

By Mr. Merrimon : a bill to be entitled an act in relation to the public printing. Placed on calendar and made special order for 12 m., to-morrow.

By Mr. Troy : a bill to be entitled an act to amend an act in relation to landlord and tenant. To committee on judiciary.

By Mr. Linney : resolution in reference to United States Senator. Laid over under the rules.

By Mr. Cook : a bill to be entitled an act for the support of

idiots, lunatics and deaf, dumb and blind persons, who have been refused admission into the asylums. To committee on insane asylum.

By Mr. Currie: a bill to be entitled an act to allow the Engrossing Clerk of the Senate to employ assistance. Laid over under the rules.

By message from the House of Representatives: H. B. 259, a bill to be entitled an act to incorporate the Fayetteville Road Steamer Company. To committee on corporations;

H. R. 124, resolution to enquire into the management of the penitentiary. Laid over under the rules;

H. R. 109, resolution authorizing and empowering G. W. Willoughby, G. B. Threadgill, J. J. Hasty and G. W. McGee, to collect arrears of taxes. To committee on propositions and grievances;

H. B. 405, a bill to be entitled an act to provide for the publication of an act to alter the Constitution of North Carolina. Placed on calendar.

A message was received from the House of Representatives announcing that the House had agreed to the proposition of the Senate to raise a Committee of Conference in relation to H. B. 151, S. B. 257, a bill to be entitled an act to raise revenue, and designating Messrs. Ashe, Robinson and Hargrove as House branch of said committee. The Chair thereupon designated Messrs. Graham, of Orange, McClammy and Moore as Senate branch of said committee.

A communication from W. H. McKee, M. D., President of Board of Trustees of Institution for Deaf, Dumb and Blind, was read and laid on the table.

Mr. Linney moved that the rules be suspended and S. R. 376, resolution in reference to United States Senator be put on its several readings.

The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and a majority of all the Senators elect not having voted theretofore, the motion did not prevail. Yeas 19; Nays 17.



*Affirmative*—Messrs. Albright, Battle, Bellamy, Brogden, Brown, Council, Currie, Dargan, Eppes, Flythe, Graham of Orange, Hawkins, Hyman, Latham, Linney, McCotter, Murphy, Norment and Whiteside—19.

*Negative*—Messrs. Cowles, Flemming, Graham of Alamance, Jones, King, Lehman, Long, Mauney, McClammy, Merrimon, Moore, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—17.

Bills were acted on under a suspension of the rules as follows:

S. B. 353, H. B. 310, a bill to be entitled an act to amend an act entitled an act to restore and re-instate records of the several courts in the State destroyed by fire or otherwise during the late war. The bill was read second time.

On motion the bill was amended by inserting the words "or since" after word "war" and the words "chapter eighty-six" before words "laws of 1870-'71," and, as amended, passed second time. The bill was read third time and, on motion, its further consideration was postponed until 1 p. m., to-morrow.

S. B. 257, a bill to be entitled an act to prevent the felling of trees in New River, in Ashe County. The bill was read and passed second time and, on motion, re-committed to the committee on propositions and grievances.

S. R. —, resolution in relation to adjournment. The resolution was read.

The yeas and nays were ordered, and the resolution was adopted. Yeas 39; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—39.

*Negative*—None.

H. B. 189, S. B. 352, a bill to be entitled an act to allow

the Commissioners of Robeson county to adjust and pay off the indebtedness of said county. Read second time and passed.

The bill was then read and passed third time. Yeas 31; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Currie, Dargan, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Linney, Long, Mauney, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—31.

*Negative*—Messrs. Bellamy and Flemming—2.

S. B. 315, H. B. 316, a bill to be entitled an act to incorporate the Raleigh Female Seminary. The bill was read second time.

The amendment offered by the Committee did not prevail, and the bill passed second time.

The bill was then read and passed third time. Yeas 20; Nays 6.

*Affirmative*—Messrs. Adams, Battle, Beasley, Cook, Council, Cowles, Crowell, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Lehman, Long, Mauney, Murphy, Norment, Robbins of Rowan and Whiteside—20.

*Negative*—Messrs. Bellamy, Brogden, King, Moore, Skinner and Worth—6.

S. R. 276, resolution to raise a committee to inquire into and report to the next General Assembly such terms of compromise of the State debt as may seem practicable. The resolution was read second time.

The question recurring upon the amendment, in the nature of a substitute, offered by the committee, Mr. Murphy moved to amend by striking out the name of O. H. Dockery, and inserting in lieu thereof that of Silas N. Martin.

The amendment to the amendment did not prevail.

The amendment, in the nature of a substitute, was adopted, and the question recurring on its passage, the yeas and nays



were ordered, on demand of Mr. Robbins, of Rowan, and the resolution did not pass second time. Yeas 15; Nays 21.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brown, Council, Cowles, Crowell, Currie, Dargan, Flemming, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan and Waddell—15.

*Negative*—Messrs. Battle, Brogden, Cook, Flythe, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Norment, Olds, Skinner, Speed, Whiteside and Worth—21.

Mr. Jones moved to reconsider the vote just taken, and to make the further consideration of that motion special order for 12 m. to-morrow. The latter motion prevailed.

S. B. —, H. B. 405, a bill to be entitled an act to provide for the publication of an act to alter the Constitution of North Carolina. Read and passed second time.

On motion, the further consideration of the bill was made special order for 10 $\frac{1}{2}$  a. m. to-morrow.

S. B. 319, a bill to be entitled an act to authorize the Secretary of State to issue patent to L. Cahoon, of Elizabeth City. Read and passed second and third times. Yeas 37; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Mauney, McClammy, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—37.

*Negative*—None.

S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide a system of public instruction.

On motion of Mr. Gilmer the further consideration of the bill was made special order for 11 $\frac{1}{2}$  a. m., to-morrow.

S. B. 303, a bill to be entitled an act to authorize Commis-

sioners of Brunswick county to issue bonds. Read and passed second time. Yeas 28; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Allen, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Eppes, Flythe, Gilmer, Graham of Orange, Latham, Linney, Long, McClammy, McCotter, Morehead Murphy, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Cowles and Merrimon—2.

S. B. 316, a bill to be entitled an act to incorporate the Yadkin and Dan River Railroad Company. Read and passed second and third times. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Flemming, Flythe, Gilmer, Jones, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—32.

*Negative*—None.

S. B. 242, H. B. 219, a bill to be entitled an act to incorporate the Brothers Manufacturing Company of Cumberland County. Read and passed second and third times. Yeas 36; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Dargan, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—36.

*Negative*—None.

S. B. 342, a bill to be entitled an act for the regulation and better protection of the Public Library. Read and passed second time.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:



An act to incorporate the Catawba and Lincoln Mining and Manufacturing Company of North Carolina;

An act to incorporate the Bank of the State;

An act to incorporate the People's Bank of Newbern;

An act to validate the revisal of jury lists, and for other purposes;

An act to exempt the members of certain fire companies of Charlotte from public duties;

Resolution in favor of W. H. Battle and D. G. Fowle;

Resolution in favor of Lewis Tickel.

The following bills and resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. 320, a bill to be entitled an act in relation to the Commissioners of Stokes and Rockingham counties;

Amendments to H. B. 198, a bill to be entitled an act to legalize the acts of the county court of Alleghany at the April term, 1868;

S. B. 290, a bill to be entitled an act to incorporate Neuse River Ferry Company of North Carolina;

S. R. 277, joint resolution on adjournment;

S. B. 297, a bill to be entitled an act concerning representation in the House of Representatives.

The Senate adjourned.

#### FORTY-FOURTH DAY.

SENATE CHAMBER, January 19th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Messrs. Norment and Allen from to-morrow until Thursday next, and to Messrs. Eppes and Murphy until Monday.

On motion of Mr. Allen, the Committee on Penal Institutions were granted permission to sit during the session of the Senate.

Reports from Standing Committees were then submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Waddell: S. B. 369, H. B. 347, a bill to be entitled an act in favor of E. Murrill, Sheriff of Onslow county;

S. B. 360, H. B. 227, a bill to be entitled an act to prevent the sale of spirituous liquors within the corporate limits of Magnolia, in Duplin county.

From the Committee on Judiciary:

By Mr. Jones: S. B. 374, a bill to be entitled an act to amend an act in relation to landlord and tenant;

S. B. 372, a bill to be entitled an act to prohibit trading after night;

S. B. 331, a bill to be entitled an act to amend chapter 201, public laws of 1868-'69, recommending that they do not pass.

From the Committee on Insane Asylum:

By Mr. Murphy: S. B. 375, a bill to be entitled an act for the support of idiots, lunatics and deaf, dumb and blind persons where they have been refused admittance to the Asylum, with an amendment, in the nature of a substitute.

From the Committee on Corporations:

By Mr. Murphy: S. B. 368, H. B. 259, a bill to be entitled an act to incorporate the Fayetteville Road Steamer Company.

By Mr. Moore: S. B. 358, H. B. 314, a bill to be entitled an act to amend the charter of the Caldwell and Watauga Turnpike Company;

S. B. 356, H. B. 266, a bill to be entitled an act to incorporate Prospect Lodge, No. 311, of Free and Accepted Masons of the County of Rowan;

S. B. 354, H. B. 304, a bill to be entitled an act to incorporate the Wilson Collegiate Institute;

S. B. 346, a bill to be entitled an act to incorporate Hook and Ladder Company, No. 1, of the City of Raleigh;



S. B. 355, H. B. 323, a bill to be entitled an act to incorporate the town of Catawba Vale, in the County of McDowell :

S. B. 362, H. B. 200, a bill to be entitled an act to incorporate the Murphy and Tennessee Turnpike Company.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Olds : a bill to be entitled an act amendatory of the law of evidence. To committee on judiciary.

By Mr. Brogden : a bill to be entitled an act concerning public printing. Placed on calendar.

By Mr. Jones : resolution to authorize the Public Treasurer to pay James C. Turner for certain services rendered the State. Laid over under the rules.

Bills were acted on, under a suspension of the rules, as follows :

S. B. 360, H. B. 227, a bill to be entitled an act to prevent the sale of spirituous liquours within the corporate limits of Magnolia, in Duplin county. Read and passed second and third times. Yeas 19 ; Nays 7.

*Affirmative*—Messrs. Adams, Allen, Currie, Dargan, Fleming, Flythe, Jones, Lehman, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Troy, Waddell, White-side and Worth—19.

*Negative*—Messrs. Battle, Brogden, Cowles, Hawkins, Hyman, Linney and Skinner—7

S. B. 369, H. B. 347, a bill to be entitled an act in favor of E. Murrill, Sheriff of Onslow. Read and passed second and third times. Yeas 24 ; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle Brogden, Cook, Cowles, Currie, Dargan, Flythe, Hawkins, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Murphy, Norment, Robbins of Davidson, Skinner, Waddell and Worth—24.

*Negative*—Messrs. Bellamy, Graham of Orange, and Hyman—3.

S. B. 90, a bill to be entitled an act to regulate proceedings on writs of *mandamus*. Read third time and passed. Yeas 26; Nays 9.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Cowles, Crowell, Currie, Dargan, Flemming, Flythe, Graham of Alamance, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Whiteside—26.

*Negative*—Messrs. Adams, Bellamy, Graham of Orange, Hawkins, Hyman, Moore, Troy, Waddell and Worth—9.

S. B. 110, a bill to be entitled an act relating to the fees of Superior Court Clerks. The bill was read third time.

Mr. Graham, of Orange, moved the previous question, and the Senate ordered the main question to be put. The question recurring upon its passage, the bill did not pass third time. Yeas 20; Nays 21.

*Affirmative*—Messrs. Allen, Battle, Beasley, Bellamy, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, McClammy, Morehead, Murphy, Norment, Olds, Skinner and Worth—20.

*Negative*—Messrs. Adams, Albright, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Linney, Mauney, McCotter, Merrimon, Moore, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Whiteside—21.

The Senate then proceeded to the consideration of the special order for this hour, to-wit: the report of the committee appointed to investigate the alleged misconduct of the Principal Doorkeeper, Jos. J. Roberson.

On motion the report was re-committed to the committee with instructions to take such further testimony as may be proper and to report to the Senate what action it may be proper for that body to take in the premises.

The Senate then proceeded to act on certain bills under a suspension of the rules as follows:



S. B. 377, H. B. 405, a bill to be entitled an act to provide for the publication of an act to alter the Constitution of North Carolina. The bill was read the third time.

On motion the bill was amended by inserting words "19th" and "January" in the blanks in section 1, and the bill passed third time. Yeas 39; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—39.

*Negative*—None.

H. R. 124, S. R. 371, resolution to enquire into the management of the penitentiary. The resolution was read and adopted.

Mr. Moore moved to reconsider the vote by which S. B. 110, a bill to be entitled an act relating to the fees of Superior Court Clerks, was rejected on third reading, and to postpone the further consideration of that motion until Tuesday next.

Mr. Mauney moved to lay the motion on the table. The question first recurring on the motion to lay on the table, the motion to lay upon the table did not prevail. The question recurring next upon the motion to postpone, the motion prevailed.

The Senate then proceeded to consider the special order for the hour, to-wit: S. B. 198, a bill to be entitled an act to consolidate the school laws, and to provide for a system of public instruction.

The question recurred on the amendment offered by Mr. Cowles, and the yeas and nays having been ordered, the amendment prevailed. Yeas 22; Nays 11.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Flythe, Graham of

Orange, Hawkins, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Norment, Troy and Waddell—22.

*Negative*—Messrs. Dargan, Gilmer, Graham of Alamance, Lehman, McCotter, Moore, Murphy, Skinner, Speed, White-side and Worth—11.

Mr. Robbins, of Rowan, offered an amendment, in the nature of a substitute, for section 25.

The amendment prevailed, and the further consideration of the bill was made special order for 11 a. m., to-morrow.

The following bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 124, a bill to be entitled an act to promote immigration and to facilitate the settlement of the public lands ;

S. B. 329, a bill to be entitled an act to incorporate the People's Building and Loan Association of Oxford ;

S. R. —, resolution allowing the Enrolling Clerk to employ assistance.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the Dawson Bank ;

An act to incorporate Rocky Mount College ;

An act to establish and lay out a turnpike in the counties of Camden and Currituck ;

An act to alter the Constitution of North Carolina ;

An act to legalize the acts of the county court of Alleghany and other counties in the State, held in the months of April, May and June, 1868 ;

Joint resolution on adjournment.

Mr. Moore, moved that when the Senate adjourns it will adjourn until 10 o'clock to-morrow morning. The motion prevailed.

Mr. Graham, of Orange, on leave granted, introduced a bill to be entitled an act supplementary to an act to raise revenue, which was read and passed first time.



The rules was suspended and the bill was read and passed second and third times. Yeas 36; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—36.

*Negative*—None.

A message was received from the House of Representatives announcing that the House of Representatives had concurred in the report of the Committee of Conference, in relation to S. B. 251, H. B. 127, a bill to be entitled an act to raise revenue.

On motion the Senate also concurred in the report of the Committee of Conference.

The Senate then adjourned.

#### FORTY-FIFTH DAY.

SENATE CHAMBER, January 20th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Albright from Tuesday until Saturday, to Mr. Battle from Monday until Thursday and to Mr. Crowell for next week.

The Chair announced Messrs. Latham and Lehman, as Senate branch of the Committee, to inquire into the management of the Penitentiary.

Reports from Standing Committees were then submitted as follows :

From the Committee on Deaf, Dumb, and Blind :

By Mr. Council : S. B. 200, a bill to be entitled an act to provide accommodation for the Deaf, Dumb, and Blind of the State, recommending that it do not pass.

From Committee on Propositions and Grievances :

By Mr. Waddell : H. B. 170, S. B. 252, a bill to be entitled an act to extend the time of James Cansler, tax collector of Macon county ; E. Everett, sheriff of Swain county ; Bland Wallace, sheriff of Duplin county ; and J. B. Combs, tax collector of Tyrrell county, for making settlement with the county treasurer ;

S. B. 283, a bill to be entitled an act to promote the mining interest of the State ;

S. B. 333, a bill to be entitled an act to confirm the sale of certain lands sold by the County Commissioners of Wilkes county belonging to certain deceased paupers of said county ;

H. B. 338, S. B. 357, a bill to be entitled an act for the relief of A. E. Wells, of Buncombe county ;

S. B. 313, a bill to be entitled an act concerning insane convicts ;

H. B. 110, S. B. 359, a bill to be entitled an act to enable the Commissioners of Burke and other counties to consolidate the debts of their respective counties ;

H. B. 186, S. B. 238, a bill to be entitled an act to establish a new county by the name of Swain ;

S. B. 280, a bill to be entitled an act to incorporate Catawba Vale and Fair View Turnpike Company ;

H. B. 114, S. B. 257, a bill to be entitled an act to prevent the felling of trees in New River, in Ashe county ;

H. R. 109, S. R. 370, resolution authorizing and empowering G. W. Wiltoughby, T. B. Threadgill, J. J. Hasty and G. W. McGee to collect arrears of taxes ;

S. R. 350, resolution in favor of Thomas B. Bailey, recommending that they do pass.

The following bills and resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed



Bills, were transmitted to the House of Representatives for concurrence :

S. B. 387, a bill to be entitled an act supplemental to an act to raise revenue ;

H. B. 405, S. B. 377, amendment to H. B. —, a bill to be entitled an act to provide for the publication of an act to alter the Constitution of North Carolina ;

S. B. 319, a bill to be entitled an act to authorize the Secretary of State to issue patent to L. Cahoon, of Elizabeth City, N. C. ;

S. B. 316, a bill to be entitled an act to incorporate the Yadkin and Dan River Railroad Company ;

S. R. 389, resolution of instruction to the Committee to audit the State Printer's account ;

S. B. 391, a bill to be entitled an act to repeal an act passed at the present session and ratified on the 15th day of January, 1872, and entitled "an act supplementary to an act entitled an act to amend the charter of the North Western North Carolina Railroad Company, and for other purposes," and to fill certain blanks ;

S. R. 392, resolution supplemental to a resolution concerning the payment of funds in the treasury collected on account of the Marion and Asheville Turnpike Company.

Mr. Jones presented a letter from Zebulon B. Vance resigning his position as United States Senator from North Carolina, which was read.

On motion of Mr. Cowles, it was ordered that the letter be sent to the House of Representatives, with a message proposing that the Speaker of the House of Representatives and the President of the Senate transmit the same to his Excellency, Governor Caldwell.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Graham, of Orange : a bill to be entitled an act granting amnesty and pardon. To committee on judiciary.

By Mr. Merrimon : a bill to be entitled an act in relation to convicts in the Penitentiary. To committee on penal institutions ;

By Mr. Battle : a bill to be entitled an act to incorporate the Ransom's Bridge and Weldon Transportation Company. To committee on internal improvements :

By Mr. Speed : resolution in regard to the Dismal Swamp Canal. Adopted.

By Mr. Mauney : a resolution of instruction to committee to audit State Printer's accounts. Adopted.

By Mr. Speed : a bill to be entitled an act to require the election of a Constable in the town of Elizabeth City. To committee on corporations.

By Mr. Latham : a bill to be entitled an act concerning representation in the Senate. Placed on calendar, ordered to be printed and made special order for 12 m., Tuesday next.

By Mr. Council : resolution supplementary to a resolution concerning the payment of the funds in the Treasury collected on account of the Marion and Ashville Turnpike Company. Placed on calendar ;

By Mr. Gilmer : a bill to be entitled an act to repeal an act passed at the present session, and ratified 15th January, 1872, entitled an act supplementary to an act entitled an act to amend the charter of the North-Western North Carolina Railroad Company. Placed on calendar.

By message from the House of Representatives : H. B. 73, resolution in favor of T. F. Baxter, sheriff of Currituck, and A. Murray, sheriff of Alamance. To committee on propositions and grievances.

H. B. 298, a bill to be entitled an act to incorporate Davidson High School. To committee on corporations.

H. B. 256, a bill to be entitled an act to prevent the catching of oysters in Far Creek, Hyde county. To committee on propositions and grievances.

H. B. 226, a bill to be entitled an act to authorize the County



Commissioners of Alleghany county to levy a special tax. To committee on propositions and grievances.

H. B. 331, a bill to be entitled an act to amend an act to provide for limited partnerships, ratified February 28th, 1861. To committee on judiciary.

H. B. 203, a bill to be entitled an act to amend an act to incorporate the town of Salem. To committee on corporations.

H. B. 276, a bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the Baptist church, at Pleasant Plains, in Columbus county. To committee on propositions and grievances.

A message was received from the House of Representatives transmitting engrossed copy of amendments, adopted by the House of representatives, to S. B. 117, a bill to be entitled an act to provide for the service of process issuing from courts of Justices of the Peace in civil cases, &c. On motion the amendment was concurred in by the Senate.

Bills was acted on under a suspension of the rules of follows :

H. B. 218, S. B. 236, a bill to be entitled an act to incorporate the Warrenton and Shoeco Turnpike Company. Read and passed second and third times. Yeas 29 ; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Mr. Brogden.

S. B. 201, a bill to be entitled an act in regard to the Lovejoy Academy. Read second time, amended and passed.

H. B. 136, S. B. 207, a bill to be entitled an act to amend chapter 53, Private Laws 1860-'61. Read second time and, on motion of Mr. Troy, laid on the table.

S. R. 335, a resolution relating to Cape Fear Harbor. Read and adopted.

H. B. 298, S. B. 385, a bill to be entitled an act to incorporate Davidson High School. Read second time and passed.

The bill was read third time.

Mr. Cowles moved to lay the bill on the table.

Mr. Robbins, of Davidson, moved the previous question, and the Senate ordered the main question to be put.

The yeas and nays were ordered, on demand of Mr. Cowles, and the bill passed the third time. Yeas 29; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Council, Crowell, Currie, Dargan, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Lehman, Mauney, McClammy, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Messrs. Cook, Cowles, Flemming, Hyman, Latham and Linney—6.

Resolution supplementary to a resolution concerning the payment of the funds in the treasury collected on account of the Marion and Asheville Turnpike Company. Read and passed second time.

A bill to be entitled an act to repeal an act passed at the present session, and ratified on the 15th day of January, 1872, and entitled an act supplementary of an act entitled an act to amend the charter of the North Western North Carolina Railroad Company. Read and passed second and third times. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—32.

*Negative*—None.

H. R. 73, S. R. 386, resolution in favor of T. F. Baxter, Sheriff of Currituck, and A. Murry, Sheriff of Alamance. Read and passed second and third times. Yeas 33; Nays none.



*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cowles, Crowell, Currie, Dargan, Femming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—33.

*Negative*—None.

H. B. 323, S. B. 355, a bill to be entitled an act to incorporate the town of Catawba Vale in the county of McDowell. Read and passed second and third times. Yeas 26; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Cook, Crowell, Currie, Dargan, Flemming, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Bellamy and Hyman—2.

H. B. 147, S. B. 338, a bill to be entitled an act to incorporate the Oak City Savings Bank of Raleigh. Read and passed second and third times. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Hawkins, Hyman, Jones, Latham, Lehman, Linney, McClammy, McCotter, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—29.

*Negative*—None.

S. B. 364, a bill to be entitled an act to allow the Commissioners of Anson County to levy a special tax. Read and passed second time. Yeas 22; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Battle, Council, Crowell, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—22.

*Negative*—Messrs. Brogden, Cowles, Flemming, Flythe, Hyman and Whiteside—6.

S. B. 261, a bill to be entitled an act to facilitate the capture of the outlaws in Robeson County. Read and passed second time. Yeas 19; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Battle, Crowell, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Lehman, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—19.

*Negative*—Messrs. Brogden, Cook, Cowles, Dargan, Flythe, Linney, Mauney, Merrimon and Olds—9.

S. B. 303, a bill to be entitled an act to authorize the County Commissioners of Brunswick County to issue bonds. Read and passed third time. Yeas 24; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Battle, Cook, Council, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Jones, Latham, Linney, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Brogden, Cowles, Hawkins and Hyman—4.

S. B. 281, a bill to be entitled an act to authorize the Commissioners of Stoke county to issue bonds. Read and passed second time. Yeas 19; Nays 7.

*Affirmative*—Messrs. Adams, Albright, Council, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Hawkins, Jones, Latham, Linney, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—19.

*Negative*—Messrs. Battle, Brogden, Cook, Flythe, Hyman, Merrimon and Olds—7.

S. B. 289, a bill to be entitled an act to authorize the Commissioners of Pasquotank to issue bonds and for other purposes. Read and passed second time. Yeas 26; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Cook, Council, Currie, Dargan, Gilmer, Graham of Alamance,



Graham of Orange, Hawkins, Jones, Latham, Lehman, Linney, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Brogden, Cowles, Flythe, Hyman and Merrimon—5.

S. B. 234, a bill to be entitled an act to provide for the levying and collecting of taxes in the city of Charlotte. Read and passed second time. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Gilmer, Graham of Alamance, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Mauney, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. 302, a bill to be entitled an act to incorporate Free Love Lodge, G. W. O. O. F., of Wilmington. Read second time and indefinitely postponed.

S. B. 353, H. B. 310, a bill to be entitled an act to amend an act to restore and reinstate records of the several courts in the State, destroyed by fire and otherwise during the late war. Read third time, amended, by adding a new section, and passed. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—32.

*Negative*—None.

On motion of Mr. Graham, of Alamance, the special orders for to-day were postponed until Monday, and it was ordered that only private bills be considered to-day.

The following resolutions, offered by Mr. Troy, were read and adopted:

Resolution concerning private bills:

*Resolved*, that from and after to-day the calling of the roll on the third reading of all private bills be dispensed with, unless the yeas and nays shall be ordered.

*Resolved, further*, that when a private bill shall have passed its second reading, the rules shall be considered as suspended, and the bill shall be put upon its final reading.

The following bills were read and passed second and third times.

H. B. 200, S. B. 362, a bill to be entitled an act to incorporate the Murphy and Tennessee Turnpike Company;

S. B. 304, a bill to be entitled an act to incorporate the Wilmington and Charlotte Railway Building Company;

S. B. 366, a bill to be entitled an act to incorporate the Old Ford and Tar River Turnpike Company;

H. B. 314, S. B. 358, a bill to be entitled an act to amend the charter of the Caldwell and Watauga Turnpike Company;

S. B. 346, a bill to be entitled an act to incorporate Hook and Ladder Company, Number 1, city of Raleigh;

H. B. 266, S. B. 356, a bill to be entitled an act to incorporate Prospect Lodge No. 311, of Free and Accepted Masons, of the county of Rowan;

H. B. 304, S. B. 354, a bill to be entitled an act to incorporate the Wilson Collegiate Institute;

S. B. 291, a bill to be entitled an act to incorporate Atlantic Lodge, No. 224;

H. B. 188, S. B. 247, a bill to incorporate the Victor Fire Company, No. 1, of the city of Raleigh;

H. B. 232, S. B. 248, a bill to be entitled an act to amend an act to incorporate the Beaver Creek Manufacturing Company, in the county of Cumberland;

H. B. 25, S. B. 255, a bill to be entitled an act to incorporate the Newbern Educational Association.

H. B. 205, S. B. 240, a bill to be entitled an act to incorporate a Literary and Dramatic Association in the town of Fayetteville;



S. B. 314, a bill to be entitled an act to charter the Bank of Reidsville ;

H. B. 173, S. B. 240, a bill to be entitled an act to incorporate the Murphy Mills Manufacturing Company, in the County of Cumberland ;

H. B. 192, S. B. 237, a bill to be entitled an act to authorize the Commissioners of Haywood County to sell a portion of the poorhouse lands of said county ;

S. B. 348, a bill to be entitled an act to incorporate Silvan Lodge, No. 178, F. A. Masons ;

H. B. 257, S. B. 368, a bill to be entitled an act to incorporate the Fayetteville Road Steamer Company ;

H. B. 222, S. B. 309, a bill to be entitled an act to incorporate the town of Boone in Watauga county ;

H. B. 295, S. B. 269, a bill to be entitled an act to make Reedy Fork a lawful fence ;

S. B. 347, a bill to be entitled an act to repeal an act chapter 44, private acts, extra session 1861.

H. B. 151, S. B. 337, a bill to be entitled an act to incorporate the Wilmington Insurance Company ;

H. B. 150, S. B. 310, a bill to be entitled an act to lay off and construct a public highway, in the counties of Buncombe and Mitchell ;

S. B. 222, a bill to be entitled an act to charter the upper Division of the Yadkin Railroad Company ;

S. B. 378, a bill to be entitled an act to allow the Engrossing Clerk of the Senate to employ assistance ;

S. B. 305, a bill to be entitled an act to incorporate the town of Battleboro ;

H. B. —, S. B. 241, a bill to be entitled an act to incorporate the town of Dallas.

A message was received from the House of Representatives transmitting certain resolutions of the Agricultural Convention, and reports of Board of Trustees of the Institution for the Deaf, Dumb and Blind, with a proposition to incorporate them in the Legislative Documents, which was concurred in.

A message was received from His Excellency, Governor Tod. R. Caldwell, announcing the reception by him of the letter of resignation of Z. B. Vance, as United States Senator. The communication was read and laid on the table.

S. B. 312, a bill to be entitled an act to prevent the sale of liquor within two miles of Cokesbury Church, in the county of Cumberland, was read second time.

Mr. Cowles moved to lay the bill on the table, and a quorum not voting, on motion of Mr. Skinner, the Senate adjourned.

---

FORTY-SIXTH DAY.

SENATE CHAMBER, January 22d, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. J. M. Atkinson, D. D.

The Journal of yesterday was read.

A message was received from the House of Representatives announcing the death of the Hon. Thos. Bragg and informing the Senate that the House had passed a joint resolution to adjourn in respect to his memory, and asking the Senate to unite with the House in attendance at the funeral ceremonies to be had this evening.

On motion, the resolution was concurred in and the Senate adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M. January 22nd, 1872.

The Senate met pursuant to adjournment.

On motion of Mr. Robbins, of Davidson, S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction, was made special order for 11 a. m., to-morrow.



Leave of absence was granted to Mr. Graham, of Alamance, for Wednesday and Thursday.

Bills were introduced, read and passed first time and referred, as follows:

By Mr. Albright: a bill to be entitled an act in favor of Sarah Williams. To committee on judiciary;

By Mr. Council: a bill to be entitled an act to determine the correct line between the States of North Carolina and Tennessee. To committee on propositions and grievances.

Mr. Linney introduced a joint resolution to raise a joint select committee to re-write the Constitution of the State, &c. The rules were suspended and the resolution referred to committee on the judiciary.

Bills on third reading were acted on as follows:

S. R. 201, resolution in regard to the Lovejoy Academy. Read and passed third time.

S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company. Read third time.

Mr. King moved to lay the bill on the table. The yeas and nays were ordered, on demand of Mr. King, and the motion did not prevail. Yeas 13; Nays 15.

*Affirmative*—Messrs. Albright, Beasley, Bellamy, Brown, Currie, Flythe, Hyman, King, Lehman, Linney, McCotter, Moore and Worth—13.

*Negative*—Messrs. Cook, Council, Cowles, Dargan, Edwards, Flemming, Graham of Alamance, Latham, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Rowan, and Skinner—15.

On motion of Mr. McClammy the bill was re-committed to the committee on internal improvements.

S. B. 234, a bill to be entitled an act to provide for the levying and collecting of taxes in the city of Charlotte. Read and passed third time. Yeas 24; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Beasley, Cook, Council, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, King, Latham, Linney, Mauney, Mc-

Clammy, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—24.

*Negative*—Messrs. Bellamy, Moore and Olds—3.

S. B. 281, a bill to be entitled an act to authorize the Commissioners of Stokes county to issue bonds. Read third time and passed. Yeas 22 ; Nays 7.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brown, Council, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, King, Latham, Lehman, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—22.

*Negative*—Messrs. Bellamy, Brogden, Cowles, Hyman, Linney, Moore and Olds—7.

S. B. 257, H. B. 114, a bill to be entitled an act to prevent the felling of trees in New River, in Ashe county. Read third time.

The amendment, in the nature of a substitute, offered by the Committee on Propositions and Grievances, was adopted, and the bill passed third time. Yeas 21 ; Nays 5.

*Affirmative*—Messrs. Cook, Council, Cowles, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Latham, Lehman, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—21.

*Negative*—Messrs. Adams, Bellamy, Brogden, King and McCotter—5.

S. B. 289, a bill to be entitled an act to authorize the Commissioners of Pasquotank to issue bonds, and for other purposes. Read third time and passed. Yeas 21 ; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brown, Cook, Council, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Latham, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—21.

*Negative*—Messrs. Bellamy, Brogden, Cowles, Hyman, King and Olds—6.



S. B. 342, a bill to be entitled an act for the regulation and better protection of the public libraries. Read and passed third time. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Hyman, King, Latham, Linney, Mauney, McClammy, McCotter, Merriam, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—30.

*Negative*—None.

S. B. 364, a bill to be entitled an act to allow the Commissioners of Anson County to levy a special tax. Read and passed third time. Yeas 23; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brown, Council, Currie, Dargan, Edwards, Flemming, Graham of Alamance, King, Latham, Linney, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Warren and Worth—23.

*Negative*—Messrs. Bellamy, Cowles and Hyman—3.

The Senate then adjourned.

---

#### FORTY-SEVENTH DAY.

SENATE CHAMBER, January 23rd, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. R. S. Mason.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted as follows;

From the Committee on Judiciary:

By Mr. Jones: S. B. 399, a bill to be entitled an act in favor of Sarah Williams, recommending its passage.

From the Committee on Corporations:

By Mr. Moore : S. B. 393, a bill to be entitled an act to authorize the election of a Town Constable in Elizabeth City, recommending its passage ;

S. B. 381, H. B. 203, a bill to be entitled an act to amend an act entitled an act to incorporate the town of Salem, recommending its passage.

From the Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 23, a bill to be entitled an act in relation to the inspection of fish ;

S. B. 139, a bill to be entitled an act to authorize C. P. Clouse to erect a gate across a public highway ;

S. B. 194, a bill to be entitled an act declaring Yadkin river a lawful fence ;

S. B. 204, a bill to be entitled an act to authorize the trustees of Mt. Gilead meeting and school house, of Haywood county to sell their property ;

S. B. 383, H. B. 226, a bill to be entitled an act to authorize the County Commissioners of Alleghany county to levy a special tax ;

S. B. 384, H. B. 256, a bill to be entitled an act to prevent the catching of oysters in Far Creek, in Hyde county, recommending that they do pass.

S. R. 202, H. R. 92, resolution in favor of J. E. Eldridge, Sheriff of Bladen county ;

S. B. 205, H. B. 159, a bill to be entitled an act in favor of James I. Moore, Sheriff of Granville county, John M. Bate-man, Sheriff of Washington county, and F. J. Satchwell, Sheriff of Beaufort county ;

S. B. 398, H. B. 276, a bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the Baptist Church at Pleasant Plains, in the county of Columbus, recommending that they do not pass.

From the Committee on Insane Asylum :

By Mr. Murphy : S. B. 375, a bill to be entitled an act for the support of the idiots, lunatics and deaf and dumb and blind when they have been refused admission into the



Asylum, with an amendment, in the nature of a substitute therefor.

A report from the Keeper of the Capitol was received, read and referred to committee on public grounds, buildings, &c.

On motion of Mr. Cowles the rules were suspended and the Senate proceeded to consider S. B. 345, a bill to be entitled an act to create a finance committee in the several counties of the State, on its third reading. The bill was read the third time.

Mr. Linney moved to amend by adding the following proviso:

*Provided*, That they shall have been previously notified by notice from the Clerk of the Superior Court that charges have come to his knowledge by at least twelve good citizens of the county that the Commissioners have been guilty of some misconduct in office, and it is hereby made the duty of the Clerk of the Superior Court whenever a charge is made to him, either orally or written, (as above required) that any fraud or other misconduct in office has been committed by the County Commissioners, at once to notify the Justices of the Peace of his county of that fact.

The amendment did not prevail.

Mr. Worth moved to strike out the words "it shall be the duty of," also to strike out word "to" after word "State" and insert word "may," also to strike out word "shall" before word "elect" and insert word "may." The amendments prevailed, and the bill passed third time. Yeas 24; Nays 14.

*Affirmative*—Messrs. Adams, Cook, Council, Cowles, Currie, Dargan, Edwards, Flemming, Graham of Orange, Hyman, Jones, King, Lehman, Linney, Mauney, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Waddell, Whiteside and Worth.—24.

*Negative*—Messrs. Albright, Beasley, Brogden, Brown, Eppes, Flythe, Gilmer, Latham, McCotter, Merrimon, Morehead, Olds, Skinner and Troy—14.

Ordered to be forthwith engrossed and transmitted to House of Representatives for concurrence.

Mr. Beasley introduced a bill to be entitled an act to amend an act entitled an act to authorize the Commissioners of Bertie County to issue bonds, ratified on the 20th December, 1871, which, under a suspension of the rules, was read and passed three several times.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 90, a bill to be entitled an act to regulate the proceedings on writs of *mandamus* ;

S. B. 234, a bill to be entitled an act to provide for the levying and collecting of taxes in the city of Charlotte ;

Amendment to S. B. 353, H. B. 310, a bill to be entitled an act to amend an act entitled an act to restore and reinstate records of the several courts in the State destroyed by fire and otherwise during the late war ;

S. R. 378, resolution to allow the Engrossing Clerk of the Senate to employ assistance ;

S. R. 395, resolution on the subject of the Dismal Swamp Canal ;

S. B. 346, a bill to be entitled an act incorporating the Hook and Ladder Company, No. 1, of the city of Raleigh ;

S. B. 348, a bill to be entitled an act to incorporate Sylvan Lodge, No. 178, F. and A. Masons ;

S. B. 291, a bill to be entitled an act to incorporate Atlantic Lodge, No. 294 ;

S. B. 345, a bill to be entitled an act to create a Finance Committee in the several counties of the State.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State :

An act to repeal an act passed at the present session, ratified 15th January, 1872, and entitled "an act supplementary of an



act to amend the charter of the North Western North Carolina Railroad Company, and for other purposes," and to fill certain blanks;

An act to incorporate the town of Boon, in the County of Watauga;

An act to incorporate Prospect Lodge, No. 311, of Free and Accepted Masons, of the County of Rowan;

An act to amend chapter 63 of the private laws of 1870-'71, entitled "an act to incorporate the town of Kernersville";

An act to incorporate the Fayetteville Road Steamer Company;

An act to provide for the publication of an act to alter the Constitution of North Carolina;

An act to incorporate the Murphy Mills Manufacturing Company in the County of Cumberland;

An act to charter the town of Dallas;

An act to incorporate the Victor Fire Company, No. 1, of the City of Raleigh;

Resolution to provide additional aid for the Enrolling Clerk;

Resolution in regard to the management of the penitentiary.

The hour for its consideration having arrived, the Senate proceeded to the consideration of the special order, S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction.

Section 26 of the substitute offered by the Committee was read.

Mr. Edwards moved to strike out word "and." The motion prevailed and the section was agreed to.

Sections 27 and 28 were read and agreed to.

Section 29 was read.

Mr. Gilmer moved to strike out the words "and at the middle of every ten months school." The motion prevailed.

Mr. Robbins, of Davidson, moved to insert before word "from" in line 10, the words "two or." The motion prevailed.

Mr. Edwards moved to strike out the words "but in all

cases" and insert the words "and also" instead thereof. The amendment prevailed. The section was then agreed to.

Section 30 was read.

Mr. Gilmer, moved to insert the words "four months" between the words "every" and "term."

Mr. Worth moved to amend the amendment by inserting before the word "four" the words "two or." The amendment to the amendment prevailed, and the question recurring on the amendment as amended it prevailed. The section was then agreed to.

Section 31 was read and agreed to.

Section 32 was read.

Mr. Graham, of Orange, moved to strike out first three lines and word "unpaid" in line 4; also strike out word "county" in line 8; also strike out all after word "the" in line 10, down to and including word "act."

The amendments prevailed, and the section was agreed to.

Sections 33, 34 and 35 were severally read and agreed to.

Section 36 was read.

Mr. Graham, of Alamance, moved to insert after the word "constitution" the words "and all the tax levied and collected under this act."

Mr. Robbins, of Rowan, moved to amend the amendment by adding thereto the words "including the capitation tax."

The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the amendment to the amendment did not prevail. Yeas 14; Nays 17.

*Affirmative*—Messrs. Albright, Beasley, Brogden, Brown, Gilmer, Jones, McCotter, Merrimon, Morehead, Murphy, Robbins of Rowan, Troy, Waddell and Worth—14.

*Negative*—Messrs. Cook, Council, Cowles, Dargan, Fleming, Flythe, Graham of Orange, King, Latham, Linney, Mauney, McClammy, Norment, Olds, Robbins of Davidson, Skinner and Speed—17.

The amendment of Mr. Graham, of Alamance, then prevailed, and the section was agreed to.



Section 37 was read.

Mr. Graham, of Orange, moved to insert after the word "fund" the words "of the counties."

The amendment prevailed, and the section was agreed to.

Section 38 was read.

Mr. Norment moved to strike out the section, and on this motion demanded the yeas and nays.

Mr. Robbins, of Rowan, in order to perfect the section, moved to strike out the last sentence and insert instead thereof the following: "There shall also be levied and collected on each poll twenty-five cents special tax."

The amendment prevailed.

Mr. Robbins, of Rowan, moved to strike out the words "one twelfth of one per cent.," and insert instead thereof the words "six and two-third cents on the every one hundred dollars worth of property."

Mr. Cook called for a division of the question, and the question recurring first on the motion to strike out, the yeas and nays were ordered, on demand of Mr. Cook, and the Senate agreed to strike out. Yeas 24; Nays 14.

*Affirmative*—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Dargan, Eppes, Graham of Orange, Hyman, Latham, Lehman, Linney, Mauney, McClammy, Merrimon, Moore, Norment, Olds, Robbins of Rowan, Skinner, Speed, Waddell and Whiteside—24.

*Negative*—Messrs. Beasley, Brown, Currie, Flemming, Gilmer, Graham of Alamance, Jones, King, McCotter, McCrehead, Murphy, Robbins of Davidson, Troy and Worth—14.

Mr. Hyman moved to fill the blank with the words "one eighth of one per cent.," and the question recurring thereon, the yeas and nays were ordered, and the motion did not prevail. Yeas 11; Nays 27.

*Affirmative*—Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore, Olds and Speed—11.

*Negative*—Messrs. Adams, Albright, Brown, Cook, Council, Cowles, Currie, Dargan, Flemming, Gilmer, Graham of Ala-

mance, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—27.

Mr. Merrimon moved to reconsider the vote by which the Senate agreed to strike out the words "one-twelfth of one per cent."

Mr. Graham, of Orange, moved to lay that motion on the table. The yeas and nays were ordered and the motion to lay on the table did not prevail. Yeas 14 ; Nays 23.

*Affirmative*—Messrs. Albright, Beasley, Cook, Council, Cowles, Dargan, Flythe, Graham of Orange, Jones, Latham, Mauney, McClammy, Norment and Skinner—14.

*Negative*—Messrs. Adams, Brogden, Brown, Currie, Flemming, Gilmer, Graham of Alamance, Hyman, King, Lehman, Linney, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Speed, Troy, Waddell, Whiteside and Worth—23.

The motion to reconsider then prevailed, and the question recurring upon the motion to strike out the words "one-twelfth of one per cent.," the Senate refused to strike out.

Mr. Graham, of Alamance, moved to strike out the word "State," wherever the same occurs, and insert the word "county." The amendment prevailed.

Mr. Merrimon moved to insert the following after the word "taxes :": "*Provided*, That it shall not be lawful for the county commissioners of any county to levy an additional tax for free school purposes." The amendment prevailed.

The question then recurring upon agreeing to the section, the yeas and nays were ordered, on demand of Mr. Gilmer, and the section was ordered to stand as part of the substitute. Yeas 27 ; Nays 11.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brogden, Cowles, Currie, Flemming, Flythe, Gilmer, Graham of Alamance, Hyman, King, Lehman, Linney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins



of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Cook, Council, Dargau, Edwards, Graham of Orange, Jones, Latham, Mauney, Norment, Skinner, and Speed—11.

The Senate then adjourned.

---

### FORTY-EIGHTH DAY.

SENATE CHAMBER, January 24th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Messrs. Latham and Lehman were excused from attendance on the Senate this morning to enable them to serve on a special committee.

On motion of Mr. McClammy, S. R. 336, resolution in favor of W. H. High, J. Q. DeCarteret and J. M. McGowan, was referred to committee on claims

Reports from Standing Committees were then submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Waddell: S. B. 339, a bill to be entitled an act in relation to the boundary line between the State of North Carolina and Virginia;

S. B. 401, a bill to be entitled an act to determine the correct line between the States of North Carolina and Tennessee, with amendment, in the nature of a substitute, therefor;

S. R. 220, a resolution in favor of J. W. Hays, late sheriff of Wilkes county, recommending its passage;

S. B. 243, H. B. 160, a bill to be entitled an act to amend chapter 6, private laws of session of 1870-'71, with amendment;

S. B. 230, H. B. 170, a bill to be entitled an act to extend

the time of James Cansler, tax collector of Macon county, and others, with recommendation that it do not pass.

Report, asking to be discharged from further consideration of petitions from certain citizens of Forsythe and Davidson counties in regard to the obstruction and interference with the waters of certain creeks in those counties. The committee was discharged.

From the Committee on Corporations :

By Mr. Moore : S. B. 412, a bill to be entitled an act to incorporate the Newbern and Beaufort Canal Company, recommending its passage.

From the Committee on Claims :

By Mr. Latham : S. B. 334, resolution in favor of Chas. H. Abrams ;

S. R. 388, resolution to authorize the Public Treasurer to pay James C. Turner for certain services rendered the State, recommending that they do pass ;

S. R. 367, H. R. 97, resolution of instruction to the Public Treasurer to pay J. S. Summersett, John Petillo and Archer Holt the sum of fifty dollars each, as commutation for arms lost in the army, with amendment.

From the Committee on Internal Improvements :

By Mr. Robbins, of Rowan : S. B. 394, a bill to be entitled an act to incorporate the Ransom's Bridge and Weldon Transportation Company, with amendment ;

S. B. 292, H. B. 195, a bill to be entitled an act to authorize the Western Railroad Company to open to navigation the waters of Lower Little River, recommending its passage ;

S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company, without recommendation.

Mr. Latham moved to suspend the rules for the purpose of considering S. B. 390, a bill to be entitled an act concerning representation in the Senate.

The yeas and nays were ordered, on demand of Mr. King,



and the motion did not prevail, a majority of all the Senators elect not having voted therefor. Yeas 19; Nays 13.

*Affirmative*—Messrs. Adams, Council, Cowles, Currie, Dargan, Edwards, Graham of Orange, Hyman, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Skinner, Troy, Waddell and Worth—19.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Hawkins, King, Lehman, Long, McCotter, Moore, Murphy, Olds and Whiteside—13.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Council : a bill to be entitled an act to authorize the County Commissioners of Watauga county to levy a special tax. To committee on propositions and grievances.

By Mr. Morehead : a bill to be entitled an act to incorporate the North Carolina Industrial Agency and Banking Company. To committee on finance.

A bill to be entitled an act to incorporate the Contractor's Association. To committee on finance.

By Mr. McClammy : a bill to be entitled an act to establish near the city of Wilmington a hospital for the insane. To committee on insane asylum.

By message from House of Representatives : H. B. 241, a bill to be entitled an act to amend an act to promote and encourage the planting of oysters and clams, chapter 33, acts of Assembly 1858-'59. To committee on propositions and grievances ;

H. B. 252, a bill to be entitled an act to incorporate Asheville Council, No. 4, Friends of Temperance, in the town of Asheville, N. C. To committee on corporations ;

H. B. 280, a bill to be entitled an act to incorporate the town of Cherryville, in the county of Gaston. To committee on corporations ;

H. B. 239, a bill to be entitled an act amendatory of an act entitled an act to incorporate the Hiwassee and Cheoah Turnpike Company. To committee on corporations ;

H. B. 324, a bill to be entitled an act in regard to bills of cost. To committee on judiciary.

H. B. 345, a bill to be entitled an act to change the time of the annual meeting of the Board of Directors of the Insane Asylum. To committee on insane asylum ;

H. B. 369, a bill to be entitled an act to change the line between the counties of Ashe and Alleghany. To committee on propositions and grievances.

By Mr. Murphy: a bill to be entitled an act to prevent the destruction of fish in the waters of Black River and Six Runs in New Hanover and Sampson Counties. To committee on propositions and grievances.

By Mr. Morehead: resolution in favor of William M. Shipp, Attorney General. Laid over under the rules.

By Mr. Robbins, of Rowan: a bill to be entitled an act to amend the law in regard to probate of deeds and other instruments. Placed on calendar.

By Mr. Lehman: a bill to be entitled an act to incorporate the Newbern and Beaufort Canal Company. To committee on corporations.

The Committee having considered the last named bill, reported in favor of its passage, and the rules having been suspended the bill was read and passed second and third times.

Mr. Brogden introduced a resolution to investigate the printing of the evidence reported by the Fraud Commission, which was read and laid over under the rules.

A message was received from the House of Representatives transmitting the report of the committee to investigate the accounts of the Public Printer and proposing to print the same, which, on motion, was concurred in.

A message was also received from the House of Representatives informing the Senate that Messrs. Johnston, of Buncombe, McAfee and Morris had been designated as the House branch of Joint Select Committee to investigate the management of the Penitentiary.

A message was received from his Excellency, the Governor, transmitting the proceedings of the Board of Education. The



message and proceedings were read and referred to Committee on Education.

Mr. Speed introduced a resolution approving the sale of Durant's Island, which was read and laid over under the rules.

On leave granted, Mr. King introduced a bill to be entitled an act to incorporate Rountree Lodge of Ancient Free and Accepted Masons, at Bethel Church, Lenoir County, No. 243, which, under a suspension of the rules, was read and passed three several times, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following bills and resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 314, a bill to be entitled an act to charter the Bank of Reidsville ;

S. R. 335, resolution relating to Cape Fear Harbor ;

S. B. 364, a bill to be entitled an act to allow the Commissioners of Anson County to levy a special tax ;

S. B. 304, a bill to be entitled an act to incorporate the Wilmington and Charlotte Railway Building Company ;

S. B. 289, a bill to be entitled an act to authorize the Commissioners of Pasquotank to issue bonds and for other purposes ;

S. B. 305, a bill to be entitled an act to incorporate the town of Battleboro' ;

S. R. 201, resolution in regard to the Lovejoy Academy ;

S. B. 303, a bill to be entitled an an act to authorize the Commissioners of Brunswick County to issue bonds ;

S. B. 281, a bill to be entitled an act to authorize the Commissioners of Stokes County to issue bonds ;

S. B. 222, a bill to be entitled an act to charter the Upper Division of the Yadkin Railroad Company ;

S. B. 402, a bill to be entitled an act to amend an act entitled an act to authorize the Commissioners of Bertie County to issue bonds, ratified December 20th, 1871 ;

S. B. 347, a bill to be entitled an act to repeal an act, chapter 44, private acts, extra session ;

S. B. 366, a bill to be entitled an act to incorporate the Old Fort and Tow River Turnpike Company ;

Amendment in the nature of a substitute ;

S. B. 257, a bill to be entitled an act to prevent the felling of trees in New River, in Ashe County ;

S. B. 342, a bill to be entitled an act for the regulation and better protection of the public libraries.

The Senate proceeded to the consideration of the unfinished business of yesterday, S. B. 198, a bill to entitled an act to consolidate the school laws and to provide for a system of public instruction.

Section 39 of the substitute was read.

Mr. Brogden moved to amend by striking out all of said section after the word "act," as follows : " And if any secretary of a county board of education shall fail to comply with the provisions of this section at the time above stated, he shall be guilty of a misdemeanor, and upon conviction thereof in the Superior Court of his county, he shall be fined not less than fifty dollars, and not more than two hundred dollars."

The amendment did not prevail.

Mr. Robbins, of Davidson, moved to amend as follows : " After the word "act" in line 10, insert the following, " and also the number of school children in the county as reported to the county board of education under the provisions of section forty-seven of this act."

The amendment prevailed, and the section was agreed to.

Section 40 was read.

Mr. Worth moved to amend as follows : Strike out the words "one per cent." in line 2, and insert in lieu thereof the words "such commissions as are now allowed by section 2, chapter 139, laws of 1870-'71."

The amendment prevailed, and the section was agreed to.

Sections 41 and 42 were severally read and agreed to.

Section 43 was read.



Mr. Olds moved to strike out all after the word "education" in line 8.

The amendment prevailed, and the section was agreed to. Sections 44 and 45 were severally read and agreed to.

Mr. Worth moved the following be inserted as an additional section :

Sec. 46. Every person who shall wilfully interrupt or disturb any public or private school, or any meeting lawfully and peaceably held for the purpose of literary or scientific improvement, either within or without the place where such school or meeting is held, or of injuring any school building, or of defacing any school furniture, apparatus or other school property, shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars at the discretion of the court.

The amendment prevailed.

Mr. Gilmer moved to amend by inserting an additional section, to come in after section 46, as follows :

"Section 47. That it shall be the duty of the clerk of the Township Board of Trustees in any county, at the same time when the taxes of said county are listed, to take and return to the County Board of Education, on or before the 15th day of April of each year, a full and accurate census of the children between the ages of six and twenty-one."

Mr. Brogden moved to amend the amendment by adding the following proviso :

"*Provided*, That the clerk of each township shall be allowed five dollars for taking a full and accurate census of all persons in the township entitled to the benefits of this act.

The amendment to the amendment prevailed.

The question recurring on the amendment as amended, it was adopted.

Mr. Worth moved to amend section 35 by adding the following thereto: "He shall keep his office at the seat of government and shall sign all requisitions on the Auditor for the payment of money out of the State treasury for school purposes. Copies of his acts and decisions, and of all papers kept in his office and authenticated by his signature and official seal shall be of the same force and validity as the original. He shall be furnished with such rooms, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office as heretofore."

The amendment prevailed.

The question next recurring upon the following amendment, moved by Mr. Norment on yesterday, to come in as "Section 47. That this act shall not go into effect until ratified by the qualified voters of the State," the amendment did not prevail.

The question then recurring thereon, the amendment, in the nature of a substitute for the bill, offered by the Committee on Education, prevailed, and the bill, as amended, passed the second time. Yeas 22; Nays 8.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Brown, Cowles, Currie, Flemming, Gilmer, Graham of Orange, Hawkins, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Whiteside and Worth—22.

*Negative*—Messrs. Adams, Cook, Council, Dargan, Edwards, Linney, Mauney and Waddell—8.

Mr. Morehead moved to suspend the rules for the purpose of considering S. B. 190, a bill to be entitled an act concerning representation in the Senate.

The yeas and nays were ordered, on demand of Mr. King, and the motion did not prevail, a majority of all the Senators elected not having voted therefor. Yeas 23; Nays 10.

*Affirmative*—Messrs. Adams, Cook, Council, Cowles, Dar-



gan, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Flythe, Hawkins, Hyman, King, Long, Moore and Olds—10.

On motion, the rules were suspended and the Senate proceeded to consider S. B. 343, a bill to be entitled an act to aid in the completion of the Western Division of the Western North Carolina Railroad. The bill was read the second time.

Mr. Merrimon moved to strike out the words "five hundred" in section 9, and insert the words "one thousand."

The amendment prevailed.

Mr. Love moved to amend as follows:

In section 4, line 18, strike out W. B. Tedwell.

In section 4, line 13, strike out R. H. Cannon and insert W. A. Enloe.

In section 4, line 19, strike out R. D. McCombs and W. L. Love.

In section 4, line 20, strike out N. G. Phillips and insert Stephen Whitaker.

In section 4, line 28, strike out W. Levi Love and insert R. D. McCombs.

Mr. Merrimon offered the following as an amendment to the amendment: "Strike out "W. A. Enloe" and insert "Jesse Wallen," and further to amend the amendment by adding the following thereto: Strike out "Walter Brown" and and insert "John L. Bailey."

The yeas and nays having been ordered on their adoption, the amendments offered by Mr. Merrimon did not prevail. Yeas 12; Nays 17.

*Affirmative*—Messrs. Brown, Currie, Dargan, Edwards, Flemming, Graham of Orange, Merrimon, Moore, Morehead, Robbins of Davidson, Speed and Whiteside—12.

*Negative*—Messrs. Adams, Beasley, Bellamy, Brogden, Cook, Council, Eppes, Gilmer, Hawkins, Hyman, Linney,

Love, Mauney, Murphy, Olds, Robbins of Rowan and Worth—19.

The amendment offered by Mr. Love was then adopted.

Mr. Merrimon moved to amend as follows: Strike out all after the words "Western Division of said road" where they first occur on page 3, and insert the words "according to the provisions of the charter of said company referred to in the first section of this act, after paying all the just debts of said company."

The yeas and nays having been ordered, on demand of Mr. Love, the amendment did not prevail. Yeas 7; Nays 21.

*Affirmative*—Messrs. Cowles, Currie, Flemming, Gilmer, Merrimon, Moore and Skinner—7.

*Negative*—Messrs. Adams, Beasley, Bellamy Brogden, Brown, Cook, Council, Dargan, Edwards, Hawkins, Hyman, Linney, Love, McClammy, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—21.

Mr. Merrimon moved to add the following as an additional section:

Sec. 10. The French Broad Branch of the Western Division of the Western North Carolina Railroad Company be and is hereby consolidated with the Eastern Division of said Company, and shall hereafter constitute a part of the said Eastern Division.

Mr. Love moved to add the following proviso:

*Provided*, That said Eastern Division shall pay to the Western Division of said road a sum equal to the amount already expended by the Western Division of the aforesaid French Broad Branch."

The amendment to the amendment prevailed, and the question recurring on the amendment of Mr. Merrimon as amended, it was adopted and the bill passed second time. The bill was



then read third time and made special order for 11 a. m. tomorrow.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate Davidson High School, near Teaguetown, in Davidson county ;

An act to incorporate the Old North State Insurance Company ;

An act to incorporate the Wilson Collegiate Institute ;

An act to incorporate the Warrenton and Shocco Turnpike Company ;

An act to raise Revenue ;

An act to incorporate the Wilmington Mutual Insurance Company ;

An act to provide for the laying off and construction of a public highway in the counties of Burke and Mitchell ;

An act to incorporate the Newbern Educational Association ;

An act to incorporate a Literary and Dramatic Association in the town of Fayetteville :

An act to amend and extend the charter of the Rockfish Manufacturing Company of Fayetteville ;

An act in favor of E. Murrill, sheriff of Onslow ;

An act to make Reedy Fork a lawful fence ;

An act to authorize the Commissioners of Haywood county to sell a portion of the poorhouse lands of said county ;

An act to provide for the service of process issuing from courts of justices of the peace in civil causes where one or more of the defendants may reside out of the county in which the action is brought ;

An act to incorporate the Oak City Savings Bank of Raleigh ;

An act to provide for the draining of Mattamuskeet Lake

An act to amend an act entitled an act to amend the charter

of the Caldwell and Watauga Turnpike Company, ratified the 5th day of April, 1871 ;

An act supplemental to an act entitled an act to incorporate the Elizabeth City and Norfolk Railroad Company, ratified 20th January, 1870 ;

An act for the support of the Insane Asylum of North Carolina, for the fiscal year ending 31st December, 1872 ;

Resolution for the relief of T. F. Baxter, sheriff of Currituck county, and A. Murray, sheriff of Alamance county.

Bills on third reading were acted on as follows :

S. B. 261, a bill to be entitled an act to facilitate the capture of the outlaws in Robeson county. The bill was read the third time and the question recurring on its passage, the roll was called and the clerk reported that sixteen Senators had voted in the affirmative and that sixteen Senators had voted in the negative.

*Affirmative*—Messrs. Brown, Edwards, Flemming, Graham of Orange, Hawkins, Jones, Mauney, McClammy, Moore, Morehead, Murphy, Robbins of Davidson, Skinner, Speed, Troy and Waddell—16.

*Negative*—Messrs. Adams, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Dargan, Flythe, Gilmer, Hyman, Linney, Merrimon, Olds, Whiteside and Worth—16.

Thereupon the presiding officer, the Senator from McDowell, being temporarily in the chair, declared that in accordance with precedent hitherto set by temporary occupants of the chair, the vote being equally divided, he was entitled to give a casting vote as presiding officer notwithstanding he had already voted as Senator, and as presiding officer would then vote in the affirmative.

Mr. Cook appealed from the decision of the Chair to that of the Senate.

Mr. Graham, of Orange, moved to lay the appeal on the table.

The yeas and nays were ordered, and the motion did not prevail. Yeas 10 ; Nays 23.



*Affirmative*—Messrs. Adams, Gilmer, Graham of Orange, McClammy, Morehead, Olds, Skinner, Speed, Waddell and Worth—10.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Cook, Cowles, Currie, Dargan, Edwards, Eppes, Flythe, Hyman, Jones, King, Linney, Long, Love, Mauney, Merrimon, Moore, Robbins of Davidson, Robbins of Rowan, Troy and White-side—23.

The chair then put the question "Shall the decision of the Chair stand as the decision of the Senate," and it was decided in the negative.

Thereupon Senator Warren, the President of the Senate, who had not voted upon the bill, having resumed the chair, declared that he was of opinion that he was entitled to give a casting vote as President of the Senate, the vote being equally divided.

Mr. Cook rose to a point of order, and objected that the Chair could not now vote, for the reason that the Senate had completed its action on the bill.

The Chair ruled that the point of order was not well taken, the report of the clerk as to the number of Senators voting in the affirmative, and in the negative having been announced, and not the result of the action of the Senate on the bill, the Chair thereupon voted in the affirmative and declared the bill to have passed its third reading. Yeas 17; Nays 16.

The Senate then adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M. January 24th, 1872.

The Senate met pursuant to adjournment.

On motion of Mr. McClammy S. B. 351, H. B. 104, a bill to be entitled an act to repeal section 11, chapter 185, acts of 1868-'69, was referred to the committee on judiciary.

Bills on second reading were acted on as follows, under a suspension of the rules :

S. B. 312, a bill to be entitled an act to prevent the sale of liquor within two miles of Cokesbury Church, in the county of Cumberland. Laid on the table.

S. B. 23, a bill to be entitled an act in relation to the Inspection of fish. Read second time and rejected.

S. B. 111, a bill to be entitled an act for the relief of the Western North Carolina Railroad Company. Laid on the table.

S. B. 139, a bill to be entitled an act to authorize C. P. Clouse to erect a gate across a public highway. Read second time.

Mr. Robbins, of Davidson, moved to strike out "ten dollars" and insert "fifty dollars for each gate." Laid on the table.

S. B. 275, a bill to be entitled an act to amend an act entitled an act to pay the expenses of idiots and lunatics incurred by counties in certain cases. Read second time.

Mr. Cowles moved an amendment in the nature of a substitute for the bill. The amendment prevailed and the bill passed the second time.

The bill was read the third time.

Mr. Murphy moved to strike out in section 2, the words "in case he suspects fraud." The amendment prevailed.

Mr. Cook moved an amendment in the nature of a substitute for the bill.

Mr. Worth moved to strike out word "idiot" wherever it occurs in the bill. The motion prevailed and the amendment as amended was adopted, and the bill passed the third time. Yeas 26, Nays 4.

*Affirmative*—Messrs. Adams, Broglen, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Eppes, Flemming, Flythe, Jones, Linney, Long, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. King, Moore, Olds and Skinner—4.



S. B. 283, a bill to be entitled an act to promote the mining interests of the State. Read and passed second time.

Mr. Waddell, from the Committee on Propositions and Grievances, reported favorably on

S. B.—a bill to be entitled an act to authorize the County Commissioners of Watauga county to levy a special tax;

Mr. Flemming moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Jones, and the motion did not prevail. Yeas 4; Nays 23.

*Affirmative*—Messrs. Flemming, Flythe, King and Price—4.

*Negative*—Messrs. Beasley, Brogden, Brown, Cook, Council, Cowles, Dargan, Edwards, Jones, Linney, Mauney, McClammy, Merrimon, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—23.

Mr. Robbins, of Davidson, introduced a bill to be entitled an act in relation to Moore and Nash Squares, in the city of Raleigh, which was read and passed first time and referred to committee on public grounds, buildings, &c.

Mr. Brown introduced a bill to be entitled an act to incorporate the Beech Swamp and Scotland Neck Railroad Company which was read and passed first time and referred to committee on internal improvements, and the committee having considered the same reported favorably thereon.

On motion of Mr. Mauney, the Senate adjourned.

---

## FORTY-NINTH DAY.

SENATE CHAMBER, January 25th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted indefinitely from and after to-day to Mr. Love, on account of sickness.

Reports from Standing Committees were then submitted as follows ;

From the Committee on Corporations :

By Mr. Moore : a bill to be entitled an act amendatory of an act entitled an act incorporate the Hiawassee and Cheoah Turnpike Company;

A bill to be entitled an act to incorporate Ashville Council, No. 4, Friends of Temperance, in the town of Asheville, North Carolina.

A bill to be entitled an act to incorporate the town of Cherryville, in the county of Gaston, with recommendation that they do pass.

From the Committee on Grounds and Buildings :

By Mr. Beasley : a bill to be entitled an act in relation to Moore and Nash Squares in the city of Raleigh, with a recommendation that it do pass.

From Committee on Education :

Report recommending the passage of a resolution approving the proposed sale of Durant's Islands.

From the Committee on Propositions and Grievances :

By Mr. Waddell : an act to repeal an act to extend the corporate limits of the town of Kinston, and for other purposes, ratified the 12th day of March, 1866, with a recommendation that it not pass.

A bill to be entitled an act to prevent the destruction of Fish in the waters of Black River, and Six Runs, in New Hanover and Sampson counties, with recommendation that it do pass, and

A bill to be entitled an act to amend an act to promote and encourage the planting of oysters and clams, chapter 33, act of assembly 1858-'59, with amendment.

From the Committee on Judiciary :

By Mr. Graham, of Orange : a bill to be entitled an act to repeal section 11, chapter 185, acts of 1868-'69, with a recommendation that it do pass.

By Mr. Jones : a bill to be entitled an act making it the



duty of the Attorney General to report the decisions of the Supreme Court ;

A bill to be entitled an act to amend an act to provide for limited partnerships, ratified February, 1861, with recommendation that they do pass.

From the Committee on Insane Asylum :

By Mr. Murphy : a bill to be entitled an act to change the time of the annual meeting of the Board of Directors of the Insane Asylum, with a recommendation that it do pass.

From the Committee on Finance :

By Mr. Morehead : 328, a bill to be entitled an act authorizing the Treasurer to return money improperly collected as taxes, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Gilmer : a bill to be entitled an act to protect the property and revenues of the University. To committee on education ;

By Mr. Robbins, of Rowan : a bill to be entitled an act to make Dutchman's Creek a lawful fence, in Davie county. Placed on the calendar ;

By Mr. Graham, of Orange : a memorial from the citizens of Clay county to the Speakers and House of Representatives and Senate of North Carolina. Placed on the calendar ;

By message from the House of Representatives : H. B. 269, a bill to be entitled an act to amend an act entitled an act to amend chapter 188, section 1, of the acts of 1869-'70. To committee on judiciary ;

H. B. 196, an act to incorporate the Raleigh and Fayetteville Railroad Company. To committee on internal improvements ;

H. B. 322, a bill to be entitled an act to authorize the County Commissioners of Union county to levy a special tax. To committee on propositions and grievances ;

H. B. 197, a bill to be entitled an act to amend section 2,

chapter 66, of the public laws of 1869-'70. To committee on judiciary ;

H. R. 129, resolution concerning clerical aid. Lies over.

H. B. 343, a bill to be entitled an act making appropriation for the Deaf, Dumb and Bland Asylum. Placed on the calendar ;

H. B. 183, a bill to be entitled an act to incorporate the Board of Trade of the City of Raleigh. To committee on corporations ;

H. B. 93, a bill to be entitled an act for the benefit of the tax payers of Madison county. To committee on propositions and grievances ;

H. B. 154, a bill to be entitled an act to amend section 131 of the Code of Civil Procedure. To committee on judiciary ;

H. B. 336, a bill to be entitled an act to incorporate the New River Canal Company. To committee on internal improvements ;

By Mr. Robbins, of Rowan : a bill to be entitled an act to incorporate the Yadkin River Navigation Company. Placed on the calendar.

By Mr. Gilmer : a bill to be entitled an act to re-enact and amend an act to incorporate the National Loan and Trust Company, ratified 4th day of March, 1867. Placed on the calendar.

By message from the House of Representatives : H. B. 432, a bill to be entitled an act to authorize the Commissioners of the County of Camden to levy a special tax. To committee propositions and grievances.

A message was received announcing that the House of Representatives had passed S. B. 301, H. B. 363, a bill to be entitled an act to change Sampson county from the 4th to the 5th Judicial District, with an amendment in the nature of a substitute therefor, and asking the concurrence of the Senate therein.

Mr. Robbins, of Rowan, moved that the Senate do not concur in the amendment, and ask a Committee of Conference in relation thereto. The motion prevailed.



The hour for its consideration having arrived, the special order, S. B. 343, H. B. 352, a bill to be entitled an act to aid in the completion of the Western Division of the Western North Carolina Railroad was read third time.

Mr. Love moved to amend section 1, by adding thereto the following:

*Provided*, Sections 7 and 8 of said act, ratified August 19th, 1868, and the following words in section 5 of said act, to-wit, "and the Public Treasurer is hereby authorized and required to make subscriptions from time to time for two-thirds of the stock and make payment as heretofore provided by law," are not and shall not be re-enacted.

The amendment prevailed.

Mr. Merrimon moved to amend by striking out the name of Walter Brown and inserting that of John L. Bailey, the amendment did not prevail, and the bill passed third time. Yeas 28; Nays 6.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, Jones, Long, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—28.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Flythe, Moore and Price—6.

Bills were acted on under a suspension of the rules as follows:

S. B. 156, a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company. Read second time.

Mr. Olds moved to strike out third and fourth sections.

The motion did not prevail, and the question recurring on the passage of the bill, the yeas and nays were ordered on de-

mand of Mr. Moore, and the bill passed the second time. Yeas 21; Nays 12.

*Affirmative*—Messrs. Adams, Cook, Council, Cowles, Currie, Dargan, Edwards, Flemming, Gilmer, Linney, Love, Manney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—21.

*Negative*—Messrs. Bellamy, Brogden, Brown, Eppes, Flythe, Graham of Orange, King, McCotter, Moore, Olds, Speed and Whiteside—12.

The bill was then made special order for 11 a. m., on Saturday, 7th January, 1872.

S. B. 399, a bill to be entitled an act in favor of Sarah Williams. Read and passed second and third times.

S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of Public Instruction. Made special order for 11 a. m., to-morrow.

S. B. 238, II. B. 186, a bill to be entitled an act to establish a new county by the name of Graham. Read and passed second time. Yeas 19; Nays 18.

*Affirmative*—Messrs. Adams, Cook, Council, Cowles, Currie, Dargan, Flemming, Gilmer, Graham of Orange, Linney, Love, Manney, Merrimon, Murphy, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—19.

*Negative*—Messrs. Bellamy, Brogden, Brown, Edwards, Eppes, Flythe, Hawkins, Jones, King, Long, McClammy, McCotter, Moore, Olds, Price, Robbins of Davidson, Speed and Waddell—18.

The bill was then made special order for 1 p. m. to-morrow.

Mr. Edwards moved that that Senate do now adjourn.

The yeas and nays were ordered and the motion did not prevail. Yeas 15; Nays 19.

*Affirmative*—Messrs. Adams, Bellamy, Brown, Currie, Dargan, Edwards, Eppes, Hawkins, King, Long, Moore, Olds, Price, Skinner and Speed—15.

*Negative*—Messrs. Brogden, Cook, Council, Cowles, Flem.



ming, Graham of Orange, Jones, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—19.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to empower the County Commissioners to extend the time for collecting the county taxes.

An act to incorporate the Neuse River Ferry Company of North Carolina.

An act to incorporate the Murphy and Tennessee Turnpike Company.

An act incorporate Siloam Lodge, No. 178, Free and Accepted Masons, in the county of New Hanover.

An act to amend the charter of the city of Charlotte.

An act to authorize the Commissioners of Nash County to levy a special tax.

An act to amend an act entitled an act to incorporate the Beaver Creek Manufacturing Company, in the County of Cumberland.

An act to incorporate the town of Catawba Vale in the county of McDowell.

An act to amend an act to restore and re-instate records in the several counties of the State, destroyed during the late war.

An act concerning representation in the House of Representatives.

Resolution supplemental to a resolution concerning the payment of the funds in the treasury collected on account of the Marion and Ashville Turnpike Company, ratified 9th. January, 1872.

Resolution in favor of W. E. Anderson.

Resolution of instruction and request to North Carolina Senators and Representatives in Congress.

Mr. Troy moved that when the Senate adjourns it will adjourn until 7½ o'clock this evening. The yeas and nays were ordered and the motion prevailed. Yeas 24; Nays 9.

*Affirmative*—Messrs. Adams, Brogden, Brown, Cook, Council Cowles, Currie, Edwards, Flemming, Gilmer, Graham of Orange, Jones, Linney, Love, Mauney, McClamny, Merrimon Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Bellamy, Dargan, Hawkins, King, Long, Moore, Price, Skinner and Speed—9.

Mr. Troy moved that the Senate do now adjourn. The yeas and nays were ordered, and the motion did not prevail. Yeas 15; Nays 17.

*Affirmative*—Messrs. Adams, Cook, Council, Currie, Graham of Orange, Jones, Linney, Manney, McClamny, Murphy, Robbins of Rowand, Skinner, Troy, Waddell and Whiteside—15.

*Negative*—Messrs. Bellamy, Brogden, Cowles, Dargan, Edwards, Flemming, Gilmer, King, Long, Love, McCotter, Merrimon, Moore, Olds, Price, Robbins of Davidson and Worth—17.

The following bill reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to House of Representatives for concurrence :

S. B. 412, a bill to be entitled an act to incorporate the Newbern and Beaufort Canal Company.

A message was received announcing that the House of Representatives had passed S. B. 138, to prevent the killing of deer recklessly, with amendments, and asking the concurrence of the Senate therein.

On motion the Senate concurred in the amendments.

The Senate then adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M. January 25th, 1872.

The Senate met pursuant to adjournment.

Bills were acted on under a suspension of the rules as follows:



S. B. 328, a bill to be entitled an act authorizing the Treasurer to return money improperly collected as taxes. Read and passed second and third times. Yeas 26; Nays 1.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Brown, Council, Cowles, Currie, Edwards, Fleming, Flythe, Hawkins, Jones, Latham, Linney, Long, Mauney, McClammy, Morehead, Murphy, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whiteside—26.

*Negative*—Mr. King—1.

S. B. 421, a bill to be entitled an act to authorize the County Commissioners of Watauga County to levy a special tax. Read and passed second time. Yeas 25; Nays 2.

*Affirmative*—Messrs. Adams, Beasley, Council, Currie, Edwards, Flemming, Flythe, Hawkins, Jones, King, Latham, Linney, Mauney, McClammy McCotter, Merrimon, Moore, Morehead, Murphy, Robbins of Rowan, Skinner, Speed, Troy Waddell and Whiteside—25.

*Negative*—Messrs. Brogden and Cowles.

The following bills were introduced by message from the House of Representatives, read and passed first time and referred or otherwise disposed of as follows :

H. B. 445, a bill to be entitled an act to authorize E. C. Gier, late Sheriff of Mecklenburg, to collect arrears of taxes. To committee on judiciary.

H. B. 47, a bill to be entitled an act to annex a part of Macon county to Clay county. Placed on calendar.

S. B. 390, a bill to be entitled an act concerning Representation in the Senate. The bill was read second time.

Mr. Olds moved to amend the bill so that the county Wake shall be entitled to two Senators.

Pending the consideration of which the Senate adjourned.

## FIFTIETH DAY.

SENATE CHAMBER, January 26th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. McCotter until Monday.

Reports from Standing Committes were then submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 404, H. B. 369, a bill to be entitled an act to change the line between the Counties of Ashe and Alleghany, recommending its passage.

From the Committee on Judiciary.

By Mr. Allen: H. B. 160, S. B. 243, a bill to be entitled an act to amend chapter 6 private laws of 1870-'71, recommending its passage.

From the Committee on Claims :

By Mr. Flemming : S. R. 336, resolution in favor of W. H. High, J. Q. DeCarteret and J. M. McGowan, recommending that it do not pass.

From the Committee on Education.

By Mr. Gilmer : S. B. 435, a bill to be entitled an act to protect the property and revenues of the University, recommending its passage.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Price : a bill to be entitled an act to incorporate Free Love Lodge, G. U. O. O. F., of Wilmington. To committee on corporations.

By Mr. Cook : a bill to be entitled an act to amend chapter 37, section 6, of private laws of 1870-'71. Placed on the calendar.



By Mr. Robbins, of Rowan: a bill to be entitled an act to amend an act to charter the High Shoals Railroad Company. Placed on the calendar.

By Mr. Whiteside: a bill to be entitled an act to amend the law of evidence. Placed on the calendar.

By Committee on Education: resolution authorizing the Board of Education to sell Durant's Island. Placed on calendar.

By Mr. Eppes: resolution extending the time of the sheriff of Halifax to settle with the County Treasurer. Placed on the calendar.

By Mr. Robbins, of Davidson; a bill to be entitled an act to add another section, 461, to chapter VII, title XIX, of Code of Civil Procedure. Placed on calendar.

By the Committee on Education: resolution in regard to Holly Shelter Swamp. Placed on the calendar.

By message from the House of Representatives: H. B. 461, a bill to be entitled an act to legalize the acts of George D. Reynolds, entry taker, for claims of land in Alleghany county. To committee on propositions and grievances;

H. B. 326, a bill to be entitled an act to incorporate the Land and Lumber Company of North Carolina. To committee on corporations;

H. B. 368, a bill to be entitled an act to prevent the sale of intoxicating liquors within one mile of Island Creek Academy, Duplin county. To committee on propositions and grievances;

H. B. 311, a bill to be entitled an act to authorize the Commissioners of the County of Franklin to convey to the Trustees of Trinity Church certain lands. To committee on propositions and grievances;

H. B. 350, a bill to be entitled an act to lay out and construct a road from Jefferson to the mouth of Phoenix Creek, in Ashe county. Placed on the calendar;

H. B. 375, a bill to be entitled an act to define and punish embezzlement. To committee on judiciary;

H. B. 351, a bill to be entitled an act to incorporate Hornet Fire Company, No. 1, of the city of Charlotte. To committee on corporations;

R. B. 439, a bill to be entitled an act to prevent the sale of intoxicating liquors in the town of Swansboro' and within six miles thereof, in Onslow county. To committee on propositions and grievances ;

H. B. 267, a bill to be entitled an act to charter the Carolina Narrow Gauge Railroad Company. To committee on internal improvements ;

H. B. 396, a bill to be entitled an act to incorporate the Clarendon Military Academy, in the county of Cumberland. To committee on corporations ;

H. B. 243, a bill to be entitled an act to legalize the acts of certain county officers in Macon and Jackson counties pending the organization of Swain County. To committee on the judiciary ;

H. B. 293, a bill to be entitled an act to incorporate Stonewall Lodge, No. 1, Knights of Pythias, of North Carolina. To committee on corporations ;

H. R. 102, resolution in favor of T. S. Siler and J. M. Lyles, executors of Jacob Siler, dec'd To committee on corporations ;

H. B. 441, a bill to be entitled an act amendatory of and supplementary to an act entitled an act to incorporate the Bank of the State, ratified the — day of January, A. D. 1872. To committee on corporations ;

H. B. 465, bill concerning the Robeson County outlaws. Placed on calendar ;

H. B. 470, a bill to be entitled an act supplemental to an act entitled an act to incorporate the Orapeake Canal and Turnpike Company. To committee on internal improvements ;

H. B. 225, a bill to be entitled an act to amend the charter of the town of Hickory Tavern. To committee on corporations ;

H. B. 394, a bill to be entitled an act to amend the charter of Cape Fear Lodge, No. 2, of the I. O. O. F., of Wilmington. To committee on corporations ;

H. B. 325, a bill to be entitled an act concerning the poor-house of Surry County. Placed on calendar ;



H. B. 282, a bill to be entitled an act to authorize the construction of a toll bridge across the Cape Fear River at Lillington, in Harnett County. To committee on propositions and grievances;

H. B. 421, a bill to be entitled an act to authorize the County Commissioners of Onslow County to levy a special tax. To committee on propositions and grievances;

H. B. 391, a bill to be entitled an act to lay out and construct a public road from Phillips' Gap, on the Blue Ridge, to Hamilton's Mills, in Ashe County. To committee on propositions and grievances;

H. B. 439, a bill to be entitled an act for the relief of Bryan Kellum. To committee on education.

A message was received from the House of Representatives announcing that the House had concurred in the proposition of the Senate to appoint a committee of conference on S. B. 301, a bill to change Sampson County from the 4th to the 5th Judicial District, and has appointed Messrs. Broadfoot, McNeill, Fletcher, Maxwell and Stewart as the House branch of said committee, whereupon the Chair designated Messrs. Murphy, Dargan and Allen as the Senate branch of said committee.

A message was received from the House of Representatives announcing that the House had concurred in Senate amendments to a bill to be entitled an act to amend the Code of Civil Procedure.

The Senate then proceeded to the consideration of the unfinished business of yesterday, S. B. 390, a bill to be entitled an act concerning representation in the Senate, on its second reading, the question pending being upon the amendment moved by Mr. Olds. By consent, Mr. Olds withdrew his amendment.

Mr. Morehead moved to amend section 1, as follows: in line 33 strike out "Alamance" and insert "Orange"; in line 36 strike out "Orange" and insert "Rockingham"; in line 37 strike out "Rockingham" and insert "Alamance." The

The amendments prevailed.

Mr. Moore moved to amend the bill so as to make it read as follows: "8th District: Craven, Carteret and Jones, two Senators. 9th District: Onslow and Duplin, one Senator. 10th District: Lenoir, Greene, Wayne and Sampson, two Senators."

Pending which, the time of 1. p. m. having arrived, S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction, it being special order for that hour, was taken up and read third time.

Mr. Robbins, of Davidson, moved to strike out in line 2, section 43, word "April" and insert word "January." The amendment prevailed and the bill passed third time. Yeas 24; Nays 9.

*Affirmative*—Messrs. Battle, Brogden, Brown, Cowles, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Lehman, Long, McClammy, Merrimon, Moore, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Whiteside and Worth—24.

*Negative*—Messrs. Allen, Cook, Council, Edwards, Linney, Mauney, Price, Skinner and Waddell—9.

The consideration of the unfinished business, S. B. 390, a bill to be entitled an act concerning representation in the Senate, was resumed.

The amendment offered by Mr. Moore did not prevail.

Mr. Brogden moved to amend the bill so as to make it read as follows: "Greene and Wayne shall elect one Senator, and Sampson shall elect one Senator."

The yeas and nays were ordered, and the amendment did not prevail. Yeas 12; Nays 22.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, King, Long, Moore, Olds and Price—12.

*Negative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Edwards, Flemming, Graham of Alamance, Graham of Orange, Mauney, Merrimon, Murphy, Robbins of



Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—22.

Mr. Beasley moved to strike out all after the enacting clause, down to the words "29th District," and insert the following in lieu thereof:

*15th District*—Robeson shall elect one Senator.

*16th District*—Cumberland, Harnett and Sampson shall elect two Senators.

*17th District*—Johnston shall elect one Senator.

*18th District*—Greene and Wayne shall elect one Senator.

*19th District*—Franklin and Wake shall elect two Senators.

*20th District*—Warren shall elect one Senator.

*21th District*—Granville and Person shall elect two Senators.

*22d District*—Orange shall elect one Senator.

*23d District*—Chatham shall elect one Senator.

*24th District*—Caswell shall elect one Senator.

*25th District*—Rockingham shall elect one Senator.

*26th District*—Alamance and Guilford shall elect two Senators.

*27th District*—Randolph and Montgomery shall elect one Senator.

*28th District*—Moore and Richmond shall elect one Senator.

The yeas and nays were ordered, and the amendment did not prevail. Yeas 13; Nays 24.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, King, Long, McCotter, Moore, Olds and Price—13.

*Negative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Love, Mauney, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—24.

Mr. Linney moved to amend by inserting in line 30, section



1, after word "Wake" the words "and Orangé," and the words "two Senators" in lieu of the words "one Senator."

Mr. Olds moved to amend the amendment by striking out word "Orange" and inserting word "Franklin."

The amendment to the amendment did not prevail, and the question recurring on the amendment, it did not prevail.

Mr. King moved to amend the bill so as to make it read as follows: Lenoir, Greene and Jones shall elect one Senator.

The yeas and nays were ordered and the amendment did not prevail. Yeas 11; Nays 25.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Long, McCotter, Moore and Olds—11.

*Negative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Speed, Troy, Waddell, Whiteside and Worth—25.

Mr. Murphy moved to amend by striking out in line 20 the words "and Sampson;" also in line 21 the words "two Senators" and insert in lieu of the words "two Senators" the words "one Senator," and by inserting in line 20, between the words "Greene and Wayne" the word "and;" also in line 23, to insert the word "Sampson" after the word "Bladen," and to strike out the words "one Senator" and insert the words "two Senators."

The amendments prevailed.

The previous question was then ordered and the bill passed second reading. Yeas 26; Nays 12.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes,



Flythe, Hyman, King, Long, McCotter, Moore, Olds and Price—12.

The bill was then read third time.

M. Graham, of Orange, moved to amend the bill so as to make it read as follows: "7th District: Franklin, Nash and Wilson shall elect two Senators." The amendment prevailed.

Mr. Gilmer moved to amend the bill so as to make it read as follows: "Greene and Pitt shall elect one Senator." The yeas and nays were ordered and the amendment did not prevail. Yeas 14; Nays 18.

*Affirmative*—Messrs. Battle, Bellamy, Cook, Gilmer, Graham of Alamance, Hyman, Love, Mauney, McCotter, Merrimon, Morehead, Robbins of Davidson, Skinner and Troy—14.

*Negative*—Messrs. Allen, Beasley, Brogden, Brown, Council, Cowles, Edwards, Eppes, Flemming, Flythe, Graham of Orange, Jones, Linney, McClammy, Moore, Murphy, Speed and Whiteside—18.

The previous question was then ordered and the bill passed the third time. Yeas 25; Nays 11.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Long, McCotter, Moore and Olds—11.

Mr. Morehead moved that when the Senate adjourns it will adjourn until 10 a. m., to-morrow. The motion prevailed.

S. B. 238, H. B. 186, a bill to be entitled an act to establish a new county by the name of Graham, was made special order for 11 a. m., to-morrow.

The following bills reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate in the City of Wilmington the Cape



Fear Towing and Atlantic Coast Wrecking Company of Wilmington, North Carolina ;

An act to incorporate the Guilford County Co-operative Association ;

An act to incorporate the Hollywood Cemetery ;

An act to authorize the Secretary of State to issue a patent to Lunsford Cahoon, of Elizabeth City, N. C. ;

An act to authorize the Commissioners of Stokes County to issue bonds ;

An act to amend an act to authorize the Commissioners of Bertie County to issue bonds, ratified 20th December, A. D. 1871 ;

An act to prevent the felling of trees in New River and Horse Creek, in Ashe County, and South Yadkin River, in Alexander County ;

An act to incorporate the Jamestown Copper Company ;

An act to create a finance committee in the several counties of the State ;

An an act to prevent the reckless destruction of deer.

The following bills and resolutions, and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

328, a bill to be entitled an act authorizing the Treasurer to return money improperly collected as taxes ;

399, a bill to be entitled an act in favor of Sarah Williams ;

Amendment to H. B. 352, S. B. 343, a bill to be entitled an act to aid in the completion of the Western Division of the Western North Carolina Railroad, with amendments.

A communication was received from the Auditor which was ordered to be printed.

The rules having been suspended, S. R. 413, resolution in favor of Wm. M. Shipp, Attorney General, was put upon its several readings.

Mr. Morehead moved an amendment, in the nature of a sub-



stitute. The amendment prevailed and the resolution was passed second and third times.

The Senate then adjourned.

---

FIFTY-FIRST DAY.

SENATE CHAMBER, January 27th, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Messrs. Hawkins, Lehman and Latham for to-day.

Reports from Standing Committees were then submitted as follows :

From the Committee on Corporations :

By Mr. Moore : H. B. 293, S. B. 457, a bill to be entitled an act to incorporate Stonewall Lodge, No. 1, Knights of Pythias of North Carolina ;

H. B. 396, S. B. 455, a bill to be entitled an act to incorporate the Clarendon Military Academy, in the county of Cumberland ;

S. B. 440, a bill to be entitled an act to incorporate Free Love Lodge, G. U. O. O. F., of Wilmington ;

H. B. 225, S. B. 462, a bill to be entitled an act to amend the charter of the town of Hickory Tavern ;

H. B. 394, S. B. 464, a bill to be entitled an act to amend and extend the charter of Cape Fear Lodge, No. 2, of the I. O. O. F., of Wilmington ;

H. B. 441, S. B. 461, a bill to be entitled an act amendatory of and supplementary to an act entitled an act to incorporate the Bank of the State, ratified the — day of January, A. D. 1872, with recommendation that they do pass.

From the Committee on Internal Improvements :

By Mr. Robbins : H. B. 267, S. B. 454, a bill to be entitled

an act to charter the Carolina Narrow Guage Railroad Company ;

H. B. 470, S. B. 459, a bill to be entitled an act supplemental of an act entitled an act to incorporate the Orapeake Canal and Turnpike Company, with recommendation that they do pass.

From the Committee on Education :

By Mr. Gilmer : H. B. 439, S. B. 468, a bill to be entitled an act for the relief of Bryan Kellum, with recommendation that it do pass.

From the Committee on Claims :

By Mr. Troy : H. R. 42, S. R. 294, resolution in favor of Thos. H. Abrams, with recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Graham, of Alamance : H. B. 243, S. B. 456, a bill to be entitled an act to legalize the acts of certain county officers, in Macon and Jackson counties, pending the organization of Swain county ;

H. B. 375, S. B. 451, a bill to be entitled an act to define and punish embezzlement, with recommendation that they do pass.

From the Committee on Propositions and Grievances :

By Mr. Waddell : H. B. 282, S. B. 465, a bill to be entitled an act to authorize the construction of a toll-bridge across the Cape Fear River at Lillington, in Harnett county ;

H. B. 368, S. B. 448, a bill to be entitled an act to prevent the sale of intoxicating liquors within one mile of Island Creek Academy, in Duplin county ;

H. B. 311, S. B. 449, a bill to be entitled an act to authorize the Commissioners of the County of Franklin to convey to the Trustees of Trinity Church certain land ;

H. B. 421, S. B. 466, a bill to be entitled an act to authorize the County Commissioners of Onslow county to levy a special tax, with recommendation that they do pass.

S. B. 427, H. B. 322, a bill to be entitled an act to author-



ize the County Commissioners of Union county to levy a special tax, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Price : a bill to be entitled an act to incorporate the Cyrenian Company of the City of Wilmington. To the committee on corporations ;

By Mr. Beasley : a bill to be entitled an act to prevent the sale of vinous or spirituous liquors within three miles of Murfreesboro', Hertford county, North Carolina. Placed on the calendar ;

By Committee on Penal Institutions : a bill to be entitled an act for the better government of the Penitentiary, and for other purposes. Placed on the calendar, made special order or 11 a. m., 29th January, 1872, and ordered to be printed with the report of Colonel Fremont and the report of the Committee on Penal Institutions.

Bills, on third reading, were acted on as follows :

S. B. 283, a bill to be entitled an act to promote the mining interest of the State. Read and passed third time. Yeas 23 ; Nays 6.

*Affirmative*—Messrs. Allen, Battle, Beasley, Cook, Cowles, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Love, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Adams, Brogden, Edwards, King, Linney, Long, Merimon and Moore—8.

S. B. 421, a bill to be entitled an act to authorize the County Commissioners of Watauga county to levy a special tax. Read and passed third time. Yeas 18 ; Nays 10.

*Affirmative*—Messrs. Adams, Battle, Council, Crowell, Femming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Skinner, Speed, Waddell and Whiteside—18.



*Negative*—Messrs. Allen, Bellamy, Brogden, Cowles, Eppes, Flythe, Hyman, Long, Moore and Olds—10.

The Senate proceeded to consider S. B. 110, a bill to be entitled an act relating to the fees of Superior Court Clerks. The question recurring upon the motion to reconsider the vote by which it was rejected on third reading,

Mr. Merrimon moved to make the further consideration thereof the special order for 11 a. m., 29th January, 1872.

Mr. Graham, of Orange, moved the previous question. The Senate refused to order the main question to be put.

Mr. Robbins, of Davidson, moved to lay the motion to reconsider on the table. The yeas and nays were ordered, and the motion to lay upon the table did not prevail. Yeas 15; Nays 20.

*Affirmative*—Messrs. Adams, Brown, Cook, Cowles, Crowell, Edwards, Flemming, Linney, Mauney, Merrimon, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—15.

*Negative*—Messrs. Allen, Barnett, Battle, Beasley, Brogden, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Grange, Hyman, King, Long, McClammy, Moore, Murphy, Olds, Price, Speed and Troy—20.

Mr. Cowles moved to postpone the further consideration of the motion until 1st March, 1872.

Mr. McClammy called the previous question, and the question recurring thereon, the yeas and nays were ordered, and the main question ordered to be now put. Yeas 21; Nays 15.

*Affirmative*—Messrs. Allen, Barnett, Battle, Beasley, Bellamy, Brown, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Long, McClammy, Moore, Murphy, Olds, Speed and Troy—21.

*Negative*—Messrs. Adams, Brogden, Cook, Cowles, Crowell, Edwards, Flemming, Linney, Mauney, Merrimon, Robbins of Davidson, Robbins of Rowan, Waddell, Whiteside and Worth—15.

The question then recurring upon the motion to reconsider,



the yeas and nays were ordered and the motion prevailed. Yeas 19 ; Nays 12.

*Affirmative*—Messrs. Barnett, Battle, Beasley, Brogden, Brown, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Long, McClammy, Moore, Olds, Speed and Troy—19.

*Negative*—Messrs. Adams, Cook, Crowell, Edwards, Fleming, Linney, Mauney, Merrimon, Robbins of Davidson, Waddell, Whiteside and Worth—12.

The question recurring upon its passage, the bill passed the third time. Yeas 21 ; Nays 16.

*Affirmative*—Messrs. Allen, Barnett, Battle, Beasley, Belamy, Brown, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Long, McClammy, Moore, Murphy, Olds, Speed and Troy—21.

*Negative*—Messrs. Adams, Brogden, Cook, Cowles, Crowell, Edwards, Flemming, Linney, Love, Mauney, Merrimon, Robbins of Davidson, Robbins of Rowan, Waddell, Worth and Whiteside—16.

At 11 a. m., S. B. 156, a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company, it being special order for that hour, was read third time.

Mr. Troy offered an amendment, in the nature of a substitute for the bill.

Mr. Worth moved to strike out the word "required" in the amendment and insert the word "authorized." The motion prevailed.

Mr. Troy moved to strike out section 5 of the amendment. The motion prevailed.

Mr. Graham, of Orange, moved to add the following proviso to section 3 of the amendment :

*Provided further*, That after due advertisement, no better terms are offered by any other person or corporation for the labor of said convicts,

The motion prevailed. The amendment, in the nature of a substitute, was then adopted, and the bill passed the third time. Yeas 21 ; Nays 12.

*Affirmative*—Messrs. Adams, Barnett, Beasley, Cook, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Rowan, Troy, Whiteside and Worth—21.

*Negative*—Messrs. Bellamy, Brogden, Brown, Council, Eppes, Jones, King, Moore, Olds, Robbins of Davidson, Skinner and Speed—12.

Mr. Murphy submitted a report from the Committee of Conference on House amendments to S. B. 301, a bill to be entitled an act to change Sampson county from the 4th to the 5th Judicial District, which was read.

Mr. Allen moved that the Senate concur in the report.

Mr. Price moved to lay the report on the table.

On motion of Mr. Cowles, the previous question was ordered, and the question recurring on the motion to concur in the report, the yeas and nays were ordered, on demand of Mr. Moore, and the motion prevailed. Yeas 23 ; Nays 12.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—23.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Long, Moore, Olds, Price and Whiteside—12.

The hour for its consideration having arrived, the special order, S. B. 238, H. B. 186, a bill to be entitled an act to establish a new County by the name of Graham, was taken up and read and passed third time. Yeas 21 ; Nays 15.

*Affirmative*—Messrs. Adams, Allen, Battle, Cook, Cowles, Crowell, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Love, Mauney, McClammy, Merrimon,



Morehead, Robbins of Davidson, Robbins of Rowan, Troy, Whiteside and Worth—21.

*Negative*—Messrs. Barnett, Bellamy, Brogden, Brown, Edwards, Eppes, Flythe, Hyman, King, Long, Moore, Olds, Price, Speed and Waddell—15.

Mr. Robbins, of Rowan, moved to reconsider the vote just taken, and further moved to lay that motion on the table. The latter motion prevailed.

Bills on second reading were acted on as follows under a suspension of the rules :

S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late County Courts.

Mr. Robbins, of Rowan, moved to amend by striking out the words "which were not disposed of before" and inserting in lieu thereof the following: "in which only final orders for the collection and application or distribution of purchase money and making titles, were not made before." The amendment prevailed and the bill passed its second reading.

S. B. 351, H. B. 104, a bill to be entitled an act to repeal section 11, chapter 185, acts of 1868-'69. Read and passed second time ;

S. B. 211, a bill to be entitled an act to repeal chapter 267, of the public laws of 1868-'69. Read and passed second time ;

S. B. 210, a bill to be entitled an act to establish and enforce an agricultural lien. Read second time and rejected ;

S. B. 205, H. B. 159, a bill to be entitled an act in favor of James J. Moore, Sheriff of Granville County, John M. Bateman, Sheriff of Washington County, and F. J. Satchwell, Sheriff of Beaufort County. Laid on the table ;

S. B. 203, H. B. 63, a bill to be entitled an act to repeal certain portions of section 4, chapter 234, laws of 1869-'70. Indefinitely postponed ;

S. B. 204, H. B. 124, a bill to be entitled an act to authorize the Trustees of Mount Gilead Meeting and School House of Haywood County to sell their property. Read and passed second and third times ;

S. B. 200, a bill to be entitled an act to provide accommodation for the Deaf and Dumb of the State. Laid on the table ;

S. B. 194, a bill to be entitled an act declaring Yadkin River a lawful fence. Read and passed second and third times ;

S. B. 186, a bill to be entitled an act to establish near the City of Wilmington an asylum for the insane.

Mr. Murphy, in behalf of the Committee on the Insane Asylum, moved an amendment, in the nature of a substitute, the amendment previously offered by the Committee on Insane Asylum having been withdrawn by consent. Pending the consideration thereof the further consideration of the bill was postponed until Tuesday, the 30th of January, 1872.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend the Code of Civil Procedure ;

An act to allow the commissioners of Anson county to levy a special tax ;

Resolution of instruction to the Committee to audit the State Printer's account.

Mr. Graham, of Orange, introduced a joint resolution rescinding the joint resolution to adjourn *sine die* on 31st January, 1872, and proposing to adjourn *sine die* on 7th February, 1872, at 12 m., which, under a suspension of the rules, was read and passed and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The Senate then adjourned.



## FIFTY-SECOND DAY.

SENATE CHAMBER, January 29th, 1872.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Leave of absence was granted to Mr. Flythe from Wednesday until Saturday.

Mr. Speed presented a petition from certain citizens of Camden county in relation to the Orapeake Canal Company, which was referred to the committee on internal improvements.

Messrs. Latham and Lehman, serving on Select Committee, were excused from attendance on the Senate to-day.

Reports from Standing Committees were then submitted as follows :

From the Committee on Corporations :

By Mr. Moore : S. B. 452, H. B. 351, a bill to be entitled an act to incorporate Hornet Fire Company, No. 1, of the city of Charlotte ;

S. B. 447, H. B. 226, a bill to be entitled an act to incorporate the Land and Lumber Company of North Carolina, with recommendations that they do pass.

From the Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 467, H. B. 391, a bill to be entitled an act to lay out and construct a public road from Phillip's Gap, on the Blue Ridge, to Hamilton's Mills, in Ashe county ;

S. B. 446, H. B. 461, a bill to be entitled an act to legalize the act of George D. Reynolds, entry taker for claims of land in Alleghany county ;

S. R. 458, H. R. 102, resolution in favor of T. S. Siler and J. M. Lyle, executors of Jacob Siler, deceased, with recommendations that they do pass.

The following bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Latham: a bill to amend an act chartering the Jamesville and Washington Railroad and Lumber Company. Placed on the calendar.

By message from the House of Representatives: H. B. 469, a bill to be entitled an act in relation to insurance companies not incorporated in this State. To the finance committee.

H. B. 277, a bill to be entitled an act to change the county line between Cherokee and Swain near the residence of Jefferson George. Placed on the calendar.

H. B. 395, a bill to be entitled an act to incorporate the Cumberland County Agricultural Society. To committee on corporations.

H. B. 238, a bill to be entitled an act to incorporate the Oak Grove Camp Ground, in the county of Transylvania. Placed on the calendar.

H. B. 473, a bill to be entitled an act to incorporate the Halifax and Scotland Neck Railroad Company. To the committee on internal improvements.

H. B. 281, a bill to be entitled an act to incorporate the town of Lillington, in the county of Harnett. To the committee on corporations.

H. B. 422, a bill to be entitled an act to re-enact and continue in force an act entitled an act to empower the Commissioners of Cumberland county to levy a special tax, ratified the 24th day of February, 1870. To the committee on propositions and grievances.

H. B. 412, a bill to be entitled an act to incorporate the Little Cohary Draining Company. To the committee on corporations.

H. B. 479, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of the town of Franklin. To the committee on propositions and grievances.

H. B. 306, a bill to be entitled an act to incorporate the "Neptune Fire Company," in the town of Washington. To the committee on corporations.

H. B. 386, a bill to be entitled an act to incorporate the



Trustees of the "Catawba Valley Academy," in Catawba county. To the committee on corporations.

H. B. 474, a bill to be entitled an act to re-incorporate the town of Franklin. To the committee on corporations.

H. B. 431, a bill to be entitled an act to authorize the commissioners of Greene county to levy a special tax to pay off the debt of the county. To the committee on propositions and grievances.

H. B. 420, a bill to be entitled an act to lay off and establish a new county by the name of Pamlico. To the committee on propositions and grievances.

H. B. 9, a bill to be entitled an act to amend an act entitled an act for the protection of mechanics and other laborers, material, &c., laws of 1869 and 1870. To the judiciary committee.

H. B. 387, a bill to be entitled an act to incorporate the town of Catawba, in Catawba county. To the committee on corporations.

H. B. 400, a bill to be entitled an act to create a board of commissioners of navigation for the ports of Ocracoke and Hatteras Inlets. To the committee on propositions and grievances.

H. B. 393, a bill to be entitled an act to re-enact chapter 278, Laws of 1868-'69, entitled an act to revise and amend the charter of the Tuckasege and Nantahala Turnpike Company. To the committee on Corporations;

H. B. 251, a bill to be entitled an act to prohibit the sale of intoxicating liquors within one and one-half miles of St. Paul's Church, in the county of Robeson. To committee on propositions and grievances;

H. B. 328, a bill to be entitled an act to prohibit the sale of spirituous liquors within the town of Smithville, Brunswick county. To the committee on propositions and grievances;

H. B. 346, a bill to be entitled an act to incorporate the Charlotte Hotel Company. To the committee on corporations;



H. B. 46, a bill to be entitled an act to incorporate "Cape Fear Club." To the committee on corporations;

H. B. 33, a bill to be entitled an act concerning the Public Debt. To the finance committee;

H. B. 194, a bill to be entitled an act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery. To the committee on propositions and grievances;

By Mr. Brown: a bill to be entitled an act to amend subdivision 2, section 31, title IV, Code of Civil Procedure. To the judiciary committee;

By Mr. Allen: a bill to be entitled an act to establish a special court for the town of Goldsboro'. To the judiciary committee;

By Mr. Worth: a bill to be entitled an act to incorporate the Trinity Building and Loan Association of Trinity, N. C. Placed on the calendar;

By message from the House of Representatives: H. R. 21, resolution in favor of J. W. Coper. Lies over;

H. R. 119, resolution in favor of Albert B. Williams and Robert Henley. Lies over;

H. R. 100, resolution in favor of John H. Eill. Lies over.

Mr. Brogden introduced a joint resolution relating to the Cherokee Indians in North Carolina, which was read.

The question recurring on its adoption, under a suspension of the rules the yeas and nays were ordered, and the resolution was adopted. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Council, Cowles, Crowell, Eppes, Flemming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, King, Latham, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—32.

*Negative*—None.

Mr. Robbins, of Rowan, introduced a resolution directing the Keeper of the Capitol to petition the authorities of the



United States for the rent due this State and to receive the same, which was read and laid over under the rules.

A message was received from the House of Representatives announcing that the House had refused to concur in Senate amendments to House bill concerning the Western Division of the Western North Carolina Railroad, and desired a Committee of Conference in relation thereto, and had designated Messrs. Mills, Welch, Wilcox, Dickey and Hargrove as House branch of said committee.

The proposition to raise a Committee of Conference was concurred in, and the Chair appointed Messrs. Merrimon, Flemming and Gilmer as Senate branch of said committee.

Bills on third reading were acted on as follows :

S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late county courts. Read and passed the third time.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Council, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—24.

*Negative*—Messrs. Brogden, Hyman, King and Merrimon—4.

S. B. 211, a bill to be entitled an act to repeal chapter 267, of the Public Laws of 1868 and 1869. Read and passed the third time.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Council, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Cook, Cowles, Eppes, Flythe, Hyman, King, Long, Olds and Price—12.

S. B. 351, H. B. 104, a bill to be entitled an act to repeal section 11, chapter 185, acts of 1868 and 1869. Read and passed third time.



*Affirmative*—Messrs. Adams, Albright, Battle, Brown, Cook, Cowles, Crowell, Edwards, Flemming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, King, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—30.

*Negative*—Mr. Beasley—1.

A message was received from the House of Representatives transmitting engrossed copies of amendments to Senate bills which were acted on as follows:

Amendments to S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and extend its road to the Tennessee line.

On motion of Mr. McClammy, the Senate refused to concur in the amendment, in the nature of a substitute for section 5, and ordered that a message be sent to the House of Representatives asking for a Committee of Conference in relation thereto.

The chair designated Messrs. McClammy, Jones and Whiteside as Senate branch of said committee.

The other amendments to the bill adopted by the House were concurred in.

Amendment, in the nature of a substitute for S. B. 75, a bill to be entitled an act in relation to certain vacant lands. The amendment was concurred in.

Amendments to S. B. 151, a bill to be entitled an act to incorporate the Brevard and Waynesville Turnpike Company. The amendments were concurred in.

Amendments to S. B. 305, a bill to be entitled an act to incorporate the town of Battleboro'. The amendments were concurred in.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Yadkin and Dan River Railroad Company;



An act to incorporate the People's Building and Loan Association of Oxford ;

An act to incorporate the Old Fort and Toe River Turnpike Company ;

An act to regulate proceedings in *mandamus*.

A message was sent to the House of Representatives transmitting the report of Committee of Conference in relation to the amendments of the House to S. B. 301, a bill to be entitled an act to change the county of Sampson from the 4th to 5th Judicial District, and informing the House that the Senate had concurred therein.

Mr. Jones moved that a committee of three be appointed to make up a calendar of private bills. The motion prevailed and the Chair designated Messrs. Jones, Cowles and King as members of said committee.

On motion of Mr. Cowles the calendar of private bills was made special order for 7½ p. m.

The following bills and resolutions, and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 156, a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company ;

S. R. 413, resolution in favor of Wm. M. Shipp, Attorney General ;

S. B. 390, a bill to be entitled an act concerning representation in the Senate ;

S. R. 471, resolution in relation to adjournment.

Mr. Robbins, of Rowan, moved to reconsider the vote by which the Senate concurred in the House amendments to S. B. 305, a bill to be entitled an act to incorporate the town of Battleboro'.

The yeas and nays were ordered and the motion prevailed. Yeas 29 ; Nays 1.

*Affirmative*—Messrs. Albright, Barnett, Battle, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Eppes, Flemming,



Graham of Alamance, Graham of Orange, Hyman, Jones, King, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Mr. Adams—1.

The question recurring on the motion to concur in the amendments, the Senate refused to concur therein, and ordered a message to be sent to the House asking that a Committee of Conference in relation thereto be raised.

Bills on their second reading were disposed of as follows :

S. B. 415, a bill to be entitled an act to amend the law in regard to probate of deeds and other instruments. Read and passed second and third times. Yeas 30; Nays 2.

*Affirmative*—Messrs. Albright, Allen, Barnett, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Edwards, Flemming, Flythe, Graham of Orange, Hyman, Jones, King, Lehman, Long, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—30.

*Negative*—Messrs. Gilmer and Merrimon—2.

S. B. 427, H. B. 322, a bill to be entitled an act to authorize the County Commissioners of Union County to levy a special tax. Read and passed second time. Yeas 21; Nays 7.

*Affirmative*—Messrs. Adams, Albright, Battle, Council, Edwards, Flemming, Gilmer, Graham of Orange, Jones, Latham, Long, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Beasley, Brogden, Cowles, Flythe, Hyman, King and Olds—7.

S. B. 292, H. B. 195, a bill to be entitled an act to authorize the Western Railroad Company to open to navigation the waters of lower Little River. Read and passed second time;

S. B. —, a bill to be entitled an act to incorporate the Trinity Building and Loan Association of Trinity, N. C. Read and passed second and third times;

S. B. —, a bill to be entitled an act for the better govern



ment of the Penitentiary, and for other purposes. Made special order for Wednesday, 11 o'clock ;

S. B. 288, a bill to be entitled an act concerning marriages, marriage settlements and the contracts of married women. The bill was ordered to be read by sections.

Section 1 was read.

Mr. Olds moved to strike out "sixteen" and insert "twenty." The motion did not prevail. The section was then agreed to.

Section 2 was read and agreed to.

Section 3 was read.

Mr. Robbins, of Rowan, moved to amend by adding the following proviso :

*Provided*, That the law as now existing, chapter 68, section 3, Revised Code of North Carolina, allowing marriages among the Society of Friends according to a form and custom peculiar to themselves, shall not be repealed or interfered with by the provisions of this or any other section of this act.

The amendment prevailed and the section was agreed to.

Sections 4, 5, 6 and 7 were severally read and agreed to.

Section 8 was read.

Mr. Linney moved to strike out the section. The motion prevailed.

Section 9 was read.

Mr. Murphy moved to strike out word "two" before word "months" and insert word "three." The motion prevailed, and the section was agreed to.

Sections 10, 11, 12, 13, 14, 15 and 16 were severally read and agreed to.

Section 18 was read.

The amendment offered by the Judiciary Committee prevailed.

Mr. Robbins, of Rowan, moved to insert after last word of the amendment offered by the Committee, the following

words, "or such as may be necessary in order to pay her debts existing before marriage."

The amendment prevailed.

Mr. Brogden moved to strike out the section. The motion did not prevail.

Sections 19, 20, 21, 22, 23, 24 and 25 were severally read and agreed to.

Section 26 was read.

Mr. Robbins, of Rowan moved to amend by adding the following proviso to the section :

*Provided*, he shall not be in any way liable for any act of his wife not done in his presence or with his assent."

The amendment prevailed, and the section was agreed to.

Section 27 was read.

The amendment offered by the Committee on the Judiciary prevailed, and the section was agreed to.

Section 28 was read.

The amendments offered by the Committee on the Judiciary were adopted, and the section was agreed to.

Section 29 was read and agreed to.

Section 30 was read.

The amendment of the Committee on the Judiciary proposing to strike out the section prevailed.

Sections 31, 32, 33, 34, 35 and 36 were severally read and agreed to.

Mr. Hyman moved to insert the following as an additional section, to come in as section 37 :

"That any white man cohabiting with a woman of color or Indian woman, or any colored man or indian cohabiting with any white woman shall be guilty of a misdemeanor, and upon conviction, shall be imprisoned twelve months at hard labor, and fined at the discretion of the court not to exceed five hundred dollars."



The question recurring on its adoption, the yeas and nays were ordered and the amendment prevailed. Yeas 18 ; nays 12.

*Affirmative*—Messrs. Albright, Battle, Bellamy, Brown, Cook, Council, Cowles, Crowell, Flythe, Gilmer, Hyman, Lehman, Long, Olds, Skinner, Speed, Troy and Whiteside—18.

*Negative*—Messrs. Adams, Allen, Brogden, Edwards, Fleming, Graham of Orange, Jones, King, Linney, Mauney McClammy and Waddell—12.

The Senate then adjourned to 7½ p. m.

---

SENATE CHAMBER, 7½ P. M., January 29th, 1872.

The Senate met pursuant to adjournment.

The following bills were read and passed second and third times without amendment, under a suspension of the rules :

S. B. 463, H. B. 325, a bill to be entitled an act concerning the poorhouse of Surry county ;

S. B. 217, a bill to be entitled an act to incorporate the Wilmington Ship Canal Company ;

S. B. 327, a bill to be entitled an act to lay off, alter and establish a public road from Statesville to Wilkesboro' ;

S. B. 243, H. B. 160, a bill to be entitled an act to amend chapter 6, private laws of 1870-'71 ;

S. B. 436, a bill to be entitled an act to re-enact and amend an act entitled an act to incorporate the National Loan and Trust Company, ratified the 4th day of March, 1867 ;

S. B. 280, a bill to be entitled an act to incorporate the Catawba Vale and Fair View Turnpike Company ;

S. B. 284, H. B. 166, a bill to be entitled an act to establish the dividing line between the counties of Wayne and Greene ;

S. B. 322, a bill to be entitled an act to repeal chapter 274 of the laws of 1870-'71 ;

S. R. 334, resolution in favor of Chas. H. Abrams ;

S. B. 468, H. B. 439, a bill to be entitled an act for the relief of Bryan Kellum.

S. B. 462, H. B. 225, a bill to be entitled an act to amend the

charter of the town of Hickory Tavern. Read and passed second and third times. Yeas 19; Nays 12.

*Affirmative*—Messrs. Adams, Albright, Allen, Brown, Council, Crowell, Eppes, Flemming, Flythe, Gilmer, Jones, McClammy, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Troy and Worth—19.

*Negative*—Messrs. Barnett, Battle, Brogden, Cook, Cowles, Edwards, Hyman, King, Latham, Linney, Long and Skinner—12.

The following bills introduced by message, from the House of Representatives, were, under a suspension of the rules, read and passed first time, and referred or otherwise disposed of, as follows:

H. B. 378, a bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Ock Nock Furnace or Buck Horn Iron Mines. To committee on propositions and grievances;

H. B. 232, a bill to be entitled an act to amend an act entitled an act concerning the city of Wilmington, ratified 20th December, 1870. Placed on calendar and made special order for 7½ p. m., Friday, 2d February, 1872.

The following bills were read and otherwise disposed of as follows, under a suspension of the rules:

S. B. 394, a bill to be entitled an act to incorporate the Ransom's Bridge and Weldon Transportation Company. Read and passed second time, and made special order for 7½ o'clock, on the 31st;

S. B. 213, a bill to be entitled an act to repeal an act to extend the corporate limits of the town of Kinston, and for other purposes," ratified the 12th day of March, 1866. Laid on the table;

S. B. 230, H. B. 170, a bill to be entitled an act to extend the time of James Cansler, tax collector of Macon county; E. Everett, sheriff of Swain; Bland Wallace, sheriff of Duplin, and J. B. Combs, tax collector of Tyrrell. Read second time and laid on the table.



S. R. 220, resolution in favor of J. W. Hays, late sheriff of Wilkes county. Read second time and passed. Read third time and laid on the table;

S. B. 359, H. B. 110, a bill to be entitled an act to enable the Commissioners of Burke and other counties to consolidate the debts of their respective counties.

The amendments offered by the committee were adopted, and the bill passed second and third times.

S. R. 367, H. R. 97, resolution of instruction to the Public Treasurer to pay J. S. Summersett, John Petillo and Archer Holt the sum of fifty dollars each as commutation for arms lost in the army. Read second time and re-committed to the committee on claims.

S. R. 294, H. R. 42, a resolution in favor of Thomas H. Abrams. Read second time.

Mr. Troy moved to strike out word "Thomas" and insert word "Charles." The motion prevailed.

Mr. Robbins, of Davidson, moved to add the following :

*Provided*, Said Abrams shall previously surrender the warrant heretofore issued for said amount.

The motion prevailed.

Mr. Robbins, of Rowan, moved to amend by adding the following :

The resolution heretofore adopted under which said warrant was issued, is hereby rescinded. The amendment prevailed, and the resolution, as amended, passed second and third times.

On leave granted, Mr. Robbins, of Rowan, from the Committee of Internal Improvements, reported back S. B. 459, a bill to be entitled an act supplemental to an act entitled an act to incorporate the Orapeake Canal and Turnpike Company, with an amendment in the nature of a substitute therefor.

Mr. Troy moved that the Senate do now adjourn. The yeas and nays were ordered and the motion prevailed. Yeas 17 : Nays 15.

*Affirmative*—Messrs. Allen, Bellamy, Brown, Cook, Council, Eppes, King, Latham, Linney, McClammy, Murphy, Norment, Price, Skinner, Troy, Waddell and Worth—17.

*Negative*—Messrs. Adams, Albright, Barnett, Battle Brogden, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Hyman, Jones, Robbins of Davidson, Robbins of Rowan and Whiteside—15.

The Senate then adjourned.

---

### FIFTY-THIRD DAY.

SENATE CHAMBER, January 30th, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. R. S. Mason.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted as follows :

From the Committee on Internal Improvements :

By Mr. Robbins : S. B. 497, H. B. 473, a bill to be entitled an act to incorporate the Halifax and Scotland Neck Railroad Company ;

S. B. 459, H. B. 470, a bill to be entitled an act supplemental of an act entitled an act to incorporate the Orapeake Canal and Turnpike Company, recommending their passage.

From the Committee on Corporations :

By Mr. Murphy : S. B. 494, H. B. 412, a bill to be entitled an act to incorporate the Little Coharie Draining Company ;

S. B. 507, a bill to be entitled an act to amend section 7, of chapter 129, laws of 1869-'70 ;

S. B. 482, H. B. 46, a bill to be entitled an act to incorporate Cape Fear Club ;

S. B. 425, H. B. 183, a bill to be entitled an act to incorporate the Board of Trade of the city of Raleigh ;



S. B. 473, a bill to be entitled an act to incorporate Cyrenian Company, in Wilmington, N. C., with recommendations that they do pass.

From the Committee on Finance :

By Mr. Graham, of Orange : S. B. 481, H. B. 33, a bill to be entitled an act concerning the public debt, with the recommendation that no further action be taken thereon by the Senate at this time.

From the Committee on Propositions and Grievances.

By Mr. Waddell : S. B. 453, H. B. 429, a bill to be entitled an act to prevent the sale of intoxicating liquor in the town of Swansboro' and within six miles thereof in Onslow county ;

S. B. 503, H. B. 378, a bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Ock Nock Furnace or Buck Horn Iron Mines ;

S. B. 430, H. B. 93, a bill to be entitled an act for the benefit of the tax payers of Madison county ;

S. B. 480, H. B. 194, a bill to be entitled an act to authorize and empower the Government of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery ;

S. B. 488, H. B. 420, a bill to be entitled an act to lay off and establish a new county by the name of Pamlico ;

S. B. 486, H. B. 400, a bill to be entitled an act to create a Board of Commissioners of Navigation for the Ports of Ocracoke and Hatteras Inlets ;

S. B. 439, H. B. 432, a bill to be entitled an act to authorize the Commissioners of the county of Camden to levy a special tax ;

S. B. 495, H. B. 422, a bill to be entitled an act to re-enact and continue in force an act entitled an act to empower the Commissioners of Cumberland county to levy a special tax, ratified the 24th day of February, 1870 ;

S. B. 489, H. B. 431, a bill to be entitled an act to authorize the Commissioners of Greene county to levy a special tax to pay off the debt of the county.



S. B. 484, H. B. 328, a bill to be entitled an act to prohibit the sale of spirituous liquors within the town of Smithville, Brunswick county ;

S. B. 493, H. B. 479, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of the town of Franklin ;

S. B. —, H. B. 251, a bill to be entitled an act to prohibit the sale of intoxicating liquors within one and a half miles of St. Paul's Church, in the county of Robeson, with recommendations that they do pass.

From the Committee on Public Buildings, Grounds &c :

By Mr. Norment: Report of the Keeper of the Capitol, with recommendation that it be printed. The report was concurred in.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Lehman : a bill to be entitled an act to prohibit the felling or cutting of trees into the run of upper Broad Creek. Placed on the calendar ;

By Mr. Battle : a bill to be entitled an act to aid Rocky Mount College. To the committee on corporations ;

By Mr. McClammy : a bill to be entitled an act supplemental to an act to incorporate the Dawson Bank. To the committee on corporations ;

By message from the House of Representatives : H. B. 371, a bill to be entitled an act to repeal an act entitled an act to amend the charter of the Atlantic, Tennessee and Ohio Railroad Company in North Carolina, ratified the 3rd day of February, 1869. To the committee on corporations ;

H. B. 466, a bill to be entitled an act supplementary to and amendatory of an act entitled an act to raise revenue, ratified — day of January, A. D. 1872, and for other purposes. To the committee on finance ;

H. B. 491, a bill to be entitled an act to incorporate the Trustees of Pisgah Academy. To committee on corporations ;

H. B. 482, a bill to be entitled an act to amend an act to in-



corporate the Trustees of the Presbyterian Church. To the committee on corporations;

H. B. 376, a bill to be entitled an act to charter the Farmer's Savings Bank of Charlotte. To the committee on corporations;

H. B. 299, a bill to be entitled an act to abolish the office of Supreme Court Reporter, and for other purposes. To committee on the Judiciary;

H. B. 206, a bill to be entitled an act to change the 10th and 11th Judicial Districts. To committee on the Judiciary.

By Mr. Gilmer: a bill to be entitled an act in favor of certain sheriffs. Placed on the calender.

Messages were received from the House of Representatives transmitting engrossed copies of House amendments to the following bills, and asking the concurrence of the Senate therein:

S. B. 320, H. B. 410, a bill to be entitled an act in relation to the Commissioners of Stokes and Rockingham counties. On motion, the amendment was concurred in.

Amendment to S. B. 303, a bill to be entitled an act to authorize the County Commissioners of Brunswick county to issue bonds. On motion, the amendment was concurred in.

Amendments to S. B. 34, a bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained and for other purposes. On motion, the amendments were concurred in.

The Senate then proceeded to consider the unfinished business of yesterday.

S. B. 288, a bill to be entitled an act concerning marriages and marriage settlements, and the contracts of married women. Section 37 was read.

Mr. Graham, of Orange, moved to amend as follows: "Add to paragraph three the words "the presumption of law shall be that the party who has abandoned the other, is living in adultery." Insert an additional paragraph to come in as paragraph four: "That either party at the time of the marriage



was and still is naturally impotent." The amendments prevailed and the section was agreed to.

Section 38 was read. The amendment offered by the committee did not prevail. The section was agreed to.

Sections 39, 40, 41, 42 and 43, were severally read and agreed to.

Section 44 was read.

Mr. Graham, of Orange, moved to strike out the proviso at the end thereof. The motion prevailed, and the section was agreed to.

Section 45 was read and agreed to.

Section 46 was read, the amendment offered by the committee prevailed, and the section was agreed to.

Section 47 was read, the amendment offered by the committee prevailed, and the section was agreed to.

Section 48 was read and agreed to.

The question then recurred upon the amendment offered by the committee to come in as an additional section.

Mr. Graham, of Orange, moved to amend the amendment by striking out the words "and after its ratification," and inserting the words "the first day of July, 1872."

The amendment to the amendment prevailed, and the question recurring upon the amendment as amended, it prevailed.

The question then recurring upon the passage of the bill, the yeas and nays were ordered, and the bill passed second time. Yeas 21; Nays 20.

*Affirmative*—Messrs. Adams, Albright, Allen, Brown, Currie, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Lehman, McClammy, Morehead, Merrimon, Murphy, Norment, Skinner, Troy, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Eppes, Flythe, Hawkins, Hyman, King, Long, Mauney, Olds, Price, Robbins of Davidson, Robbins of Rowan and Speed—20.

Bills on their third reading were acted on as follows:

S. B. 292, H. B. 195, a bill to be entitled an act to author



ize the Western Railroad Company to open to navigation the waters of Lower Little River. Read and passed third time. Yeas 26; Nays none.

*Affirmative*—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Brogden, Cowles, Crowell, Edwards, Flythe, Gilmer, Graham of Alamance, Hawkins, Lehman, Linney, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—26.

*Negative*—None.

S. B. 427, H. B. 322, a bill to be entitled an act to authorize the County Commissioners of Union county to levy a special tax. Read and passed third time. Yeas 23; Nays 8.

*Affirmative*—Messrs. Adams, Albright, Beasley, Crowell, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Linney, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Allen, Bellamy, Brogden, Council, Cowles, Eppes, Flythe and Long—8.

A message was received from the House of Representatives transmitting a communication from the Supreme Court of North Carolina in relation to the claim of George N. Lewis against the State of North Carolina, which was read and referred to the committee on claims.

A message was sent to the House of Representatives announcing that the Senate would at 12 m. proceed to ballot for a Senator to represent the State of North Carolina in the Congress of the United States, and in response thereto a message was received announcing that the House of Representatives would also at the same hour proceed to ballot for the same purpose.

At 12 m. the Chair announced that the hour had arrived for the Senate to ballot for a United States Senator and that nominations were then in order.

Mr. Flemming nominated Mathew W. Ransom, and the Chair appointed Messrs. McClammy and Flythe as inspectors



of the ballot on the part of the Senate. The Senate then proceeded to ballot as follows :

FOR MR. RANSOM.—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Linney, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whiteside and Worth.

Mr. Lehman asked to be excused from voting, and there being no objection he was excused therefrom by the Senate.

Mr. McClammy, in behalf of the inspectors of the ballot on the part of the Senate, reported that the whole number of votes cast was 32; that of these Mathew W. Ransom had received 32 votes, the same being the votes of a majority of all the Senators elect.

The report was received and concurred in by the Senate.

Bills on second reading were acted on as follows :

S. B. 212, a bill to be entitled an act to amend an act entitled an act to provide a cheap chattel mortgage. Laid on the table.

S. B. 215, a bill to be entitled an act to amend section 419, chapter 1, title XIX, Code of the Civil Procedure. Read and passed second time ;

S. B. 226, H. B. 207, a bill to be entitled an act repealing chapter 104, public laws of 1868-'69. Read and passed second time ;

S. B. 374, a bill to be entitled an act to amend an act in relation to landlord and tenant, ratified 10th of April, 1869. Read second time and laid on the table ;

S. B. 216, a bill to be entitled an act to protect citizens of counties and corporations, and for other purposes. Read second time.

Mr. Robbins, of Davidson, moved to lay the bill upon the table.

The yeas and nays were ordered, on demand of Mr. Nor-



ment, and the motion to lay upon the table prevailed. Yeas 30; Nays 8.

*Affirmative*—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lehman, Linney, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—30.

*Negative*—Messrs. Beasley, Brogden, Edwards, Flythe, Hawkins, Long, Murphy and Norment—8.

S. B. 428, H. B. 343, a bill to be entitled an act making appropriation for the Deaf, Dumb and Blind Asylum. Read second time.

Mr. Robbins, of Davidson, moved to strike out in second section the words "forty-five thousand dollars" and insert in lieu thereof the words "forty-two thousand dollars."

The yeas and nays were ordered and the motion did not prevail. Yeas 18; Nays 21.

*Affirmative*—Messrs. Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Edwards, Flythe, Hyman, Jones, King, Lehman, Mauney, Murphy, Robbins of Davidson, Speed, Troy and Whiteside—18.

*Negative*—Messrs. Adams, Albright, Allen, Brown, Council, Crowell, Currie, Eppes, Flemming, Gilmer, Graham of Orange, Hawkins, Linney, Long, McClammy, Morehead, Norment, Robbins of Rowan, Skinner, Waddell and Worth—21.

The question recurring on the passage of the bill, the bill passed the second time. Yeas 30; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Council, Currie, Flemming, Gilmer, Graham of Orange, Hawkins, Hyman, King, Lehman, Linney, Long, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—30.

*Negative*—Messrs. Bellamy, Cook, Cowles, Flythe and Robbins of Davidson.—5.



Mr. Gilmer moved that the rules be suspended and the bill placed upon its third reading.

Upon this motion the yeas and nays were ordered, on demand of Mr. Gilmer, and the motion prevailed. Yeas 30; Nays 2.

*Affirmative*—Messrs. Adams, Albright, Battle, Brown, Cook, Cowles, Crowell, Currie, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Lehman, Linney, Long, Mauney, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell and Worth—30.

*Negative*—Messrs. Beasley and Whiteside—2.

The question recurring on its passage, the bill passed third time. Yeas 37. Nays 2.

*Affirmative*—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Council, Crowell, Currie, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Lehman, Linney, Long, Mauney, McClammy, Morehead, Murphy, Olds, Price, Robbins, of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—37.

*Negative*—Messrs. Bellamy and Cowles—2.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. 211, a bill to be entitled an act to repeal chapter 267, of the public laws of 1868-'69 ;

S. B. 261, a bill to be entitled an act to facilitate the capture of the outlaws in Robeson county ;

S. B. 410, a bill to be entitled an act to incorporate Roundtree Lodge of Ancient Free and Accepted Masons, at Bethel Church, Lenoir county, No. 243 ;

S. B. 275, a bill to be entitled an act to amend an act entitled an act to pay expenses of idiots and lunatics incurred by counties in certain cases ;

S. B. 283, a bill to be entitled an act to promote the mining interests of the State ;



S. B. 110, a bill to be entitled an act relating to the fees of Superior Court Clerks ;

S. B. 194, a bill to be entitled an act declaring the Yadkin river a lawful fence ;

S. B. 421, a bill to be entitled an act to authorize the County Commissioners of Watauga county to levy a special tax ;

S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction ;

S. B. 346, a bill to be entitled an act to re-enact and amend an act to incorporate the National Loan and Trust Company.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to authorize the trustees of Mt. Gilead meeting and school house, of Haywood county, to sell their property ;

An act to charter the Upper Division of the Yadkin Railroad Company ;

An act to change Sampson county from the 4th to the 5th judicial district ;

An act to establish a new county by the name of Graham ;

An act to incorporate the Wilmington and Charlotte Railway Building Company ;

Resolution relating to the Cape Fear Harbor ;

Resolution in relation to adjournment.

The Senate then proceeded to consider S. B. 186, a bill to be entitled an act to establish near the city of Wilmington an asylum for the insane, the further consideration thereof having, on the 27th of January, 1872, been postponed until to-day.

The question recurring on the amendment, in the nature of a substitute offered by the Committee on the Insane Asylum, Mr. Skinner moved the previous question.

The yeas and nays were ordered, on demand of Mr. Skinner, and the Senate refused to order the main question to be put. Yeas 9 ; Nays 27.

*Affirmative*—Messrs. Albright, Allen, Barnett, Brown, Council, Cowles, Crowell, Hyman and Whiteside—9.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Cook, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Lehman, Linney, Long, Mauney, McClammy, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Troy and Worth—27.

Mr. McClammy moved to re-commit the bill and amendment to the Committee on the Insane Asylum. The motion prevailed.

Mr. Murphy moved that when the Senate adjourns, it will adjourn until 7½ p. m.

Mr. King moved that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned until to-morrow morning at 10 o'clock.

---

## FIFTY-FOURTH DAY.

SENATE CHAMBER, January 31st, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Jones until Monday next.

On motion, leave to sit during the session of the Senate was granted to the committee to investigate the condition of the Penitentiary.

Reports from Standing Committees were then submitted as follows :

From the Committee on Corporations :

By Mr. Murphy : S. B. 496, H. B. 281, a bill to be entitled an act to incorporate the town of Lillington, in the county of Harnett ;

S. B. 491, H. B. 386, a bill to be entitled an act to incorporate the Trustees of Catawba Valley Academy, in Catawba county ;



S. B. 492, H. B. 306, a bill to be entitled an act to incorporate the Neptune Fire Company, in the town of Washington ;

S. B. 485, H. B. 387, a bill to be entitled an act to incorporate the town of Catawba, in Catawba county ;

S. B. 499, H. B. 395, a bill to be entitled an act to incorporate the Cumberland County Agricultural Society ;

S. B. 483, H. B. 346, a bill to be entitled an act to incorporate the Charlotte Hotel Company ;

S. B. 516, a bill to be entitled an act supplemental to an act to incorporate the Dawson Bank, with recommendations that they do pass.

From the Committee on Judiciary :

By Mr. Linney : S. B. 508, H. B. 206, a bill to be entitled an act to change the 10th and 11th Judicial District, with a recommendation that it pass.

By Mr. Graham, of Alamance : S. B. 225, H. B. 128, a bill to be entitled an act to re-enact the provisions of section 15, chapter —, of the Revised Code, with a recommendation that it do not pass.

By Mr. Edwards : S. B. 509, H. B. 299, a bill to be entitled an act to abolish the office of Supreme Court Reporter, and for other purposes, with a recommendation that it do pass.

From the Committee on Penal Institutions :

By Mr. McClammy : S. B. 397, a bill to be entitled an act in relation to convicts in the penitentiary, with recommendation that it do not pass.

From the Committee on Finance :

By Mr. Graham, of Orange : S. B. 575, H. B. 466, a bill to be entitled an act supplementary to and amendatory of an act entitled an act to raise revenue, ratified the — day of January, 1872, and for other purposes, with an amendment.

On motion of Mr. Graham, of Orange, the rules were suspended and the bill put upon its several readings. The bill passed the second time. The bill was read the third time.

Mr. Graham, of Orange, moved to amend by adding to sec-

tion 2 the words "provided this act shall not apply to cities or towns where a rate of taxation is fixed in their charters."

The amendment prevailed, and the bill passed third time. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Brogden, Cook, Cowles, Crowell, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—29.

*Negative*—None.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from the House of Representatives: H. B. 41, a bill to be entitled an act to provide in certain cases an allowance for improvements. To the committee on the judiciary ;

H. B. 498, a bill to be entitled an act requiring Clerks of Superior Courts to open their offices every Monday for the transaction of probate business. To the committee on the judiciary ;

H. B. 278, a bill to be entitled an act to amend chapter 12, section 1, of the Revised Code, entitled Bastard Children. To the committee on the judiciary ;

H. B. 480, a bill to be entitled an act to authorize the County Commissioners of Sampson county to levy a special tax. To the committee on propositions and grievances ;

H. B. 327, a bill to be entitled an act to incorporate the Hilton Camp Ground. To the committee on propositions and grievances ;

H. R. 138, a joint resolution to appropriate the moneys accruing from the sales of public lands to general educational purposes in the South. To the committee on education ;

H. B. 490, a bill to be entitled an act to amend chapter 10, section 1, of Revised Code, concerning auction and auctioneers. To committee on propositions and grievances ;



H. B. 501, a bill to be entitled an act in relation to salaries and fees of State officers, ratified 18th February, 1871. To committee on propositions and grievances ;

H. B. 430, a bill to be entitled an act authorizing the Commissioners of Montgomery county to levy a special tax and to issue bonds. To the committee on propositions and grievances ;

H. B. 481, a bill to be entitled an act for the relief of Express Companies. To committee on the judiciary.

H. B. 224, a bill to be entitled an act to prevent illicit and, fraudulent trading. To committee on the judiciary.

H. B. 494, a bill to be entitled an act supplemental to an act creating a new county by the name of Graham. To committee on the judiciary.

H. B. 300, a bill to be entitled an act to enable any persons not less than three to become incorporated and to regulate such and other corporations. To committee on the judiciary.

H. R. 98, resolution in favor of Henry M. Miller. To the committee on claims.

H. B. 279, a bill to be entitled an act to amend chapter 85, of the Revised Code, entitled Pilots. Placed on the calendar.

H. B. 496, a bill to be entitled an act to regulate the times of holding the Superior Courts in the 11th and 12th Judicial Districts. Placed on the calendar.

Mr. Gilmer introduced a bill to be entitled an act to restore the provisions of the Revised Code, relative to the public printing, which was read and passed the first time. The rules then having been suspended, the bill was read the second time.

On motion of Mr. Worth, the further consideration thereof was made the special order for 1 o'clock to-day.

The following bills and resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 504, a bill to be entitled an act to incorporate the Trinity Building and Loan Association of Trinity, N. C. ;

S. B. 218, a bill to be entitled an act to incorporate the Wilmington Ship Canal Company ;

S. B. 280, a bill to be entitled an act to incorporate Catawba Vale and Fair View Turnpike Company ;

S. B. 415, a bill to be entitled an act to amend the law in regard to the probate of deeds and other instruments ;

S. B. 322, a bill to be entitled an act to repeal chapter 274, of the laws of 1870 and 1871 ;

S. B. 327, a bill to be entitled an act to lay off, alter and establish a public road from Statesville to Wilkesboro' ;

S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late county courts ;

S. R. 334, resolution in favor of Chas. H. Abrams ;

S. R. 475, resolution relating to the Cherokee Indians of North Carolina ;

Amendments to S. R. 294, H. R. 42, resolution in favor of Thos. H. Abrams ;

The following resolution, H. R. 143, resolution of instruction to the Joint Committee on printing introduced by message from the House of Representatives was, under a suspension of the rules, read and passed.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act concerning the poorhouse of the county of Surry ;

An act declaring Yadkin river a lawful fence ;

An act in relation to vacant lands in Macon and other counties ;

An act to re-enact and amend an act entitled an act to incorporate a National Loan and Trust Company, ratified 4th of March, 1867 ;

An act for the relief of Bryan Kellum ;

An act to enable the Commissioners of Burke and McDowell counties to consolidate the debts of their respective counties ;



An act to authorize the County Commissioners of Burnswick county to issue bonds;

An act to amend chapter 6, private laws of 1870-'71;

An act to revive an act passed at the session of 1860-'61, to establish the line between the counties of Wayne and Greene;

An act to repeal section 11, of chapter 185, acts of 1868-'69;

Mr. Mauney, from the Joint Committee on Public Printing, submitted a report in relation to a contract for the public printing for the next twelve months, which was read and the further consideration thereof postponed until 1 p. m. of this day.

At 11 a. m. the Senate proceeded to consider S. B. 520, a bill to be entitled an act for the better government of the Penitentiary, and for other purposes.

Mr. Cowles moved to strike out in section 2 the words "four thousand" and insert the words "three thousand." A division of the question was called for, and the question recurring first on the motion to strike out, the yeas and nays were ordered, on demand of Mr. Cowles, and the Senate refused to strike out. Yeas 16; Nays 22.

*Affirmative*—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Edwards, King, Linney, Long, Merrimon, Murphy, Skinner and Whiteside—16.

*Negative*—Messrs. Allen, Battle, Crowell, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Mauney, McClammy, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell and Worth—22.

Mr. Graham, of Orange, moved to amend section 5 by striking out in line 3 the words "to be;" also by striking out the words "under the present revenue bill."

The amendments prevailed.

The hour of 12 m. having arrived, the further consideration of the bill was postponed for the present, and the Senate proceeded to the Hall of the House of Representatives for the purpose of ascertaining, in accordance with the law, the re-



sult of the ballot had on yesterday for United States Senator. Thereupon the Senate and the House of Representatives having gone into joint session, the President of the Senate directed the Principal Clerk of the Senate to read so much of the journal of the proceedings of the Senate on yesterday as related to said ballot, which was accordingly done. The Speaker of the House of Representatives then directed the Principal Clerk of the House of Representatives to read so much of the journal of the proceedings of the House of Representatives of yesterday as related to said ballot, which was accordingly done.

The President of the Senate thereupon announced the result in the following words, to-wit :

*Senators and Members of the House of Representatives :*

It appearing from the journals that the two Houses composing the General Assembly of the State of North Carolina did, on the 30th day of January, 1872, in conformity with law, proceed to ballot for a Senator to represent said State in the Congress of the United States, to fill the vacancy caused by the resignation of Hon. Z. B. Vance, and it further appearing from the journals that Matthew W. Ransom did, in said election, receive a majority of all the votes in each House of the General Assembly, I do therefore now declare that the said Matthew W. Ransom is duly elected a Senator to represent the State of North Carolina in the Congress of the United States, to fill the vacancy aforesaid.

The Senate then rose and returned to its own chamber and resumed the consideration of S. B. 520, a bill to be entitled an act for the better government of the Penitentiary, and for other purposes.

Mr. King moved to amend the bill by striking out section 8.

The yeas and nays were ordered and the amendment did not prevail. Yeas 8 ; Nays 29.



*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, Long and Price—8.

*Negative*—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, Linney, Mauney, McClammy, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—29.

Mr. Robbins, of Rowan, moved to amend section 2 by inserting the words “and required” after the word “authorized.”

The yeas and nays were ordered, on demand of Mr. Cowles, and the amendment prevailed. Yeas 25; Nays 5.

*Affirmative*—Messrs. Allen, Battle, Brogden, Brown, Council, Crowell, Eppes, Elemming, Gilmer, Graham of Orange, Hawkins, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Beasley, Cook, Cowles, Hyman and Price—5.

Mr. Robbins, of Rowan, moved to amend section 2, by striking out the words “not to exceed” and inserting in lieu thereof the word “of,” and by inserting the words “per annum” after the word dollars. The yeas and nays were ordered and the amendments did not prevail. Yeas 4; Nays 31;

*Affirmative*—Messrs. Flemming, Hyman, Norment and Robbins of Rowan—4.

*Negative*—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Gilmer, Graham of Orange, Hawkins, King, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Olds, Price, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—31.

Mr. Gilmer moved the previous question, and the Senate having ordered the main question to be put, the bill passed the second time.

On motion of Mr. McClammy, the bill was then made the special order for 11 a. m. to-morrow.

The Senate then resumed the consideration of a bill to be entitled an act to restore the provisions of the Revised Code in relation to the Public Printing.

Mr. Graham, of Orange, moved an amendment, in the nature of a substitute for the first three sections of the bill.

The amendment prevailed.

Mr. Brogden moved an amendment, in the nature of a substitute for the whole bill.

The amendment did not prevail.

The bill then passed the second time.

On motion of Mr. Norment, the Senate then adjourned.

---

SENATE CHAMBER, 7½ P. M., January 31st, 1872.

The Senate met pursuant to adjournment.

S. B. 394, a bill to be entitled an act to incorporate the Ransom's Bridge and Weldon Transportation Company, it being special order for this hour, was read and passed third time.

From the Committee on Propositions and Grievances :

Mr. Waddell, on leave granted, reported back S. B. —, H. B. 430, a bill to be entitled an act authorizing the Commissioners of Montgomery county to levy a special tax and to issue bonds, with recommendation that it do pass.

On leave granted, Mr. Cook introduced the following resolution :

*Resolved*, That from and after to-morrow the Senate will meet at 7½ o'clock p. m., during the remainder of the session, for the purpose of holding night sessions except on Saturday night next.



The rules having been suspended, the resolution was adopted.

On motion of Mr. Graham, of Alamance, the use of the Senate Chamber was granted to the Alumni of the University of North Carolina for to-morrow evening and night.

Bills upon second reading were acted on as follows, under a suspension of the rules :

S. B. 381, H. B. 203, a bill to be entitled an act to amend an act entitled an act to incorporate the town of Salem. Read and passed second and third times ;

S. R. 202, H. R. 92, resolution in favor of J. E. Eldridge, Sheriff of Bladen county. Read second time and laid on the table ;

S. R. 370, H. R. 109, resolution authorizing and empowering G. W. Willoughby and G. B. Threadgill, J. J. Hasty and George W. McGee, to collect arrears of taxes. Read second time and laid on the table ;

S. B. 393, a bill to be entitled an act to authorize the election of a town constable in Elizabeth City. Read and passed second and third times ;

S. B. 454, H. B. 267, a bill to be entitled an act to charter the Carolina Narrow Gauge Railroad Company. Read and passed second and third times ;

S. B. 482, H. B. 46, a bill to be entitled an act to incorporate the Cape Fear Club. Read and passed second and third times ;

S. B. 447, H. B. 326, a bill to be entitled an act to incorporate the Land and Lumber Company of North Carolina. Read and passed second and third times ;

S. B. 516, a bill to be entitled an act supplemental to an act to incorporate the Dawson Bank. Read and passed second and third times ;

S. B. 403, H. B. 369, a bill to be entitled an act to change the line between the counties of Ashe and Alleghany. Read and passed second and third times ;

S. B. 407, H. B. 280, a bill to be entitled an act to incor-



porate the town of Cherryville, in the county of Gaston. Read and passed second and third times ;

S. B. 406, H. B. 329, a bill to be entitled an act amendatory of an act entitled an act to incorporate the Hiwassee and Cheoah Turnpike Company. Read and passed second and third times ;

S. B. 414, a bill to be entitled an act to prevent the destruction of fish in the waters of Black River and Six Runs, in New Hanover and Sampson counties. Read second time.

Mr. Troy moved to amend by striking out the words "guns, pistols, bow and arrow, hooks and line, or by any other method or means."

The amendment did not prevail, and the bill passed second and third times.

S. B. 425, H. B. 183, a bill to be entitled an act to incorporate the Board of Trade of the City of Raleigh. Read and passed second and third times ;

S. B. 430, H. B. 93, a bill to be entitled an act for the benefit of the tax payers of Madison county. Read and passed second and third times ;

S. B. 419, a bill to be entitled an act to incorporate the Buck Swamp and Scotland Neck Railroad Company. Read and passed second and third times ;

S. B. 433, a bill to be entitled an act to make Dutchman's Creek a lawful fence, in Davie county. Read and passed second and third times ;

S. B. 434, a bill to be entitled an act to incorporate the Yadkin River Navigation Company. The bill was read second time.

Mr. Graham, of Orange, moved to amend by striking out section 10.

The amendment prevailed, and the bill passed second and third times ;

S. B. 438, H. B. 47, a bill to be entitled an act to annex a part of Macon county to Clay county. Read and passed second and third times ;



S. B. 440, a bill to be entitled an act to incorporate Free Love Lodge, G. U. O. O. F., of Wilmington. Read second time and indefinitely postponed ;

S. B. 511, H. B. 482, a bill to be entitled an act to amend an act to incorporate the Trustees of the Presbyterian Church. Read and passed second and third times ;

S. B. 443, a bill to be entitled an act to amend an act to charter High Shoals Railroad. Read and passed second and third times ;

S. B. 444, a bill to be entitled an act to amend chapter 37, section 6, of private laws of 1870-'71. Read and passed second and third times ;

S. B. 446, H. B. 461, a bill to be entitled an act to legalize the act of George D. Reynolds, entry taker for claims of land in Alleghany county. Read and passed second and third times ;

S. R. 441, resolution extending the time of the sheriff of Halifax county to settle with the County Treasurer. Read second time and laid on the table ;

S. R. 349, resolution appointing G. W. Welker a member of the board of public charities. The bill was read second time.

Mr. Robbins, of Rowan, moved to amend by striking out the words "G. W. Welker," and inserting in lieu thereof the words "Dr. W. R. Sharpe, of Davie."

The amendment prevailed and the bill passed second and third times.

S. B. 459, H. B. 470, a bill to be entitled an act supplemental of an act entitled an act to incorporate the Orapeake Canal and Turnpike Company. The bill was read second time.

The amendment, in the nature of a substitute, offered by the Committee on Internal Improvements, was adopted, and the bill passed second and third times.

S. B. 405, H. B. 25, a bill to be entitled an act to incorporate Asheville Council, No. 4, Friends of Temperance, in the town of Asheville, North Carolina. Read and passed second and third times.



S. B. 439, H. B. 432, a bill to be entitled an act to authorize the Commissioners of the county of Camden to levy a special tax. Read and passed third time. Yeas 18; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Council, Crowell, Edwards, Gilmer, Graham of Orange, Latham, Linney, Mauney, McClammy, Morehead, Murphy, Speed, Troy, Waddell, Whiteside and Worth—18.

*Negative*—Messrs. Brogden, Cook, Cowles, King, McCotter, Merrimon, Norment, Olds and Robbins of Rowan—9.

S. R. 350, resolution in favor of Thomas B. Bailey. Read and passed second time. Read third time and rejected. Yeas 11; Nays 15.

*Affirmative*—Messrs. Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, McClammy, Merrimon, Murphy, Norment, Robbins of Rowan and Troy—11.

*Negative*—Messrs. Adams, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, King, Latham, Linney, Mauney, McCotter, Robbins of Davidson and Worth—15.

S. B. 383, H. B. 226, a bill to be entitled an act to authorize the County Commissioners of Alleghany County to levy a special tax. Read and passed second time. Yeas 19; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Battle, Crowell, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Linney, Mauney, McClammy, Morehead, Murphy, Speed, Troy, Waddell, Whiteside and Worth—19.

*Negative*—Messrs. Beasley, Hyman, King, Lehman, McCotter, Merrimon, Norment, Olds and Robbins of Rowan—9.

Mr. Albright moved that the Senate do now adjourn. The yeas and nays were ordered, and the motion did not prevail. Yeas 12; Nays 19.

*Affirmative*—Messrs. Albright, Allen, Battle, Edwards, King, Latham, Mauney, McCotter, Murphy, Olds, Speed and Waddell—12.

*Negative*—Messrs. Brogden, Cook, Council, Cowles, Crowell, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Linney, McClammy, Merrimon, Morehead, Norment, Robbins



of Davidson, Robbins of Rowan, Troy, Whiteside and Worth—19.

S. B. 384, H. B. 256, a bill to be entitled an act to prevent the catching of Oysters in Far Creek, Hyde county. Read and passed second time. Yeas 24; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Crowell, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Lehman, Linney, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Hyman, King, McCotter and Merri-  
mon—4.

S. B. 398, H. B. 276, a bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the Baptist church at Pleasant Plains, in the county of Columbus. Read second time.

Mr. Cook moved to lay the bill on the table.

The yeas and nays were ordered, on demand of Mr. Olds, and the motion to lay on the table prevailed. Yeas 15; Nays 13.

*Affirmative*—Messrs. Battle, Brogden, Brown, Cook, Cowles, Graham of Alamance, King, Linney, Mauney, McCotter, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Waddell—15.

*Negative*—Messrs. Adams, Albright, Beasley, Gilmer, Hawkins, Latham, Lehman, Morehead, Murphy, Norment, Olds, Whiteside and Worth—13.

Mr. Olds moved to reconsider the vote by which S. B. 425, H. B. 183, a bill to be entitled an act to incorporate the Board of Trade of the city of Raleigh, passed the third reading to-night, and further moved to postpone its consideration until 7½ p. m., Friday. The latter motion prevailed.

The Senate then adjourned.

## FIFTY-FIFTH DAY.

SENATE CHAMBER, February 1st, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted Mr. King from and after to-day.

Leave to sit during the session of the Senate was granted to Messrs. Latham and Lehman, members of the Select Committee to investigate the condition of the Penitentiary.

Reports from Standing Committees were then submitted as follows:

From the Committee on the Judiciary:

By Mr. Graham, of Alamance; S. B. 330, a bill to be entitled an act to amend the 88th chapter of the Revised Code, with amendments;

S. B. 379, a bill to be entitled an act amendatory of the law of evidence;

S. B. 487, H. B. 9, a bill to be entitled an act to amend an act for the protection of Mechanics and other Laborers, Materials, etc., laws of 1869-'70, with recommendations that they do not pass.

By Mr. Allen: S. B. 479, a bill to be entitled an act to amend sub-divisions 2, section 31, title 9, Code of Civil Procedure, with recommendation that it do pass.

By Mr. Linney: S. B. 502, a bill to be entitled an act to establish a special court for the town of Goldsboro', with recommendation that it do pass.

By Mr. Robbins, of Rowan: S. R. 400, resolution to raise a joint select committee to re-write the Constitution of the State, with an amendment in the nature of a substitute.

By Mr. Graham, of Orange: S. B. 429, H. B. 154, a bill to be entitled an act to amend section 131 of the Code of Civil Procedure;



S. B. 432, H. B. 269, a bill to be entitled an act to amend chapter 188, section 1st, of the acts of 1869-'70 ;

S. B. 527, H. B. 481, a bill to be entitled an act for the relief of Express Companies ;

S. B. 531, H. B. 224, a bill to be entitled an act to prevent illicit and fraudulent trading, with recommendations that they do pass ;

S. B. 437, H. B. 445, a bill to be entitled an act to authorize E. C. Grier, late Sheriff of Mecklenburg, to collect arrears of taxes, recommending that it do not pass ;

S. B. 529, H. B. 300, a bill to be entitled an act to enable any persons not less than three to become incorporated, and to regulate such and other corporations, recommending that it do pass.

By Mr. Allen: S. B. 521, H. B. 41, a bill to be entitled an act to provide in certain cases an allowance for improvements ;

S. B. 523, H. B. 278, a bill to be entitled an act to amend chapter 12, section 1, of the Revised Code, entitled Bastard Children, with recommendations that they do pass ;

S. B. 522, H. B. 498, a bill to be entitled an act requiring Clerks of Superior Courts to open their offices every Monday for the transaction of probate business, with an amendment ;

By Mr. Edwards: S. B. 425, H. B. 197, a bill to be entitled an act to amend section 2, chapter 66 of the public laws of 1869-'70, recommending its passage.

By Mr. Linney: S. B. 365, a bill to be entitled an act to allow insolvents to take the oath of insolvency in twenty days, with an amendment in the nature of a substitute.

From the Committee on Claims :

By Mr. Flemming: H. R. 98, S. R. 536, resolution in favor of Henry M. Miller, recommending that it pass ;

H. R. 42, S. R. 294, resolution in favor of Thomas H. Abrams, recommending that it do not pass ;

From the Committee on Internal Improvements :

By Mr. Robbins, of Rowan: S. B. 431, H. B. 336, a bill to

be entitled an act to incorporate the New River Canal Company ;

S. B. 423, H. B. 196, a bill to be entitled an act to incorporate the Raleigh and Fayetteville Railroad Company, with recommendations that they do pass.

From the Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 535, H. B. 490, a bill to be entitled an act to amend chapter 10, section 1, of the Revised Code, concerning auctions and auctioneers ;

S. B. 534, H. B. 501, a bill to be entitled an act in relation to salaries and fees of State officers, ratified 18th February, 1871 ;

S. B. 532, H. B. 430, a bill to be entitled an act authorizing the Commissioners of Montgomery County to levy a special tax and to issue bonds, with recommendations that they do pass ;

S. B. 525, H. B. 327, a bill to be entitled an act to incorporate the Hilton Camp Ground ;

S. B. 524, H. B. 480, a bill to be entitled an act to authorize the County Commissioners of Sampson County to levy a special tax, with recommendations that they pass.

From the Committee on the Insane Asylum :

By Mr. Murphy : S. B. 186, a bill to be entitled an act to establish near the City of Wilmington an asylum for the insane, with an amendment in the nature of a substitute.

From the Committee on Corporations :

By Mr. Murphy : S. B. 513, H. B. 491, a bill to be entitled an act to incorporate the trustees of Pisgah Academy ;

S. B. 510, H. B. 376, a bill to be entitled an act to charter the Farmer's Savings Bank of Charlotte ;

S. B. 496, H. B. 474, a bill to be entitled an act to incorporate the town of Franklin ;

S. B. —, H. B. 393, a bill to be entitled an act to re-enact chapter 278, laws of 1868-'69, entitled an act to revise and amend the charter of the Tuckasege and Nantahala Turnpike Company, with recommendations that they do pass ;



S. B. 517, a bill to be entitled an act to aid Rocky Mount College, with recommendation that it do not pass ;

S. B. 514, H. B. 371, a bill to be entitled an act to repeal an act entitled "an act to amend the charter of the Atlantic, Tennessee and Ohio Railroad Company in North Carolina," ratified the 3rd day of February, 1869, with amendment.

The rules having been suspended, S. R. 400, resolution to raise a joint select committee to re-write the Constitution of the State, was taken from the calendar and read.

The amendment, in the nature of a substitute, offered by Committee on the Judiciary prevailed, and the resolution, as amended, was adopted.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from the House of Representatives: H. B. 444, a bill to be entitled an act to prevent frauds in the sale of commercial fertilizers. To the committee on agriculture ;

H. B. 516, a bill to be entitled an act to prevent the sale of intoxicating liquor near Baptist Swamp Church, in the County of Robeson. To the committee on propositions and grievances ;

H. B. 471, a bill to be entitled an act to prevent the sale of liquors within two miles of Pleasant Hill Church. To the committee on propositions and grievances ;

By Mr. Whiteside : a bill to be entitled an act to amend an act entitled an act to raise revenue. To the committee on finance ;

By Mr. Olds : a bill to be entitled an act amending an act concerning the inspector and weigher of cotton in the City of Raleigh. Placed on the calendar ;

By the Committee on Claims : resolution in favor of George N. Lewis, Sheriff of Nash. Laid over under the rules ;

By Mr. Flemming : resolution in favor of tax collector of McDowell County. Laid over under the rules.

A message was received from the House of Representatives



transmitting engrossed copy of amendment adopted by the House to S. B. 192, a bill to be entitled an act to prevent deputy or assistant clerks from practicing as attorneys at law in the counties in which they act as deputy or assistant clerks.

The Senate refused to concur in the amendment, and ordered that a message be sent to the House asking a Committee of Conference in relation thereto, and designating Messrs. Robbins, of Rowan, Mauney and Council as the Senate branch of said committee.

Messages were received from the House of Representatives transmitting engrossed copies of amendments to the following bills :

Amendments to S. B. 179, H. B. 380, a bill to be entitled an act to annex a portion of New Hanover county to Sampson county.

On motion, the Senate concurred in the amendments.

Amendment to S. R. 287, H. R. 112, resolution in favor of William H. Hamilton.

On motion, the Senate concurred in the amendment.

Amendment to S. B. 346, H. B. 436, a bill to be entitled an act to incorporate Hook and Ladder Company, No. 1, city of Raleigh.

On motion, the Senate concurred in the amendment.

Amendment to S. B. 314, H. B. 459, a bill to be entitled an act to charter the Bank of Reidsville.

On motion, the Senate concurred in the amendment.

Mr. Graham submitted a report from the Joint Select Committee to investigate the lease of the North Carolina Railroad, which was read and ordered to be sent to the House of Representatives, with a proposition to print the same.

Mr. Worth introduced the following resolution, which was read.

*Resolved by the Senate, the House of Representatives concurring,* That a committee of five, two on the part of the Senate and three on the part of the House, be appointed to



inquire and report to the General Assembly at the very earliest moment, whether the Coleman Brothers will surrender their contract for building the Penitentiary, and if so, upon what terms; also, whether in their opinion such terms should be accepted by the State; together with any other matters which may be material in this connection, and that they report by bill or otherwise.

The rules having been suspended, the resolution was adopted and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The Senate then proceeded to the consideration of the unfinished business of yesterday, S. B. —, a bill to be entitled an act to restore the provisions of the Revised Code relative to the public printing, on its third reading.

Mr. Gilmer moved to amend by adding to section 1 the following: "That said committee report their action for ratification to the General Assembly."

The amendment prevailed.

Mr. Gilmer moved to strike out in section 1 the words "sixty-two and a half" and insert "sixty;" also to strike out in section 2 the words "sixty-two and a half" and insert "fifty;" also to strike out the words "one dollar and twenty-five" and insert "one dollar and twenty."

The amendments prevailed and the bill passed third time. Yeas 29; Nays 5.

*Affirmative*—Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Messrs. Flemming, Hyman, Long, Norment and Skinner—5.

On leave granted, Mr. Mauney, from the Committee on Public Printing, submitted a supplemental report concern-

ing the contract for public printing for the next twelve months, which was read.

At 11 a. m. the Senate proceeded to consider S. B. 520, a bill to be entitled an act for the better government of the Penitentiary, and for other purposes, on its third reading, it being special order for that hour.

Mr. Worth moved to strike out "four thousand dollars" and insert in lieu thereof "thirty-five hundred dollars."

A division of the question was called for, and the question recurring first on the motion to strike out, the Senate refused to strike out.

Mr. Troy moved to amend section 8 by inserting after the word "clothing" the words "and the party so hiring shall provide a good and sufficient guard to prevent the escape of such convicts."

The amendment prevailed.

Mr. Speed moved to amend the same section by inserting between the words "every" and "convict," the words "able-bodied male."

The amendment prevailed.

Mr. Murphy moved to strike out the word "male."

The amendment prevailed.

The bill then passed third time. Yeas 27; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Allen, Beasley, Cook, Council, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, King, Linney, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Brogden, Brown, Hyman and Long—4.

Mr. Graham, of Orange, introduced the following resolution, which was read:

*Resolved*, That the Principal Clerk of the Senate be and he is authorizee to employ such additional clerical assistance as



may be necessary for the prompt dispatch of business, at a compensation not to exceed three dollars *per diem*.

The resolution was adopted.

A message was received from the House of Representatives transmitting the report of the Committee of Conference in relation to S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and to extend its road to the Tennessee line, and informing the Senate that the House had concurred therein.

Mr. McClammy moved that the Senate do concur in the report.

The yeas and nays were ordered, and the Senate refused to concur in the report. Yeas 12; Nays 22.

*Affirmative*—Messrs. Allen, Beasley, Council, Crowell, Hawkins, Hyman, Long, McClammy, Murphy, Norment, Troy and Whiteside—12.

*Negative*—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Brown, Cowles, Edwards, Gilmer, Graham of Alamance, Graham of Orange, King, McCotter, Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Worth—22.

Mr. Graham, of Orange, moved to amend the amendments adopted by the House to the bill, by striking out the words "three thousand" and inserting the words "thirty thousand," and the amendment to the amendment prevailed.

Mr. McClammy moved to amend the amendments to the bill adopted by the House, by adding the following thereto :

"The stockholders may, at their discretion, convert not exceeding one million dollars worth of their common stock into preferred stock, by allowing any stockholder to convert five shares of common stock into preferred stock in consideration of his purchasing at its par value one share of new stock, which shall be preferred by virtue of this section, and so on



for any number of shares, provided the whole number of shares of stock thus preferred shall not exceed twenty-four thousand."

The amendment to the amendment prevailed.

The Senate then concurred in the amendments adopted by the House of Representatives, as amended.

A message was received from the House of Representatives transmitting the report of the Committee of Conference on S. B. 343, H. B. 352, a bill to be entitled an act to aid in the completion of the Western Division of the Western North Carolina Railroad, informing the Senate that the House had concurred therein.

On motion, the yeas and nays having been ordered, the Senate concurred therein. Yeas 16; Nays 15

*Affirmative*—Messrs. Allen, Battle, Council, Cowles, Crowell, Flemming, Graham of Orange, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Rowan, Skinner and Troy—16.

*Negative*—Messrs. Albright, Beasley, Bellamy, Brogden, Cook, Edwards, Gilmer, Hawkins, King, McCotter, Olds, Robbins of Davidson, Waddell, Whiteside and Worth—15.

Bills on second reading were acted on under a suspension of the rules, as follows :

S. B. 365, a bill to be entitled an act to allow insolvents to take the oath of insolvency in twenty days.

The amendment, in the nature of a substitute, moved by the Committee on the Judiciary prevailed, and the bill passed second and third times. Yeas 26; Nays none.

*Affirmative*—Messrs. Adams, Albright, Brogden, Cowles, Crowell, Edwards, Flemming, Graham of Orange, Hawkins, Hyman, King, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whiteside—26.

*Negative*—None.

S. B. 512, a bill to be entitled an act to prohibit the felling



or cutting of trees into the run of upper Broad Creek. Read and passed second and third times.

S. B. 460, H. B. 465, a bill to be entitled an act concerning the Robeson county outlaws. Read and passed second time Yeas 21; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brown, Currie, Edwards, Graham of Orange, Hawkins, Lehman, Linney, Long, McClammy, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—21.

*Negative*—Messrs. Brogden, Cowles, King, McCotter and Robbins of Davidson—5.

S. B. 533, H. B. 496, a bill to be entitled an act to regulate the time of holding the Superior Courts in the 11th and 12th Judicial Districts.

Mr. Merrimon moved an amendment, in the nature of a substitute for the fourth section.

The amendment prevailed and the bill passed the second and third times. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Albright, Brogden, Brown, Cowles, Crowell, Edwards, Flemming, Graham of Orange, Hawkins, Hyman, King, Lehman, Linney, Long, Manney, McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—27.

*Negative*—None.

S. B. 509, H. B. 209, a bill to be entitled an act to abolish the office of Supreme Court Reporter, and for other purposes.

Mr. Whiteside moved to amend by inserting after word "that" in line 1, section 2, the words "the office of reporter of the decisions of the Supreme Court is hereby abolished and."

The amendment prevailed and the bill passed the second time. Yeas 21; Nays 13.

*Affirmative*—Messrs. Adams, Allen, Battle, Cook, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, McClammy, Merrimon, Morehead, Murphy, Norment, Rob-

bins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Council, Cowles, Hawkins, Hyman, King, Linney, Long, Mauney, McCotter and Olds—13.

The bill was then read and passed third time. Yeas 18 ; Nays 17.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Edwards, Flemming, Graham of Orange, McClanmy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—18.

*Negative*—Messrs. Albright, Beasley, Bellamy, Brogden, Cook, Cowles, Gilmer, Hawkins, Hyman, King, Linney, Long, Mauney, McCotter, Olds, Speed and Troy—17.

The following bills and resolutions reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State for concurrence :

An act to authorize the Western Railroad Company to open to navigation the waters of lower Little River and its tributaries ;

An act in relation to Stokes, Rockingham and Chowan County Commissioners ;

An act to incorporate the Brevard and Waynesville Turnpike Company ;

An act to amend section 8 of chapter 44 of the Revised Code, entitled Evidence ;

An act to punish the obtaining of goods by false pretenses ;

An act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes ;

An act in regard to delinquent sheriffs and tax collectors and to validate certain acts of the State Treasurer ;

An act to incorporate Rountree Lodge of Ancient, Free and Accepted Masons, located at Bethel Church, Lenoir County ;

An act to amend chapter two hundred and thirty-three (233)



laws of 1870-'71, entitled an act regulating the appointment of guardians *ad litem* ;

An act to authorize the County Commissioners of Union County to levy a special tax ;

An act to amend the charter of the town of Hickory Tavern ;

An act to legalize the acts of the Justices of Rowan and other counties ;

An act to incorporate Atlantic Lodge, No. 294 ;

An act making an appropriation for the Deaf, Dumb and Blind Asylum ;

An act supplemental to an act to raise revenue ;

Resolution in favor of Charles Abrams ;

Resolution in regard to the Lovejoy Academy ;

Resolution to allow the Engrossing Clerk of the Senate to employ assistance.

The following amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

Amendments to S. B. 515, H. B. 466, a bill to be entitled an act supplemental to and amendatory of an act to raise revenue, ratified the — day of January, 1872, and for other purposes ;

Amendments to S. B. 533, H. B. 496, a bill to be entitled an act to regulate the times of holding the Superior Courts in the 11th and 12th Judicial Districts.

The Senate then adjourned.

---

#### FIFTY-SIXTH DAY.

SENATE CHAMBER, February 2d, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave to sit during the session of the Senate, was granted

to Messrs. Latham and Lehman, of the Select Committee to investigate the management of the Penitentiary.

Reports from Standing Committees were then submitted as follows :

From the Committee on Education :

By Mr. Gilmer : S. R. 526, H. R. 138, joint resolution to appropriate the moneys received from the sales of public lands to general educational purposes in the South, with recommendation that it do pass.

From the Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 542, H. B. 516, a bill to be entitled an act to prevent the sale of intoxicating liquors near Baptist Swamp Church, in the county of Robeson ;

S. B. 541, H. B. 471, a bill to be entitled an act to prevent the sale of liquors within two miles of Pleasant Hill Church, with recommendation that they do pass.

S. B. 185, a bill to be entitled an act to establish a new county by the name of LaFayette, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Cook : a bill to be entitled an act to amend chapter 81, section 4, of public laws of 1870-'71. Placed on the calendar.

By Mr. Merrimon : a bill to be entitled an act in relation to the stock and interest of the State in the Western Division of the Western North Carolina Railroad Company. Placed on calendar.

By Mr. Graham, of Orange : a bill to be entitled an act to amend chapter 113, section 66, of public laws of 1868-'69. Placed on calendar.

By message from House of Representatives : H. B. 485, a bill to be entitled an act to prevent the sale of spirituous liquors in Friendship Township, in Guilford county. To committee on propositions and grievances ;



H. R. 146, resolution instructing the Public Treasurer to pay D. C. Dudley, John C. Gorman and John C. Marcom sixty dollars each. To committee on finance ;

H. B. 446, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Mt. Airy Male Academy. To committee on propositions and grievances ;

H. B. 528, a bill to be entitled an act to incorporate Hank's Lodge, No. 128, in the town of Franklinville, Randolph county. To committee on corporations ;

H. B. 348 : a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of the town of Lenoir, in Caldwell county. To committee on propositions and grievances ;

H. R. 103, resolution to allow pages of the Senate and House of Representatives additional pay for extra services. Placed on calendar.

By Mr. Latham : a bill to be entitled an act to divide North Carolina into eight Congressional Districts. Placed on calendar, ordered to be printed, and made special order for 12 m., 3d February, 1872.

Mr. Graham, of Orange, introduced the following resolution :

*Resolved*, That from and after this date no Senator be allowed to speak longer than three minutes on any bill or amendment ; that at each daily session the special tax bills be made special order next after the introduction of bills, and that a committee of three be appointed to select from the calendar such other bills as from their importance may demand speedy action, and that they be considered next after special tax bills.

The resolution was read and adopted, and the Chair appointed Messrs. Graham of Orange, Worth and Brogden to constitute said committee.

Mr. Merrimon introduced the following resolution :

*Resolved by the Senate,* That the Clerk of the Senate be, and he is hereby instructed to ascertain and report as early as possible to the Senate the reason why the reports of the Commission, appointed by "an act to provide for the completion of the Western North Carolina Railroad," ratified 24th of March, 1870, have not been printed and sent to the Senate in accordance with the orders of the Senate heretofore made.

The resolution was read and adopted.

Additional reports from Standing Committees were submitted by consent as follows :

From the Committee on Propositions and Grievances :

By Mr. Waddell : S. B. 547, H. B. 348, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of the town of Lenoir, in Caldwell county ;

S. B. 549, H. B. 485, a bill to be entitled an act to prevent the sale of spirituous liquors in Friendship Township, in Guilford county ;

S. B. 548, H. B. 446, a bill to be entitled an act to prevent the sale of spiritous liquors within one mile of Mt. Airy Male Academy, with recommendation that they do pass.

The consideration of resolutions being next in order, the following resolutions were read and laid on the table :

S. R. 340, resolution proposing an adjournment *sine die* ;

S. R. 376, resolution in reference to United States Senator ;

S. R. 416, resolution to investigate the printing of the evidence reported by the Fraud Commission ;

S. R. 326, resolution concerning stationery for the use of members of the General Assembly ;

S. R. 411, resolution approving the sale of Durant's Island.

Mr. Gilmer moved to suspend the rules and put on its several readings S. B. 435, a bill to be entitled an act to protect the property and revenues of the University.



The yeas and nays were ordered and the motion prevailed. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Worth—32.

*Negative*—None.

The bill was then read and passed second and third times. Yeas 33; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—33.

*Negative*—Mr. Bellamy—1.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Merrimon moved to reconsider the action of the Senate on yesterday in relation to the report of the Committee of Conference and the amendments adopted by the House of Representatives to S. B. 53, a bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and to extend its road to the Tennessee line.

Mr. Merrimon further moved to make the consideration of that motion the special order for 8 o'clock this evening.

The latter motion prevailed.

Bills were acted on, under a suspension of the rules, as follows:

S. B. 215, a bill to be entitled an act to amend section 419, chapter 1, title 19, Code of Civil Procedure. Read and passed third time. Yeas 25; Nays 4.



*Affirmative*—Messrs. Albright, Allen, Battle, Brogden, Cook, Council, Crowell, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Rowan, Skinner, Speed, Waddell and Worth—25.

*Negative*—Messrs. Eppes, Hyman, Olds and Whiteside—4.

S. B. 226, H. B. 207, a bill to be entitled an act repealing chapter 104, public laws of 1868—'69. Read and passed third time. Yeas 23; Nays 3.

*Affirmative*—Messrs. Adams, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Edwards, Flemming, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Waddell and Whiteside—23.

*Negative*—Messrs. Albright, Hyman and Linney—3.

S. B. 288, a bill to be entitled an act concerning marriages, marriage settlements and the contracts of married women.

The Clerk proceeded to read the bill the third time.

At the beginning of the reading of the 9th section, Mr. Cook moved that the further reading of the bill be dispensed with.

The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the motion did not prevail. Yeas 8; Nays 25.

*Affirmative*—Messrs. Adams, Brown, Cook, Cowles, Crowell, Flemming, Mauney and Robbins of Rowan—8.

*Negative*—Messrs. Allen, Battle, Beasley, Brogden, Council, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Linney, Long, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Waddell, Whiteside and Worth—25.

The remaining sections of the bill were then read.

Mr. Olds moved to strike out in section 1, the word "sixteen" and insert the word "eighteen."

The yeas and nays were ordered, and the amendment prevailed. Yeas 23; Nays 10.

*Affirmative*—Messrs. Albright, Allen, Beasley, Brown,



Cook, Cowles,<sup>3</sup> Crowell, Edwards, Eppes, Gilmer, Hyman, Linney, Mauney, McCotter, Merrimon, Olds, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Adams, Battle, Brogden, Flemming, Graham of Orange, Long, McClammy, Morehead, Murphy and Norment—10.

Mr. Edwards moved to strike out section 37, inserted as an additional section, on motion of Mr. Hyman, on the second reading. The motion to strike out prevailed.

Mr. Linney moved to reconsider the vote by which the amendment offered by Mr. Olds was adopted.

Mr. Cook moved to lay that motion on the table. The latter motion prevailed.

The bill then passed third time. Yeas 18 ; Nays 16.

*Affirmative*—Messrs. Allen, Council, Edwards, Gilmer, Graham of Orange, Linney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—18.

*Negative*—Messrs. Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Eppes, Flemming, Hyman, Long, Mauney, Olds, Robbins of Rowan and Speed—16.

H. B. 422, S. B. 495, a bill to be entitled an act to re-enact and continue in force an act to empower the Commissioners of Cumberland county to levy a special tax, ratified 24th of February, 1870. Read and passed second time. Yeas 22 ; Nays 6.

*Affirmative*—Messrs. Allen, Beasley, Brogden, Council, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Long, Mauney, McClammy, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—22.

*Negative*—Messrs. Bellamy, Brogden, Cook, Cowles, Hyman and Olds—6.

S. R. 538, resolution in favor of tax collectors of McDowell county. Read and passed second and third times.



S. R. 544, resolution in favor of George N. Lewis, Sheriff of Nash. Read and passed second and third times.

S. B. 466, H. B. 421, a bill to be entitled an act to authorize the County Commissioners of Onslow county to levy a special tax. Read and passed second time. Yeas 28; Nays 5.

*Affirmative*—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Long, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Bellamy, Cowles, Hyman, Merrimon and Olds—5.

S. B. 430, H. B. 532, a bill to be entitled an act to authorize the County Commissioners of Montgomery county to levy a special tax and to issue bonds. Read and passed second time. Yeas 27; Nays 4.

*Affirmative*—Messrs. Albright, Allen, Beasley, Brogden, Brown, Council, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Long, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Bellamy, Cowles, Hyman and Merrimon—4.

S. B. 524, H. B. 480, a bill to be entitled an act to authorize the County Commissioners of Sampson county to levy a special tax. Read and passed second time. Yeas 25; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Edwards, Flemming, Gilmer, Graham of Orange, Linney, Long, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—25.

*Negative*—Messrs. Allen, Beasley, Bellamy, Hyman, Merrimon and Olds—6.



S. B. 383, H. B. 225, a bill to be entitled an act to authorize the County Commissioners of Alleghany county to levy a special tax. Read and passed third time. Yeas 28; Nays 6.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Long, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Albright, Crowell, Hyman, McCotter, Merrimon and Norment—6.

S. B. 489, H. B. 431, a bill to be entitled an act to authorize the Commissioners of Greene county to levy a special tax to pay off the debt of the county. Read and passed the second time. Yeas 24; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Brogden, Brown, Cook, Council, Crowell, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Allen, Cowles, Merrimon and Olds—4.

S. B. 460, H. B. 465, a bill to be entitled an act concerning the Robeson county outlaws. Read and passed third time. Yeas 16; Nays 12.

*Affirmative*—Messrs. Allen, Battle, Council, Edwards, Gilmer, Graham of Orange, Long, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Troy and Worth—16.

*Negative*—Messrs. Adams, Albright, Brogden, Cook, Cowles, Crowell, Eppes, Linney, Mauney, Robbins of Davidson, Waddell and Whiteside—12.

S. B. 514, H. B. 371, a bill to be entitled an act to repeal an act entitled an act to amend the charter of the Atlantic, Tennessee and Ohio Railroad Company in North Carolina, ratified 3d February, 1869. The bill was read second time.

The question recurring on the amendment offered by the

Committee, Mr. Graham, of Orange, moved to amend the amendment by adding the following thereto :

*Provided*, That this act shall not be construed to release the said Atlantic, Tennessee and Ohio Railroad Company from liability for the amount that the State of North Carolina may in any event pay in discharge of \$147,000 of special tax bonds of the State of North Carolina, now outstanding, and for all coupons upon the said bonds if the State of North Carolina should be held liable for payment of any amount on said bonds and coupons.

The amendment to the amendment did not prevail.

The question then recurring on the amendment offered by the Committee, the yeas and nays were ordered, and the amendment did not prevail. Yeas 9; Nays 22.

*Affirmative*—Messrs. Battle, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Skinner, Speed, Troy and Worth—9.

*Negative*—Messrs. Adams, Albright, Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Flemming, Linney, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Waddell and Whiteside—22.

The question then recurring on its passage, the yeas and nays were ordered, and the bill passed second time. Yeas 22; Nays 9.

*Affirmative*—Messrs. Allen, Brown, Cook, Council, Cowles, Crowell, Eppes, Flemming, Hyman, Linney, Long, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell and Whiteside—22.

*Negative*—Messrs. Adams, Albright, Brogden, Edwards, Gilmer, Graham of Alamance, McCotter, Skinner and Worth—9.



The bill was then read and passed third time. Yeas 17; Nays 13.

*Affirmative*—Messrs. Allen, Cook, Council, Cowles, Eppes, Flemming, Hyman, Linney, Long, Mauney, McClammy, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Speed and Whiteside—17.

*Negative*—Messrs. Adams, Battle, Beasley, Brogden, Edwards, Gilmer, Graham of Alamance, Skinner, Troy, Waddell and Worth—13.

S. B. 186, a bill to be entitled an to establish near the city of Wilmington a hospital for the insane, on second reading.

Mr. Robbins, of Davidson, moved the previous question and the Senate ordered the main question to be put.

The question first recurring on the amendment to the amendment, in the nature of a substitute, it was adopted.

The question next recurring upon the amendment as amended, it was adopted.

The question next recurring on its passage, the bill did not pass second time. Yeas 10; Nays 26.

*Affirmative*—Messrs. Allen, Council, Gilmer, Hyman, Long, McClammy, Murphy, Norment, Speed and Troy—10.

*Negative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Eppes, Flemming, Graham of Orange, Latham, Linney, Mauney, Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—26.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to prevent the catching of oysters, &c., in Far Creek, in the county of Hyde ;

An act to incorporate the town of Cherryville, in the county of Gaston ;

An act concerning the annexation of a portion of Macon county to the county of Clay ;

An act to amend section 7, chapter 237, of laws of 1868-'69, entitled an act to establish the days and places for selling real property under execution, and for other purposes ;

An act to incorporate the Thompson Institute ;

An act amendatory of an act entitled an act to incorporate the Hiwassee Turnpike Company ;

An act to amend an act entitled an act to incorporate the Land and Lumber Company of North Carolina, ratified 17th day of December, 18— ;

An act to incorporate Asheville Council, No. 4, Friends of Temperance, in the town of Asheville, N. C. ;

An act to regulate [the times of holding the terms of the Superior Courts, in the 11th and 12th Judicial Districts ;

An act to authorize the Commissioners of Watanga county to levy a special tax ;

An act to authorize the Commissioners of Camden county to levy a special tax ;

An act to legalize the acts of George D. Reynolds, entry taken for claims of land in Alleghany county ;

An act to amend an act entitled an act to incorporate the trustees of the General Assembly of the Presbyterian Church in the United States ;

An act to amend the charter of the town of Salem, N. C., ratified 22d March, 1870 ;

An act for the relief of the tax payers of Madison county ;

An act supplementary and amendatory of an act entitled an act to raise revenue, ratified — day of January, 1872, and for other purposes ;

An act to change the line between Ashe and Alleghany counties ;

Resolution of instruction to the Committee on Printing.

The following bills and resolutions, and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :



S. B. 419, a bill to be entitled an act to incorporate the Beech Swamp and Scotland Neck Railroad Company;

S. B. 433, a bill to be entitled an act to make Dutchman's Creek a lawful fence, in Davie county;

S. B. 444, a bill to be entitled an act to amend chapter 37, section 6, of private laws of 1870-'71;

S. B. 393, a bill to be entitled an act to authorize the election of a town constable for Elizabeth City;

S. B. 443, a bill to be entitled an act to amend an act to charter High Shoals Railroad Company;

S. R. 349, resolution appointing Dr. W. R. Sharpe a member of the Board of Public Charities;

Amendment to H. B. 470, a bill to be entitled an act supplemental to an act entitled an act to incorporate the Orapeake Canal and Turnpike Company;

S. B. 365, a bill to be entitled an act to amend section 27, chapter 3, page 369, of the laws of 1868-'69;

S. B. 434, a bill to be entitled an act to incorporate the Yadkin River Navigation Company;

S. B. 516, a bill to be entitled an act supplemental to an act to incorporate the Dawson Bank;

S. B. 414, a bill to be entitled an act to prevent the destruction of fish in the waters of Black River and Six Runs, in New Hanover and Sampson counties;

S. B. 380, a bill to be entitled an act to restore the provisions of the Revised Code in relation to the Public Printing;

S. B. 435, a bill to be entitled an act to protect the property and revenues of the University;

The Senate then adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M., February 2d, 1872.

The Senate met pursuant to adjournment.

The special order, S. B. 506, H. B. 232, a bill to be entitled

an act to amend an act entitled an act concerning the city of Wilmington, ratified the 20th of December, 1870, was read and passed second time, and the rules having been suspended, the bill was read and passed third time.

S. B. 425, H. B. 183, a bill to be entitled an act to amend an act to incorporate the Board of Trade of the city of Raleigh; also, special order was next taken up.

The question recurring on the motion of Mr. Olds, to reconsider the vote by which the bill passed the third reading, Mr. Olds by consent withdrew the motion to reconsider.

The bill was then ordered to be enrolled for ratification.

Bills were acted on, under a suspension of the rules, as follows :

S. B. 258, H. B. 181, a bill to be entitled an act to require certain officers to submit estimates of expenses for each current year, and to carry into effect the design of section 3, article 14, of the Constitution.

The bill was read the second time.

Mr. Brogden moved to strike out section 4.

The motion prevailed, and the bill passed second time.

The bill was then read third time and laid on the table.

S. B. 331, a bill to be entitled an act to amend chapter 201, public laws of 1868-'69.

The bill was read second time.

Mr. Cook moved an amendment, in the nature of a substitute, for the bill.

Mr. Linnay moved to amend the amendment by adding thereto the following :

*Provided further*, That the bill shall not have the effect of altering the law as it now is in reference to the appointment of guardians *ad litem*.

The amendment to the amendment prevailed.

The amendment, in the nature of a substitute, as amended, then prevailed, and the bill passed second time.



The bill was read third time.

Mr. Whiteside moved to amend by inserting the words "and to the person with whom such infant resides."

On motion of Mr. Robbins, of Rowan, the bill and amendment were recommitted to the Committee on Judiciary.

The hour for its consideration having arrived, the Senate proceeded to consider the special order, to-wit: the motion of Mr. Merrimon to reconsider the action of the Senate on yesterday in relation to S. B. 53, H. B. 333, a bill to be entitled an act to enable the Wilmington, Charlotte and Rutherford Railroad Company to complete its road and to extend its road to the Tennessee line.

The Senate thereupon reconsidered its action, and on motion, concurred in the report of the majority of the Committee of Conference, and ordered the bill, with the amendments adopted by the House of Representatives, to be enrolled for ratification.

The consideration of bills on the calendar was then resumed, and the following bills were acted on under a suspension of the rules, as follows:

S. B. 523, H. B. 273, a bill to be entitled an act to amend chapter 12, section 1, of the Revised Code, entitled Bastard Children.

The bill was read the second time.

Mr. Warren moved to amend by adding the following to the bill: "This act shall take effect from and after its ratification."

The amendment prevailed.

Mr. Robbins, of Rowan, moved to amend by adding the following to section 3: "Or in cases where he knows the child to have become a charge to the county;" also by inserting word "exclusive" before word "original" in section 1.

The amendments prevailed, and the bill passed third time. Yeas 23; Nays 5.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Dargan, Edwards, Gilmer, Hyman, Linney, McClammy, McCotter, Murphy,

Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—23.

*Negative*—Messrs. Albright, Brogden, Graham of Alamance, Mauney and Merrimon—5.

S. B. 537, H. B. 279, a bill to be entitled an act to amend chapter 85, of the Revised Code, entitled Pilots. Read and passed second and third times. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Cook, Council, Cowles, Crowell, Edwards, Eppes, Gilmer, Graham of Alamance, Hyman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—30.

*Negative*—None.

S. B. 486, H. B. 400, a bill to be entitled an act to create a Board of Commissioners of Navigation for the Ports of Ocracoke and Hatteras Inlets. The bill was read and passed second time.

The bill was read third time.

Mr. Warren moved an amendment, which was adopted, and the bill passed third time. Yeas 29; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Cook, Council, Cowles, Crowell, Edwards, Gilmer, Graham of Alamance, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—29.

*Negative*—None.

The amendment was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 488, H. B. 420, a bill to be entitled an act to lay off and establish a new county by the name of Pamlico. The bill was read the second time.

Mr. Allen moved to amend by adding the following proviso to section 2:



*Provided further*, That until another apportionment the county hereby created shall, in all elections for State Senators, cast its vote with the Senatorial District of which Beaufort shall form a part, and in all elections for Representatives it shall cast its vote with the county of Beaufort.

The amendment prevailed.

Mr. Hyman moved to strike out the word "Pamlico," wherever it occurs, and to insert in lieu thereof the word "Bragg."

The amendment did not prevail, and the bill passed second time.

The bill was then read and passed third time. Yeas 25; Nays 4.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Cook, Council, Crowell, Edwards, Gilmer, Graham of Alamance, Latham, Linney, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—25.

*Negative*—Messrs. Brogden, Eppes, Hyman and Speed—4.

The amendment was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

H. R. 103, resolution to allow the pages of the Senate and House of Representatives additional pay for extra services. The resolution was read second time.

Mr. Linney moved to strike out the word "pages" and to insert in lieu thereof the word "employees."

The amendment prevailed, and the resolution passed third time.

Mr. Graham, of Alamance, by consent, introduced a bill to be entitled an act to repeal chapter 13, laws of special session of 1868, ratified 11 August, 1868, which was read and passed first time.

The rules having been suspended, the bill was read and passed second and third times. Yeas 25; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Battle, Cook, Council, Crowell, Dargan, Edwards, Gilmer, Graham of Alamance, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—25.

*Negative*—Messrs. Brogden, Cowles and Eppes—3.

Mr. Murphy, from the Committee on Corporations, reported back S. B. 551, H. B. 528, a bill to be entitled an act to incorporate Hanks' Lodge, No. 128, in the town of Franklinville, Randolph county, recommending its passage.

The Senate then adjourned.

---

## FIFTY-SEVENTH DAY.

SENATE CHAMBER, February 3rd, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted as follows :

From the Committee on Finance :

By Mr. Worth, for Mr. Graham, of Orange : S. R. 559, H. R. 146, resolution instructing the Public Treasurer to pay D. C. Dudley, John C. or man ann John C. Marcom sixty dollars each, with recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Linney : S. B. 530, H. B. 494, a bill to be entitled an act supplemental to an act creating a new county by the name of Graham, with amendments.

From the Committee on Agriculture :

By Mr. Murphy : S. B. 543, H. B. 444, a bill to be entitled an act to prevent fraud in the sale of commercial fertilizers, with recommendation that it do pass.

The following named bills were introduced, read and passed



first time, and were referred or otherwise disposed of as follows :

By Mr. Council : a bill to be entitled an act for the benefit of certain turnpike roads. To committee on finance.

By message from House of Representatives : H. B. 492, a bill to be entitled an act to amend the charter of Statesville. Placed on calendar ;

H. B. 533, a bill to be entitled an act to amend an act entitled an act to authorize the Albemarle Swamp Land Company to construct a railroad from Pantego to Indian River, in Beaufort county. To committee on internal improvements ;

H. B. 475, a bill to be entitled an act to legalize certain sales of land in the town of Asheville. Placed on calendar ;

H. B. 529, a bill to be entitled an act supplemental to an act to annex a portion of Macon county to Clay county. To committee on propositions and grievances.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House of Representatives to S. B. 156, a bill to be entitled an act to amend the charter of the Fayetteville and Florence Railroad Company.

On motion, the Senate concurred in the amendments.

Bills were acted on, under a suspension of the rules, as follows :

H. R. 103, resolution to allow pages of the Senate and House of Representatives additional pay for extra services. Read and passed third time.

S. B. 263, a bill to be entitled an act concerning constables. Read and passed second time ;

S. B. 403, H. B. 345, a bill to be entitled an act to change the time of the annual meeting of the Board of Directors of the Insane Asylum. Read and passed second time ;

S. B. 425, H. B. 197, a bill to be entitled an act to amend section 2, chapter 66, of the public laws of 1869-'70. Read and passed second time ;

S. B. 442, a bill to be entitled an act to amend the law of evidence. Read and passed second time;

S. B. 267, a bill to be entitled an act to amend chapter 262 of the public laws of 1870-71. Read and passed second and third times;

S. B. 333, a bill to be entitled an act to confirm the sale of certain lands sold by the County Commissioners of Wilkes County belonging to certain deceased paupers of said county. Read and passed second and third times;

S. B. 429, H. B. 124, a bill to be entitled an act to amend section 131 of the Code of Civil Procedure. Read and passed second and third times;

S. R. 270, H. R. 101, resolution in favor of delinquent sheriffs. Read and passed second time;

S. B. 382, H. B. 331, a bill to be entitled an act to amend an act to provide for limited partnerships, ratified February —, 1861. Read and passed second time

S. B. 409, H. B. 241, a bill to be entitled an act to amend an act to promote and encourage the planting of oysters and clams, chapter 33, act of Assembly, 1858-'59. Read second time.

The amendment offered by the committee prevailed and the bill passed second time.

S. B. 495, H. B. 422, a bill to be entitled an act to re-enact and continue in force an act entitled an act to empower the Commissioners of Cumberland county to levy a special tax, ratified 24th February, 1870. Read and passed third time. Yeas 23; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Council, Crowell, Flemming, Gilmer, Graham of Alamance, Latham, Linney, Mauney, McClammy, McCotter, Murphy, Skinner, Speed, Troy, Waddell and Worth—23.

*Negative*—Messrs. Bellamy, Cook, Cowles, Eppes and Norment—5.

S. B. 532, H. B. 430, a bill to be entitled an act to authorize



the Commissioners of Montgomery county to levy a special tax and to issue bonds. Read and passed third time. Yeas 21; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Flemming, Gilmer, Graham of Alamance, Latham, McClammy, McCotter, Morehead, Murphy, Skinner, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Bellamy, Cowles, Eppes, Hyman, Linney, Merrimon, Norment, Olds and Robbins of Davidson—9.

S. B. 489, H. B. 431, a bill to be entitled an act to authorize the Commissioners of Greene county to levy a special tax to pay off the debt of the county. Read and passed third time. Yeas 21; Nays 9.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Council, Crowell, Edwards, Gilmer, Graham of Alamance, Latham, Mauney, McClammy, McCotter, Murphy, Skinner, Speed, Troy, Waddell and Worth—21.

*Negative*—Messrs. Cook, Cowles, Eppes, Linney, Merrimon, Norment, Olds, Robbins of Davidson and Robbins of Rowan—9.

S. B. 466, H. B. 421, a bill to be entitled an act to authorize the County Commissioners of Onslow county to levy a special tax. Read and passed third time. Yeas 21; Nays 7.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Council, Crowell, Edwards, Eppes, Gilmer, Latham, Linney, Mauney, McCotter, Murphy, Robbins of Davidson, Skinner, Troy, Waddell and Worth—21.

*Negative*—Messrs. Bellamy, Cowles, Hyman, Lehman, Long, Norment and Olds—7.

S. B. 524, H. B. 480, a bill to be entitled an act to authorize the County Commissioners of Sampson county to levy a special tax. Read and passed third time. Yeas 21; Nays 7.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Council, Crowell, Edwards, Gilmer, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Murphy, Skinner, Speed, Troy, Waddell and Worth—21.

*Negative*—Messrs. Bellamy, Cook, Cowles, Eppes, Norment, Robbins of Davidson and Robbins of Rowan—7.

S. B. 256, H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, of chapter 139, laws of 1870-'71. Read second time.

Mr. Cowles moved to lay the bill on the table.

The yeas and nays were ordered, and the motion did not prevail. Yeas 15; Nays 21.

*Affirmative*—Messrs. Adams, Albright, Cook, Council, Cowles, Crowell, Edwards, Linney, Mauney, McCotter, Merrimon, Robbins of Rowan, Troy, Whiteside and Worth—15.

*Negative*—Messrs. Allen, Battle, Beasley, Bellamy, Brogden, Brown, Eppes, Flemming, Gilmer, Graham of Alamance, Hyman, Latham, Lehman, Long, McClammy, Murphy, Norment, Olds, Skinner, Speed and Waddell—21.

Mr. Gilmer moved to amend by inserting an additional section to come in as section 4 of the bill.

The amendment prevailed, and the bill passed second time.

S. B. 265, a bill to be entitled an act to cure certain defects in the probate of deeds and privy examination of *femes covert*, and for other purposes.

The bill was read second time, and the yeas and nays having been ordered, on demand of Mr. Skinner, the bill passed second time. Yeas 23; Nays 5.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Council, Cowles, Graham of Alamance, Hyman, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Morehead, Norment, Olds, Waddell and Worth—23.

*Negative*—Messrs. Edwards, Flemming, Latham, Skinner and Whiteside—5.

S. B. 451, H. B. 375, a bill to be entitled an act to define and punish embezzlement. Read and passed second and third times. Yeas 31; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Cook, Council, Cowles, Eppes, Elemming, Gilmer, Graham of Alamance, Hyman, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Mur-



phy, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—31.

*Negative*—Mr. Edwards—1.

S. B. 508, H. B. 206, a bill to be entitled an act to change the 10th and 11th Judicial Districts. Read and passed second time.

The bill was read third time.

Mr Flemming moved to amend by striking out all after word "August," in line 6 of section 2.

The yeas and nays were ordered, on demand of Mr. Flemming, and the motion to strike out prevailed. Yeas 24; Nays 4.

*Affirmative*—Messrs. Battle, Brogden, Brown, Cook, Edwards, Eppes, Flemming, Gilmer, Hyman, Latham, Lehman, Long, Mauney, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Adams, Allen, Cowles and Linney—4.

The bill was then passed third time. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Flemming, Gilmer, Hyman, Latham, Long, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—27.

*Negative*—None.

S. B. 507, a bill to be entitled an act to amend section 7 of chapter 129, laws of 1869-'70. Read and passed second and third times. Yeas 26; Nays 3.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Cook, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Hyman, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Whiteside and Worth—26.

*Negative*—Messrs. Bellamy, Brogden and Eppes—3.

Mr. Linney moved to re-consider the vote by which S. B. 488, H. B. 420, a bill to be entitled an act to lay off and estab-

lish a new county by the name of Pamlico, passed third time on yesterday.

The yeas and nays were ordered, on demand of Mr. Allen, and the motion did not prevail. Yeas 11; Nays 21.

*Affirmative*—Messrs. Battle, Beasley, Bellamy, Brogden, Eppes, Hyman, Lehman, Linney, Long, Norment and Olds—11.

*Negative*—Messrs. Adams, Albright, Allen, Brown, Cook, Council, Crowell, Edwards, Gilmer, Latham, Mauney, Merri-  
mon, Morehead, Murphy, Robbins of Davidson, Robbins of  
Rowan, Skinner, Troy, Waddell, Whiteside and Worth—21.

Mr. Worth moved that when the Senate adjourns, it will adjourn until 3½ p. m.

The motion prevailed.

The following bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills were transmitted to the House of Representatives for concurrence :

S. R. 400, resolution to raise a Joint Select Committee to re-write the Constitution of the State, &c. ;

S. B. 520, a bill to be entitled an act for the better government of the Penitentiary, and for other purposes ;

S. R. —, resolution to raise a Joint Committee to treat with Coleman Brothers for the surrender of their contract to build the Penitentiary ;

S. B. 512, a bill to be entitled an act to prohibit the felling or cutting of trees into the run of Upper Broad Creek ;

S. R. 544, resolution in favor of George N. Lewis, Sheriff of Nash ;

S. R. 538, resolution in favor of the tax collector of McDowell county ;

S. B. 215, a bill to be entitled an act to amend section 419, chapter 1, title 19, of the Code of Civil Procedure ;

Amendments to H. B. 400, a bill to be entitled an act to create a Board of Commissioners of Navigation for the ports of Ocracoke and Hatteras Inlets ;



S. B. 394, a bill to be entitled an act to incorporate the Ranson's Bridge and Weldon Transportation Company ;

S. B. 553, a bill to be entitled an act to repeal chapter 13, laws of 1868, special session, ratified 11th of August, 1868 ;

Amendment to H. B. 420, a bill to be entitled an act to lay off and establish a new county by the name of Pamlico.

Mr. Brown moved that the rules be suspended and S. B. 479, a bill to be entitled an act to amend subdivision 2, section 31, title 9, Code of Civil Procedure, be put upon its several readings.

The yeas and nays were ordered, on demand of Mr. Murphy, and the motion prevailed. Yeas 31 ; Nays 3.

*Affirmative*—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, [Council, Cowles, Edwards, Flemming, Gilmer, Hyman, Latham, Lehman, Linney, Long, Mauney, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—31.

*Negative*—Messrs. Eppes, Robbins of Davidson and Speed—3.

The bill was then read and passed second and third times. Yeas 25 ; Nays 1.

*Affirmative*—Messrs. Adams, Albright, Allen, Battle, Bellamy, Brogden, Brown, Crowell, Edwards, Gilmer, Graham of Alamance, Latham, Linney, Long, Mauney, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Speed, Waddell, Whiteside and Worth—25.

*Negative*—Mr. Hyman—1.

The Senate then adjourned until 3½ p. m.

---

SENATE CHAMBER, 3½ P. M., February 3d, 1872.

The Senate met pursuant to adjournment.

Reports from Standing Committees were then submitted by consent as follows :

From the Committee on Judiciary :

By Mr. Allen : S. B. 521, H. B. 41, a bill to be entitled an act to provide in certain cases an allowance for improvements, with recommendation that it do pass.

Bills were acted on, under a suspension of the rules, as follows :

S. R. 536, H. R. 98, resolution in favor of Henry M. Miller. Read and passed third time.

S. B. 485, H. B. 389, a bill to be entitled an act to incorporate the town of Catawba in Catawba county. Read and passed second and third times.

S. B. 437, H. B. 445, a bill to be entitled an act to authorize E. C. Grier, late sheriff of Mecklenburg, to collect arrears of taxes. Read and passed second and third times.

S. B. 474, a bill to be entitled an act to amend an act chartering the Jamesville and Washington Railroad and Lumber Company. Read and passed second and third times.

S. B. 491, H. B. 386, a bill to be entitled an act to incorporate the Trustees of Catawba Valley Academy in Catawba county. Read and passed second and third times.

S. B. 431, H. B. 336, a bill to be entitled an act to incorporate the New River Canal Company. Read and passed second and third times.

S. B. 547, H. B. 348, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of the town of Lenoir, in Caldwell county. Read and passed second and third times.

S. B. 503, H. B. 378, a bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Oak Noek Furnace or Buckhorn Iron mines. The bill was read second time.

Mr. Cowles moved to amend by adding the following proviso :  
“*Provided*, That in order to make this act operative, the question of ‘license’ or ‘no license,’ be submitted to a vote of the voters within said boundaries. If a majority vote ‘license,’ then this act to be void.”



The amendment did not prevail, and the question recurring on the passage of the bill, the yeas and nays were ordered, on demand of Mr. Speed, and the bill passed second time. Yeas 22; Nays 12.

*Affirmative*—Messrs. Adams, Albright, Beasley, Crowell, Edwards, Flemming, Gilmer, Lehman, Manney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—22.

*Negative*—Messrs. Allen, Battle, Brogden, Cook, Cowles, Eppes, Hyman, King, Latham, Linney, Skinner and Speed—12.

The bill was then read and passed third time.

S. B. 522, H. B. 498, a bill to be entitled an act requiring Clerks of Superior Courts to open their offices every Monday for the transaction of probate business. The bill was read the second time.

The amendments offered by the Committee prevailed.

Mr. Edwards moved to amend by striking out all after the word "office" in line 3, section 2.

The amendment prevailed.

Mr. Whiteside moved to amend by inserting after the word "Monday" in line 2, section 1, the words "from 9 a. m. to 4 p. m."

The amendment prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 22; Nays 9.

*Affirmative*—Messrs. Allen, Brown, Cook, Council, Cowles, Edwards, Flemming, Gilmer, Graham of Alamance, Linney, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—22.

*Negative*—Messrs. Adams, Beasley, Bellamy, Brogden, Crowell, Hyman, Latham, Long and McCotter—9.

S. B. 518, H. B. 251, a bill to be entitled an act to prohibit the sale of intoxicating liquors within one and one half miles.

of St. Paul's Church, in the county of Robeson. The bill was read second time.

Mr. Hyman moved that it be laid on the table.

Mr. Robbins, of Davidson, moved the previous question.

Upon this motion the yeas and nays were ordered, on demand of Mr. Merrimon, and the Senate ordered the main question to be put. Yeas 20; Nays 12.

*Affirmative*—Messrs. Albright, Beasley, Council, Crowell, Flemming, Gilmer, Graham of Alamance, Latham, Lehman, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell and Worth—20.

*Negative*—Messrs. Adams, Allen, Battle, Brogden, Cook, Edwards, Hyman, King, Linney, Long, Skinner and Speed—12.

The bill then passed second time.

The bill was then read third time.

Mr. Speed moved to amend by inserting the following as an additional section :

“That the Superintendent of Public Works be required to have the State surveyed, and a plain map constructed, that citizens may know where to sell spirituous liquors by the small measure.”

The yeas and nays were ordered, on demand of Mr. Norment, and the amendment did not prevail. Yeas 11; Nays 25.

*Affirmative*—Messrs. Battle, Bellamy, Cook, Cowles, Edwards, Hyman, Latham, Linney, Long, Skinner and Speed—11.

*Negative*—Messrs. Adams, Albright, Allen, Brogden, Brown, Council, Crowell, Eppes, Flemming, Gilmer, King, Lehman, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—25.

The question recurring on its passage, the yeas and nays were ordered, on demand of Mr. Cowles, and the bill passed third time. Yeas 19; Nays 14.

*Affirmative*—Messrs. Adams, Albright, Beasley, Brown,



Council, Crowell, Flemming, Gilmer, Lehman, Mauney, McClammy, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell and Worth—19.

*Negative*—Messrs. Allen, Battle, Bellamy, Brogden, Cook, Cowles, Edwards, Hyman, King, Latham, Linney, Long, Skinner and Whiteside—14.

S. B. 549, H. B. 485, a bill to be entitled an act to prevent the sale of spirituous liquors in Friendship township, in Guilford county. The bill was read second time.

Mr. Robbins, of Rowan, moved to lay the bill on the table.

The yeas and nays were ordered, and the motion prevailed. Yeas 18; Nays 15.

*Affirmative*—Messrs. Battle, Bellamy, Cook, Cowles, Edwards, Eppes, Flemming, Hyman, King, Latham, Mauney, McClammy, McCotter, Robbins of Rowan, Skinner, Speed, Whiteside and Worth—18.

*Negative*—Messrs. Adams, Albright, Allen, Beasley, Brown, Council, Crowell, Gilmer, Linney, Long, Merrimon, Murphy, Olds, Troy and Waddell—15.

Mr. Cowles moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand of Mr. Murphy, and the motion did not prevail. Yeas 9; Nays 23.

*Affirmative*—Messrs. Allen, Bellamy, Brown, Cowles, Flemming, King, Robbins of Rowan, Skinner and Speed—9.

*Negative*—Messrs. Adams, Albright, Battle, Beasley, Brogden, Cook, Council, Crowell, Gilmer, Hyman, Latham, Linney, Long, Mauney, McClammy, Merrimon, Murphy, Olds, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—23.

Mr. Linney moved that leave be granted to Mr. Troy, to introduce a bill to be entitled an act concerning the Penitentiary.

The yeas and nays were ordered, and a majority of all the Senators elect not having voted therefor, the motion did not prevail. Yeas 22; Nays 6.

*Affirmative*—Messrs. Adams, Albright, Battle, Brogden, Brown, Council, Cowles, Gilmer, Graham of Alamance, King, Linney, Long, Mauney, McClammy, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—22.

*Negative*—Messrs. Allen, Bellamy, Edwards, Hyman, Latham and Skinner—6.

S. B. 531, H. B. 224, a bill to be entitled an act to prevent illicit and fraudulent trading, was then taken up and read second time.

Mr. Robbins, of Rowan, moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand of Mr. Merrimon, and the motion did not prevail. Yeas 7; Nays 24,

*Affirmative*—Messrs. Bellamy, Eppes, King, Mauney, McCotter, Robbins of Rowan and Skinner—7.

*Negative*—Messrs. Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Graham of Alamance, Latham, Linney, Long, McClammy, Merrimon, Murphy, Olds, Robbins of Davidson, Speed, Troy, Whiteside and Worth—24.

Mr. Merrimon moved to lay the bill under consideration on the table. The motion prevailed.

S. B. 527, H. B. 481, a bill to be entitled an act for the relief of Express Companies. The bill was read the second time.

On motion of Mr. Mauney the Senate adjourned.

---

## FIFTY-EIGHTH DAY

SENATE CHAMBER, February 5th, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Atkinson.



The Journal of Saturday was read.

Mr. Moore asked and obtained leave, to have his name recorded in the negative on the vote by which S. B. —, a bill to be entitled an act to lay off and establish a new county by the name of Pamlico, was passed third time.

Leave of absence was granted to Mr. Lehman, for to-morrow and Wednesday, and to Mr. Speed from to day until Friday.

Reports from Standing Committees were then submitted as follows:

From the Committee on Internal Improvements:

By Mr. Graham, of Alamance; S. B. 555, H. B. 533, a bill to be entitled an act to amend an act entitled an act to authorize the Albemarle Swamp Land Company, to construct a Railroad from Pantego to Indian River, in Beaufort county, with recommendation that it do pass.

From the Committee on Finance:

By Mr. Graham, of Orange: S. B. 545, a bill to be entitled an act to amend an act entitled an act to raise revenue, ratified the — day of January, 1872, with recommendation that it do not pass;

S. B. 559, a bill to be entitled an act for the benefit of certain turnpike roads, with recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Waddell: S. B. 557, H. B. 529, a bill to be entitled an act supplemental to an act to annex a portion of Macon county to Clay county, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By Mr. Cook: a bill to be entitled an act to amend an act in relation to salaries and fees of State officers, ratified 18th day of February, 1871. Placed on calendar;

By message from the House of Representatives: H. B. 534, a bill to be entitled an act concerning election and registra-

tion in the year A. D. 1872. Placed on calendar, and made special order for 1 p. m., to-day ;

By Mr. Troy : a bill to be entitled an act supplemental to an act entitled an act to raise revenue, ratified 25th day of January. Placed on calendar ;

By Mr. Graham, of Orange : a bill to be entitled an act supplemental to an act entitled an act to incorporate the Bank of Hillsboro'. Placed on the calendar ;

By Mr. Norment : a bill to be entitled an act amendatory to an act in relation to salaries and fees. To committee on propositions and grievances.

Bills on third reading were acted on as follows :

S. B. 265, a bill to be entitled an act to cure certain defects in the probate of deeds and privy examination of *femes covert* and for other purposes. Read and passed third time. Yeas 22 ; Nays 5.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Brown, Cook, Council, Dargan, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Mauney, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Speed and Waddell—22.

*Negative*—Messrs. Edwards, Flemming, Gilmer, Skinner and Whiteside—5.

S. B. 263, a bill to be entitled an act concerning constables. The bill was read third time.

Mr. Graham, of Orange, moved to amend by adding following words to section 2, "and shall be allowed same fees in all cases as sheriffs are allowed for like services."

The question recurring on the amendment, the yeas and nays were ordered, on demand of Mr. Edwards, and the amendment prevailed. Yeas 20 ; Nays 12.

*Affirmative*—Messrs. Battle, Beasley, Brogden, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Long, Moore, Morehead, Norment, Olds, Robbins of Rowan, Skinner, Speed and Waddell—20.

*Negative*—Messrs. Adams, Brown, Council, Flemming, King



McCotter, Merrimon, Murphy, Robbins of Davidson, Troy, Whiteside and Worth.—12.

The bill then passed third time. Yeas 19; Nays 13.

*Affirmative*—Messrs. Battle, Brogden, Cook, Dargan, Edwards, Gilmer, Graham of Orange, Jones, Latham, Lehman, Moore, Morehead, Norment, Olds, Robbins of Rowan, Skinner, Speed, Waddell and Worth—19.

*Negative*—Messrs. Adams, Beasley, Council, Crowell, Flemming, King, Manney, McCotter, Merrimon, Murphy, Robbins of Davidson, Troy and Whiteside—13.

S. R. 270, H. R. 101, resolution in favor of delinquent sheriffs. Read and passed third time. Yeas 26; Nays 2.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brogden, Brown, Council, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Jones, King, Latham, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Skinner, Waddell and Worth—26.

*Negative*—Messrs. Robbins of Davidson and Whiteside—2.

S. B. 382, H. B. 331, a bill to be entitled an act to amend an act to provide for limited partnerships, ratified — day of February, 1871. Read and passed third time. Yeas 28; Nays 1.

*Affirmative*—Messrs. Adams, Battle, Beasley, Cook, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Long, Mauney, McClammy, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—28.

*Negative*—Mr. Brogden—1.

S. B. 256, H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, of chapter 139, laws of 1870-71. Read and passed third time. Yeas 18; Nays 8.

*Affirmative*—Messrs. Battle, Beasley, Brogden, Council, Crowell, Dargan, Gilmer, Graham of Alamance, Jones, King, Latham, Long, Morehead, Murphy, Norment, Skinner, Speed and Waddell—18.

*Negative*—Messrs. Bellamy, Cook, Flemming, Linney, Mauney, Robbins of Davidson, Robbins of Rowan and Whiteside—8.

Bills were acted on, under a suspension of the rules, as follows :

S. B. 562, a bill to be entitled an act to amend an act in relation to salaries and fees of State Officers, ratified 18th day of February, 1871. The bill was read second time.

Mr. Troy moved to amend by inserting the following as an additional section.

“Section 3, That the salary of the Superintendent of Public Works, shall be fifty dollars *per annum*, from and after the ratification of this act.”

The amendment did not prevail.

Mr. Gilmer moved to amend by striking out the words “three thousand” and inserting words “five thousand” in lines 8 and 9, section 1.

Mr. Morehead moved the previous question. The Senate refused to order the main question to be put.

Mr. Norment moved that the bill be laid on the table. The yeas and nays were ordered, on demand of Mr. Merrimon, and the motion did not prevail. Yeas 10; Nays 28.

*Affirmative*—Messrs. Battle, Beasley, Eppes, Graham of Orange, Lehman, Long, Morehead, Norment, Olds and Robbins of Rowan—10.

*Negative*—Messrs. Adams, Allen, Bellamy, Brogden, Brown, Cook, Council, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, King, Latham, Linney, Mauney, McClammy, McCotter, Merrimon, Murphy, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside and Worth—28.

The question recurring on the amendment offered by Mr. Gilmer, the amendment prevailed.

Mr. Gilmer moved to amend section 2 by striking out the



words "two thousand" and inserting the words "twenty-five hundred" in lieu thereof.

Mr. Robbins, of Rowan, moved to amend by striking out the words "two thousand" and inserting the words "three thousand."

The question recurring first on the amendment of Mr. Robbins of Rowan, the amendment prevailed.

The bill then passed second time.

The bill was read third time.

Mr. Merrimon moved to amend by striking out the words "three thousand" and inserting the words "twenty-five hundred" in line 4, section 2.

Mr. Lehman called for a division of the question.

Mr. Morehead moved the previous question, and the Senate ordered the main question to be put.

Thereupon the question recurring first upon the motion to strike out, the yeas and nays were ordered, on demand of Mr. Merrimon, and the Senate refused to strike out. Yeas 17; Nays 20.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Council, Crowell, Gilmer, King, Linney, Mauney, Merrimon, Murphy, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—17.

*Negative*—Messrs. Battle, Brogden, Dargan, Edwards, Eppes, Flemming, Graham of Orange, Jones, Latham, Lehman, Long, McClammy, McCotter, Moore, Morehead, Norment, Olds, Robbins of Rowan, Skinner and Speed—20.

The bill then passed third time. Yeas 29; Nays 9.

*Affirmative*—Messrs. Allen, Battle, Brogden, Council, Edwards, Flemming, Gilmer, Graham of Orange, Jones, King, Latham, Lehman, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell and Worth—29.

*Negative*—Messrs. Adams, Beasley, Bellamy, Cook, Crowell, Dargan, Eppes, Robbins of Rowan and Whiteside—9.

S. B. —, a bill to be entitled an act supplemental to an act to incorporate the Bank of Hillsboro'. Read and passed second and third times.

S. B. 452, H. B. 351, a bill to be entitled an act to incorporate the Hornet Fire Company, No. 1, of the city of Charlotte. Read and passed second and third times.

S. B. —, a bill to be entitled an act supplemental to an act entitled an act to raise revenue, ratified 25th of January, 1872. The bill was read second time.

Mr. Murphy moved to amend by adding the following to section 1: "Also a special tax of three and two-thirds cents on the one hundred dollars on the above named property for the erection of additional buildings to the present State Asylum."

The yeas and nays were ordered, on demand of Mr. Murphy, and the amendment did not prevail. Yeas 11; Nays 27.

*Affirmative*—Messrs. Battle, Beasley, Bellamy, Council, Eppes, Graham of Orange, Lehman, McClammy, Murphy, Norment and Olds—11.

*Negative*—Messrs. Adams, Allen, Brogden, Brown, Cook, Edwards, Flemming, Gilmer, Graham of Alamance, Jones, King, Latham, Linney, Long, Mauney, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—27.

Mr. Gilmer moved an amendment to come in as an additional section, as follows:

"Section 2. That section 2 of said act be amended by striking out the words "one dollar and five cents" and inserting in lieu thereof the words "ninety-five cents."

The amendment prevailed.

The question then recurring on the passage of the bill, the yeas and nays were ordered, on demand of Mr. Troy, and the bill passed second time. Yeas 22; Nays 16.

*Affirmative*—Messrs. Battle, Brogden, Brown, Council,



Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Jones, King, Linney, Long, McClammy, Merrimon, Murphy, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—22.

*Negative*—Messrs. Allen, Beasley, Bellamy, Eppes, Graham of Orange, Latham, Lehman, McCotter, Moore, Morehead, Norment, Olds, Robbins of Davidson, Skinner and Speed—16.

The bill was then read and passed third time. Yeas 23; Nays 14.

*Affirmative*—Messrs. Battle, Brogden, Brown, Cook, Council, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Jones, King, Linney, Long, McClammy, Merrimon, Moore, Murphy, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Allen, Beasley, Bellamy, Dargan, Eppes, Graham of Orange, Latham, Lehman, Mauney, Morehead, Norment, Robbins of Davidson, Skinner and Speed—14.

At 1 p. m., S. B. 161, H. B. 534, a bill to be entitled an act concerning election and registration in the year, A. D. 1872, the special order for that hour was taken up.

On motion it was ordered that the bill be read and considered by sections.

Section 1 was read.

Mr. Gilmer moved to amend by adding the following words "and a clerk of the Superior Court in all counties in which said office since the regular election in 1868, has become vacant and been filled by appointment."

The amendment prevailed and the section was adopted.

Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 was severally read and adopted.

Section 11 was read.

Mr. Moore moved to strike out the section.

The yeas and nays were ordered, on demand of Mr. Moore, and the Senate refused to strike out. Yeas 11; Nays 26.

*Affirmative*—Messrs. Beasley, Bellamy, Brogden, Eppes, King, Lehman, Long, McCotter, Moore, Norment, and Olds—11.

*Negative*—Messrs. Adams, Allen, Battle, Brown, Council,



Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—26.

Sections 12, 13, 14 and 15 were severally read and adopted.

Section 16 was read.

Mr. Graham, of Alamance, moved to amend by inserting the words "Clerk of Superior Court in counties where they are to be elected," before the word "Treasurer" in line 11.

The amendment prevailed and the section was then adopted.

Section 17 was read.

Mr. Robbins, of Davidson, moved to amend by adding to the section the following words, "and the judges of election before the voting begins shall carefully examine said ballot boxes and see that there is nothing in them."

The amendment prevailed and the section was then adopted.

Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 were severally read and adopted.

Section 31 was read.

Mr. Robbins, of Davidson, moved to amend by inserting the words "or thirteen" after the word "ten."

The amendment prevailed, and the section was then adopted.

Sections 32, 33 and 34 were severally read and adopted.

The bill then passed second time.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House of Representatives to the following bill:

Amendments to S. B. 390, a bill to be entitled an act concerning representation in the Senate.

On motion, the Senate refused to concur in the amendments, and ordered that a message be sent to the House of Representatives asking a Committee of Conference, and designating Messrs. Whiteside, Graham, of Orange, and King as Senate branch of said committee.

Mr. Battle submitted report of the Committee of Confer-



ence in relation to the amendments adopted by the House of Representatives to S. B. 305, a bill to be entitled an act to incorporate the town of Battleboro', recommending that the Senate do concur in the amendments of the House of Representatives.

On motion, the Senate concurred in the amendments, and the bill was ordered to be enrolled for ratification.

A message was received from the House of Representatives announcing that in accordance with the report of the Committee of Conference, the House of Representatives had receded from its amendments to S. B. 192, H. B. 401, a bill to be entitled an act to prevent Deputy or Assistant Clerks from practising as attorneys at law in the counties in which they act as Deputy or Assistant Clerks.

The bill was then ordered to be enrolled for ratification.

Mr. Linney moved to reconsider the vote by which S. B. 508, H. B. 206, a bill to be entitled an act to change the 10th and 11th Judicial Districts, was passed third time on Saturday. The motion prevailed.

The question then recurring on the passage of the bill, Mr. Linney moved to amend by inserting an additional section, to come in before the ratifying clause.

The amendment prevailed, and the bill passed third time. Yeas 28; Nays 2.

*Affirmative*—Messrs. Battle, Brogden, Brown, Council, Crowell, Edwards, Eppes, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Long, Mauney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Beasley and Bellamy—2.

Mr. Dargan, on leave granted, introduced a joint resolution rescinding the joint resolution to adjourn *sine die* on Wednesday, 7th February, 1872, and proposing to adjourn *sine die* at 12 m., on Monday, 12th February, 1872, which was read;



and the rules having been suspended, the Senate proceeded to consider the same.

Mr. Worth moved to amend by striking out "Monday 12th" and inserting "Saturday 10th."

The amendment did not prevail, and the resolution was adopted.

Mr. Flemming moved that when the Senate adjourns, it will adjourn until 3½ p. m. The motion prevailed.

The following bills and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. 288, a bill to be entitled an act concerning marriage settlements and the contracts of married women;

Amendment to H. B. 278, a bill to be entitled an act to amend chapter 12, section 1, of the Revised Code, entitled: Bastard Children;

S. B. 474, a bill to be entitled an act to amend an act chartering the Jamesville and Washington Railroad and Lumber Company;

Amendment to H. B. 498, a bill to be entitled an act requiring Clerks of Superior Courts to open their offices every Monday for the transaction of probate business;

Amendments to H. R. 103, resolution to allow the pages of the Senate and House of Representatives additional pay for extra services;

S. B. 562, a bill to be entitled an act to amend an act entitled an act in relation to salaries and fees of State Officers, ratified 18th February, A. D. 1871.

Mr. Norment, on behalf the Committee on Public Grounds, Buildings, &c., submitted a copy of contract entered into by the Committee with Thomas B. Bailey for the lease of the Lovejoy Academy, which was ordered to be transmitted to the House of Representatives.

On leave granted, Mr. Latham, in behalf of the Joint Select Committee to investigate the management of the Penitentiary, submitted a report, which was read.



Mr. Moore moved that the report and accompanying testimony be printed.

Mr. Gilmer moved to amend by striking out the words "and accompanying testimony."

The amendment was adopted, and the motion of Mr. Moore, as amended, prevailed.

On motion of Mr. Flemming, the committee was discharged from the further investigation of the Penitentiary.

On motion, the further consideration of the report of the committee was postponed until 3½ p. m.

The Senate then adjourned until 3½ p. m.

---

SENATE CHAMBER, 3½ P. M., February 5th, 1872.

The Senate met pursuant to adjournment, and resumed the consideration of the report of the Committee appointed to investigate the management of the Penitentiary.

Mr. Troy moved to re-consider the vote ordering the report to be printed.

The motion to re-consider prevailed.

The question recurring on the motion to print, Mr. Cook moved to postpone the further consideration until 11 a. m., 7th February, 1872.

Mr. Cook moved the previous question, and the Senate ordered the main question to be put.

The question then recurred on the motion to print, and the yeas and nays having been ordered, on demand of Mr. Hyman, the motion did not prevail. Yeas 17; Nays 22.

*Affirmative*—Messrs. Allen, Battle, Brogden, Brown, Cook, Crowell, Gilmer, Graham of Orange, Jones, Latham, Lehman, Linney, McCotter, Moore, Skinner, Troy and Whiteside—17.

*Negative*—Messrs. Adams, Beasley, Bellamy, Council, Dargan, Edwards, Flemming, Flythe, Hawkins, Hyman, King, Long, Mauney, McClammy, Merrimon, Morehead, Murphy,

Robbins of Davidson, Robbins of Rowan, Speed, Waddell and Worth—22.

Mr. Robbins, of Davidson, moved to lay the report on the table.

The yeas and nays were ordered, on demand of Mr. Hyman, and the motion prevailed. Yeas 19 ; Nays 18.

*Affirmative*—Messrs. Adams, Brown, Council, Crowell, Dargan, Gilmer, Graham of Orange, Jones, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—19.

*Negative*—Messrs. Battle, Beasley, Bellamy, Brogden, Cook, Edwards, Eppes, Flemming, Flythe, Hawkins, Hyman, King, Lehman, Long, McCotter, Olds, Speed and Whiteside—18.

Mr. Linney moved to suspend the rules, in order to take up and put on its several readings, S. B. 521, H. B. 41, a bill to be entitled an act to provide in certain cases an allowance for improvements.

The yeas and nays were ordered, and the motion prevailed. Yeas 28 ; Nays none.

*Affirmative*—Messrs. Allen, Battle, Beasley, Cook, Council, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—28.

*Negative*—None.

The bill was read second time.

Mr. Robbins, of Rowan, moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand of Mr. Edwards, and the Senate refused to adjourn. Yeas 5 ; Nays 27.

*Affirmative*—Messrs. Jones, King, Skinner, Troy and Worth—5.

*Negative*—Messrs. Allen, Battle, Brogden, Brown, Cook, Council, Crowell, Dargan, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hy-



man, Linney, Long, Mauney, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Speed, Waddell and Whiteside—27.

Mr. Robbins, of Rowan, moved to postpone the further consideration of the bill until 11 a. m., to-morrow. The motion did not prevail.

Mr. Robbins, of Rowan, moved that the bill be laid on the table.

Mr. Graham, of Orange, moved the previous question and the Senate ordered the main question to be put.

The question then recurring on its passage, the bill was passed second time.

The bill was then read and passed third time. Yeas 26; Nays 3.

*Affirmative*—Messrs. Allen, Battle, Brogden, Brown, Cook, Crowell, Dargan, Edwards, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Linney, Mauney, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whiteside, Worth—26.

*Negative*—Messrs. Flemming, Flythe and Gilmer—3.

Bills were acted on under a suspension of the rules, as follows :

S. B. 483, H. B. 346, a bill to be entitled an act to incorporate the Charlotte Hotel Company. Read and passed second and third times.

S. B. 510, H. B. 376, a bill to be entitled an act to charter the Farmers' Savings Bank of Charlotte. Read and passed second and third times.

S. B. 502, a bill to be entitled an act to establish a special court for the town of Goldsboro'. Read and passed second time. The bill was then put on its third reading and made special order for 11 a. m., to-morrow.

On leave granted, Mr. Flemming introduced a bill to be entitled an act for the better regulation of public highways, which was read and passed first time and referred to committee on judiciary.

The Senate then adjourned.

## FIFTY-NINTH DAY.

SENATE CHAMBER, February 6th, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. R. S. Mason.

The Journal of yesterday was read.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from the House of Representatives : H. B. 549, a bill to be entitled an act supplemental to an act to lay off and establish the new county of Pamlico. To committee on propositions and grievances ;

H. B. 464, a bill to be entitled an act to incorporate the town of Faison in Duplin county. To committee on corporations ;

H. B. 519, a bill to be entitled an act to authorize C. C. Vest, former sheriff of Cherokee county, to collect arrears of taxes. To committee on propositions and grievances ;

H. B. 493, a bill to be entitled an act to authorize the Commissioners of the town of Washington to levy a special tax for certain purposes. To committee on propositions and grievances.

By Mr. McCotter : a bill to be entitled an act to incorporate the town of Farmville, Pitt county. Placed on calendar.

By Mr. Skinner : a bill to be entitled an act for the better protection of oysters and terrapins in the waters of North Carolina. Placed on calendar.

By Mr. Price : a bill to be entitled an act to incorporate the Cyrenian Company in Wilmington. Placed on calendar.

By Mr. Robbins, of Rowan : a bill to be entitled an act for the relief of Northampton county. Placed on the calendar.

Resolutions were introduced and disposed of as follows :



By Mr. Brogden: resolution instructing the Committee on Finance. Read and adopted.

By Mr. Gilmer: joint resolution inviting immigration to North Carolina. Read and adopted under a suspension of the rules.

Joint resolution authorizing settlement of the accounts of B. S. Buchanan and sureties with the State. Read and referred under a suspension of the rules, to committee on propositions and grievances.

By Mr. Robbins of Rowan: joint resolution to authorize the publication of the report of the State Geologist. Read and laid over under the rules.

A message was received from His Excellency, the Governor, transmitting a communication from the State Geologist in regard to Geological report now being prepared. The message and communication were read and ordered to be laid on the table.

Bills on third reading were acted on as follows:

S. B. 504, H. B. 345, a bill to be entitled an act to change the time of the annual meeting of the Board of Directors of the Insane Asylum. Read and passed third time. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Beasley, Bellamy, Brogden, Brown, Cook, Council, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Linney, Long, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—32.

*Negative*—None.

S. B. 561, H. B. 534, a bill to be entitled an act concerning election and registration in the year A. D. 1872. Made special order for 11 a. m., Thursday 8th February, 1872.

S. B. 409, H. B. 241, a bill to be entitled an act to amend an act to promote and encourage the planting of oysters and clams, chapter 23, act of Assembly, 1858-'59. Read and passed third time. Yeas 27; Nays none.



*Affirmative*—Messrs. Adams, Beasley, Brogden, Brown, Cook, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Hawkins, King, Latham, Linney, Long, Manney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—27.

*Negative*—None.

S. B. 425, H. B. 197, a bill to be entitled an act to amend section 2, chapter 66, of the public laws of 1869-'70. Read and passed third time. Yeas 26; Nays none.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brogden, Brown, Cook, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Linney, Mauney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—26.

*Negative*—None.

S. B. 429, H. B. 154, a bill to be entitled an act to amend section 131, of the Code of Civil Procedure. Read and passed third time. Yeas 29; Nays 2.

*Affirmative*—Messrs. Allen, Battle, Brogden, Brown, Cook, Dargan, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Linney, Long, Mauney, McCotter, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—29.

*Negative*—Messrs. Beasley and Bellamy—2.

S. B. 442, a bill to be entitled an act to amend the law of Evidence. Read and passed third time. Yeas 29; Nays 2.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Edwards, Flythe, Gilmer, Graham of Alamance, King, Latham, Linney, Long, Mauney, McCotter, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—29.

*Negative*—Messrs. Bellamy and Price—2.

At 11 a. m. S. B. 502, a bill to be entitled an act to estab-



lish a special court for the town of Goldsboro, the special order for that hour, was taken up and read third time.

Mr. Graham, of Alamance, moved to amend by striking out the words "and are then to be paid into the treasury of said town for the use of said town" at the end of section 2.

The amendment prevailed.

Mr. Allen moved an amendment to come in as an additional section as follows:

"Sec. 7. If a vacancy shall occur by death, resignation or otherwise, the commissioners of said town may fill the same."

The amendment prevailed.

Mr. Allen moved the previous question, and the yeas and nays having been ordered, on demand of Mr. McClammy, the Senate ordered the main question to be put. Yeas 23; Nays 9.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Crowell, Dargan, Edwards, Graham of Alamance, Latham, Linney, Long, Mauney, McClammy, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—23.

*Negative*—Messrs. Beasley, Brogden, Eppes, Flythe, Hawkins, King, McCotter, Moore and Price—9.

The question then recurring on its passage, the bill did not pass third time. Yeas 14; Nays 22.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Crowell, Dargan, Edwards, Flemming, Graham of Alamance, Latham, Murphy and Waddell—14.

*Negative*—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Gilmer, Hawkins, King, Linney, Long, Mauney, McCotter, Moore, Morehead, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—22.

Bills were acted on under a suspension of the rules, as follows:

S. B. —, a bill to be entitled an act to incorporate the town of Farmville, Pitt County. Read and passed second and third times.

S. B. 464, H. B. 394, a bill to be entitled an act to amend and extend the charter of Cape Fear Lodge, No. 2, of the Independent Order of Odd Fellows, of Wilmington. Read and passed second and third times.

S. B. 423, H. B. 196, a bill to be entitled an act to incorporate the Raleigh and Fayetteville Plank Road Company. Read and passed second and third times.

S. B. 557, H. B. 529, a bill to be entitled an act supplemental to an act to annex a portion of Macon County to Clay County. Read and passed second and third times.

S. B. 543, H. B. 444, a bill to be entitled an act to prevent fraud in the sale of commercial fertilizers. Read second time and rejected.

S. B. 449, H. B. 311, a bill to be entitled an act to authorize the commissioners of the county of Franklin to convey to the Trustees of Trinity Church certain land. Read and passed second and third times.

S. R. 388, resolution to authorize the Public Treasurer to pay James C. Turner for certain services rendered the State. Read second time and laid on the table.

S. R. 563, resolution in favor of Daniel Latta. Read and passed second and third times.

S. B. 518, a bill to be entitled an act in favor of certain sheriffs. Read and passed second and third times. Yeas 30 ; Nays 1.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Robbins, of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—30.

*Negative*—Mr. Eppes—1.

S. B. 559, a bill to be entitled an act for the benefit of certain turnpike roads. Read second time and rejected. Yeas 9 Nays 24.

*Affirmative*—Messrs. Cook, Council, Flemming, Graham of



Orange, Linney, Morehead, Robbins of Rowan, Whiteside and Worth—9.

*Negative*—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Brown, Crowell, Dargan, Edwards, Eppes, Hawkins, King, Latham, Long, Mauney, McCotter, Moore, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Troy and Waddell—24.

S. B. 398, H. B. 276, a bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the Baptist church at Pleasant Plains, in the county of Columbus. The bill was read second time.

Mr. Moore moved that the bill lie upon the table.

The yeas and nays were ordered, on demand of Mr. Moore, and the motion prevailed. Yeas 15 ; Nays 12.

*Affirmative*—Messrs. Battle, Bellamy, Brogden, Cook, Council, Crowell, Dargan, Edwards, Latham, Linney, Long, Mauney, Moore, Morehead and Waddell—15.

*Negative*—Messrs. Allen, Beasley, Brown, Eppes, Gilmer, Graham of Orange, Hawkins, McClammy, Norment, Robbins of Rowan, Troy and Worth—12.

S. B. —, a bill to be entitled an act for the better protection of oysters and terrapins in the waters of North Carolina. Read and passed second and third times. Yeas 27 ; Nays 3.

*Affirmative*—Messrs. Allen, Battle, Beasley, Brown, Cook, Council, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, Latham, Linney, Long, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Price, Robbins of Rowan, Skinner, Troy and Worth—27.

*Negative*—Messrs. Brogden, Moore and Robbins of Davidson—3.

S. B. 448, H. B. 368, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Island Creek Academy, Duplin county. The bill was read second time.

Mr. Cook moved that it be laid on the table.

The yeas and nays were ordered, on demand of Mr. Olds, and the motion did not prevail. Yeas 13 ; Nays 20.

*Affirmative*—Messrs. Battle, Brogden, Cook, Council, Dar-



gan, Edwards, King, Latham, Linney, Mauney, Moore, Robbins of Rowan and Skinner—13.

*Negative*—Messrs. Adams, Allen, Beasley, Brown, Crowell, Eppes, Flemming, Gilmer, Graham of Alamance, Hawkins, Long, McCotter, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Waddell and Worth—20.

Mr. Allen moved the previous question, and the Senate ordered the main question to be put.

The question recurring on its passage, the bill did not pass the second time.

Mr. Robbins, of Rowan, moved to reconsider the vote just taken.

Mr. Moore moved to lay that motion on the table.

Mr. Merrimon moved the previous question, and the Senate ordered the main question to be put.

Thereupon the question recurring on the motion to reconsider, the yeas and nays were ordered, on demand of Mr. Allen, and the motion did not prevail. Yeas 17; Nays 18.

*Affirmative*—Messrs. Adams, Allen, Beasley, Crowell, Eppes, Flythe, Gilmer, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan and Worth—17.

*Negative*—Messrs. Battle, Brogden, Brown, Cook, Council, Dargan, Edwards, Flemming, Flythe, King, Latham, Linney, Long, Mauney, Moore, Skinner, Waddell and Whiteside—18.

Mr. Edwards moved that S. B. 16, a bill to be entitled an act to allow the Commissioners of Warren county to levy a special tax, be taken from the table, that the rules be suspended and the Senate proceed to the further consideration of the bill.

The yeas and nays were ordered, on demand of Mr. Edwards, and the motion prevailed. Yeas 32; Nays none.

*Affirmative*—Messrs. Adams, Battle, Brogden, Brown, Cook, Crowell, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Linney, Long, Mauney, McCotter, Merrimon, Moore, Morehead, Mur-



phy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—32.

*Negative*—None.

The Senate thereupon proceeded to consider the bill, and the question recurring on the motion to lay upon the table the amendment offered by Mr. Linney, that motion was, by consent, withdrawn.

The question then recurring on the adoption of the amendment, Mr. Linney moved to amend it by striking out thereof down to and including the word "county." The motion to strike out prevailed, and the amendment as amended was adopted.

The bill then passed third time. Yeas 17; Nays 9.

*Affirmative*—Messrs. Battle, Council, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Linney, Long, Manney, McClammy, McCotter, Morehead, Murphy, Skinner, Troy and Waddell—17.

*Negative*—Messrs. Allen, Beasley, Bellamy, Brogden, Brown, Flythe, Latham, Moore and Norment—9.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Worth moved that S. B. 139, a bill to be entitled an act to authorize C. P. Clemse to erect a gate across a public highway, be taken from the table, that the rules be suspended and the Senate proceed to the further consideration of the bill. The motion prevailed and the Senate thereupon proceeded to consider the bill.

The question recurring on the amendment of Mr. Robbins, of Davidson, heretofore made to strike out the words "ten dollars" and insert "fifty dollars for each gate." The motion prevailed, and the amendment as amended was adopted and the bill passed second time.

The bill was then read and passed third time.

A message was received from the House of Representatives transmitting engrossed copies of amendments adopted by the House of Representatives to the following bills:



Amendments to S. B. 147, a bill to be entitled an act to transfer certain cases undisposed of by the late county courts.

On motion the Senate concurred in the amendments.

Amendments to S. B. 412, a bill to be entitled an act to incorporate the Newbern and Beaufort Canal Company.

On motion the Senate concurred in the amendments.

Amendments to S. B. 414, a bill to be entitled an act to prevent the destruction of fish in the waters of Black River and Six Runs in New Hanover and Sampson counties.

On motion the Senate concurred in the amendments.

A message was received from the House of Representatives announcing that the House had refused to concur in the report of the Committee of Conference on the bill in relation to representation in the Senate, that the House asked that a committee of further conference be raised, and had designated Messrs. Wilcox, Withers, Dunham, Sykes and Kincaid as the House branch of said committee.

On motion the Senate agreed to the proposition to raise a committee of further conference, and the Chair designated Messrs. Gilmer, Crowell and Beasley as the Senate branch of said committee.

The following bills, and resolutions, and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 507, a bill to be entitled an act to amend section 7 of chapter 129, laws of 1869-'70 ;

S. B. 333, a bill to be entitled an act to confirm the sale of certain lands sold by the County Commissioners of Wilkes County belonging to certain deceased paupers of said county ;

S. B. 267, a bill to be entitled an act to amend chapter 262 of the public laws of 1870-'71 ;

S. B. 479, a bill to be entitled an act to amend subdivisions 2, section 31, title 4, Code of Civil Procedure ;

S. B. 564, a bill to be entitled an act supplementary to an act entitled an act to raise revenue, ratified 25th January, 1872 ;



S. R. —, resolution in relation to adjournment *sine die*.

S. B. 265, a bill to be entitled an act to cure certain defects in the probate of deeds and privy examinations of *femes covert* and for other purposes;

Amendments to H. B. 208, a bill to be entitled an act to change the 10th and 11th judicial districts;

Amendments to H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, chapter 139, laws of 1870-'71;

S. B. 263, a bill to be entitled an act concerning constables;

S. B. 567, a bill to be entitled an act supplemental to an act to incorporate the Bank of Hillsboro';

S. B. 16, a bill to be entitled an act to allow the Commissioners of Warren county to levy a special tax.

Mr. Moore moved to take from the table the testimony accompanying the report of the committee, raised to investigate the management of the penitentiary, and to transmit it to the House of Representatives with a proposition to print the same.

Mr. Troy moved to lay the motion on the table.

Mr. Edwards moved that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M. 6th February, 1872.

The Senate met pursuant to adjournment.

Leave of absence was granted to Mr. Hyman until Thursday.

Reports from Standing Committees were then submitted, by consent, as follows:

From the Committee on Claims:

By Mr. Flemming: S. R. 367, H. R. 97, resolution of instruction to the Public Treasurer to pay to J. T. Summerville, John Petitte and Archer Holt the sum of fifty dollars each as



commutation for arms lost in the army, with recommendation that it do pass.

On motion of Mr. Flemming, the rules were suspended and the resolution was read and passed second and third times.

The following named bill was introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from the House of Representatives: H. B. 556, a bill to be entitled an act concerning the taxation of banks. To the committee on judiciary.

The following resolution was introduced and disposed of as follows :

By Mr. Worth: resolution authorizing the Treasurer and Attorney General to employ aid. Laid over under the rules.

Bills were acted on, under a suspension of the rules, as follows :

S. B. 467, H. B. 391, a bill to be entitled an act to lay out and construct a public road from Phillips' Gap, on the Blue Ridge to Hamilton's Mills in Ashe county. Read and passed second and third times.

S. B. 453, H. B. 429, a bill to be entitled an act to prevent the sale of intoxicating liquor in the town of Swansboro', and within six miles thereof, in Onslow county. Read and passed second and third times.

S. B. 455, H. B. 396, a bill to be entitled an act to incorporate the Clarendon Military Academy in the county of Cumberland. Read and passed second and third times.

S. B. 497, H. B. 473, a bill to be entitled an act to incorporate the Halifax and Scotland Neck Railroad Company. Read and passed second and third times.

S. B. 472, a bill to be entitled an act to prevent the sale of vinous or spirituous liquors within three miles of Murfreesboro', Hertford county, North Carolina. Read second and third times and laid on table.

S. B. 456, H. B. 243, a bill to be entitled an act to legalize the acts of certain county officers in Macon and Jackson counties pending the organization of Swain county. Bill was read second time.



Mr. Morehead moved to amend by striking out the word "void" in each line of section 1, and insert the word "valid" in lieu thereof, the amendment was adopted and the bill then passed a second time. The bill was then read and passed a third time.

H. B. 293, S. B. 451, a bill to be entitled an act to incorporate the Stonewall Lodge, No. 1, Knights of Pythias, of North Carolina. Read and passed second and third times.

S. R. 478, H. R. 21, resolution in favor of J. W. Cooper. Read second and third times.

S. R. 458, H. R. 102, resolution in favor of T. S. Siler and J. M. Lyle, executors of Jacob Siler, deceased. Read and passed second and third times.

S. B. 465, H. B. —, a bill to be entitled an act to authorize the construction of a toll bridge across the Cape Fear river, at Lillington, in Harnett county. Read and passed second and third times.

S. B. 461, H. B. 441, a bill to be entitled an act amendatory of and supplementary to an act entitled an act to incorporate the Bank of the State, ratified the — day of January, A. D. 1872. Read and passed second and third times.

S. B. 473, a bill to be entitled an act to incorporate Cyrenian Company, in Wilmington, N. C. Read and passed second and third times.

S. R. 477, H. R. 119, resolution in favor of Albert B. Williams and Robert Henly. Read second time and referred to the committee on claims.

S. B. 492, H. B. 306, a bill to be entitled an act to incorporate the Neptune Fire Company, in the town of Washington. Read and passed second and third times.

S. P. 494, H. B. 412, a bill to be entitled an act to incorporate the Little Coharie Draining Company. Read and passed second and third times.

S. R. 550, H. R. 146, resolution instructing the Public Treasurer to pay D. C. Dudley, John C. Gorman and John C. Marcom \$60 each. Read and passed second and third times.



S. B. 563, a bill to be entitled an act to amend chapter 81, section 4, of public laws of 1870-'71. Read and passed second time.

S. B. 493, H. B. 479, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of the town of Franklin. Read second time and rejected.

S. B. 476, H. B. 281, a bill to be entitled an act to incorporate the town of Lillington, in the county of Harnett. Read and passed second and third times.

S. B. 476, H. B. 474, a bill to be entitled an act to re-incorporate the town of Franklin.

S. B. 498, H. B. 238, a bill to be entitled an act to incorporate the Oak Grove Camp Ground, in the county of Transylvania. Read and passed second and third times.

S. B. 551, H. B. 528, a bill to be entitled an act to incorporate Hank's Lodge, No. 128, in the town of Franklinsville, Randolph county. Read and passed second and third times.

S. B. 525, H. B. 327, a bill to be entitled an act to incorporate the Hilton Camp Ground. Read and passed second and third times.

S. B. 513, H. B. 491, a bill to be entitled an act to incorporate the trustees of Pisgah Academy. Read and passed second and third times.

S. B. 499, H. B. 395, a bill to be entitled an act to incorporate the Cumberland County Agricultural Society. Read and passed second and third times.

S. B. 541, H. B. 471, a bill to be entitled an act to prevent the sale of liquors within two miles of Pleasant Hill Church. The bill was read second time.

Mr. Cook moved to lay the bill on the table. The motion did not prevail.

The bill then failed to pass second time.

S. B. 517, a bill to be entitled an act to aid Rocky Mount College. The bill was read second time and, on motion of Mr. Worth, laid on the table.

S. B. 555, H. B. 533, a bill to be entitled an act to amend



an act entitled an act to authorize the Albemarle Swamp Land Company, to construct a railroad from Pantego to Indian River, in Beaufort county. Read and passed second and third times.

S. B. 554, a bill to be entitled an act to divide North Carolina into eight Congressional Districts. Placed on the calendar and made special order for 11 o'clock, a. m., to-morrow.

S. B. 545, a bill to be entitled an act to amend an act entitled an act to raise revenue, ratified — day of January, 1872. Read second time and laid on the table.

S. R. 526, H. R. 138, joint resolution to appropriate the moneys accruing from the sales of public lands to general educational purposes in the South. Adopted.

H. B. 277, S. B. 500, a bill to be entitled an act to change the county line between Cherokee and Swain, near the residence of Jefferson George. Read and passed second time.

S. B. 537, a bill to be entitled an act amending an act concerning the inspection and weighing of cotton in the city of Raleigh. The bill was read second time.

Mr. Olds moved to amend by striking out the words "five cents" and inserting the words "one cent" in section 1. The amendment prevailed.

Mr. Troy moved to strike out the word "fifteen" and insert the word "ten" in section 1. The amendment did not prevail.

The bill then passed second time.

The bill was then read and passed second and third times.

S. B. 558, H. B. 475, a bill to be entitled an act to legalize certain sales of lands in the town of Asheville. Read and passed second and third times.

S. R. 476, H. R. 100, resolution in favor of John H. Hill. Read and passed second and third times. Yeas 14; Nays 12.

*Affirmative*—Messrs. Adams, Battle, Council, Edwards, Gilmer, Graham of Alamance, Hawkins, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—14.

*Negative*—Messrs. Beasley, Cook, Flemming, Flythe, King, Latham, Linney, Long, Mauney, McCotter, Murphy and Price—12.

S. B. 484, H. B. 328, a bill to be entitled an act to prohibit the sale of spirituous liquors within the town of Smithville, Brunswick county. Read second time.

Mr. Cook moved to lay the bill on the table.

The yeas and nays were ordered, on demand of Mr. Olds, and the motion did not prevail. Yeas 11; Nays 15.

*Affirmative*—Messrs. Battle, Cook, Council, Edwards, King, Latham, Mauney, McClammy, Morehead, Skinner and Troy—11.

*Negative*—Messrs. Beasley, Flemming, Flythe, Gilmer, Graham of Alamance, Hawkins, Linney, Long, McCotter, Murphy, Olds, Price, Robbins of Davidson, Waddell and Worth—15.

The question then recurring on its passage, the bill passed the second time.

S. B. 530, H. B. 494, a bill to be entitled an act supplemental to an act creating a new county by the name of Graham. The bill was read a second time.

The amendments offered by the committee on the Judiciary were adopted and the bill passed second time.

The bill was then read and passed third time. Yeas 27; Nays none.

*Affirmative*—Messrs. Adams, Beasley, Cook, Council, Edwards, Flemming, Flythe, Gilmer, Graham of Alamance, Hawkins, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—27.

*Negative*—None.

S. B. 546, a bill to be entitled an act in relation to the stock and interest of State in the Western Division of the Western North Carolina Railroad Company. Read and passed second and third times. Yeas 21; Nays 5.



*Affirmative*—Messrs. Adams, Cook, Council, Flemming, Gilmer, Graham of Alamance, Latham, Linney, Long, Manney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—21.

*Negative*—Messrs. Beasley, Eppes, Flythe, Olds and Price—5.

S. B. 560, H. B. 492, a bill to be entitled an act to amend the charter of Statesville. Read and passed second time. Yeas 24; Nays 2.

*Affirmative*—Messrs. Battle, Beasley, Cook, Council, Edwards, Flythe, Gilmer, Graham of Alamance, Hawkins, Latham, Linney, Mauney, McClammy, McCotter, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. King and Long—2.

The Senate then adjourned.

---

## SIXTIETH DAY

SENATE CHAMBER, February 7th, 1872.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Leave of absence was granted to Mr. Merrimon, from and after Saturday, and to Mr. Beasley from and after Thursday.

Reports from Standing Committees were then submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Waddell: S. R. 579, resolution authorizing settlement of the accounts of B. S. Buchanan and sureties with the State;

S. B. 577, H. B. 493, a bill to be entitled an act to authorize the Commissioners of the town of Washington to levy a special tax for certain purposes;

S. B. 569, H. B. 549, a bill to be entitled an act supplemental to an act to lay off and establish the new county of Pamlico, with recommendation that they do pass ;

S. B. 578, H. B. 519, a bill to be entitled an act to authorize C. C. Vest, former sheriff of Cherokee county, to collect arrears of taxes ;

S. B. 565, a bill to be entitled an act amendatory to an act in relation to salaries and fees, with recommendation that they do not pass.

From the Committee on Judiciary :

By Mr. Graham, of Orange: S. B. 575, H. B. 556, a bill to be entitled an act concerning the taxation of banks with recommendation that it do pass.

By Mr. Edwards: S. B. 566, a bill to be entitled an act for the better regulation of public highways with recommendation that it do not pass ;

S. B. 588, a bill to be entitled an act to provide for the creation of certain trust estates with amendment.

From Committee on Corporations :

By Mr. Moore: S. B. 510, H. B. 464, a bill to be entitled an act to incorporate the town of Faison, in the county of Duplin. with recommendation that it do pass ;

From the Committee on Claims :

By Mr. Flemming: S. R. 477, H. R. 119, resolution in favor of Albert B. Williams and Robert Henley with recommendation that it do pass.

Mr. Cowles, who had been absent from his seat on account of sickness, when the action of the Senate was had in relation thereto, asked and obtained leave to have entered upon the Journal his approval of the bill introduced by Mr. Cook, reducing the salaries of the Governor and Treasurer, his disapproval of all the amendments proposed thereto, except that of Mr. Troy, reducing the salary of the Superintendent of Public Works to fifty dollars per annum, his approval of the bill introduced by Mr. Troy, reducing the Penitentiary tax, his approval of Mr. Gilmer's amendment reducing the poll tax, and his



disapproval of Mr. Murphy's amendments proposing additional tax for Insane Asylum.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Graham, of Orange: a bill to be entitled an act in relation to apportionment in the State Senate. Placed on calendar.

By Mr. Gilmer: a bill to be entitled an act to amend chapter 137, laws 1869-'70. Placed on calendar.

By message from House of Representatives: H. B. 502, a to be entitled an act to prevent the felling of trees in Uwharrie River, Randolph county, and the throwing of other obstructions therein. To committee on propositions and grievances;

H. B. 156, a bill to be entitled an act to amend chapter 93, private laws of 1870-'71. To committee on propositions and grievances;

H. R. 149, resolution to pay John D. Cameron sixty dollars. To committee on claims;

H. B. 484, a bill to be entitled an act in regard to the municipal elections in the town of Carthage, in Moore county. To committee on privileges and elections;

H. R. 160, resolution of instruction to the Public Auditor. Laid over under the rules.

The Senate then proceeded to the consideration of the unfinished business of yesterday, to-wit: the motion of Mr. Moore to take from the table the testimony accompanying the report of the joint select committee appointed to investigate the management of the penitentiary and to transmit it to the House of Representatives with a proposition to print the same.

Mr. Robbins, of Davidson, moved to lay the motion on the table.

The previous question having been moved the Senate ordered the main question to be put, and the question recurring on the motion of Mr. Moore, the yeas and nays were ordered and the motion prevailed. Yeas 20; Nays 15.

*Affirmative*—Messrs. Allen, Battle, Bellamy, Brogden,



Cook, Cowles, Eppes, Flythe, Graham of Orange, Hawkins, King, Latham, Long, McCotter, Merrimon, Moore, Murphy, Norment, Olds and Whiteside—20.

*Negative*—Messrs. Adams, Brown, Council, Crowell, Dargan, Flemming, Gilmer, Graham of Alamance, Linney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Troy and Waddell—15.

Bills on third reading were acted on as follows:

S. B. 500, H. B. 277, a bill to be entitled an act to change the county line between Cherokee and Swain near the residence of Jefferson George. Read and passed third times. Yeas 27; Nays 5.

*Affirmative*—Messrs. Battle, Beasley, Cook, Council, Crowell, Dargan, Edwards, Flemming, Graham of Orange, Hawkins, Latham, Linney, Long, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—27.

*Negative*—Messrs. Brogden, Cowles, King, Moore and Price—5.

S. B. 560, H. B. 492, a bill to be entitled an act to amend the charter of Statesville. Read and passed third time. Yeas 18; Nays 9.

*Affirmative*—Messrs. Cook, Dargan, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Linney, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—18.

*Negative*—Messrs. Battle, Brogden, Brown, Cowles, Crowell, King, Long, Merrimon and Moore—9.

S. B. 563, a bill to be entitled an act to amend chapter 81, section 4, of public laws of 1870-'71. Read and passed third time. Yeas 19; Nays 13.

*Affirmative*—Messrs. Bellamy, Brogden, Cook, Council, Cowles, Dargan, Eppes, Flemming, Gilmer, Graham of Orange, Hawkins, Latham, Long, McCotter, Moore, Morehead, Norment, Skinner and Worth—19.



*Negative*—Messrs. Adams, Allen, Battle, Crowell, Edwards, Graham of Alamance, Linney, Merrimon, Murphy, Robbins of Davidson, Troy, Waddell and Whiteside—13.

At 11 a. m., S. B. 554, a bill to be entitled an act to divide North Carolina into eight Congressional Districts, the special order for that hour, was taken up.

Mr. McClammy, by consent, withdrew the amendment, in the nature of a substitute, offered by himself when the bill was last under consideration, and moved another amendment, in the nature of a substitute.

Mr. Moore moved to amend by striking out the word "Beaufort" in section 1, and inserting the word "Carteret."

Mr. McClammy moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment of Mr. Moore, it did not prevail.

The question recurring next on the amendment, in the nature of a substitute, it prevailed.

The question next recurring on its passage, the bill passed the second time.

The bill was read the third time.

Mr. Norment moved to amend the bill so as to place the county of Moore in the sixth district, and the county of Robeson in the third district.

Mr. Norment moved the previous question, and the Senate ordered the main question to be put.

Mr. Graham, of Orange, moved to re-consider the vote just taken by which the Senate ordered the main question to be put.

Mr. Linney moved to lay that motion on the table.

The motion to lay on the table prevailed.

The question then recurring on the amendment offered by Mr. Norment, it did not prevail.

The question next recurring on its passage, the bill passed third time. Yeas 28; Nays 8.

*Affirmative*—Messrs. Adams, Allen, Battle, Beasley, Cook,



Council, Cowles, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Messrs. Brogden, Eppes, Hawkins, Latham, Long, Olds, Price and Skinner—8.

Bills on second reading were acted on as follows under a suspension of the rules:

S. B. 321, a bill to be entitled an act concerning land grants. Read second time and indefinitely postponed.

S. B. 339, a bill to be entitled an act in relation to the boundary lines between the States of North Carolina and Virginia. Read second time.

The question recurring on the amendment, in the nature of a substitute, offered by the committee, Mr. Morehead moved to amend by striking out in line 2, of section 1 thereof, the words "three commissioners" and insert "W. C. Kerr," and by striking out in line 4 of said section, the words "commissioners" and inserting "commission."

The amendments prevailed.

Mr. Morehead moved to further amend by inserting an additional section which was agreed to.

The amendment, in the nature of a substitute, as amended, was then adopted, and the bill passed second time.

The bill was read third time.

Mr. Cook moved that it be laid on the table.

The yeas and nays were ordered, on demand of Mr. Cook, and the motion prevailed. Yeas 14; Nays 13.

*Affirmative*—Messrs. Bellamy, Brogden, Cook, Cowles, Eppes, Flythe, King, Linney, Long, McCotter, Merrimon, Norment, Robbins of Davidson, and Whiteside—14.

*Negative*—Messrs. Adams, Battle, Brown, Council, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Price, Troy, Waddell and Worth—13.



S. R. 469, resolution in regard to Holly Shelter Swamp. Read second time.

Mr. Robbins, of Rowan, moved an amendment, in the nature of a substitute, for section 2. The amendment prevailed.

Mr. Robbins, of Davidson, moved to amend by inserting an additional section to come in as section 3. The amendment prevailed.

The question recurring on its passage, the yeas and nays were ordered, on demand of Mr. Cowles, and the resolution did not pass the second time. Yeas 8 ; Nays 23.

*Affirmative*—Messrs. Council, Flemming, Gilmer, Mauney, McClammy, Morehead, Robbins of Davidson and Robbins of Rowan—8.

*Negative*—Messrs. Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Dargan, Edwards, Eppes, Graham of Orange, Hawkins, King, Linney, Long, McCotter, Merrimon, Moore, Olds, Skinner, Waddell, Whiteside and Worth—23.

S. B. 527, H. B. 481, a bill to be entitled an act for the relief of Express companies. Read and passed second and third times. Yeas 24 ; Nays 3.

*Affirmative*—Messrs. Adams, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Dargan, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Long, Mauney, McCotter, Morehead, Norment, Olds, Robbins of Davidson, Troy, Whiteside and Worth—24.

*Negative*—Messrs. Linney, Merrimon and Moore—3.

S. B. 529, H. B. 300, a bill to be entitled an act to enable any persons, not less than three, to become incorporated, and to regulate such and other corporations. Read and passed second and third times. Yeas 27 ; Nays 1.

*Affirmative*—Messrs. Adams, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Gilmer, Graham of Orange, King, Latham, Linney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whiteside and Worth—27.

*Negative*—Mr. Mauney—1.

S. B. 569, H. B. 549, a bill to be entitled an act supplemental to an act to lay off and establish the new county of Pamlico. Read second time.

Mr. Moore moved to amend by adding the following proviso to the bill:

*Provided*, This act shall have no effect until ratified by a majority of the qualified voters of Craven county.

The amendment did not prevail and the bill passed second time.

The bill was then read and passed third time. Yeas 23; Nays 5.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Crowell, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Mauney, McClammy, McCotter, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Bellamy, King, Long, Moore and Olds—5.

S. B. 575, H. B. 556, a bill to be entitled an act concerning the taxation of banks. Read and passed second and third times. Yeas 26; Nays 7.

*Affirmative*—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Dargan, Eppes, Flemming, Graham of Orange, King, Linney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—26.

*Negative*—Messrs. Brown, Council, Crowell, Gilmer, Hawkins, Latham and Morehead—7.

S. B. 588, a bill to be entitled an act to provide for the creation of certain trust estates. Read second time.

The amendment offered by the Committee prevailed and the bill passed second time.



The bill was then read and passed third time. Yeas 30; Nays none.

*Affirmative*—Messrs. Adams, Battle Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Flemming, Graham of Alamance, Graham of Orange, King, Latham, Linney, Long, Mauney, McClammy, Moore, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—30.

*Negative*—None.

S. B. —, a bill to be entitled an act to amend chapter 137, laws of 1869-'70. Read and passed second and third times. Yeas 28; Nays 1.

*Affirmative*—Messrs. Adams, Battle, Bellamy, Brogden, Brown, Cook, Council, Dargan, Edwards, Flemming, Gilmer, Graham of Orange, Hawkins, King, Latham, Long, McCotter, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—28.

*Negative*—Mr. Linney—1.

S. B. —, a bill to be entitled an act in relation to apportionment in the State Senate. Read and passed second and third times. Yeas 32; Nays 6.

*Affirmative*—Messrs. Adams, Allen, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Troy, Waddell and Worth—36.

*Negative*—Messrs. Battle, Brown, Edwards, Latham, Skinner and Whiteside—6.

Ordered to be forthwith transmitted, without engrossment, to the House of Representatives for concurrence.

The following bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills were transmitted to the House of Representatives for concurrence :



Amendments to S. B. 530, H. B. 494, a bill to be entitled an act supplemental to an act creating a new county by the name of Graham ;

S. R. 576, resolution instructing the Committee on Finance ;

S. B. 546, a bill to be entitled an act in relation to the stock and interest of the State in the Western Division of the Western North Carolina Railroad Company ;

S. B. 572, a bill to be entitled an act to incorporate the town of Farmville, in Pitt county.

A message was received from the House of Representatives announcing that the House had refused to concur in the amendments adopted by the Senate to H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, chapter 139, laws of 1870-'71.

On motion, the Senate insisted on its amendments, and ordered a message to be sent to the House asking that a Committee of Conference be raised in relation thereto, and designating Messrs. Gilmer, Morehead and Flythe as Senate branch of said Committee.

A message also announced that the House had refused to concur in the amendments adopted by the Senate to H. B. 278, a bill to be entitled an act to amend chapter 12, section 1, of the Revised Code, entitled Bastard Children.

On motion, the Senate insisted on its amendments, and ordered a message to be sent to the House asking that a Committee of Conference be raised in relation thereto, and designating Messrs. Dargan, Murphy and McCotter as Senate branch of said Committee.

Mr. Worth moved that when the Senate adjourns it will adjourn until 10 a. m., to-morrow. The motion prevailed.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House to S. B. 198, a bill to be entitled an act to consolidate the school laws and to provide for a system of public instruction.

On motion, the Senate concurred in the amendments.



A message was also received transmitting engrossed copy of amendments adopted by the House to S. B. 342, a bill to be entitled an act for the regulation and better protection of the public libraries.

On motion, the Senate concurred in the amendments.

The Senate then adjourned.

---

### SIXTY-FIRST DAY.

SENATE CHAMBER, February 8th, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The Journal of yesterday was read.

Mr. Cowles reported through Mr. Cook, that he was kept from his seat by sickness.

Leave of absence was granted to Mr. Beasley indefinitely.

Reports from Standing Committees were then submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Council : S. B. 584, H. B. 156, a bill to be entitled an act to amend chapter 93, private laws of 1870-'71 ;

S. B. 583, H. B. 502, a bill to be entitled an act to prevent the felling of trees in Uwharrie River, Randolph county, and the throwing of other obstructions therein, with recommendation that they do pass.

From the Committee on Claims :

By Mr. Troy : S. R. 587, H. R. 149, resolution to pay John D. Cameron sixty dollars, with recommendation that it do pass.

From the Committee on Privileges and Elections :

By Mr. Worth : S. B. 586, H. B. 484, a bill to be entitled an act in regard to the municipal elections in the town of Carthage, in Moore county, with recommendation that it do pass.



The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By message from House of Representative: H. R. 123, resolution for the relief of B. Mayfield, citizen of Cherokee county. To committee on claims;

H. B. 528, a bill to be entitled an act to prescribe the practice and procedure in actions by creditors of deceased persons against their personal representatives. Placed on calendar.

By Mr. Murphy: a bill to be entitled an act granting powers to Township Board of Trustees of Franklin township, Sampson county. Placed on calendar.

By Mr. Troy: a bill to be entitled an act to prevent fraud in the sale of Commercial manures. To committee on Agriculture;

By Mr. Gilmer: a bill to be entitled an act to establish the rates of public printing, and for other purposes. Placed on calendar.

Mr. Gilmer moved to reconsider the vote by which S. B. 554, a bill to be entitled an act to divide North Carolina into eight Congressional Districts, passed the third time on yesterday. The motion prevailed.

The question then recurring on the passage of the bill, Mr. Latham moved to amend by striking out in the 1st District, the words "Warren, Halifax and Northampton," and inserting in lieu thereof the words "Hyde, Beaufort, Pitt and Pamlico"; and by striking out in 2nd District, the words "Hyde, Beaufort, Pitt and Pamlico," and inserting in lieu thereof the words "Warren, Halifax and Northampton."

The yeas and nays were ordered, and the amendment prevailed. Yeas 24; Nays 8.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Council, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—24.



*Negative*—Messrs. Brogden, Eppes, Hawkins, Long, McCotter, Merrimon, Moore and Price—8.

The bill then passed third time. Yeas 24; Nays 7.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Council, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Brogden, Eppes, Hawkins, King, Long, McCotter and Moore—7.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives transmitting report of the committee of Conference in relation to S. B. 390, a bill to be entitled an act concerning representation in the Senate of North Carolina.

Mr. Gilmer moved that the Senate concur in the report of the committee.

The yeas and nays were ordered, on demand of Mr. Graham, of Orange, and the Senate refused to concur. Yeas 12; Nays 21.

*Affirmative*—Messrs. Adams, Allen, Battle, Cook, Council, Dargan, Flemming, Gilmer, Latham, Mauney, Robbins of Davidson, and Skinner—12.

*Negative*—Messrs. Bellamy, Brogden, Brown, Edwards, Eppes, Graham of Orange, Hawkins, King, Linney, Long, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Price, Troy, Waddell, Whiteside and Worth—21.

Mr. Robbins, of Rowan, moved the following resolution:

*Resolved*, That the Senate branch of the Committee of Conference be instructed that it is the sense of the Senate that the Constitution does not require that the State shall be divided into fifty Senatorial districts.

Mr. King demanded the yeas and nays.



Mr. Murphy moved to strike out word "not."

The yeas and nays were ordered, on demand of Mr. King, and the motion to strike out did not prevail. Yeas 12; Nays 21.

*Affirmative*—Messrs. Bellamy, Brogden, Eppes, Graham of Orange, Hawkins, King, Long, McCotter, Merrimon, Moore, Murphy and Price—12.

*Negative*—Messrs. Allen, Battle, Brown, Cook, Council, Edwards, Flemming, Gilmer, Graham of Alamance, Latham, Linney, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—21.

Mr. Robbins, of Rowan, then proposed to withdraw his resolution of instruction.

The Chair ruled that the resolution being in the possession of the Senate it could be withdrawn only by leave of the Senate.

From the decision of the Chair, Mr. Robbins, of Rowan, appealed to that of the Senate.

The question recurring thereon, the Senate ordered the decision of the Chair to stand as the decision of the Senate.

The question then recurring on the resolution of Mr. Robbins, of Rowan, Mr. King, by consent, withdrew his demand for the yeas and nays, and the resolution did not prevail.

Mr. Worth moved to reconsider the vote by which the Senate refused to concur in the report of the Committee of Conference in relation to S. B. 390, a bill to be entitled an act concerning representation in the Senate of North Carolina.

The yeas and nays were ordered, on demand of Mr. Moore, and the motion to reconsider prevailed. Yeas 21; Nays 11.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Edwards, Flemming, Gilmer, Graham of Alamance, Latham, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Waddell and Worth—21.

*Negative*—Messrs. Bellamy, Brogden, Eppes, Graham of Orange, Hawkins, Long, McCotter, Merrimon, Moore, Price and Whiteside—11.



On motion of Mr. Graham, of Orange, the report was laid on the table.

Mr. Dargan moved that the Senate do now adjourn.

The motion did not prevail.

On motion the Senate then proceeded to consider the amendments adopted by the House of Representatives to the bill.

Mr. Morehead moved to amend the amendments so as to provide as follows :

Sampson County shall elect one Senator ;

Orange, Person and Caswell counties shall elect two Senators ;

Rockingham county shall elect one Senator ;

Nash, Wilson and Franklin counties shall elect two Senators ;

So that the Districts shall be numbered, constituted and entitled to elect Senators as follows :

*1st District*—Currituck, Camden, Pasquotank, Hertford, Gates, Chowan and Perquimans shall elect two Senators.

*2nd District*—Tyrrell, Washington, Martin, Dare, Beaufort and Hyde shall elect two Senators.

*3d District*—Northampton and Bertie shall elect one Senator.

*4th District*—Halifax shall elect one Senator.

*5th District*—Edgecombe shall elect one Senator.

*6th District*—Pitt shall elect one Senator.

*7th District*—Wilson, Nash and Franklin shall elect two Senators.

*8th District*—Craven shall elect one Senator.

*9th District*—Jones, Onslow and Carteret shall elect one Senator.

*10th District*—Duplin and Wayne shall elect two Senators.

*11th District*—Greene and Lenoir shall elect one Senator.

*12th District*—New Hanover shall elect one Senator.

*13th District*—Brunswick and Bladen shall elect one Senator.

*14th District*—Sampson shall elect one Senator.

15th District—Columbus and Robeson shall elect one Senator.

16th District—Cumberland and Harnett shall elect one Senator.

17th District—Johnston shall elect one Senator.

18th District—Wake shall elect one Senator.

19th District—Warren shall elect one Senator.

20th District—Orange, Person and Caswell shall elect two Senators.

21st District—Granville shall elect one Senator.

22nd District—Chatham shall elect one Senator.

23d District—Rockingham shall elect one Senator.

24th District—Alamance and Guilford shall elect two Senators.

25th District—Randolph and Moore shall elect one Senator.

26th District—Richmond and Montgomery shall elect one Senator.

27th District—Anson and Union shall elect one Senator.

28th District—Cabarrus and Stanley shall elect one Senator.

29th District—Mecklenburg shall elect one Senator.

30th District—Rowan and Davie shall elect one Senator.

31st District—Davidson shall elect one Senator.

32nd District—Stokes and Forsyth shall elect one Senator.

33d District—Surry and Yadkin shall elect one Senator.

34th District—Iredell, Wilkes and Alexander shall elect two Senators.

35th District—Alleghany, Ashe and Watauga shall elect one Senator.

36th District—Caldwell, Burke, McDowell, Mitchell and Yancey shall elect two Senators.

37th District—Catawba and Lincoln shall elect one Senator.

38th District—Gaston and Cleaveland shall elect one Senator.

39th District—Rutherford and Polk shall elect one Senator.



40th District—Buncombe and Madison shall elect one Senator.

41st District—Haywood, Henderson and Transylvania shall elect one Senator.

42nd District—Jackson, Swain, Macon, Cherokee, Clay and Graham shall elect one Senator.

Mr. Latham moved the previous question and the yeas and nays having been demanded by Mr. Whiteside, the Senate ordered the main question to be put. Yeas 22 ; Nays 9.

*Affirmative*—Messrs. Adams, Allen, Battle, Bellamy, Brown Cook, Council, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Latham, Long, Mauney, McClammy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—22.

*Negative*—Messrs Brogden, Eppes, Flemming, Hawkins, King, Linney, Merrimon, Moore and Whiteside—9.

The question first recurring on the amendments offered by Mr. Morehead, the amendments prevailed.

The question next recurring on the amendments adopted by the House of Representatives as amended, on motion of Mr. Morehead, the Senate concurred therein, and ordered a message to be sent forthwith informing the House of Representatives of the action of the Senate and asking its concurrence therein.

Mr. Gilmer moved that the rules be suspended and S. B. —, a bill to be entitled an act to establish the rates of public printing, and for other purposes, be put upon its several readings.

The yeas and nays were ordered, on demand of Mr. Gilmer, and the motion prevailed. Yeas 26 ; Nays 4.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Council, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—26.



*Negative*—Messrs. Bellamy, Brogden, Long and Moore—4.  
The bill was read second time.

Mr. Graham, of Orange, moved to amend by striking out the word “forty,” in line 31, section 8, and inserting the word “ninety” in lieu thereof. The amendment prevailed.

Mr. Brogden moved the following as an additional section :

“Section —. It shall be the duty of the Secretary of State to keep a true and accurate account of the quantity of printing paper delivered to the Public Printer for the State printing, and report the same to the General Assembly in his annual report.”

The amendment did not prevail.

The bill then passed second time.

The bill was read third time.

Mr. Gilmer moved to strike out the word “ninety” and insert the word “sixty,” in line 31, section 8. The motion prevailed.

The bill then passed third time. Yeas 23 ; Nays 8.

*Affirmative*—Messrs. Adams, Allen, Brown, Cook, Council, Dargan, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Mauney, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—23.

*Negative*—Messrs. Brogden, Eppes, Hawkins, King, Long, McCotter, Moore and Price—8.

Bills on third reading were acted on as follows :

S. B. 484, H. B. 328, a bill to be entitled an act to prohibit the sale of spirituous liquors within the town of Smithville, Brunswick county. Read and passed third time.

Bills were acted on, under a suspension of the rules, as follows:

S. R. 477, H. R. 119, resolution in favor of Albert B. Williams and Robert Henly. Laid on the table.

H. B. 548, a bill to be entitled an act to prescribe the prac-



tice and procedure in actions by creditors of deceased persons against their personal representatives. Read and passed second time and made special order for 11 a. m., to-morrow.

S. B. —, a bill to be entitled an act granting powers to Township Board of Trustees of Franklin township, Sampson county. Read and passed second and third times. Yeas 26; Nays none.

*Affirmative*—Messrs. Allen, Battle, Bellamy, Brogden, Brown, Cook, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—26.

*Negative*—None.

S. B. 542, H. B. 516, a bill to be entitled an act to prevent the sale of intoxicating liquors near Baptist Swamp church in the county of Robeson. Read second time and rejected. Yeas 10; Nays 17.

*Affirmative*—Messrs. Adams, Eppes, Flemming, Graham of Orange, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Troy and Worth—10.

*Negative*—Messrs. Allen, Brogden, Cook, Council, Edwards, Graham of Alamance, Hawkins, Latham, Linney, Long, McCotter, Merrimon, Moore, Morehead, Skinner, Waddell and Whiteside—17.

S. B. 548, H. B. 446, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Mt. Airy Male Academy. Read and passed second and third times. Yeas 14; Nays 12.

*Affirmative*—Messrs. Council, Dargan, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Linney, Merrimon, Morehead, Robbins of Davidson, Troy, Waddell, Whiteside and Worth—14.

*Negative*—Messrs. Allen, Bellamy, Brogden, Edwards, Flemming, King, Long, Mauney, McCotter, Moore, Price and Skinner—12.

S. B. 552, a bill to be entitled an act to amend chapter 113,



section 66, of public laws of 1868-'69. Read and passed second and third times. Yeas 27; Nays 2.

*Affirmative*—Messrs. Adams, Allen, Brogden, Brown, Cook, Council, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—27.

*Negative*—Messrs. Eppes and Moore—2.

Mr. Worth, by consent, submitted a report from the Joint Select Committee to treat with the Coleman Brothers for a surrender of their contract for the erection of the State Penitentiary, together with a communication from the Coleman Brothers.

The communication was, on motion, referred to the Committee on Penal Institutions, with instructions to report by bill or otherwise.

Mr. Murphy, by consent, submitted a report from Committee of Conference in relation to H. B. 278, a bill to be entitled an act to amend chapter 12, section 1, of Revised Code, entitled Bastard Children, which was read and, on motion of Mr. Graham, of Orange, re-committed to the Committee.

Messrs. Murphy and Dargan were excused from service on the Committee, and Messrs. Graham, of Orange, and Merrimon appointed in their stead.

The hour for its consideration having arrived, the special order, S. B. 561, H. B. 534, a bill to be entitled an act concerning election and registration in the year A. D. 1872, was taken up and read third time.

Mr. Allen moved to strike out the words "Clerk of Superior Court in counties where they are to be elected" before the word "treasurer," in line 11, section 16. The motion prevailed.

Mr. Allen moved to strike out in section 1 the words "and a Clerk of the Superior Court in all counties in which said



office since the regular election in 1868 has become vacant and been filled by appointment." The motion prevailed.

Mr. Graham, of Alamance, moved to strike out in section 20, all after the words "comparing the polls" down to the words "if for any cause," and to insert in lieu thereof the following :

"In the 1st District, at Hertford, in the county of Perquimans ;

In the 2d District, at Plymouth, in the county of Washington ;

In the 3d District, at Roxabel, in the county of Bertie ;

In the 7th District, at Nashville, in the county of Nash ;

In the 9th District, at Pollocksville, in the county of Jones ;

In the 11th District, at Kinston, in the county of Lenoir ;

In the 10th District, at Mt. Olive, in the county of Duplin ;

In the 13th District, at Northwest, in the county of Brunswick ;

In the 15th District, at Leesville, in the county of Robeson ;

In the 16th District, at Fayetteville, in the county of Cumberland ;

In the 20th District, at Hillsboro', in the county of Orange ;

In the 24th District, at Gibsonville, in the county of Guilford ;

In the 25th District, at Brower's Mill, in the county of Randolph ;

In the 26th District, at John Webb's, on the Plank Road, in the county of Montgomery ;

In the 27th District, at White's Store, in the county of Anson ;

In the 28th District, at Mt. Pleasant, in the county of Cabarrus ;

In the 30th District, at Foard's Mill, in the county of Rowan ;

In the 32d District, at Germantown, in the county of Stokes ;

In the 33d District, at Rockford, in the county of Yadkin ;

In the 34th District, at Taylorsville, in the county of Alexander ;

In the 35th District, at Jefferson, in the county of Ashe ;

In the 36th District, at Marion, in the county of McDowell ;

In the 37th District, at Early Grove, in the county of Catawba ;

In the 38th District, at Cherryville, in the county of Cleveland ;

In the 39th District, at Rutherfordton, in the county of Rutherford ;

In the 40th District, at Asheville, in the county of Buncombe ;

In the 41st District, at Brevard, in the county of Transylvania ;

In the 42nd District, at Franklin, in the county of Macon."

The amendment prevailed.

Mr. Graham, of Alamance, moved to strike out in section 21 all after the word "namely" down to the word "provided," and to insert in lieu thereof the following :

"In the 1st District, at the Court-house in the town of Plymouth, in the county of Washington ;

In the 2nd District, at the Court-house in the town of Goldsboro', in the county of Wayne ;

In the 3rd District, at the Court-house in the town of Wilmington, in the county of New Hanover ;

In the 4th District, at the Court-house in the city of Raleigh, in the county of Wake ;

In the 5th District, at the Court-house in the city of Greensboro', in the county of Guilford ;

In the 6th District, at the Court-house in the town of Wadesboro', in the county of Anson :

In the 7th District, at the Court-house in the town of Wilkesboro', in the county of Wilkes ;

In the 8th District, at the Court-house in the town of Asheville, in the county of Buncombe."

The amendment prevailed.



The bill then passed third time. Yeas 23 ; Nays 4.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Long, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—23.

*Negative*—Messrs. Brogden, Eppes, King and Moore—4.

Ordered to be engrossed and transmitted forthwith to the House of Representatives for concurrence.

The following bills and resolutions, and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Amendments to H. B. 241, a bill to be entitled an act to amend an act to promote and encourage the planting of oysters and clams, chapter 33, act of Assembly, 1858-'59 ;

S. B. 518, a bill to be entitled an act in favor of certain sheriffs ;

S. B. 563, a bill to be entitled an act to amend chapter 81, section 4, of public laws of 1870-'71 ;

S. B. 473, a bill to be entitled an act to incorporate the Cyrenian Company, of the city of Wilmington ;

S. B. 571, a bill to be entitled an act for the better protection of oysters and terrapins in the waters of North Carolina ;

S. B. 588, a bill to be entitled an act to provide for the creation of certain trust estates ;

S. B. 539, a bill to be entitled an act amending an act entitled an act appointing a weigher of cotton and flour and salt fish for the city of Raleigh ;

S. R. 574, resolution inviting immigration to North Carolina ;

S. B. —, a bill to be entitled an act to amend chapter 137, laws of 1869-'70 ;

S. B. 442, a bill to be entitled an act to amend the law of evidence ;

S. B. 139, a bill to be entitled an act to authorize C. P. Clouse to erect a gate across a public highway ;

S. B. 554, a bill to be entitled an act to divide North Carolina into eight Congressional Districts.

The Senate then adjourned until 7½ p. m.

---

SENATE CHAMBER, 7½ P. M., February 8th, 1872.

The Senate met pursuant to adjournment.

Mr. Gilmer moved to reconsider the vote by which S. B. 561, H. B. 534, a bill to be entitled an act concerning election and registration in the year A. D. 1872, was passed third time this morning.

Mr. Robbins, of Rowan, moved to lay that motion on the table.

The yeas and nays were ordered, on demand of Mr. Gilmer, and the motion to lay on the table prevailed. Yeas 23; Nays 9.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Currie, Edwards, Eppes, Flemming, Hyman, King, Linney, Long, Mauney, McClammy, McCotter, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Whiteside—23.

*Negative*—Messrs. Bellamy, Council, Gilmer, Graham of Alamance, Latham, Merrimon, Murphy, Skinner and Worth—9.

On motion of Mr. McClammy, the bill, with engrossed amendments, was ordered to be forthwith transmitted to the House of Representatives for concurrence.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Committee on Penal Institutions : a bill to be entitled an act to create a special commission. Placed on the calendar.



The following resolutions were introduced, read and disposed of as follows :

By Mr. Morehead, for Mr. Graham, of Orange : resolution to raise a commission to examine into the accounts of the Public Treasurer. Read and laid over under the rules.

By Mr. Whiteside : resolution concerning the publication of a certain law. Read and laid over under the rules.

By Mr. Troy : resolution for the relief of the Penitentiary. Read and laid over under the rules.

Mr. Murphy introduced the following resolution :

*Resolved*, That no further leave of absence be granted to any Senator until after the close of Saturday's session, except in case of extreme illness of a member of the family of the Senator asking such leave.

The resolution was read and adopted.

Bills were acted on, under a suspension of the rules, as follows :

S. B. 566, a bill to be entitled an act for the better regulation of public highways. Read second time and laid on the table.

S. B. 540, H. B. 393, a bill to be entitled an act to re-enact chapter 278, laws of 1868-'69, entitled an act to revise and amend the charter of the Tuckasege and Nantahala Turnpike Company. Read and passed second and third times.

S. B. 573, a bill to be entitled an act for the relief of Northampton county. The bill was read the second time.

Mr. Speed moved to amend by inserting the following as an additional section :

"Section —. That the Judge shall receive for holding court in Northampton two hundred and seventy-five dollars per annum, one-half to be paid by the State and one-half to be paid by the county of Northampton."



On motion of Mr. Skinner, the bill, with amendment, was laid on the table.

S. B. 565, a bill to be entitled an act amendatory of an act in relation to salaries and fees. Read second time and laid on the table.

S. B. 578, H. B. 519, a bill to be entitled an act to authorize C. C. Vest, former sheriff of Cherokee county, to collect arrears of taxes. Read second time and laid on the table.

S. B. 535, H. B. 490, a bill to be entitled an act to amend chapter 10, section 1, of the Revised Code, concerning auctions and auctioneers. Read and passed second time.

The bill was read third time.

Mr. McClammy moved to amend by striking out the words "the several counties of the State" and inserting the words "the county of Washington." The amendment prevailed, and the bill passed third time.

S. B. 590, a bill to be entitled an act to create a special commission. The bill was read second time.

Mr. Robbins, of Davidson, moved to fill the blank in section 1 with the names of J. M. Worth, W. C. Troy and S. L. Fremont.

The amendment prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 28; Nays 1.

*Affirmative*—Messrs. Adams, Allen, Bellamy, Cook, Council, Currie, Edwards, Eppes, Flemming, Gilmer, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—28.

*Negative*—Mr. Brown—1.

S. B. 577, H. B. 493, a bill to be entitled an act to authorize the Commissioners of the town of Washington to levy a special tax for certain purposes. Read and passed second time. Yeas 20; Nays 6.

*Affirmative*—Messrs. Brown, Cook, Council, Currie, Edwards, Flemming, Hawkins, Latham, Linney, Mauney, Mc-



Clammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—20.

*Negative*—Messrs. Adams, Eppes, King, Long, Merrimon and Whiteside—6.

S. B. 570, H. B. 464, a bill to be entitled an act to incorporate the town of Faison, in the county of Duplin. Read and passed second time. Yeas 23; Nays 3.

*Affirmative*—Messrs. Adams, Allen, Brown, Council, Currie, Edwards, Eppes, Flemming, Gilmer, Hawkins, Latham, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—23.

*Negative*—Messrs. King, Long, and Whiteside—3.

The rules having been suspended for the purpose, Mr. Robbins, of Rowan, introduced the following resolution :

The General Assembly of North Carolina do resolve, that the resolution heretofore passed fixing Monday, 12th February, 1872, as the day for the adjournment, *sine die*, of this session of the General Assembly, is hereby rescinded.

The question recurring thereon, the yeas and nays were ordered, and the resolution was adopted. Yeas 19; Nays 10.

*Affirmative*—Messrs. Adams, Allen, Cook, Council, Currie, Edwards, Flemming, Gilmer, Latham, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whiteside and Worth—19.

*Negative*—Messrs. Bellamy, Eppes, Hawkins, King, Linney, Long, McCotter, Merrimon, Moore and Speed—10.

Ordered to be transmitted forthwith, without engrossment, to the House of Representatives for concurrence.

Mr. Gilmer submitted a report from the Committee of Conference in relation to S. B. 256, H. B. 253, a bill to be entitled an act to amend sections 9, 11 and 13, chapter 139, laws of 1870-'71.

On motion, the Senate concurred in the report of the Com-



mittee, and ordered that it be transmitted to the House of Representatives with a message informing that honorable body that the Senate had concurred therein.

The following bills and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

S. B. 552, a bill to be entitled an act to amend chapter 113, section 66, of public laws of 1868-'69 ;

S. B. —, a bill to be entitled an act to establish the rates of public printing, and for other purposes ;

Amendments to H. B. 534, a bill to be entitled an act concerning election and registration in the year A. D. 1872.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend and extend the charter of Cape Fear Lodge, No. 2, of the Independent O. O. F., of Wilmington ;

An act to change the time of the annual meeting of the Board of Directors of the Insane Asylum ;

An act to incorporate the town of Lillington, in the county of Harnett ;

An act to legalize the acts of certain county officers in Macon and Jackson counties pending the organization of Swain county ;

An act to amend section 7, chapter 129, laws of 1869-'70 ;

An act to change the county line between Cherokee and Swain, near the residence of Jefferson George ;

An act to legalize certain sales of land in the town of Asheville ;

An act to improve and construct a public road from Jefferson, Ashe county, to the mouth of Phoenix Creek ;

An act to prevent the destruction of fish in the waters of Black River and Six Runs, in the counties of New Hanover, Sampson, Cumberland and Harnett ;

An act to amend an act entitled an act to authorize the Al-



bemarle Swamp Land Company to construct a railroad from Pantego to Indian River, in Beaufort County ;

An act to lay off, alter and establish a public road from the town of Statesville, in Iredell county, to the town of Wilkesboro' ;

An act authorizing the construction of a tollbridge across the Cape Fear River at Lillington, Harnett county ;

An act to incorporate the Trustees of Pisgah Academy, in Gaston county ;

An act to incorporate the Hilton Camp Ground, in Nash county ;

An act to incorporate Stonewall Lodge, No. 1, Knights of Pythias, of North Carolina ;

An act to transfer certain cases left undisposed of by the late county courts :

An act to incorporate the Farmer's Savings Bank of Charlotte, North Carolina ;

An act to incorporate Hanks' Lodge, No. 128, in the town of Franklinville, Randolph county ;

An act to incorporate the Clarendon Academy, in Cumberland county ;

An act to promote the mining interest of the State ;

An act to incorporate the Cumberland Agricultural Society ;

An act supplementary to an act entitled an act to raise Revenue, ratified the 25th day of January, 1872 ;

A resolution in favor of Daniel Latta ;

A resolution in favor of H. Cooper ;

A resolution in favor of John H. Hill ;

A resolution in favor of D. C. Dudley and others ;

A resolution in favor of G. N. Lewis, Sheriff of Nash ;

A resolution in favor of the tax collector of McDowell county ;

A resolution relative to the Cherokee Indians of North Carolina ;

A resolution in favor of J. S. Summersett, John B. Petillo and Archer Holt ;

A resolution of request to members in Congress ;

A resolution in favor of Thomas S. Siler and J. M. Lyle, executors of Jacob Siler, deceased, late Agent of North Carolina for the collection of Cherokee bonds ;

An act to authorize the Commissioners of Franklin county to convey to the Trustees of Trinity Church certain land ;

An act to amend chapter 37, section 6, private laws of 1870-'71 ;

An act to prohibit the sale of intoxicating liquors in the town of Swansboro', or within six miles thereof, in Onslow county ;

An act to change the 10th and 11th Judicial Districts ;

An act to charter the Bank of Reidsville ;

An act to incorporate Raleigh Hook and Ladder Company, No. 1, city of Raleigh ;

An act to charter the Carolina Narrow Guage Railroad ;

An act to abolish the office of Supreme Court Reporter, and for other purposes ;

An act to amend an act to charter the High Shoals Railroad Company, passed at the session of 1866, ratified 19th of February, 1866 ;

An act to amend chapter 85 of the Revised Code, entitled " Pilots ;"

An act repealing chapter 104, public laws of 1868-'69 ;

An act to enable the Wilmington, Charlotte and Rutherford Railroad Company to incorporate its road to the Tennessee line ;

An act to amend an act concerning the city of Wilmington, ratified 20th December, 1870, being chapter 3, private acts of 1870-'71 ;

An act to lay off and establish a new county by the name of Pamlico ;

An act to amend the Fayetteville and Florence Railroad ;

An act to authorize the County Commissioners of Alleghany county to levy a special tax ;



An act to incorporate the Board of Trade of the City of Raleigh ;

An act to amend the charter of the Atlantic, Tennessee and Ohio Railroad Company, in North Carolina, ratified 3rd of February, 1869 ;

An act to re-enact an act entitled an act to incorporate the Orapeake Canal and Turnpike Company, ratified 18th January, 1844 ;

An act concerning the Robeson county outlaws ;

An act to amend an act entitled an act to pay the expenses of idiots and lunatics incurred by counties in certain cases, ratified 28th March, 1870 ;

An act to annex a part of New Hanover county to Sampson county ;

An act to incorporate the Cape Fear Club ;

Resolution in behalf of W. H. Hamilton and Joseph A. Miller ;

An act to create a Board of Commissioners of Navigation for the ports of Ocracoke and Hatteras Inlets ;

Resolution relative to adjournment ;

Resolution in favor of delinquent sheriffs ;

An act to repeal chapter 274, laws of 1870-'71 ;

An act to make Dutchman Creek a lawful fence to a certain extent in Davie county ;

An act to incorporate Trinity Building and Loan Association, of Trinity, North Carolina ;

An act in favor of Sarah Williams ;

An act to construct and establish a Turnpike Road from Catawba Vale, in the county of McDowell, to Fair View, in Buncombe county ;

An act to repeal chapter 267, laws of 1868-'69 ;

An act to prohibit the felling or cutting of trees into the run of upper Broad Creek, Craven county ;

An act to authorize the formation of railroad companies and to regulate the same ;

An act to amend an act entitled an act to provide for limi-



ted partnerships, ratified the — day of February, A. D. 1861;

An act to provide in certain cases an allowance for improvements;

An act to prevent the sale of spirituous liquors within two miles or less, of either Ock Nock Furnace or Buck Horn Iron Mines;

An act to authorize the County Commissioners of Sampson county to levy a special tax;

An act to prevent Deputy or Assistant Clerks from practising as attorneys at law in the counties in which they act as Deputy or Assistant Clerks;

An act to re-enact and continue in force an act entitled an act to empower the Commissioners of Cumberland county to levy a special tax, ratified 24th of February, 1870;

An act to prevent the sale of spirituous liquors within one mile and a half of St. Paul's Church, in Robeson county;

An act requiring Clerks of Superior Courts to have their offices opened every Monday for the transaction of probate business;

An act to aid in the completion of the Western Division of the Western North Carolina Railroad;

An act to incorporate the New River Canal Company;

An act to incorporate the Charlotte Hotel Company;

An act to incorporate the town of Battleboro';

An act to incorporate the town of Catawba, in Catawba county;

An act to incorporate the Trustees of Catawba Valley Academy, in Catawba county;

An act relating to the fees of Superior Court Clerks;

An act to punish the crime of embezzlement;

An act to prevent the sale of spirituous liquors within one mile of the corporate limits of the town of Lenoir, in Caldwell county;

An act to authorize the Commissioners of Greene county to levy a special tax to pay off certain debts;

An act to authorize the Commissioners of Onslow county to levy a special tax;



An act to authorize the Commissioners of Montgomery county to levy a special tax and to issue bonds ;

An act to authorize E. C. Grier, late sheriff of Mecklenburg county, to collect arrears of taxes ;

An act to incorporate the Hornet Fire Company, No. 1, city of Charlotte ;

An act to incorporate the Beech Swamp and Scotland Neck Railroad Company ;

An act to repeal chapter 227, laws of 1869-'70, entitled an act to provide for taking depositions of witnesses in civil actions and special proceedings in the several counties of the State ;

Resolution in favor of Henry M. Miller ;

Resolution in favor of the employees of the Senate and House of Representatives ;

Resolution in reference to printing the Constitution as it will stand when amended according to the act recently passed.

The Senate then adjourned.

---

## SIXTY-SECOND DAY

SENATE CHAMBER, February 9th, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The Journal of yesterday was read.

Mr. McCotter was granted leave of absence from and after to-day.

President Warren and Mr. Cowles were kept from their seats by sickness.

Reports from Standing Committees were then submitted as follows :

From the Committee on Claims :

By Mr. Flemming : S. R. 596, H. R. 123, resolution for the relief of B. Mayfield, citizen of Cherokee county, with recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows :

By Mr. Whiteside : a bill to be entitled an act to amend an act concerning representation in the Senate. Placed on the calendar and made special order for 12 m., to-day.

By message from House of Representatives : H. B. 462, a bill to be entitled an act making indictable the felling of trees into Neuse River. Placed on calendar.

H. B. 169, a bill to be entitled an act to amend the charter of Raleigh. To committee on corporations.

H. B. 294, a bill to be entitled an act to prohibit the sale of spirituous liquors within the corporate limits of the town of Hendersonville, in Henderson county. Placed on calendar.

Mr. Moore, by consent, reported from the Committee on Corporations, H. B. 169, S. B. —, a bill to be entitled an act to amend the charter of Raleigh, with recommendation that it do pass.

Bills on third reading were acted on as follows :

S. B. 577, H. B. 493, a bill to be entitled an act to authorize the Commissioners of the town of Washington to levy a special tax for certain purposes. Read and passed third time. Yeas 24 ; Nays 5.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Mauney, McClammy, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Whiteside and Worth—24.

*Negative*—Messrs. Bellamy, King, Long, Merrimon and Olds—5.

S. B. 570, H. B. 464, a bill to be entitled an act to incorporate the town of Faison, in the county of Duplin. Read and passed third time. Yeas 22 ; Nays 7.



*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Currie, Edwards, Flemming, Gilmer, Graham of Alamance, Latham, Linney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell and Worth—22.

*Negative*—Messrs. Bellamy, Brogden, Eppes, King, Long, Moore and Whiteside—7.

Bills were acted on, under a suspension of the rules, as follows:

S. B. 357, H. B. 338, a bill to be entitled an act for the relief of A. E. Wells, of Buncombe county. Read and passed second and third times;

S. B. 501, H. B. 469, a bill to be entitled an act in relation to Insurance Companies not incorporated in the State. Read second time and postponed to 1st December, 1872;

S. B. 594, a bill to be entitled an act to prevent fraud in the sale of commercial fertilizers. Read and passed second and third times, and ordered to be forthwith transmitted to the House of Representatives, without engrossment, for concurrence;

S. B. 584, H. B. 156, a bill to be entitled an act to amend chapter 93, private laws of 1870-'71. Read and passed second and third times;

S. R. 587, H. R. 149, resolution to pay John D. Cameron sixty dollars. Read and passed second and third times;

S. B. 583, H. B. 502, a bill to be entitled an act to prevent the felling of trees in Uwharrie River, Randolph county, and the throwing of other obstructions therein. Read and passed second and third times;

S. B. 586, H. B. 484, a bill to be entitled an act in regard to municipal elections in the town of Carthage, in Moore county. Read and passed second and third times;

S. B. 271, a bill to be entitled an act to prevent cruelty to animals. Read second time and postponed until 1st December, 1872;

S. B. 534, H. B. 501, a bill to be entitled an act in relation



to salaries and Fees of State officers, ratified 18th February, 1871. Read second time and laid on the table;

H. B. 294, a bill to be entitled an act to prohibit the sale of spirituous liquors within the corporate limits of the town of Hendersonville, in Henderson county. Read second time and passed. Read third time and rejected. Yeas 12; Nays 17.

*Affirmative*—Messrs. Adams, Currie, Flemming, Gilmer, Graham of Orange, McClammy, Morehead, Murphy, Olds, Robbins of Davidson, Whiteside and Worth—12.

*Negative*—Messrs. Allen, Battle, Bellamy, Brogden, Cook, Council, Edwards, Eppes, Hyman, King, Latham, Linney, Long, Mauney, Moore, Skinner and Troy—17.

S. B. 420, a bill to be entitled an act in relation to Moore and Nash Squares, in the city of Raleigh. Read and passed second and third times. Yeas 20; Nays 7.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Edwards, Eppes, Flemming, Graham of Orange, Hyman, King, Long, Mauney, Moore, Olds, Price, Robbins of Davidson, Skinner, Whiteside and Worth—20.

*Negative*—Messrs. Bellamy, Brogden, Council, Linney, Speed, Troy and Waddell—7.

S. B. 480, H. B. 194, a bill to be entitled an act to authorize and empower the Government of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery. Read and passed second and third times. Yeas 31; Nays none.

*Affirmative*—Messrs. Adams, Battle, Bellamy, Brogden, Brown, Cook, Currie, Edwards, Eppes, Flemming, Graham of Alamance, Graham of Orange, Hyman, King, Linney, Long, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—31.

*Negative*—None.

S. B. 272, a bill to be entitled an act to amend section 3, chapter 169, of the laws of 1868-'69, ratified 28th March, 1870. Read second time and laid on the table.



S. R. 323, resolution concerning the Cherokee Indians. Read second time and laid on the table.

S. B. 313, a bill to be entitled an act concerning insane convicts. Read and passed second and third times. Yeas 19; Nays 9.

*Affirmative*—Messrs. Adams, Brown, Cook, Currie, Edwards, Graham of Orange, McClammy, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whiteside and Worth—19.

*Negative*—Messrs. Battle, Bellamy, Brogden, Flemming, King, Linney, Long, Mauney and McCotter—9.

At 11 a. m., the Senate proceeded to consider the special order, S. B. 595, H. B. 548, a bill to be entitled an act to prescribe the practice and procedure in actions by creditors of deceased persons against their personal representatives, and the bill was read and passed the third time. Yeas 24; Nays 4.

*Affirmative*—Messrs. Adams, Allen, Battle, Cook, Council, Currie, Edwards, Flemming, Graham of Orange, King, Latham, Linney, Long, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Speed, Troy, Waddell, Whiteside and Worth—24.

*Negative*—Messrs. Brogden, Eppes, Hyman and Moore—4.

At 12 m., the Senate proceeded to consider the special order, S. B. —, a bill to be entitled an act to amend an act concerning representation in the Senate, and the bill was read the second time.

Mr. Whiteside moved to amend by adding the following: "That the vote of this district shall be compared in the town of Shelby, in the county of Cleveland."

The yeas and nays were ordered, on demand of Mr. Merrimon, and the amendment prevailed. Yeas 17; Nays 14.

*Affirmative*—Messrs. Brown, Dargan, Edwards, Flemming, Graham of Alamance, Linney, Mauney, McClammy, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whiteside and Worth—17.

*Negative*—14.



Mr. Whiteside moved to amend further by adding the following: "That so much of the election law as requires the vote of the 37th, 38th and 39th Senatorial Districts to be counted at other places is hereby repealed." The amendment prevailed.

The bill then passed second time. Yeas 17; Nays 16.

*Affirmative*—Messrs. Adams, Brown, Cook, Dargan, Edwards, Flemming, Linney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Waddell, Whiteside and Worth—17.

*Negative*—Messrs. Allen, Battle, Bellamy, Brogden, Council, Currie, Eppes, Graham of Orange, Hyman, King, Long, Mauney, McCotter, Moore, Price and Speed—16.

The following joint resolutions were read and adopted, and by order of the Senate transmitted forthwith, without engrossment, to the House of Representatives for concurrence:

S. R. 580, resolution to authorize the publication of the report of the State Geologist;

S. R. 581, resolution authorizing the Treasurer and Attorney General to employ aid;

S. R. 598, resolution to raise a commission to examine into the accounts of the Public Treasurer. Messrs. Graham, of Orange, and Gilmer were designated as Senate branch of said committee.

The following resolutions were acted on as follows:

S. R. 585, H. R. 160, resolution of instruction to the Public Auditor. Read and adopted.

S. R. 592, resolution of instruction to the Secretary of State. Read and adopted.

S. R. 593, resolution for the relief of the Penitentiary. Read and laid on the table.

S. R. 579, resolution authorizing settlement of the accounts of B. S. Buchanan and sureties, with the State. Read and adopted. Yeas 26; Nays 5.

*Affirmative*—Messrs. Adams, Allen, Battle, Bellamy, Brown, Council, Currie, Dargan, Edwards, Gilmer, Graham



of Orange, Latham, Linney, Long, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—26.

*Negative*—Messrs. Brogden, Flemming, Mauney, Moore and Whiteside—5.

The following resolution was introduced by message from the House of Representatives:

H. R. 166, resolution in relation to the sale of the Eastern Division of the Western North Carolina Railroad.

The rules were suspended, and the resolution was read and adopted. Yeas 26; Nays none.

*Affirmative*—Messrs. Allen, Battle, Bellamy, Brogden, Brown, Cook, Council, Currie, Edwards, Flemming, Graham of Alamance, Hyman, King, Linney, Long, Mauney, McClammy, Moore, Morehead, Murphy, Price, Robbins of Davidson, Skinner, Troy, Whiteside and Worth—26.

*Negative*—None.

Mr. Robbins, of Rowan, by consent, introduced a resolution in regard to a recess; and the rules having been suspended, the Senate proceeded to its consideration.

Mr. King moved to amend by adding thereto the following proviso:

“*Provided*, That no member of the General Assembly shall receive any mileage or *per diem* for attending any meeting of this General Assembly after the 12th February, 1872.”

[ The amendment prevailed.

The question recurring on the adoption of the resolution, the yeas and nays were ordered, on demand of Mr. Speed, and the resolution was not adopted. Yeas 13; Nays 22.

*Affirmative*—Messrs. Adams, Allen, Brown, Currie, Graham of Orange, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner and Waddell—13.

*Negative*—Messrs. Battle, Bellamy, Brogden, Cook, Coun-



cil, Edwards, Eppes, Flemming, Gilmer, Hyman, King, Linney, Long, McCotter, Merrimon, Moore, Olds, Price, Speed, Troy, Whiteside and Worth—22.

Mr. Flemming moved that when the Senate adjourn, it will adjourn until 10 o'clock, to-morrow morning.

The yeas and nays were ordered, on demand of Mr. Cook, and the motion prevailed. Yeas 22; Nays 11.

*Affirmative*—Messrs. Adams, Allen, Battle, Bellamy, Brogden, Currie, Dargan, Edwards, Eppes, Flemming, Graham of Alamance, Graham of Orange, Hyman, King, Long, McCotter, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Speed—22.

*Negative*—Messrs. Brown, Cook, Linney, Mauney, McClammy, Morehead, Murphy, Troy, Waddell, Whiteside and Worth—11.

A message was received announcing that the House of Representatives had amended the amendments adopted by the Senate to H. B. 534, a bill to be entitled an act concerning elections and registration in the year A. D., 1872, and asking the concurrence of the Senate therein.

On motion, the Senate concurred therein, and the bill was ordered to be enrolled for ratification.

On motion of Mr. Merrimon, it was ordered that a message be sent to the House of Representatives announcing that the Senate had refused to concur in the report of the Committee of Conference in relation to H. B. 278, a bill to be entitled an act to amend chapter 12, section 1, of Revised Code, entitled Bastard Children, and asking that a Committee of further Conference be raised in relation thereto. Messrs. McClammy, Robbins, of Davidson and Moore were designated as Senate branch of said committee.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House to S. B. 571, a bill to be entitled an act for the better protection of oysters and terrapins in the waters of North Carolina, and asking the concurrence of the Senate therein.



On motion of Mr. Skinner, the Senate concurred in the amendments.

The following bills and amendment, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

Amendments to H. B. 410, a bill to be entitled an act to amend chapter 10, section 1, of Revised Code, concerning auctions and auctioneers.

S. B. 590, a bill to be entitled an act to create a special commission.

S. B. 597, a bill to be entitled an act granting powers to Township Board of Trustees of Franklin township, Sampson county.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend an act to promote and encourage the planting of oysters and clams, chapter 33, acts of Assembly, 1858-'59 ;

An act supplemental to an act passed at the present session of the General Assembly, entitled an act to lay off and establish a new county by the name of Graham ;

An act concerning representation in the Senate ;

An act to incorporate the Halifax and Scotland Neck Railroad Company ;

An act to divide North Carolina into eight Congressional Districts ;

An act to incorporate the town of Franklin ;

An act to incorporate the Little Coharie Draining Company ;

An act supplemental to and amendatory of an act ratified — day of January, 1872, entitled an act to incorporate the Bank of the State ;

An act to amend section 131, of the Code of Civil Procedure ;

An act to lay out and construct a public road from Philip's Gap, on the Blue Ridge, to Hamilton's Mills, in Ashe county;

An act to incorporate the Neptune Fire Company, in the town of Washington;

An act supplemental to an act entitled an act to annex a portion of Macon county to Clay county;

An act to incorporate the Oak Grove Camp Ground, in the county of Transylvania;

An act to amend section 2, chapter 66, public laws of 1869-'70;

An act to incorporate the Newbern and Beaufort Canal Company;

An act for the relief of Express Companies;

An act for the better regulation and protection of the public libraries;

An act to incorporate the Raleigh and Fayetteville Railroad Company;

An act concerning the taxation of Banks;

A resolution in favor of Charles H. Abrams.

The Senate then adjourned.

---

### SIXTY-THIRD DAY.

SENATE CHAMBER, February 10, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The Journal of yesterday was read.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By message from the House of Representatives: H. B. 576, a bill to be entitled an act to empower the Superior Court Judges to appoint a commissioner in certain cases for the settlement of estates. Placed on the calendar.



H. B. 606, a bill to be entitled an act to amend and re-enact the charter of the National Loan and Trust Company, ratified 4th March, 1867. Placed on the calendar.

H. B. 604, a bill to be entitled an act supplemental to an act to incorporate the town of Catawba in Catawba county. Placed on the calendar.

H. B. 580, a bill to be entitled an act to authorize the sheriff of Randolph county to collect arrears of taxes. Placed on the calendar.

H. B. 390, a bill to be entitled an act to incorporate the Henderson Savings and Loan Association of Henderson, North Carolina. Placed on the calendar.

H. B. 571, a bill to be entitled an act to give to the chief officers of cities and towns the criminal jurisdiction of Justices of the Peace. Placed on the calendar.

H. B. 599, a bill to be entitled an act for the relief of certain tax payers of Wilson county. Placed on the calendar.

H. B. 309, a bill to be entitled an act to authorize the collection of the unpaid taxes for the years 1870, 1869 and 1868, in the town of Williamston. Placed on the calendar.

H. B. 598, a bill to be entitled an act for the relief of W. D. Owens and Sefl H. Tyson, citizens of Wilson county. Placed on the calendar.

Bills on third reading were acted on as follows :

H. B. 602, a bill to be entitled an act to amend an act concerning representation in the Senate. Read and passed third time. Yeas 15 ; Nays 10.

*Affirmative*—Messrs. Battle, Brown, Edwards, Flemming, Gilmer, Latham, Linney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Whiteside—15.

*Negative*—Messrs. Adams, Allen, Council, Graham of Alamance, Graham of Orange, King, Mauney, Olds, Speed and Troy—10.



Mr. Whiteside moved that the bill be transmitted forthwith without engrossment to the House of Representatives for concurrence.

The yeas and nays were ordered, on demand of Mr. Moore, and the motion prevailed. Yeas 21; Nays 10.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Currie, Edwards, Flemming, Gilmer, Graham of Alamance. Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Waddell and Whiteside—21.

*Negative*—Messrs. Battle, Bellamy, Graham of Orange, King, Moore, Olds, Robbins of Rowan, Speed and Troy—10.

Bills were acted on as follows, under a suspension of the rules:

H. B. 606, S. B. —, a bill to be entitled an act to amend and re-enact the charter of the National Loan and Trust Company, ratified 4th of March, 1867. Read and passed second and third times.

H. B. 169, S. B. 599, a bill to be entitled an act to amend the charter of Raleigh. Read second time and indefinitely postponed.

H. B. 605, S. B. —, a bill to be entitled an act to repeal a part of an act ratified January 5th, 1872, entitled an act to incorporate the Falls of Neuse Manufacturing Company. Read second time and rejected.

S. B. —, H. B. 571, a bill to be entitled an act to give to the chief officers of cities and towns the criminal jurisdiction of justices of the peace. Read second time.

The yeas and nays were ordered, on demand of Mr. Edwards, and the bill passed second time. Yeas 19; Nays 8.

*Affirmative*—Messrs. Allen, Brown, Flemming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Linney, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Whiteside—19.

*Negative*—Messrs. Cook, Edwards, Eppes, Linney, McClammy, Merrimon and Speed—7.

The bill was read the second time.



Mr. McClammy moved to amend by adding after the word "misdemeanor" the words "punishable by a fine not exceeding ten dollars, or imprisonment not exceeding five days, or both." The amendment did not prevail.

Mr. Edwards moved to strike out section 12 of the bill. The motion did not prevail.

The bill then passed third time. Yeas 15; Nays 14.

*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Fleming, Graham of Orange, Hyman, King, Latham, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—15.

*Negative*—Messrs. Bellamy, Brogden, Cook, Cowles, Currie, Edwards, Eppes, Gilmer, Long, Mauney, McClammy, Olds, Speed and Whiteside—14.

S. B. 600, H. B. 442, a bill to be entitled an act making indictable the felling of trees into Neuse River. Read and passed second and third times. Yeas 17; Nays 9.

*Affirmative*—Messrs. Adams, Cook, Council, Cowles, Currie, Eppes, Gilmer, Graham of Orange, Latham, Long, Mauney, McClammy, Merrimon, Murphy, Troy and Waddell—17.

*Negative*—Messrs. Allen, Cook, Hyman, King, Moore, Morehead, Robbins of Davidson, Robbins of Rowan and Whiteside—9.

S. B. —, H. B. 309, a bill to be entitled an act to authorize the collection of the unpaid taxes for the years 1870, 1869 and 1868, in the town of Williamston. Read and passed second and third times. Yeas 23; Nays 6.

*Affirmative*—Messrs. Adams, Allen, Battle, Brogden, Brown, Cook, Currie, Gilmer, Graham of Orange, Latham, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whiteside—23.

*Negative*—Messrs. Bellamy, Cowles, Eppes, Flemming, King and Long—6.

S. B. —, H. B. 598, a bill to be entitled an act for the relief of W. D. Owens and Seth H. Tyson, citizens of Wilson county. Read and passed second and third times. Yeas 21; Nays 7.



*Affirmative*—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Edwards, Gilmer, Latham, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Whiteside—21.

*Negative*—Messrs. Bellamy, Brogden, Flemming, Graham of Orange, King, Merrimon and Moore—7.

H. B. 599, S. B. —, a bill to be entitled an act for the relief of certain tax payers of Wilson county. Read and passed second and third times. Yeas 16; Nays 12.

*Affirmative*—Messrs. Allen, Battle, Brown, Cook, Cowles, Flemming, Gilmer, Latham, Long, Mauney, McClammy, Robbins of Rowan, Skinner, Speed, Troy and Waddell—16.

*Negative*—Messrs. Adams, Bellamy, Brogden, Eppes, Graham of Orange, King, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson and Whiteside—12.

Mr. Merrimon moved to reconsider the vote by which H. B. 294, S. B. 601, a bill to be entitled an act to prohibit the sale of spirituous liquors within the corporate limits of the town of Hendersonville, in Henderson county, failed on yesterday to pass its third reading.

The yeas and nays were ordered, on demand of Mr. Flemming, and the motion to reconsider did not prevail. Yeas 12; Nays 15.

*Affirmative*—Messrs. Adams, Council, Currie, Flemming, Gilmer, Graham of Orange, McClammy, Merrimon, Murphy, Olds, Troy and Whiteside—12.

*Negative*—Messrs. Allen, Bellamy, Brown, Edwards, Eppes, Graham of Alamance, King, Latham, Linney, Long, Mauney, Moore, Robbins of Davidson, Skinner and Speed—15.

A message was received from the House of Representatives transmitting engrossed copies of amendments adopted by the House to the following bills. The amendments were, on motion, concurred in by the Senate.

Amendments to S. B. 288, H. B. 550, a bill to be entitled an act concerning marriages, marriage settlements and the contracts of married women.



S. B. 520, H. B. 554, a bill to be entitled an act for the better government of the Penitentiary and for other purposes.

Mr. Robbins, of Davidson, by consent, introduced a resolution in favor of J. H. Enniss, which, under a suspension of the rules, was read and adopted, and ordered to be transmitted to the House of Representatives for concurrence, without engrossment.

The following resolution was adopted, and ordered to be transmitted without engrossment to the House of Representatives for concurrence :

Resolution of instruction to the Secretary of State.

The following resolutions were disposed of as follows :

S. R. 596, H. R. 123, a bill to be entitled an act for the relief of B. Mayfield, citizen of Cherokee county. Read and adopted.

H. R. 190, resolution of instruction to the Secretary of State. Read and adopted.

S. R. —, resolution directing the doorkeeper to deposit the stationary remaining on hand at the close of the session in the office of the Secretary of State.

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

*Resolved*, That the thanks of the Senate are hereby tendered to the President of the Senate and to the Clerks and other officers and employees of this body for their arduous labors and the uniform courtesy and kindness with which they have discharged their various duties during the present session of this Legislature.

A message was received from the House of Representatives announcing that the House had passed the following resolution:

H. R. —, resolution in favor of the Principal and Assistant Clerks of the House of Representatives, which was read.

The rules having been suspended, the question recurred with adoption of the resolution.

Mr. Graham, of Orange, moved to strike out all after enacting clause and insert the following: "that the Principal Clerk of the Senate and House of Representatives be allowed each one hundred dollars for extra work." The amendment prevailed.

Mr. Gilmer moved to amend by adding the following to come in after the words "extra work:" "and that the Public Treasurer be instructed to pay the Principal Clerk of the Senate the one hundred dollars allowed him as extra compensation at the last session, by resolution ratified 6th day of April, 1871. The amendment prevailed. The resolution was adopted and ordered to be forthwith transmitted to the House of Representatives for concurrence in the amendment.

The following bills and resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

S. R. 592, resolution concerning the publication of certain acts;

S. B. 313, a bill to be entitled an act concerning insane convicts;

S. B. 420, a bill to be entitled an act in relation to Moore and Nash squares, in the City of Raleigh;

S. R. 579, resolution authorizing the settlement of the accounts of B. S. Buchanan and sureties with the State;

Amendment to H. R. —, resolution in favor of the Principal and Assistant Clerks of the House of Representatives.

The Senate then adjourned until 4, p. m.

---

SENATE CHAMBER, 4 P. M. 10th February, 1872.

The Senate met pursuant to adjournment. Mr. Latham is the Chair.



The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of as follows:

By message from the House of Representatives: H. B. 532, a bill to be entitled an act to provide a compilation of the Public Statutes. Placed on the calendar.

H. B. 563, a bill to be entitled an act to amend the act of 1865-'66, chapter 35, to establish workhouses. Placed on the calendar.

By Mr. Merrimon: a bill to be entitled an act in relation to the probate of deeds. To the committee on judiciary.

By Mr. Whiteside: a bill to be entitled an act to amend section 5, of an act to protect the city of Raleigh from accidents by fire. Placed on the calendar.

Bills were acted on as follows, under a suspension of the rules:

H. B. 563, a bill to be entitled an act to amend the act of 1865, chapter 35, to establish workhouses. Laid on the table.

H. B. 580, S. B. —, a bill to be entitled an act to authorize the sheriff of Randolph county to collect arrears of taxes. Read and passed second and third times. Yeas 27; Nays 1.

*Affirmative*—Messrs. Adams, Battle, Bellamy, Brogden, Cook, Cowles, Currie, Eppes, Flemming, Gilmer, Graham of Orange, Hyman, King, Latham, Linney, Long, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—27.

*Negative*—Mr. Moore—1.

H. B. 604, S. B. —, a bill to be entitled an act supplemental to an act to incorporate the town of Catawba, in Catawba county. Read and passed second and third times. Yeas 24; Nays 5.

*Affirmative*—Messrs. Adams, Battle, Brogden, Brown, Cook, Council, Cowles, Currie, Flemming, Gilmer, Graham of Orange, Latham, Linney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—24.

*Negative*—Messrs. Bellamy, Hyman, King, Long and Moore—5.



H. B. 576, S. B. —, a bill to be entitled an act to empower the Superior Court Judge to appoint a commissioner in certain cases for the settlement of estates. Read and passed second and third times. Yeas 23; Nays 3.

*Affirmative*—Messrs. Adams, Battle, Cook, Council, Currie, Flemming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Linney, Long, McClammy, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Whiteside and Worth—23.

*Negative*—Messrs. Eppes, Hawkins and Hyman—3.

H. B. 532, a bill to be entitled an act to provide a compilation of the Public Statutes. Read and passed second and third times. Yeas 25; Nays 4.

*Affirmative*—Messrs. Adams, Battle, Brown, Cook, Currie, Flemming, Gilmer, Graham of Orange, Hyman, King, Latham, Linney, Mauzey, McClammy, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—25.

*Negative*—Messrs. Bellamy, Brogden, Eppes and Long—4.

H. B. 390, a bill to be entitled an act to incorporate the Henderson Saving's and Loan Association, of Henderson, North Carolina. Read and passed second and third times. Yeas 21; Nays 7.

*Affirmative*—Messrs. Adams, Battle, Brogden, Brown, Currie, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whiteside and Worth—21.

*Negative*—Messrs. Bellamy, Cook, Flemming, King, Linney, Long and Moore—7.

On motion of Mr. Graham, of Orange, the vote by which H. B. 605, a bill to be entitled an act to repeal a part of the act ratified January 5th, 1872, entitled an act to incorporate the Falls of Neuse River Manufacturing Company, was rejected on its third reading this morning, was reconsidered, and the vote recurring on its passage, passed third time. Yeas 21; Nays 5.



*Affirmative*—Messrs. Adams, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Graham of Orange, Hyman, King, Latham, Linney, Long, Mauney, McClammy, Skinner, Speed, Troy and Whiteside—21.

*Negative*—Messrs. Gilmer, Merrimon, Morehead, Murphy and Robbins of Davidson—5.

Mr. Robbins, of Davidson, moved that when the Senate adjourns, it will adjourn till 10 o'clock, Monday morning. The motion prevailed.

On motion of Mr. Hyman, H. R. 119, S. R. 477, resolution in favor of Albert B. Williams and Robert Henly, was taken from the table and read.

Mr. Gilmer moved to strike out word "twenty" wherever the same occurs and insert word "ten."

The motion prevailed, and the resolution was adopted, and transmitted to House for concurrence in the amendment.

The following resolutions were disposed of as follows:

H. R. 177, resolution to provide for the printing of the report of the State Geologist. Read and adopted.

H. R. resolution allowing the Enrolling and Engrossing Clerks the same per diem, as Principal and Assistant Clerks. Read and adopted under suspension of the rules.

A message was received from the House of Representatives transmitting engrossed amendments to the following bills, which, on motion were concurred in by the Senate:

Amendments to S. B. 474, H. B. 562, a bill to be entitled an act to amend an act chartering the Jamesville and Washington Railroad Lumber Company.

Amendments to S. B. 589, H. B. 595, a bill to be entitled an act to amend chapter 131, laws of 1869-'70.

A message was also received from the House of Representatives announcing that the House had agreed to the proposition of the Senate to raise a new Committee of Conference in relation to H. B. 577, a bill to be entitled an act to amend chapter 12 of the Revised Code, entitled Bastard Children, and that



the House had appointed the same gentlemen composing the first Committee of Conference as the House branch of said committee.

The following bills and resolutions, reported as correctly enrolled by committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to establish the rates of Public Printing, and for other purposes ;

An act to amend chapter 262, public laws of 1870-'71 ;

An act granting power to Township Board of Trustees of Franklin Township, Sampson County ;

An act supplementary to an act to incorporate the Bank of Hillsboro' ;

An act to incorporate the town of Faison, in the county of Duplin ;

An act to amend the charter of the town of Statesville ;

An act for the relief of A. E. Wills, of Buncombe county ;

An act for the better protection of oysters and terrapins in the waters of North Carolina ;

An act to authorize the Commissioners of the town of Washington to levy a special tax ;

An act to prevent the retailing of spirituous liquors in the town of Mt. Airy, Surry county ;

An act to re-enact chapter 278, laws of 1768-'69, entitled an act to revive and amend the charter of the Tuckasege and Nantahala Turnpike Company, ratified the 12th of April, 1869 ;

An act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for a National Cemetery ;

A resolution in favor of W. M. Shipp and Judge J. M. Cloud ;

A resolution in relation to the sale of the Eastern Division of the Western North Carolina Railroad ;

An act to prevent the felling of trees in the — river ;

An act to prohibit the sale of spirituous liquors within the town of Smithville ;



- An act in regard to the municipal election in Carthage ;
- An act to amend chapter 93, laws of 1870-'71 ;
- An act concerning the election and registration in the year of our Lord, 1872 ;
- An act to amend sections 9, 11 and 13, chapter 189, laws of 1870-'71 ;
- An act supplemental to an act to establish the county of Pamlico ;
- A resolution of instruction to the Public Auditor ;
- A resolution to pay J. D. Cameron sixty dollars.

There being no further business ready for the action of the Senate to-day, Mr. Gilmer moved that the venerable Senator from Wayne, as the senior Senator of the body, be unanimously requested to make a motion to adjourn.

The question having been put by the chair, it was unanimously agreed to.

Therefore Mr. Brogden said, although during the course of a long legislative life he had never, at any time or under any circumstances, made a motion to adjourn, and had rarely, if ever, voted for one, he would, nevertheless, in view of the fact that there was no business to be done, and in accord with the kindly feeling so manifest to-day, and in deference to the unanimous wish of Senators, move that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned until Monday morning, 10 o'clock.

---

## SIXTY-FOURTH DAY.

SENATE CHAMBER, February 12th, 1872.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

The reading of the Journal of Saturday was dispensed with.

Mr. Gilmer introduced a resolution in regard to the Capitol, which, under a suspension of the rules, was read, passed and transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives transmitting resolution in favor of Edward S. Badger, which was, under a suspension of the rules, read and passed, and ordered to be enrolled for ratification.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to create a special commission ;

An act to cause certain defects in the probate of deeds and privy examination of *femes covert* in this State, and for other purposes ;

An act to provide for the creation of certain trust estates ;

An act to incorporate the town of Farmville, in the county of Pitt ;

An act to allow the Commissioners of Warren county to lay a special tax ;

An act in relation to Moore and Nash Squares, in the city of Raleigh ;

An act to consolidate the school laws and to provide for a system of public instruction ;

An act to prescribe the practice and procedure in actions by creditors of deceased persons against their personal representatives ;

An act to amend subdivision 2, section 31, chapter 3, of title 4, of the Code of Civil Procedure ;

An act in favor of certain sheriffs ;

An act to incorporate the Cyrenian Company, of the city of Wilmington ;

Resolution authorizing the Treasurer and Attorney General to employ aid ;

Resolution authorizing settlement of the accounts of B. S. Buchanan and sureties with the State ;

Resolution in favor of James H. Enniss ;



Resolution in favor of Principal Clerks ;

Resolution allowing the Enrolling and Engrossing Clerks the same per diem compensation as received by the Principal and Assistant Clerks ;

An act to provide a compilation of the public statutes ;

An act for the relief of certain tax payers of Wilson county ;

An act to repeal a part of the act ratified January 5th, 1872, entitled an act to incorporate the Falls of Neuse Manufacturing Company ;

An act to authorize R. F. Trogden, the present sheriff of Randolph county, to collect arrears of taxes ;

An act supplemental to an act to incorporate the town of Catawba, in Catawba county ;

Resolution authorizing the State Geologist to have his report printed, &c. ;

An act concerning insane convicts ;

An act to authorize the collection of unpaid taxes for the years of 1870-'71, in Wilmington ;

An act to amend chapter 137, laws 1869-'70, entitled an act to provide for draining wet lands ;

An act to amend an act passed at this session of the General Assembly re-enacting and amending an act incorporating the National Loan and Trust Company ;

An act to enable any persons not less three to become incorporated, and to regulate such and other corporations ;

An act to amend chapter 10, section 1, of the Revised Code, concerning auction and auctioneers in Washington county ;

An act for the better government of the Penitentiary and for other purposes ;

Resolution in favor of Albert B. Williams and Robert Henly ;

Resolution to raise a commission to examine the accounts of the Public Treasurer ;

Resolution of instruction to the Secretary of State ;

An act to incorporate the Yadkin River Navigation Company ;



An act making indictable the felling of trees in Neuse River ;

An act to give the chief officers of the cities and towns, the criminal jurisdiction of Justices of the Peace ;

An act to amend section 419, chapter 1, title 19 of Code of Civil Procedure ;

Resolution for the relief of B. Mayfield, citizen of Cherokee county ;

An act to empower the Superior Court Judges to appoint a commissioner in certain cases for the settlement of estates ;

An act for the relief of Newett D. Owen and Seth H. Tyson, citizens of Wilson county ;

An act to prevent fraud in the sale of commercial manures ;

An act concerning marriages, marriage settlements and contracts of married women ;

An act to incorporate the Henderson Saving's and Loan Association of Henderson, North Carolina ;

An act to amend an act chartering the Jamesville and Washing Railroad and Lumber Company ;

Resolution in favor of Edward S. Badger ;

Resolution in regard to the Capitol ;

The Doorkeeper having deposited the stationery on hand with the Secretary of State, in accordance with the order of the Senate, filed with the Clerk the following receipt therefor:

Received of J. J. Roberson, Doorkeeper of the Senate, the following articles of stationery : 42 reams legal cap paper ; 42½ reams letter paper ; 12 reams foolscap paper ; 5,775 small envelopes ; 139 packages large envelopes ; 7½ boxes mucilage ; 12½ quarts ink ; 29 quires wrapping paper ; 12 boxes pens ; 57 pencils ; 13 penholders ; 3 round boxes paper ties ; 17 packages newspaper wrappers ; 9 blotting pads ; 5 large official envelopes ; 1 package red tape.

Packages said to contain above.

H. J. MENNINGER,

*Secretary of State.*

At 12 m., the chairman *pro tem.*, Mr. Latham, addressed the Senate as follows :



SENATORS: I am requested by the presiding officer of this body, who is and has been for some time confined to his room by severe illness, to express to you his sincere regret at being unable to meet you on this last day of the session. He is gratified to know that during a period of two years nothing has occurred to mar the harmony of your proceedings. He thanks you for the uniform kindness and courtesy he has always received at your hands, and in bidding you farewell he expresses the hope that a long and prosperous career awaits each one of you, and that you may reap the rewards to which your merits so well entitle you.

And now Senators, our public labors finished and the hour arrived, when, by law, the session is at a close, I declare the Senate of North Carolina adjourned *sine die*.

E. J. WARREN,  
*President of Senate.*

W. L. SAUNDERS,  
*Clerk of Senate.*

INDEX  
TO  
JOURNAL OF THE SENATE.

A

	PAGE.
Abrams, Charles H.,	295, 344, 361, 382, 481
Abrams, Thomas H.,	216, 327, 346, 361, 372
Absence, leave of, resolution concerning,	464
leave of, granted to Senators,	
Adams,	16, 47, 92
Albright,	68, 272
Allen,	223, 266
Battle,	272
Beasley,	118, 440, 450
Bellamy,	92
Cowles,	15, 188
Crowell,	272
Currie,	223
Edwards,	68, 246
Eppes,	61, 266
Flemming,	20, 230
Flythe,	61, 334
Gilmer,	16
Graham, of Alamance,	75, 210, 284
Hawkins,	33, 110, 215, 326
Hyman,	29, 103, 223, 434
Jones,	172, 357



Absence, leave of, granted to Senators,	
King,	20
Latham,	326, 334
Lehman,	20, 326, 334, 412
Love,	308
Mauney,	61
McClammy,	33, 194
McCotter,	75, 188
Merrimon,	20, 440
Moore,	10, 29, 47, 61
Morehead,	194
Murphy,	61, 68, 266
Norment,	266
Olds,	92
Price,	103
Skinner,	16, 33
Speed,	33, 412
Troy,	41
Waddell,	92, 223
Absence, leave of, granted to Principal Clerk,	125, 246
Assistant Clerk,	158
Address of President Warren,	1
Adjournment, resolution concerning, 25, 32, 43, 111, 112,	
120, 177, 196, 248, 262, 268,	
271, 333, 340, 356, 385, 420, 434	
Adjutant General, resolution of inquiry,	225, 245
Agricultural interest, promotion of the	3, 29, 38
Alamance county, to change the time of holding Superior	
Court in	3, 6, 16, 23, 32, 56
Alexander county, arrears of taxes,	40, 84, 160, 187
Alleghany county, to legalize acts of County Court in, 204,	
224, 255, 266, 271	
Altamahaw Coal Company,	14, 47, 58, 78, 187
Amnesty and Pardon,	274
Anderson, W. C.,	25, 216, 234, 244, 314

- Arrest of citizens by federal troops, 23, 32, 42, 56, 81, 99,  
151, 177
- Arson, to define the crime of 7, 24, 44
- Ashe and Alleghany counties, boundary line, 297, 317,  
366, 393
- Ashe county, road from Jefferson to mouth of Phenix  
Creek, 318
- Asheville Council, No. 4, F. of T., 296, 309, 368, 393
- Asheville, to legalize sales of certain lands in 400, 438
- Ashpole Baptist Church, sale of spirituous liquors near, 25,  
48, 65
- Asylum for Deaf, Dumb and Blind, resolution in regard  
to expenditures of 78, 125
- Asylum for Deaf, Dumb and Blind, communication from  
President of Board of Trustees of 261
- Asylum for Deaf, Dumb and Blind, communication from  
Principal of 94
- Asylum for Deaf, Dumb and Blind, report of committee  
on 247
- Asylum for the Insane, report of Doctors of 55
- Asylum for the Insane, report of committee on 69
- Asylum for the Insane, bill for support of, 70, 79, 171, 175,  
216, 234, 250, 305
- Asylum for the Insane, resolution in regard to expendi-  
tures of 78, 119
- Asylum for the Insane, to establish at Wilmington an, 126,  
296, 333, 356, 373, 392
- Asylum for the Insane, supplementary to an act of March  
1869, 196, 198, 214, 238
- Asylum for the Insane, to change time of holding annual  
meeting of directors, 297, 310, 400, 426
- Atlantic Lodge, No. 294, 216, 281, 382
- A. T. & O. R. R., 349, 374, 390
- Attorney General, Supreme Court Reporter, 254, 309  
resolution asking opinion of 29, 34, 44  
to employ aid, 435, 493



Auctions and Auctioneers,	359, 373, 494
Auditor, additional report of,	217
publication of report of,	30, 42, 54, 68, 78
communication from,	232, 325
resolution of instruction,	442

## B.

Badger, E. S., resolution in favor of	493, 495
Bailey, Thomas B., resolution in favor of	253, 273, 369
Banks, taxation of	435, 441, 447
Baptist Swamp Church, sale of spirituous liquors near	374, 383, 485
Bastardy, to amend law concerning,	166, 188, 359, 372, 396, 421, 449, 459, 490
Bateman, John M.,	135, 162, 287, 332
Battle, W. H., and D. G. Fowle, resolution in favor of	204, 216, 243, 266
Battleboro', to incorporate town of	225, 239, 282, 298, 339, 240, 420
Baxter, T. F.,	275, 277, 305
Beaufort, to amend charter of town of	86, 93, 145, 165
Peabody Educational Association,	103, 104, 122
Beaver Creek Manufacturing Company,	180, 195, 281, 314
Beech Swamp and Scotland Neck R. R. Co.,	308, 367, 394
Beckwith, Charles—State Bonds,	61
Bettis, Allen, (See arrest of citizens, &c.)	
Bertie county to issue bonds,	2, 10, 12, 15, 28, 143, 289, 298, 325
Black river and Six Runs, to prevent destruction of fish	247, 309, 367, 394, 493
Blanton, Charles B., and others, arrest of	151, 186
Border Railroad Company,	30, 34, 45, 53, 68, 157
Boone, to incorporate town of	232, 246, 282, 289
Boundary line of the State,	111, 224, 248, 284, 294, 445
Bragg, Hon. Thomas, announcement of death of	283

Brevard and Waynesville Turnpike,	95, 118, 200, 217, 238, 339, 381
Brinkley, M. C.,	30, 38
Brothers' Manufacturing Company of Cumberland county,	180, 195, 265
Broad Creek, to prevent felling trees in	349, 380, 405
Brunswick county to issue bonds,	224, 260, 264, 279, 298 350, 362
Buchanan, B. S., to audit accounts of	426, 440, 487, 493
Buncombe, Transylvania and Henderson counties,	25, 48, 67
Burke and Mitchell—public highway, and other counties, to consolidate their respective debts,	232, 246, 282, 304 255, 273, 346, 361

## C

Cahoon, L., issue of patent to	232, 264, 274, 325
Caldwell and Watauga Turnpike Company,	255, 267, 281, 304
Calendar of bills,	149, 340
Cansler, James,	159, 172, 273, 294, 345
Cameron, John D.,	81, 89, 99, 442, 450, 492
Camden and Currituck Turnpike,	172, 246, 248, 271
Cape Fear Iron and Steamboat Company,	126, 135, 162, 168, 258
Club,	337, 347, 366
Harbor,	247, 276, 298, 356
Capitol, resolution concerning the	493, 495
Carolina Narrow Gauge R. R. Co.,	319, 326, 366
Carthage, Moore county, municipal elections in	442, 450, 492
Caswell, Bank of	42, 46, 61, 104, 125, 126, 132, 157, 165, 237
Catawba, town of	336, 358, 407
supplemental bill concerning	482, 488, 494
Valley Academy,	336, 357, 407
Vale, town of	254, 268, 278, 314
and Fair View Turnpike,	204, 273, 344, 361



Catawba and Lincoln Mining and Manufacturing Co.,	179, 195, 237, 242, 266
Cemetery, National	337, 348, 491
Census Report, to print portions of	108, 122
Charities, Public, report of Board of	143
Charlotte, to exempt members of fire companies from public duties,	158, 164, 168, 266
Hornet Fire Co., No. 1,	318, 334, 417
levy and collection of taxes,	158, 280, 284, 289, 314
Hotel Company,	336, 358 424
Farmers' Savings Bank,	350, 373, 424
and Fayetteville R. R. Co.,	172, 193, 197, 208, 223
Chatham Rail Road Company, to amend charter,	7, 34, 39, 62, 72, 99
Chatham county, petition of citizens of	150
Cherokee and Swain counties, Boundary line,	335, 438, 443
Indians,	259, 337, 361
Cherryville, town of	296, 309, 366 392
Clarendon Military Academy,	319, 326, 435
Clarke, D. J.,	76, 84, 86, 92, 136, 157, 265
Clay county, memorial of citizens	310
lost records	86, 92, 221, 238
Cleveland county, to issue bonds	135, 189, 204, 218, 230
Clerks, Enrolling and Engrossing, pay of	490, 494
to employ assistance	254, 271, 290, 261, 282, 289, 382
Principal, to employ assistance	377
and assistant of H. of R.	486, 487, 494
of Superior Courts, to open office on Monday for probate business,	359, 372, 408, 421
of Superior Courts, fees of	70, 101, 171, 243, 269, 270, 329, 356
deputy and assistant not to practice as attorneys	126, 188, 237
Clerical aid, House Representatives,	311
Cloud, John M.,	81, 89, 98, 194, 491

- Clouse, C. P., Toll gate, 85, 287, 307, 432, 462,
- Code of Civil Procedure, to amend title 19, chap. 2,  
 sec. 429, 10, 25, 44, 51, 64, 78  
 to amend sec. 303 36, 57, 68,  
 71, 82, 98, 187  
 to amend law of executions,  
 95, 110, 199, 230  
 to amend chap. 11, 135, 178,  
 200, 225, 245  
 to amend sec. 419, chap. 1, ti-  
 tle 19, 150, 178, 353, 386,  
 405, 495  
 to amend sec. 131, 311, 371,  
 401, 427  
 to amend chap. 7, title 19, 318  
 to amend sec. 21, title 4, 337,  
 371, 406, 433  
 to amend sec. 31, subdivision 2,  
 title 9, 371
- Code, Revised, to amend sec. 7, chap. 42, 5, 84, 168  
 to re-enact sec. 6, chap. 102, 49, 57, 66, 70, 78  
 to re-enact sec. 15, chap. 37, 151, 164, 178  
 187, 358  
 to amend sec. 32, chap. 35, 85, 92, 137,  
 159, 215  
 to amend chapter in evidence, 126, 200,  
 218, 238  
 to amend chap. 88, 239, 371
- Cohary, Little, Draining Company, 335, 347, 436
- Cokesbury Church, sale of spirituous liquors near 231,  
 260, 283, 307
- Coleman Brothers, surrender of contract. (See Penitentiary.)
- Commissioners of counties, to protect from imprisonment.  
 (See Mandamus.)  
 of Washington to levy special tax, 465, 473
- Commission, to create a special 465



- Committee, to wait on Governor, 3, 4  
     on Immigration, 11, 37, 39
- Committees, Standing, appointment of 9
- Complaints in civil actions, time of delivery, 50, 61, 73, 86
- Congressional Districts, to divide the State into eight 384,  
     438, 444, 451, 463
- Constables, 180, 203, 400, 413, 434
- Constitution, amendments to 1, 3, 4, 75, 87, 95, 111, 127,  
     129, 153, 157, 196  
     publication of 261, 264,  
     270, 271, 274, 290
- Constitution, Committee to re-write 284, 371, 374, 405
- Constitutional Reform, 2, 3, 75
- Contingent expenses of General Assembly, Committee on 214
- Contractors Association, 296
- Contracts, Joint 20, 25, 45, 51, 68, 167
- Convicts, 103, 146, 147, 149
- Convicts in Penitentiary, 275
- Convicts, Insane 231, 273, 487, 494
- Cowles, J. B. (See James Cansler.)
- Cooper, J. W. 337, 436
- Corporations, Railroad, to form and regulate 35, 57, 88,  
     115, 123, 144, 227, 233, 250
- Corporations, to create and regulate 360, 372, 446, 494
- Costs, in cases of appeal by the State a writ of Error to  
     U. S. S. Court, 42, 57, 73, 83, 98, 187  
     in cases of contested wills, 20, 24, 45, 52, 62, 63  
     in relation to bills of 297
- Cotton, Raw, United States tax 100, 120, 200, 238
- Counsel, to assist in certain prosecutions for murder, 232, 240
- Counties, mode of procedure in actions against 204
- County Courts, to transfer certain cases undisposed of by  
     late 91, 110, 193, 196, 332, 338, 361, 433  
     to reinstate and supply records of 98, 110, 201  
     and corporation subscriptions to railroad  
     companies, to protect citizens in 150, 188,  
     194, 353

Courts, Superior, jurisdiction of	2, 6, 16, 22, 26, 32, 38, 56
to change the time of holding in 3d district,	42, 47, 73, 83, 101, 117, 173, 193
in Granville and Nash, to change time of holding	110, 117, 193
12th District, to change time of holding	81, 93
11th and 12th Districts, to regulate time of holding	360, 380, 382, 393
Cowles, Senator, leave to record vote,	223, 441
Credit of the State. (See Public Debt.)	
Crimes and punishments,	57
Cruelty to animals,	186, 224
Cumberland Agricultural Society,	335, 358, 437
Cumulative suffrage,	41, 118, 168, 237

## D

Dallas, town of	179, 195, 205, 238, 248, 271
Dargau, Senator, leave to record vote,	166
Davidson, petition of citizens of	203, 295
High School,	275, 277, 304
Dawson Bank,	179, 195, 205, 238, 245, 271
supplemental bill,	349, 358, 366, 394
Deaf and Dumb of the State, to provide accommodation for	273, 333
Debt, Public, act concerning	337, 348
resolution of instruction to Finance Committee concerning statement of	7
Senator Love's bill to pay off	94, 102, 106, 237
to commute, adjust and compound	14, 34, 44
Senator Worth's bill for exchanging stocks of the State, &c.,	15, 34, 44, 62, 63, 77, 91,
102, 104, 114, 122, 127, 350, 381	
committee to report terms of compromise of	196, 205, 210, 263



Deceased persons, procedure in actions against personal representatives of. (See Personal Representatives.)	
Deeds, probate of	488
Deer, to prevent reckless killing of	85, 101, 156, 159, 315 325
Dismal Swamp Canal,	275, 289
Doorkeeper, Principal, resolution of inquiry into the conduct of	247, 260, 269
Assistant and Pages,	216
Dudley, D. C., and others,	384, 399, 436
Durant's Island, sale of	298, 309, 318, 385
Dutchman's Creek lawful fence,	310, 367, 394

## E

Edenton, to amend charter of town of	179, 184, 209
Education, Board of	297
Educational and Loan Association of N. C., fund,	49, 67, 83, 99 111, 158, 201
Edwards, Senator, leave to record vote,	24
Elections in the State, to repeal an act concerning	95, 118, 201
Election and registration in 1872,	412, 418, 426, 459, 463, 492
Elizabeth City, election of constable,	275, 287, 366, 394
petition of citizens of	149
and Norfolk R. R. Co.,	196, 198, 214, 305
Eldridge, J. E.	135, 287, 366
Embezzlement, to define and punish	318, 327, 403
Ennis, James H.	486, 493
Enrolled bills, committee enlarged,	202
Enterers of vacant lands to have further time,	5, 6, 17
Equity, to transfer certain cases pending in late courts of	20, 24, 45, 52, 72, 187
Estates, Superior Court Judges to appoint commissioners for settlement of	481, 489, 495
trust. (See Trust Estates.)	
Everett, E. (See Cansler, James.)	

Evidence, to amend law of	7, 14, 24, 27, 31, 40, 56, 462
bill amendatory of law of	268, 318, 371, 381, 401, 425
Evening, session of Senate,	89, 177, 180, 365
Excelsior, Burke county, town of	127, 135, 184, 215, 238
Executions,	110, 125, 201
Exempting from taxation property for mining purposes,	118, 120, 125, 172
Expenses of State for years 1869-'70-'71,	100
for current year, certain officers to submit estimates of	178, 189, 395
Express Companies,	360, 372, 411, 446, 481

## F

Faison, town of	425, 441, 491
to incorporate town of	466, 473
Falls of Neuse River, Manufacturing Company	159, 168, 187, 483, 489, 494
False Pretences, obtaining goods under	158, 171, 173, 193, 381
Far Creek, in Hyde county, to prevent catching oysters in	275, 287, 370, 392
Farmers and Mechanics Association,	91, 93, 161, 174, 215
Farmville, Pitt county, town of	425, 441, 491
Fayetteville and Florence Railroad, 94, 110, 237, 230, 340, 400	
to regulate municipal election in	126, 134, 136, 157
Building and Loan Association	151, 159, 163, 187
Literary and Dramatic Association in	180, 195, 281, 304
Road and Steamer Company	261, 267, 282, 290
Fertilizers, Commercial, fraud in sale of	374, 399, 429
Senator Troy's bill,	451, 495
Fines,	189, 195
Finance Committees, for several counties,	253, 260, 288, 289, 325
Flat Swamp, Lock's Creek Canal Co.,	21, 47, 65, 71, 99



- Forsythe county, petition of citizens of 202, 295  
 Fowle, D. G. 204, 216, 243, 266  
 Franklin, sale of spirituous liquors near town of 335, 349, 437  
     town of, to incorporate 336, 373, 437  
     N. C. and Clayton Ga. Turnpike, 35, 48, 73,  
     82, 98, 210  
     Township, Sampson county, granting power to  
     trustees of 451, 458, 491  
 Fraud Commission, repeal of 60, 165  
     Resolution of enquiry concerning  
     printing of 297, 385  
 Friends of Temperance, memorial of State Council, 75, 84  
 Friendship Township, sale of spirituous liquors 383, 385, 410  
 Fugitives from justice. (See Luke Johnson.)

## G

- Geologist, State, report of 426, 490, 494  
 Goldsboro', special court, 337, 371, 424, 428  
 Graham, to establish a new county, 313, 324, 331, 356  
     supplemental bill, 360, 399, 439, 449  
 Green and Clay Townships, dividing line (See Townships.)  
 Greenville and French Broad Railroad, 224, 229, 230, 245  
 Grier, E. C., arrears of taxes, 316, 372, 407  
 Guilford County Co-operative Association, 150, 163, 168, 325

## H

- Halifax county, sheriff, further time to settle taxes, 318, 368  
     and Scotland Neck Railroad, 335, 347, 435  
 Hamilton, W. H., 204, 214, 230, 375  
 Hank's Lodge, No. 128, 384, 389, 437  
 Harnett county, tax lists, 35, 39, 41  
 Hasty, John J., 49, 69, 171, 261  
 Hays, J. W., 151, 294, 346  
 Haywood County Commissioners, to sell poorhouse land,  
     166, 259, 282

Henderson Savings and Loan Association,	482, 489, 495
Hendersonville, sale of spirituous liquors near	485
Hertford and Northampton, dividing line,	41, 48, 73, 96
Hickory Tavern, to amend charter of	319, 326, 344, 382
High, W. H., and others	248, 294, 317
Shoals Railroad,	318, 368, 394
Highways, Public,	62, 69, 144, 160, 167
better regulation of	424, 441, 464
Hill, John H.,	337, 438
Hillsboro', Bank of	81, 94, 161, 167
supplemental bill,	413, 417, 434, 491
Hiawasse and Cheoah Turnpike Co.,	296, 309, 367, 393
Hilton and Piney Creek, dividing line. (See Townships.)	
Camp Ground,	359, 373, 437
Holden, Kirk War, expenses of	86
Holly Shelter Swamp,	318, 466
Hollywood Cemetery,	216, 222, 238, 325
Holt, Archer. (See Summersett, J. S.)	
House of Representatives, representation in	217, 249, 266, 314

## I

Idiots and lunatics, to pay expenses of, in certain cases,	196,
	203, 307, 355
Idiots and lunatics, and deaf, and dumb and blind persons	
refused admission in the Asylum, for the sup-	
port of	260, 267, 287
Immigration to North Carolina,	462
to promote	81, 150, 168, 181, 201, 211, 221,
	227, 234, 245, 250
to establish a board of	49
Improvement, allowance for	359, 372, 407, 423
Insane convicts, concerning	476
Inspection of fish,	7, 287, 307
Insolvency, oath of, may be taken in twenty days,	254, 372, 379



- Instruction, public, report of superintendent of 120, 134  
 to provide a system of, and to consoli-  
 date the school laws, 135, 203, 237,  
 250, 264, 270, 283, 290, 299, 313,  
 321, 256, 419, 493
- Insurance Companies in the State, to regulate 189, 203, 335
- Inland Creek Academy, sale of spirituous liquors at 318,  
 327, 430

## J

- Jails, public, keeper of 91, 119, 193, 237, 240, 258, 314
- Jackson county, collection of taxes in 20, 48, 65, 71, 84,  
 194, 209  
 commissioners of 26, 48, 72
- Jamestown Copper Company, 57, 69, 171, 174, 193, 325
- Jamesville and Washington Railroad and Lumber Com-  
 pany, 335, 407, 421, 490, 495
- Johnson, Luke, reward for arrest of 20, 42, 53, 61, 64, 78, 187
- Judicial districts, to change 10th and 11th, 350, 358, 404  
 420, 434
- Jury lists, to validate revisals of 49, 92, 171, 173, 202  
 to provide for revisal of 126, 188, 237, 242, 358, 266

## K

- Kellum, Bryan, 320, 327, 344, 361
- Keeper of Capitol, election of 97, 98  
 report of 388, 349
- Keeper of Capitol, to petition for rents due by U. S. to  
 North Carolina, 337
- Kenasville, memorial of commissioners of 41, 85
- Kinston, town of, to extend the corporate limits, 150
- Kinston, town of, to repeal an act to extend corporate  
 limits of 189, 259, 309, 345

## L

- LaFayette, to establish new county named 106, 178, 383
- Land grants, 231, 260, 445  
 and Lumber Co., of N. C., 318, 334, 366, 393
- Landlord and tenant, 260, 267, 353
- Latta, Daniel, 255, 429
- Legislative documents, to include resolutions of Agriculture Society and report of Trustees of D. D. & B. Institution, 282
- Lenoir Institute, petition of citizens of 246  
 town of, sale of spirituous liquors near 384, 385, 407
- Lewis, George N., claim of 352, 374, 389, 405
- Librarian, report of 20
- Library, public 158, 247, 253, 265, 286, 299, 450, 481
- Lien, agricultural 150, 178, 332  
 Mechanics and Laborers 7, 44, 51, 68, 87, 111, 125, 201, 336, 371
- Lillington, toll bridge over Cape Fear at 320, 327, 437  
 town of 335, 357, 437
- Lincolnton county, to issue bonds, 20, 25, 48, 65, 71, 84 238
- Little River, navigation of lower 295, 241, 351, 381
- Long, R. F., Senator elect, qualification of 29
- Lovejoy Academy, 126, 134, 284, 298, 382, 421
- Lowery, H. B., reward for capture of 125, 127, 175, 180, 185  
 (See Robeson county outlaws.)
- Laws of the State, to provide for a digest of 246, 259
- Laws of 1870-'71, to amend chapter 91, 35, 48  
 1869-'70, to repeal chapter 227, 42, 55, 73, 83, 167, 186  
 1868-'69, to amend section 1, chapter 272, 70, 73, 78, 157  
 1868-'69, to amend chapter 178, 70, 92, 181, 190  
 1870-'71, amend chapter 242, 70, 93, 136, 165  
 1869-'70, amend section 18, chapter 229, 76, 79, 181  
 1870-'71, amend chapter 29, 103, 138, 157





- Laws of 1861, to repeal chapter 44, 253, 260, 282 299  
 1870-'71, to amend section 6, chapter 37, 317,  
 344, 368, 394

## M

- Machinery Bill, 111, 119, 127, 138, 152, 186, 209, 233, 258  
 Macon and Cherokee, petition of citizens of 24  
 to Clay county, to annex a portion of 316, 367, 392  
 supplemental bill, 400, 412, 429, 431  
 and Jackson, to legalize acts of officers of 319, 327, 435  
 McClammy, Senator, leave to record vote, 230, 412  
 McCotter, G. B., 25, 48, 67  
 McDowell county, in favor of tax collector of 374, 388, 405  
 Madison county, for the benefit of tax payers of 311, 348,  
 367, 393  
 Maps of the State, Skeleton 204  
 McGee, G. W. (See Willoughby, G. W.)  
 Magnolia, sale of spirituous liquors at 255, 267, 268  
 Mandamus, to regulate proceedings in writ of 49, 188, 196,  
 201, 216, 217, 231, 245, 269, 289, 340  
 Marion and Burnsville Turnpike, 11, 61, 72, 81, 98, 314  
 and Asheville Turnpike, 274, 275, 277  
 Marriages, marriage settlements and contracts of married  
 women, 210, 259, 342, 350, 387, 421  
 Married women beyond the limits of the State, Probate of  
 Deeds and Privy Examination of 2, 10, 16, 21, 32, 56  
 to cure defects in Probate of Deeds of 189,  
 252, 403, 413, 434, 493  
 Mattamuskeet Lake, 172, 200, 225, 244, 304  
 Maury, Commodore M. F., communication from 15, 34, 44, 72  
 Meteorological report, 99, 100, 171  
 Mayfield, B., 451, 486, 495  
 Mayors of incorporated towns to possess power of Magis-  
 trates, 482, 483, 495



- Message from the Governor, resolution of instruction to  
 Judiciary Committee concerning 7, 17
- Miller, H. M., 260, 372, 407
- Minning interest of the State, 204, 273, 308, 328, 355
- Mitchell and Yancey counties, dividing line, 86, 119, 181,  
 191, 209
- Sarah, of Person county, 135, 222
- Moore and Nash squares, 308, 309, 475, 487, 493
- James J. (See Baleman, John M.)
- Senator, leave to record vote, 230, 412
- Mortgage deposit in lieu of personal security, 7, 14, 17,  
 26, 31, 36, 55, 79
- cheap chattel, 150, 188, 353
- Mt. Gilead meeting house, to sell property, 135, 287, 332, 356
- Mt. Pleasant Female Academy, 42, 46, 61
- Mt. Airy Male Academy, sale of spirituous liquors, 384,  
 385, 458, 491
- Murphy, Senator, leave to record vote, 24, 223
- and Tennessee Turnpike, 254, 268, 281, 314
- Mills Manufacturing Company, 179, 195, 282, 290
- Murfreesboro', sale of spirituous liquors, 328, 435
- Murray, A., sheriff of Alamance county. (See Baxter, T. F.)
- Murrill, E., sheriff of Onslow, 267, 268, 304

## N

- Nash county, special tax to enclose jail. (See Jails.)
- National Loan and Trust Company, 311, 344, 356, 361,  
 482, 483, 494
- Newbern Excelsior Bucket and Axe Co., No. 4, 4, 5, 10,  
 17, 21, 32, 56
- Reliance Bucket and Axe Company, 49, 75, 137, 157
- Bank of the city 81, 93, 117, 161, 167, 266
- St. Peter's Lodge, Council of Friends, 85, 93,  
 181, 190, 209
- to amend charter of 118, 158, 159, 164, 168
- Education Association of 179, 195, 281, 304

- Newbern and Beaufort Canal Company, 295, 297, 315,  
433, 481
- Academy, to amend charter of 3, 10, 16, 22, 32
- New Hanover, memorial of citizens of 14, 19, 34
- to change time of holding Superior Courts  
in 21, 25, 37, 47, 57
- petition of citizens of 24, 34, 41, 85
- Bank of 180, 195, 205, 214, 230
- to Sampson county, to annex a portion of  
120, 235, 250, 375
- petition of citizens for a new county, 134
- Newport township to vote upon repeal of a private law,  
91, 119, 192
- New river, in Ashe county, to prevent felling trees in 179,  
246, 262, 273, 285, 299, 325
- Canal Company, 311, 372, 407
- Neuse River Ferry Company, 216, 224, 243, 266, 314
- lawful fence, 95, 200, 217
- to prevent felling trees in 484, 495
- Night sessions of Senate, 365
- North Carolina Industrial Agency and Banking Company, 296
- Beneficial Association, 255
- Railroad Company, concerning lease of 5,  
9, 67, 76, 80, 84, 179, 175, 194, 204, 375
- N. W. N. C. R. R. Co., cancellation of mortgages, 49, 79,  
144, 157, 167, 236, 238, 245, 274, 289
- to repeal supplemental act con-  
cerning 275, 277
- Northampton county, for the relief of 425, 465
- O
- Oak Grove Camp Ground, 335, 437, 481
- Ock Nock Furnace, sale of spirituous liquors at 345, 348, 407
- Ocracoke and Hatteras Inlets, 336, 348, 397, 405
- Officers, County, in relation to 35, 48, 68, 72, 85, 115,  
159, 160



Old Fort and New River Turnpike,	254, 259, 281, 299, 340
Old North State Insurance Company,	151, 188, 198, 214, 304
Orapeake Canal and Turnpike,	319, 327, 334, 346, 368, 394
Order, point of, reconsideration of bills,	148
pledging faith of State,	176
casting vote of presiding officer <i>pro tem.</i> ,	305
rules of, limiting debate, &c.,	384
suspended,	281
Owens, W. D., and Seth H. Tyson,	482, 484, 495
Oxford, Building and Loan Association of	239, 252, 255,
	271, 340
Oysters and clams, to encourage planting of	296, 309, 401,
	426, 462
terrapins, to protect	425, 430, 462, 491

## P

Pages of Senate and House of Representatives,	384, 398,
	400, 421
Pamlico, to establish a new county to be called	336, 348,
	397, 404, 406
supplemental bill,	425, 441, 447, 492
Pantego and Indian River Railroad,	400, 412, 438
Partition of real estate, to ratify sales irregularly made for	85, 92, 183, 192, 208
Partnerships, limited	276, 310, 401, 414
Pasquotank county, to issue bonds,	210, 259, 279, 285, 298
Penitentiary, for the better government of	328, 341, 362,
	363, 377, 405, 486, 494
resolution for relief of the	464
concerning convicts in	358
committee to treat with Coleman Brothers	
for surrender of contract,	376, 405, 459
committee to ascertain whether contract for	
building has been complied with,	232, 267
committee to inquire into management of	
	261, 270, 272, 290, 297

- Penitentiary, report of committee 421, 422, 434, 442
- People of the State, bill for relief of 2, 6, 16
- Per diem* and mileage, 2, 20, 27, 478
- Perquimans county, to issue bonds, 15, 45, 51, 67
- Personal representatives of deceased persons, procedure in  
actions against 451, 458, 493
- Peterburg R. R. Co., bridge over Roanoke river, 5, 10, 12, 28
- Petillo, John. (See Summersett, J. S.)
- Piercey, W. E., 50, 54, 67
- Pilots, 360, 397
- Pioneer Steamboat and Transportation Company, 94, 119,  
200, 218, 230
- Pisgah Academy, 349, 373, 437
- Phillip's Gap and Hamilton's Mill public road, 320, 334,  
435, 481
- Planters R. R. Co. and Wilmington and Onslow R. R.  
Co., consolidation of 30, 34, 45, 53, 72, 143
- Pleasant Plains, sale of spirituous liquors at 276, 287, 370, 430  
Hill Church, sale of spirituous liquors at 374, 383, 437
- Pointer, Joseph 35, 45
- Presbyterian Church, 349, 368, 393
- Printing, Public, a bill in relation to 260, 268:  
to restore provisions of Revised Code  
concerning 360, 365, 376, 394  
to establish rates of 451, 456, 491  
committee to investigate charges con-  
cerning 13, 109, 115, 118  
report of committee 297  
contract for 172, 174, 362, 376  
committee instructed to audit accounts  
for 274, 275, 333  
committee, temporary vacancy filled 166
- Probate of deeds, &c., 297, 341, 361
- Process from magistrate's court when defendant lives out  
of the county, 76, 90, 155, 276



Prospect Lodge No. 311, F. and A. M.,	254, 267, 281, 289
Public grounds,	151
lands, proceeds of sales to be applied to educational purposes in the South,	359, 383, 438
Works, report of Superintendent of	71
Publication of a certain law,	464

## R

Railroad fares and freights,	71
companies, suits against	35, 57, 72
proxies, report of President of Senate and Speaker of House of Representatives,	205
Raleigh & Gaston R. R. Co., to amend charter	7, 10, 17, 22, 32, 56
Victor Fire Company,	179, 195, 281, 290
Female Seminary,	232, 246, 263
Fertilizing Company,	125, 127, 144, 167, 180, 185, 186, 193
to protect from fire,	240, 243, 258, 488
Oak City Savings Bank,	248, 258, 278, 304
Hook and Ladder Company, No. 1,	253, 267, 281, 289, 375
and Fayetteville Railroad,	310, 373, 429, 481
Board of Trade,	311, 347, 367, 370, 395
inspector and weigher of cotton,	374, 438, 462
to amend charter of	483
Randolph county, arrears of taxes,	482, 488, 492
and Davidson, dividing line,	41, 55, 58, 78, 99
Ransom's Bridge and Weldon Transportation Company,	278, 295, 345, 365, 406
Recess of General Assembly, 113, 120, 132, 143, 154, 157, 177	
to rescind resolution for	466
Redistricting of the State, committee on	30, 36, 47, 68, 74, 84, 99
Records of courts, to restore and reinstate destroyed	254, 259, 262, 280, 289, 314

- Reedy Fork lawful fence, 190, 260, 282, 304
- Registration of deeds, and indexes to books of 35, 69, 88
- Reidsville, Bank of 231, 239, 282, 298, 375
- Revenue act of 1871, concerning money received by Treasurer under 21, 25, 26, 31
- bill, 173, 189, 206, 211, 218, 226, 257, 261, 272, 304
- supplemental bill 271, 274, 349, 358, 382, 393
- Senator Troy's 413, 417, 433
- to amend 374, 412, 438
- Reynolds, George D., entry taker, to legalize acts of 318, 334, 368, 398
- Rights and privileges of Senators, 247
- Robbins of Rowan, Senator, leave to record vote, 24
- Robeson county, to adjust and pay off debts of 254, 259, 262
- capture of outlaws in 259, 279, 305, 319, 355, 380, 390
- Rockfish Manufacturing Company of Fayetteville, 95, 118, 200, 229, 245, 304
- Rocky Mount College, 231, 236, 271, 349, 374, 437
- Rountree Lodge, A. F. & A. M., 298, 355, 381
- Rowan and other counties, to legalize acts of Magistrates in 126, 132, 157, 382
- Rutherfordton, to repeal an act to extend corporate limits of 64, 75, 86, 186, 209, 477

## S

- St. Pauls Church, sale of spirituous liquors near 336, 349, 408
- Salaries and fees of State officers, 360, 373
- Senator Cook's bill, 412, 415, 421
- bill concerning 3, 101, 168
- supplemental bill, 413, 441
- Salem, town of 276, 287, 366, 393
- Sales of real estate, to cure defects in advertising certain 94, 134, 201



- Sampson county, to transfer to 5th judicial district 225,  
231, 235, 238, 311, 320, 331, 340, 356
- Satchwell, F. J. (See Baleman, John M.)
- School laws, to consolidate. (See instruction, public.)
- Schools, public, 95, 101
- Secretary of State, receipt for stationery 495
- Senator, U. S., election of 26, 260, 261, 352, 362, 386
- Senators and Representatives in Congress, resolution of  
instruction to 314
- Senate, Representative in the 275, 295, 301, 316, 320,  
340, 419, 432, 433  
Mr. Graham's bill, 442, 448  
to amend an act concerning 482
- Sharpe, Dr. W. R., 368, 394
- Shipp, W. M., 297, 325, 340, 491
- Shiloh Church, sale of spirituous liquors near 29, 48, 56,  
69, 87, 96, 102
- Shelby, to change an alley in the town of 94, 119, 162, 187
- Sheriffs, for general relief of. (See taxes, collection of arrears of.)  
and tax collectors 69, 171  
in favor of delinquent 190, 216, 222, 238 259, 381,  
401, 414  
in favor of certain 350, 429, 462, 493
- Siler, J. T. and J. M. Lyles, 319, 334, 436
- Smithville, sale of spirituous liquors in 336, 349, 439, 457, 491
- Sparta and Bakersville, Marion and Asheville Turnpikes,  
57, 74, 87, 98, 186
- Speed, Senator, leave to record vote, 111
- State, bank of the. (See Wilmington, Willand's bank.)  
supplemental bill 436
- Statesville to Wilkesboro', public road 239, 253, 344, 361  
to amend charter of 400 440, 443, 491
- Stationery, temporary provisions for 13, 28, 30, 41  
instruction to Secretary of State 486  
for use of General Assembly, 240, 285
- Statutes, compilation of the public 488, 489, 494

Stokes county, to issue bonds,	204, 253, 279, 285, 298, 325
and Rockingham counties, commissioners of	231,
	248, 266, 350, 381
Stonewall Lodge, Knights of Pythias,	319, 326, 436
Summersett, J. S.,	255, 295, 346, 434
Supreme Court Reporter, to abolish office of	350, 358, 380
Surry county poor house	319, 344, 361
Swain, to establish a new county	273
Swansboro', sale of spirituous liquors in	319, 348, 435
Swift Island Manufacturing Company,	20, 85
Sylvan Academy, sale of spirituous liquors near	101, 110,
	162, 167, 209
Lodge, No. 178, F. & A. M.,	253, 282, 289, 315

## T

<i>Tales</i> jurors for county of Granville,	94, 116, 117
Taxes, collection of arrears of	2, 44, 50, 68, 157
county, to empower County Commissioners to ex-	
tend time,	95, 119, 169, 186, 314
collection of State and County. (See Machinery Bill.)	
Treasurer to return money improperly collected as	
	240, 310, 316, 325
Tax, special, for counties.	
Alleghany,	276, 287, 369, 390
Anson,	254, 278, 286, 298, 333
Camden,	311, 348, 369, 393
Craven,	3, 134, 168, 174, 237
Cumberland,	335, 348, 388, 401
Greene,	336, 348, 490, 402
Hertford,	49, 69, 73, 87, 146, 165
Montgomery,	360, 365, 373, 389, 401
Nash. (See Jails and Keepers of same.)	
Onslow,	320, 327, 389, 402
Sampson,	359, 373, 389, 402
Union,	310, 327, 341, 351, 382



Warren,	5, 195, 206, 210, 217, 431, 434, 493
Watauga,	296, 308, 316, 328, 356, 393
for the town of Washington,	425, 440, 491
Thanks, resolution of, to presiding officers,	486
Thompson Institute,	216, 222, 393
Threadgill, G. B. (See Willoughby, G. W.)	
Tickell, Lewis	234, 267
Townships, to change dividing lines,	85, 103, 182, 215, 238
Trading, to prevent illicit	360, 372, 411
after dark,	260, 267
Treasurer, Public, committee to examine accounts of	464, 494
resolution of instruction to	35, 57, 72,
	82, 99, 209
to employ aid,	435, 493
Trinity Church, Commissioners of Franklin county to convey lands to	318
Building and Loan Association,	337, 341, 360
Troy, Senator, leave to record vote,	29
Trust estates, creation of	441, 447, 462
Tuckasegee and Nantihala Turnpike,	336, 373, 464, 491
Turner, J. C.,	268, 295, 429
Turnpike roads, for the benefit of certain	400, 412, 429
Tweed, Abner	58, 69, 98, 102, 120

## U

United States, to authorize and empower the government of, to purchase a tract of land,	475
University of the State,	15
report of Treasurer and Secretary,	20
to protect property and revenue of	310, 317, 385, 394
Uwharrie river, to prevent felling trees in	442, 450

## V

Vacant lands,	35, 48, 73, 82, 98, 339, 361
Vance, U. S. Senator elect, resignation of	274, 283
Vest, C. C., arrears of taxes,	425, 441

## W

- Wallace, Bland. (See Cansler, James.)
- Warren Lodge, No. 101, F. and A. M., 85, 93, 181, 191, 209
- Warrenton and Shocco Turnpike Co., 167, 178, 296, 304
- Washington Neptune Fire Company, 335, 358, 436, 481
- Wateree Steamboat and Transportation Company, 86, 93,  
181, 191, 209
- Wayne and Greene counties, dividing line, 204, 246, 344, 362
- Weights and measures, custody of 231, 236, 250
- Wells, A. E., 255, 273, 491
- Welker, G. W., 253, 268
- Western N. C. R. R., 70, 91, 123, 161, 182, 194, 221, 284,  
295, 307  
sale of Eastern Division, 478, 491
- Western Division, report of commis-  
sion concerning completion of  
5, 7, 11, 16, 28, 36, 65, 74, 79,  
99, 186, 302, 312, 325, 338, 379
- Western Division, to aid in construc-  
tion of 158, 248  
interest of State in  
383, 439, 449
- Railroad, to amend charter of 30, 69, 89, 108, 197, 215
- Whitakers, town of 91, 93, 183, 202
- White Oak Swamp, 94, 134, 201
- Whitney Manufacturing Company, 49, 61, 66, 78
- Wiggins, Mason L., 119, 216, 237, 241, 258
- Wiley, Calvin H., petition of 33, 231
- Wilkes county, sale of lands of deceased paupers, 239, 273,  
401, 433
- Williams, A. B. and Robert Henley, 337, 436, 441, 457,  
490, 494
- Sarah 284, 286, 313, 325
- Williamston, arrears of taxes in town of 482, 484
- Willoughby, G. W., arrears of taxes, 261, 273, 366



- Wilmington, Cyrenian Company of 328, 348, 428, 436,  
462, 493  
 Mutual Insurance Company of 248, 258, 282, 304  
 Cape Fear Lodge, No. 2, I. O. O. F., 319, 326, 429  
 to amend an act concerning city of 345, 394  
 Willard's Bank, 179, 195, 235, 250, 266, 319, 229  
 to fund the debt and issue bonds, 58, 119,  
145, 160, 187  
 Library Association of 81, 85, 88, 99, 209  
 and Atlantic Steamship Company, 86, 93,  
181, 191, 209  
 College of Physicians and Surgeons, 86, 93,  
145, 165  
 Cape Fear Towing and Atlantic Coast Wreck-  
 ing Company, 91, 93, 192, 197, 230, 324  
 to establish an asylum. (See Asylum.)  
 Ship Canal Company, 150, 179, 344, 361  
 cumulative suffrage. (See Cumulative Suffrage.)  
 Charlotte Railway Building Company, 224,  
239, 281, 298, 356  
 Free Love Lodge, G. U. O. O. F., 224, 239,  
280, 317, 326, 368  
 and Charlotte and Rutherford R. R., comple-  
 tion of road to Tennessee line, 30, 93, 168,  
181, 190, 208, 339, 378, 386  
 Wilson, H. P. C., petition of 6, 34  
 Building and Loan Association, 49, 75, 168, 173, 193  
 Collegiate Institute, 254, 267, 281, 304  
 county, for relief of certain tax payers of 482, 485, 494  
 Witnesses in the impeachment trial, 36, 80, 99  
 and messenger, accounts of certain, to be au-  
 dited, 104, 113, 122  
 Wood, John L., 21, 42  
 Workhouses, to amend an act to establish 488

## Y

Yadkin river lawful fence,	126, 287, 333, 356, 361
R. R., upper division of	151, 189, 282, 298, 356
and Dan River R. R.,	231, 265, 274, 339
Navigation Company,	311, 367, 394, 494



### ERRATA.

In making up pages 73 and 74, the printer transposed the matter. It will be found all right by reading from the bottom of page 72 to the top of page 74, and from the bottom of page 73 to the top of page 75.

CHAPTER

in which the... to the... the...  
... to the... the...  
... to the... the...  
... to the... the...



